

EDUCATION COMMITTEE

Wednesday 29 September 2004

Session 2

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EDUCATION COMMITTEE

20th 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

Bill Aitken (Glasgow) (Con)

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Tricia Marwick (Mid Scotland and Fife) (SNP)

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

*attended

THE FOLLOWING ALSO ATTENDED:

John Gunstone (Scottish Executive Education Department)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education Committee

Wednesday 29 September 2004

[THE CONVENER *opened the meeting at 09:49*]

The Convener (Robert Brown): Good morning and welcome to this meeting of the Education Committee. We are in public session and I ask everyone to ensure that their mobile phones and pagers are switched off—I am addressing the multitudes of members of the public who are here.

Subordinate Legislation

Teachers (Medical Requirements for Admission to Training and Registration) (Scotland) Amendment Regulations 2004 (SSI 2004/390)

09:50

The Convener: Item 1 on the agenda is consideration of a statutory instrument that is subject to the negative procedure. I understand that the purpose of the regulations is to remove the medical requirements that relate to admission to teacher training and entitlement to registration by the General Teaching Council for Scotland. A note from the Executive is attached to the regulations.

I welcome John Gunstone from the teachers division of the Scottish Executive Education Department. My briefing note says that you will give evidence if required, so I invite you to tell us a little about the regulations.

John Gunstone (Scottish Executive Education Department): I do not have much to add to what you said, convener. The requirement to undergo a medical test before entering teacher training or applying for registration at the end of training is regarded as anachronistic. The requirement was introduced about the same time as the General Teaching Council for Scotland was established, in 1965, and has remained in place since then. Teaching is the only profession that requires medical checks before training and teachers are the only local government employees who are required to undergo a medical test other than as an employment matter. The need for a medical test before registration is no longer appropriate.

The Convener: The Executive's note says that the policy objectives of the requirement related to the need to protect children from tuberculosis and

other such illnesses, so the provision is no longer thought to be necessary.

John Gunstone: There are many other diseases and infections around nowadays, but they are often progressive illnesses that would not be spotted during a superficial medical examination.

The Convener: The regulations seem fairly straightforward. If there are no strong objections, do members agree to make no recommendation on the instrument to the Parliament?

Members indicated agreement.

The Convener: I thank the witness for his starring role this morning.

Commissioner for Children and Young People in Scotland

09:52

The Convener: Item 2 is consideration of the framework for the committee's interaction with the commissioner for children and young people in Scotland. Members have a copy of the framework, which has been the subject of discussion between the commissioner and the clerk to the committee, who have been trying to set out the proper procedures. We need to keep the commissioner informed about what is happening and to have the opportunity to pursue issues that arise from her reports. The commissioner may bring matters to our attention from time to time. The matter is fairly straightforward, so if members have no questions on our relationship with the commissioner, can we approve the framework?

Members *indicated agreement.*

The Convener: Must the document be formally signed?

Martin Verity (Clerk): I do not think so.

The Convener: Thank you.

Early-years Learning and Child Care

09:53

The Convener: Item 3 is consideration of correspondence from the Scottish Executive on early-years learning and child care. Members will remember that we discussed the matter a little while ago and asked the minister to advise us of further developments. The minister wrote to us shortly before the summer recess, so the information is a couple of months out of date. We are aware that the review of the early-years and child care work force that was announced in June is scheduled to report to the minister around June 2005. At the committee's away day we agreed that the outcomes of various Executive initiatives might well be the focus for a committee inquiry in 2005. Do members want to raise any matters or request clarification from the Executive on any matter?

Rhona Brankin (Midlothian) (Lab): The Executive says of the integrated early-years strategy:

"We aim to publish the strategy in summer 2004."

Mr Kenneth Macintosh (Eastwood) (Lab): I think that the strategy is to be published in autumn 2004.

Martin Verity: The strategy has not yet been published.

Rhona Brankin: Perhaps the Executive is talking about an Indian summer.

Lord James Douglas-Hamilton (Lothians) (Con): This is a small point, but it might be helpful if the Executive could tell the committee how the £29 million that it will invest in child care in the coming year will be allocated.

The Convener: Do you mean to ask how the money will be allocated between different councils?

Lord James Douglas-Hamilton: I mean to ask how the sum will be broken down in general.

The Convener: I am not sure that I follow you. I think that the money will be allocated to councils—there is a formula for that. Is the allocation broken down beyond that?

Dr Elaine Murray (Dumfries) (Lab): The Executive does not do that. I am not even sure that the specific amounts for each council are in the budget documents, although we might be able to get that information from the Executive.

Lord James Douglas-Hamilton: It might be helpful if the Executive was asked to provide the information so that we are clear how the money is allocated.

The Convener: We will take evidence on the budget in the fairly near future. That may be a better time to raise the issue.

On that subject, I wonder whether the money will in due course be mainstreamed into local authority budgets and whether there will be an agreement on outputs, so that the Executive can check that the money goes where it is supposed to go. That should probably also be raised as part of the budget process.

Rhona Brankin: Parenting is an important aspect of early-years learning and child care. Is it possible to get information from the Executive about where parenting fits in its responsibilities?

The Convener: Parenting straddles different departments. I am sure that the Development Department has some input through social inclusion partnership funding and so on. We could ask the Scottish Parliament information centre for a briefing on that.

Rhona Brankin: I would be interested to find out who takes the lead on the issue.

The Convener: Perhaps we should write directly to the minister, then.

To follow on from that, the correspondence mentions that the final report of the study on the demand for child care was to be published in June 2004. I cannot recall seeing that report.

Mr Adam Ingram (South of Scotland) (SNP): I think that it has been published.

The Convener: We could check that and get some information to the committee—the report may be too large to circulate.

Mr Ingram: Has any evaluation been done of the impact of the pledge to provide free nursery places for three and four-year-olds?

The Convener: Figures have been released about the percentages—almost all four-year-olds and a large percentage of three-year-olds have taken it up—but I suspect that you are talking more about the quality of the change that takes place.

Mr Ingram: The uptake has been good, but I am interested more in the impact of the policy on the children. It would be interesting to know about that, if we were considering whether the policy should be extended.

The Convener: It is certainly the understanding that early-years intervention should lead to better outputs and outcomes later on. I am not sure if a specific study has been done of the outcome of nursery school provision. We will inquire about that from the Executive.

Mr Ingram: I am interested to know if there is any on-going research, such as a time-series study.

