OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 23 April 2025

Session 6

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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
13th Meeting 2025, Session 6

CONVENER

*Douglas Ross (Highlands and Islands) (Con)

DEPUTY CONVENER

*Jackie Dunbar (Aberdeen Donside) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
*Miles Briggs (Lothian) (Con)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Joe FitzPatrick (Dundee City West) (SNP)
*Ross Greer (West Scotland) (Green)
*Bill Kidd (Glasgow Anniesland) (SNP)
*John Mason (Glasgow Shettleston) (Ind)
*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Katy Clark (West Scotland) (Lab)
Jenny Gilruth (Cabinet Secretary for Education and Skills)
Stephen Kerr (Central Scotland) (Con)
Liz Smith (Mid Scotland and Fife) (Con)
Martin Whitfield (South Scotland) (Lab)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 23 April 2025

[The Convener opened the meeting at 08:30]

Interests

The Convener (Douglas Ross): Good morning, and welcome to the Education, Children and Young People Committee's 13th meeting in 2025. Our first agenda item is to welcome to the committee a new member, Joe FitzPatrick, and invite him to declare any relevant interests.

Joe FitzPatrick (Dundee City West) (SNP): I have no interests to declare.

The Convener: I formally welcome Mr FitzPatrick to the committee, and I place on record the committee's thanks to Keith Brown for the work that he did while he was a committee member.

Education (Scotland) Bill: Stage 2

08:30

The Convener: The next agenda item is consideration of the Education (Scotland) Bill at stage 2, day 1. I welcome Jenny Gilruth, Cabinet Secretary for Education and Skills, along with her supporting officials. The officials who are seated at the table are here to support the cabinet secretary, but are not able to speak in the debates on the amendments. Members should, therefore, direct their comments or questions for the Scottish Government to the cabinet secretary.

Before we begin, I will briefly explain, for anyone who is watching, the procedure that we will follow. The amendments that have been lodged have been grouped together. There will be one debate on each group of amendments. I will call the member who lodged the lead amendment in the group to speak to and move that amendment, and to speak to all other amendments in the group. I will then call any other members who have lodged amendments in that group. Members who have not lodged amendments in the group but who wish to speak should catch my attention during the deliberations on that group. I will then invite the cabinet secretary, if she has not already spoken on the group, to contribute to the debate.

The debate on the group will be concluded when I invite the member who moved the lead amendment to wind up. Following the debate on each group, I will check whether the member who moved the lead amendment in the group wishes to press it to a vote or withdraw it. If they wish to press ahead, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee immediately moves to a vote on the amendment. If any member does not want to move their amendment, they should, when called, say, "Not moved". I ask members to note that any other member present may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division will be by a show of hands, and it is important that members keep their hands clearly raised until the clerks have recorded the vote.

Finally, the committee is required to indicate formally that it has considered and agreed each section of the bill, so I will put the question on each section at the appropriate point.

With that, we move to the substantive business.

Section 1 agreed to.

After section 1

The Convener: Amendment 2, in the name of Ross Greer, is in a group on its own.

Ross Greer (West Scotland) (Green): The motivation behind this amendment is quite simple: it is based on the experiences of our predecessor committee in the previous session of Parliament, the Education and Skills Committee, in scrutinising the Scottish Qualifications Authority.

As far as I am concerned, the SQA's primary function is to serve learners in Scotland in the delivery of qualifications that are relevant for them. However, in the previous session, we found that there had essentially been mission creep in the SQA's commercial activities, which had resulted in a significant amount of time and energy from senior management at the SQA in particular being diverted away from the organisation's core mission of serving learners in Scotland. It had also resulted in levels of international travel that were pretty hard to justify, with spending on pretty luxurious travel, accommodation and so on, and in the SQA taking its eye off the ball in many ways. That is what has led to the bill being necessary and to the fact that we are going to abolish the SQA and replace it.

Amendment 2 would set down a pretty simple principle right at the start, and would make it clear that the founding principle of qualifications Scotland is to support those who are undertaking its qualifications in Scotland.

I move amendment 2.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Mr Greer's amendment 2 calls for the addition to the bill of a founding principle for qualifications Scotland. This founding principle is stated as supporting and providing for those who are undertaking a qualification and those who are delivering a qualification in Scotland. I have a number of concerns about how that is defined, and about the concept of a founding principle more generally.

If we were to have a founding principle, it would be imperative that we grasp the full scope of services and activities to be undertaken by the qualifications body. That encompasses many services and responsibilities, which I do not believe have been captured in the text of the amendment. For example, the principle would not apply to the provision of services that are delivered outwith Scotland, or to the full range of qualifications and assessment services that qualifications Scotland will provide. However, I want to make it clear that I agree that it is important that qualifications Scotland prioritises services that are delivered in Scotland.

As drafted, amendment 2 is not clear on what is meant by the terms "support" or "provide for". That could create a new role for qualifications Scotland that it is not designed to fulfil, such as the provision of pastoral or counselling services, which would not sit easily—nor should it—with the core functions of a national qualifications body.

As much as I agree with Mr Greer's focus on children, young people and adult learners, as well as on teachers and practitioners, his founding principle does not mention the many other important stakeholders that qualifications Scotland works with and supports, not least in higher education, business and industry, as well as other third-party stakeholders and public organisations.

I also have a more general concern, which is that the insertion of any kind of founding principle could lead to unintended consequences. It is never possible to know in advance how such a provision could be held to affect other provisions in the bill, which seem, on the face of it, to be absolute in their terms. I would not want to risk introducing such a lack of predictability or transparency.

For those reasons, I cannot support amendment 2. However, I note that Mr Greer's amendment 3, in group 7, proposes something slightly more straightforward around the body's functions. While there would be areas to address in that respect, I hope that it might be possible for us to work with him to do something in that space, rather than his pressing amendment 2 to a vote today.

The Convener: I call Ross Greer to wind up and ask him to say whether he wishes to press or withdraw amendment 2.

Ross Greer: I am grateful to the cabinet secretary for her comments. She rightly points out that my amendment 3 in a later group covers very similar ground.

The cabinet secretary's specific concerns around the drafting of the amendment are perfectly understandable. What I am really trying to get at—and I am looking to get reassurance on the record on this from the Government—is whether the Government is unequivocal that qualifications Scotland's public service duties here in Scotland will be a greater priority than its international commercial activity. That is the core motivation behind my amendment.

Since the end of the SQA's term—or certainly since the time of the pandemic; the situation has been slightly different since then—there has been no clear hierarchy of priorities in the organisation. If the cabinet secretary were able to intervene on me to assure me that the Government's position is that those core public service responsibilities in Scotland will be a higher priority than international commercial activity, and that we can work together

on a stage 3 amendment on that basis, I would be happy not to press amendment 2 at this stage.

Jenny Gilruth: I am happy to provide the member with that reassurance. I recall the issues that he spoke about—I think that it was when he and I sat on the Education and Skills Committee in the previous session that we addressed those issues with the SQA, so I very much recognise the challenge that he puts to me in that regard. I am happy to give him that assurance and to work with him further on the matter in relation to stage 3 amendments.

Ross Greer: I am grateful to the cabinet secretary for that. On that basis, I will not press amendment 2 to a vote.

Amendment 2, by agreement, withdrawn.

Schedule 1—Qualifications Scotland

The Convener: Amendment 115, in the name of Willie Rennie, is grouped with amendments 116, 117, 219, 118, 122 to 128, 132 to 139, 73, 287, 291, 292, 295, 167, 316, 173, 206, 207, 356, 357 and 210. I point out that if amendment 116 is agreed to, I cannot call amendments 117 and 219 because of pre-emption. Amendments 117 and 219 are direct alternatives—that is, they can both be moved and decided on, and the text of whichever is the last to be agreed to is what will appear in the bill.

If amendment 133 is agreed to, I cannot call amendment 37 in the group entitled "Qualifications Scotland: annual reports" because of pre-emption. If amendment 134 is agreed to, I cannot call amendment 135, because of pre-emption. If amendment 137 is agreed to, I cannot call amendment 138, because of pre-emption. If amendment 206 is agreed to, I cannot call amendment 207, because of pre-emption.

Willie Rennie (North East Fife) (LD): The plethora of amendments in this group indicates that there is a problem. The fact that the cabinet secretary, quite late on, has lodged an amendment that proposes a two-year review period indicates that the Government also now accepts that there is a problem, which is a step in the right direction. As the convener has set out, this group of amendments involves quite a complicated set of considerations for us, but I hope that the debate manages to elicit some clarity about the preferred option to be agreed either at this stage or at stage 3.

The issue first arose primarily during the pandemic, when we had difficulties with the SQA. More recently, the higher history debacle crystallised the problem, and in fact the chief examiner herself identified the issue. She said quite clearly—I am paraphrasing—that it was her job to do the checking of the higher history process in the examinations. That was supremely logical, but I think that it was unsatisfactory that, effectively, the SQA was marking its own homework internally, with some external oversight. We need to try to move away from such an event being able to happen again.

We have moved through a set of reforms to separate the inspectorate from Education Scotland because we do not want Government agencies or public agencies marking their own homework. That applies equally in this circumstance, where we cannot have the new qualifications body marking its own homework, as happened with the higher history arrangements.

We have a number of different options before us, and I am grateful to other members who have proposed various alternatives. Those include housing the accreditation regulation function in the Scottish Credit and Qualifications Framework Partnership or the inspectorate; removing the regulation function altogether; having a separate regulator, as the convener is proposing; having regulation through Education Scotland or a new body called curriculum Scotland, as Pam Duncan-Glancy is proposing; or, as the cabinet secretary proposes, having a review after two years.

I am open to all those suggestions, and the debate should elicit some clarity on all that. However, we need some change—we cannot simply carry on as we are. This is our opportunity—a set of reforms such as those in the bill is not something that will come along very often, which is why I will not support the cabinet secretary's proposal for a review after two years. Although I can understand it, I just wish that the Government had proposed it two years ago. If it had, we might now have been in a position where we would have been able to legislate for something different.

For me, the three tests, or aims, for the new qualifications body are: ensuring its independence from the Government; avoiding it marking its own homework; and keeping our costs to a minimum, with no new quango or public body. Those are three legitimate aims, and none of the proposals before us today meets all those criteria, which is the challenge that we face.

The SCQF Partnership highlighted in its briefing that there continues to be a conflict. Education Scotland is perhaps too close to Government, and a new body would mean additional costs. I am not quite sure what the criticism is with regard to the inspectorate taking on the role; perhaps the cabinet secretary can clarify that a bit more. However, there is a problem with the status quo as well, because we continue to have a conflict of interest. We cannot, therefore, carry on as we are, and we need to look for change, so I am open to the arguments that will be set out today.

We may be looking not just at moving the accreditation function somewhere else, under a merger—we could look at hosting in order to cut costs. The function could be placed in one of a variety of bodies, and that body would provide the human resources and finance support arrangements. There are a number of different models, which I hope that we will be able to debate this morning.

I move amendment 115.

Jenny Gilruth: I thank Mr Rennie for explaining the thinking behind his amendments. Without wanting to pre-empt anything that Ms Duncan-Glancy or Mr Kerr might say, I recognise the strength of feeling from committee members regarding the location of the accreditation function. Indeed, we discussed the matter substantively during stage 1, and it is a key recommendation from the committee's stage 1 report.

The decision regarding the location of the accreditation function pre-dates my time as cabinet secretary. However, as members know, the Scottish Government undertook a full exploration at that time, using criteria that included—as Mr Rennie referred to—value for money; independence from ministers; continuity of service; effectiveness of existing services; and the level of disruption to staff. That work included extensive engagement with key accreditation stakeholders—for example, other public and charitable bodies such as Education Scotland, the Scottish Funding Council, Skills Development Scotland, the SCQF Partnership and the Quality Assurance Agency for Higher Education in Scotland; 25 awarding bodies that deliver qualifications in Scotland; staff at SQA accreditation; the SQA accreditation committee; and staff of regulation organisations in England and Wales, such as Ofqual and Qualifications Wales.

The Government looked closely at a number of alternative locations, including the new inspectorate, Education Scotland, the SCQF Partnership and, among others, SDS and the Scottish Funding Council, in addition to the possibility of establishing a stand-alone non-departmental public body.

Following that analysis, locating the accreditation function within qualifications Scotland was identified at that time as the strongest option.

Amendment 167 from Mr Rennie seeks to locate the accreditation function within the new office of the chief inspector. That amendment risks simply moving to another body the issue that the Organisation for Economic Co-operation and Development and Professor Muir identified. The committee also heard evidence that reflected that position from an education inspector who attended the committee on behalf of the First Division Association and from staff at the inspectorate and Education Scotland.

The framework for, and operation of, accreditation is different from the inspection of education establishments. Therefore, different governance, accountability and operational arrangements, including the staff and skills to deliver the functions, would be needed for each function, and there would be different relationships with the Scottish ministers.

08:45

Pam Duncan-Glancy (Glasgow) (Lab): Given the difference, I do not think that it would be beyond the will or wit of Government to move staff with the necessary capabilities.

Moreover, surely it is sensible to put accreditation in the office of the chief inspector rather than leave it in the qualifications body, where there would be zero difference and which is far more about marking its own homework. The cabinet secretary appears to be suggesting that there is a difference, so that could be a useful separation.

Jenny Gilruth: I am not sure that I agree with the member's point, but I will come on to address more substantially some of the issues that she raises. The point that I am trying to make is that all those other bodies were considered a number of years ago, prior to my time in office, and a decision was made at that time that the status quo, although not ideal, represented the preferable place for accreditation to rest. However, in bringing the Government's amendment 73 for debate, I am recognising and reflecting the committee's views. I will come on to talk about what that amendment speaks to more generally.

There is a lack of alignment with the priorities of the quality assurance function. The new inspectorate's focus will be schools and other educational settings, whereas the accreditation function is primarily focused on vocational, professional and tertiary education, as well as supporting the raising of quality and standards. An important element among those factors is affordability, which Mr Rennie rightly alighted on. The inspectorate would need a significant increase in funding and resource for the accreditation function to be able to operate within that type of public body.

Stephen Kerr (Central Scotland) (Con): Would it not simply be a case of taking the existing allocation of resources in Education Scotland and moving it to somewhere else? That is not an increase; it is a simple transfer of resources.

Jenny Gilruth: The function would not move from Education Scotland but from the SQA. However, as I think the committee heard in evidence from the previous chief inspector, there is a broader issue, in that the scope of accreditation does not apply to all qualifications at present. Government amendment 73 seeks to consider whether accreditation needs to apply across the board. There are arguments in favour of and against that. The submission from the SCQF Partnership that I think the committee received this week talks about some of the challenges in taking an evidence-based approach. More broadly, there is a requirement for us to look at the budget associated with the matter, which we expect would increase. We expect that any movement of the function from the SQA would be associated with increased start-up costs, which I will talk about in more detail.

If we left the accreditation function within qualifications Scotland, it would benefit from the transitioning shared services arrangements that I think that Mr Rennie also spoke about. It is an unaffordable option at this time, when the education budget is already stretched, as members are aware. Therefore, I ask Mr Rennie not to move his amendment 167 and related amendments. For the same reason, I ask Mr Kerr not to move his amendment 316, which has broadly the same effect as Mr Rennie's proposals by conferring the accreditation functions on the chief inspector.

For similar reasons, I cannot support amendment 287 in Mr Rennie's name, which seeks to move the accreditation function to the SCQF Partnership. Members know that moving the location of the function to the partnership was previously given full consideration. However, a number of risks were identified with that option at the time. I note that, as I mentioned in my response to Mr Kerr, the SCQF Partnership has since reaffirmed those challenges and risks in a letter that it sent to the committee last week. In that letter, the partnership highlighted the confidence that it has in the current arrangements and committed to working with qualifications Scotland to further improve the bodies' shared confidence in each other.

Another crucial factor was the identity of, and distinction between, the SCQF Partnership's rating function and the SQA accreditation function. Unlike the SQA function, the rating function covers all types of qualifications, including degrees and diplomas. It recognises and measures learning differently, using a system in which credit bodies allocate credit points depending on how long it takes to achieve that learning.

Another important consideration is the organisational status of the SCQF Partnership compared to the accreditation function. The partnership is an independent, registered charity, and there are clear benefits to maintaining that independence, which stakeholders recognise and support. That independence is not recognised by Mr Rennie's amendment, which would create an ability for Scottish ministers to determine the SCQF Partnership's functions.

That difference in status also risks the accreditation function no longer being strategically accountable to Scottish ministers as it currently is by being a non-departmental public body function. That means that it will be more challenging to ensure that accreditation meets the needs of the Scottish Government's priorities for qualifications. For example, if the accreditation function were to move to the SCQF Partnership and an incident or issue were to arise, Scottish ministers would be limited in their ability to intervene to address it. Without that accountability to ministers, the level of accountability that the accreditation function would have to the Scottish Parliament would be significantly reduced from the current arrangements.

I turn to the issue of staffing, which I think that Mr Rennie also spoke to. The move would significantly change the employment status of current accreditation staff. They would no longer be public servants; instead, they would be employed by a charity. The risk is that that does not take account of the loss of skills and expertise that might occur if staff do not want to move, given that change in employment terms.

Other factors include disruption to services and concerns around the capacity and resource of the SCQF Partnership to meet the needs of both functions. Therefore, I ask Mr Rennie not to move amendment 287 and the related amendments.

I turn to Ms. Duncan-Glancy's amendment 291, which seeks to locate the accreditation function within Education Scotland. Members know that Education Scotland is an executive agency of the Scottish Government. Therefore amendment 291 would bring the accreditation function under closer control of Scottish ministers, which I do not think that members would want.

Ross Greer: The cabinet secretary is quite legitimately laying out the challenges with each of the amendments in the group. Willie Rennie opened the debate on the group by acknowledging that none of the proposals meets the three criteria that we have all coalesced around. There is also quite clearly a majority on this committee and in Parliament for us to resolve the issue now through the bill—not through the review that the Scottish Government is proposing. Does the cabinet secretary recognise that? Would she be willing to facilitate some kind of cross-party discussion to reach a solution ahead of stage 3? If that were the

case, I would urge members not to press amendments in this group and instead to go away and try to resolve the issue. If the Government cannot recognise that there is a majority to address the issue through the bill, I and other members will be forced to choose the least worst of the options in front of us now.

Jenny Gilruth: I am more than happy to recognise the points that Mr Greer has made and to give him that assurance.

Of course, I have been engaging with members on a cross-party basis throughout the stage 2 process in advance of today. I have not heard a clear, unilateral view from members on where accreditation should sit, but Ross Greer makes an important point. The Government amendment in this group compels Government to take action in relation to accreditation, so there has been movement from the Government in recognition of the strength of feeling of committee members.

More broadly, I have spoken about the risks associated with moving accreditation to Education Scotland. That would bring it closer to ministerial control, which committee members know is not supported by stakeholders. There could also be an issue with the alignment between the priorities of the agency, Education Scotland and the accreditation function, and there would be a change in employment status for staff. Therefore, I ask Ms Duncan-Glancy not to move amendment 291 and the related amendments.

Ms Duncan-Glancy's amendment 295 seeks to remove the accreditation function from qualifications Scotland and locate it in a new body—called curriculum Scotland—alongside curriculum functions.

I cannot support amendment 295 for a number of reasons. The Government looked closely at the benefits of locating the accreditation function in a new, smaller, stand-alone NDPB and, although the proposal would provide an appropriate degree of independence from ministers, there were a range of factors against it.

As I alluded to in my response to Mr Greer, those factors included the fact that the start-up costs alone are estimated to be between £400,000 and £600,000. There would also be significant recurring costs for overheads and corporate costs such as estates, human resources, finance and information technology. In relation to all of those, the accreditation function currently benefits from being part of a larger NDPB. Under a new set-up and with additional functions, those factors would be much greater.

Similarly, as I highlighted earlier, it is clear that the accreditation function would not strategically align with the functions of curriculum, thereby creating unnecessary confusion within the system. We have all agreed that reform is about simplifying the system.

Pam Duncan-Glancy: I am sure that I will have an opportunity to explain a wee bit more shortly, but does the cabinet secretary accept that the Government's chosen expert—Professor Ken Muir, who published a report on the matter—does not share the concerns about those two functions being in the same body? Why does the Government not agree with the expert?

Jenny Gilruth: I am happy to have taken that intervention from Ms Duncan-Glancy. I have already alluded to the extensive engagement that was undertaken prior to my time in office, which considered a range of different bodies. There is no unilateral view on where the accreditation function should sit and, additionally, no one view, I think, stemmed from the stage 1 report. However, there is a strength of feeling from committee members on the issue, and I accept that, which is where the Government amendment takes us.

