

# **EDUCATION COMMITTEE**

Wednesday 31 March 2004  
(*Morning*)

Session 2

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## EDUCATION COMMITTEE

### 11<sup>th</sup> Meeting 2004, Session 2

#### CONVENER

\*Robert Brown (Glasgow) (LD)

#### DEPUTY CONVENER

\*Lord James Douglas-Hamilton (Lothians) (Con)

#### COMMITTEE MEMBERS

\*Ms Wendy Alexander (Paisley North) (Lab)

\*Rhona Brankin (Midlothian) (Lab)

\*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)

#### COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Bill Aitken (Glasgow) (Con)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Michael Byers (Unison)

Christine Marr (Scottish Public Pensions Agency)

Alan Miller (Scottish Children's Reporters Administration)

Jackie Robeson (Scottish Children's Reporters Administration)

Stephen Smellie (Unison)

John Stevenson (Unison)

Ronnie Stevenson (Unison)

David Weir (Scottish Public Pensions Agency)

#### CLERK TO THE COMMITTEE

Martin Verity

#### SENIOR ASSISTANT CLERK

Irene Fleming

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Committee Room 3



## Scottish Parliament

### Education Committee

*Wednesday 31 March 2004*

*(Morning)*

[THE CONVENER *opened the meeting at 09:47*]

### Item in Private

**The Convener (Robert Brown):** Good morning, I welcome everyone to this meeting of the Education Committee.

Does the committee agree to take item 5, which relates to witness expenses, in private?

**Members** *indicated agreement.*

## Subordinate Legislation

### Teachers' Superannuation (Scotland) Amendment Regulations 2004 (SSI 2004/89)

09:48

**The Convener:** The Teachers' Superannuation (Scotland) Amendment Regulations 2004 will be dealt with under the negative procedure. We are pleased to welcome David Weir and Christine Marr from the Scottish Public Pensions Agency. The regulations seem to be pretty straightforward, but I invite our witnesses to tell us a little bit more about them.

**Christine Marr (Scottish Public Pensions Agency):** The regulations will amend the finance section of the regulations that govern teachers' pensions. The amendment will remove the requirement for the Scottish Public Pensions Agency, on behalf of the Scottish ministers, to prepare cash accounts, which relate to the receipts made by the scheme and the payments going out. Cash accounting was superseded a few years ago by the requirement to have resource-based accounts. References to cash accounts are, therefore, redundant and will be removed from the regulations.

**The Convener:** Is there any significance in the matter that was identified by the Subordinate Legislation Committee about the sections? I am not sure that I follow its implications.

**Christine Marr:** No. Basically, we have consolidated the regulations but they have not been made yet. The reference that the Subordinate Legislation Committee noted was to the consolidated regulations. Once the consolidated regulations are made, everything will be okay.

**The Convener:** Does that make any difference to the effectiveness of these regulations?

**Christine Marr:** No.

**Lord James Douglas-Hamilton (Lothians) (Con):** Can I ask about the drafting error that was raised? The Subordinate Legislation Committee's paper says:

"The Executive is obliged to the Committee for pointing this matter out, and which we acknowledge is a drafting error which has resulted from the number of amendments to the 1992 Regulations".

**The Convener:** That is what I have just asked about.

**Lord James Douglas-Hamilton:** So, has the matter been dealt with?

**The Convener:** Yes.

**Lord James Douglas-Hamilton:** Good.

**Fiona Hyslop (Lothians) (SNP):** I understand that the move to resource-based accounting means that cash accounting is no longer required. The obvious question, however, is about how we ensure that there is transparency and accountability in the funds that are available. That is important especially because people are concerned about their pensions and would like to know that money exists that can be paid out.

**David Weir (Scottish Public Pensions Agency):** This year is an important year for pensions. We are bringing in the financial reporting standard 17 requirements, which means that a large non-cash element will be evident in the accounts. That is a fundamental change in reporting. However, the resource accounts will still contain a cash statement. We still collect all the contribution-income cash from the various education bodies, and the report that we submit on a cash basis will still be one of the fundamental statements that support the income and expenditure statements. We will still be fully audited by Audit Scotland every year and there will be no real changes to the accountability procedures.

**Fiona Hyslop:** There is a lot of concern in the United Kingdom about the review of public pensions and about the suggestion that the pensionable age for teachers should rise to 65. Does the amendment to the regulations have any relation to that on-going work?

**Christine Marr:** None at all.

**The Convener:** Is everyone content with the regulation?

**Members** *indicated agreement.*

**The Convener:** I thank our witnesses for attending.

## Child Protection Inquiry

09:52

**The Convener:** As part of our child protection inquiry, we will hear now from witnesses from Unison. With us this morning we have: Michael Byers, Unison's information development officer; John Stevenson, the practice team manager in the children and families department; Stephen Smellie, the staff development officer; and Ronnie Stevenson, a social worker in the children and families department.

**Michael Byers (Unison):** We thank the committee for inviting us to give evidence and we welcome the opportunity to comment on child protection. We believe the inquiry to be timely, particularly given the current problems in recruitment, retention, job status, pay and other issues that relate to social workers. We believe that one of the priorities in social work should be to ensure that the workers at the front line of child protection have the necessary resources, support and management that they deserve to do their jobs.

However, Unison feels that the key issue of resources has not been addressed sufficiently by those who are responsible for driving forward the outline recommendations. We believe that it is difficult to make long-term plans for delivery of child protection services without addressing the fundamental problems of resources, training and pay, particularly with regard to social care services. As such, priority must be given to a Scotland-wide review of social care, which would address resources, training, structures, pay and career progression. The review should lift the profile of the crucial work that is done by social workers and it should improve the level at which all social care services are valued.

My colleagues and I will be delighted to respond to any questions.

**The Convener:** Thank you. Your paper was useful, and identified some of the issues. I will kick off by asking you for your thoughts on the Executive's priorities for action in child protection. Should other areas be made priorities? Are there things to which you should be drawing our attention? I appreciate that there is the underlying issue of resources, which my colleagues will deal with shortly.

**John Stevenson (Unison):** Aside from the on-going review by the task group on social work, which is on bringing more people into the profession and keeping them there—the more important bit—we see three priorities in child protection. First, given the experience of recent inquiries into children's deaths, there is a need to

take a consistent approach, as opposed to holding ad hoc inquiries that are, in our view, of varying quality. When there are important lessons to be learned, we need to have confidence in the inquiry system. We would prefer the Scottish Executive either to establish a system that it instigates itself, or to establish a standing structure that can swing into action if a child who is known to a social work department, or to any local government department, dies.

The second priority is to co-ordinate child protection between health and social work and to determine how that can best be achieved. We see different ways of trying to achieve that throughout the country. The role of child protection committees, which is mentioned in our submission, is one-way, but other structures—such as children's services forums, which have been tried in Highland—have attempted to do the same thing. Bodies should not just be brought together at strategic and policy levels, but at service delivery and operational levels, so that health visitors, social workers, police constables and teachers have local structures through which information and ideas can be exchanged, and through which there can be joint training.

The third priority is the need to maintain social work professionalism within such structures. There is a difference between joint working and joined-up working, and banging everybody into the one job. Professional lines of accountability and professional ethics need to be preserved.

**The Convener:** You made some play about the need for a Scotland-wide review, which is an interesting idea. Should that examine the role of and use that is made of scarce social work resources? Against the background of shortages, are professional social workers with particular skills being used for things that could be done by other people? Would it be fruitful to inquire into that, so as to make the best use of resources and to get social workers doing the things for which they are professionally best qualified, rather than their being sidetracked into less important things that other people could do?

**John Stevenson:** That has been tried in local authorities throughout Scotland. Recently, I was asked a similar question by a senior police officer. There is finite capacity; there are only so many child protection cases with which a social worker can sensibly deal. No matter how many other tasks workers take on, they cannot be loaded up with 20 child protection cases. Many inquiries have shown—as have we—that there is room for more administrative support for social workers, so that they are not stuck on the administrative tasks. Proper use should be made of social work assistants. They should not be used as quasi-

social workers, as they have been misused in the past.

The key is that there is a core number of qualified social workers. At the moment, we are showing vacancy levels against agreed establishments. We argue that the establishments themselves are unrealistic, given the increase in what has been expected of social workers over the past few years—and rightly so—in terms of accountability and the reports that are required. Addressing those issues would go some way, but not all the way, towards solving the problem.

**The Convener:** Anyway, it is an issue that you are more than happy to talk about and to examine to see whether improvements can be made.

10:00

**Ms Rosemary Byrne (South of Scotland) (SSP):** I will first ask about resources, which you mentioned in your introductory statement. I was also interested to read your helpful comments about resources in your submission. What particular issues should a Scotland-wide review of social care address? Who should take forward such a review?

In some cases there has been poor management of resources, according to the Executive. I would like to hear your views on that. Has there been duplication of resources by various agencies and, if so, how could the situation be improved?

**Ronnie Stevenson (Unison):** Our experience is that most local authorities in Scotland spend more money than the Scottish Executive affords them for social work, yet they still struggle to maintain what we would consider to be proper levels of service. A Scottish review would have to be an overview of local arrangements in Scotland between employers and their work force.

On the question of how we get people into the jobs and keep them there, obviously pay is one of the issues—there is no point in trying to kid ourselves about that. However, there are other issues about how we construct a situation in which people do not become burned out and do not have work loads that are larger than any human being could reasonably be expected to manage. I have some difficulty envisaging how the Scottish Executive could lay down guidelines for such local arrangements.

I will touch on the point that was raised earlier about who does what. There is a model of managing child protection that is available in some authorities, in which core groups are brought together that include the people involved in the child's life, be they from other sectors such as health or education or from within social work

services. In that way, it is possible to say that a certain task that needs to be done with regard to protecting a child does not require a qualified social worker.

Other than general guidelines being set out, more resources are required. We need to try to keep people in social work, so there must be a mechanism by which authorities are pointed in the direction of not burning people out, keeping them in the job and keeping them nearer the coal face. One of our problems—unlike in many other professions—is that the only opportunities for advancement involve stopping doing the job.

