

EDUCATION COMMITTEE

Tuesday 27 February 2007

Session 2

£5.00

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EDUCATION COMMITTEE

6th Meeting 2007, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Ms Rosemary Byrne (South of Scotland) (Sol)
*Fiona Hyslop (Lothians) (SNP)
*Mr Adam Ingram (South of Scotland) (SNP)
Marilyn Livingstone (Kirkcaldy) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
*Mr Frank McAveety (Glasgow Shettleston) (Lab)
*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

*Richard Baker (North East Scotland) (Lab)
Mr Jamie McGrigor (Highlands and Islands) (Con)
Tommy Sheridan (Glasgow) (Sol)
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)
Mr Andrew Welsh (Angus) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Jonathan Cunningham (Rosshall Academy)
Colin Kerr (Rosshall Academy)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 3

Scottish Parliament

Education Committee

Tuesday 27 February 2007

[THE CONVENER *opened the meeting at 14:31*]

Decision on Taking Business in Private

The Convener (Iain Smith): Good afternoon, colleagues, and welcome to the Education Committee's sixth meeting in 2007. The first item on the agenda is consideration of whether to take in private agenda items 5 and 6, which relate to draft reports that the clerks have produced and on which members have not yet commented. Do members agree to the recommendation that we take the items in private?

Members *indicated agreement.*

Witness Expenses

14:31

The Convener: Item 2 is to decide whether to ask the Scottish Parliamentary Corporate Body, under rule 12.4.3 of standing orders, to pay travel expenses to the petitioners for petition PE825, if they make a claim, and whether to allow me, as convener, to sign off any claim without coming back to the committee. Do members agree to pay any expenses and to delegate the signing off to me?

Members *indicated agreement.*

Petitions

Secondary Schools (Lockers) (PE825)

14:32

The Convener: Item 3 is consideration of petition PE825, from Rosshall academy student council and higher modern studies section, which calls on the Scottish Parliament to urge the Scottish Executive to ensure that every Scottish secondary school provides lockers for pupils. I am pleased to welcome Jonathan Cunningham, Colin Kerr and Mahreen Iqbal, who are students at Rosshall academy in Glasgow. They are accompanied by Lesley McCallum, who is a teacher of modern studies at the school. We have received written evidence, which is included in the papers along with a briefing note from the Scottish Parliament information centre.

I ask the petitioners to make any opening statements, after which members will ask questions.

Jonathan Cunningham (Rosshall Academy):

Thank you for that welcome. We are from Rosshall academy, which is a secondary school in Glasgow. We decided to present a petition to the Scottish Parliament's Public Petitions Committee after we moved into a newly built public-private partnership secondary school and found that it was far too small to fit in the number of pupils who are supposed to be able to fit into it—1,250. We lodged the petition because we have to carry heavy bags around the school all day and feel that locker provision should be a requirement for new schools. We surveyed different year groups in the school and found that pupils carry between 6kg and 11kg, depending on the subjects that they take. For example, physical education equipment adds a lot of extra weight. Extra-curricular activities such as swimming or skiing and snowboarding, which we can now do, require equipment that we have to carry to school, which makes our bags even heavier.

We gathered the evidence and considered the effect that our bags have on health. We estimate that pupils lift their bags 10 times or more a day, depending on the number of periods in the day. We have seven periods a day just now, but we may go on to eight when the 33-period week is introduced. We multiplied the figure of 10 by 180, which is the number of school days in a year, and worked out that, on average, we lift 9,797kg per school year, which is massive. All that weight is on our backs, because we cannot store our books in lockers.

We did further research and found that scoliosis is a common back problem among young people.

It can be put down to carrying a rucksack or bag and creates an S or C shape in the spine, which can stay with a person for life. The health-promoting option is for schools to provide lockers. That is what we want, and that is why we lodged our petition.

The Convener: Do any of the other witnesses wish to say anything at this stage?

Colin Kerr (Rosshall Academy): We encourage pupils to walk to school instead of catching the bus or travelling by car. That will create healthier people.

The Convener: We echo that.

Lord James Douglas-Hamilton (Lothians) (Con): It is valuable for us to have this information. If some schools remain without lockers, what advice should pupils be given to avoid back strain? What would be the best way of delivering such guidance?