Rhona Brankin: We should also ask whether the Executive has any plans for such research.

Mr Macintosh: We can pick up on that point when we hear more about the integrated early-years strategy—I hope that it will refer to evaluation. The baseline assessment has been available for several years, which should give an idea of the impact of the measures.

The Convener: We will write to the minister on the bits and pieces that we have identified. Otherwise, as we agreed, we will come back to the subject of early-years learning and child care, probably around the middle or later part of next year, when there will be more information to get our teeth into. Do members agree with that course of action?

Members indicated agreement.

Curriculum Inquiry

10:00

The Convener: Agenda item 4 is to agree the remit for the inquiry into the school curriculum. Members have a paper on the matter, which suggests a possible approach; paragraph 2 lays out the remit. Do members have any comments on the paper or the remit, which has been drawn up following discussion to try to make it useful and workable?

Mr Macintosh: This is a lot more reflective of our approach than was the initial suggestion. I am a bit concerned about the use of the word “innovative” in the terms of reference for the inquiry, which are:

“To explore innovative approaches to ensuring that all pupils are motivated by the school curriculum”.

By including the word innovative, we are implying that we are interested only in new developments. Later on, the document talks about establishing best practice and I think that it might be helpful if we included that in the terms of reference. Perhaps the remit could be: “To establish best practice, including exploring innovative approaches to ensuring that all pupils are motivated by the school curriculum.”

The Convener: The key word is “effective”, is it not?

Mr Macintosh: Yes. We need to find out what works. I do not mind including innovative approaches; my problem is that we are concerned more with what is effective than with what is innovative.

Dr Murray: My point is about from whom we are asking for evidence.

The Convener: I am sorry, but I am having a little difficulty in hearing you. I do not know whether it is my fault or the fact that people are drilling outside this room. Could you speak up, please?

Dr Murray: Part of what we want to consider is how vocational training and alternative curriculum experience are recognised, but we do not seem to be asking for written evidence from any of the employers organisations. To an extent, it would be useful to get their views on qualifications and training in the school setting.

The Convener: That point struck me as well. We want to find out what is happening in the schools, but we also need to relate that to what happens after people leave school.

Ms Wendy Alexander (Paisley North) (Lab): I am uncomfortable about phase 1 of the inquiry being entirely focused on the producers’ interests

in education rather than on the interests of the users and consumers of education. It is suggested that we have discussions with pupils, teachers and education authorities in phase 2.

I wonder whether we should start not only with current pupils, but with people who have recently been users of the education service, such as students and so on.

If, in phase 1, we write to more than 20 organisations, of which only one is a consumer interest, we have shaped the inquiry in a way that favours the producers of education, who have a vested interest in how education is delivered. I am not sure that that will achieve the innovation that we want. Similarly, I wonder whether having two thirds of the facilitated discussions in phase 2 with producer interests and only one third with consumers is the balance that we want. Perhaps we should be starting with the current and recent users and consumers of education before we hear from the producers.

We should reflect on our approach. The Executive has had an expert commission studying the curriculum for the past year and I thought that Keir Bloomer and his colleagues were incredibly persuasive about the issues that they addressed. Focusing on what the commission had discovered by the end of their 18 months might—given the constraints on our time—be more productive than inviting the same 20 organisations, who have already given evidence to the Executive, to offer their evidence to us. Doing that would give those organisations a second bite at the cherry without our finding out what Keir Bloomer and his colleagues thought of that evidence. We need to find a way, early on, to consider the conclusions of the expert commission and decide whether we share them or not.

Those are the two issues that I would like to raise. First, I think that the proposals show an imbalance between producers and consumers and, secondly, I think that we should start by examining the output of the Executive rather than by asking for input from all the organisations that have already contributed to the study.

The Convener: I understand what Wendy Alexander is getting at. However, I am bound to say that I do not like the words “producer” and “consumer” being used in this context, because it produces a slightly artificial distinction.

I want to get a feel for the committee’s views. The essential point is that we need Executive input early on to find out where it has reached and what it has produced. Given that the first phase is only a call for evidence, we are not really committing our time as such, but simply getting in written submissions to highlight the various issues that

will inform phase 2. I think that that was the intention.

Ms Alexander: With respect, the Executive is not producing the report; it has simply commissioned an independent report. We should hear directly from the group that is producing it rather than from the Executive. I think that it is an odd omission not to include that group in the list of 20 interests from whom we should hear.

The Convener: I accept that. Nevertheless, I think that it will be helpful to have background information and other material before we move to phase 2—if that is what the committee decides—to inform the discussion and to find out the questions that we want to ask. In that respect, we might find it helpful to start with some input from the expert group on its findings. Indeed, it might be reasonable to have an initial briefing session on the matter. Is that what you are getting at, Wendy?

Ms Alexander: I agree that we should hear from the expert group and the Executive early on. However, I feel that it is wrong to have a 20:1 ratio between the producers and consumers of education.

The Convener: What other people would you want to ask evidence from? This is an open call for evidence, but we need suggestions for additional names and contacts.

Ms Alexander: We might decide that, in our evidence sessions, we should try to hear equally from those involved in producing education and those involved in consuming education—by which I mean that we should ask pupils and recent users of the system about the skill sets that they found most useful or did not find useful at all. We can correct this imbalance towards professional organisations in our call for evidence by balancing our oral evidence sessions between those who use the service and those who contribute to its provision.

Rhona Brankin: I very much agree with Wendy Alexander. Although parents are hugely important to this issue, they are completely missing from the equation. Moreover, given that much of the evidence will have already been submitted to and considered by the group led by Keir Bloomer, I agree with Wendy Alexander's suggestion that it would be useful to find out that group's thoughts and receive its distillation of the evidence.

Lord James Douglas-Hamilton: There is a case for requesting evidence from parents organisations, the Scottish School Board Association, the Scottish Council of Independent Schools and the International Baccalaureate Organisation.

The Convener: I do not think that we want to balance this list with another imbalance.

Ms Rosemary Byrne (South of Scotland) (SSP): I agree with Wendy Alexander that we should talk to the expert group first, because its findings should set the scene for us. I am disappointed to see a lack of input from parents in the call for evidence. After all, school boards and parents organisations would be able to provide very good evidence about the curriculum's impact on their groups and on the children with whom they have contact. It is also important that we hear from teachers organisations, because those people are at the chalkface. That said, I agree that we could probably cut the list down a bit and balance it a bit better.