More broadly, creating a new NDPB to accommodate the accreditation function would contravene the Government's public service reform position that no new smaller public bodies should be established. We must be mindful of costs to the taxpayer in that regard.

I would also argue that a decision to set up curriculum Scotland as a new body via an amendment without having done detailed analysis and consultation would be highly questionable, particularly given the significant policy, legal, financial and delivery risks. I will talk more about that when we come to group 20.

Finally, similar to some of the other options, amendment 295 risks the creation of further complexity in the national educational infrastructure, potential disruption to services due to the significant change involved, and potential changes in staff terms and conditions. I therefore ask Ms Duncan-Glancy not to move the amendment.

In summary, I cannot support the non-Government amendments in this group, as they are all a consequence of removing the accreditation function from qualifications Scotland. I ask that members take into account the full range of measures that the Government is taking to ensure an appropriate separation between qualifications Scotland's accreditation and awarding functions. The measures proposed in the bill are significant and will, in my view, provide the necessary separation. In addition to the legislation, I have commissioned the chair of the SQA to advise on additional measures at an operational level to further strengthen that separation and to provide reassurance to the public and MSPs about the integrity of accreditation.

Nevertheless, I accept that this is a complex issue, and it is important that we get it right. That is why I have lodged amendment 73, which will ensure that the issue is revisited through a statutory review of the operation of the bill's accreditation provisions. As currently drafted, that review would include the location and scope of the accreditation function—which was the point that I made in response to Mr Kerr—and it would draw on two years of operation of the provisions. Not only would that ensure a smooth transition to the new body and continuity of service provision, but it would enable us to consider the wider implications for the education and skills sectors. A report of the review would be laid before Parliament so that the committee could consider it.

I understand that members might have concerns about the two-year period being too long—indeed, I think that we have heard that already this morning—and I would be happy to work with members to reduce it. I hope that that answers some of Mr Greer's points. This is a complex issue that covers many interests, and I am committed to ensuring that we get it right.

The Government's amendment will enable us to have the detailed consideration that is required in relation to the location of the accreditation function, so that we can ensure that any changes reflect the interests of all those who use and rely on that function, which, as members know, go beyond the immediate education sector.

Therefore, I ask members to support my amendment 73 in preference to the other amendments in the group.

The Convener: I call Pam Duncan-Glancy to speak to amendment 291 and other amendments in the group.

Pam Duncan-Glancy: Thank you, convener. I was a bit premature when I intervened earlier—I should have said good morning to the cabinet secretary. Thank you for appearing before us, cabinet secretary.

I am quite disappointed that, on one of the most contested aspects of this version of the Government's bill, the cabinet secretary has set out that the Government is not prepared to accept any amendments other than its own. That is not in the spirit of how I thought the cabinet secretary was engaging in this process, nor is it what the people who gave evidence to the committee would have been expecting. Indeed, some other committee members have surprised me slightly by their approach, too.

This issue really gets to the heart of why we are here and why we have this bill. To say that the bill has been a long time in coming is a bit of an understatement. The cabinet secretary has rightly pointed out that it predates her time in office, and it predates that of a previous cabinet secretary, too. In fact, it goes back to the current First Minister's own bill, which did not succeed. It has been quite a long period of time, during which learners, staff in schools and staff in the SQA and all the other education bodies in Scotland have been left in limbo. Therefore, for the cabinet secretary to come here with an amendment that merely puts them into limbo for another two years is not, in my view, satisfactory.

The case for separating the accreditation function from qualifications Scotland has been made not just by people who have given evidence to the committee, but by the Organisation for Economic Co-operation and Development, Professor Muir and, indeed, other Government advisers. However, the bill does not implement any meaningful reform in that regard, nor does it address some of the issues of credibility—or incredibility, if that is a better way to describe it—that have arisen as a result of some of the practices of the SQA, which my colleague Ross Greer has alluded to, not least the 2020 exam debacle, in which the poorest students were downgraded.

09:00

The profession, pupils and experts have all spoken with clarity on the matter. They have all said that the failure to separate the accreditation function makes the bill process a bit of a performative exercise and means that it stops short of meaningful reform. Allowing the new agency to mark its own homework would damage credibility. We need to restore credibility to the system, which is what my amendments and those in the name of Willie Rennie, which I support, would do.

The good thing about this group of amendments is that it gives the Government a lot of options, so it is disappointing for the Government to say that it will not pick any of those but will instead go with a two-year review. My amendment 291 would give Education Scotland the accreditation function, and amendment 357 is consequential to that. Amendment 292 would place a duty on Education Scotland to prepare and publish an annual report, in line with its having the accreditation function. As has previously been said, the purpose of those amendments is to provide the separation of functions that was suggested in Ken Muir's report "Putting Learners at the Centre".

Jackie Dunbar (Aberdeen Donside) (SNP): Has the member undertaken any consultation with stakeholders on her proposal?

Pam Duncan-Glancy: Along with me, the member will have sat through several evidence sessions that the committee has held with

stakeholders. As well as hearing the same evidence from stakeholders as the member has heard in committee, which I think is reflected in the amendments that we have lodged, I have engaged with Education Scotland, the SCQF Partnership, previous inspectors and Ken Muir, as well as pupils, parents and the profession. As the member would expect, I have engaged widely on my proposal. Giving Education Scotland the accreditation function would ensure that we had a robust and respected qualifications system in which the awarding body was not marking its own homework.

Contrary to the cabinet secretary's concerns about resourcing, I think that there are ways and means—as my colleague Stephen Kerr said—of ensuring that there could be a simple transfer of resources. The resource implications of my proposal should not preclude it from being an option. For the sake of clarity, I point out that the transfer of the accreditation function that amendment 291 provides for would not apply to the accreditation of degrees.

Jenny Gilruth: The member has raised a number of issues. On the point that she made at the start of her contribution, the bill does not go back to the current First Minister's time as education secretary. The issues that the member has talked about in relation to the pandemic and, of course, the report from Professor Muir were the catalysts for change in the education system, which have led, ultimately, to the bill that we are discussing today.

The proposed moving of the accreditation function to Education Scotland would have a resourcing implication. I have set out some of the costs that we think would be associated with that, but I have not yet heard the member reflect on the scope of what her proposal with regard to accreditation would include. It would be helpful to hear about that. In its letter to the committee, the SCQF Partnership is clear about the need for an evidence-based approach. Not all qualifications in Scotland are accredited at the current time. If we were to consider accrediting all qualifications, including all those that are currently delivered in schools, that would necessarily increase the associated costs. Such matters have not been considered in the round, which is why the Government's amendment 73 seeks to give us the time to do that. I hope that the member will reflect on that.

More broadly, if I were to accept amendment 291—I do not think that accreditation should sit with Education Scotland, because the nature of accreditation is not really in the spirit of what Education Scotland, as an executive agency of ministers, delivers at the moment; that would bring accreditation much closer to Government—the process of education reform would be delayed, because we have not undertaken the associated scoping that would sit with that work. Therefore, the member's proposal would delay the bill's delivering on what stakeholders expect us to deliver on.

As cabinet secretary, I am constantly being asked to move forward on the bill at pace, and I hope that the member will recognise that such a move at this point in the day, at stage 2 of the bill's consideration, would delay education reform. However, I accept the strength of feeling on accreditation. In that regard, with amendment 73, the Government has moved on a previous decision that was taken before my time. I have also said to Mr Greer that I am happy to work on a cross-party basis in advance of stage 3 to make sure that we get this right and to compel the Government to look again at accreditation.

I hope that the member recognises the challenge that would be involved in the Government moving, at stage 2, on an issue on which I do not think we have conducted the necessary scoping or assessed the resource implications.

Pam Duncan-Glancy: With respect to the cabinet secretary's comments about the scoping, I would have hoped that the Government would have done some of that work ahead of introducing the bill. Given the clarity with which experts in the profession and others have spoken, it is a bit late in the day to say to a member of the committee that scoping will take too long and delay the bill when the cabinet secretary's amendment would delay any action on that by two years. I am afraid that I do not accept that point.

On the point about getting the scoping right, the cabinet secretary will have noted that subsection (5) of the proposed new section in amendment 291, on Education Scotland, provides regulation-making powers for the ministers to provide further details, to give the Government and the committee the opportunity to scrutinise the detail of the establishment of the accreditation function and delivery and to address the concerns that the cabinet secretary has raised. Contrary to the Government's amendment 73, which says that it will review the operation of the accreditation provisions over a two-year period—I take the cabinet secretary's point that it could look to bring that review forward a bit, but I still think that it is a bit of a delaying tactic, if I am honest. My amendment would get things moving quickly and give the Government the scope to take the extra time that it appears to need to look at the scoping that it probably should have done before it introduced the bill in the first place.

Martin Whitfield (South Scotland) (Lab): I declare an interest with regard to my former employment in education.

Given the interesting contribution from Ross Greer and the openness from the cabinet secretary about discussions, is this not perhaps a situation in which, if none of the amendments were moved, that would facilitate the reaching of a conclusion at stage 3 that might bring with it the urgency that is seen outside this place to rectify the problem and provide a timetable in which all parties together could perhaps seek a solution?

Pam Duncan-Glancy: It is clear that action needs to be taken. I would like to think that, were the whole Parliament to look at all the amendments, it would consider the Government's amendment to be the least satisfactory of all the options. Given the Government's concerns about the scope of the other options, I think that there is enough in the drafting.

I should have said this earlier—forgive me, convener, for not doing so—but I thank the clerks and the legislation team for all the work that they have put in. A lot of work has gone into producing the amendments, and I thank them for that.

I hope that, if there is an opportunity at stage 3, the Parliament can come to a view on what it would prefer.

Amendment 295 would place the accreditation function into a new body, curriculum Scotland, which would be set up by amendment 293, which is in a later grouping. The cabinet secretary alluded to that. The creation of curriculum Scotland as a stand-alone body is probably my preferred option, because Ken Muir said in his report that we should set up an agency to comprise the current support and improvement functions of Education Scotland and the SQA's accreditation regulation directorate. My amendments would do that.

The amendments in the later groups explain what I think the functions of that organisation could be, and I will save that discussion for later. However, there is scope for some regulation-making powers—I take the points that the cabinet secretary makes about potential consultation and scope.

John Mason (Glasgow Shettleston) (Ind): Setting up a completely new body flies in the face of where Parliament seems to be going. The Finance and Public Administration Committee is especially keen on not setting up completely new bodies, as there is a considerable cost to that. Scotland is a small country, and we should surely be able to do things in a more simple way and have fewer public bodies rather than increase their number.

Pam Duncan-Glancy: Curriculum Scotland would contain many of the functions of Education Scotland, along with the improvement function that Ken Muir spoke about and the SQA's accreditation and regulation directorate. That would bring coherence to the education landscape as opposed to cluttering it, and there would be scope to move current functions and the resources that are associated with them. I take the member's points about cost.

Jenny Gilruth: The member talks about moving functions and the associated costs, and I alluded to staff costs and staff terms and conditions in my commentary. Has she given any thought to how long the process would take? I am very mindful of the need for this bill to take effect and have an impact in our schools, where it should be having an impact, as quickly as possible. This is fundamentally about driving reform forward.

Some of the challenge that I face as cabinet secretary is that, as we have heard from Mr Mason, any reconsideration of establishing a new body not only would come with associated costs but would take time. Has the member scoped the time associated with moving staff across and the duration of the delay to education reform that that might create?

Pam Duncan-Glancy: I would hope that the Government would be able to work with us to look at such aspects of implementation. However, I am not prepared to accept that any delay here is the committee's or Opposition members' burden to bear. It is the Government's burden, because the bill has been introduced according to the Government's timetable. It has been delayed in the past, it has taken far too long to get here, and the fact that it needs more than 300 amendments is unfortunate. Had the bill been stronger, and had it built on the recommendations and suggestions in the expert reports, we would not be in this position and the Government, with its resource, capacity and great expertise, would have been able to answer all of these questions before we got to this stage.

My amendment 295 would place the accreditation function with curriculum Scotland because that agency would, I think, be able to drive forward the changes that we need in the curriculum.

Jackie Dunbar: Will the member take an intervention?

Pam Duncan-Glancy: If Jackie Dunbar lets me get to the end of what the amendment does, I will let her in then.

I think that amendment 295 presents opportunities arising from the extensive research carried out by a lot of the reviews, not just Ken Muir's. I am thinking of, for example, the national

conversation's review of education and others. It could ensure that the expertise of subject specialists and the needs and views of young people are taken into account when the curriculum is being developed, and I think that placing the accreditation function with the new body would bring some really useful coherence to the system.

If curriculum Scotland had that function, it would kill two birds with one stone—for want of another way of describing it—and it is probably the most cost-effective way of doing everything suggested in Ken Muir's "Putting Learners at the Centre" report. I also think that it would ensure that qualifications are developed and accredited in conjunction with the aspirations and ambitions of the national curriculum.

Jackie Dunbar: I thank Pam Duncan-Glancy for taking another intervention—I do appreciate it, and I am listening very intently to what she is saying.

What role does she think Education Scotland would play if curriculum Scotland was created? Would the new body not just duplicate efforts that are already being made? Can she expand on how she thinks it would work?

Pam Duncan-Glancy: Far from duplicating any processes, it would bring to the system the coherence that all the experts talked about in their evidence to this committee and that Ken Muir mentioned in his report. I keep referring to that report, but I think that most people around the table will accept that it has been pivotal to this discussion.

I think that this move would allow us to do what we really need to do: reform the functions, ensure that the accreditation function is separated from the SQA—or qualifications Scotland, which the bill would set up—and bring the curriculum to the forefront of things. We know the situation with assessment just now. Indeed, one of the reasons for Professor Hayward's review is the fact that a lot of the teaching that goes on in schools is driven by exams. The member has heard evidence to that effect.

The curriculum has to be driven by what young people in Scotland will need in the future to contribute to society in whatever way they wish as adults. That will require the curriculum not to be driven by exams; in fact, exams will have to work very differently to how they work just now. I think that my suite of amendments would ensure that.

I realise that I am straying into arguments that I will be making in respect of the later groupings on curriculum Scotland, but we have to accept that, as countless reports have said, the structures are not right. We know that the distance between front-line professionals and Government decision making is quite big, and the ground between is cluttered. My amendments try to give the Government a suite of options to bring more coherence to the system, and I would like to think that we could find some support for them at this stage.

I will conclude—you will be pleased to hear, convener—by saying that amendments 115, 116, 118, 122 to 124, 126, 127, 132 to 134, 137, 139 and 206, all of which have been lodged and spoken to by Willie Rennie and all of which I support, are consequential to the options presented in amendments 291, 295 and the other amendments in the group. I encourage members across the committee to accept that there are several options in front of us for doing what we know pupils, staff, trade unions and experts want us to do—to separate the accreditation function from the SQA and qualifications Scotland in order to restore trust in the system.

09:15

Stephen Kerr: I am grateful to all who have contributed to the debate so far. I was at a bit of a loss when the cabinet secretary talked about the need for further time for more detailed consideration. There seems to have been an eternal consideration of detail, and that is what the bill was supposed to address. For the bill to say that, in effect, we are going to have an even more elongated period of further consideration seems quite ridiculous.

I am not entirely sure that I understand why the cabinet secretary is at pains to point out that the Muir report came before her time in office. I am happy to give way so that she can intervene and explain why, because it might be due to something very simple. However, I am not sure what I am to infer from what she has said. There have been repeated references to the fact that this happened before she was in office or that this was before her time. I hope that that is not some kind of diplomatic disowning of the Muir report.

Jenny Gilruth: To provide Mr Kerr with clarity on that, no, it is not. The point that I was making was that a decision on the Government's position on accreditation was reached some time ago. However, as cabinet secretary, I have listened to and engaged extensively with the committee on the purposes of accreditation and have reflected that in the Government amendment. I thought that Mr Kerr would have welcomed having a listening cabinet secretary.

Stephen Kerr: Well, anyone listening is to be welcomed, cabinet secretary, so congratulations on having that particular learning skill.

Before I address the amendments, and specifically amendment 316, which is in my name, I will echo what Pam Duncan-Glancy said a few moments ago about the legislation team. The

team has done a fantastic job of helping members—particularly me, frankly—to craft amendments out of a flow of unconscious or conscious consciousness, about how the bill might be improved, and there are many aspects of the bill that can be improved.

I will now address amendment 316 and speak to the full suite of amendments in group 2. I believe that it is important that we take time to debate the issue, and I am glad that we are doing so, because this is one of the most consequential debates that we will have at stage 2. The issue before us is not simply one of administrative structure or functional reallocation; it is about institutional credibility and public trust. Unless we properly and decisively reform the way that accreditation is handled in Scottish education, we will have failed to learn the lessons of the past, and we will have failed those who called for the bill in the first place.

As Willie Rennie rightly framed at the outset, at the heart of this group is the question of whether qualifications Scotland, the successor of the SQA, should be permitted to continue overseeing the accreditation of qualifications that it also awards. Currently, it is marking its own homework. The bill as introduced retains that dual function, albeit behind internal governance barriers. However, I say clearly that that is not sufficient, and that view reflects expert and stakeholder views.

We need a structure that does not see a repetition of the kind of reputational damage that the SQA has suffered, which happened, in large measure, because of that very structure, which enables a conflict of interest between the design and delivery of qualifications on the one hand and the quality assurance of those same qualifications on the other.

That was undeniably the view of Professor Ken Muir, whose report we all welcomed and which recommended putting learners at the centre. Included in that report were the following words:

"the accreditation functions of the SQA should be removed from the new qualifications body",

to ensure greater independence. What that considerable, weighty and incredibly positive report, which we all welcomed, said was crystal clear.

John Mason: Does Stephen Kerr accept that, although it is very easy to say that there is a problem—and we might all accept that there is—there is not a neat solution? Does he accept that, whatever we do in this situation, it will not be perfect? It might be a little better or worse than what we have at the moment, but there is no neat and tidy solution that ticks all the boxes.

Stephen Kerr: For heaven's sake, we are all politicians. We do not have the idea that we are going to come up with the perfect solution on anything that we discuss. Things change—the landscape changes—and we should not let perfection get in the way of being pragmatic. What I hope to see as a result of this debate is pragmatic consideration being given to fulfilling what Professor Ken Muir said and to what was at the heart of his report, which was that there should be a separation of accreditation and awarding functions.

In his report, Ken Muir goes on to say that having the same body advise on, develop and accredit qualifications lets it "mark its own homework"—he actually uses that phrase. When he appeared before the Education, Children and Young People Committee some time ago, when I was a member of the committee, he went to great lengths to underscore his concerns. That is not a sustainable foundation for any public institution, especially when it has such a pivotal role in shaping educational and professional opportunities across Scotland and everything that hangs on those.

Amendment 316, in my name, is designed to correct that. It proposes that the accreditation function be removed entirely from qualifications Scotland and instead be invested in the chief inspector of education, a post that the bill seeks to establish as a genuinely independent office. That is why I am delighted to support and add my name to many of the amendments that have been lodged by Willie Rennie in that area. By nature and design, the chief inspector would be an evaluator rather than a deliverer. Placing accreditation within the inspectorate would ensure institutional separation between the awarding of qualifications and the setting of standards by which they are approved.

Jackie Dunbar: When you talk about giving the accreditation function to the chief inspector, how do you envisage them continuing to fulfil their current role, given that it would give them extra duties? Has what you suggest taken place elsewhere? Is there a precedent?

Stephen Kerr: I will come to what has happened elsewhere. I think that your chief comment is about whether my amendment would create a more weighty office for the chief inspector, and the answer is that it undoubtedly would, and I acknowledge that. Going back to what I said to John Mason, which Willie Rennie also said, there is no perfect solution, but we must achieve the separation of those functions through the bill. Having considered all the options and spoken to lots of people, as I am sure we all have done, I am proposing that that separation is best

achieved by moving the accreditation function to the chief inspector's office.

Returning to my amendment, my proposal does not arise in a vacuum. It directly follows from the conclusions of the Organisation for Economic Co-operation and Development's review "Scotland's Curriculum for Excellence: Into the Future", in which the OECD said:

> "Scotland's system is heavily governed relative to its scale and numbers of schools. The multiple layers of Governance ... can complicate implementation processes by generating additional policy priorities and supplementary materials with little co-ordination."

In that context, the OECD specifically recommended that we should have a stand-alone agency that handles curriculum and assessment, with independent scrutiny being built into the design of new national institutions. That is largely where Ken Muir went as well.