**Ms Byrne:** I will move on to the point in your submission about the need for

“a well resourced and organised risk assessment”.

Given what you say about social workers assessing risk, trying to manage it and accepting that where there is risk there is the possibility that things will go wrong, what can politicians do to assist social workers in those situations and how can we ensure that social work departments are well resourced and organised for risk assessments?

**John Stevenson:** That question is a hot chestnut in many places because inquiries and all sorts of documents mention risk assessment, but nobody defines what is meant by that. We are concerned that it often means an assumption that there are certainties. One of the points in the City of Edinburgh Council report that has just been published is recognition that social workers work with risk, which means that one cannot be certain. A colleague said to me this morning that one of the biggest things that we could ask for is that politicians count to 10 before they comment after something has gone wrong. In the hours after some incidents, ill-considered comments have sometimes been made before there has been a proper inquiry. That is a basic point.

Another thing would be to have explicit recognition of what working with risk means: it means that even if something is assessed as being 90 per cent safe, there is still a 10 per cent chance that it will go wrong. There will still be circumstances that are completely unpredictable. That is an important issue for a lot of social workers, who feel that they are not given recognition for working with that risk, for taking their concern home and thinking about it all the time.

Another issue is that we need a risk assessment model that the Scottish Executive feels local authorities should use. By that, we do not mean a tick-box model. Many risk assessments simply involve ticking boxes, but people and families are much more complex than that. We need, rather than the plethora of ways in which risk

assessment is done at present, a model such that everyone is singing from the same hymn sheet.

**Ms Byrne:** Who should be responsible for putting together the risk assessment model? How do you envisage reaching a stage at which social workers are happy with that model?

**John Stevenson:** A couple of frameworks exist already, one of which is part of the Department of Health guidelines in England, but many of us feel that they are a bit cumbersome. The model does not need a tick-box approach or great big documents, but it must present a broad range of issues that everyone is expected to address. The model should be based on research and the best available information and it should be updatable. I am aware of a range of risk assessment models, some of which put social circumstances higher than interpersonal circumstances. We can argue about such points; there is no perfect system, but we need a model that lays out what people are talking about when they talk about risk assessment.

**Ronnie Stevenson:** We must ensure that people other than social workers are party to risk assessments because we cannot place responsibility on one individual. All the professionals who work with at-risk children or families have different perceptions of risk from different angles. The key issue is that we must get all the professionals together to determine the risk. Time and again in child protection, inquiries have shown that problems arise because of lack of communication between various agencies, including a lack of communication on risk. Perhaps social workers have addressed the issue of risk for longer, whereas other people do not have the same perception of risk. John Stevenson made the point that a 90 per cent chance that something will not happen means that there is a 10 per cent chance that it will.

**Ms Byrne:** I wandered into the issue, but I have one more question on it. Do the Executive's priorities cover the issue well enough or should it reconsider and produce a policy that will be acceptable to everyone?

**John Stevenson:** At first glance, most of us felt that there was not a lot wrong with the recommendations, although they were perhaps not in the order that we wanted. However, the underpinning issue is that there is no point in the recommendations without the ability to implement them. Many people in social work identify with the standards and recommendations that come out of inquiries, but they know that they cannot achieve them and that they are only words; they cannot be delivered on the ground because there are not enough workers. The priority for us is to find out how the recommendations will be implemented practically. In my area, we cannot allocate all our



child protection cases, even though we know that we should do. If the Scottish Executive or the council said, "You must do that", they would be like King Canute; it would make no sense because although we know that we have to do that, we cannot.

**Dr Elaine Murray (Dumfries) (Lab):** I want to follow up on staffing issues, which you touched on in your oral and written submissions. As your written submission points out, the Executive has a training programme to produce more social workers, but it will take time to have an effect, which will not ease the present pressures on social workers. What short-term action might the Executive or local councils take to alleviate the current pressing problems with recruitment?

**Ronnie Stevenson:** Social work has decided, in its wisdom, to introduce a four-year honours degree for training new social workers. A lot of people might wonder about the validity of that measure. In the social work industry in Scotland, hundreds, if not thousands, of people who are involved in social work day in, day out would love to have access to training. If we got those people into a fast-track system through the current local authority set-up, that would at least provide a faster route to qualification.

**Dr Murray:** So you are training people in social work at the moment and providing career development while they are in the work place?

**Ronnie Stevenson:** Yes. A number of local authorities have fast-track schemes and the Executive has a fast-track scheme but the question is, who would be more suited to managing a child protection case up a graffiti-ridden close in Easterhouse: would it be a 21-year-old from one of Glasgow's leafy suburbs who has done a four-year degree, or would it be one of our social work assistants who has been working for 20 years and who could, with a couple of years' release from work, become a qualified social worker? You can imagine some of the points that I am getting at. I am not disparaging the suggestion that there should be a variety of ways by which people become social workers, but we need to grasp the opportunity that we have to develop the hundreds of people who already work in the area.

**Lord James Douglas-Hamilton:** In the rest of Britain, is there a three-year honours degree course for social work?

**John Stevenson:** I am not sure. I do not think that there is a three-year honours course.

**Ronnie Stevenson:** It might be that there is a difference between the length of the courses in England and Scotland.

**Lord James Douglas-Hamilton:** Do you think that the four-year honours degree course is too

long and acts as a disincentive to many aspirants to social work?

**Stephen Smellie (Unison):** We would not say that the course is too long. However, we would be concerned if that were the only way in which it was possible to qualify as a social worker. That would put people off becoming social workers, particularly mature students, who would have to give up their jobs and get into debt and so on. We are keen for there to be greater use of the multiple entry points to the four-year degree in recognition of previous learning and experience. It should be possible to enter in the second, third or even the final year to catch up on the detailed theoretical and academic parts of the course. We understand that that is the intention, but, speaking to people in the academic institutions, we get the impression that they are not as keen on the multiple entry system as we and the Scottish Executive are.

As my colleague said, there are thousands of experienced people in the work force. We are keen to find ways to get them qualified as quickly as possible without skimping on the quality of their training—we do not want to be turning out second-rate social workers. Furthermore, the fact that many of those people have higher national certificates or national vocational qualifications should be recognised. With a combination of multiple entry points to the four-year degree course and an in-house service—

**Dr Murray:** Are there sufficient numbers of people in the service who would take advantage of continuing professional development opportunities?

**Stephen Smellie:** Yes.

**Dr Murray:** In that regard, we are also interested in the Executive's recruitment campaign, which is directed at people who are not currently in social services but who could transfer into the area after a postgraduate qualification. Is that a valid way of trying to recruit people? Do you agree that there are other ways of getting people into the service other than training people who already work in the area, which I accept is an important point?

**Stephen Smellie:** We welcome there being a variety of ways by which people can get into the service. The postgraduate fast-track scheme is fine and we have no problem with it but, on its own, it is not enough. We need to consider other measures, such as those that we have already talked about. They must be given greater emphasis and resources.

One issue that must be flagged up is that, if social work assistants or residential workers with years of experience are being trained, cover must be provided for them. Releasing people for training

has a resource implication because we must continue to deliver services.

**Dr Murray:** We would have to recruit people to replace them when they eventually become social workers.

**Stephen Smellie:** There is no getting away from the resource implications, but the demographics of the profession—for example, the fact that a great number of people will retire in the next 10 years—mean that, even with the initiatives that the Executive and the local authorities are implementing, we have to do more than we are doing to create more social workers. We will be able to do that only if we use the experienced people that we are talking about.

10:15

**The Convener:** You are saying that, whatever happens, there is a short-term problem until more people can be recruited and that you have all sorts of things to do and cannot always deal with all the children who are at risk. Should something be done to prioritise and make the work more manageable? Should certain cases be put to one side, perhaps even cases in which, although children are at risk, the risk is lower? Should, for example, the audit that is mentioned in the Scottish Executive's recommendations be done slightly later in the process? Can you identify priorities—things that you should concentrate on ensuring are done as opposed to other things that are important and desirable but not quite so essential in the overall hierarchy—with a view to getting focused?

**John Stevenson:** That is already happening; it is how local authorities operate. In the team that I manage, child protection is the number 1 priority. We have other areas that we have to cover, but we are sometimes in the position of saying to a children's hearing that we cannot service something. However, we know that most young people who come through the children's hearings system because they have committed a crime have been there before in relation to care concerns. It is a priority that we intervene at that stage, too, to do more preventive work. We used to be able to do much more of that work in the past but, unfortunately, we can do less now because we are already prioritising the high-priority work.

Pay is not the only reason why we cannot retain workers. We cannot retain them because they are working with higher-priority case loads with little respite. I can see no alternative other than to try to get more workers into the service. I will underline what Stephen Smellie said about routes into social work: in Edinburgh, we have advertised 11 social work assistant posts and had 400 applications for

them, but we have advertised eight social worker posts and had only three applications. If we could capitalise on the interest in social work assistant posts, train staff in house and bring them through, we would be in a much stronger position.

**Rhona Brankin (Midlothian) (Lab):** I am interested in how those who work daily with risk are supported and how people can be encouraged to go into that area of social work, which is stressful. You have talked about the use of social work assistants and support for the paperwork, which can be onerous, but how else can those who work in the field, which is particularly challenging, be supported?

**John Stevenson:** That is a difficult question. First, as I said, I wish that some people would count to 10 before they say things about social workers. Social work is a funny profession. Everybody thinks that they are a social worker and, as any newspaper will tell you, everything that we do is common sense, although sometimes that common sense does not relate to some of the legislative and ethical issues. In Edinburgh, we saw some of those attitudes in the backlash associated with the report by Susan O'Brien QC into the death of Caleb Ness, which dented morale enormously and increased the vacancy rate in Edinburgh from 16 per cent to about 32 per cent over three or four months. The way in which some politicians and the media responded to that report had a direct effect on our ability to retain staff and on how the staff felt that they were being supported through risk.

**Rhona Brankin:** I was thinking about burn-out, case load and support for work.

**Ronnie Stevenson:** Work load is one of the issues that local managers have to tackle, as well as continuing professional development. Continuing opportunities to gain knowledge are important. We should not be reading ad hoc about research that is available in a paper somewhere; it would be better if time was built into social workers' hours for them to bring themselves up to date with current thinking and research. Those are some of the things that have to be facilitated locally.