On Ken Macintosh's point about the phrase "innovative approaches", I think that we should also discuss the elaborated curriculum, which is being developed in many schools at the moment. If we are going to examine making changes to the curriculum that are more significant than changes that have been made before, we should explore how we can put the elaborated curriculum and the school curriculum together in some form. If we use the word "innovative", it sounds as if we are looking for something that is startlingly outstanding or very new. After all, the approach might be something that is not all that new, but is part of the elaborated curriculum.

Rhona Brankin: I accept what Ken Macintosh said about broadening the inquiry's terms of reference. The last time we discussed the matter, we spoke about the importance of young people's experience in the broader school curriculum, which goes beyond the hours of 9 to 4 or 9 to 3. Our inquiry needs to consider best practice in what a school offers a young person. There are many examples of excellent schools that offer wide experience outwith the conventional hours of 9 to 4. We need to ensure that pupils are motivated by their school experiences—such an idea needs to be included in the inquiry's terms of reference.

Because Her Majesty's Inspectorate of Education covers schools throughout Scotland, it is an invaluable source of information on where good practice is happening, so its written evidence—which may have been submitted already—is key. A body such as sportscotland will be able to give us information but, again, it could well have submitted evidence already. Scottish Screen would be another useful organisation to contact, because there are examples of innovative practice in young people's work with television and video.

The Convener: To sum up, it is fair to say that the central issue that we are trying to get at is motivation—what motivates, or what fails to motivate, young people in school.

I was struck by evidence that I received from Careers Scotland, which said that young people

who have clearer objectives in life for what they want to do and where they want to go tend to perform better academically and to be more switched on at school. The paperwork for that interesting and useful evidence is available. Careers Scotland is working to dig down into that issue, to identify what makes some people more motivated and more focused on where they want to go. To some extent, that links in with vocational training and the opportunities that it provides.

I think that members of the committee are reasonably content with the remit of the inquiry, apart from the use of the word “innovative”, which does not give quite the right balance. The remit needs to be rephrased slightly.

Mr Macintosh: I want to expand on that. It is important that people get the right impression of what we are concentrating on when they read the top line of the remit, but I would like to add a bullet point to the rest of the remit. It is right that the first two bullet points concentrate on disaffected pupils, but we need to offer a positive slant as well. I suggest that we insert the wording, “establishing what works in engaging pupils with the school curriculum and what factors demotivate young people”. That would make the remit much broader.

I do not want to make the inquiry all-encompassing, but I want us to have an opportunity to get a grasp on the factors that demotivate young people that are not just to do with the school curriculum. There is a difference between focusing on disaffection and identifying the demotivating factors, which are not all school related; many of them will be to do with home backgrounds and all sorts of other factors. We need to get an idea of that, because it would be wrong to delude ourselves that, by changing the school curriculum, we will be able to motivate every pupil. We need to get an understanding of how much is dependent on the school curriculum and how much is dependent on factors such as young people’s home backgrounds.

The Convener: That is right. We could end up with an inquiry in which the tail was wagging the dog and forgetting that large numbers of young people who go through school are motivated by the experience and come out okay at the other end.

Mr Macintosh: Exactly. By adding my suggested wording, we will refer to what works in engaging pupils. We must not lose sight of the fact that for many pupils, the curriculum works. We must understand the essence of why it works.

10:15

The Convener: Are people happy with Ken Macintosh’s addition?

Mr Macintosh: I will read my suggestion again. It is to add the words “establishing what works in engaging pupils with the school curriculum and what factors demotivate young people”.

Rhona Brankin: With school, rather than—

Mr Macintosh: Yes, with school.

The Convener: That should be the first bullet point, rather than a middle one. That sets the scene.

Ms Byrne: In our last discussion of the subject, we talked about learning styles, of which I see no mention. Recognising that young people have different learning styles is key. Having done that, we should examine different learning styles. Those differences can be one reason why young people are disillusioned or disaffected.

The Convener: Does the second bullet point cover that?

Ms Byrne: Teaching approaches are not the same as learning styles.

The Convener: No, but they include learning styles.

Ms Byrne: Teaching approaches concern a teacher’s presentation. A learning style is how a young person learns and picks up information from teaching. Some young people are active learners and some like to learn through mind mapping. Many different styles exist.

The Convener: I see what you mean. We could refer to teaching approaches and learning styles.

Are those two points agreed?

Mr Macintosh: Rhona Brankin and I discussed another issue. Am I right in thinking that our emphasis will be slightly more on the secondary curriculum than on the primary curriculum?

The Convener: That is inevitable.

Mr Macintosh: Do we need to spell that out? We do not want to ignore the primary curriculum, but we will examine the difficulties in secondary schools more than those in primary schools. Perhaps we just want to reflect on that.

The Convener: In fairness, we are not focusing entirely on the secondary curriculum. The point was made that demotivation can start earlier in school than it once did and that it sometimes appears in primary school, so we should not exclude that. Perhaps the phraseology is all right.

Mr Macintosh: All right. Perhaps it is not helpful to mention that.

Dr Murray: Do we propose to rewrite the terms of reference?

The Convener: That is what we are talking about.

Dr Murray: I thought that we were talking about the scoping points.

The Convener: No, I will come to those in a second. I said that we would deal with the terms of reference first, because they are the primary matter.

Dr Murray: Are we not talking about the bullet points?

The Convener: Yes.

Mr Macintosh: The bullet points are part of the terms of reference.

Dr Murray: The headline statement in bold needs to be changed.

The Convener: I see what you mean.

Dr Murray: The sentence in bold and in quotes giving the inquiry's terms of reference needs to be changed.

The Convener: We will have to finalise the wording by e-mail after the meeting.

Dr Murray: The wording currently does not reflect our discussions.

The Convener: We know where we are going, unless anybody adds more complications.

Rhona Brankin: I will add another complication. Our remit needs to be broader than just teaching approaches. We need to consider matters such as school ethos and how schools link into the home. Much more than just teaching approaches is involved.

The Convener: I accept that the point is valid, but do we need to spell it out? We are not discussing the report. The terms of reference set out the issues.

Rhona Brankin: My suggestion may be more to do with examples of effective schools. The scope is much broader than teaching approaches.

The Convener: You are talking about the values base and other such issues.

Rhona Brankin: Absolutely.

Mr Macintosh: The impact of changes in practical stuff such as school discipline and school uniforms is also relevant.