Jonathan Cunningham: If schools remain without lockers, there should be a system for storing books that the school supplies, perhaps at the back of classrooms. Books might not need to be given out, given the technology that exists today. However, although a lot of information is available on computers, it could take years to make all the required books available in computer format. I believe that lockers must be provided—they are not just an option.

Ms Rosemary Byrne (South of Scotland) (Sol): Why should the Scottish Parliament legislate on the matter rather than leave it to local authorities, as has been recommended?

Jonathan Cunningham: When the then director of education of Glasgow City Council, Ronnie O'Connor, responded to the Public Petitions Committee, he stated:

"The minimum required overall floor area according to design guidance available at the time of design ... was assumed to be 7.54 m² per pupil. The overall floor space provided at Rosshall was 9.22 m² per pupil ie 1.68 m² per pupil or 2100m² above the requirement."

He said that Rosshall academy provides more than enough space. When I took that back to the pupils, their response was that it was a lie, in a way. We have to carry our bags around. There is not enough space to fit in all the pupils at lunch time, let alone to provide lockers.

In a later letter Ronnie O'Connor stated:

"It would certainly be impossible to find sufficient space to provide lockers for every pupil in any school."

That is practically a contradiction. Perhaps he looked at the matter again. After he sent his first letter, we invited him to Rosshall academy to pinpoint an area where we could fit lockers. He could not attend, which was a shame. The school

board and the pupils surveyed the school to try to find a space for lockers—even a small space where some lockers for more senior pupils, who have more books, could be placed—but there is none.

The matter should not be left to local councils. The best option is for the Scottish Parliament to pass a law requiring all councils to provide space for lockers in new schools.

Ms Byrne: What are the conditions in classrooms, given the weight and size of bags and the fact that pupils carry laptops, musical instruments and other things? Are classrooms cluttered? Is it difficult to move around in them and to get space?

Colin Kerr: Yes. It is very difficult to get space in classrooms, especially for those with musical instruments. I am a musician, and carrying instruments causes problems because the desks are not very big. If a pupil has a huge bag and a trumpet or a tuba, they will not have much room. There are also problems with leg room. You do not want to be all squashed up when you are trying to revise and to go over your school work. If you are, it will be difficult for you to concentrate on your work.

Dr Elaine Murray (Dumfries) (Lab): You have surveyed a number of pupils to find out whether they have back problems. Such problems could be caused by a range of things. As well as being caused by carrying heavy bags, they could be caused by factors such as lack of exercise, obesity, bad posture while using computers for long periods of time and so on. How sure are you that the problems that pupils report are caused by bags rather than other factors?

Jonathan Cunningham: When we first submitted the petition to the Scottish Parliament, we included documents from BackCare and the British Chiropractic Association. BackCare noted that numerous studies show that, by the age of 14, half of all children are suffering from back discomfort. Among the suggested causes are heavy and awkward-shaped bags, badly designed or ill-fitting furniture, lack of exercise and sitting at computers. The British Chiropractic Association was in total agreement with our petition. It distributed 25,000 leaflets entitled "Watch Your Back" to secondary schools in Bolton Metropolitan Borough Council's area. It did so because, during its half-term health check campaign, it noticed that back pain in young people was related to their backpacks. There is a lot of evidence to support the view that backpacks are one of the main causes of back problems in young people.

Fiona Hyslop (Lothians) (SNP): I apologise for being slightly late.

Our background papers say that California passed legislation that required the state board of education to adopt maximum weight standards for student textbooks. No absolute cap was set, but publishers were required to provide different options of weights of books. How many of the books that you have to carry are extremely thick? Would it be useful to do something about that, irrespective of what is done on the lockers issue?

Jonathan Cunningham: I am in sixth year, so I have only four subjects to study, but first-year pupils have eight subjects to study. The mathematics book is about an inch thick. In modern studies, you get three or four books that are all about that thick. If you do music, you get lots of music books that are about that thick. Eight of those books would be a lot for a small first-year pupil to carry. In fact, one of our small pupils was on the BBC with his massive bag, which was full of massive books. You could see how it weighed him down. The thickness of the books is unbelievable.

Fiona Hyslop: A simple and practical thing to do would be to work, over a period of time—*[Interruption.]* That is my phone. I am sorry—it is the first time in a year that I have done that.

