

# **EDUCATION COMMITTEE**

Wednesday 11 June 2003  
(*Morning*)

Session 2

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### EDUCATION COMMITTEE

1<sup>st</sup> Meeting 2003, Session 2

#### OLDEST COMMITTEE MEMBER

Lord James Douglas-Hamilton (Lothians) (Con)

#### COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)  
Rhona Brankin (Midlothian) (Lab)  
Robert Brown (Glasgow) (LD)  
Ms Rosemary Byrne (South of Scotland) (SSP)  
Fiona Hyslop (Lothians) (SNP)  
Mr Adam Ingram (South of Scotland) (SNP)  
Mr Kenneth Macintosh (Eastwood) (Lab)  
Dr Elaine Murray (Dumfries) (Lab)

\*attended

#### CLERK TO THE COMMITTEE

Martin Verity

#### SENIOR ASSISTANT CLERK

Susan Duffy

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Committee Room 1



# Scottish Parliament

## Education Committee

Wednesday 11 June 2003

(Morning)

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 09:17*]

### Interests

**Lord James Douglas-Hamilton (Oldest Committee Member):** I welcome colleagues most warmly to this morning's meeting. It is alleged that I am the oldest committee member, and I am not prepared to look at anyone else's birth certificate. I hope that my duty will take only a few seconds.

As we are in public session, I would be most grateful if everyone could ensure that all mobile telephones and pagers are turned off. We have received apologies from Rosemary Byrne. I understand that Wendy Alexander is coming. Before she can participate, she will have to declare whether she has any interests.

I now invite each member to declare any relevant interests that they have entered in the Parliament's register of interests. For myself, I am chairman of the support group of Hope and Homes for Children. However, as the charity operates overseas, I do not think that it has any direct bearing on children in Scotland. I just wanted to mention it in passing.

**Mr Adam Ingram (South of Scotland) (SNP):** I have no registrable interests to declare, other than that my wife is a teacher and a member of the Scottish Secondary Teachers Association.

**Fiona Hyslop (Lothians) (SNP):** I have no interests to declare.

**Robert Brown (Glasgow) (LD):** I have a legal consultancy with Ross Harper Solicitors in Glasgow, which is unlikely to impinge on the committee's work. My wife is also a teacher and is a member of the Educational Institute of Scotland.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I am a member of the National Union of Journalists, but I do not think that that interest is declarable in this respect.

**Rhona Brankin (Midlothian) (Lab):** I do not think that I have any registrable interests to declare.

**Dr Elaine Murray (Dumfries) (Lab):** I have no registrable interests to declare, other than that I am a member of the Transport and General Workers Union, which contributed £500 towards my election campaign. I am also a member of the Association of University Teachers, but that does not really impinge on the committee's work.

**Lord James Douglas-Hamilton:** Thank you very much indeed. That was very helpful.

### Convener

**Lord James Douglas-Hamilton:** I invite members to nominate a member of the Scottish Liberal Democrats for the post of convener. However, because Robert Brown is the only candidate and virtually every committee member has volunteered to nominate him, it would perhaps be simpler if it is taken that I nominate him. I know that Robert Brown accepts the nomination and I trust that members agree to his becoming convener by general acclaim.

*Robert Brown was chosen as convener.*

**Lord James Douglas-Hamilton:** I thank members for making my job as chairman extremely simple and easy.

**Rhona Brankin:** A vote of thanks to the chair.

### Deputy Convener

**The Convener (Robert Brown):** This is a wonderful system of election. Perhaps we can recommend it for other situations. I thank members for their vote of confidence in me. My first job as convener is to invite members to nominate a member of the Conservative and Unionist Party for the post of deputy convener. Again, there is only one eligible candidate, so I nominate Lord James Douglas-Hamilton.