The Convener: How wide do we want to go? We can end up being too wide, exploring everything in sight and rewriting education legislation. Are we beginning to get away from the central issues?

Ms Alexander: I will make two points about the terms of reference. I return to the producer-versus-

consumer issue. The definition that pupils are motivated by the school curriculum has been suggested, but the school curriculum is what the producer produces. Our focus should be on what the pupil learns. The focus should be on personalised learning, not teaching approaches. Similarly, the focus should be not on the school curriculum, but on equipping young people for life. We should think about the danger of being driven by what schools produce rather than by what we want our young people to learn. My instinct is that the terms of reference should not include the words

"are motivated by the school curriculum".

The school curriculum is a tool for equipping pupils for life.

The Convener: Should the term "school experience", or something of that sort, be used?

Ms Alexander: That would certainly be preferable. Similarly, the bullet points mention "examples of innovative teaching". We seem to have heard that the key to the curriculum is that, in future, the product should not be uniform. As long as we continue to use the word "curriculum", there will be the implication that there is a one-size-fits-all solution for pupils, but all the evidence that we have heard is about personalised learning—that is, about differentiation in learning style approaches, which Rosemary Byrne mentioned, and in content variation. I wonder whether we are really talking about how personalised learning can be accommodated in the school experience rather than "innovative teaching approaches". At least that would let us explore the idea that there is no one-size-fits-all solution if we want to motivate pupils.

The Convener: We must be careful. Elaine Murray mentioned the top sentence in bold, which is the remit. The other part of the paragraph is a kind of commentary on the remit. We have had a useful discussion, but we are, in a sense, beginning to write the report rather than define the remit. All the points that have been raised have been noted and nothing in the remit would stop us considering them, but must we get into what members are particularly interested in and defining that to the n^{th} degree, as we seem to be doing?

Dr Murray: I get the impression that we are beginning to have second thoughts about the remit. I am not sure, but I think that we are considering the curriculum basically because the Executive is considering it and as part of our role of scrutinising the Executive. However, there is also the feeling that perhaps we do not want to repeat that inquiry, and that we want to have something rather broader about how young people learn and develop skills. We need to reflect on what we intend to do with the inquiry.

As we are talking about broadening things out a lot, we must be certain about the questions that we will ask people in calling for evidence. We do not want to ask people to write to us to tell us all about the curriculum—we want to ask fairly defined questions in order to pull out people's views on, and experiences of, matters that we want to know about.

The Convener: Yes. You are absolutely right to say that we are reaching the point at which things are beginning to move. We are not yet under total pressure of time, so we could have another go at the matter.

Rhona Brankin: Given the work that has been done by Keir Bloomer at the Executive and that a report is going to come out, would it not be sensible to consider the conclusions and pointers in that report? I am sure that some of the issues that we are discussing, such as innovative learning and teaching and examples of good practice, will be dealt with in the report. It would seem to be sensible not to reinvent the wheel, but to consider the report and perhaps take our focus from it.

The Convener: Do we know when the report is due?

Ms Alexander: It was meant to be due in September or October. It would be great if there was a report for the next committee meeting.

The Convener: The next committee meeting will not be until after the recess. There is a slight delay this year. That would still be within our time, but there would have to be the understanding that we will finalise the remit at that point. We can clear matters to some extent by e-mail exchanges before then so that at least points can be narrowed down for finalisation. I suggest that we return to the remit, because we are not facing a deadly timetable. We will reconsider it in that context. If the report comes out in the meantime, we can take it on board and try to readjust accordingly.

Dr Murray: Your remarks imply that there is a time constraint.

The Convener: No, I am saying that there is no time constraint, apart from the diary one of fitting in the inquiry at an appropriate point.

Dr Murray: I appreciate that given the bill and other items that will come up, our slots for inquiries are limited, but it is more important to ensure that we agree to an inquiry that is worth while. If it takes us a bit longer because we have to reflect on the results of the Executive's work and its report, I would rather we took longer, and did something that added value to what the Executive has done, rather than rush in without being sure what has come out of that review.

The Convener: That is right. When I said that there was no time constraint, I meant that as it will be early 2005 before we begin work on our inquiry, we have two or three months to firm up matters. However, if we are going to advertise for evidence, we will need to do so a little in advance of Christmas in order to give people an opportunity to respond within a reasonable timescale.

That was a helpful discussion. The clerks will have the *Official Report* of what has been said. We can have another go at the issue, probably at our meeting on 27 October, but we can seek comments on it before then, so that we do not reinvent the discussion. Is that all right?

Members indicated agreement.

The Convener: I am told that there is a problem with the sound system and that people at the back cannot hear. I commented earlier that I could not hear people at the sides. I am not sure what the difficulty is, but we will have it examined later, because it is important that people can hear what is being said. All we can do this morning is to direct our comments clearly into the microphone. As we have room at the table, I invite the members of the public to join us. We are having an inclusive meeting.

This situation sometimes happened when I used to appear in court. There would be a mumble in front of the sheriff, and people at the back would not hear what was going on.

Child Protection Inquiry

10:27

The Convener: Our next item is the child protection inquiry. A substantial bundle of paperwork has followed from our report, including the Executive's response, the Executive's comments on the Bichard report, a letter from Colin Boyd, the Lord Advocate, on child fatality reviews, and an update on Disclosure Scotland's performance, with associated documents from two stakeholders. We need to go through those in detail, and decide whether we are going to do anything further with the report and the information that we have received. Does anybody want to kick off? I am happy to take the item in whatever form members wish, but perhaps we can start with general comments and decide whether we need to go through the paperwork in detail.

I recently met the council of the Scout Association, which made a number of interesting points, some of which are echoed in our paperwork. Some related to incidental issues to do with disclosure. The timescale is one issue, as is the effect on people who are half in and half out of the system, such as volunteers, parents and incidental helpers. There is uncertainty and sometimes a tendency to take the letter of the law too far with regard to the need for disclosure and the speed with which things are done. Also raised with me was the possible effect on volunteers who sit on interview committees and conduct inquiries within voluntary organisations, and whether they are put off by the criminal and other sanctions that exist if they get it wrong.

There was also an issue with the Protection of Children (Scotland) Act 2003 and the time that it might take to run disclosure checks on everyone who is already in post. What burdens does that place on organisations and can they do that in anything other than a phased way? Bearing in mind that the reviews of scout commissions, Boys Brigade commissions and so on are taking place over a five-year period, I think that there is a concern about the ability of organisations to cope with those things.