The Convener: You will get detention for that.

Mr Frank McAveety (Glasgow Shettleston (Lab): It is the locker room for you.

Fiona Hyslop: Sorry about that. As I was saying, in the longer term, work could be done with the publishers to reduce the size of the books or to produce them in several volumes. Is the situation worse for first-year pupils?

Jonathan Cunningham: It is definitely worse for first-years. Sixth-years also have more books, because although they have only four subjects, there is a lot more to their courses. The number of books for first-years is unbelievable, because they have eight subjects. As you go up the school, you get fewer subjects, but there can be more books for those subjects. First-years have the same number of books as sixth-years, even though sixth years take fewer subjects. Reducing the size of books is a great suggestion.

14:45

Fiona Hyslop: Rather than seeking primary legislation, we could ask the Government to produce guidance. We quite often have a debate about the power of guidance. We have guidance in other areas, such as health and safety issues for school transport. How would you feel if we thought about producing guidance on this issue, which might not affect you but might affect pupils elsewhere? Bearing in mind that you may not have space for lockers anyway, how would the pupils at your school feel? Would you be letting them down

if you were helping other pupils but not necessarily helping yourselves?

Jonathan Cunningham: Rosshall academy will never have locker space. The school has been squashed into a small park, so there is absolutely no space for lockers. An extension to the school is being considered, which might have locker space. The pupils of Rosshall know that lockers will not be provided, but they are happy that Rosshall academy is the school that has raised the issue. We do not want only to help Rosshall academy—we want to help the future schools of Glasgow and the rest of Scotland. There will be a lot of PPP schools and we want to ensure that those new schools for the pupils of the future have locker provision for those pupils.

The Convener: Most schools, whether new or old, do not have a lot of space. Those schools in which the school roll has gone down may have a bit of space to spare. Given the number of lockers that would have to be provided to give one to every pupil, should priority be given to providing them for every first-year pupil, or every first and second-year pupil, rather than trying to provide one for every pupil in the school?

Jonathan Cunningham: Definitely. Rosshall could not provide 1,250 lockers, but a newly built PPP school in East Renfrewshire, Williamwood high school, has a document showing that the school supplied 1,700 lockers for its pupils—that was planned into the design of the school. It was not a case of, “There’s a space—let’s put lockers in it.” The decision was made to have a locker area for the pupils. Some councils have got it right; others have got it wrong. As the convener said, if lockers were provided in Rosshall, it might have to be for certain people, perhaps the first-years, who have the most subjects, or the sixth-years, who have a lot of books.

The Convener: When a new school is being designed, should young people be more involved in considering the practical issues and saying what they want out of a school? Architects probably cannot remember when they were last at school.

Jonathan Cunningham: That would be excellent. It was said that Rosshall pupils were more involved with the building of the school. In fact, the only thing our pupils got to be involved in was the school uniform. The only thing we got to decide on was the colour of our tie. Perhaps pupils who are experiencing newly built PPP schools could go to areas in which new PPP schools will be built and say, “This is what’s wrong with our school, so maybe yours shouldn’t be like that.” They could give their opinion on what is wrong with their school and what should not be done in the new school.

Mr McAveety: I am sorry for being late. I presume that members have already asked about the response from the local authority and your capacity to engage in that process. Is that door still closed, or is there an opportunity to consider partial solutions, even within the existing framework of the school?

Jonathan Cunningham: Are you asking about looking at solutions with the local authority?

Mr McAveety: Yes.

Jonathan Cunningham: I do not know, but I am sure that there were surveyors in the school, who were maybe planning how the school could be extended. A local primary school that has been closed could perhaps be used to extend Rosshall academy, but it is well off the campus. I think that the door is closed, because there is no space. Rosshall academy was squeezed into the site. The community was not in favour of the school because it was built on an open, green space. We cannot even get a perimeter fence round the school. The community was against the school, so it was squashed into the smallest bit of the park and the other space was left open for the community. I do not know what the council is doing behind closed doors.

Mr McAveety: As well as lodging the petition, which we have been dealing with, have you thought about inviting some of the elected members from the school's catchment area to visit the school or getting a delegation of students to lobby councillors at their surgeries to draw their attention to the issue? Perhaps councillors are not as focused on it as you want them to be. Do you think that lobbying them, as well as raising the matter here, would be an appropriate course of action?