The issue is not just conceptual or theoretical; it is deeply pragmatic and practical. The cabinet secretary has gone to great lengths to talk about costs and so on in her response to previous speakers. However, as the Scottish Parliament information centre briefing explains, the SQA's accreditation work comprises only a small percentage of its operational activity. I think that the SPICe briefing suggests that it is £1 million out of a £107 million budget, yet it is that work that gives the system its integrity.

Jenny Gilruth: I am listening carefully to what Mr Kerr is saying. Does he accept that accreditation does not apply, at the current time, to all qualifications and that the point that I made earlier on scope is therefore relevant?

He has consistently referenced Professor Muir's report, and it is worth while putting on the record that Professor Muir did not consider the scope of accreditation. The scale of that scope and, more broadly, how that would interact with the wider sector were not looked at in the review.

I hear Mr Kerr's challenge, but I am not sure that the answer that he proposes gives us the long-term solution. Budget is relevant, but the other relevant part is the scope in relation to accreditation and whether we apply that across the board to all qualifications, which would inherently generate significant additional costs.

Stephen Kerr: The cabinet secretary makes a lot of valid points, but I simply point out that we are at stage 2 of an education bill in which we, as a Parliament, have to consider a set of options by which we deliver on the expert stakeholder view that there needs to be a separation of accreditation and awarding of qualifications.

Jenny Gilruth: Will the member take an intervention?

The Convener: It is not up to me, cabinet secretary. I will just check whether Mr Kerr wants to accept an intervention.

Stephen Kerr: Of course. I always give way to the cabinet secretary.

Jenny Gilruth: I ask Mr Kerr to indulge me. He talks about experts, but I wonder whether I could draw his attention back to the evidence that the committee received from the SCQF Partnership, which advised that it would encourage any future deliberations on the issue to focus on addressing only evidenced risks within the current qualifications system in Scotland, not least due to the current fiscal operating environment. The SCQF Partnership is also an expert in this.

I am not denying that we need to look at accreditation, and the location of accreditation, in the future; indeed, the Government amendment commits and compels Government to do so. However, there is no simple answer, as I think that Mr Mason was alluding to. The solution that Mr Kerr puts forward is laden with risk and additional costs. Does he recognise that?

Does he also recognise the evidence that the committee received from the expert body, the SCQF Partnership, which talked about addressing this through an evidence-based approach within the current qualifications system?

Stephen Kerr: The risk is that we have a bill that is supposed to address those fundamental issues in the Scottish education system, but that we do nothing about them. The risk is that we have another two or three years, or however long it is, of further consideration of detail, which I think was the phrase that the cabinet secretary used earlier. The fact is that we have been discussing this, in one shape or form or another, almost continuously for years already, and the evidence clearly suggests that separation is required.

I am also not entirely sure about the issue of cost. To be absolutely clear, I come from the background of the private sector, but I am not sure that I accept the argument that you create lots more costs simply by taking one set of resources and moving them, in reporting and accountability terms, to another body. I am not sure that I understand why, in the public sector, that would automatically create a massive increase in costs. The costs are already allocated; you are simply moving them to a different place, where they will operate separately and independently of the original host. I do not understand that argument. I would be very happy to hear an explanation, which is perhaps more granular than the convener will be prepared to allow here.

I can see that the convener is happy for there to be a granular discussion. I am happy for there to be a granular explanation as to why we suddenly

have this enormous expansion of costs. As I said, I come at the issue from a different background of working in the private sector, where, if you decide to reallocate resources, it does not increase the resources; in fact, you are very strongly controlled in relation to not increasing the resources—you simply reallocate them. I do not understand what the granular argument for the increase in costs is.

I am willing to give way; I always give way to the cabinet secretary when she wishes to intervene.

09:30

Jenny Gilruth: The advice that my officials have provided estimates that start-up costs for moving the organisation would be between £400,000 and £600,000. Let us say that it is a ballpark £500,000 for Mr Kerr's interests.

The committee has been advised by the briefing from the Scottish Parliament information centre that the current accreditation function fulfils functions at a total cost that is somewhere in the region of £1 million. The costs that are associated with accreditation would increase, because staff would have to be moved, which would impact on terms and conditions. We would have to undertake consultation with trade unions, and we would need to look at what that would do to terms and conditions. That is the underlying factor driving the cost of the movement of the function.

The other part, which the member has not alluded to and that we have not talked about in detail today, is that there is a presumption across the committee that all qualifications in Scotland are accredited. They are not at the current time. If, as the Government amendment commits us to doing, we were to look properly at the full scope of accreditation and consider that across the board, it would inherently increase costs. I hope that that explains to the member where some of the associated increased costs would be in the movement of staff and in relation to the scope of accreditation and what that currently covers.

Stephen Kerr: That last point is a big if, is it not? I accept that, but I do not accept that it is impossible, on a quid pro quo, to move one set of resources to another place. I understand the employment issues, but I would like to see the granularity of why on earth it would cost—what figure did you give?

Jenny Gilruth: I used £600,000.

Stephen Kerr: I would like to see why on earth it would cost that amount of money to do something that is relatively simple, given the relative scale of the accreditation function in the SQA.

I will continue. I appreciate and am always open to interventions, but it is important that we get back to the central point that my amendment and the other amendments in the group are trying to address, which is how having the critical function of accreditation in the same organisation that is responsible for creating and delivering the qualifications creates a systemic risk of vulnerability that no amount of internal governance can correct.

I turn to the broader framework of the amendments in the group that I have put my name to in support—mainly the ones from Willie Rennie that give full effect to the reform. Amendments 115 and 116, in the name of Willie Rennie, begin the task of removing the accreditation committee from the internal machinery of qualifications Scotland. Amendment 116 in particular strikes key lines from schedule 1 that define the committee as subordinate to qualifications Scotland. That is the model which Professor Muir found deeply unsatisfactory. He said that the bill appears to allow the new body to have total control over when and if it needs to engage with wider users and who it engages with. That is a deeply troubling formulation.

As it stands, the legislation will enable the new agency to gatekeep engagement and control its own scrutiny mechanisms, which is precisely the culture of self-regulation that brought the SQA into disrepute. Amendments 115 and 116 begin the necessary process of dismantling that.

Amendments 117 and 219 are direct alternatives, with amendment 117, which I support, assigning the accreditation function to the chief inspector, and amendment 219 suggesting the SCQF Partnership as an alternative. Although the SCQF Partnership has strong expertise in qualification, comparability and recognition, it is not structured or equipped as a regulatory body. The SPICe analysis concludes that the SCQF would require significant expansion and restructuring to take on that function. Even then, concerns would remain about its legal authority and capacity to enforce accreditation standards. That is why I support the idea that the accreditation function should be housed with the chief inspector, which is an independent statutory office with scrutiny powers and, if later amendments are passed, it would be accountable to the Parliament. I believe that that is the natural home for the function and one that aligns with international examples.

In my discussions with other parliamentarians round this table, I have repeatedly made the point that one of the organisations in Scotland for which I have enormous respect is Audit Scotland. When Audit Scotland publishes its reports, every one of us—the Government and parliamentarians—sits up and takes notice, because of the esteem in which it is held and the respect and authority with

which the Auditor General speaks. Adding to the responsibilities of the office of the chief inspector would add further authority, credibility, respect and esteem to the accreditation function.

Jackie Dunbar asked about other examples. In England, Ofqual was established, precisely to address the failings of the Qualifications and Curriculum Authority, under which award and regulation were combined. Qualifications Wales operates entirely separately from Government or delivery agencies. In Northern Ireland, the Council for the Curriculum, Examinations and Assessment combines the two roles. Having listened to what school leaders and expert opinion reflect about Northern Ireland, I know that there is deep and widespread dissatisfaction with the way that things work there.

We should stick with the expert view. I do not think that there is any appetite for continuing or replicating the model in Northern Ireland and the one that we have here in Scotland when there is so much dissatisfaction with it. We should learn the lessons that are on offer to us and move on.

John Mason: The member gives different examples, but we also have good examples in the form of His Majesty's Inspectorate of Constabulary in Scotland and His Majesty's Inspectorate of Prisons for Scotland. Those are not legally separate organisations, but they are respected for their independence. Would he accept that it is possible, within one organisation, to have a degree of independence? A lot depends not on what is in the legislation but, as I think that we found with the SQA, on the people who are involved. If they perform, the system will work; if they do not, the system will not work.

Stephen Kerr: John Mason will know, including perhaps from our other conversations, that I believe that the critical issue in Scotland, as is the case elsewhere in the United Kingdom and globally, is that of leadership. Leadership is much more than what is conventionally thought of as leadership, and the character and quality of leadership is the defining issue. We see that in schools in particular. Where you have a tremendous school leader, you have a tremendous school, regardless of any other externalities. Frankly, we do not spend enough time in any of this Parliament's committees, or in the chamber, debating and discussing the need to deepen the leadership skill base in our country across all sectors.

I do not disagree with what John Mason said, but I do not want to create structural issues that will lead to the continuation of some of the matters that are connected to the SQA and that have arisen in the past few years. Those are issues that led the Government to decide that it was going to abolish the SQA and replace it. I do not want us to simply change the name plate on the door or the building. It would be a failure of leadership on our part not to grasp the issues that are before us and do something positive about it through the bill. At the moment, we are not doing enough that is positive through the measures that are proposed.

Amendments 122 to 125 and 132 to 139 seek to remove the provisions that tether the accreditation committee to qualifications Scotland. Most notable of those is amendment 133, which I strongly support. Amendment 133 would provide for the accreditation committee's annual reporting to be done independently, as I think that Pam Duncan-Glancy mentioned, rather than as part of qualifications Scotland's corporate reporting cycle. That is vital. A body cannot be both the subject and the author of its own regulatory assessment. That is common sense. The amendment would ensure transparency and avoid the consolidation of narrative control within one body.

Amendment 134, which pre-empts amendment 135, seeks to clarify that the Scottish ministers should not have the power to direct the accreditation committee's operational decisions. It is another safeguard for independence; indeed, I think that the cabinet secretary has picked up—and rightly so—on the mood music with regard to the need for any changes to be seen as ensuring that independence.

The OECD warned that the current ecosystem of policy delivery and oversight in Scottish education creates confusion over roles and a risk of conformity of thought in national decision making. Empowering an accreditation committee to act independently would be an antidote to such a tendency.

Amendment 173, which I support, completes the picture, as it seeks to create a new independent accreditation committee, which would be placed under the chief inspector. That committee would not be subject to direction from either the inspector or ministers in its operational work, only in high-level framework setting. It would be composed of experts, produce its own reports and make its own decisions on whether qualifications are fit for purpose. That is real independence—not performative independence, but procedural, structural and cultural independence.

Amendments 73, 287, 291, 292, 295 and 167 would make the necessary consequential adjustments to the rest of the bill by removing references to internal accreditation committees and eliminating redundancy and contradiction.

Finally, amendments 206 and 207 seek to amend the transitional provisions. I support amendment 206, which would ensure that legacy language regarding the SQA's accreditation powers does not survive the transition. I

encourage the committee—I should be using the word “encourage”, as I do not have a vote—to oppose amendment 207, which would dilute the clean break that we seek to achieve.

I want to make one final observation. This debate is not just about qualifications—it is about values. It is about whether we, as a Parliament, are prepared to ensure that the systems that we design are worthy of the people whom they serve. The calls for reform were not abstract; they came from learners, teachers, school leaders, parents and employers, all of whom wanted a system that they could trust. Professor Muir reflected that when he said that

“The replacement of SQA and the restructuring or reform of Education Scotland is a starter, but ... more is needed to ensure that the education system in Scotland is fit for purpose for current and future learners in a changing world.”—[*Official Report*, *Education, Children and Young People Committee*, 23 March 2022; c 3.]

Accreditation is not a mere technical detail in the context of the bill. It is, I would argue, one of the firm and substantial issues that the committee at stage 2 must deliberate and decide on. It is the measure by which every learner’s work is validated, and it is the reason that employers, universities and society at large take a Scottish qualification seriously. If we do not get this right, we undermine the credibility of the entire reform programme.

The Government has said that it wants a qualification body that is modern, trusted and fit for purpose, but that cannot be achieved by merging old functions under new names. It requires structural separation; it requires clear, independent lines of scrutiny; and it requires the courage to follow the evidence, even when the evidence demands fundamental change. That is what my amendment 316 and this suite of amendments does, and that is why I commend them to the committee.

Ross Greer: The frustration across the committee is clear. Indeed, I share the frustration with the Government that this issue has been considered for so long—yet here we are at stage 2 without the Government having put forward a satisfactory solution. However, as has been mentioned, it is worth reflecting on the fact that, even after the significant volume of evidence that we, as a committee, took at stage 1, we could not collectively come to a clear, satisfactory conclusion on the matter. Clearly, this is the single most challenging issue with regard to the bill.

A majority of committee members and, I think, a majority across the Parliament want there to be a greater distance between the accreditation function and the rest of the functions that are currently proposed for qualifications Scotland. However, all the options that are in front of us have significant pitfalls.

Putting the accreditation function into Education Scotland would do the opposite of creating that greater distance, because, in essence, it would give the function to the Scottish ministers, and that would undermine the principle of what we are trying to achieve.

09:45

My initial preference was to move accreditation to the SCQF Partnership. However, as I started drafting amendments to that effect, it became clear—as has been made clear from a lot of the issues that have been raised today—that the SCQF Partnership is not the right home for it, not least because that organisation is a charity, not a public body.

I will come back to this point when we get to the relevant group later, but I will say now that we need to look at the status of the SCQF Partnership. The body is integral to the Scottish education system. As successful as it is, it is not part of our public sector and is not accountable in the way that the rest of the public sector is. That is not a criticism of it but a question about its status.

Obviously, we cannot simply remove accreditation from qualifications Scotland and not put the function somewhere else. I am interested in Pam Duncan-Glancy’s proposals on curriculum Scotland. I am wary of them, to be honest, but we will get into the substance of that in a later group of amendments.

I am willing to reconsider the options on accreditation once we have had the debate on whether to set up a new body. Like John Mason, I sit on the Finance and Public Administration Committee. It recently considered similar issues, particularly in relation to proposals for new Scottish Parliamentary Corporate Body-appointed bodies. It proposed a moratorium on their establishment, to which Parliament agreed.

I absolutely agree with Stephen Kerr’s point about the need for a more granular discussion of the issue. This debate has been incredibly valuable in that regard. A range of new information on potential costs has been put on the record this morning, not least by the cabinet secretary. We need more discussion at that granular level, and I certainly want a greater understanding of some of the specific issues that have been teased out.

I repeat what I said earlier in an intervention on the cabinet secretary and what Martin Whitfield has also said: there is clearly a collective desire for us to reach a satisfactory conclusion. There is also clearly a recognition that none of the options that are in front of us is perfect. Given that, I

suggest that none of the amendments be pressed at this stage if the Government can commit to facilitating discussion, for all interested members, to enable us to try to coalesce around a satisfactory solution—it will not be perfect—ahead of stage 3. If we cannot do that, I and other members will have to pick the least imperfect of the options. At the moment, I would probably lean towards placing accreditation with the inspectorate, imperfect as that option is. However, I do not think that we have to choose that at this stage. I think that we can come to a more satisfactory conclusion at stage 3, if we can have those further detailed discussions between now and then.

Martin Whitfield: Unusually, at stage 2 proceedings—I will not say uniquely, but it is certainly rare—an opportunity has arisen for consensus on a route forward, if not on a destination. It would be helpful if space for that was created by all of those who have lodged amendments in this group. Does the member agree with that?

Ross Greer: I absolutely agree with that. Members have hinted at that in their comments, as did the cabinet secretary in her response to my earlier intervention. I repeat that, if we move to a vote on any of the current options, we will not achieve consensus. There is still the possibility for us to achieve consensus if we can continue the discussion outwith stage 2 proceedings and bring something forward at stage 3.

Liz Smith (Mid Scotland and Fife) (Con): Would Mr Greer comment on whether he thinks that part of the issue that we are facing is that we are trying to put structures around education in Scotland without knowing what the future vision of education in Scotland will be?

I speak with a bit of experience, having sat on the Parliament's education committee, along with other members around the table, on two separate occasions—under Mike Russell and then under John Swinney as education secretaries—where we tried, and I think that we all failed, to come to an agreement about what the vision of education in Scotland should be, and therefore what the structure should be.

I have been following this debate quite carefully. There is a danger that we will create structures that do not necessarily articulate the vision that we are trying to establish. Would Mr Greer agree with that?

Ross Greer: I agree absolutely. It comes back to a point that a few of us raised earlier, and not just in relation to the bill. The fact is that we are four years into this parliamentary session and multiple areas of education reform have been carried out simultaneously. We have had the national discussion about the curriculum and Professor Hayward's review, and we have the set of governance reforms that are contained in the bill. In addition, we now have what we did not expect to have at the start of the session: the Tertiary Education and Training (Funding and Governance) (Scotland) Bill, which addresses some of the issues around the skills landscape.

Throughout the process, a number of us have raised concerns that the sequencing of all that is challenging to the point of creating areas in which it is impossible for us to address the issues adequately without knowing what the outcomes of other elements of the process will be. I do not think that there was ever a perfect way to do that, but, at some point, there needs to be a chronology or a sequence, and we need to make those decisions. Part of the issue is that, at this time, some of the processes seem to have gone nowhere.

On the national discussion and the broader vision, the idea of trying to coalesce around some kind of consensus on the curriculum and on the core ethos of Scottish education seems to have disappeared. I do not see what the outcome of the national discussion was. If we achieved consensus on a refreshed vision for Scottish education, it would probably make it easier for us to answer some of the specific questions of governance, structure and function.

Jenny Gilruth: I am hearing discussion about the vision for Scottish education. The national improvement framework was published in December of last year, and I draw members' attention to that document. It was informed by the national discussion, so I do not accept the suggestion that the national discussion has not gone anywhere. It has informed the national improvement framework, which sets out the vision for Scottish education. If members want to apprise themselves of the detail of that document, they are welcome to do so. They might not agree with it, but it was informed by the national discussion, by the other documents and reports that Mr Greer alluded to and by extensive stakeholder engagement.

Ross Greer: That is a fair point from the cabinet secretary. I expressed scepticism at the time—I will need to check whether that is recorded in the *Official Report* or whether my comments were made in another setting—about the refreshed national improvement framework being the driver for change and based on a consensus around a refreshed vision for education.

Although there are areas to welcome in the national improvement framework, it does not adequately address Liz Smith's point about a shared refreshed vision for Scottish education as a whole. The framework has some specific areas

around which we would probably find consensus, but if we had that refreshed vision and consensus around the core principles of the system, it would make it easier to address some of these quite knotty questions. I do not think that we have quite achieved that.

I will finish on that point, convener. I tried to finish five minutes ago, but I am glad that I did not because I think that the interventions have added significantly to the debate.

Miles Briggs (Lothian) (Con): To get back to the heart of the issue, my concern is that the Government has not said what model it wants and a review is not acceptable. To go back to Liz Smith's point and to Stephen Kerr's helpful pointing out of other models in different parts of the UK, we need to see that decision as part of the bill, not a review.

Given the extensive conversation that we have had this morning, would the cabinet secretary and other members be mindful of not moving the amendments to this part of the bill, so that we can go away and look at it again, perhaps including with Ken Muir? He would be a useful person to look at the founding principles that he wanted to see in the bill; at the best model that can be brought at stage 3; and at whether there is consensus on that. If not, as Ross Greer has outlined, the majority in Parliament will take the least bad option, and that will not help to deliver the foundations of what we want these two institutions to do. Is the cabinet secretary mindful of that, so that we can move this meeting forward a bit?

Jenny Gilruth: I have heard a range of different options and amendments proposed and debated today, but there is no agreed, cross-party view coming from the committee that I can look at and respond to. The Government's amendment moves us somewhat in relation to decisions that were taken previously, as I alluded to in my response to Mr Kerr. However, I will take Mr Briggs and Mr Greer at their word and say that I would be happy not to move the Government's amendment in order to see whether we can reach that cross-party consensus on accreditation in advance of stage 3. However, that is contingent on other members doing likewise.

Miles Briggs: I accept that, cabinet secretary, because I think that we need to move this forward. All members who have been part of this committee—not just those of us who have joined quite recently, but those who have served in the Parliament for decades—have wanted to see this reform achieved. I am looking at Willie Rennie when I say that. [*Laughter*.] As I have said, I accept what the cabinet secretary has said.