We touched on those issues in the report and in the evidence that we took, but I do not think that they came out as clearly as they did in later discussions that I have had. Perhaps we should consider some of those issues further.

10:30

Rhona Brankin: Yes. There are implications for people who volunteer to work in schools, such as parents and grandparents. What is the nature of the risk assessment for them? Children's safety is

of paramount importance, of course, but measured risk assessment must be balanced against the benefits of people engaging in schools by teaching sport or providing support for reading activities. Did we mention that to the minister at one stage?

The Convener: We touched on it in a slightly more tangential way than you have just done because we had not received firm evidence relating to the issue. However, I notice that your concerns are also mentioned in the Scottish Parent Teachers Council's letter and by YouthLink Scotland.

Rhona Brankin: I thought that we should mention that to the minister.

The Convener: I was wondering whether we should take formal oral evidence from Disclosure Scotland on some of the issues that have been raised.

Rhona Brankin: That might be helpful.

Mr Macintosh: I thoroughly endorse that suggestion. That issue is the most interesting side issue that has come out of the child protection inquiry.

The Executive's letter is quite reassuring because the fact that the system was in danger of breaking down at one point seems to have been dealt with and extra recruitment has allowed the process to be speeded up and the backlog tackled. However, the underlying problems are still there. In particular, there is a question of judgment and the over-bureaucratic application of the disclosure regulations. It seems to me that the requirement for disclosure is being applied rigorously to every adult who has any contact with children, to the point that it might be putting parents off. Further, it creates an impression that we live in an overly bureaucratised world in which strict adherence to guidance—not even law—is getting in the way of our ability to lead normal lives.

For several weeks, I have been helping with the walking bus that goes to my son's primary school, but I have not had a disclosure check. Until I have had it, I cannot lead the walking bus, which is a nonsense. The balance of risk surely must dictate that there should be an assumption that a volunteer such as me—not that I am saying that I am of perfect character—can lead a walking bus and that the disclosure check should come later. I am not saying that I should be absolved from having the check; I just think that it should be assumed that there is little risk and that someone should be allowed to volunteer to help children before the results of their disclosure check have come back. If I did not help with the walking bus on Mondays and Fridays, there is a chance—certainly on Mondays—that there would be no walking bus. It is quite important that such

initiatives run every day when they are being established.

There is a need to look again at the legislation, which is well intentioned. No one doubts the need for disclosure checks generally or for an increased level of security to protect our children. However, perhaps we need to look at the way in which the legislation works in practice and, in particular, we need to hear from Disclosure Scotland, local authorities and organisations such as the Scottish Parent Teacher Council how the legislation is being implemented and what impact it is having on parents and volunteers in schools. I would like to do some work on that.

The Convener: A mini follow-up—yes, I think that that is right.

Dr Murray: I have points to make about the paper. However, I am a bit concerned that when we raised disclosure issues, Disclosure Scotland and, to some extent, the Executive were a bit blasé. They were asking, “Where shall we put more people?” and seemed to believe that everything was going to be okay. My experience of speaking to constituents over the summer was that everything was far from being okay and that people were waiting even longer for their disclosures to come through. I want to be reassured that both Disclosure Scotland and the Executive continue to take the matter seriously.

The Convener: There was some reassurance in the letters that we received. However, there was discord previously between the evidence that we got from groups and what Disclosure Scotland and the Executive said about timescales, so I am not entirely sure that I am prepared to take what we are hearing now at face value without digging further.

There might be two or three issues here. One relates to Disclosure Scotland and the timescales—we need to get a feel for that. Another relates to the guidance that is given. An awful lot seems to be left to the judgment of voluntary groups and schools that are floundering in different situations—Ken Macintosh gave a good example. We need to know more about that matter.

I suggest that we ask one or two organisations about their experience and their concerns in that direction. The council of the Scout Association springs to mind because it is a big organisation that could give us an idea of how it deals with the situation and there are other similar organisations. We could then feed questions to Disclosure Scotland at a subsequent interview session. As a result of the upcoming recess, we could not have such a session until November, but a provisional date of 10 November might be suitable. That

would give us time to do some of the inquiry business beforehand.

Another aspect is the Protection of Children (Scotland) Act 2003 and the introduction of disclosure checks for all those who are currently in post. That will be a formidable bureaucratic enterprise, which will have all sorts of effects on the big organisations. There must be questions about exactly how that is to be done. The Executive says in its letter that it will deal with disclosure quickly and that it will be one of its next pieces of work, but I wonder whether that work ought to be done on a more phased basis. We need to know a little more about those plans. Are people happy with that sort of approach to disclosure?

Dr Murray: My perception is that the local authorities also have a fairly good handle on the problems. For example, Dumfries and Galloway Council submitted 32 disclosure applications towards the end of June and six weeks later it had not heard about any of them.

The Convener: Somebody told me that some councils have been making difficulties for organisations that book halls for events that are concerned with children unless all the people who are to enter the hall have been through disclosure checks. If I have that right, that is an over-bureaucratic approach. The ramifications are wide in a number of areas.

Rhona Brankin: You suggested speaking to the Scout Association. I do not know whether we need to go into great detail with other organisations, but the Scottish Council for Voluntary Organisations or volunteer bureaux, for example, would have a pretty good handle on the matter.

The Convener: We want front-line organisations and not umbrella organisations—we want the ones that are getting the disclosures and not necessarily those that are one stage back from that point.

Rhona Brankin: If you are looking at the numbers of disclosures that are dealt with, I would not have thought that the Scout Association would be the biggest organisation. Many other organisations use many more volunteers.

The Convener: Sure—I am not saying that the Scout Association is the biggest. We want to contact a range of perhaps half a dozen organisations to get a flavour of the situation. We could send them a letter.

Disclosure was the major issue in the report, but we will move on to deal with the other issues. We will take the correspondence in order. First, we have the Scottish Executive's response to the committee's report. We do not need to go through

the response page by page, but are there issues that arise from it?

Lord James Douglas-Hamilton: I want to raise four points. First, paragraph 1.7, on the recruitment schemes to deliver new social workers, states:

"Nearly 100 of the first trainees are graduating from the Fast Track over the coming months and up to 450 further graduates will be produced".

