

EDUCATION COMMITTEE

Wednesday 1 March 2006

Session 2

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EDUCATION COMMITTEE

5th Meeting 2006, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)

*Ms Rosemary Byrne (South of Scotland) (SSP)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Mr Jamie McGrigor (Highlands and Islands) (Con)

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

Mr Andrew Welsh (Angus) (SNP)

*attended

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education Committee

Wednesday 1 March 2006

[THE CONVENER *opened the meeting at 10:01*]

The Convener (Iain Smith): Good morning, colleagues, and welcome to the fifth meeting of the Education Committee in 2006. This is our first meeting since we heard Wendy Alexander's good news. Before we start the formal business of the meeting, I want to record our congratulations to Wendy on the birth of her twins. If members agree, I will write to her to send our good wishes and congratulations.

Members *indicated agreement.*

Item in Private

10:02

The Convener: Item 1 is to decide whether to take item 4 in private. Item 4 is to discuss the proposed adoption bill, which has not yet been introduced but which we expect to be referred to this committee following its introduction. We need to discuss the preparations for our scrutiny of the bill, particularly the bid that we will make to the Conveners Group. As the bill has not been formally introduced or referred to the committee, I think that it is appropriate that we discuss the item in private. Is that agreed?

Members *indicated agreement.*

Petition

Children's Services (PE853)

10:02

The Convener: Item 2 is consideration of petition PE853. The Public Petitions Committee referred the petition to us on 7 December. Members should have a copy of the paper that accompanies the petition, which includes an extract from the *Official Report* of that committee's discussions and a copy of the Scottish Executive's response.

Before I bring in members, I have two points to make on which I seek members' agreement. First, I propose that we write to the petitioner to seek his response to the Executive's comments. Secondly, I propose that the committee consider the specific issue of services and facilities for children with special needs as part of our annual scrutiny of school closure policy, which we are scheduled to undertake in September. What are members' views?

Fiona Hyslop (Lothians) (SNP): I have a couple of points to make. First, the petition was referred on 7 December, but it is now March. Why has it taken so long for the petition to reach our agenda? My second point is a more substantive one. I have met the Carronhill parents and know that their petition is not just about school closures; another dimension to the petition is the differences in the way in which special needs education is provided across the country. Of course, there is a crossover between the two issues.

The response from the Education Department talks about the rise in the number of special schools and units since 1996, but the issue is more to do with ensuring balance between stand-alone special schools and special units that are attached to mainstream schools.

In feedback on school closures, we heard that some of the processes were very dubious—the minister has acknowledged that. I am talking in particular about consultation processes. A problem that arises when there is a proposal to close a special school, such as the one in Stonehaven, or St Andrew's special school in Gordon, is that parents do not even know where their children would go. Who has to be consulted formally when such a proposal is made? Consultees include

"the parent of every child ... who would be expected to be in attendance at the school within two years".

That could be anybody and everybody in the region. The position is diluted even further in the existing guidance.

Special schools are a special case. The petitioners acknowledge that there is a general move towards having special units attached to other schools, as opposed to having stand-alone special schools. We will not resolve the problem if we consider only the general issue of school closures.

We should respect the parents of children at Carronhill for being genuinely concerned not only about their own school but about what happens elsewhere too. The current guidelines on school closures put special schools at a disadvantage. Parents do not know where their children are supposed to be going. In most school closures, people at least know where their children will go. When special schools close, children might have to go to a special unit that is attached to another school. Parents might not even know where that school is. They might not know whether the unit has a hydrotherapy pool or any of the other facilities that their children need.

Looking after a child with special needs is difficult at the best of times, but if there is a threat of a school closure, parents have added concerns. We are sympathetic to the concerns of parents when there are general school closures, but the petition raises specific issues to do with the provision of special schools.

I would like to hear more from the minister—as would the petitioners—about the appropriateness of the proposals on special schools, especially when there is a move towards having more special units.

You are right to suggest that we should get back to the petitioners to ask for a response, but the committee should be aware of the wider issues.

The Convener: I do not think that anything in our recommended approach would debar what you are suggesting. We would look specifically at special schools as part of our general consideration of school closures. We can then take up the issues with the minister.