The Convener: I call Willie Rennie to wind up and indicate whether he will press or withdraw amendment 115.

Willie Rennie: We have had a really good debate, but I think that we have set a new standard by saying that any alternative needs to be perfect while the status quo needs to stay as it is. We must be better than that and try to find a much better solution, because the current solution will, I think, just provoke another crisis. If we carry on as we are, marking our own homework, this situation will, without doubt, happen again.

I always have the interests of the Government at heart, and I worry about the political crisis that might come if it does not seize an opportunity to make the change. I also worry about the staff of the SQA, who have been through hell in recent years. They have suffered greatly, and, indeed, the body itself is about to be abolished.

We cannot afford to go through this again, and I worry about the cabinet secretary's proposal for a two-year review because I think that it could happen again, even in that period. The staff have been through a prolonged period of limbo, and that limbo will continue if we have another two-year process. I do not think that the staff want that; they want some certainty about their future.

The cabinet secretary says that she is open minded, but everything that she has said this morning just closes down any other option. Her body language has been pretty clear: she has looked at the reviews that her predecessors have done and she is not convinced that any other option is credible. That is why I am sceptical. Yes, the other proposals are untidy, but that brings me back to my point about perfection. Nothing is perfect as far as this is concerned. However, Ken Muir, who has great authority in the education world, thought that it was okay to move. Other countries have managed it, as Stephen Kerr has pointed out, so why can Scotland not manage to do something different?

I do not think that we all fully understand how the accreditation function within the SQA currently works. It is my understanding that there is no separate unit within it that checks other staff's work and processes. Its own staff check their own work, based on a set of principles. That set of principles is perfectly good, but it makes it even more difficult to separate the process.

This is not going to be easy. We are talking about creating new functions and new teams to do this work. I understand why the cabinet secretary has difficulties with the proposal, but the fact that the SQA does not even have a separate team for this and that the team that delivers these things checks itself shows just how weak the current system is.

Liz Smith: Does the member accept that the weakness that he has just identified—rightly, in my opinion—is hampering improvements in educational standards, because the system does not have sufficient trust or sufficient accountability? That is creating some of the limbo that he has mentioned for parents, pupils and teachers.

Willie Rennie: I give full credit to the staff in the SQA. We have some exceptional people who are doing exceptional work in really difficult circumstances. However, we are tying their hands behind their back with the current structure. People—teachers, those in the education world and parents—must have confidence in the SQA, but when staff are checking their own homework, it does not matter how good they are, they are not starting off at the starting point. Therefore, they are disadvantaged—handicapped—from the beginning.

John Mason: As the member has pointed out, everyone must have confidence in whatever we end up with. None of the suggestions today is perfect—that is agreed—but they are not even good enough to give confidence to everybody. Does he agree that we are not yet at the stage of agreeing on one of the options?

Willie Rennie: Just to be clear, I think that all the other options are far better than the status quo. They are not perfect—the new standard that John Mason has set—but they are better than what we have and they will improve confidence.

10:00

Jackie Dunbar: I hear what you say, which is that we need to go for different options, but, unless we review the options first, is it not a risk in itself to just choose one out of a hat? I am sorry if that sounds a bit cheeky—I do not mean it to be—but do you understand what I am trying to say? You say that we need a different option, but surely it would be better to review the options that are available before making a decision, so that we are less likely to make the wrong decision.

Willie Rennie: Yes, but why has it taken until this point for members of the party of Government to recognise that we need to look at some of these things? That should have been done a long time ago. To be fair, it was done within the Government but, clearly, the rest of the Parliament is not fully informed about all the pros and cons of all the different options. I understand what Jackie Dunbar is saying, but it is depressing that that question is being asked now and was not asked during the evidence sessions or in previous years, which would have stimulated a much wider discussion.

Depressingly, Ross Greer is right, and I think that the only option is for us all to hold back on our amendments to allow for further discussions before stage 3. I welcome Ross Greer's threat or indication that, if that does not happen and the discussions do not go anywhere—I presume that that extends to stage 3—the votes of the Green Party will be used for change rather than to maintain the status quo. I am sure that Ross Greer will follow through on his word, so I am prepared to withdraw or not move my amendments, if the cabinet secretary and other members are prepared to do likewise, in order to have a meaningful set of discussions that deliver change. If those discussions do not deliver change, we will reintroduce the amendments at stage 3.

Stephen Kerr: You earlier alluded to the fact—I think that it is undeniable—that the cabinet secretary has shown no inclination to consider all the different options with an open mind. You mentioned her body language, which I thought was a bit cruel, as I think that the body language has been fine, cabinet secretary

Jenny Gilruth: There are now two men thinking about my body language. [*Laughter*.]

Stephen Kerr: No, no.

The danger or risk of going down that road is that we do not have the meaningful consideration that Jackie Dunbar alluded to and that now needs to take place when we have these amendments before us. Have you calculated that that is a risk that you are prepared to take?

Willie Rennie: It is a risk, but we have no other option. Ross Greer has indicated that that is where he would like to go, and he provides the majority in this committee and in the Parliament—[*Laughter*.]—so that is where we need to go on this particular vote. I think that we probably need to go down this route. I am sceptical, for all the reasons that I have set out, but that is the option that we will have to consider today in order to make progress. I hope that Ross Greer and his colleagues follow through on that, if nothing comes of the discussion, because we cannot afford to continue with the status quo.

Pam Duncan-Glancy: I have to say that I share the member's concerns about the willingness to do anything different at stage 3. I do not think that the cabinet secretary has indicated at all that any of the other options for change will be considered—[*Interruption*.]

The Convener: Cabinet secretary, Pam Duncan-Glancy is intervening on Willie Rennie, so you cannot intervene on her.

Pam Duncan-Glancy: I am sorry. If there were a mechanism for that, I would enjoy the back-and-forth.

I worry about this. I understand the point that has been made about Ross Greer's position.

However, I have to say to my colleague Willie Rennie that I am still a bit disappointed that we are in the position that we are in, which is that there are options for change on the table just now that, if Ross Greer and others were really minded to do so, they could support. I am a team player, I understand what Willie Rennie and Ross Greer are proposing and I accept that there needs to be discussion. However, I put on the record that I am disappointed that it appears that we cannot have that discussion now and that, in choosing not to agree to the amendments, members have actively decided not to make the decision for change. I am disappointed about that, and I would like to hear Willie Rennie's response to that.

Willie Rennie: I am depressed, although I am ever-hopeful that things might come of this. In reality, this is the only option. Does the cabinet secretary want to make a remark about Pam Duncan-Glancy's remarks?

Jenny Gilruth: Mr Rennie, I am concerned that, if I open my mouth, you might interpret my body language in a manner that I do not mean. [*Laughter*.]

I have heard contributions from Mr Rennie and Mr Kerr about my unwillingness to move on this matter. I would observe that, if that were the case, there was no requirement on me to lodge amendment 73 to compel the Government to look at this. I heard the strength of the committee's feelings on the matter at stage 1 and I responded to that by lodging amendment 73 at stage 2. We were not sighted on the amendments that were being brought forward by the Opposition at the time, because of the timetable for the drafting of amendments, but I am happy to give a commitment to members today. We have to get this right. The issue that I have, which is predicated on the advice that I have been given, is that all the options that have been extensively considered carry inherent risk.

I also hear Mr Rennie's points about the need for perfection. That is something that I would aspire to in relation to the new body, but Mr Mason's points in that regard are relevant. I am happy to give an undertaking to have that extensive undertaking on a cross-party basis. However, I go back to my broader observation that the committee did not unanimously reach a decision on where the responsibility for accreditation should rest.

With that, and with the consensus that we want to work on a solution that works for the new organisation, I am happy to withdraw the Government's amendment.

Willie Rennie: I suspect that the cabinet secretary has read the room and felt the dissatisfaction of almost every party represented on the committee—and in the Parliament—with the current arrangement, which is why she lodged amendment 73. However, I appreciated amendment 73, because it indicated a willingness on the cabinet secretary's part to open her mind. Therefore, I will not press my amendments.

Amendment 115, by agreement, withdrawn.

The Convener: Now is a suitable time to take a comfort break. I will suspend the meeting for 10 minutes.

10:07

Meeting suspended.

10:17

On resuming—

The Convener: Welcome back to the committee's stage 2 consideration of the Education (Scotland) Bill.

Amendment 41, in the name of the cabinet secretary, is grouped with amendments 211, 42, 212, 27, 213, 28, 214, 43, 215 to 218, 44, 29, 45, 46, 30, 31, 220 and 53. I point out that, as amendments 41 and 211 are direct alternatives, they can both be moved and decided on, but the text of whichever is the last to be agreed to is what will appear in the bill. Amendments 42 and 212 are also direct alternatives.

If amendment 28 is agreed to, I cannot call amendment 214 due to pre-emption, and if amendment 43 is agreed to, I cannot call amendment 215, again due to pre-emption.

I call the cabinet secretary to move amendment 41 and to speak to all the amendments in the group.

Jenny Gilruth: We are all in agreement that it is paramount that the board of qualifications Scotland is set up to lead the organisation in order to better support teachers and practitioners and to support those taking qualifications. We must also be alive to what the role of the board of an NDPB involves and ensure that it has the appropriate balance of skills to enable it to deliver on its corporate governance requirements.

Board size is an important element to get right. If a board is too small, we limit the skills and experience, and if it is too big, we create a board in which efficient decision making and corporate responsibilities are at risk. Bearing in mind those two requirements, I have reviewed the bill specifications on the range of skills required and members' amendments in that respect and have lodged amendments 41 and 42 to increase both the minimum and maximum number of other board members—that is, membership that is not the

chairing member, the accreditation convener and the chief executive. The amendments propose an increase of one, to seven and 11, respectively, increasing the total board size from a minimum of 9 to a minimum of 10 and from a maximum of 13 to a maximum of 14.

Ms Duncan-Glancy's amendments 211 and 212 seek to increase the minimum board size to 13 and the maximum to 15. I have reflected on that proposal, and I am content that it would be sensible for the sake of flexibility to set the maximum at 15, as Ms Duncan-Glancy has proposed, instead of 14, as I had initially proposed. Given that the amendments are direct alternatives, I ask members to support my amendment 42, as it will support the direction of travel to a higher maximum, but I also ask members to support amendment 212 to ensure that the maximum is ultimately set at 15—that is, 12 members in addition to the three named positions.

I have some concerns about Ms Duncan-Glancy's amendment 211, which seeks to increase the minimum ordinary membership to 10. The amendment would create a minimum membership of 13 in total, when we take the appointments of a chairing member, accreditation convener and chief executive alongside it, as opposed to a minimum of 10 total members, which would be achieved through my amendment 41. The main concern that I have with the amendment is that it risks creating a large minimum board, which will require careful risk management when it comes to public appointments and maintaining a legally compliant and quorate board in the event of members unexpectedly ending their appointment.

That happened quite recently—in 2023—in the SQA, which has a much lower minimum board membership. Members unexpectedly stood down, and permission was then required from the Commissioner for Ethical Standards in Public Life in Scotland to rush through an appointments round to ensure that the board remained quorate. With that in mind, I urge members to support amendment 41, as opposed to amendment 211.

Amendment 213 requires consultation with the board as a whole, rather than just the chair, if the power is used to change the size of the board in the future. Although I find it unlikely that a chairing member would not engage with their board on decisions of such scale, I am content to support the amendment.

With regard to the board's composition, there was a good discussion at stage 1 on whether a learner—more specifically, a young person—should be appointed to the board. Currently, the provisions focus on having knowledge and experience of the views and needs of those taking qualifications rather than on specific age-related criteria. The current provisions do not exclude a young person from being appointed; indeed, it is long-standing public appointments policy that anyone over the age of 16 can be appointed to a board.

As it was the intention behind the current provision in the bill to enable a wide scope of potential candidates to be appointed, be they someone with experience of taking a qualification or someone with experience of advocating on behalf of learners, without limiting it to those criteria, I am sympathetic to Mr Greer's amendment 28, which seeks to ensure that someone under the age of 26 who is or has recently taken a qualification is appointed to the board. The amendment recognises the importance of ensuring a wide scope of potential applicants by not confining it to too young an age.

However, as this is a type of amendment that would, albeit in a positive way, seek to discriminate on the basis of age, we would have to be satisfied that it would be compatible with equality law, if it did proceed. I see the value in having a young person with experience of taking qualifications on the board, and we would be happy to work with Mr Greer to ensure that efforts were made to promote and encourage applications from those under 26. I therefore ask Mr Greer not to press the amendment and to work with me and other stakeholders to consider how we can best do that effectively.

More broadly, I recognise that more should be done to strengthen the relationship between the board member appointed to reflect the interests of learners and the wider education system. That is why, if Mr Greer were interested, I would be keen to work up a stage 3 amendment to require such an individual to consult directly with learners and those who represent them as part of their statutory board duties.

In lodging amendment 29, Mr Greer also seeks a change in respect of consultation. I will wait to hear his rationale for that, but, on the surface, it is something that I might be able to support. I will come back to it in my closing remarks.

Ms Duncan-Glancy's amendment 214 requires someone taking a qualification offered by qualifications Scotland to be appointed to the board. Again, although I see the value of such experience, I have two concerns about the amendment. The first is that the duration of qualifications varies from as little as a few weeks to as long as a number of years, and that creates challenges with maintaining board membership once those qualifications end. The second concern relates to a clear conflict of interest, as I do not think it appropriate for an individual who is taking a qualification offered by qualifications Scotland to have a non-executive leadership role

in the organisation. I therefore ask Ms Duncan-Glancy not to move her amendment, noting my commitment to Mr Greer to work on something that, I believe, will have the same effect.

With regard to the teacher voice on the board, ensuring that qualifications Scotland is led by the experience of those who deliver learning, teaching and training for qualifications is an absolute priority. That is why the bill explicitly requires that a number of teachers, and college-based teachers, be on the board. That said, I recognise that increasing the proportion of teacher experience on the board would be desirable—although I am mindful of doing so in a way that does not limit the other range of valuable skills that are required on the board.

I note that Mr Greer has lodged two packages of amendments as options for improving that proportion. Amendments 43 to 46 work together to ensure that there is always a minimum of five teacher or college members on the board and that there must be a balanced proportion between teacher and college members where there is, at most, one more than the other. That teacher or college experience could come from any of the members on the board, including the chairing member. The amendments also ensure that, should the board size change, more than one third of the membership will always be teachers or college lecturers.

I have interpreted the alternative amendment 27 as taking a slightly more limiting approach that could impact on access to other skills being on the board. I understand that it will require there to always be a majority of members who are teachers or college teachers in the "other members" section of the board—that is, the section that does not include the chairing member, the accreditation convener or the chief executive.

That could have two effects. Mr Greer will agree that the first is especially undesirable, as the current board size would mean that there could be a lower minimum of just four teacher or college members. His alternative, which I am supporting, ensures that there will be five. The second is less desirable from a corporate governance perspective when it is read alongside the other specified criteria in the bill. It would mean that there is a risk that there could be insufficient seats on the board for the wider skills that would be needed to lead the organisation, because of the number of seats that are filled by teachers and other learner or staff-focused members. Taking all that into account, my preference would be to support amendments 43 and 46. I encourage members to do that.

I note that Ms Duncan-Glancy has lodged two amendments to support teacher members on the board. Amendment 215 would ensure that any teacher members who are appointed are teachers from schools. I see no issue with supporting that amendment, as it is the intention that they would be delivering qualifications in schools. If amendment 43 is accepted, amendment 215 will be pre-empted, but I would be happy to support making that change at stage 3.

Amendment 216 requires there to be a board member who is representative of a teaching trade union that operates in Scotland. As I have said many times during the progress of the bill, we must be mindful of the requirements for public body appointments, which come with the duty to govern effectively the organisation to which people are appointed, regardless of other roles that they might hold, so they should not represent the interests of other organisations while they are on the board.

I do not want to run the risk of creating a form of representative board model for qualifications Scotland. It was a representative board model at the SQA that was deemed to be one of the key sources of the failure that led to the awarding and examination issue in 2000. That drove forward urgent legislation at that time to change the board model to that which the SQA stipulates today. It meant that the board was specifically focused on corporate governance as well as the relevant education and skills experience. I therefore cannot support amendment 216. I encourage others to reject the amendment, noting that Mr Greer's amendments, which I have referred to, should provide additional reassurance that qualifications Scotland will have sufficient teacher and college experience on the board.

I do, however, believe that there is good cause to strengthen the relationship between qualifications Scotland and the teaching unions. That is why I would be interested in lodging an amendment at stage 3 that would require the teaching and college board members to lead the board's engagement and consultation with teaching unions. If Pam Duncan-Glancy sees that as something that we could work together on, I ask her not to move amendment 216.

Coming to the voice of staff on the board, throughout my engagement with SQA staff I have listened carefully to their desire for a more robust mechanism for qualifications Scotland. I understand that the trade unions that act for SQA staff would like to see board membership for them—a request that mirrors Ms Duncan-Glancy's amendment 217. I have considered that option carefully and I remain sympathetic to it. However, I have concerns about the application of direct staff roles in a non-departmental public body, given the associated corporate governance implications for how a trade union would work in practice for the operation of the board and, importantly, for the

individual, given the focus and nature of the operational responsibilities of an NDPB and the need to navigate potentially significant conflicts of interest.

Pam Duncan-Glancy: Does the cabinet secretary recognise that trade unions already have representatives on boards, such as is being proposed here, and that they are well versed in managing those kinds of conflicts of interest and could be a beneficial addition because they work in the organisation, they have direct experience of what it is like to work in that organisation and they represent the trade union? Does the cabinet secretary not recognise that those members are well placed to manage such a conflict of interest but also to bring that richness of information about what it is like to work there?

Jenny Gilruth: The structure that the member talks about is replicated on a number of boards. In the instance in my example, there are challenges in how the staff voice and teacher voice might be incorporated within the current board composition. I have set out my amendments and proposals in relation to consultation that go some way towards addressing that issue.

More broadly, I encourage members to support amendment 53, which seeks to strengthen staff voice arrangements within the organisation. The issue that I have in this instance goes back to the point that I made previously about the composition of the board and some of the issues that were experienced in 2000 with a representative board model that was arguably not as focused on governance as it should have been at that time. Amendment 53 would ensure much closer working between the board, staff and unions, which I believe goes some way towards addressing Ms Duncan-Glancy's points. It requires the member appointed with knowledge of staff interest to consult and engage with staff and trade unions, and I have lodged another amendment in group 6 that further enhances the relationship.

10:30

Ms Duncan-Glancy has lodged two more amendments on board composition, both of which I am interested in supporting in some form. The first, amendment 218, seeks to ensure that knowledge of business, industry and skills is reflected in the statutory criteria of the board. That is an essential element of qualifications Scotland's functions and services, and I fully expect that to be reflected in the board in some form. I am, however, mindful of how requiring a public body to have specific business and industry knowledge on the board could be viewed. I would be interested in refining that position to focus on an individual who brings experience that is more related to the skills and training sector. I recognise the value that business and industry knowledge can bring to the body, and I would be happy to work with the member on that issue ahead of stage 3.

The second amendment, amendment 220, enables qualifications Scotland to co-opt additional members if required. I am supportive of that in principle. However, for it to work, I believe that some tweaks and additional provisions will need to be added to ensure that co-opted members could be appointed in a way that did not undermine the ministerial public appointments process or the necessary limits on board numbers. I ask Ms Duncan-Glancy not to press amendment 220, so that we can work on a solution ahead of stage 3.

I will comment on amendments 30 and 31, which, together, add a limitation of eight consecutive years as the maximum board appointment period. Eight years is the maximum for public appointments set out in the Ethical Standards Commissioner's code for public appointments. That means that appointments to qualifications Scotland, regulated by the commissioner, will automatically align with that limit. To that end, although I am supportive of the general principle of Ross Greer's amendments, I cannot support them, given the arrangements that are already present in the commissioner's code. Relying on the code instead would ensure that the body always keeps pace with best practice, rather than setting something in statute now that may not be appropriate in the future.

I move amendment 41.

Pam Duncan-Glancy: I thank the cabinet secretary for her engagement with the amendments in this group, and in particular for the offer to work on some of them at stage 3. I will come to that as I go through my amendments.

The amendments in this section are very important. Suffice it to say that all the amendments to the bill are important, but these are about giving a voice on the board of an organisation not just so that we can guarantee that it has expertise on it, but so that we can get trust back into the centre of our qualifications structure.