It might help if clarification could be provided that those graduates will not be rushed into the front line with inadequate experience and that the job will be done really well. Also, it might help to know whether experienced social workers are being recruited from other sectors and how far the provision of 100 new social workers will alleviate the staff shortage. We know that local authority social work departments employ about 5,700 social care staff, so will 100 be enough to meet the requirements?

Secondly, paragraph 1.12 states:

"The Executive has ... launched a major initiative to develop a social work service fit for the 21st century. This will be led by a high level independent group".

It might be helpful if we could be informed who will take part in that group, whether the proposed members have been contacted and whether they have given consent. Where do we stand on that?

The Convener: It would be useful to know what its remit is, perhaps.

Lord James Douglas-Hamilton: Absolutely. The third point is on paragraph 2.4, which states:

"Extra staff were recruited and trained to provide appropriate processing coverage around the clock to help clear the backlog of cases and to improve performance overall."

I suggest that the committee might welcome assurances that those extra staff were recruited on a permanent basis and not just as a temporary measure to clear the backlog.

The Convener: Shall we take that up with Disclosure Scotland?

Lord James Douglas-Hamilton: Yes. My fourth point is on paragraph 4.2, which states:

"We also note the Committee's wish to receive evidence of the implementation of policy in this area in due course."

I suggest that we would welcome the establishment of a timescale for the receipt of evidence.

The Convener: I am happy to write to the minister about those points. Are there any other observations on that section of the report?

Ms Byrne: I have a brief observation on paragraph 4.1, which mentions

"the importance of ensuring that 'practitioners have access to the right information at the right time'".

I am still concerned that teachers will not get the appropriate training or receive the right information. Teachers are key players in the matter, given that they spend five hours per day with the children. Teachers are at the front line, so they are the ones who are most likely to see at an early stage any signs of difficulties in children's lives. I note that the Executive has examined initial teacher education and considered input into that, but there should be a mandatory, stand-alone part of initial teacher education on child protection and all teachers who have already gone through their probationary period should go through a mandatory course to bring them up to scratch. The problem with relying on continuing professional development is that not all people will choose to go down that route. We need to ensure that every teacher has a background in and knowledge of the subject. That can happen only if we set a timescale for every teacher to undergo training on child protection.

10:45

The Convener: Should a greater emphasis be placed on requiring the management in particular schools to ensure that senior or key people receive training in the subject and that the information is disseminated in practice? When I worked in the law, it was one thing to learn about a subject through a module, but it was more important to embed the subject in practice to ensure that things happened at a practical level on the ground.

Ms Byrne: Both approaches are needed. The procedures are in place, but I do not know whether teachers are always aware of them. That is part of the problem.

The Convener: Is not that a management issue, rather than a matter to be dealt with through modules or CPD? That is the point that I am trying to make.

Ms Byrne: Someone must organise the courses that teachers attend, so there is a responsibility—whether for the local authority or the Executive—to ensure that courses are available. To leave the matter to individual schools is to take an ad hoc approach and in the light of our inquiry we should recommend not ad hoc approaches but the embedding of the subject, so that every teacher has the appropriate background information. There should be much more significant training for people who are in a management role or who will deal with the problem, but every classroom teacher should have some training in and knowledge of the subject.

Mr Macintosh: It might be helpful to read paragraph 4.13 of the Executive's response to the committee's report, which says:

"The Executive will consider mandatory training".

The Executive provides a timescale: it will introduce new guidelines around the end of the year and then assess whether mandatory training is required. Perhaps this depends on how one reads the paragraph, but is not the Executive doing exactly what Rosemary Byrne calls for?

Ms Byrne: Paragraph 4.13 continues:

"any action in this regard will be considered".

I would like that to be strengthened so that the message is that every teacher should receive training in the area.

The Convener: Perhaps there is another way of tackling the matter. Paragraph 9 of the clerk's covering paper suggests:

"the Committee may wish to request an update on progress against all 17 recommendations at an appropriate point in the future".

We should bear it in mind that we cannot snap our fingers and bring 'em hame. Perhaps in six or nine months' time we could come back to the matter to ascertain what is happening. Does that seem a reasonable approach?

Ms Byrne: Yes.

The Convener: Before we move on, I raise a further matter in relation to paragraphs 4 and 4.1. The Executive has not answered the committee's concern that

"there was still a need for a succinct and readily accessible chronology of significant events."

Although the Executive agrees that such a chronology is necessary, we heard evidence from the Headteachers Association of Scotland and Glasgow City Council that that was not happening. Our recommendation was therefore quite important. Perhaps we should go back to the Executive and say that it is all very well that the Executive agrees with the committee, but we raised the point because that approach is not happening and we want to know what the Executive will do to make it happen.

Dr Murray: We need to deal with a number of issues in that way. The Executive has responded in detail to our points and recommendations, but many of its responses are along the lines of, "Well, a review group is looking at the matter", or "We have put the matter out for consultation", and do not tell us what action the Executive will take. We will need to come back to those issues to re-examine the Executive's commitments. For example, the Executive makes statements such as:

"The Executive is committed to ensuring that Child Protection Committees are constituted in such a way as to support agencies, individually and collectively"

and:

"a positive set of aspirations and expectations for all Scotland's children and young people, including, for example, to ensure they are safe, healthy, respected and included underpins our work".

Those are fine statements, but they do not tell us what the Executive is doing and we need to toughen up on that.

We should also toughen up our questions on progress on the information technology issue that was raised in the Bichard inquiry. That ties in with the point that the convener made.

The Convener: There are two categories of issue: those on which we need a clearer view now because our concerns have not been properly answered; and those in relation to which things are happening, but we will want to know how much progress has been made by a certain point down the line. The matter that Elaine Murray raises belongs in the former category. We need to know now what is happening, because it does not appear that the Executive has taken that point on board as clearly as it might have done.

Rhona Brankin: It would be interesting to ask how HMIE plans to evaluate school effectiveness in terms of child protection.

The Convener: That is a good point.

There is also an underlying issue about timetabling, which was one of our main considerations. Other points may emerge from the other documents, but would it be acceptable if we went back to the minister now on one or two of the points that have been raised? What do members think the timetable for returning to the subject might be? Would it be reasonable to come back to it six months down the line?

Members indicated agreement.

The Convener: In that case, we shall put the matter on the agenda in six months' time. Prior to that, the clerks will ask for an update from the Executive on some of the specific points that we have emphasised.

Lord James Douglas-Hamilton: For the benefit of the committee, I would like to mention that the report of the working group chaired by Professor Baldwin, on the national reporting framework for children in need, is due this October. It will be helpful to us to have that as soon as it becomes available.