Jonathan Cunningham: Do you mean speaking to the community and inviting them in?

Mr McAveety: I and a number of other members sitting round the table have served as councillors. If you lobby the councillors at their surgery and invite them into the school to see the real impact, rather than just having a notional discussion on paper, that could draw to their attention the limitations of the site, given the number of students. Would you consider doing that as an add-on to the commendable work that you have done in raising this issue in the Parliament?

Jonathan Cunningham: Yes. We have considered that. We contacted the councillor for the area, Gordon Macdiarmid, who responded to us. However, I do not know whether he can do any more if the response from the guy who deals with education is that the council provides more than enough space—full stop. I do not know how much more Gordon Macdiarmid could do if the guy at

the top says, "This is how it is." We could get back to the council and ask whether we could consider another option. We could work as a team on that. That might be a good idea.

The Convener: Thank you all for coming today. Please take a seat in the public gallery while we consider our next step on the petition.

I thank the pupils from the student council at Rosshall academy for making a well-prepared case, which was helpful. I wish all witnesses were as well prepared. I suggest to members that we might want to reflect on what we have heard today and discuss suggestions for the way forward at our next meeting. Are members content with that?

Members indicated agreement.

The Convener: We will put the matter on the agenda for our next meeting.

Children's Services (Special Needs) (PE853)

Rural Schools (Closure) (PE872)

The Convener: Item 4 is consideration of petition PE853, from Ken Venters, and petition PE872, from Sandy Longmuir, which the committee has considered on a number of occasions. Since our most recent correspondence, we have now received replies from the Minister for Education and Young People, the Convention of Scottish Local Authorities and the Accounts Commission, which have been circulated. Following the publication of the papers for the meeting, members received an e-mail from Mr Longmuir offering his comments on the papers. We are considering the responses that we received. It is not on our agenda to consider evidence from witnesses or the petitioners so, under the standing orders, it is not possible to ask Mr Longmuir to speak.

However, I want to clarify a misunderstanding. The letter that we have received from COSLA says that COSLA had not received correspondence from the committee. At a previous meeting, we spoke about correspondence that we had agreed to send to COSLA and others. In fact, we did not send that letter to COSLA; the COSLA guidance had come out, so we felt it unnecessary to send a letter to ask for information that was already available in the guidance. With hindsight, I see now that we probably should have made that clearer to members at the time. Had we done so, we might have avoided the misunderstanding and avoided the reference in the letter from COSLA to the fact that it had not received a letter from us. The phrase "erroneous information" in the COSLA letter relates, I think, to the fact that, at our meeting, we referred to a letter that had not in fact been sent and which, therefore, COSLA could not

have answered. I apologise to COSLA for that and I apologise to members for not making it clear that we did not send the letter to COSLA because we had already received the guidance.

We have since received correspondence from COSLA and the Accounts Commission clarifying the position in relation to the 60 per cent rule. We have also heard from the minister again. I invite comments and questions from committee members.

Fiona Hyslop: The letter from COSLA is unfortunate, to say the least, and not particularly helpful. It is also not helpful that, after the committee's request, a letter was not sent in the first place. We were not going to ask just about the guidance but were going to suggest that COSLA, when drafting its guidelines, should communicate with the Scottish rural schools network. That would have been helpful. I realise that difficulties have arisen and that they have affected COSLA's response. However, committee members thought that we had written to the Accounts Commission and COSLA but had not received a reply.

On the substantive issue, COSLA seems not to want to engage at all. I do not think that I have ever, in the eight years that I have been here, seen a letter like this one to a committee. If there were concerns about a lack of communication, it would have been easier for COSLA to contact us rather than writing this not very productive letter.

The last time that we discussed these issues, we felt that the guidance on good practice was lacking. The revised guidance from the minister, if it was actioned, could be used productively. However, the problem is that most local authorities operate under COSLA's guidance and also under the Accounts Commission's guidance.

The covering letter that the committee has received from the Accounts Commission is quite helpful. It says:

"at no time has the Accounts Commission or Audit Scotland said that occupancy levels alone should determine what councils do or that an occupancy level of below 60% should automatically trigger a school's closure."