Important decisions about the membership of qualifications Scotland need to be taken, with a variety of different interests at heart, and the amendments in my name in this group try to make sure that that happens. We have seen what happens when we do not have that; we can have a disconnected education and skills system if we do not have representatives who recognise what is needed for future skills as well as what is needed for school qualifications.

It is important that we have trade union representation—I intervened on the cabinet secretary earlier in that respect. It is crucial that we recognise the role of trade unions. This

committee has spent a considerable time arguing for the trade unions of colleges to be represented on boards, and that has to extend to qualifications Scotland, too. I do not think that some of the amendments that the cabinet secretary has lodged do quite what I am trying to do, which is to give a direct voice to staff on boards. If qualifications are to be really meaningful, we have to ensure that they are relevant to the real world, too, and I have also lodged some amendments in relation to that.

My amendments 211 and 212 increase the size of qualifications Scotland's board to between 10 and 12 people, which is really important. The amendments are direct alternatives to the cabinet secretary's amendments 41 and 42; the cabinet secretary is looking to increase the number on the board to between 7 and 11, but my amendment creates a board of between 10 and 12, which is necessary to accommodate the broader representation that I have suggested in my amendments 216 and 218. By increasing the size of the board, I am ensuring that staff, education unions and industry leaders can contribute to the governance of qualifications Scotland without sacrificing expertise or limiting the diversity of the boards. A board of that size will ensure that the qualifications Scotland governance model is participative and responsive, and I am pleased that the cabinet secretary is prepared to support the proposal.

I am not sure that amendment 27, in Ross Greer's name, is strong enough to guarantee any trade union representation on the boards; it also appears to—unintentionally, I imagine—exclude representatives of teachers and college staff. I believe that the amendments in my name provide a more balanced offer and give voice to teachers and staff in schools and colleges. I would be willing to work with the cabinet secretary and Ross Greer at stage 3 to find alternatives, if both were prepared to do so. I have been trying to keep on top of the numbers of the amendments that the cabinet secretary spoke to—I think that I heard her say that she would be prepared to consider the matter at stage 3, and I am hoping that Ross Greer might, too.

Amendment 213 requires Scottish ministers to consult the whole board of qualifications Scotland when making regulations. I am pleased that the cabinet secretary supports that, because it is really important. I take the cabinet secretary's point that a chair would consult their board in ordinary circumstances—indeed, I am quite sure that they would—but we have seen some less than acceptable circumstances in the sphere that we are discussing, and anything that we can do to protect against such circumstances will be important. That is why amendment 213, in my name, has been lodged.

Amendment 214 requires one member of qualifications Scotland to undertake a qualifications Scotland qualification, replacing the requirement for a member to

"appear to have knowledge of the interests of persons undertaking a relevant qualification."

I understand the point that the cabinet secretary has made and the amendment that Ross Greer has lodged on the matter. I think that this is really important, because people who are undertaking qualifications in real time can tell us exactly the sort of experience that they had during the history of qualification and exactly what is happening in schools and what support they are getting. They can also give us incredible insight into the ways in which assessment interacts with curriculum, which we know has been a concern in the past. That is why I feel quite strongly about that particular amendment.

Amendment 215 ensures that schoolteachers are represented on the qualifications Scotland board. I take the point about other teachers, such as college teachers, and the fact that, given the pre-emption in relation to her amendment 43, the cabinet secretary said that she would be prepared to bring the matter back at stage 3, supporting this amendment, which her own amendment pre-empts—I think that I have those numbers right. On that basis, providing that schoolteachers are represented on the board in a stage 3 amendment that we can agree on, I would be prepared to hold amendment 215 until stage 3.

Amendment 216 requires the board to contain a representative of a

"trade union operating in Scotland."

I think that that ensures that the new board is informed by the voices of those with a stake in the delivery of the new qualifications in schools, colleges and other training facilities, not only by the voices of those who manage them. We need that, because previous reforms have not engaged appropriately with front-line educators. I spoke earlier about the distance between the front-line decisions and decision making and the clutter in the middle—indeed, I think that my colleague wants to comment on that.

Martin Whitfield: The cabinet secretary mentioned the potential challenge if a trade unionist who is also a teacher is on the board. However, the reality is that a number of teachers are members of trade unions. When it comes to conflicts of interest, the amendment explicitly sets out, as I did at the start, that any interest would be declared and taken into account in the decision making.

Pam Duncan-Glancy: I whole-heartedly agree with the member. In this circumstance, the interest is important and, where there is a conflict, it must

be managed. The point that I made to the cabinet secretary earlier is that trade union representatives are well versed in understanding that, but the interest that they represent is crucial and should not be lost. That is why I have lodged the amendment in this group.

As we have discussed, a trade union seat on the board gives teachers and lecturers a formal route to shaping decisions and addressing concerns with the education system. It provides a pathway for them to share their professional expertise with those governing the country's qualifications, demonstrates and strengthens democratic accountability and reflects Scotland's commitment to public services, the workforce and fair work.

Amendment 217 stipulates that a representative of a trade union that represents staff of qualifications Scotland can be on the board. This is the amendment that we have previously discussed and on which we had interaction with regard to the ability of a board member who is a member of staff to manage that conflict. I have set out quite extensively why I think that the matter can be managed and why it should progress.

Amendment 218 stipulates that the board should include a representative with knowledge of or expertise in business, industry or skills development. I think that I am right in saying that the cabinet secretary said that she would be prepared to improve or change the amendment—the wording as it stands is excellent—to bring it to something that the Government could support. My interest in making sure that the qualifications system is fit for the future, including for business, industry and skills, is such that I feel strongly about having such a provision in the bill and I welcome the Government's offer to work together on that at stage 3.

Amendment 220 creates the option for the board to co-opt members for a period of four years, which is crucial, not only because of some of the circumstances that we have debated at length in the chamber and in committee, but because of the pace of change in education. I was lucky enough to be elected to the Parliament and to serve on the committee a few years ago, and the landscape has changed even since then. For example, the role played by artificial intelligence in schools and examinations—and, indeed, across society—has changed, so the ability to co-opt members will be really important. It is not an unusual ability for a board to have, and I am pleased that the Government is supportive of amendment 220. That is important.

I would have intervened when the Government was discussing amendment 53, but I was trying to keep up with the other numbers and the support or otherwise that the Government was indicating. I lodged a late manuscript amendment to amendment 53; I did so yesterday, which I admit was quite late in the day, but it was the first working day after I had met the cabinet secretary last Thursday to discuss in detail the Government amendments. That is why the manuscript amendment was late, and I do understand why the convener thought it not appropriate to select it.

Nevertheless, I believe that such an amendment could strengthen the Government's amendment. As opposed to consulting when qualifications Scotland sees fit, my amendment would have said that it should just consult. It is important that the qualifications body consults, and I ask the Government to reflect on that at this point and to consider whether we could work together to strengthen the amendment at stage 3.

That covers all my amendments in the group.

Ross Greer: I am conscious that we are now at that part of the proceedings that George Adam referred to at stage 1 as the MGM chorus line of everyone who could be involved.

The cabinet secretary's reflections on the issues with the composition of the SQA board in 2000 were interesting, but the amendments that I have lodged reflect the issues with the SQA board that we have seen in the past decade. The cabinet secretary, Liz Smith and I will be particularly familiar with those issues from our time on the previous session's Education and Skills Committee, whereby many—not all, but many—of SQA's governance failures could be partly traced back to the fact that, for substantial periods of time in its recent history, the SQA has had almost no individuals who are educators on its board. Indeed, until very recently, it had only one headteacher—and no classroom teachers at all. However, it did have three management consultants. I do not want to dismiss the importance of corporate governance, but I think that the public would expect our national qualifications agency to have more educators than management consultants on its board. Again, that is not a judgment on the three individuals who were there at the time.

To that end, amendment 27 sets out a simple principle that a majority of the board must be qualified educators. It does not specify that they should be working in a school, a college or another setting, just that they are qualified educators.

To address Pam Duncan-Glancy's point, I should make it clear that amendment 27 does not exclude union representation. There is, perhaps, a nuance to highlight here. If Pam Duncan-Glancy's amendments were agreed to and a teaching union representative were required to be on the board, that representative would, in practice, be required

to be a qualified educator. I do recognise that full-time union officers are sometimes not drawn from the profession that they represent.

In this case, it would be desirable and reasonable for the Parliament to say that, if we agree that the unions are able to nominate individuals to the board, those individuals must be from the profession concerned. I would not exclude union representation, although it would somewhat narrow the criteria that the union could use to nominate individuals. I will come back to that point in a second.

10:45

Pam Duncan-Glancy: The member makes a strong case, but can I clarify whether he intends to support our amendments on the representation of trade unions on the board?

Ross Greer: I support the amendments in principle, and my intention is to support them, if they are moved. I am about to make a suggestion in relation to one of those amendments, but, yes, if they are moved, I would support the amendments on union representation.

However, I take on board the cabinet secretary's suggestion that that is something that could be worked towards in relation to my amendment 27. Again, if there is a collective desire, particularly on the part of the cabinet secretary and Pam Duncan-Glancy, for us to work on that and to reach agreement ahead of stage 3, I would be content with that.

Just for clarity, on the cabinet secretary's comment about my amendment 29, the intention is to clarify that the board member who would represent young people would be a representative of those who are undertaking a qualifications Scotland qualification. I believe that to be a simple point of clarification that will ensure that focus. If the Government feels that there is any ambiguity in relation to that amendment—if there is support for the amendment in principle but concern about the drafting—I would be happy to work on that ahead of stage 3.

I accept the Government's point about term limits. We should not put everything in legislation if we do not have to, and I take the cabinet secretary's point about being able to evolve with best practice, as the code does, in a manner that is obviously easier to change than legislation. Therefore, I will not be moving amendments 30 and 31.

On Pam Duncan-Glancy's amendments relating to the overall size of the board, I agree with amendments 212 and 213, because we need to increase the size of the board to address some of the issues around representation that we have been talking about. As for amendment 211 and the minimum membership of the board, we might have been talking somewhat at cross purposes in the discussion that we have just had, because I agree with Pam Duncan-Glancy on the requirement for the board to include the various individuals whom we are talking about, particularly union representatives.

However, the cabinet secretary's point was about ensuring that the board is still able to function in situations where there are vacancies—in other words, ensuring that the board is still quorate, even when a certain number of positions are unfilled. I think that those two positions can be reconciled—they are not mutually exclusive. As it stands, I would support Pam Duncan-Glancy's amendments 212 and 213, but not amendment 211, as I think that the cabinet secretary's amendment 41 is desirable for exactly the reasons that she set out—namely that, if we were in a situation in which members had stood down before the end of their term and the board was still required to carry out its functions, I would want it to be able to do so rather than that resulting in the board becoming inquorate.

On Pam Duncan-Glancy's amendment 214, which seeks to bring young people on to the board, I have lodged an alternative amendment that uses a different definition. It relates somewhat to what the cabinet secretary had to say in that respect, because it would be inadvisable and suboptimal to have a young person on the board who would immediately have to leave at the point at which they had completed their qualification. Having had the experience of going right through the qualification process, that young person would have a lot to contribute to the board, and I would not want them to get to the end of their sixth year, complete their QS qualifications and then be immediately disqualified from the board. It would be really valuable to have them on the board at a point when they can reflect on that experience. That is why I have used a wider definition, which would allow—to use a somewhat clumsy term—an older young person to sit on the board.

Amendments 43 to 46, which I have worked on with the Government, try to address some of the issues that we have talked about in relation to minimum representation for the educators whom we are talking about. Primarily, we are talking about teachers and lecturers. I will be moving amendments 43 to 46, as I do not think that doing so will preclude our working together on any of the issues that we have talked about in relation to my amendment 27 and some of Pam Duncan-Glancy's amendments.

As for amendments 215 and 216, I agree in principle with Pam Duncan-Glancy that there should be teacher representation, but I want to

tease out what the cabinet secretary was saying about potential conflicts of interest. I should say that I do agree with Martin Whitfield's point on that, too. Would it satisfy the Government if we said that any individual on the board was to be "nominated by" an education trade union operating in Scotland, rather than that they were to be a representative of a union? That person would have the experience to be nominated by the union. Does the Scottish Government's issue with the language come from the fact that having a representative of a union on the board could create a conflict of interest, and could that be resolved if the union were still able to nominate someone without the provision saying that they had to be a "representative"? Perhaps the cabinet secretary could reflect on that and intervene.

My intention at this time is to support amendments 216 and 217, because I think it is right that staff of qualifications Scotland are on the board.

I do not support amendment 218 and direct members to my amendments 6 and 35, which will come in later groups. My concerns are similar to those of the cabinet secretary. Also, my amendment 6 would require qualifications Scotland to "have regard to" wider economic priorities and amendment 35 would require consultation with businesses on the corporate plan. I think that that is adequate for the purposes that we are discussing.

I share the cabinet secretary's concerns about amendment 220. I like the principle of the board being able to co-opt members, but I do not think that what is currently there is compatible with the procedure for public appointments. I therefore ask Pam Duncan-Glancy not to move that amendment, as I think that we can come to a satisfactory conclusion on that issue at stage 3.

The Convener: I call the cabinet secretary to wind up.

Jenny Gilruth: I am asking members to support a number of amendments in this group that would ensure that the board of qualifications Scotland was teacher led. That goes to the heart of Ms Duncan-Glancy's point about re-establishing trust with the profession, which is a key part of education reform. I have also asked members to support a board model that achieves that re-establishment of trust while ensuring a balanced mixture of the skills required, as outlined in amendments 41 to 44.

On the point about bringing in a wider range of skills and experience, I would be happy, as I said to Ms Duncan-Glancy in my opening comments, to work with her on amendments 218 and 220 to ensure that the board is able to react effectively to changing needs for expertise.

Mr Greer made a point about trade union representation in connection, I think, with amendment 216, and he asked about a potential conflict of interest in having members of teaching trade unions on the board. The fundamental issue is that we would be changing the board structure to make it a representative board. As he knows, there are a number of different teaching trade unions, and there would be calls from all those unions to have a seat at the table, which would, again, extend and expand number of people on the board. It also raises the question why that would stop at teaching trade unions and why the board could not include the broader educational workforce. A range of teaching trade unions, and other unions, would have an interest in having a seat at the table, and I think that that would fundamentally change the board structure that we have devised.

As for learner voice, I am happy to work with members to ensure that the experience of people taking qualifications is reflected on the board. That is why I have asked Mr Greer not to move amendment 28. I heard his commentary and that of Ms Duncan-Glancy on amendment 214 and ask them to work with me ahead of stage 3 to deliver on that shared approach.

I thank Mr Greer for outlining his approach with regard to amendment 29. I very much recognise that groups such as parents might be categorised as representing learners' interests and, on that basis, I am happy to support that amendment.

I acknowledge the rationale behind prescribing further stipulations for board membership, such as those in amendment 217, which seeks to place trade union representatives on the board. However, given the concerns about public appointments and the possible conflict of interest that I have previously raised, I encourage members to support amendment 53 instead, as it would provide for a designated member who would be required to undertake greater consultation with staff and their trade unions to ensure that their views were reflected.

I am unable to support the amendments that aim to prescribe membership and reiterate my request to Ms Duncan-Glancy and Mr Greer not to move amendments 211, 204, 216, 217, 27, 28, 30 and 31, for the reasons that I have previously set out.

I note the manuscript amendment that was lodged yesterday by Ms Duncan-Glancy, which sought to amend my amendment 53 to require staff interest board members to consult the relevant groups, as opposed to consulting when it was considered appropriate to do so. I very much understand the member's thinking here, but I am a bit concerned that such a change would require, under the provisions in amendment 53,

consultation on everything—which would be quite wide ranging—rather than just on aspects of direct interest and relevance to staff. I would want to take more time to consider the implications of that amendment if it were to be brought back at stage 3, and I am more than happy to engage with the member on her proposals to that end.

The Convener: I remind members again that amendments 41 and 211 are direct alternatives.

The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. [*Interruption.*] I am sorry, cabinet secretary, but I should remind you that you are not a voting member of the committee. You were a long time ago, but no longer. You were just testing that I saw you, I am sure.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)
Rennie, Willie (North East Fife) (LD)

The Convener: The result of the division is: For 8, Against 2, Abstentions 0.

Amendment 41 agreed to.

Amendment 211 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 211 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 211 disagreed to.

The Convener: I remind members that amendments 42 and 212 are direct alternatives.

Amendment 42 moved—[Jenny Gilruth].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)
Greer, Ross (West Scotland) (Green)
Rennie, Willie (North East Fife) (LD)

The Convener: The result of the division is: For 7, Against 3, Abstentions 0.

Amendment 42 agreed to.

Amendment 212 moved—[Pam Duncan-Glancy]—and agreed to.

Amendment 27 not moved.

Amendment 213 moved—[Pam Duncan-Glancy]—and agreed to.

The Convener: I remind members that, if amendment 28 is agreed to, I cannot call amendment 214, due to pre-emption.

Amendment 28 not moved.

Amendment 214 not moved.

The Convener: I remind members that, if amendment 43 is agreed to, amendment 215 will be pre-empted.

Amendment 43 moved—[Ross Greer]—and agreed to.

11:00

Amendment 216 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 216 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)
Greer, Ross (West Scotland) (Green)

Against

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)

Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

The Convener: The result of the division is: For 2, Against 8, Abstentions 0.

Amendment 216 disagreed to.

Amendments 217 and 218 not moved.

Amendment 44 moved—[Ross Greer].

The Convener: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 1, Abstentions 0.

Amendment 44 agreed to.

Amendment 29 moved—[Ross Greer]—and agreed to.

Amendment 45 moved—[Ross Greer].

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 1, Abstentions 0.

Amendment 45 agreed to.

Amendment 46 moved—[Ross Greer].

The Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 1, Abstentions 0.

Amendment 46 agreed to.

Amendments 116, 117, 219, 30, 31 and 220 not moved.

The Convener: Amendment 47, in the name of Ross Greer, is grouped with amendments 221 to 223 and 48.

Ross Greer: My amendments in this group seek to make permanent the current and recent arrangement that separates the role of chief examiner from the current chief executive of the SQA and what will be the chief executive of qualifications Scotland. I think there is value in separating those two distinct roles for a number of reasons.

Concerns have been expressed to me that, in the past, there has been a conflict of interest, where the individual who was fulfilling the single role has suggested to others in the sector that, wearing one hat, they might agree with them but, wearing the other hat, they might not. In those cases, the decision never tends to land in the way that other key stakeholders in the sector would like it to. In particular, there is value in ensuring that the chief examiner of Scotland's qualification system is a qualified educator, but I do not think that it is necessary for the chief executive of the organisation to be, if the roles are separate.

Clearly, separate skill sets are needed for each role. To be an effective chief executive of any large organisation, and certainly any large public sector organisation, requires a particular skill set that is not exactly the same as that of a qualified educator. In recent years, one weakness in the system has been that we have had a chief examiner who has not been a qualified educator and who has not had knowledge or experience of delivering qualifications. Separating the two roles would allow greater focus on those distinct responsibilities.

Amendments 47 and 48 aim to make permanent the current arrangement, which I think works particularly well. However, I recognise that what they propose clashes with Stephen Kerr's amendments in the group. That was not deliberate—it is simply that we were simultaneously aiming to do slightly different things. To an extent, we are trying to address the same point, which is about whether the person who is in charge of the system should have the expertise and qualifications of an educator—the intent is the same. I believe that the best way to do that is to separate the role of chief executive and chief examiner, because the person who manages the organisation does not need to be a qualified educator, but the person who manages the system should have that experience.

I am not convinced by the proposal in amendment 223 to limit the term that a chief executive may serve, but I am interested in hearing Mr Kerr's argument for that. Broadly, there is a lot to welcome in the recent restructuring at the top of the SQA. My amendments 47 and 48 seek to make those changes permanent for the new body.

I move amendment 47.

Stephen Kerr: I will address amendment 221 in my name, along with amendments 222 and 223, which Ross Greer has already referenced. Together, they propose important refinements to the staffing provisions that relate to the new body, qualifications Scotland. To my mind, this group of amendments goes to the heart of how the agency will function in practice and its organisational culture.

I got a bit excited earlier about the importance of leadership, but I will probably get even more excited about the importance of culture. I think that the two go together and are symbiotic in many ways. I am familiar, as I am sure many other members are, with the concept that culture eats strategy for breakfast. The best-laid schemes and plans are all liable to perish when they come into contact with poor leadership and poor culture. My amendments are an attempt to address the issues of operational culture, internal ethos and, most important, the rights and duties of the individuals who will be employed and specifically charged with delivering reform. If we are serious about delivering structural and cultural reform, we must attend not only to who leads public bodies but to how staff are appointed, supported and held to proper standards of conduct and impartiality.