John Stevenson said that we must try to make the child protection committees as localised as possible. The teams in the east end of Glasgow carry out joint training—it is not done on a Glasgow-wide basis. People train and learn a bit more about child protection issues along with people whom they might phone the next day to inquire about a child. That is a helpful system.

The Scottish Executive must encourage all people who are involved in children's lives to get involved in the process. I have been at many training events at which the only people there

were from social work. For good reasons, people are called away or cannot attend. The issue is about work-load management. We must ensure that we do not try to get people to cram too much into a week. Having too much to do is one thing that drives people into other areas of social work. There are vacancies in all the areas of social work. For example, people can go into criminal justice work, which is not as intense as child protection.

We need to help people with their work load and help them to keep abreast of developments. That is perhaps not a desperate need, because it already takes place, but training needs to be supported and to be seen as an important part of the task. The job is not just about knocking on doors and going up closes.

**John Stevenson:** We need to redefine the jobs. The new social work posts that are being created, such as social workers in schools, have a defined role. For example, the workers will carry eight cases, six of which will be high priority, and they will have five hours to do group work. Most child protection workers would be over the moon to have such a job description. The prescribed case load in Edinburgh is 19, whereas the suggestion in the Laming report was 13 or 14. If child protection workers had a job definition, they could say how much time they had to do certain things. However, that would always be in theory, because situations blow up and cannot always be predicted. The new posts have definitions, but the posts in the existing child protection structure do not.

**Fiona Hyslop:** I want to return to the public perception issues, which you have touched on. There is an issue about the public perception of child protection work, as opposed to other social work posts. Your submission makes the point about funding being ring fenced and Ronnie Stevenson said that people can always move to other jobs that are seen to be more attractive. Are Executive initiatives in youth justice and other areas almost counterproductive in that they pull people away from child protection work? What can be done, perhaps through providing resources, to improve the image and achieve a more even balance?

**John Stevenson:** Something could be done to provide resources to reward people who work in child protection, although I am not sure what the best way of doing that is. My team went down to 50 per cent, although we are now at full strength again. The people who left went either to promoted posts or to new specialist posts in which they had a defined limited work load and were unlikely to work overtime. They were not doing child protection work, but they received the same amount of money. They would have been silly not to go for those jobs, given their experience. They did not leave the profession; they went to different

jobs within it. We have a finite pool of people. Although the new ring-fenced projects are in many ways welcome, they have shifted people away from core services, because they offer the same reward for what is perceived to be less stress and pressure.

**Fiona Hyslop:** I see the attraction of defined and promoted posts. What can be done to balance the situation? We either do not have defined posts in other areas or we develop such posts in child work. What is the solution?

**Ronnie Stevenson:** In recent years, there has been a lot of government by initiative. The initiatives are well defined and have specific remits and people go to work in them because it is much easier to do so. They know exactly what they are going into, what they have to do and what the expected outcomes are.

Children on the at-risk register are not a good pressure group, but sheriffs are, so loads of social workers do court reports. Foster carers are a good pressure group. Every foster carer has a qualified social worker, but there is no national standard that says that every child who is living in terrible circumstances in peripheral housing estates in Scotland and who is on the child protection register should have a social worker. Such a measure could be passed tomorrow, but we could not implement it, because there are not enough of us out there. There have been issues over the past few years about the way in which certain areas have been ring fenced, which has left child protection as a poor relation.

**Fiona Hyslop:** That is a very strong—

**The Convener:** Sorry, can we move on a little, Fiona? I am conscious of the time.

**Fiona Hyslop:** I have a question on risk assessment and public perception. If the public better understand working with risk, is there a danger that that will damage recruitment and retention, or is that risk itself worth taking to ensure that people understand exactly what the job is?

**John Stevenson:** That is not what I am hearing from the people whom I work with and represent. They feel that it would make the job more understandable to people, which is important. One of the recommendations of the Carla Bone inquiry by the north-east child protection committee was that elected officials and health board members should be regularly briefed on what staff are actually doing on the ground. Rather than receiving sanitised statistics, they should be told what social workers actually do.

I have noticed that people who have watched the BBC programme on social workers in Edinburgh have been astonished by what social

workers do. They had no idea of the range of things that social workers do. I was talking to someone in my local refreshment place the other night—

**The Convener:** A non-alcoholic cafe, is it?

**John Stevenson:** They had no idea that a parent would ask to have their children taken into care. Their perception of social workers was of people who descended on others and took their children. The more the public understand about that, the better supported many social workers will feel.

On the Caleb Ness case, a politician in Edinburgh said that somebody off the street would have made a better decision. That may or may not have been the case, although the inquiry showed that it certainly was not the case. There was a commonsense view that was based on a misunderstanding. One of the big misunderstandings is that social workers can just step into a family and take a child away, because it seems common sense to do that. That is okay until it becomes your child and your family, then you want the rights and protections that the law rightly gives you. The more understanding there is of that situation, the better.

**Rhona Brankin:** In your evidence, you express some concerns about child protection committees. Could you flesh those concerns out a bit?

**John Stevenson:** Lord Laming's inquiry, the Caleb Ness inquiry—about which we have a lot of concerns—the Carla Bone inquiry and “It's everyone's job to make sure I'm alright” all focused on the importance of structures such as child protection committees. Our concern is that, by and large, the committees have no power to compel. If a child protection committee takes a decision that there will be an interchange of information between health and social work, it cannot instruct each of the agencies to do that. The process is only advisory. The policy that is introduced at a high level does not come into action at a lower level in terms of delivery on the ground.

The clear message from the O'Brien inquiry was that there should be an exchange of information between health service staff and social workers when there is considered to be a risk, even if that will break patient confidentiality. However, the reality on the ground was that in many areas communication got worse. Because of the way in which issues were raised, health service people were not clear about the circumstances under which they could and could not share information, yet the child protection committee had said, “You should be doing that.” From the social work side, we could not say, “You are not delivering your side of the bargain,” and health staff could not say that

to us. I am not sure how that would be done, but the child protection committee needs to have stronger powers so that, if the joint agencies decide on something, the committee can ensure that that can be delivered by each of the partners on the ground.

As we said, the ability to do that at service delivery level is more important. It would be much more useful for me to be able to discuss in some kind of forum—with the local health visitor, general practitioner, police officer and someone from the local school—neighbourhood and community issues in respect of child protection than it would be for me to be able to go to the child protection committee. We need to know that some kind of structure is in place that enables the agencies to make requests and demands of each other and there needs to be some line of accountability if those demands are not met.

10:30

**Rhona Brankin:** Does the Executive's recent document on standards go some way towards addressing the issue?

**John Stevenson:** The document is helpful, but much more work needs to be done. At this stage, I would describe the document as setting out principles rather than standards. New social workers in particular tell me that some system of scrutiny and measurement would offer protection and would enable them to know whether they are doing well in the job. Social workers who are longer in the tooth might find that a bit more uncomfortable, but, as long as the criteria are fair, it would enable people to know whether they are doing the job well. We need to be able to flag up the times when we cannot do the job. Scrutiny should not be something to be frightened of. Sometimes a lack of scrutiny can be used as a good way of covering up the fact that social workers cannot deliver in certain areas.

We welcome principles, but we would also welcome the kind of standards that said, “This is the kind of level that we should be achieving.” We need to have measurable standards so that there is a reasonably unbiased way of telling a social worker that they are achieving the standard or that they are not. The system could also tell people when the resources are insufficient for the standard to be achieved.

**The Convener:** It seems that you support the idea of having meetings, whether they are formal child protection committee meetings or case meetings attended by the various professionals—health service people, social workers, teachers and police. That sounds all very well in principle, but surely the difficulty is getting everybody around the table at the same time. That issue was

touched on earlier. If all the people involved are stressed and overburdened, is it possible to do things in that way? If people are not turning up in the first place, should we be considering other, less time-consuming ways of exchanging information? Is that the fault point at which all the communication breaks down?

**Ronnie Stevenson:** I do not necessarily think that such meetings would take away from the task in terms of time. If the people who are involved in a child's life were to sit down on a monthly basis to determine who was to do what, the result could be a more efficient use of time.

**The Convener:** But are you getting those people together? You said that sometimes people did not turn up and that social workers were left in meetings sitting by themselves. If that is happening, it is a clear waste of time. Are there major problems in getting people together around the table? I appreciate that you are suggesting that that is the ideal and I do not disagree with the suggestion.

**Ronnie Stevenson:** My earlier comment was a specific reference to the training element. The core groups are designed to co-ordinate the people who intervene in a child's life. People see those meetings as a bit more useful, which means that there is a greater commitment to attend them. They know that they can decide together who will see the child this week or next week, for example. The possibility that children will not be seen will therefore not arise. People work out who will do what.

**The Convener:** Broadly speaking, are you saying that people turn up 90 per cent of the time or 50 per cent of the time? What sort of picture can we take from your comments?

**Ronnie Stevenson:** That becomes very anecdotal.

**The Convener:** It is a bit, but what is your experience?

**Ronnie Stevenson:** The figure perhaps depends on how hard someone is shouting and whether they are a good shouter. I think that the minimum is that 50 per cent of the people would attend 50 per cent of the time. Often, it is the key players who attend; they are the ones who are concerned about the child and want to ensure that nothing untoward happens.

**Ms Byrne:** As a former teacher, I am very interested in the part that education plays in child protection. Is it helpful that community schools often have a social worker attached? Do you find that there is enough education input into meetings and into information that is provided to social work? Is there a good exchange? Are the recommendations that have been made

sufficiently helpful to improve the situation? In my experience, teachers often have a gut reaction to and feeling about situations, but they have difficulty deciding whether to push that forward. More communication and dialogue are necessary. People in the classroom, rather than people in management, often know what is going on but are missed out in meetings. What are your views on that issue?