I do not know whether other members have had a chance to read "Room for Learning: Managing Surplus Capacity in School Buildings". That document is clearly being used by local authorities as a template for their actions and policy. It refers throughout to a study that was carried out way back—the document itself is from 1995. Apart from anything else, it should not be being used now as an active publication by councils. It refers to national testing, which has gone, and to school opt-outs. It is obviously out of date.

Page 3 of the document says that the Accounts Commission had

"concentrated on those schools where less than 60% of places are occupied."

There are also some very interesting references, the most useful of which is on page 24:

"The Commission found a consensus view amongst education advisers that there are no clear educational arguments for closing small primary schools."

We can tie that to what Brian Wilson stated in guidance when he was the Minister for Education and Industry. He said that there had to be strong educational reasons for closing a school. Clearly, a lot of conflict, confusion and contradiction remains in much of what is being said.

The very last page of the Accounts Commission's document, page 39, is on the steps to be taken in addressing surplus capacity. In the flow chart, just above the second arrow, it says:

"Focus schools less than 60% occupied".

When is a rule not a rule? That is the issue. It is helpful that the Accounts Commission wants to give us a policy direction, but that should not trigger schools' closure. The problem is that the toolkit that has been given to councils, in the form of "Room for Learning" and COSLA's guidance, is not helpful. I feel unsettled that we are at this stage in the parliamentary process with a petition that reflects issues that have run throughout our time here, yet I see no resolution to them and not much political impetus to find a resolution from either the current—I stress the word "current"—COSLA education spokesperson or the current Scottish ministers. I feel unsettled that we have not yet got a resolution to the issues.

15:00

The guidance that has been produced by the Scottish rural schools network is practical, and Peter Peacock's expression of concerns about consultations was helpful. His desire to ensure that there was guidance that people could operate on and support was helpful at that time; the problem is that we have drifted away from that. I would be reluctant to leave matters unresolved. I think that there is still a responsibility on the Parliament to try to pull people together. It would have been desirable for the minister to have brought COSLA and the different representatives together—perhaps that is the role that the minister can play. However, I am tempted to ask why, if nobody else is going to provide helpful guidance, the committee cannot do that. I do not know whether that is something that we could realistically do in the next five weeks.

Dr Murray: No.

Fiona Hyslop: No is the answer. However, I feel a responsibility for the fact that we have not

resolved the issues. I feel very uncomfortable about that.

Richard Baker (North East Scotland) (Lab): Fiona Hyslop has made many good points and has given the issue a good deal of clarity. I have been involved in the issue for quite a long time, and I was disappointed with COSLA's letter on a couple of counts. First, my understanding, from previous correspondence, was never that COSLA "may" consult parents and the Scottish rural schools network over the issue, but that it would do so. That would be an obvious thing for COSLA to do in composing guidance—it would have to consult the parents who have been involved in the issue to try to achieve a resolution. I do not understand why COSLA has drawn back from that position in its letter.

Secondly, for COSLA to state that its guidance was endorsed by Peter Peacock is stretching a point, to say the least. He welcomed the publication of the guidance. It is clear from the minutes of COSLA's own meetings that COSLA realises that it is stretching a point to say that he officially endorsed the guidance.

The letter is disappointing. I do not feel that there has been the response that the committee wants to see from COSLA, which is for it to engage constructively with the issue. COSLA says that it is disappointed by some of the comments that have been made about its guidance by members at the previous meeting at which this was discussed. The fact is that members of the committee, including me, feel that the document is hugely flawed. In my view, it is an unacceptable response to the points that were raised with COSLA. COSLA will be concerned about members' response, but it is a view that is honestly held by members of the committee.

It is disappointing that, as Fiona Hyslop said, we have not got a greater resolution of the issues, given that the committee has spent a considerable amount of time on the matter. It is disappointing that there has been no further progress, especially concerning the work that COSLA was asked to do on the issue. That said, the initial letter from the Accounts Commission was helpful. It is important that local authorities are given the message that the level of occupancy is not the only factor that should be taken into consideration when the schools estate is reviewed. There are times when it is appropriate to look at occupancy, but I think that it is unhelpful to have an artificial instant trigger. The Accounts Commission also says that occupancy should not be the only issue.

From other debates in the committee, I get the sense that there are some areas in which progress is being made and in which agencies are keen to look into the issue. It is therefore disappointing, but perhaps realistic, that we are not going to get a

resolution to the issue from the committee by the end of the session.