My amendments in this group seek to embed those principles more firmly in the legislation. I will unpack amendment 221, which says:

"Qualifications Scotland may only appoint a person as chief executive if Qualifications Scotland and the Scottish Ministers consider the person ... a fit and proper person",

which speaks for itself, and if the person

"has experience of leadership".

I expect any reading of that provision to suggest that the person has had successful experience of leadership, that they have led a progressive organisation, that they have seen change managed in a whole organisation, and that they have skills, knowledge and expertise in education.

Ross Greer and I are perhaps at opposite ends of this discussion, but an issue that is regularly raised with me by teachers and educationalists is that the people who are in charge of the significant institutions that define the Scottish educational landscape sometimes do not have a feel for education, because they do not have the experience of real-world contact that the people who are commenting to me have. That view has been raised with me by a number of people whom I consider to be experts.

The person appointed should have some

"skills, knowledge and expertise in ... the regulation of educational qualifications".

They should have an understanding of that field of interest. They should also have operated in a public sector setting, because, as I alluded to, that can be quite a different environment for someone who has not had experience of public sector governance.

Martin Whitfield: The requirements relating to regulation of educational qualifications and public sector governance are alternatives in your amendment, rather than a build-on.

Stephen Kerr: Can you repeat that?

Martin Whitfield: My apologies. Paragraphs (c)(ii) and (iii) in amendment 221 are alternatives, rather than provisions that build on each other. There is an "or" after the word "qualifications".

Stephen Kerr: That is correct. Thank you for clarifying my own amendment. Yes, there is an "or" at the end of paragraph (c)(ii). I am trying to illustrate the significance of both of those requirements. To go back to John Mason's quest for perfection earlier, we would all agree that it would be ideal if someone had all those qualifications, but we definitely want someone who has some experience of the regulatory environment relating to educational qualifications or some experience in public sector governance. You are absolutely right.

As I said, the issue is of profound significance, because one of the clearest criticisms that has been levelled at the SQA has been about the lack of transparency and accountability in its internal structure. In Professor Muir's report, "Putting Learners at the Centre", he made clear that a culture of defensiveness and lack of openness has

been allowed to grow, leading to a perception of unaccountability and remoteness from the educational community. My amendment is an attempt to nail down that the chief executive would be someone who is very connected to, not remote from, the educational community.

Amendment 222 would build on that principle by ensuring that the chief executive

"demonstrates a commitment to the values of openness, transparency and accountability".

I will unpack the amendment for the committee's consideration. It would require qualifications Scotland to have

"clear and accessible ... decision-making".

It would ensure

"that standards and assessments in relation to relevant qualifications are subject to appropriate scrutiny",

and it would place in statute a requirement to engage with relevant and important viewpoints.

11:15

There would also be an obligation in law to

"publish data, reports and decisions in relation to the exercise of ... Qualifications Scotland's functions"

and to

"respond appropriately to developments in ... education policy ... the needs of children, young people and other persons undertaking a relevant qualification"

and

"employers".

Martin Whitfield: Would the member take a short intervention?

Stephen Kerr: Yes.

Martin Whitfield: I am grateful—

Stephen Kerr: We are always grateful for the illumination that you bring to my amendments.

Martin Whitfield: Your proposed new paragraph (b)(v) contains the phrase "respond appropriately". What do you envisage as the test of appropriateness? Is it public opinion, or the opinion of committees or Parliament, or the Scottish Government?

Stephen Kerr: No—it is evidence. It is the evidence that is presented and available, as it would be in responding to any such situation. I would not expect anybody to respond to vagaries of opinion—I would expect such things to be substantiated by firm evidence. That is a requirement of sound leadership: that you gather evidence. That may involve different opinions, but you should be at the heart of seeking evidence, in whatever form you can get it, in order to be fair and transparent in the way that you arrive at your decisions.

Amendment 222 would also ensure that, under the chief executive's leadership, qualifications Scotland would adhere to the Nolan principles—the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those are not, and should never be treated as, platitudes; they are the ethical framework by which all public servants in Scotland ought to be judged.

Again, the bill as introduced is largely silent on those matters. It creates a body, establishes a board and defines functions, but it says almost nothing about the internal responsibilities of those who will actually deliver on that body's mission. I recognise that we cannot legislate for outcomes, but we can legislate for structures and expectations that make good outcomes more likely. That is why I offer these amendments, which seek to do just that.

I turn to amendment 223, to which Ross Greer referred in his remarks. The amendment proposes that the chief executive be appointed for a fixed and non-renewable term of seven years. Again, that is about protecting the independence of the role. If we are serious about having an inspectorate, or any chief executive or anybody in a high-profile public role, who can speak truth to power and who can challenge national policy and local practice, I feel that, in statute, we must insulate that role from the possibility that the independence of the chief executive might be compromised by considerations of future reappointment.

A non-renewable term would also remove the risk of perceived favour seeking, and it would liberate the postholder to lead fearlessly and impartially. Seven years seems to be a reasonable period.

George Adam (Paisley) (SNP): On the more positive side, what if the said individual, after seven years, is doing a fantastic job and has all the leadership requirements that Mr Kerr is looking for? All of a sudden, they cannot stand any more and continue with the job that they are doing. Would that not limit the individuals, in terms of people with the ability who might want to go for the role?

From my perspective, it seems that you have already cut out quite a few people who would actually go for the role. I remember my time in public appointments in the local council, where a submarine commander applied for every senior job in the council. I am not sure whether he had the leadership qualities, or whether he could pick up the bins on time, but the whole idea is that there are people who have leadership qualities

and could possibly bring something other than education experience to the role.

I appreciate that I have gone off at a tangent from my initial question, but Mr Kerr knows what I am like. There are other people who may have the leadership qualities for the role. Would your amendments not limit the potential for qualifications Scotland to appoint a dynamic person who had the skills to take the organisation forward?

Stephen Kerr: I am always grateful for your interventions, because they are always a novel and exciting experience. I really did not think that we would manage to cover bin collection as part of our consideration of the Education (Scotland) Bill, but we have done.

To answer your question directly, I am sure that you would agree that, when it comes to leadership qualities, one of the most important aspects relates to succession. For the reasons that I have outlined, given that we are talking about a period of office that is non-renewable, anyone who has an eye on their passions as a leader being sustained in the future will want to build in a lot of work on succession. That is one of the qualities of leadership that I would look for most in recruiting a chief executive for any body.

I think that seven years is a reasonable period. It is long enough to ensure strategic continuity and impact and to provide for succession, but it is also limited enough to allow for fresh leadership at appropriate intervals. I am pretty keen on there being lots of leaders and lots of opportunities for leaders. No one should read anything into my comments in that regard as relating to any other sphere.

Such an approach is consistent with the approach that is taken to other senior public appointments in Scotland and beyond. It represents a safeguard against politicisation—I worried about pronouncing that word the moment I wrote it—against the entrenchment of authority and against the dilution of challenge. Those are important points.

The bill as introduced is largely silent on those matters. It creates a new body and defines its functions, but I want it to go further than that. I want it to clearly describe the expectations with regard to the people who will hold critical leadership roles. I return to the key principle at stake, which I mentioned in my previous remarks to the committee—that of trust. The public will not judge the new agency by its legal structure alone; they will judge it by its conduct, its openness and the way in which its staff interact with learners, educators and the broader system. If we are serious about having a new start and making a clean break from the SQA's legacy, we cannot afford to be casual about the internal ethical framework of the new agency.

My amendments seek to address precisely that issue. They seek not to burden the organisation with bureaucracy but to equip it with the ethical scaffolding that is necessary for integrity and accountability. Therefore, I urge my colleagues on the committee to support amendments 221, 222 and 223. I think that they are moderate, principled and constructive proposals that would strengthen the foundation on which qualifications Scotland is built. I ask the Government to consider whether the bill in its current form goes far enough to underpin and guarantee the operational culture that we all know is needed to serve the best interests of Scotland's learners and educators.

Jenny Gilruth: I thank Mr Greer and Mr Kerr for explaining the purposes of their amendments. As we have heard, amendments 47 and 48 are about the creation of a new statutory position of chief examiner, which would be separate from the role of chief executive. That person would require to be registered with the General Teaching Council for Scotland. I remind members that I am a member of the GTCS.

I highlight to the committee, as Ross Greer did, that the SQA has already implemented a new executive management structure, which includes the newly defined roles of chief executive and chief examiner as separate functions. Only yesterday, along with the director of education reform, Clare Hicks, I spoke to the chair of the SQA. She talked to us at length about how warmly that position change by the SQA has been welcomed. It is our expectation that that shift to the separation of those leadership positions will transfer to qualifications Scotland.

Pam Duncan-Glancy: I take the point that, as the cabinet secretary and Ross Greer have said, that function has already been created in the SQA, but that is after a significant amount of concern was expressed about the organisation, after various problems with exams—I will not rehearse them, but they started in 2020 and continued in relation to the history exams. Does the cabinet secretary accept that, rather than leaving whatever replaces the SQA to create a preferable structure in the midst of a crisis, it would be better to properly set up that new structure in legislation, so that we have the right kind of structure from the beginning?

Jenny Gilruth: I will come on to the explanation of the rationale behind my positioning on the amendments, if the member will allow me to do so. There are challenges with amendment 47 as drafted, and my explanation of them will answer some of the points that Ms Duncan-Glancy makes.

It is my expectation—this is the original point that I was making—that the structure that involves the separation of those responsibilities will transfer into qualifications Scotland. One of my concerns about the amendment relates to the fact that qualifications Scotland will be an NDPB, which means that it will be responsible for its own staffing and operational structures, and I am not overly convinced of the need to prescribe that particular role in legislation, nor for ministers to be responsible for approving staff appointments, with the exception of the chief executive.

I want to provide assurances to Mr Greer that I have every intention of supporting qualifications Scotland in developing its renewed leadership structure, which I think talks to some of the issues that Ms Duncan-Glancy and Mr Kerr were speaking to in relation to culture shift. The body has to better support the delivery of qualifications and assessment, and, as I outlined, much of that work is already under way in relation to the changes that have been brought forward in recent months by the current chair—I was going to call her the new chair, but you chastised me for calling her that at our previous meeting, convener, as she is not that new.

The Convener: In relation to an earlier group of amendments, you mentioned some work that you had asked the chair to do. Could you outline that work and the reporting period for it?

Jenny Gilruth: Can I come back to you on that point? I want to check with officials in relation to an associated reporting period.

The Convener: Okay.

Jenny Gilruth: We have asked her to strengthen the accreditation function, and there are a number of different actions associated with that. I will come back to you on that point, as I am aware that officials are not allowed to talk in this current engagement.

On amendment 47, I am, of course, supportive of the principle that the chief examiner should have teaching experience. However, as members will appreciate, not all previous teachers necessarily remain registered with the GTCS, and not all of our teachers trained in Scotland. If someone has spent many years building essential qualifications and assessment experience elsewhere, they might not be a member of the GTCS—something that, of course, also incurs an annual fee. I believe that, if we were to require GTCS registration, we would risk missing out on the invaluable experience of candidates who might come from outwith Scotland, as we would be presuming that a candidate would have been a teacher in Scotland, which I think would be quite limiting.

I also wish to note that specifying a staffing role like that in legislation has other challenges. A chief executive is a well-established role, and it is clear to all that their role is to lead the organisation, whereas the role of a chief examiner, prescribed in legislation, is likely to be more ambiguous to people. We would need to be much clearer in the legislation about the function of that role but, at this point, based on the current role, I do not think that prescribing it in legislation would be helpful to the organisation, as that role might need to adapt and change to fit the future organisational and system needs.

As I said, if we were to legislate on this, we should be much more flexible about who can be appointed to ensure that we do not exclude good candidates who might have taught outwith Scotland.

Ross Greer: I am grateful to the cabinet secretary for laying out the rationale for her position. For clarity, can she say whether, if I were to withdraw the amendment and come back with an equivalent to it that still separates those roles but addresses the GTCS point and takes a wider definition of an educator, the Government would be able to support it?

I am a little confused by the cabinet secretary's explanation. On the one hand, it sounds like the Government objects to separating the roles in statute, full stop. However, on the other hand, it sounds like it is just a drafting issue. If it is the latter, I am perfectly happy to withdraw the amendment and come back at stage 3 to address the point about the requirement for membership of the GTCS being too restrictive. However, it does not sound like that is the Government's objection; it sounds like the Government objects to us separating those roles in the bill, full stop.

Jenny Gilruth: The objection is twofold. The first objection, which the member alludes to, is that there is no requirement for the matter to be dealt with in legislation. That also raises the issue of the role of ministers in stipulating staffing structures in an organisation, which is highly unusual.

I understand members' interest in the matter and why Mr Greer—I am guessing—does not want a rolling back in relation to the separation of the roles. I am happy to look at the issue at stage 3 with the member. I have real concerns about the GTCS stipulation as drafted, because it could potentially exclude people from outwith Scotland who have undertaken their teacher training elsewhere. That is concerning. Staffing structures should be a matter for the organisation and not really for ministerial interference. It would perhaps be helpful for me to hear a bit more from Mr Greer, if the convener would allow me to, on his rationale for the requirement for the separation to be spelled

out in legislation, given that the organisation has already shifted in recognition of the challenges.

11:30

Ross Greer: I do not want to be too flippant, but the rationale is quite simple. The organisation that we are replacing has proven itself undeserving of our trust and incapable in governance, in how it structures itself and in the operational decisions that it makes. That is why Parliament is now taking the dramatic step of abolishing the Scottish Qualifications Authority and replacing it with a new body. I want to ensure that we build in safeguards so that we do not repeat some of those mistakes. It sounds as if the cabinet secretary is essentially asking us to trust the new organisation and, although I hope that the new organisation will prove itself deserving of our trust, I do not think that the risk is worth taking, given why we have got to where we are now, and I think that we should put that safeguard into the legislation.

Jenny Gilruth: From my perspective, it is helpful to hear the rationale. I want to put on the record that that work has already been undertaken. Notwithstanding that, I recognise the concern that Mr Greer has raised and the issues around trust, which the committee is well versed in and which are part of the rationale behind reform. I am more than happy to work with Ross Greer on an amendment at stage 3 that will capture the focus of what he is trying to deliver, which is separation, and will recognise the points that I have made in relation to GTCS membership.

I turn to Mr Kerr's amendments 221, 222 and 223, which seek to place legislative requirements around the experience and values of a chief executive, their appointment period and what actions they must encourage the organisation to undertake. I note that amendments 221 and 222 present slightly different options to consider. However, the reasons why I do not think that they are needed apply to both options.

The amendments from Mr Kerr replicate the values that all public appointments require, as set out in the code of practice for ministerial appointments to public bodies in Scotland, which is published by the Ethical Standards Commissioner. I think that previous amendments have addressed that point. It is not necessary or appropriate to set out those requirements in legislation, as that would mean that the bill could become out of date if the code of practice changed. Adding those requirements in isolation would also fail to recognise other important values that are required for public body appointments. The principles of public life in Scotland apply to all who hold public office, including members of public bodies, and they include integrity, honesty and leadership.

To reassure Mr Kerr, under the bill as introduced, Scottish ministers will approve the appointment of the chief executive. Schedule 4 also provides for the Ethical Standards Commissioner's rules to apply. If a recruitment process has not identified a preferred candidate who meets the values that are expected of public body leaders, Scottish ministers can reject the proposed appointment.

Due to the subjective nature of some of the behaviours that are listed in amendment 222, I cannot support it. I am also concerned that amendment 222 conflates values and behaviours with the functions of the body, which are already covered in other sections of the bill. For example, the bill already sets out new requirements for transparency, decision making and scrutiny of how it works. I am mindful of the points that Martin Whitfield made on the matter, too.

References to demonstrating commitment and responding appropriately are open to judgment and would be better dealt with and tested in the appointment process rather than in legislation. Ministers would not appoint an individual who was assessed as not being able to deliver on those statutory requirements. Furthermore, the requirement in amendment 221 for the chief executive to have experience in the regulation of qualifications is contradictory to the provisions in the bill, in which the accreditation function is quite separate and overseen by the accreditation committee.

Limiting the appointment of the chief executive to seven years would, as we have heard, risk the body regularly losing essential knowledge—which I think was the point that Mr Adam was trying to make—which would limit its ability to inform and deliver long-term change and improvement. Furthermore, changes to qualifications as a result of the wider programme of education reform, which includes Professor Hayward's recommendations, will take a number of years to be fully implemented and embedded across our curriculum. To that end, it would be valuable to have the ability to ensure sufficient continuity.

I highlight to Mr Kerr that statutory time limit terms for chief executives are not usual in Scottish legislation, but they are common for board members. Chief executive terms are generally covered by appointment contracts and governance frameworks rather than explicit legislative term limits. Therefore, I question the need for the time limit to be specified in legislation, given that the chief executive will be an employee of qualifications Scotland. However, the terms of appointment could be set by the board to allow for flexibility, should changes be required.

For those reasons, I cannot support Mr Kerr's amendments in this group, and I urge others to

take the same position. However, I hope that I have provided some level of comfort that the principles of his amendments are well established throughout Scottish public sector appointments.

The Convener: I call Ross Greer to wind up and press or withdraw amendment 47.

Ross Greer: I am grateful to the cabinet secretary for laying out her rationale. I must admit that I am still somewhat unsure of the Government's position and of exactly what the cabinet secretary is offering me. If the Government is willing to accept that we should legislate to separate those roles, I am perfectly happy to work with the cabinet secretary and come back with an amendment at stage 3 that addresses the point around the GTCS in particular—although I do not entirely agree with it, I am perfectly happy to address that point for the sake of achieving wider agreement.

Jenny Gilruth: I am happy to do so.

Ross Greer: I am grateful for that. It is valuable for us to achieve consensus wherever possible. On the basis that we will come back at stage 3 with an amendment that sets out the separation of those two roles, I am perfectly happy to not press amendment 47 to a vote or to move amendment 48.

On Mr Kerr's amendments, I think that amendment 222 is too prescriptive and amendment 223 too restrictive. I have some sympathy for what is in amendment 221 as a broad statement of principles but, given that we will be coming back with amendments at stage 3 to address the points that we have been discussing on the separation of the roles, I would not vote for amendment 221 at this stage, although I could conceive of something in that area that I would be able to agree to at stage 3.

On the basis of the cabinet secretary's reassurance, I will not press amendment 47 or move amendment 48 when we get to it.

Amendment 47, by agreement, withdrawn.

Amendments 221 to 223 not moved.

The Convener: This is an opportunity to take a short comfort break.

11:37

Meeting suspended.

11:47

On resuming—

The Convener: Welcome back. Amendment 224, in the name of Katy Clark, is grouped with amendments 241, 281, 288 and 333.

Katy Clark (West Scotland) (Lab): I am grateful for the opportunity to speak to the amendments in the group, all of which were lodged with the aim of exploring how we can create a strong duty of care to students on educational institutions in the higher and further education sectors. The duties that organisations have to students are very different from those that they have to their workforce—where duty of care is contained in the employment contract—and from the types of duties that exist in the school system.

I have come to the committee as a result of work around violence against women and girls—there are a number of cases in which there have been significant failures in the education setting—and the work of campaigners such as Fiona Drouet, which many committee members will know of.

My amendments relate to how we can try to ensure that there are greater obligations on institutions in relation to students. We have to remember that many young people leave home for the first time to go to college and university, which are very different kinds of environments from the ones that they have been in before. As a society, we need to ensure that we provide a strong framework and that there are appropriate duties of care to students in such situations.

All my amendments relate to the mental health and wellbeing of all students in further education and higher education and those who are studying for teaching qualifications, for example, under the proposed qualifications Scotland framework.

We know that being a student, and, indeed, taking part in those forms of training, can be a very stressful experience for many. A survey from the Mental Health Foundation in 2021 showed that 19.6 per cent—nearly 20 per cent—of university students in Scotland reported either having had suicidal ideas or making a suicide attempt in the previous six months. There will be other data and we know, generally, that this is a very stressful time for many. Trade unions in the further and higher education sector have also reported that there are high levels of stress, anxiety, depression and other mental health issues among staff, and that those issues can exist on campus.

Clearly, we need robust and codified support for both those who are learning and those who are teaching under the proposed qualifications Scotland framework. All my amendments aim to open up that discussion and consider how we can—

Jackie Dunbar: Will the member take an intervention?