**John Stevenson:** On the ground, nothing works better than for a teacher to be able to phone someone up to run a matter by them in an informal way and to say, "This is niggling me," before recourse is had to guidelines and procedures. When that works well, everything works well. The system works best when a child discloses sexual abuse, if teachers can get support in a school. The fact that a child has chosen to tell a teacher about abuse makes them the most important person to speak to the child, regardless of whether they are trained. Having sympathetic systems in school and immediate support is important in that regard.

In the aftermath of an inquiry, people often rely on guidelines and the letter of the law. In my case, dozens of people turned up at case conferences and read guidelines to me over the phone, but they forgot the child. Where support exists, the system works well. However, some schools are more bureaucratic and phone the zone paediatrician before the social worker, even though it takes five hours for their message to be answered. The situation is best when informal links at local level work well.

One concern that we have generally across social work relates to the fact that education is a universal service, rather than a service for young people who are in care or those who are excluded from school. A key gap in our ability to work with young people is in education provision. Often universality goes out of the window once young people start to hit trouble. Many statistics indicate that the kids whom we have in our care do not do well educationally. We are asked what social work should do about that. Perhaps the question is what social work and education should do about it. Often problems are the reason why a child comes into care, not a result of their coming into care.

**Ms Wendy Alexander (Paisley North) (Lab):** I want to ask about record keeping and information sharing.

**The Convener:** We will come to that matter in a minute. I thought that you wanted to comment on the subject that we are discussing.

**Lord James Douglas-Hamilton:** I want to ask about the vetting of staff. Do you have concerns about the operation of Disclosure Scotland in providing information to employers within an acceptable timescale? In part, the background to

the question is the Soham tragedy. Last week, we heard evidence from several witnesses that information is not getting through quickly enough—the process takes eight to 12 weeks. As a result, people are being taken on before checks have been completed. What is your perspective on the problem? What is the best solution to it?

**John Stevenson:** When checks were first introduced, they took about two weeks. My experience is that they can now take eight to 12 weeks. I hesitate to say this, because I am not absolutely sure of the facts, but there appears to be a level of bureaucracy that makes things difficult. A few weeks ago, I took on a new senior social worker who has worked for the department for 23 years, but I could not start her in the post until Disclosure Scotland had completed its work, which took eight to 10 weeks. I know that, if she were to apply for another job next year, the process could take place more quickly, with less disclosure. I am not sure how all that bureaucracy works, but it is certainly taking a lot longer than it used to. We must assume that that is because a lot more demands are being made on the system.

**Lord James Douglas-Hamilton:** You are certain that the problem needs to be addressed—whatever the causes, it needs to be sorted out.

**Ronnie Stevenson:** The Disclosure Scotland check should be effective for a certain period of time. An enhanced disclosure is specific to the job, so the soft information that the police give out will be specific to that job. Therefore, the police might reveal information for one job that they would not reveal for another. I know of colleagues who have had three disclosures from Disclosure Scotland in the past year, when all they have done is move to different jobs within our department. Perhaps we could stipulate—I do not know whether this would involve an element of risk taking—that a disclosure lasts for at least a year. In the example that I have given, that would have cut the number of applications by two. I presume that that would free up resources.

The personnel people in my office are responsible for the recruitment of social workers in Glasgow. They noticed that they were having to wait for much longer, although they are now talking about the waiting time going down. People are not employed until they are cleared; people are not being employed pending clearance, if that is what you are suggesting.

**Lord James Douglas-Hamilton:** We heard in evidence last week that that had happened in some local authorities in Scotland.

**Ronnie Stevenson:** That would not have been Glasgow.

**Lord James Douglas-Hamilton:** In your experience, you are not aware of that happening.

**Stephen Smellie:** I am not aware of that happening, either.

**Ronnie Stevenson:** Our complaint is about people who have been offered jobs and have had to wait for many weeks before they could start, because the disclosure from Disclosure Scotland had not come through.

**John Stevenson:** I am aware of people who are transferring employment but are not being allowed to have client contact until the disclosure comes through. I am not aware of anyone having client contact before the disclosure has come through.

**Lord James Douglas-Hamilton:** We will look at that evidence with considerable care.

**John Stevenson:** I am not saying that it does not happen; I am saying that in our experience we are not aware of it happening.

**Lord James Douglas-Hamilton:** On the vetting of staff, your submission states:

“there should be clearer guidance on the application of the Data Protection Act and issues of patient confidentiality to assist medical and other staff in deciding when they can disclose information where a child may be at risk.”

Do you have any particular recommendations or guidance that you want to give us on that subject?

**John Stevenson:** No, other than to say that there should be clarity in the guidelines. Lord Laming also asked for that. We work on the basis that a child's well-being overrides issues of confidentiality. However, I am not aware that we have ever been challenged on that, although I suspect that at some point someone will be challenged. We are not entirely sure what the issues are. The medical profession has even more difficulty because of the ethics of confidentiality when the information is not about the child. When the information is about the child, things are easy enough, but when the information is about an adult, that is much more difficult.

**Lord James Douglas-Hamilton:** My final question is about an acceptable timescale for Disclosure Scotland to operate within. What would you like the norm to be in future? Two to three weeks?

**Ronnie Stevenson:** Yes. That seems reasonable.

**John Stevenson:** Disclosure Scotland was not managing that at the beginning.

**The Convener:** I had not realised that staff had to have a disclosure from Disclosure Scotland when they moved within the department to a slightly different job. I take it that that is generally the case.

**Ronnie Stevenson:** I am involved, outside work, in coaching kids. The voluntary sector is

moving increasingly in the direction of disclosures, so the volume of requests will increase. If something is not done about resourcing that work, the situation will get worse.

**Mr Kenneth Macintosh (Eastwood) (Lab):** You highlighted child fatality reviews in your submission and gave them priority in your earlier remarks. I appreciate that the blame culture is not a particularly constructive one for anybody and that to challenge that would be very helpful in changing everyone's attitude to social work. Will you expand on how we might achieve that and outline the progress that has been made? Obviously, such an aspiration is strong; however, I cannot quite grasp how that will be achieved when an element of responsibility will always come into the conclusion of any child fatality review.

10:45

**Ronnie Stevenson:** What we must consider is the method. For example, if the local newspaper is having a slow news day and a story breaks about the death of a child in care, we could end up with a full-blown inquiry that involves a very senior person. However, on another day, exactly the same set of circumstances would give rise to a different kind of inquiry.

We are not running away from the fact that people can make mistakes and we are not saying that such mistakes should not be highlighted. However, we must think about the nature of the inquiry. John Stevenson will be able to say more about what happened in the O'Brien inquiry, but we need to consider the circumstances in which people appear in front of inquiries and the rules that govern those appearances. For example, should they be accompanied by a lawyer? We need to sort out those issues to ensure that, as a matter of routine, a range of practical measures is available to deal with any circumstances that might arise in a way that respects everyone's rights and tries to get at the truth.

**Mr Macintosh:** Last week, we heard evidence that people should be supported in the process. After all, because they are spending the whole time concentrating on how they will defend their reputation before the inquiry, they might neglect their own work. Indeed, I think that one of the witnesses said the same earlier. However, although we can all be concerned about how inquiries are reported, surely the more important question is how they are structured.

**John Stevenson:** We feel that inquiries should be investigatory rather than inquisitorial. Their starting point should be finding out what happened and drawing some conclusions instead of citing what went wrong. We hold up the Carla Bone inquiry in the north-east as a relative model in that

respect, although I should point out that that inquiry was initiated in less blame-led circumstances. That probably put it on a better footing.

In addition to that, inquiries should have a reasonably consistent approach. After all, they crop up for different reasons. For example, the O'Brien inquiry was kicked off because of a statement made in the sheriff court during the court case, which was a long time in coming. Although that statement was later retracted, it caused politicians to call for an inquiry. After some debate about whether the inquiry should be internal or external, we ended up with this thing that we felt was less than helpful in uncovering the real issues.

The status of the O'Brien inquiry was different from that of the Carla Bone inquiry, Lord Laming's judicial inquiry and the Orkney inquiry. If we had guidelines on how to make an across-the-board and consistent response when such matters are perceived to have gone wrong, everyone would know where they stood. For example, with the O'Brien inquiry, one of the problems that our members faced was that they were asked not to bring representation with them. They were told that it was not that kind of inquiry. However, when they turned up, they found that it was that kind of inquiry and that they should have had representation. Clear lines need to be drawn, because such matters have implications.

I have to say that if another inquiry like the O'Brien inquiry began in Edinburgh tomorrow, we would have to advise members not to participate in it. During the O'Brien inquiry, they had no safeguards and some of them were treated extremely badly. For example, comments were made about them that were based on evidence that has since been shown to be untrue. Moreover, because the inquiry did not have any status, they have absolutely no recourse. Newspapers can continue to print stories about them and there is not a lot that they can do about it.

**Lord James Douglas-Hamilton:** We are sensitive to your comments. What would be the best form for an inquiry that was initiated in the wake of a tragedy? Would it take the form of a fatal accident inquiry? In such circumstances, what kind of inquiry would be the fairest to those in the social work profession?

**John Stevenson:** I hesitate to give a specific response to that question, other than to say that we should learn lessons from how the best inquiries have been handled. Such inquiries might not necessarily be handled by the Scottish Executive; instead, it might simply issue guidelines on how they should be handled. However, I should point out that we have not thought about the matter at that level of detail.

**Lord James Douglas-Hamilton:** Would you feel able to consider that and let us know your views after consulting among yourselves? It appears that the range, extent and complexity of the work that social workers do are not appreciated as widely as they should be. It would be helpful if you would let us know your considered thoughts.

**John Stevenson:** Yes.

**Stephen Smellie:** A fatality inquiry does not consider only the role of social workers; in most cases a range of other professionals and non-professionals are involved and any fatality inquiry has to take that on board. The guidelines that John Stevenson is talking about would be about asking what is the correct kind of professional involvement and legal expertise that is necessary. We are happy to go away and consider what form they would take, but we would have to consider more than just the social work input. We have made the point, as has the Executive and everybody else, that it is not just the job of social workers to deal with these matters.