*Lord James Douglas-Hamilton was chosen as deputy convener.*

## Legacy Paper

**The Convener:** The third agenda item is consideration of the legacy paper that the previous committee left. However, it might be helpful to say first that the clerks, Lord James and I have discussed the committee's immediate format. Potentially, we could have two further meetings before the summer recess. I understand that the Executive has offered to provide Executive officials to brief us on the current position on education issues. Of course, we can also ask the Scottish Parliament information centre for a similar service.

If the committee agrees, I suggest that we meet Executive officials next week to have a kind of run around the territory. We could have another meeting just before the recess at which we decide our immediate course of action. That suggested timetable is partly to allow the clerks to advertise for witnesses in case there is a suggestion to have an early inquiry. Do members agree to my suggestions?

*Members indicated agreement.*

**The Convener:** We can briefly discuss the legacy paper now, but after members have a bit of a think about it there might be further suggestions. Further, after we hear about the current educational position from Executive officials and from SPICe, we will be able to see the lie of the land with regard to legislation and so forth and we will be able to decide what we want to do in the near future.

**Mr Macintosh:** I suggest that we add to the discussion list the times for committee meetings. We discussed before the meeting the fact that the Standards Committee will meet next Wednesday morning. It would be good if the clerks could draw up a suggestion paper on how our timetable could work alongside that of other committees to which members have commitments.

**The Convener:** We are not quite at that stage yet, are we Martin?

**Martin Verity (Clerk):** No. The committee office is working out a timetable, but there are problems with some committees because their membership overlaps, so it is going to be a bit difficult. However, I will report as soon as possible on what stage the committee office has reached.

**Dr Murray:** The suggestion that we have a discussion with the Executive is sensible. My understanding is that the first year of the parliamentary session will have a heavy legislative load, which will obviously take up a lot of our time. Legislation such as the proposed bill on additional support for learning might be time-consuming. It would certainly be worth while having an indication

from the Executive of its time scales and when we will be involved in the bill on additional support for learning before we start deciding on inquiries into other issues.

**The Convener:** That is right.

I welcome Wendy Alexander to the meeting and invite her to declare any relevant interests.

**Ms Wendy Alexander (Paisley North) (Lab):** My apologies, convener. I think that my only relevant interest is that I am a visiting professor at the University of Strathclyde business school.

**The Convener:** Do members have comments on the legacy paper?

We are trying to establish what our priority issues might be. We will not be able to solve everything in the three weeks after we start. Several issues will come through, such as early-years education, on which Ian Jenkins did a paper. I have had a look at that. There will probably be legislation on special educational needs. Do members have any strong feelings about priority areas?

**Rhona Brankin:** Disruptive behaviour in schools is an issue that straddles additional support needs and is regularly in the public eye. I do not know whether the previous committee did much on that. It would be of interest to consider that area.

**Dr Murray:** I will preface my remarks by expressing a fairly general view about inquiries. Although I have not been involved in inquiries for the past 18 months, my experience before that was that there was a tendency to get involved in very broad, not particularly focused inquiries that produced a lot of paperwork but were not necessarily taken on board. Inquiries that focus on specific issues in specific areas that could result in action are more useful than inquiries about the meaning of life, in which some of us got involved early in the last parliamentary session.

**Rhona Brankin:** Did you find the meaning?

**Dr Murray:** It is in a big tome somewhere.

It might be worth while to have an inquiry that focuses on an area such as disruptive behaviour, as that would give us the opportunity to take evidence on some of the useful experiments that have been done in alternatives to exclusion projects. We might be able to draw some conclusions, which we could ask the Executive to act on.

**Mr Ingram:** I am quite interested in Ian Jenkins's paper on early-years education. There is controversy about work-force issues in nursery education. We should consider that area because, although the Executive has injected a lot of investment, key concerns still exist. I would certainly favour an early inquiry in that area.

**The Convener:** It is worth remembering that our remit is education and young people. It struck me that we could examine youth organisations. We could investigate the extent to which the Government supports them in various ways and whether better use could be made of them in certain directions. In a sense, that is the obverse of discipline problems in schools.