You asked why the petition took so long to come to the committee. The simple reason is that we have had to deal with two pieces of legislation—the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill and the Scottish Schools (Parental Involvement) Bill. Obviously, that took up a lot of the clerks' time, which made it difficult for us to consider the petition earlier.

Fiona Hyslop: It was no particular criticism of the clerks, but the petitioners might have wondered why it had taken such a time. We might have to explain that.

I want to ask about the timetable. You mention our annual review of the policy on school closures,

but I thought that we had agreed to hear from the minister about the progress of the working group that he set up. I do not want us to wait until September to consider this issue. I understood that we would consider it again once we had feedback from the minister on the progress of the working group.

The Convener: Obviously, if we get anything back from the minister earlier than the scheduled review in September, we will try to timetable a discussion earlier. However, I warn members that when we consider the forward programme in a couple of weeks' time, I think that they will find that the committee will be fairly busy for the next few months. Scheduling extra stuff might be tricky, but we will do our best.

Lord James Douglas-Hamilton (Lothians) (Con): I strongly agree with your recommendation about writing to the petitioner to address the issue of services and facilities for children with special needs. I wish to make four comments. I have considerable sympathy with what Fiona Hyslop has said.

My first comment is that, in a debate, we have called for a moratorium on the closure of special schools, the reason being that in many cases we are dealing with the most disadvantaged members of the community and therefore need to be particularly sensitive. Secondly, I would like to know whether the Executive is taking an adequate strategic overview of special needs provision. There is a worry that the Executive may not have a complete grasp of the subject. The information that was published in the 2005 pupil census suggests that data collection is inadequate. My third point is that the Executive or the minister might conceivably act as arbiter, not just in the cases that are specified in legislation, such as when a school is at or over 80 per cent capacity, but when there is a strong and significant disagreement between parents, schools and local authorities, as has been the case at Carronhill in Aberdeenshire. My final point is that I agree with the convener that we should send a letter to the petitioner to ask for his response to the Scottish Executive's reply to the Public Petitions Committee. I hope that, in due course, we will discuss the petition and make appropriate recommendations.

The Convener: I am more than happy to ask the minister to address in the information that we are requesting from him on special schools in the annual update—or earlier if possible—the extent to which the Executive has a strategic overview of the issue. That makes a lot of sense.

Fiona Hyslop: Within that, can we ask for figures on the number of special schools, as opposed to special units that are attached to mainstream schools? That is part of the estate management dimension.

Ms Rosemary Byrne (South of Scotland)

(SSP): I endorse all that Lord James and Fiona Hyslop said. Parents' choices are being limited, so it is time that we took a good look at the situation.

Dr Elaine Murray (Dumfries) (Lab): Do we know what has happened since August? It is now March, so the petition has taken a long time to get here. What is the current situation? During the discussion in the Public Petitions Committee, David Davidson said:

"Local councillors have unanimously supported the position of the parents".—[*Official Report, Public Petitions Committee*, 7 December 2005; c 2151.]

Do we know whether the parents have won their battle?

Fiona Hyslop: If you read the petition, you will see that it is not about Carronhill school—it is about legislation.

Dr Murray: I know that, but it might be worth while finding out what has happened with that school.

The Convener: I think that no final decisions have been taken. I have a vague feeling that I have heard local members saying that the issue has not yet been resolved.

Fiona Hyslop: The school may get a reprieve but, like many other schools, it will have a threat hanging over it for the future. The point is that the petition is not about the petitioners' school; they were selflessly asking about legislation, because they realised that the same situation could occur and has occurred elsewhere.

The Convener: I am sure that the petitioner will be able to update us on what has happened in that specific case.

As there are no more comments, do members agree to write to the petitioner to ask for his response to the Executive's reply and, when we receive that, to consider how we will ask ministers to respond on the issue of school closures?

Members *indicated agreement.*

Annual Reports

10:13

The Convener: Item 3 is the annual reports of agencies relevant to the Education Committee that have been laid before the Parliament. We agreed that we would note formally such reports. If members have issues to raise on any of the reports, we will consider them for our future work programme, which we will discuss in a couple of weeks. Are members happy simply to note the reports at present?

Members *indicated agreement.*

The Convener: Okay. If members have any points to raise on the reports, please let us know before the meeting of 22 March, when we will consider our forward work programme. That concludes the public part of the meeting.

10:14

Meeting continued in private until 10:32.

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