**The Convener:** The fatal accident inquiry mechanism was set up to deal with sudden deaths and other situations. One would imagine that in principle it ought to have the powers and the remit to provide protections, as well as having well-established procedures. Should there be any consideration of changes to the fatal accident inquiry's remit and powers? You may not want to answer that question just now, but perhaps you could consider it. On the face of it, it seems that the main statutory inquiry into sudden deaths should be the main vehicle for exploring issues, even if discipline ratios were to emerge as a result.

**Stephen Smellie:** As John Stevenson said, we would need to go away and consider that.

**The Convener:** That would be helpful.

**Ms Alexander:** I have a couple of questions about record keeping and information sharing. In your submission you state helpfully:

"UNISON Scotland believes that the current proliferation of recording forms within Social Work Services to Children, currently three different sets of unrelated forms are required to be completed, is unhelpful. ... It is the view of our members in social work that a standard single record would be better suited to the task of child protection."

How will that happen and how do we fix the situation?

**Ronnie Stevenson:** The situation varies throughout the country. In Glasgow three records are kept. A full assessment report is submitted to the reporter, child-protection type forms, which detail particular circumstances, are filled in and if a child is looked after and accommodated, there will be a set of forms for that as well.

**Ms Alexander:** We have two choices in relation to how we fix that. Either we exhort 32 local authorities to get their act together or the Scottish Executive acts. Does Unison have a view on that?

**Ronnie Stevenson:** The three forms probably emanated from Scottish Executive exhortation. Perhaps the committee could exhort it to give us one form. There are three forms before we have even considered a child's health and education records and so on.

**Ms Alexander:** You recommend strongly that there should be more information sharing, on which there were also strong recommendations in the report, "It's everyone's job to make sure I'm alright". What is your view on the progress that the Executive has made towards information sharing? Do you have a view on the timescales to which the Executive is working? Is Unison represented on Professor Baldwin's committee, which is apparently considering a possible framework to be introduced next December?

**Stephen Smellie:** No.

**Ronnie Stevenson:** We do not get invited to a lot of things.

**Ms Alexander:** I am going to ask what I think would be described as a leading question. In "It's everyone's job to make sure I'm alright" there was a commitment to the Executive's performing a leadership role in information sharing. In the framework of standards, which was mentioned last week, there was no mention of an Executive role; there were just exhortations to the various agencies to co-operate better. Do you want to say anything else on the need for the Executive to perform a leadership role in information sharing?

**Ronnie Stevenson:** I know that we have dressed up issues in terms of data protection, but we are talking about ethics. All the health professionals came from a business that said, "All the information is mine; it's naeboddy else's." There are whole sections of the health service that have begun to acknowledge that that is not good because it is not in the best interests of the child. The problem is often about what to do. The decision could be taken to disclose information because it is believed that it is not in the best interests of the child not to. I would do that, and challenge whoever wants to challenge me to say in front of a sheriff, "It wasn't in the best interests of the child for you to disclose that."

Among those in the self-employed sector of the health service, such as GPs, there is probably even greater reluctance to share. In day-to-day work with health visitors, I do not find that that is a big problem, but there are other areas where information is held back. We are talking about two cultures and there is an element of exhortation when changing culture. However, some people



are holding back because they think that if they do a particular thing, they are somehow breaking the law. It might be that it has to be clarified that, in such circumstances, they ain't breaking the law.

**Ms Alexander:** Although it surprised me, it might not surprise Ronnie Stevenson to know that when Strathclyde Police testified on that last week, they gave us some of the most interesting evidence about how to put the interests of the child first when thinking through those information issues. They were looking for the lead that Ronnie Stevenson is suggesting.

**Mr Adam Ingram (South of Scotland) (SNP):** I would like to return to the point about the lack of public understanding, particularly of the use of compulsory powers. Recommendation 13 of the "It's everyone's job to make sure I'm alright" report is about referring agencies identifying why compulsory measures of supervision might be necessary. Your submission on those recommendations mentions the

"tensions inherent in 'voluntary' and 'compulsory' measures".

Will you explain that a wee bit more?

**John Stevenson:** The Children (Scotland) Act 1995 outlined three issues that social workers identified that primarily guide them. One is the concept of partnership—working with people and engaging people. We cannot do things to people; they have to work with us. Part of that is trying to engage people without the need for statutory measures.

Children's reporters also have to take into account whether a child might be in need of compulsory measures of care. If the family agrees to work with them, reporters often interpret that as meaning there is no need for compulsory care; it can be done on a voluntary basis. If I seek a child protection order and the parent agrees that I can take the child away and send them to foster parents, I will not get a child protection order because there is no need for the compulsion element.

One of the misunderstandings in the O'Brien report was that statutory measures should always be sought, but the ethos in the Children (Scotland) Act 1995 is that they should not always be sought. It is not that they should be a final option, but they should be better than any other option that has already been considered. We should not jump immediately to take statutory measures.

Automatic referral to the children's reporter is fair enough, but at that stage the reporter is going to take a view on whether the situation requires statutory measures or whether everyone can work in partnership. I am not sure that that was well understood by the O'Brien report, and sometimes

by politicians, because it is often asked, "Why were you working with this family informally? Should you not have gone and got an order?" That is not automatic, and that is right.

**Mr Ingram:** How would you address that issue? What do you recommend?

**Ronnie Stevenson:** What is called the "no-order principle" is a good principle. People then have to understand that one of the consequences of elaborating the no-order principle to an issue that comes under the Children (Scotland) Act 1995 is that sometimes, when they are working with families, there will not be an order, so they do not have powers of compulsion.

If there is a lack of co-operation, the social worker might at some stage in the process decide that they have to move for powers of compulsion. One of the problems is that evidence for that has to be given in front of a sheriff in order to gain those powers. That means that a sheriff has to judge on the social workers' powers to provide evidence that will convince him. The idea that every kid known to social work is there through compulsion is just nonsense and people have to understand that.

**Fiona Hyslop:** In your evidence, you say that the concern is about "preventative services", and you have touched on how they are not a statutory duty and therefore not prioritised in resourcing. What practical things can we do to address that?

11:00

**John Stevenson:** Ronnie Stevenson touched on how, as far as we are aware, every local authority is spending more than their assessed need for social work, and money is a big issue.

It is difficult to assess, analyse and show the worth of preventive work because it is difficult to show what has not happened as opposed to what has. Community preventive services that are provided by the voluntary sector and local authorities, such as the child and family centres in Edinburgh, are enormously important in preventing abuse and crisis. Families can get practical assistance, parenting help and all kinds of other help to avoid the crisis occurring. That is where more of our efforts should be focused, rather than sweeping up the pieces once something has gone wrong.

There are two issues in that. The first is how to get money into communities and allow the communities to provide some of those services themselves. That is important. Secondly, how do we target the highest priority? It is sometimes difficult to assess priorities when nothing has yet gone wrong. In my area, more money is going into preventive social work in schools. As a hard-

hearted team manager, I am saying that we would not provide a service there; it is not high enough a priority. However, resources that I need are going in to the lower priorities. That is one way of looking at it.

The other way of looking at it is that the more resources we can put into the lower priorities, the less chance they have of becoming high priorities and crisis work. The people dealing with the crises need to take a broad look at the issues rather than a blinkered one.

**The Convener:** That was very useful. You have undertaken to come back to us with information on inquiries. We are interested in your views on that.

In the meantime, thank you. That was a useful session and we are grateful for your time this morning.

11:02

*Meeting suspended.*

11:13

*On resuming—*

**The Convener:** We restart this meeting of the Education Committee and welcome our second panel of witnesses, who are from the Scottish Children's Reporter Administration. We welcome Jackie Robeson, the head of practice, and Alan Miller, the chief reporter. Alan will say some words of wisdom to start with.

**Alan Miller (Scottish Children's Reporter Administration):** Good morning and thank you, convener. I hope that these will be words of wisdom, but that is for you to judge. We thank the committee for this opportunity to contribute to the child protection inquiry. I will open up three themes: what our service contributes to child protection work; developments that we are currently engaged in; and what is needed, in wider terms.

We engage in child protection as part of the wider whole that is the engagement of services and systems with vulnerable children and families. We are clear that child protection cannot be seen as separate from that wider engagement. More specifically, we bring an expertise in pulling together information from disparate sources to produce integrated assessment. That is a strength of the Scottish approach to child protection, as is the involvement of the community through the decision-making role of the children's hearing. In addition, we have been developing our information systems as a national organisation, and we expect to start producing regular and localised data to share with our partners in the very near future. In a sense, we already have a national database of

children who are known to the children's hearings system.

11:15

I will race through four points on current developments. We are developing a comprehensive decision-making framework for reporters, which will break new ground by applying across the whole range of concerns that we deal with, including offending, child protection and behavioural issues. We are working with the police and social work colleagues to improve referral and information arrangements. My colleague, Jackie Robeson, is involved in that. We have implemented an in-house practice audit service, which now provides a major plank of our quality assurance and, later this year, we will introduce the first-ever accredited in-house training qualification for reporters.

With regard to what is needed on a wider front, we support the focus on information sharing, on improved assessment and on multi-agency inspection. Information sharing and assessment must be informed by developing and making accessible a body of research evidence about risk factors and effective intervention. We need a what-works agenda for child protection as much as we need one for youth justice. There is also a need for political leadership and on-going public information to raise awareness of the fact that it really is everyone's responsibility to make sure that vulnerable children are all right and to recognise that, despite everyone's best efforts, this will always be a complex and high-risk area of work with no straightforward answers.

**The Convener:** Thank you very much. That last point was pertinent and has been made by several witnesses. The general issue of risk is quite important in all this. We heard from the Unison witnesses that there is a series of areas of risk and that there are no certainties in the matter. We have heard from previous witnesses about drug-abusing parents and domestic abuse leading to referrals to the children's reporters. What is your perception of risk? What do you consider when deciding to devote resources to an individual case? What risk issues are you concerned with?

**Jackie Robeson (Scottish Children's Reporter Administration):** Alan Miller mentioned the fact that we are developing a decision-making framework that will look specifically at risk assessment. In areas where we are dealing with persistent offending, we have piloted and developed those tools in order to get them right. Our interests are the identification of risk and the assessment of that risk. We are trying to ensure that, if risk is identified across the broad spectrum of risk that affects children, it comes to us and we locate the proper agencies to carry out

assessments of which we can co-ordinate an overview. That is quite a complex area for us to look into.