Katy Clark: Of course.

Jackie Dunbar: The committee has received a letter from Universities Scotland that raised serious concerns about the ramifications of the member's amendments for the entire education and skills system. I ask her to respond to those concerns.

Katy Clark: I saw the letter, or at least extracts from it, last night. I have had discussions with the sector in the past, and I understand that many in the sector are sympathetic to something along the same lines, although they may have a concern about the drafting of the amendments or a broader concern.

In what I have outlined so far, I am trying to say that we need to look at the issue again. Given the amount of public funding that goes into higher and further education, it would be reasonable to expect those institutions to have higher levels of responsibility for providing safe systems.

What "safe" looks like will be many things. I have focused on the issue of violence against women and girls, and we can think of many reasons why it is necessary to create systems that minimise the risks of that violence. However, my amendments are far more wide ranging and relate to many other situations and pressures that affect students.

Miles Briggs: I am grateful to the member for lodging her amendments. It is important that the issue is included in the bill.

Each institution that I have met has a very different set of supports available. For example, at the University of Edinburgh, which has a large international student intake, some of its duty of care is related to language barriers. Other institutions have been providing useful support in relation to mental health, which the member has mentioned. They may also provide access to food banks or more holistic support while someone is going through their studies. Is that what the member envisages being created through the bill, or is she just pointing towards what should be a wider package of duty of care? I would hope that the Government would be quite open to such a package being part of the bill and to working on a set of principles around what that could look like.

Katy Clark: That was a very helpful intervention from Miles Briggs.

I am attempting to explore the possibility of a generic duty of care. How that duty is implemented would be considered over a lengthy period of time, and it may change over the decades as people's understanding, knowledge levels and views on what it is reasonable to expect change.

I am attempting to increase the legal threshold, if you like, that currently exists. As Miles Briggs said, different institutions provide very different levels of support. Often, that support has improved in recent years as a result of lessons that have been learned following sometimes quite tragic circumstances. As I understand it, there is not a uniform standard across Scotland, but there has been an improvement in recent decades, as institutions have responded to campaigning and concerns that have been raised. The idea behind my amendments is to create that minimum legal threshold, as opposed to recommending specific actions, such as providing access to food banks, which is an approach that I have not considered.

It is more that there should be a duty of care, in the same way that institutions have a duty of care in relation to many of the other relationships that they have.

Martin Whitfield: It seems to me that the very strong purpose that sits behind Katy Clark's amendments also rests in the fact that there are some young people in educational institutions for whom there is already a duty of care, simply because of their age.

Katy Clark: Yes—exactly.

Martin Whitfield: That makes for a much more simplistic platform—although that does not mean that it is not beneficial—on which to build services for all young people who engage with educational establishments, where we can define the duty of care. As Katy Clark has said, that is the minimum standard, and we can look above that. For people in institutions in particular, the proposal makes the playing field far easier to understand, given the various and differing types of students who engage at different stages in their life and at different stages in their development, which I think is very important, too.

Katy Clark: That intervention from Martin Whitfield is extremely helpful, particularly its focus on age. I would argue that some barriers are artificial, including, perhaps, around the different levels of legal responsibility towards different students, depending on how they are categorised.

I am arguing that institutions should have a general duty of care, which would be a helpful development in terms of Scots law. The detail of what that might look like may be something for discussion, but I do not think that it necessarily needs to be outlined in legislation. The aim is to improve overall standards and the overall legal requirements. Although I am happy to focus on specific amendments, the general concept is that institutions should have a generic duty of care in the way that they have duties in relation to many of the contracts that they are involved in as universities or colleges.

Amendment 224 would require there to be a dedicated member of staff to ensure that qualifications Scotland was meeting its obligations

in relation to a duty of care. I was not in any way suggesting that that would necessarily mean recruiting a new member of staff; it was more that there should be someone in the organisation who would have specific responsibilities to ensure that those obligations were met. That might require another member of staff, but I do not believe that that would automatically be the approach taken. It would be more likely that the organisation would have somebody with a role in driving that piece of work.

Amendment 241 would require that, in exercising its functions, qualifications Scotland owed a duty of care both to students and to those taking part in training for a qualifications Scotland qualification. The suggestion covers a number of cases where there has been concern about the experience that students have had. There would be a responsibility to act in the aforementioned parties' best interests and to have regard to their mental and physical wellbeing.

Amendment 288 sets out a duty of care for educational and training establishments. At the most basic level, that duty of care would involve the establishment attempting to act in the best interests of teachers, practitioners and learners. That relates to a wider health and wellbeing agenda, and it would ensure that teachers, practitioners and learners were entitled to access support from education and training establishments and to have that codified to ensure that learners who faced additional barriers were able to achieve their fullest potential.

Amendment 333 details an inspection plan, which would be set out by the chief inspector as soon as it was practical to do so. The plan should include details of how an assessment would be conducted to ensure that establishments were upholding their duty of care and that groups were having their needs met. That perhaps picks up on some of the points that Miles Briggs made in his intervention about the practical implications for institutions. Would it mean them considering providing a service that they currently do not?

12:00

Ross Greer: This intervention can replace the contribution to the debate that I was going to make, convener.

In relation to amendment 288, would Katy Clark agree that institutions—schools, in particular—should have a duty of care to anyone who walks through the doors? I know that there is no intention to exclude anyone, but, to take schools as an example, I note that, although a school absolutely has a duty of care to its pupils and to its teachers, it also has a duty of care to its support staff.

In relation to violence against women and girls, I am particularly conscious that it is often women on the school support staff who are shown the least respect and who have to endure the most unacceptable sexual harassment. If we are heading towards a blanket duty of care—and I am glad that Katy Clark has lodged the amendments—we should ensure that that duty is to everyone who steps through the door of any of these establishments and, in particular, to all members of staff.

Katy Clark: I am grateful to Ross Greer for his intervention. Most people who work on campuses probably have a direct contract of employment that probably includes a duty of care in relation to their employment. I would hope that most support staff would be covered by that duty through the employer-employee relationship. However, over the decades, there have been increasing numbers of people working on site—contractors, consultants or other individuals working in a wide range of capacities—who are not in a traditional contract of employment situation. Institutions are already having to grapple with those issues.

My amendments in the group very much focus on students, who, almost bizarrely, seem to have fewer contractual rights in their educational relationship with institutions. I suggest that we need to explore that. We need a generic right and an overriding attempt to ensure that there is a duty of care.

My amendments can be seen against the backdrop—particularly after Covid, but it has been happening over many decades—of an awareness of the increasing numbers of individuals who say that they have mental health concerns while studying. According to Scottish universities, the number of students who say that they have a mental health condition has tripled over the past decade.

It is with all that in mind that I have lodged the amendments to embed the concept of a duty of care in qualifications Scotland and in institutions. As I hope that I have made clear from the way in which I have presented my amendments, this is an attempt to start the discussion and to look at how it could be done.

I hear what Jackie Dunbar said about the concerns that are being raised by institutions. When I initially came to the issue a number of years ago, it was senior members of institutions who raised it with me. There is an appetite in the sector for change, whether as drafted in my amendments or differently. I am interested in the concerns that were raised in the correspondence that Jackie Dunbar referred to earlier. Obviously, the debate needs to be had.

However, as politicians and representatives in this Parliament, it is reasonable for us to say that we expect institutions to have such a duty of care to students. In the past, there has not been the guidance, support and pastoral care that we would have expected. I hope that committee members are sympathetic to that, whether or not they feel that they are able to support the specific wording of any of my amendments in the group.

I move amendment 224.

Jenny Gilruth: I thank Ms Clark for explaining the purposes of her amendments. It is helpful to have that background. As she will know, the Scottish Government already supports Fiona Drouet's EmilyTest in colleges and universities more broadly.

We are all behind the importance of health and wellbeing across our education system. I appreciate that the amendments are an attempt to start a discussion, but there are some challenges in relation to drafting at present, which I am more than happy to engage with Katy Clark on. I will talk to them in more detail.

The challenges relate to the duplication of existing duties and the potential imposition of open-ended duties. It is unclear how organisations such as qualifications Scotland and education and training establishments in Scotland could comply with the duties of care that would be imposed in the terms that Ms Clark has proposed, because those duties are very broad and it is not clear what steps would need to be taken to meet them. I would be happy to discuss that with Ms Clark in more detail, but there is a lack of clarity in how the application of the proposed provisions would interact with existing duties.

I turn to the detail of amendments 224, 241 and 281. Amendment 241 sets out that qualifications Scotland would owe a duty of care to those who take and those who deliver qualifications. That duty would include, but would not be limited to, acting in their best interests. The package of amendments also includes measures that seek to ensure that qualifications Scotland sets out in its corporate plan how it intends to satisfy that duty and appoints a dedicated member of staff with responsibility for ensuring that the duty is met.

It is worth emphasising that qualifications Scotland will have, as all public bodies have, an inherent duty of care to its service users more broadly. Ensuring that qualifications Scotland acts in the interests of children, young people, adult learners and teachers is also, fundamentally, a core driver of reform, as we have already heard this morning. The range of governance and accountability measures that we are embedding in the organisation as part of the bill go wider than these amendments and will ensure that those interests are always at the centre of the organisation. For example, the learner charter and the teacher and practitioner charter emphasise the expectations that are to be met by qualifications Scotland in supporting learners and teachers, and section 7 of the bill requires qualifications Scotland to take account of the needs and interests of those who use its services.

However, I would be concerned about a requirement for qualifications Scotland to act in the best interests of those named, as that would create a significant ambiguity as to what exactly constitutes compliance. Furthermore, the duty is not limited to that. It is so broad in its current terms that it potentially widens the scope of the duty of care beyond what would normally attach to a national public body.

I am also concerned about the relevance of what is proposed in that regard. Qualifications Scotland will serve children, young people and adult learners who are undertaking qualifications. However, in practice, the organisation will not work directly with those individuals; rather, the relevant education establishments and their teachers and training staff will do that, and they already have a duty of care to them.

I therefore do not think that it is relevant for those broad duties to be conferred on qualifications Scotland beyond what it will already be expected to do as part of its delivery functions. I therefore cannot support amendment 241.

Amendment 288 would impose a duty of care on the listed educational and training establishments in relation to persons undertaking education or training and persons providing teaching or training. That duty includes, but is not limited to, a duty to act in the best interests of those persons, a duty to protect their health and wellbeing, and a duty to ensure that they have fair and equitable access to support from their education or training establishment. It is not clear whether the intention is to widen the scope of educational establishments' potential liability in relation to those matters, but that appears to be the effect.

The duty is expressed in broad terms, and the particular aspects that it includes are framed in open-ended terms. For example, it is unclear what the limits would be to the duty of an education authority to protect the health and wellbeing of its pupils and employees.

In addition, some aspects of the provisions would interact with and, to an extent, duplicate, existing law. For example, it is unclear how the duty to protect the health and wellbeing of pupils and employees would interact with health and safety law and with the duty in the Standards in Scotland's Schools etc Act 2000 for schools to be health promoting.

The duty of care that amendment 288 would impose on relevant educational establishments in relation to learners and teachers would almost certainly create confusion for educational establishments, which will already have their own specific duties of care that are relevant to their circumstances, staff and service users.

As I understand it, and as members heard from Jackie Dunbar, the Scottish Funding Council and Universities Scotland have written to the convener to set out their concerns over amendment 288 and its potential implications. I am concerned that such a broad requirement would lead to inconsistencies in how the duty was applied across different establishments such as schools, further education providers and training institutions, whose circumstances differ widely. That may also be the point that Miles Briggs was driving at.

In my view, amendment 288 is ambiguous and duplicative. I therefore cannot support it.

Amendment 333 would require the chief inspector's inspection plan to include

"how an assessment will be made as to whether an establishment is upholding its duty of care".

The new provision for the chief inspector on child protection and safeguarding in amendment 88, which is in group 29, goes a long way towards meeting what appears to be the policy objective behind amendment 333.

A further important safeguard will be the role of others, including this Parliament, in scrutinising the inspection plan and ensuring that it is sufficiently robust. That will be required to happen if amendments from Mr Greer, which I will support, are agreed to.

The scope of the chief inspector's functions is wide, and we would expect that all inspection frameworks that they put in place would include consideration of how the health, wellbeing and other interests of children, young people and other learners are being safeguarded and promoted.

Finally, a range of different national and strategic frameworks and systems exists to support organisations to protect and care for learners and teachers. Members will be au fait with GIRFEC—getting it right for every child—which puts the rights and wellbeing of children, young people and their families at the heart of policies that provide support for children and families, including in relation to schools.

The United Nations Convention on the Rights of the Child requires that the best interests of the child are a primary consideration in all actions that concern them. Public authorities must also report on the actions they have taken and intend to take for the purpose of ensuring compliance with the compatibility duty and to secure better or further effect of the rights of children.

Although I do not support the amendments in this group as currently drafted, I am interested in working with Ms Clark on what I think is at the heart of her amendments, which is that our children, young people and learners, and those who deliver their learning, are supported in the best ways possible.

I note that Ms Clark has similarly themed amendments in group 15. I therefore ask Ms Clark to not press amendment 224 or move her other amendments and instead to meet me to discuss options to improve the support that qualifications Scotland and our wider system can provide to the individuals and groups that she has spoken about.

The Convener: I call Katy Clark to wind up and to press or withdraw amendment 224.

Katy Clark: I would be very happy to meet the cabinet secretary in relation to any of the amendments. In response to her comments generally, I would say that my main argument today is about the simplicity of having an overriding duty of care. I hear that she is concerned about confusion and that institutions have specific responsibilities that are carried out in specific ways. However, if we look at how rights have been created in legislation historically, we see that very simple duties have been created. It is quite unusual and surprising that institutions in this country do not have that overriding duty of care to their students. That is the issue that I am attempting to explore today.

We can continue to create very specific responsibilities, but by doing so, there will always be gaps. We will all have been involved in cases and situations in which we felt that educational institutions have failed students over many decades. My amendments attempt to raise the minimum standard that we expect of all institutions.

The cabinet secretary's points about the rights of the child echo Martin Whitfield's point that it might well be that the legal obligations are higher for younger students than for some older students, but that does not mean that, as a society, we should say that similar duties should not exist for students who do not fall within that category.

I am interested in what the cabinet secretary says, but I ask that we consider whether having a generic duty of care that would be interpreted according to the facts and circumstances in each individual case would strengthen our legal framework in educational settings in Scotland. It is worth exploring that.

I will withdraw amendment 224 and I do not plan to move any of the other amendments today.

Amendment 224, by agreement, withdrawn.

Amendments 48 and 118 not moved.

The Convener: Amendment 225, in the name of Pam Duncan-Glancy, is grouped with amendments 49, 32, 119, 1, 226, 227, 50, 120, 33, 121, 51, 228 and 52. I point out that, if amendment 119 is agreed to, I cannot call amendment 1, due to pre-emption. If amendment 121 is agreed to, I cannot call amendment 51, due to pre-emption.

Pam Duncan-Glancy: As we have discussed this morning and during the committee's consultation on the bill, it is recognised that our qualifications system must reflect the diversity among all of Scotland's learners, including in relation to those who sit at the table. Amendment 225 would address how qualifications Scotland would listen to, learn from and work with people who will be most affected by its decisions.

We can probably all agree that people who are affected by such decisions have not always been listened to optimally and that we need to address that, so amendments in that regard will be incredibly important. Strong governance comes not from the boardroom alone but from inclusive structures that bring in the lived experience of learners, educators, parents and communities. That is why the committees and their structures that are set out in the bill are crucial and why it is important that we discuss who will be on those committees and how they will operate.

12:15

The amendments reflect a shared understanding that participation should be built into the fabric of the new agency—not just as a principle but as a practice—and that the diversity of everybody in the system should be reflected. If we are serious about equity and fairness in education, the way in which the new qualifications body will make decisions must be inclusive, transparent and collaborative. That principle is at the heart of the group of amendments that we are discussing. The amendments differ in their specific proposals, but I think that they are all united in a common goal, which is to strengthen the legitimacy and responsiveness of qualifications Scotland by embedding representation, accountability and consultation in its structures.

Amendment 225, in my name, would ensure that, when appointing members to its committees, qualifications Scotland "must have regard" to representing the interests of those with protected characteristics under the Equality Act 2010, those from socioeconomically disadvantaged backgrounds and those who are care experienced. The amendment speaks to some of the serious concerns about Scotland's education system in recent years. It will ensure that the learners who most need the qualifications system to work for them and be responsive to their needs and those who are usually underrepresented—not just in relation to qualifications but in staff bodies like qualifications Scotland—are carefully considered when members are being appointed to committees.

Amendment 225 presents an opportunity for that expertise to be right at the centre of committees, and it speaks to the principle that there should be nothing about us without us when it comes to care-experienced people, people with protected characteristics and people with socioeconomically disadvantaged backgrounds—I have mentioned it previously, but there is probably merit in mentioning again that the group of people who have experienced socioeconomic disadvantage is feeling particularly let down, given what happened in 2020. That should be the case for all public bodies that we set up, and amendment 225 is an attempt to make sure that qualifications Scotland serves all Scotland's learners.

Amendment 227 would require the learner interest committee to include a representative of the parents of children and young people who were undertaking a relevant qualifications Scotland qualifications. That would mean that qualifications Scotland would benefit from the expertise of parents, who, if I am honest, felt a bit out of the loop with the bill. The amendment would give them the opportunity to have their rightful seat at the table to shape and improve the work of qualifications Scotland.

I understand what my colleague Ross Greer is seeking to achieve with amendments 50 and 120. In some ways, they are a bit circular in relation to consultation, given all the different groups and committees that are listed. I know that he is trying to make sure that everything is collaborative, but I wonder whether the amendments might have overstretched. On amendment 120, students who take advanced highers or do apprenticeships should be engaged and represented on the committee, but I am not sure that the wording of the amendment would allow for that. I suspect that that is not deliberate.

Amendment 228 would require qualifications Scotland's teacher and practitioner interest committee to include a number of representatives to ensure that the views of trade unions and key education stakeholders were heard on it, including

"one or more persons who are representatives of an education trade union operating in Scotland ... one or more persons with knowledge in the areas which are the subject of Qualifications Scotland qualifications ... one or more persons with knowledge of business and industry"

and

"a representative of the Association of Directors of Education in Scotland".

I will take a moment to talk about that. Given the relationships between local authorities, the Government, schools and the education structures, it is really important that we make sure that there is that representation. The same goes for Colleges Scotland, the SFC, Skills Development Scotland and Universities Scotland, which all have an interest here. I appreciate that I have listed a lot of people, but a lot of people have a stake and an interest in the matter. All the organisations that are mentioned in amendment 228 have a stake in our education system succeeding, being on the front foot, being fleet of foot and being world leading again, so I encourage members to support my amendments in the group.

I move amendment 225.

Jenny Gilruth: I thank Ms Duncan-Glancy for explaining the purpose of her amendments. I note that the establishment of two committees that will be dedicated to the interests of children, young people and adult learners and to those of teachers and practitioners has been broadly welcomed. However, as I recognised in the Government's response to the committee's stage 1 report, we have an opportunity to further strengthen their intended impact. Members have lodged several amendments regarding the membership of those committees.

Ms Duncan-Glancy's amendment 225 sets out a very important principle: the diverse needs and interests of Scotland's people should be represented in qualifications Scotland's committees and sub-committees. The amendment aims to ensure that people from marginalised communities and socially disadvantaged backgrounds are considered, and I fully agree with her proposal. The amendment reflects the objectives for interest committees as set out in the bill's policy memorandum.

However, there are some challenges with amendment 225 as it is currently drafted. I question whether the terminology is precise enough for what I believe Ms Duncan-Glancy is trying to achieve. In order for the amendment to work in the way that she intends, it would have to be drafted differently. We would also need to be sure that the term "socio-economically disadvantaged" would work in the context of the bill and to consider whether we need to adjust the amendment to include an appropriate definition to sit alongside it. I ask her not to press amendment 225, with a view to working with me on the issue ahead of stage 3.

Pam Duncan-Glancy: On the point about the definition, I think that, if the substantive amendment was accepted, we could add a definition at stage 3. It does not have to be a case of either/or. However, can the cabinet secretary give me a bit more detail on her point about the specific wording and her concern that it would not do what I am trying to do? Can she say more about what would be needed at stage 3 so that I can understand what she is, I think, offering to undertake?