The Convener: It is to be followed by a consultation paper as well, so that is an on-going bit of work. Thank you.

We now move on to the correspondence about the Bichard report. Elaine Murray touched on that in passing in relation to IT. Do you want to elaborate on that, Elaine?

Dr Murray: Given that the IT issues were highlighted in the response that we have in our papers, I felt that we should keep a handle on what is happening with IT in the Executive. That is a point that Wendy Alexander raised on a number of occasions during the inquiry and I do not think that we have had a particularly satisfactory response from the Executive as to how it intends to take those issues forward. We had questions about whether there would be a helpline or a database, because the guidance made it look as if there would be a database and it turned out that there was to be a helpline.

Ms Alexander: In its response to recommendation 15, the Executive suggests that it will receive Professor Baldwin's report in October, then go to consultation and then produce "a framework" by August 2005. I think that we should ask Professor Baldwin to write to us saying what she thinks is necessary to achieve IT integration. The vast majority of witnesses said to us that the last thing they want is another set of guidelines; they actually want some leadership on a common IT system. Our capacity to push that really depends on what Professor Baldwin recommends, so I think that we should invite her to write to the committee after the publication of her report about what it would take to act on the recommendations. That might be a way back into the area, because it is not clear to me that all that she will do is to recommend a framework. If she does, so be it. If she does not, we might want to pursue that at a later date.

The Convener: Is that agreed?

Members *indicated agreement.*

The Convener: It is also a question of bringing the two systems into line. That is another issue that we should come back to in the six-month review.

There is a letter from the Lord Advocate about fatal accident inquiries and other inquiries. It is fair to say that the issue is at an early stage and that the response does not add greatly to the sum of human knowledge, but that is something that will come back to us at a later point. As members will recall, there were concerns about the various interests that need to be reconciled and about the need not to make scapegoats of people.

Mr Macintosh: There is another timescale question here, in the sense that there was a specific recommendation in "It's everyone's job to make sure I'm alright". We got a big document that listed all the recommendations and what has been

happening about them, but nothing seemed to be happening on one of the recommendations.

The Convener: This is not an unimportant issue. Our discussions revealed that there has been a degree of confusion between the remits of different inquiries. Shall we pursue a timescale with the Lord Advocate?

Members *indicated agreement.*

The Convener: We have received a letter from Cathy Jamieson on Disclosure Scotland. We have probably dealt with most of the points already. We can pursue some of the issues with Disclosure Scotland when we take evidence from it.

We have received correspondence from the Scottish Parent Teacher Council and YouthLink Scotland. Both letters raise issues that we touched on in our earlier discussion. Apart from taking on board the points that they make, there is nothing new that we need to deal with at the moment.

Mr Macintosh: It would be useful for us to send both letters to Disclosure Scotland before asking it to give further evidence.

The Convener: Yes. The letter from the Scottish Parent Teacher Council in particular raises a number of detailed issues about the voluntary sector that we discussed earlier.

Mr Macintosh: Three or four months ago, the SPTC sent us another letter that contained a set of similar but different points about Disclosure Scotland that are also relevant.

The Convener: We have received a fair bit of additional material that relates to our child protection inquiry. Does the committee agree to send appropriate letters to all those who have been mentioned and to re-examine the matter in six months' time?

Members *indicated agreement.*

Petition

School Closures (National Guidelines) (PE342)

10:56

The Convener: The final item on our agenda concerns school closure guidance and, in particular, whether petition PE342 on school closures can be regarded as having been disposed of; members will recall the background to the subject. At our meetings of 26 May and 9 June, we discussed school closure policy. The minister agreed to provide us with an opportunity to comment on the guidance that he intended to issue to local authorities. The guidance is not formally subject to parliamentary approval, so he has given us an extra privilege or right in this context. Do members have any observations or comments on the petition that we may want to submit to the minister?

Rhona Brankin: I welcome the new guidance. As the committee knows, my main focus of interest has been rural school closures, on which I would welcome additional guidance.

I note and welcome the fact that rural sustainability and development are addressed in paragraph 27(e) on page 7 of the proposed guidance. One of the main gaps was the lack of joined-up thinking on sustainable rural communities and sustainable development. However, according to my recollection there was to be specific guidance for rural schools. I would like to ask the minister whether he would consider elaborating on that point in a letter. There is only a paragraph about rural sustainability and development in the proposed guidance, but it is a complex area that will continue to generate interest over the coming year and further down the line.

In my experience, it is possible for a rural school to have its roll capped at below 80 per cent, to ensure that children from local families are able to access it. That means that the school cannot reach the 80 per cent trigger that is specified in the 1981 guidance and its case must be referred to ministers. I would like us to write to the Minister for Education and Young People to find out how that loophole in the legislation can be closed.

11:00

Lord James Douglas-Hamilton: First, I would have preferred a natural presumption, as exists in England, because that is a stronger test. However, the Executive has obviously decided against that. Secondly, it is important to preserve capacity in schools in order to uphold parents' right to choose

how their children are to be educated. The population of school-age children is set to fall by about 22 per cent by 2018, and it looks as though school closures will happen more quickly than that. Currently, 6 per cent of primary schools and 13.5 per cent of secondary schools are over-occupied. There is a need to stress further in any revised guidelines the requirement for genuinely open consultation with communities in the face of proposed school closures.

Do you want me to mention the petition at this stage, or shall I leave that until later?

The Convener: Let us return to the petition later. Members might have one or two other comments to make on the proposed guidance. I am interested in what you say about the need to maintain capacity. I am not sure whether we can impose on local authorities an obligation to retain unused capacity in schools. Is that what you are suggesting?

Lord James Douglas-Hamilton: It comes back to the natural presumption. I would prefer a stronger test. An example of consultation having a key effect is the case of Lismore Primary School in Edinburgh. The decision to close the school was scrapped in the face of very strong opposition from the local community. A stronger test would protect rural schools to a much greater extent than they would be protected under the proposed guidelines.

The Convener: Do members have any other views on that? That is probably the central issue.

Ms Byrne: I agree with Lord James that that is the central issue. We have seen the furore over closures recently; there is no doubt that we need to strengthen the guidance in that respect.

Rhona Brankin: That is in the proposed guidance. Effective consultation that gives people adequate time and which gives parents confidence in the system is central, but that is included in the proposed guidance as it stands, which I very much welcome.