If you are asking about the particular risks that are staring us in the face as reporters dealing with children who are referred to us, a lot of the evidence that you have heard mirrors our concerns. We are increasingly aware of drug abuse and domestic violence as well as general issues of neglect; however, there is a broad spectrum of risk.

**The Convener:** What about alcoholism and alcohol issues, which have been mentioned? How do they relate to drug issues in the background context?

**Jackie Robeson:** Alcohol issues are still prevalent. Some children are referred because alcohol is an issue for them, either within their family or through their own abuse of alcohol. In general, although drug abuse has become more prominent in our investigations, alcohol misuse is still very much a part of what we are dealing with.

**The Convener:** I have perhaps strayed into Rosemary Byrne's area of questioning. Do you wish to continue, Rosemary?

**Ms Byrne:** Yes. Can you explain in more detail why you do not agree with recommendation 14 of "It's everyone's job to make sure I'm alright", which calls for a review of the grounds for referral to the children's reporter?

**Alan Miller:** Recommendation 14 of the Scottish Executive's child protection audit and inspection review suggests that the grounds for referring a child to a children's hearing should be brought closer to the wider grounds on which local authorities engage with children in need.

Our concern is that there has to be a step change between the broader grounds on which local authorities and other services offer support on a preventative basis and the tighter basis on which the local authority, or in effect the state, ought to intervene compulsorily in the life of a family. If the state does that, perhaps even to the extent of removing children from the care of their parents, the grounds on which it does so have to be pretty clear. It is important also to see the issue not just as one of legal thresholds, but as one of ensuring that a wide range of support and preventive services are available. Far more children can be helped in their families than through the children's hearings system.

**Ms Byrne:** I have a question about babies who are borne to drug-abusing parents, where there is clear evidence of what is going on. What support is available at present, and how can we improve it in order to ensure that those babies and children are safe?

**Jackie Robeson:** I understand that you have heard evidence from other witnesses on the subject. Although some important research has been done on the subject, more is required. There needs to be an ability to engage with what is sometimes chaotic drug misuse. From our organisation's perspective, we are keen to be clear with our reporters that, although we cannot kick in to looking at compulsory measures until a child is born, we can take engage in pre-birth case discussions. We can attend on that basis and be clear about the compulsory measures that can come into play if required.

The key point is the need for a proper assessment of the cases of such young children; indeed, of the cases of babies before they are born. A lot of expertise has been built up in the health service: a lot is going on, but it needs to be brought together and people need to be clearer about what they should be looking at.

**Ms Byrne:** If the proposed co-ordination is implemented, will that come about, or are we not on the right track?

**Jackie Robeson:** A lot of the work that has begun on the reform of child protection must take us down that road. People talk about child protection as being a very complex area and that is the case. A real attempt is being made to bring all of the bits and pieces together to ensure that the system works. I think that that work is going in the right direction.

**Rhona Brankin:** I have a question on risk. We talked about the risks that are associated with children in drug-abusing families or children in families in which there is domestic violence. Where are the meaningful statistics on those issues and how can we access them?

**Jackie Robeson:** The starting point is to ensure that we are collecting all the information that we need to collect across the range of involved agencies.

**Rhona Brankin:** Is that happening? Do the statistics exist and, if they do, where can we get them?

**Jackie Robeson:** Different agencies are collecting different information and real efforts are being made to bring it together. That is where some of the key interagency work comes in: it is drawing in information from the agencies to ensure that it can be put together and that a comprehensive picture can be seen.

In respect of the statistics on domestic violence for instance, our organisation is trying to ensure that we identify cases in which domestic violence is referred as a distinct concern. Also, in dealing with children on a holistic basis, we identify domestic abuse that is uncovered as we deal with

them. We want to ensure that we capture that information. In turn, that information relates to information that the police are gathering, for example. I am sure that other witnesses would also be able to talk about this. I know that Bob Ovens, who gave evidence to the committee, has a remit that ensures that all the police forces collect information on domestic violence in a meaningful way. That consistent baseline of information can then be matched across with information from other agencies.

**Rhona Brankin:** So, how do we get the information? In looking at the scale and scope of the problem, the committee needs to have access to statistics, but we are having great difficulty getting the information.

**Jackie Robeson:** In the report, "It's everyone's job to make sure I'm alright", there was a clear identification of the need to examine statistics and information. Within our organisation, we are trying to ensure that we can pull together information that is valuable to areas such as child protection, but it is difficult. The movement towards information sharing and using technology to share information is on-going; such sharing is just not here right now.

**Alan Miller:** One of the realities that we have to deal with is that children and families do not come neatly labelled as being cases of domestic abuse or of drugs. Such issues can often be hidden or only alluded to and it may or may not be possible to harden people's concerns into clear evidence. As Jackie Robeson said, we, like every agency, are seeking to address the fact that there are basic difficulties in identification. I am afraid that my second point has gone clean out of my head, but I am sure that it will come back to me.

**The Convener:** I think that I am right in saying that, when I had a discussion with you a couple of years ago, the reporters department was living in the prehistoric age in terms of its ability to have information and statistics on computer. Have those problems been overcome and are you up to speed on such matters? If not, what are the issues that we should be considering in that context? As Rhona Brankin said, statistics and information are pretty important in the area of child protection, if we are to have an influence on matters such as directing scarce resources.

**Alan Miller:** Since December 2002, every child's case that we deal with has been recorded on a national computerised database that is run in our organisation. That gives us tremendous capacity to pull together information. We are only starting to exploit that capacity, but we are equipping ourselves to do that. Although we can report only on data on cases that come to us, the number of such cases is large. In a typical year, about 3 per cent of all children in Scotland are

reported to us for reasons other than offending. That is a significant number of children.

**The Convener:** Do you have sufficient resources to make progress on that agenda? By that, I mean to do the research and the gathering and collating of statistics, rather than to deal with the cases.

**Alan Miller:** Resources are available to us. The organisation's resources were significantly increased a year ago, to enable us to set up functions such as research and planning and to expand the casework practice expertise that Jackie Robeson is in charge of. Demand always outstrips supply, but at least we have some capacity now, which we are seeking to develop and use.

**Lord James Douglas-Hamilton:** I have a question about the vetting of staff. Do you have any concerns about the operation of Disclosure Scotland in providing information within an acceptable timescale?

**Alan Miller:** To a large extent, our experience mirrors that of other witnesses who have appeared before the committee. The quality of information that is available is good, but there is no doubt that the timescales have lengthened. In the initial honeymoon period, the turnaround was very quick—about two to three weeks—but it has lengthened to about eight to 10 weeks. Disclosure Scotland is taking various steps to address that situation. The time that is taken is a very practical difficulty, for us as well as for other employers.

**Lord James Douglas-Hamilton:** Would the ideal timescale be two to three weeks?

**Alan Miller:** It would be extremely helpful to everyone if such a timescale could be achieved.

**Lord James Douglas-Hamilton:** It is your view that the matter should be sorted out.

**Alan Miller:** I very much hope that it will be. It is clear that it represents a practical difficulty.

**Lord James Douglas-Hamilton:** Do you know what the causes of the problem are?

**Alan Miller:** My understanding is that the problem is driven largely by work load. There is a huge demand for disclosure of information across the public and the voluntary sectors.

**Lord James Douglas-Hamilton:** Is that because of the placing of extra responsibilities on the staff concerned or is it because there are just not enough staff?

**Alan Miller:** Within Disclosure Scotland?

**Lord James Douglas-Hamilton:** Yes.

**Alan Miller:** I could not really comment on that, but it appears that demand is significantly outstripping supply.

**Lord James Douglas-Hamilton:** From your perspective, and to the best of your knowledge, are you aware of anyone having been taken on before the disclosure checks could be completed?

11:30

**Alan Miller:** We certainly would not take that kind of risk with anyone who was involved in work with children.

**Lord James Douglas-Hamilton:** Is there a possibility that anyone has been taken on before the disclosure checks have been completed?

**Alan Miller:** We have had discussions about that in relation to some posts that are not case related. In some situations, we have had to weigh up the risk of proceeding without disclosure against the risk of not having a key post filled in a reasonable timescale.

**Lord James Douglas-Hamilton:** Does there appear to be anecdotal information to the effect that some people might have been taken on before the disclosure checks were completed?

**Alan Miller:** That might well have happened. We have considered that as a risk issue in relation to posts that do not involve casework.

**Rhona Brankin:** You said that you are working with police and social workers on referrals. The police make automatic referrals in cases of domestic abuse, but are there other cases in which automatic referrals are made? [*Interruption.*]

Has that issue already been covered?

**The Convener:** Yes.

**Rhona Brankin:** I wanted to get a handle on the implications on work load of the widening out of automatic referrals. If that issue has been covered, however, that is fine.

**Dr Murray:** We have heard evidence about problems with staff shortages. I am sure that those shortages impinge on your work with regard to the extent to which the recommendations of children's panels can be undertaken. Is there a problem with recruitment to children's panels?

**Alan Miller:** I must start by saying that we are not in any way responsible for that.

**Dr Murray:** No, but I presume that you have some idea about whether there is a problem.

**Alan Miller:** Recruitment is pretty healthy. In a typical year, around 500 to 700 new members of children's panels will be taken on. The recruitment process is progressing with a view to new members being appointed from May, and my

understanding is that many areas are reporting increased interest.

Inevitably, as the system is based on volunteers, there is turnover. People's life circumstances change and they may find that they cannot keep up the required level of commitment. However, it is remarkable that so many people continue to volunteer to perform, for little reward, a hugely important service to the community.

**Dr Murray:** We have heard about problems regarding the recruitment of social workers, particularly in child protection work. There is a perception that staff shortages mean that some of the recommendations that the children's panels might make cannot be acted upon. Is that a frustration in terms of providing protection to vulnerable children?