**Mr Macintosh:** I agree with that.

In the legacy paper, apart from additional support for learning, which will dominate our initial work anyway, Ian Jenkins's work on early-years education interested me right away. That probably just reflects the make-up of my family.

**The Convener:** It reflects your youthful appearance.

**Mr Macintosh:** That is right. The paper by Ian Jenkins was broad—it was just a series of questions. We would need to do further work on the subject to hone it down a bit more, but there are questions to be answered.

I agree that we should examine disruptive behaviour. It would be easy for the committee to consider all issues from the school angle. I would be keen to get away from the school context and to examine the strategy and the facilities and the options that are available for young people generally. I am conscious that we would have to liaise with the relevant justice committee on antisocial behaviour work.

Plurality in education is another area that we should deal with. That issue is about the dominance of school and teaching in our approach to education, which has implications for choice in the curriculum, for example. We could start by considering the curriculum, which I think the Government is going to do as well. Plurality is a wide area, but we could begin by examining the curriculum and could discuss other areas from there.

**The Convener:** What do you mean by plurality?

**Mr Macintosh:** I mean the freedom that head teachers have to set the agenda and the learning choices that are available to pupils. For example, we are trying to encourage young people not to follow automatically the path from school through to university because that might not necessarily be the best choice for every child. To that end, we are trying to ensure that vocational education has an equal standing.

**The Convener:** A sort of parity of esteem.

**Mr Macintosh:** Yes. Also, some young people learn better in a college environment than in a school environment. We have to work out whether we are encouraging plurality and diversity or whether we are ironing that out.

09:30

**Ms Alexander:** Reading the paper that the clerks circulated about how the committee spent its time in the past four years, I was struck by the fact that about 40 per cent of the time was spent on legislation and 50 per cent on inquiries.

The Executive's legislative programme for the next four years suggests that education legislation—on additional support for learning and the powers to intervene in circumstances of failure—will come early in that period and that there will not be so much in the later years of the session. I would like us to have sufficient time in the first years of the session to consider those two pieces of legislation properly.

I know that, in the first two years of last session, the Education, Culture and Sport Committee examined special needs education, but I am sure that all of us are aware of the level of public interest in additional support for learning and the passions and emotions that it excites. It would be extremely helpful if we could build in work that would ensure that we have a first-principles understanding of the legislation. We would be failing in our duty to scrutinise the legislation if we did not try to understand the thinking that underpins the Executive's proposals as well as examining the bills section by section.

Similarly, it would be a mistake for us to view the powers of ministers to intervene in circumstances of failure as merely a technical tidying-up issue. The proposal deals with fundamental issues about who intervenes, when they intervene and how they intervene to pick up the pieces.

As I said, I hope that we can structure our work in the first year to ensure that we do not approach the scrutiny of the two pieces of legislation as rubber-stamping exercises.

Because the education agenda is subject to a great deal of change, it would be useful if we could have annual away days to review the work programme—last session, there were only two away days. I absolutely think that early-years learning, behaviour in schools and young people are all issues that commend themselves to the committee, but it would be good if we could review the situation annually to take a view on the burden of parliamentary legislation and the extent of our interest in it vis-à-vis inquiries that we might want to start up off our own bat to set an agenda for legislation that has not yet been conceived of. That might be the case in relation to early-years learning and young people.

**The Convener:** We were considering having an away day in late August to kick off the session. We will talk about that further if there is a general view that that would be a good idea.

Ministerial intervention seems to me to be the remedy for a situation that has been caused by something else. The central matter, surely, is to determine cause of that situation. That is the nub of the issue.

**Fiona Hyslop:** I agree with what Wendy Alexander said about additional support for learning. We anticipate that we will have to deal with legislation on that area sometime in the autumn. Therefore, the responsible thing would be to make early use of committee time to scope what needs to be addressed to prepare us for dealing with that legislation and to have a broader look at the area. We must also build in time for consideration of the Auditor General's report. That might make up an early programme of work.