I am well aware that the Education Committee will not want to return to the issue, session after session, year after year. That said, whether that happens depends on whether improvements in practice are made at the local level, which is not to say that progress has not been made. At the very least, some indication should be made in the legacy paper, or otherwise, of our on-going concern about the issue and of the fact that, unfortunately, we have not resolved the matter thus far.

At the moment, we do not have the raft of closures that were proposed at the time that the petition was submitted. Unfortunately, given the way that these things go round in cycles, the issue may well come round again before too long and become a big national issue.

We cannot tell a future committee what to do, but there is definitely a need for monitoring. As Fiona Hyslop rightly said, if every local authority were to implement effectively the current guidance, we would not have this problem. I agree that we are not yet in that situation.

Lord James Douglas-Hamilton: I cannot but have considerable sympathy for what Richard Baker has just said in this connection. The subject should form part of our legacy paper. In the meantime, it can be covered in the various manifestos that will be produced for the election, and thus become a subject for party-political debate.

Although I strongly support both special and rural schools, there is not much that we can do with the petitions at this stage. There is simply not enough time for us to take them further—in effect, this is the stub end of the session. However, the principles, particularly in relation to the guidance, should be considered in the legacy paper.

Ms Byrne: I have a lot of sympathy for the idea that we should put something in the legacy paper on the subject. We should definitely do that. It is very unfortunate that all of this has rolled on and that we are now at the stage where we are unable to make a commitment on the petitions.

First, I have a number of points on special schools. There is a need for a full review, local authority by local authority, of the situation for children with additional support needs who are mainstreamed. Authorities should take families' views on whether an appropriate placement was made and what choices were offered. Likewise, it is time to look at the situation of children in special schools. Many children are being home educated because appropriate places cannot be found for them. There are a number of issues in that regard—all of us get them all the time in our

casework. I hope that we can recommend that some kind of research or review should be done to look at whether parents are satisfied with what has been on offer since the change in the legislation.

In its letter, the Accounts Commission says that occupancy rates of below 60 per cent should not

“automatically trigger a school’s closure.”

I welcome that. That figure for occupancy has become an issue.

We have to be much more imaginative on rural schools. I would like us to look at rural schools being part of the community—I think that all of us agree on that. If that were to happen, and if capacity were to be found, the underused capacity should be used in a positive way for the community. That should include access to adult learning, early years education, child care and other things to make the school a more vibrant part of the community. Where there is reduced capacity, we should be taking a broad look at all the things that bring the community into the school, as well looking to reduce class sizes. The decision to close a school should never be taken lightly. All those things should be looked at in each circumstance. I hope that we can put that into our legacy paper.

Dr Murray: I agree with what other members have said. I am disappointed by the arrogant tone of the COSLA letter, which includes statements such as

“Only councils can truly make informed long-term decisions based on all the pertinent factors that affect education provision in a locality.”

In all honesty, I hoped that that sort of attitude had long gone from our local authorities. I thought that councils consulted communities and parents and no longer considered that they know best.

I wonder whether the Accounts Commission’s document “Room for Learning”, which was written in 1995, before local government reorganisation, ought to be revisited, perhaps by the Accounts Commission rather than by the Education Committee, as it is probably well out of date. Its section on surplus capacity criticises three regional authorities for accounting for

“88% of all surplus places in secondary schools where less than 60% of places are occupied.”

Paragraph 50 of the document states:

“After discussions with the study advisory panel, the Commission selected those schools with less than 60% of places occupied as being a realistic focus on the potential for rationalisation.”

Despite what the Accounts Commission’s letter says, the document suggests that councils should consider schools

“with less than 60% of places occupied”.

The guidance is out of date and must be revisited and revised in the light of the new local authorities’ situations and the rationalisation programmes that they have undergone in the past 12 years. The situation in Glasgow, for example, is very different from what it was when the document was published.

Like other members, I do not know how much progress we can make on the petitions at this late stage, but perhaps the issues should be mentioned in our legacy paper.

Fiona Hyslop: What COSLA’s letter says about special needs schools is a concern. It states that there is no need to do anything because

“no special needs schools are being proposed for closure at present”.

That is not necessarily the right approach to take.