**Jackie Robeson:** That is a concern, particularly when compulsory measures are required and a process has been gone through with the local authority to put those measures in place. If staff shortages affect the ability to do that work, that is frustrating. However, there is also a frustration in relation to measures that are not compulsory. Even if the family has agreed to co-operate with the measures, a shortage of social workers can lead to that work being frustrated, which means that the family's expectations have been falsely raised.

The third area in which there is frustration relates to the children's panels' attempts to get a proper assessment of what exactly the difficulties are and what measures need to be put in place. We have done some work, particularly with the Association of Directors of Social Work, to examine how we can conduct those assessments and share information to ensure that we focus our scarce resources on the right children and get information on those cases in which more risk is involved. We are working carefully, within that climate, to do something to ensure that children and families get the measures that they need.

**Dr Murray:** Is addressing the shortage of social workers in child protection a key priority in improving matters, in the short term as well as the long term?

**Jackie Robeson:** People are working towards that, and they are struggling to have some effect. There are many initiatives to improve the availability of social workers. Professionals are working together to ensure that measures of need are identified and that measures are put in place. A lot of effort is going into holding things together. We have a role in that, which we are carrying out locally. There are many examples of local initiatives, in which people are trying to ensure that social workers—of whom there is scarce availability—are put to best use. Somebody once

said to me, “If only we could knit social workers”—sometimes it comes down to that. The load can be shared and it can be ensured that education and health pick up the work, but a key element needs to be provided by social workers. We have to ensure that we make that happen.

**The Convener:** Can you give us a flavour of the extent of the problems throughout Scotland, particularly those that are caused by the shortage of social workers? When I chatted to Alan Miller a while back, people were being brought back to the children’s hearings three months after supervision orders had been made, to see whether anybody had made contact with them in the meantime; I am talking about initial contact, not about something actually being done or followed through. If that is happening, I assume that the situation is at least as bad in cases that are not referred through the hearings system. Are statistics kept about just how bad things are? Such a situation is extremely worrying.

**Alan Miller:** That is still an area of concern. We have not come armed with data today, but we can certainly provide information to the committee. The picture throughout the country is not consistent; there are variations both over time and from area to area. A number of measures are being taken. If we take Jackie Robeson’s comments, and what earlier witnesses said, there is clearly an issue about defining the key role of professionally qualified social workers, so that their time can be used most effectively, along with that of semi-qualified staff and the many thousands of staff in education services and pre-five services. That has to be part of the answer.

**The Convener:** It would be helpful if you could come back to us with some information about that. I have seen statistics at different levels, but your take on that is important.

**Ms Alexander:** What is your view of the Executive’s progress in assisting agencies to improve information sharing? Do you have any views on the envisaged timescales, the way of working or anything that needs to be prioritised to achieve more consistent information sharing?

**Jackie Robeson:** All the right moves are being made. There needs to be a combination of effort, from people being able to sit down and share information locally about individual children’s needs, to an ability, locally, to share management information and tools that make people work together. One of the other key areas is ensuring that the technology is a tool to make that happen, rather than a problem that prevents it from happening. A lot of work has been done on linking up the different systems that have been developed over the piece. That work takes time—it will take longer than the people who hoped that it would not take long thought that it would take.

In addition, there should be an increase in understanding among the agencies so that we can cut out misunderstandings about what information cannot be shared, while ensuring that people are absolutely clear, in different situations—particularly in child protection—about where, and how quickly, information needs to be shared. Again, that area is complex, but we are going in the right direction in ensuring that the tools, the structure and the overarching direction are there and that, on the ground, people are sharing the information so that it does not get lost. Things are going in the right direction, although everybody would want everything to happen more quickly. I am not sure what can be done about that.

**Fiona Hyslop:** Do you have any views about what the future role of child protection committees should be, bearing in mind your own experience?

**Jackie Robeson:** Child protection committees are key in this area. You have heard a lot of evidence about the areas in which improvements need to be made, and the Executive will issue a paper on how the child protection committees will be structured to empower them to have an effect on what is happening locally. We have always committed our local reporters to attending the committees and participating in them, and we are working nationally to ensure that the committees have a proper influence that is informed by national developments. Children’s reporters often chair child protection committees, and there is a perception that our organisation can play a co-ordinating role.

As has been said, there needs to be clarity about the powers of the child protection committees and what they can do. Their role in child fatality reviews and in reviewing significant cases could be a lot clearer. There is a capacity for the committees to look at what we call near misses—situations in which interagency working has not gone as well as people had envisaged. Child protection committees could reflect on practice and develop it locally to ensure that it is effective in dealing with child protection, in which they have a key role.

**Alan Miller:** It is helpful to draw an analogy with developments in the youth justice arena over the past four years. Youth justice strategy groups have been set up in every local authority area, working under a clear set of objectives and standards with additional resources and clear accountability. Those are the conditions under which child protection committees should operate. It needs to be made clear that those who attend the committees have authority delegated to them by senior leadership to commit their agency. The objectives—the child protection strategy—need to be clear, as does accountability for delivery. Those areas are in the mix in the development of child

protection committees. The area that is least clear, in many ways, is the overarching strategy.

**Fiona Hyslop:** You seem to be clear about the reviewing and reflecting role of child protection committees and how that can be improved. However, there seems to be a question mark over what their role should be regarding the future child protection strategy. Do you have a view on that?

**Alan Miller:** I am extemporising slightly, but we now have an emerging child protection strategy. The report "It's everyone's job to make sure I'm alright" did not set out a strategy but raised concerns and made recommendations, and it seems to have taken some time to move beyond that. What needs to be brought together is a strategy—a sense of what the key issues are and what the key priorities are in addressing those issues. The clearer that that becomes, as a national framework, the clearer the role of the local child protection committees will become. If, for instance, one of the key issues is public communication, information and awareness to create a greater sense of trust in the community and a greater sense of openness, there will be a clear role for child protection committees in that area.

**Fiona Hyslop:** You may want to return to the committee with further comments when you have reflected on that matter. Do you have any views on or concerns about the recently published framework of national standards? Are the timescales appropriate? Do you think that agencies will be able to implement the standards, or is some of the content of the strategy within the framework yet to be driven through?

11:45

**Alan Miller:** We were involved in the work on the national standards and took a clear view—which the Executive has also taken—that they are a good set of principles, although they are not standards that could be used to drive service improvement. It is important to have those principles because of the nature of the work in this area; nevertheless, we need to move on to develop a set of standards that people can use to measure what they do.

It is useful to look at the youth justice standards, which cover some key deliverables. There are not too many standards, so people can easily grasp the areas that we need to work on. In the same way, if we can build on the framework of standards a set of six, eight or 10 key deliverables that require agencies to work together, whereby progress can be measured year on year, and put that in a framework that clarifies the outcomes that we are all trying to deliver for children, we will have a way of benchmarking and driving progress.

**Mr Macintosh:** The review of the children's hearings system is imminent. Are there any specific child protection issues that will be addressed or that you feel need to be addressed as part of that review?

**Alan Miller:** As I said in my opening comments, one of the key issues is that we retain the integrated nature of the hearings system. A fundamental strength of the way in which we do things in Scotland is the fact that we address all the issues about care, protection, behaviour and offending together in one system. Often, that menu of issues is presented at the same time by one child, and we have to deal with all those issues. We need to be clearer about the outcomes that we want for the children—I presume that they are reduced offending, reduced risk, improved educational outcomes, and so on. That will help us all to drive forward services.

The review of the children's hearings system sits alongside the work on child protection. One of the crossover issues is the need to ensure that we have the right links in place between the wider area of work on child protection—much of which is to do with prevention and support—and the more formal system of the children's hearings system. That is something in which we are engaged with our partners, and Jackie Robeson has mentioned our work on referral, information and assessment.

Some confusion in "It's everyone's job to make sure I'm alright" lies behind our statement that we do not agree with the recommendation on the need for a stronger link or connection between wider services for children in need and the children's hearings system. To us, it seems obvious that there are wider duties on local authorities, health boards and other bodies to engage with children and families in need and that there are specific duties when the degree of need seems to require compulsory underpinning if it is to be addressed properly. We want to clarify that relationship, and the review of the children's hearings system—as well as the on-going work on child protection—gives us an opportunity to do that.

**Mr Macintosh:** Let me pursue briefly the line of questioning that was pursued earlier by Rosemary Byrne and Rhona Brankin. In evidence, the committee has heard that the balance has, in the past, been weighted too much towards supporting the parents and families at difficult times for them when there may have been neglect or abuse of vulnerable children, and that we should shift it away from supporting the parents and families—who may, themselves, be vulnerable and chaotic individuals—towards more proactively helping children, specifically those who are born to drug-misusing or drug-abusing families.

I have heard that, in cases in which there is a history of neglect and abuse, children's hearings will not intervene to protect the child but will allow the child to remain with their family for a year, two years or more, until the child is eventually abused and intervention takes place. Have we got the balance right? Does the legislative and policy framework support you in the work that you do, or is it guiding you not to protect children but to give families a second, third or fourth chance?

**Alan Miller:** The legislative framework is fine. I link this back to my earlier comment about clarifying outcomes and priorities. One of the complex realities of child protection work is that it is important both to support, motivate and encourage parents and to keep a clear protective eye on children. For most children, their parents are ultimately their prime source of protection as well as of danger. Parents come with potential and strengths as well as needs and risks. In most cases, if parents can be supported to address their difficulties, they want to be better parents.

I will take the specific example of drug-abusing parents, to which you referred. The best motivation for many parents who are involved in chaotic drug abuse to work with agencies who want to help them to contain and even stop their drug abuse is the motivation of having full and unhindered care of their children returned to them. Judgments must be made case by case in every case. The tension is often between the immediate protection of the child and the longer-term consequences of splitting up a family and potentially having a child in the care system, where we know that outcomes are frequently poor. It is difficult to say that it is a case of either/or. Situations arise at either extreme; at one extreme, action has to be taken immediately to remove a child from a situation of clear danger or, at the other extreme, every effort must go into supporting parents.

The reality of what social workers, health staff, ourselves and children's hearings deal with is that many cases lie in the grey area in the middle, whereby if parents can be helped to get their act together they will provide long-term support and protection for their children. The question is always about what it will take to produce that outcome.