Jenny Gilruth: I have discussed the wording with officials. On the point about the term "socio-economically disadvantaged", a range of terms are used in historical legislation, and we want to be absolutely sure about the definition. That is the challenge in relation to how the amendment is drafted. However, I am more than happy to work with Ms Duncan-Glancy on that to ensure that we capture the correct definition, because I support what she is trying to do, which is to ensure that we have a much more representative board. I hope that that allays her concerns in that regard.

Pam Duncan-Glancy: If the issue is just about the definition, could the amendment be supported at stage 2 and the definition be added at stage 3?

Jenny Gilruth: The other issue relates to protected characteristics. We need to be mindful that there are a number of different protected characteristics. I am more than happy to engage with Ms Duncan-Glancy on the definition and how we can clarify that, but we have issues about supporting the current wording without having that clarity. From my perspective, I also need to be mindful of legislative competence. However, I am more than happy to engage with her on that point. I have spoken to the issues with the terminology.

Mr Greer has lodged two alternative packages of amendments to ensure that the membership of the learner interest committee includes children and young people. I encourage members to support amendments 119 and 120.

Amendment 119 provides that the learner interest committee must be entirely comprised of those who are undertaking or have recent experience of undertaking qualifications. It will prevent qualifications Scotland staff from being members of the committee. It also provides that one member of the board of qualifications Scotland may be appointed if they represent learner interests on the board; they must act as a co-convener of the committee and they will not be entitled to vote.

Amendment 120 specifies that "children and young people" will be defined as

"persons under the age of 18".

I ask Mr Greer and Mr Whitfield, who has lodged a similar alternative amendment, not to move amendments 1 and 226, which are concerned with ensuring the inclusion of a majority of persons undertaking, or with recent experience of undertaking, qualifications and the inclusion of children and young people. I believe that the

purpose of those amendments is satisfied by amendments 119 and 120, which go much further in providing that the committee consists entirely of those undertaking, or with recent experience of undertaking, qualifications and that it includes children and young people.

Ms Duncan-Glancy's amendment 227 would require parents to be members of the learner interest committee. I agree that parents have a role to play in their children's attainment of qualifications, and, for that reason, I have lodged an amendment that ensures that parents will be consulted on the creation of the learner charter. However, I do not believe that it is appropriate for parents to be represented on a committee that is designated for those who are undertaking qualifications, so I do not support amendment 227.

I also urge caution with regard to the language that we use when referring to parents. It is important that we are as inclusive as possible and that we acknowledge that many young people are care experienced and are represented by carers or other parties. Any use of the word "parent" in legislation should be accompanied by the word "carer".

On the membership of the teacher and practitioner interest committee, Mr Greer has again lodged what I see as a cohesive package that strengthens the committee's membership structure and mirrors the provisions in amendment 119 for the learner interest committee. I ask members to support amendment 121, for the same reasons why I believe that amendment 119 should be supported. It ensures that the voting membership of the teacher and practitioner interest committee is made up entirely of those who have current or recent experience of delivering teaching or training for qualifications. The committee will be supported by a non-voting board member to ensure that there is an effective relationship between the board and the committee more broadly.

Mr Greer's amendment 51 prescribes that a teacher who is in training be on the committee. That is a valuable addition in principle, but the provision could create administrative issues with regard to maintaining membership, given that the duration of training, such as for the postgraduate diploma, could be as short as 10 months. If Mr Greer still wishes to pursue the matter, I am keen to work with him ahead of stage 3 to achieve the effect that he is looking for.

In amendment 228, Ms Duncan-Glancy also seeks to set out membership in a much more prescriptive way. Although I agree that the stakeholders named in the amendment have roles to play in advising qualifications Scotland, their position on the committee as stakeholder organisations could undermine the principle that the committee is about bringing the teacher and practitioner experience to the fore. Therefore, I do not think that it is appropriate for organisational and strategic stakeholders such as the Association of Directors of Education in Scotland, Colleges Scotland, Universities Scotland, the SFC and SDS to have seats on the teacher and practitioner interest committee. Although I am unable to support the amendment, I assure members that I fully expect the stakeholders that are listed in the amendment to have seats on the strategic advisory council. I will speak to that in more detail when we come to group 13. I fully intend to work with members on how we can get the membership model for the council right.

Mr Greer has lodged several amendments that support more effective reporting lines and consultation opportunities for the interest committees. Those amendments very much reflect how I envisaged the committees working, so I encourage members to support amendments 32, 33, 50 and 52.

I have lodged amendment 49 to set out a new provision that is designed to support the staff of qualifications Scotland. The amendment works in connection with the amendments in group 3 that require the member of the board who was appointed to provide knowledge of staff interests to ensure effective consultation with the staff of that organisation. Public bodies have the ability to establish staff governance-focused committees to advise the board. Those committees are an effective way to engage with staff, trade unions and the wider organisation on the issues that most affect staff. Although I do not wish to prescribe that such a committee be set up, because that would, rightly, be for the organisation and staff to decide, in the event that such a committee were set up, it feels essential that it would be convened by the member who was appointed to the board to reflect staff interests. My amendment 49 would require that, so I ask members to support it.

Ross Greer: I apologise for not having done this earlier, but I thank the cabinet secretary and her officials for working with me on several of these amendments over some months; I very much appreciate the collaborative approach that they have taken.

As the cabinet secretary said, amendment 32 is designed to strengthen the link between the learner interest committee and the board in particular. That is based on the experience of and the feedback from those on the learner panels that the SQA has run in recent years. It is certainly the perspective of the learners on the panels that it has often been the case that the SQA senior management have been the only people in receipt of their advice, which they have often disregarded. Very often, the board of the organisation has

simply not been involved in that. There is a question around whether the board has received the advice and not considered it—never mind acted on it—or whether the board has not received the advice at all.

12:30

My intention with amendment 32 is to strengthen that link and to make it clear that the learner interest committee will have a relationship with the board of qualifications Scotland and with the organisation's staff. Both groups—staff and board members—would benefit from having that direct relationship and the advice that they would get from the learner interest committee.

Amendments 119 and 120 are about clarifying the membership of the learner interest committee—the committee took a lot of evidence on that at stage 1. What I seek to do is twofold. First, I seek to clarify that the learner interest committee should not have qualifications Scotland staff members on it. Secondly, I seek to clarify that the learner interest committee should include children and young people and also adult learners.

The 18-year-olds who are taking an advanced higher course, as raised in Pam Duncan-Glancy's point, would be covered under proposed new subparagraph b(ii) as set out in amendment 119. The amendment is intended to clarify that children and young people have unique needs so there is a unique role for them on the committee. It would also clarify that qualifications Scotland serves adult learners—that is, those who are 18 and over.

Martin Whitfield: Your proposal in amendment 120 defines "children and young people" as

"persons under the age of 18."

In Scots law, the rule is that, if you are under 18, you are a child. Is there not a danger that we would create a contradiction between a child and a young person and that, by doing so, we would potentially exclude either a young person and/or a child by attaching the definition of both "child" and "young person" to being under 18?

Ross Greer: I am not a lawyer, but I know that the Scottish Government legal directorate seemed to be content with the language in this case. If there is a need to revise the language at stage 3, we can do that. Amendments 119 and 120 were drafted in collaboration with the Scottish Government, so I believe that there is sufficient clarity that we are talking about children and young people—children under Scots law, as Martin Whitfield says—and that we are including adult learners.

I will not move amendment 1. I took the interesting approach of starting off with what I felt was a compromise position and then, after discussion with the cabinet secretary, we both agreed that, rather than compromise, we should go further on this, which is where the relevant section of amendment 119 comes from. As the cabinet secretary says, the combination of amendments 119 and 120 would go further than amendment 1.

Amendment 33 follows the same principle as amendment 32; it would make sure that the teacher and practitioner committee would have a direct relationship with the board and the staff of qualifications Scotland. I want to make sure that the senior management would not be gatekeeping and that the committees feel that they have a direct link with the board.

Amendment 121 is based on a similar principle to that of amendment 119 and would make sure that the organisation's staff are not on the teacher and practitioner committee.

I am grateful to the cabinet secretary for her offer to work together ahead of stage 3 on amendment 51 regarding having a student teacher on the board. Student teachers would have an important and useful perspective; that is certainly the feedback that I have had when speaking to teachers. Headteachers in particular were keen on there being at least one student teacher involved to give that perspective. I am happy not to move amendment 51 and to come back to the matter at stage 3.

To address Pam Duncan-Glancy's point about whether the provisions in the consultation amendments—50 and 52—would be too onerous, I point to the wording of the amendments, which says that the committees should engage in consultation

"in every case in which it appears to the committee appropriate to do so".

That is, the committees would not have to do that in every case; they would have to do it only when they believed that it was appropriate to do so. The intention of the amendments is to give the committees a firm nudge that consultation should be a normal part of their procedure. That reflects the fact that one of the key criticisms of the SQA in recent years is that there has not been nearly enough consultation with other key groups—the learner panel, for example—and also that there has not been enough wider consultation. Amendments 50 and 52 would not place a requirement to consult all the time—only when the committees believed that it was appropriate to do so.

I will briefly touch on other members' amendments. I agree absolutely with the cabinet secretary on amendment 49, which I think represents a useful way of strengthening the role and the voice of qualifications Scotland staff. I am

sympathetic to amendment 225. If the drafting issues can be resolved at stage 3, that would be beneficial.

I agree with what the cabinet secretary said about Pam Duncan-Glancy's amendments 227 and 228. I think that they would fundamentally change the nature of the learner interest committee and the teacher and practitioner interest committee and would dilute the voice of learners and teachers and practitioners on those committees. There are other ways of doing what those amendments seek to do. It is particularly important that the voice of parents is heard, but their voice should not be heard at the expense of learners by diluting the voice of learners on the learner interest committee.

Pam Duncan-Glancy: In what way does the member think that parents should be engaged?

Ross Greer: I agree with the cabinet secretary's view that we should ensure through consultation requirements that parents are consulted as part of the proposed processes, particularly in relation to the corporate plan.

I will listen intently to what other members have to say about the strategic advisory council when we get to the relevant group of amendments. There are two quite different potential visions for the strategic advisory council. I think that having a parent voice on the strategic advisory council would make absolute sense if it is to be a broadly representative body. I do not want to pre-empt the debate on that group of amendments, but the other vision for the strategic advisory council is that it would be more like the international council of education advisers—in other words, it would be made up of academic experts. If that were to be the case, the strategic advisory council would not be an appropriate place for the voice of parents to be heard. However, we would then need to make sure that we found another place for a parent voice to be heard within the organisation and the wider structures of education governance.

I agree that the bill should include a provision that enshrines the involvement of parents, and I think that the cabinet secretary's points about consultation are important. Once we get to the group on the strategic advisory council, there is a debate to be had about what direction we should go in. If we go in the direction of the strategic advisory council being a representative group, that might be the most appropriate place for a parent voice to be heard within the organisation and its committee and council structure.

I believe that my amendment 119 does the job that Martin Whitfield seeks to do with his amendment 226. I understand his point about the need to clarify the language in respect of the learner interest committee. Although I think that the language in the bill is appropriate, and I believe that the Government also thinks that it is appropriate, it would be helpful to amend that at stage 3 in the manner that Martin Whitfield has suggested—in other words, to remove the term "young people" and just say "children", as we have a definition of children in Scots law. I would be happy for us to do that. However, as things stand, if my amendment 119 is agreed to, it would not be necessary for us to agree to amendment 226 as well.

Martin Whitfield: There has been a great deal of discussion about the broad range of people who have an interest in the bill. We have heard about the ability of people to sit on a board at the age of 16. We know from the correspondence and other submissions that the committee has received that there is huge interest in this area.

The people who sit at the heart of the bill are children and young people. They are the people who will be assessed and whose lifetime chances will be dictated by the doors that open and close between the end of what we call formal education and their university or college years.

We are now discussing a learner interest committee, the provisions on which require to be amended to ensure that children and young people—the very learners who are interested in this matter—will be on that committee. It is disappointing that that is the case in a Parliament that passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and a Parliament in which members have spoken on many occasions about the importance of lived experience and the challenges that our young people and children face.

Amendment 226 is a simple two-line amendment that would ensure that children and young people are represented on the learner interest committee. That does not mean there should be a potential further requirement for those children to be undertaking, or have recent experience of undertaking, a qualifications Scotland qualification, because I know that a significantly large number of children undertake no qualifications and their input might be interesting and incredibly valuable.

It is important for many, many reasons that we address the challenge—as it seems to be for this Scottish Government and Parliament—to open up and welcome being required to give young people access to decisions that are being made about them. Not only would they be listened to, but they would be at the table when decisions about them are being made.

Willie Rennie: I will support your amendment 226, but it is important to recognise what the Children and Young People's Commissioner

Scotland said about making sure that the boy at the back of the class who never speaks to anybody—as I would describe him—is actually included in the considerations.

It is right to have young people involved, but it is also right to have a mechanism that encapsulates the range of views. A young person might speak to you for only five seconds and have no idea about how a committee operates, but their views are just as valid. I want to make sure that they are involved. Do you recognise that?

Martin Whitfield: I welcome that intervention and whole-heartedly agree, which is why I referred to the challenge that is posed by restricting it to those who have recent experience of undertaking qualifications. That person who stays quiet at the back of the class and knows how to turn in on themselves in order to avoid confronting challenges or being asked difficult questions is the very person who should sit on a learner interest committee, as they can say why it is challenging.

The committee's format, and the outreach to young people, have to be appropriate. It cannot involve sitting around in a committee room such as the one we are in and saying, "Well, what do you think of it?" That is a challenge, but we have the pedagogical and social skills to interact and engage with young people to get the very best from them. Hopefully, their contribution will be more than just five seconds—it might take longer than that to make it happen, but it is important that we listen to them.

Ross Greer: I am particularly grateful to Martin Whitfield for making that point and clarifying that we want to hear from young people who may not be taking a qualifications Scotland qualification. On that basis, I would be happy to support his amendment 226 if he moves it at this stage, but it would be helpful if he could acknowledge that if both my amendment 119 and his amendment 226 are agreed to, we will need to do a little bit of reconciliation to tidy things up at stage 3.

The primary intention of the wording that the Government and I landed on in amendment 119—

"young people who are undertaking, or have recent experience of undertaking"—

qualifications, was, as I mentioned earlier, to ensure that we do not disqualify a young person as soon as they have completed their course. The experience of a young person who has, for example, just finished high school is really valuable: having been all the way through the process, they can reflect back on it—that is a voice that we want to hear.

Does Martin Whitfield appreciate that point and recognise that, if we agree to amendments 119, 120 and 226, we will need to do a little bit of tidying up to capture both of the points that we are getting at? The requirement does not necessarily need to be for the young people to be currently undertaking the qualifications, because those who are not undertaking any qualifications are a particularly important marginalised group who we need to hear from, but we do not want to exclude those who have already undertaken a qualification, such as school leavers.

Martin Whitfield: We are perhaps developing a skill at stage 2, which might benefit the whole of the Scottish Parliament. I welcome the proposal, the understanding that the Scottish Government is open to that discussion and the support that Ross Greer offers.

It is a complex picture. There are groups that will feel that they have been deliberately excluded when, in fact, what has occurred has probably been more to do with drafting and concentrating on other groups. The ability to return to look carefully at that is very important.

To go beyond amendment 226, I am very concerned about the framing of the definition in amendment 120—Ross Greer's other amendment. I do not have a vote, but if I had, I would not be able to support amendment 120 because, notwithstanding the advice that others in this room have received, it poses a fundamental challenge.

However, in respect of the proposal to reconcile amendments 119 and 226, it is certainly sensible to come together with a recognition that children and young people need to be represented on the committee and in an appropriate way. Given the emerging consensus, I will pause on that point.

12:45

The Convener: I call Pam Duncan-Glancy to wind up and say whether she wishes to press or withdraw amendment 225.

Pam Duncan-Glancy: First, I apologise to my colleague Martin Whitfield, whose amendment 226 I overlooked in my opening remarks. I think that it is safe to say that it is a good amendment, for all the reasons that he set out, and I would support it.

I have listened carefully to what members have suggested. I will, therefore, seek to withdraw amendment 225, on the basis of what I think is an offer to work at stage 3 to address the issues that I highlighted with regard to ensuring that people with protected characteristics, people from lower socioeconomic backgrounds and care-experienced people have been taken into account, and that due regard is paid to those groups.

I think that that speaks to the discussion between Willie Rennie and Martin Whitfield just now about the young person at the back of the room who has not necessarily been heard; my

intention, through amendment 225, was to try to ensure that they are considered in that respect. On that basis, I am happy to withdraw amendment 225 at this point and bring it back with—I hope—the Government's support.

Is it okay to do all the amendments now, convener?

The Convener: You are winding up now, Ms Duncan-Glancy.

Pam Duncan-Glancy: I will not seek to move amendment 227 at this stage, not necessarily for the reasons that the Government and Ross Greer have set out in relation to the involvement of parents on the committee, but because of the point about broadening the definition and being more inclusive to include carers, as well as, presumably, parents and guardians of carers.

However, it is important that parents are represented, and by bringing the amendment back at stage 3 we could perhaps address the issue that Ross Greer highlighted. By that point, we will know what the situation is with the strategic advisory council, and the amendment would, at that stage, at least give us some provision—I do not want to say that it would be a fall-back, because I think that it is a really good amendment, and parents should be on the committee. Nevertheless, bringing back the amendment at stage 3 will allow for two things: it will enable me to tidy it up and include language around carers to be inclusive in that respect, and we will also, at that point, have a clearer picture of what is happening with the strategic advisory council.

I will, therefore, not seek to move amendment 227. The discussion between Willie Rennie and Martin Whitfield has been helpful and important, and there was a lot in that conversation to instruct how we do business in this Parliament.

I also support amendment 32. I would be keen to progress amendment 228, in my name, at this stage, so I will move it when we come to that point.

Amendment 225, by agreement, withdrawn.

Amendment 49 moved—[Jenny Gilruth].

The Convener: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Against

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 1, Abstentions 0.

Amendment 49 agreed to.

Amendment 32 moved—[Ross Greer]—and agreed to.

The Convener: Amendment 119, in the name of Ross Greer, has already been debated with amendment 225. I remind members that if amendment 119 is agreed to, I cannot call amendment 1, due to pre-emption.

Amendment 119 moved—[Ross Greer].

The Convener: The question is, that amendment 119 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstentions

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 119 agreed to.

Amendment 226 moved—[Martin Whitfield].

The Convener: The question is, that amendment 226 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Briggs, Miles (Lothian) (Con)
Duncan-Glancy, Pam (Glasgow) (Lab)
Greer, Ross (West Scotland) (Green)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Against

Adam, George (Paisley) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)

The Convener: The result of the division is: For 5, Against 5, Abstentions 0. As the outcome of the

division on amendment 226 is tied, I will now use my casting vote as convener in order for the committee to reach a decision. I vote in favour of amendment 226. Amendment 226 is therefore agreed to on the casting vote of the convener.

Amendment 226 agreed to.

Amendment 227 not moved.

Amendment 50 moved—[Ross Greer].

The Convener: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstention

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 50 agreed to.

Amendment 120 moved—[Ross Greer].

The Convener: The question is, that amendment 120 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstention

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 120 agreed to.

Amendment 33 moved—[Ross Greer]—and agreed to.

The Convener: I remind members that, if amendment 121 is agreed to, I cannot call amendment 51, due to pre-emption.

Amendment 121 moved—[Ross Greer].

The Convener: The question is, that amendment 121 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstention

Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 121 agreed to.

Amendment 228 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 228 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 228 disagreed to.

Amendment 52 moved—[Ross Greer].

The Convener: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstention
Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 52 agreed to.

Amendments 122 to 127 not moved.

Amendment 53 moved—[Jenny Gilruth].

The Convener: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Adam, George (Paisley) (SNP)
Briggs, Miles (Lothian) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Greer, Ross (West Scotland) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Abstention
Duncan-Glancy, Pam (Glasgow) (Lab)

The Convener: The result of the division is: For 9, Against 0, Abstentions 1.

Amendment 53 agreed to.

Schedule 1, as amended, agreed to.

The Convener: That is an appropriate time at which to conclude our consideration of the bill at stage 2 today. I thank the cabinet secretary and her supporting officials for their attendance.

I also thank committee members and other MSPs for attending. I remind you that, despite the large number of amendments that we have, there is still an opportunity to lodge more. The deadline for lodging amendments is 12 noon tomorrow, which is Thursday. Amendments can be lodged only on aspects of the bill that we have not considered—that is, from section 2 onwards.

The committee will continue its consideration at its meeting on 30 April.

Meeting closed at 12:58.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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