Dr Murray: I do not know that the issue is really about consultation. In Dumfries and Galloway, the council consulted for something like two years on its proposed school closures and then did not go through with a lot of them. It is not that councils are consulting only for the statutory 28 days or whatever. Although I am pleased to see more detail in the proposed guidance, I feel slightly disappointed by it. As I think Rhona Brankin was suggesting, it seems to be a list of what councils should be thinking about, but councils should think about those things anyway. There is no stricture on them if they do not think about them.

In my view, community planning is key. Councils should be able to relate their school rationalisation programmes to their community plans, both at

local level and strategically. Consultation is quite often about the school estate and the number of pupils; it is not about the communities. I would have liked the document to contain stronger guidance on linking schools rationalisation to a council's community plan.

The Convener: That seems to be a substantial link that we could ask the minister to build on. It is clear that the minister does not want ministers to get involved as an appeal mechanism. In paragraph 20, he states clearly that the decision is primarily for local councils to take.

I am not sure what status the guidance has—whether it provides people with any kind of hook on which to do judicial reviews in suitable instances when certain criteria are not met. One would perhaps like a bit of guidance on that aspect. If it is just exhortation, does it take us anywhere? It has to be built into the process in some way.

Mr Macintosh: What is interesting about the proposed guidance is what it does not do. It says that parents need to have that discussion with their local authority and that they cannot look to the Executive to overturn local decisions because, ultimately, such decisions are to be made locally. Colleagues who have experience of such matters may wish certain factors to be given greater weight. The way in which the factors are currently laid out might imply that they have equal weight.

Dr Murray: Do you mean educational factors?

Mr Macintosh: Yes. I do not think that anything is missing from the paper; the problem is that everything is there, which means that people are still left with difficult decisions but without clear guidance. It is not clear when sustainability of a village is more important than other factors.

The Convener: To pick up on Elaine Murray's point, is there a way of firming up paragraph 27(d) on community planning and use? The paragraph contains points to be taken account of, but it does not get to the heart of the community planning process. I wonder whether the minister might look into that more closely. It is right that the decision is for councils; that is what they are elected for and they have local knowledge. Rhona Brankin mentioned the figure of 80 per cent, and there is a failsafe that allows ministers to become involved in extreme cases. I think that that is the right approach, although I accept that it should be clarified. Community planning puts consideration of the community at the heart of any decision; the guidance should perhaps be widened on that point.

Rhona Brankin: The committee has to keep such issues under review. I welcome the fact that we now have updated guidance—although, as I said, I would also welcome some strengthening in

the form of a letter on rural schools, which are not covered in sufficient detail.

The Convener: If I understand the committee correctly, we want to write to the minister on the 80 per cent definition and on community planning.

Rhona Brankin: And on the letter to rural schools.

The Convener: Well, that is the mechanism, but I will come back to that in a second.

James Douglas-Hamilton raised a couple of points on the capacity to allow parental choice and—what was the other point again?

Lord James Douglas-Hamilton: It was on the issue of a natural presumption, as exists elsewhere in Britain. In drafting the document as he has the minister has, in effect, decided against such a presumption. I would still like it to be noted that many of us believe that Tony Blair was right about this, and that the minister is not right.

The Convener: The committee will have to decide its view on that.

Rhona Brankin: What matters is what works. As I said, we have to keep monitoring things. However, additional guidance on rural schools would be welcome. I hope that the minister will be prepared to provide that, in the form of a letter.

Mr Macintosh: I had got used to Lord James in his role as defender of local government, but now he is saying that local government is not in a position to take such decisions, and that they should be taken by central Government.

Lord James Douglas-Hamilton: I was talking about support for local communities.

Mr Macintosh: I was being a bit unfair. However, we are in a difficult situation. This devolved Parliament is trying to allow local people to take decisions when possible. I am not sure that the minister is more often in a position to second-guess local councils than the other way round. Cases that are called in to the minister should therefore be few and far between.

I welcome the guidelines in that they provide greater clarity. Some things may need to be spelled out more; for example, the fact that there is no automatic appeal to the minister. Also, it should be spelled out that decisions rest with the council. The criteria should be clear and the weighting that is given to them should be clear. However, if that cannot be done, we will have to work with what we have. I feel that closures are local matters and that it would be wrong for a devolved Parliament to assume powers and set itself up as some sort of court.

The Convener: The argument about presumption is a little arbitrary given the number of

obstacles that are put in the way of councils' closing schools—there are criteria to be met and other obstacles to be overcome. Whether or not we will use the word “presumption” is, in effect, what the matter boils down to. Certain issues must be considered and, if appropriate, rejected, before a school is closed. That is how I read the guidance. With the firming up in the letter, the community planning issue and the 80 per cent rule, local authorities are being asked to follow fairly rigorous guidance.

I want to know about the legal status of the guidance and whether local communities can use it to require local authorities to do something, through a legal process or otherwise. I suspect that that probably cannot happen, but I do not know.

Rhona Brankin: Are you referring to the 1981 guidelines under the Education (Scotland) Act 1980, or is your question about the status of the updated guidance under the legislation?

The Convener: The new guidance is not a statutory instrument—it states that it is a framework that

“does not usurp the statutory rights and responsibilities of others”.

As far as I can see, the guidance is not statutory.

Rhona Brankin: It would be worth asking about that.

The Convener: The minister will no doubt read the *Official Report* of the meeting, but we will write to him formally on the issues that have been raised.

We must also decide on the outcome of petition PE342, which went before the Education, Culture and Sport Committee in the first session of Parliament. That petition asked the minister to defer decisions on school closures until new guidelines were produced. Given that new guidelines have now been produced, the petition is obsolete. The primary issue was for national guidelines to be put in place. It is a matter of judgment whether the guidelines are as comprehensive as the ones in England—they are clearly different—but the gist of the request has now been fulfilled. Do members agree to close the petition?

Members indicated agreement.

Rhona Brankin: The committee should keep a watching brief on how local authorities follow the guidelines.

The Convener: What do you have in mind? Do you want the issue to come back on the agenda at a certain point, or simply if another issue arises?

Rhona Brankin: Perhaps the matter should be put back on the agenda in a year.

The Convener: Okay.

That brings us to the end of the meeting. I remind members that we have an event with the commissioner for children and young people tonight at 6 o'clock. I think that there will be a reasonable attendance.

Meeting closed at 11:13.

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