**Mr Macintosh:** Thank you for that response.

Jackie Robeson said earlier that the key is proper assessment, but that you do not have the research materials to give you an empirical basis on which to make judgements. It is very worrying that you have to make each assessment on an individual basis, sometimes without the proper social work assessment.

**The Convener:** I will ask a final question, which is not altogether unrelated to that point.

When children's hearings come to make disposals in cases, although I appreciate that a lot of them will be person referrals or person disposals, is information available to hearings to enable them to say that there is a place on a certain project or that there is a particular resource to deal with the matter? Is the information system adequate? I get the impression that perhaps it is not adequate in respect of the detail of what is available in a particular area at a particular time and what is suited to the needs of the child. Is adequate advice available to the panel about the suitability of disposals?

**Jackie Robeson:** The information is available in many cases. That is when the system is working at its best; hearings should not be making decisions without that information, because they are not allowed to do so and because the measures that were put in place would not work. There are pockets of the country where it is sometimes a struggle to get information, which links to the difficulties with resourcing. The general situation is not that hearings make decisions without such information.

**The Convener:** That was not quite what I was asking about. I was asking about information on availability of places on projects, or whatever. The issue is quite complex: projects come and go, as do needs on a daily basis. Is an information system in place that makes that level of detail available to panels so that they do not make unreal disposals in the sense that there are no facilities to meet the disposals?

**Jackie Robeson:** No, but the nature of panel members means that they are well linked to resources in their areas. Much of the in-service training for panel members and training for new panel members as they come on board is aimed specifically at considering the resources that are available for our children. People who are involved in projects and resources seek out panel members to tell them about their work and give them information about it. In bringing reports to hearings, local authorities should and do identify projects in their areas.

In terms of accessing particular resources, hearings are quite good at holding out for what they want if it looks as though something is not available. They would take on board the need to operate as a pressure group to ensure that access to a project of limited capacity was widened. I think that that is probably the situation throughout Scotland.

**Alan Miller:** The question is also related to quality of information. One of the youth justice standards that we would like to see replicated in all the areas in which we work is that every report that comes to a children's hearing should have a clear assessment and a plan of action that is



based on that assessment. Such clear plans are making a huge difference in our work on the behavioural needs of young people who offend persistently. A plan would identify, for example, the four problems and issues for a young person and his or her family. It would say how the issues will be addressed, who will do the work, what the timescale is and so on. If such clarity of assessment and planning were applied universally in child protection and other areas, the job of the children's hearings system would be much clearer and it would make it easier to monitor progress and implementation.

**The Convener:** Thank you—that was a useful evidence session. I thank the witnesses for coming before the committee today. From a private conversation before the meeting, I gather that you have had to appear before quite a number of committees, so I hope that we have not taken you too far away from your other important duties.

Our next meeting on the subject is on 28 April, when we will have before us a summary of the written evidence. We will also consider future witnesses. At that point, it might be helpful if we pause for breath, so to speak, and review the situation.

## Scottish Qualifications Authority

11:57

**The Convener:** The next item is consideration of correspondence on the funding of the Scottish Qualifications Authority. We asked for the information at an earlier point, although I cannot remember the details of our request. We have the evidence before us this morning and the question is whether we want to do anything further with it now or leave it for our discussions on the budget.

**Fiona Hyslop:** This committee first raised concerns about SQA funding—I think that Rhona Brankin first raised it way back in September—following the resignation of David Fraser. Although we did not pursue the matter then, there was concern about the rising costs to local authorities.

The explanation from the SQA is particularly helpful in that it gives the background to the SQA's request for increases. Indeed, all the papers are helpful in setting out what contributed to the increased expenditure, about which we had questions.

We need to assess what we want to get out of this. My concern is that a decision was taken about self-financing for the SQA that led to an £18 million shortfall. If there has been an agreement by whomever—that is what we need to determine—that the SQA needs to be self-financing, we need to ask who should pay for that and whether the financial provision that was made at the time of the initial decision allowed for the deficit to be dealt with. We need to ask whether the Executive should have dealt with that, and whether it was reasonable for the SQA to pass the costs on to local authorities.

It might be helpful to look at the matter in the context of the budget because issues arise that concern the SQA. A general principle is at stake, which has recurred in a number of our inquiries and, indeed, in our scrutiny of the Education (Additional Support for Learning) (Scotland) Bill. That principle is about the extent to which, when a decision is made centrally by the Scottish Executive, financial support or the financial memorandum is carried through. Are there examples in which the burden has ended up on council tax payers, as is the case with the SQA, and in which decision making and responsibilities were open and transparent? There is something useful for us to explore in relation to the general principle of local authorities picking up the tab for nationally made decisions. Was there, for example, a clear understanding at the time of the original decision that council tax payers would pick up the tab? On the one hand, we could say that that would be reasonable but, on the other hand,

we could say that that is an example of stealth taxation.

12:00

**The Convener:** I am not sure that the Convention of Scottish Local Authorities takes that view. It is concerned about timescales, which is valid, but it also says that it does not have any particular objection to picking up the tab, although it wants to see evidence of improvement, which is a slightly different issue.

**Fiona Hyslop:** Council tax payers might have an objection.

**The Convener:** I was just talking about COSLA's letter.

**Dr Murray:** The background information is useful in explaining the position. I understand from that information that the SQA was set up to be self-financing.

**The Convener:** Absolutely.

**Dr Murray:** It has always been self-financing and it should have been expected that that would be the longer-term aim. It is quite clear from the letters that we have received that the first priority is to have a sound operational platform and to get assessment working properly, because that was where the major mistakes were made in the past. We have then to consider that the SQA had not fulfilled its requirement to be self-financing and that it was getting considerable subsidy from the Executive, which had to be put right.

We would not gain anything by hearing from witnesses at this stage. We need to continue to monitor the situation and to seek further information about how successful the SQA is. My understanding is that not all the financing of the SQA will necessarily come from payments from COSLA; the SQA is considering other ways of bringing in funding and selling its products. Perhaps we ought to monitor how successful it is in doing so.

**Lord James Douglas-Hamilton:** We can proceed by getting further written submissions, which will give us the most up-to-date information. There might not be much to report since the letters were written on 17 February. However, the principle is that we must not have a fiasco with exams, such as we have had in the past. It is our duty to do what we can to protect pupils. If a problem is likely to arise, we should alert the Executive. It cannot do any harm to seek further information in writing.

**The Convener:** I do not think that there is any further information for us to get; we were given pretty up-to-date information. We could ask why

the information landed on councils' desks so late, which is a valid question.

**Lord James Douglas-Hamilton:** We could seek further information on whether COSLA will have a problem gathering the £18 million.

**The Convener:** That is an issue for COSLA, rather than for the SQA.

**Lord James Douglas-Hamilton:** I presume from what you have said that this year's exams will not be affected.

**The Convener:** I do not think that there is any suggestion in the paperwork that there are any problems with the exams. I hope that that issue has been resolved. All the indications in the paperwork are that it has.

**Mr Ingram:** I tend to think that the issue would be best dealt with within our consideration of the budget. We suggested examining one or two budget lines in detail, particularly with regard to value-for-money issues, which is what Fiona Hyslop suggested. Given the highly critical nature of the letter from COSLA, which indicates that there was absolutely no discussion between the SQA and its clients with regard to raising fees, and the substantial increase in fees that we are seeing, it would be most appropriate for us to include the matter in our budget consideration.

**Ms Byrne:** Adam Ingram said what I was going to say; I agree totally with him.

**Rhona Brankin:** I do not agree. I think that we need to monitor the situation—it is a time of change. The SQA and local authorities need to sort out the matter; we just need to keep an eye on things. What is important is that the SQA is on a sound financial footing. We have to be clear about the SQA's financial footing so that it can maintain its duties as regards assessment of young people.

**Dr Murray:** The response that we have had from the Executive indicates that it is not the case that the local authorities will be expected to pick up the entire £18 million. The Executive is budgeting for providing deficit funding of £15.3 million in the next financial year and £11.5 million in the following financial year. It is obviously stepping down the amount of deficit funding that is being made available, but it is not withdrawing all the deficit funding for this year. In future years, we need to monitor how successful we are in managing that deficit funding downwards.

**Mr Macintosh:** We do not seem to be a world apart. Fiona Hyslop said that, before we did anything as a committee, we would need to be satisfied that our intervention would be helpful. It does not seem that our intervention would be particularly helpful. The situation is difficult and it is clear that the SQA and COSLA need to be helped

out. Given that local authorities have representation on the board of the SQA, I hope that the situation will resolve itself in time. All members can ask questions on parts of the budget process and we will have a meeting to discuss that in due course. I do not think that we need to decide to pursue the matter actively, other than through our normal business.

**Fiona Hyslop:** Elaine Murray made a valuable point. My concern is about how the £18 million of public money—the deficit that is being supported—translates into future management. Where will the burdens lie? Will they lie with the council tax payer? Elaine Murray says that the information that we have indicates that there might be a staggered reduction in the continued deficit funding. As part of our remit on the budget, it would be entirely appropriate to ask the Executive about the figures that Elaine has quoted.

**The Convener:** I will sum up and find out whether we can arrive at a conclusion. Anyone can ask questions on the budget—there is no issue about that—and I am sure that individual members will wish to do so. I am not sure that the area is one that we want to go into in great depth; I do not think that it merits such detailed consideration. I think that there are more important matters that we could choose to investigate in depth. We can discuss that with our advisers.

I take Ken Macintosh's point about local authority representatives being on the board of the SQA, which is important. However, I am struck by the fact that, although the sums that were involved at individual authority level were comparatively small beer, the increase had landed on people's desks just a fortnight before the budget—which I think is what COSLA said. It might be worth our while to ask the SQA for an assurance that, in future, it will improve the timing of such announcements, which we could usefully do immediately. Apart from that, we can consider the issue when necessary later on. People can return to it when we consider the budget, but there is no need for any formal decision today. Is that reasonable?

**Members indicated agreement.**

**The Convener:** We will move into private session for consideration of item 5.

12:08

*Meeting continued in private until 12:12.*



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