We will have to get the balance right between our responsibility to scrutinise the Government—we know we will have to deal with legislation early on—and doing what we want to do. We must think widely and deeply about where we want to go. I agree that some of the suggestions in the legacy paper are good, but we should decide for ourselves, which we can do at the away day.

Another element is our duty and responsibility to carry out the monitoring or housekeeping tasks that are mentioned in the paper, such as monitoring the work of the commissioner for children and young people or the impact of the "Hungry for Success" report. Our work must have three strands: the legislative issues, the blue skies areas—which we will have to consider more deeply—and the issues that we must monitor if we are not to neglect past work. The monitoring exercise should be on-going and could run through the year.

**The Convener:** I assume that we will have to deal with subordinate legislation as well. I do not know how much notice we will get of subordinate legislation, but we will have to try to build in time to consider it.

**Martin Verity:** The predecessor committee received subordinate legislation from time to time, but the burden was not heavy compared to that of some other committees. Two pieces of subordinate legislation have been introduced that the committee must address before the recess.

**The Convener:** What are they about?

**Martin Verity:** They deal with the annual uprate in the level of fees for St Mary's Music School and the assisted places scheme.

**Lord James Douglas-Hamilton:** I will quickly throw out one or two thoughts. Ken Macintosh mentioned disruptive behaviour and violence in schools, which is a major issue that could be linked to the issue of whether the McCrone settlement has delivered effectively. For example,

we could investigate whether the large number of teacher working days that are lost through stress are related to disruptive behaviour or whether there are other causes. We could make a useful contribution on that issue, for example by considering whether the difficulties for teachers might be alleviated.

The suggestion from Ken Macintosh about plurality in education could be linked to the issues of devolved school management and whether parental choice might be extended.

Special educational needs is a third issue that we are under a moral obligation to consider and which will automatically come our way. As there are a considerable number of forms of learning difficulty, we must approach the issue with a great deal of patience, care and understanding.

I believe that ministers might produce legislation on powers of intervention, which we will have to consider. Finally, there seems to be a general wish to consider the strategy for young people in their early years.

**Rhona Brankin:** It might be useful for the committee to know that at yesterday's Audit Committee meeting, I found out that one of the papers for early discussion is the one prepared by the Auditor General and Her Majesty's Inspectorate of Education on additional support needs and special educational needs.

**The Convener:** The Audit Committee has a central role in considering that report because it comes from the Auditor General.

**Mr Macintosh:** I am not sure whether the issue of placing requests affects only my area, but I assume that it does not. The issue causes a huge amount of frustration that is out of all proportion to the number of placing requests that are made. Perhaps there is nothing that we can usefully add to the discussion on that issue, but I think we should flag up the point so that we might come back to it.

**The Convener:** The issue is worthy of observation and will become more difficult as class size reductions bite. Other things being equal, if fewer places are available, there will be less scope for granting placing requests, particularly in relation to primary 1 and secondary 1.

**Fiona Hyslop:** Obviously, we will focus on some of the legislation that we expect to have to handle, but the Executive will also introduce policies that will not necessarily result in legislation. We must ensure that we get the balance right and that we have the opportunity to monitor policy issues—whether they cover McCrone, class sizes or other matters—and their implications. I am keen for us to get the balance right in our scrutiny, not just by



examining legislation but by keeping on top of the policy issues.

**Dr Murray:** We will also want to take the opportunity to contribute to policy making. I sometimes think that, if we fall behind policy making and just monitor it, we lose the opportunity to contribute our expertise and the evidence that we have taken. Some discussion with the Executive about its thinking on policy making might enable us to contribute more fully to that process.

**The Convener:** I hope that we can get a feel for a lot of those issues when we meet Executive officials next week, and we can follow that up at the away day if we go ahead with it.

Unless members have anything else to add to this preliminary trawl, I shall bring the meeting to an end. The clerk has been taking notes and we shall try to get a wider feel for things next week.