We should bear in mind the areas from which the petitions came. It was not proposed that all the children would move to mainstream education. Rather, children would move to another school, but there were no information or consultation facilities. The quality of the consultation process was a concern. When children move to special needs schools as a result of one school merging with another, the key point is that there should be information about the facilities that will be available, but at the time such information was not available to the parents in question. Distinct issues to do with special needs schools arise that do not arise when mainstream schools are being looked at for estate management purposes.

I am concerned about Hugh Henry’s letter, which says that special needs schools are no different from other types of school. They are different. Furthermore, COSLA states in its letter that its guidance does not specifically address issues relating to special needs schools.

We can make practical recommendations that can be included in our legacy paper, but it is obvious that there are two outstanding issues. First, we should tell the Accounts Commission that we have considered “Room for Learning”, which was published in 1995 and is clearly still used by councils, and ask whether it will consider revisiting the document, bearing in mind that it participates in inspections with Her Majesty’s Inspectorate of Education. In a recent assessment, for example, there was concern about Moray Council’s estates management. That is a practical step that we could take.

Secondly, COSLA states:

“Finally, I wish to re-emphasise that COSLA’s good practice guide is intended for our member councils. If the members of the Education Committee wish to offer suggestions on the content of the guide, that will be gratefully received.”

We could take up COSLA's invitation and make suggestions on the content of the guide. The petitioners could also make suggestions, although COSLA has said that it will not accept everything that is said. I am not sure what we could do over the next five weeks, but perhaps we could give our initial thoughts on the matter. That would be a constructive way of trying to progress matters. As Richard Baker said, if the issues that have been raised are not resolved in this parliamentary session, other petitions will be submitted and the issues will return. We have a duty and a responsibility to take something positive out of the process and to come up with constructive suggestions that help all parties.

The Convener: The committee's difficulty is that this is the tail-end of the session and that we have limited time to undertake any serious work on the issues that have been raised. People would need opportunities to comment on any issues that arose. It would not be feasible for the committee to finish within four weeks the kind of inquiry that we would need to undertake.

The issues that have arisen should be included in the legacy paper. It should also be borne in mind that manifesto commitments will be made—that was mentioned—and that there will be a new Administration. It may consist of the same parties—we do not know—but it will have its own policies. A new Convention of Scottish Local Authorities will also be formed. It will definitely be different from the present one, and how it will operate remains to be seen. Local authorities are likely to change significantly as well, so they, too, may change how they operate.

As the committee cannot make any further progress with the two petitions, I recommend that we agree to close them but that we refer to them in our legacy paper. I do not think that there is any practical sense in keeping open for ever petitions that have been going on for a considerable time. I am not sure that there is any benefit in retaining them as open petitions, because the session is coming to an end. My recommendation is that we close the petitions but refer to the issues in our legacy paper. That is the best way forward.

15:15

Fiona Hyslop: I remind committee members of the nursery nurses petition, which the committee inherited from the previous session. Although we did not take action on it on the committee's first day, it formed part of the basis for our early years inquiry. We can keep petitions open, if continuing action is required. It would be reasonable for us to consider that, as we have done it before. We inherited a petition that went on to inform an inquiry.

The Convener: I am not disputing that we can keep petitions open. However, the petitions have been on-going for a considerable time, and I am not sure that we can make much further progress on them. There is a benefit in closing them and starting afresh with the new committee, which can look at new issues.

Although PE853 refers to all special needs schools, it relates to an issue that is now more than two years old and is no longer a problem. I am not entirely convinced that keeping the same petitions open is the best way of addressing future issues.

Ms Byrne: I reiterate Fiona Hyslop's point. The new committee will be more able to move forward if the petitions are passed on to it with the legacy paper. That will give it a starting point. I am afraid that if that does not happen there will be a discussion and the petitions will be lost. Petitions exist for a purpose, and there has been no outcome to these two. I feel strongly that we will let people down badly if we do not pass on the petitions in the legacy paper.

The Convener: I hear what you are saying, but the problem is that I am not entirely sure what outcome you are expecting us to reach. We have discussed the petitions several times and have obtained as much information as we can. I am not entirely clear how we can reach an outcome on issues that are largely outwith the control of the Parliament.

Ms Byrne: I am asking that we recommend in the legacy paper that the next education committee—

The Convener: That is a matter for the committee's legacy paper, rather than for the petitions. We must consider the petitions.

Ms Byrne: I am asking the committee not to close the petitions at this point.

The Convener: That is different from making a recommendation in the legacy paper, although you are entitled to suggest that we do that. We will come to that after other members have had an opportunity to comment.

Richard Baker: I take on board the points that you make. However, on-going work on the rural schools petition—PE872—may mean that a new committee coming to examine the matter will not have to reinvent the wheel. Every year, Audit Scotland reviews all the statistics and data that it uses, which form part of recommendations to local authorities in a range of areas. We do not know this, but over the next few months there may be progress on the petition. I am aware that other agencies are looking into the issue.

I share your view that we do not want to foist our agenda on a new committee, but there may be

progress when Parliament is not meeting that could help to solve the problems more quickly. I am minded to keep the rural schools petition open.

The Convener: I am concerned about what will happen if we keep the petitions open. Do we keep them open for ever? When does the Parliament decide to close a petition? The important question is whether we can resolve the issues in this session. I am merely putting forward the view that it would be better for petitioners and the Parliament if we closed petitions on which we have done everything that we can reasonably do. That would allow matters to be considered afresh.

If we kept the petitions open, they would be referred to the Public Petitions Committee in the new session. It would determine what further action was taken on them in the new session. The petitions might eventually be referred to our successor committee, but by that time the new committee might already have taken further action in the area. I am not convinced that keeping the petitions open would serve any beneficial purpose, although I do not feel particularly strongly on the matter.

Fiona Hyslop: Funnily enough, we do a regular review of school estate management because of a petition that was submitted by Midlothian parents a while ago. It is interesting that the issue is still current.

One of the practical reasons for keeping the petitions open is that they are accompanied by a great deal of correspondence and background material, which a committee would not have if it started afresh, unless there was a new petition. The problem is that it has taken about two years in the cycle to get to this point. I would prefer to give a new committee the opportunity to establish whether there has been progress. If it decides to look at the school estate and judges that there has been progress on the matter and that the petitions are no longer valid, it will close them. We should give the new committee the opportunity to use the information related to the petitions. If we do not give it that option, we are prejudging what it wants to do.

The Convener: I have no intention of prejudging what any future committee does. I am simply expressing my belief that there is no need to keep the petitions open at this stage to ensure that discussion continues in the next session. There are some benefits in closing the petitions and allowing fresh issues to come forward, as time has moved on since the petitions were submitted and other petitioners may wish to raise other issues in the future. That is my view, but I do not feel sufficiently strongly about the matter to create a major divide on it.

Lord James Douglas-Hamilton: What guidance do standing orders give us on the issue? What are the options before the committee under standing orders?

The Convener: My understanding is that if petitions are still open at the end of the session, they go back to the Public Petitions Committee in the new session for it to consider what further action, if any, to take on them. It will be for that committee to determine what action to take. It may refer the petitions back to our successor committee, or it may close them. I do not feel particularly strongly one way or the other, but from an administrative point of view it would be easier to deal with the petitions at this stage.

A lot of members have their hands up, but I do not want to prolong the discussion unless they have something new to say. Frank McAveety has not spoken yet.

Mr McAveety: I think that we should shoot the carcass on this issue. The Public Petitions Committee, rather than the policy committee, should take responsibility for finally deciding what happens to petitions. Having added that helpful piece of information, I think that there is a difference between the special needs school petition and the Scottish rural schools network petition. It strikes me that there is a difference of opinion on the committee. We should probably test that and determine whether we wish to recommend that both petitions be included in the legacy paper as matters for further consideration, should a subsequent education committee feel that that is appropriate. We would not close either petition and would refer them to the next Public Petitions Committee for consideration. That is the cleanest way forward for everybody. It does not compromise the convener or any sitting member of the Education Committee, should we be in the same roles after May.

The Convener: The consensus appears to be that we should keep the petitions open and refer them to the Public Petitions Committee in the new session. I am happy to accept that suggestion and to withdraw my initial proposal to close the petitions. I think that it is the wrong decision, but there you go.

Mr McAveety: The collective will of the committee has spoken, for the first time in four years. That is democracy.

The Convener: That completes the public items on the agenda. We now move into private session.

15:24

Meeting continued in private until 16:00.

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