I ask the clerk whether he has spoken to Executive officials about coming next week.

**Martin Verity:** Yes. They are happy to come next Wednesday. The best time is probably 10 o'clock on Wednesday morning.

**The Convener:** That sounds a bit more civilised than 9.15.

**Ms Alexander:** Last night, I had a word with the convener of the Finance Committee, of which Elaine Murray and I are members, and I am almost certain that it will meet then to discuss the Holyrood building project. Therefore, you may want to review that suggestion.

**The Convener:** I regret to say that I will have to give evidence on behalf of the Scottish Parliamentary Corporate Body at that meeting. Gosh—I thought that I had escaped from all of that. I had not thought of that.

**Fiona Hyslop:** Next week, I shall be representing the Parliament at a parliamentary conference. If the Executive officials are booked for next week, that obviously causes difficulties. I would be grateful if there were any chance of postponing the meeting until the following week. However, I do not want to impose on colleagues if they want to go ahead with the meeting.

**The Convener:** My only thought was that we might want to ponder on what the officials have said before coming to a final view on what we should do.

**Mr Macintosh:** Tuesday afternoon is the other potential time.

**The Convener:** Tuesday afternoon is okay with me. There is a Conveners Group meeting at 4 o'clock, but apart from that it is fine. Does that suit other members?

**Fiona Hyslop:** I would still have difficulties.

**Rhona Brankin:** I would need to check when the Audit Committee is meeting.

**The Convener:** That is a bit of a problem. It does not look as if Wednesday morning will be much use, does it? If members are happy in principle to meet next week, perhaps I can leave it to the clerks to trawl about a bit and see whether they can fix up a meeting. I presume that Tuesday afternoon will be the only potential time.

**Rhona Brankin:** What about Tuesday morning?

**The Convener:** I cannot be there because there is a corporate body meeting on Tuesday morning.

**Rhona Brankin:** I think that the Audit Committee will meet on Tuesday afternoon.

**The Convener:** One or two members might well miss out, and we are just going to have to live with that until things settle down. If we are stuck, the alternative might be to do the whole thing the following Wednesday morning and to wrap up with some decisions afterwards. That is perfectly feasible as a fallback position.

**Mr Macintosh:** That is fine with me, but that is the last Wednesday before the summer recess. I do not think that we should be in any rush to decide our future agenda, but that would not give us much room for manoeuvre.

**The Convener:** I do not want to make huge decisions but if, for the sake of argument, we decide to go for some sort of early inquiry once we know the timing of the legislative programme, there will at least be a reasonable period for advertisement. I do not know that we need to make much more than one key decision—on whether we should go for an early inquiry. If we decide to hold an inquiry, it does not matter, in some ways, what it is on, as a number of good suggestions have been made. We can come back to other issues later, but we can at least get cracking with some speed at the beginning of the new term.

Perhaps we should try to wrap up the Executive evidence on the last Wednesday of this term, if we cannot fix a meeting for next week. Does anyone have reason to think that the morning of 25 June would be a problem?

**Mr Macintosh:** I have a meeting at 9 o'clock, but I do not think that it will take all morning.

**The Convener:** We might try that. The clerk will make some inquiries with the officials and with the Scottish Parliament information centre, and we will try to fit that all in together. We can also come back with a worked-up proposal for the away day, including dates—the clerk can e-mail members about availability. Finally, we should all exchange mobile numbers so that we can keep in contact; the clerk will also e-mail members about that.

**Rhona Brankin:** I think that we should liaise with the Audit Committee about the Auditor General's report.

**The Convener:** Yes, that would be worth while.

**Martin Verity:** I understand that the report would fall primarily within the remit of the Audit Committee, but that would not prevent this committee from taking an interest as well if it wished to do so.

**The Convener:** Thank you very much. I do not have a gavel to bang, but I now close the meeting.

*Meeting closed at 09:45.*

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