

# **EDUCATION COMMITTEE**

Wednesday 21 March 2007

Session 2

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## EDUCATION COMMITTEE

### 7<sup>th</sup> 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

#### CLERK TO THE COMMITTEE

Eugene Windsor

#### SENIOR ASSISTANT CLERK

Mark Roberts

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Committee Room 2



## Scottish Parliament

### Education Committee

*Wednesday 21 March 2007*

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

### Decision on Taking Business in Private

**The Convener (Iain Smith):** I welcome colleagues to the seventh meeting in 2007 of the Education Committee. This is the last meeting of the committee in the current session of the Scottish Parliament.

Agenda item 1 is to consider whether to take in private items 6 and 7, which are draft papers. The committee's normal practice has been to consider draft papers in private. Is that agreed?

**Members** *indicated agreement.*

## Petition

### Secondary Schools (Lockers) (PE825)

10:02

**The Convener:** Item 2 is petition PE825, from Rosshall academy student council and higher modern studies section, calling on the Scottish Parliament to urge the Scottish Executive to ensure that every Scottish secondary school provides lockers for pupils' use. We heard from the petitioners at our previous meeting on 27 February.

The students deserve a great deal of credit for using the Parliament's petitions system very effectively to draw the matter to the attention of councillors, members of the Scottish Parliament and the media. However, my understanding is that no other country in the world has legislated to provide school lockers and that attempting to do so would be fraught with difficulties. It is a matter for head teachers and local managers, in consultation with pupils and parents through their parent council, to decide in each school whether to have lockers and how to manage their operation. The question is, therefore, whether it would be appropriate to oblige schools to make such provision, as local circumstances vary from place to place. I am open to members' views as to whether we wish to do anything further with the petition or, sadly, recommend that it be closed.

**Fiona Hyslop (Lothians) (SNP):** The petition raises a serious issue. Although schools' circumstances might be different, I am not sure that pupils' circumstances are that much different. Generally, secondary pupils have a great deal of weight to carry because of the books in their bag. What is striking from the evidence is the lack of consultation that took place when there were refurbishments and new builds. We are trying to encourage an appreciation of local authorities' accountability to those whom they serve and recognition of the fact that pupil councils should have an important role within schools.

It is essential that in refurbishing school buildings pupils' needs are taken into account. Clearly, in this case they were not, although on the basis of this petition we cannot pass judgment on the degree to which they have been taken into account with other refurbishments and new builds. It is clear that the Executive could produce guidance on asking pupils what they need in respect of not only lockers but other provision. We could do something constructive by requesting that the Executive covers those matters in its refurbishment guidance.

**The Convener:** I make the wider point that pupils' interests are often completely forgotten about in guidance on schools issues. It often refers to parents and staff but forgets about pupils, who are perhaps the people who know best how things work on the ground. There is an issue about how we encourage local authorities, school boards—or parent councils, as they will become—and others to involve pupils in the decision-making process in schools. That is a general issue that goes beyond refurbishment.

**Fiona Hyslop:** There is also a practical issue. We should ask the Executive to engage—if it does not do so already—with those who produce educational materials to consider their thickness. That cannot be changed overnight, but efforts could be made to divide materials into volumes when they are reprinted, so that pupils have less to carry. That is another constructive thing that we could do, but the question is how we can make a difference at this stage in the parliamentary calendar. I do not want to close the petition without doing something. The pupils' request is not unreasonable, but how can we act on their proposal?

**The Convener:** There is an issue in relation to the curriculum for excellence. When schools design new courses, they should take into account the practicalities of how course materials are dealt with.

**Dr Elaine Murray (Dumfries) (Lab):** Timetabling is also an issue. For example, pupils might have to bring musical instruments to school on the same day as sports kit and other items. I remember from my young days having my hockey kit in one hand and other equipment in the other hand. Schools should consider what items pupils will have to carry on particular days.

**The Convener:** There are practical issues when children have to carry bulky items for particular reasons. In such cases, special arrangements should be made. A pupil should not have to carry a tuba around all day—it is not practical.

**Mr Kenneth Macintosh (Eastwood) (Lab):** It is interesting to contrast the experience of the pupils who lodged the petition with that of pupils at the brand new Williamwood high school in my area. One of the most striking features of that school is that there are rows of lockers just inside the entrance on the right-hand side. When I asked about them, I was told that they were there specifically because the pupils were consulted and asked for them. There might be mixed practice, but there are examples of good practice out there.

I agree with the convener that we should not legislate on the matter. However, given that the pupils who lodged the petition asked us to urge the Scottish Executive to take action, I wonder

whether it would be appropriate for us to write to the Scottish Executive expressing our sympathy with the pupils' suggestion not just that lockers should be provided but that pupils should be consulted on such matters. The Executive occasionally issues circulars and provides guidance. We should suggest that it bears the matter in mind in the future development of policy, particularly on consultation with school councils and senior pupils.

**Lord James Douglas-Hamilton (Lothians) (Con):** I agree with the convener. It is for head teachers to decide whether their school should have lockers and how they should be managed. Obviously, that can be done in consultation with parents and pupils. Parental involvement is invaluable and should be strengthened.

The pupils who lodged the petition have provided an excellent example of how to enthusiastically and articulately argue one's case. It occurs to me that the Executive and the Parliament might have a limited role from a public health promotion standpoint. I echo what Kenneth Macintosh said—I wonder whether the Executive might consider issuing guidance on best practice. That is a matter for the Minister for Education and Young People. I agree with the convener that the petition should be closed, but it might be tactful to draw the matter to the minister's attention and suggest that guidance should be considered.

**Ms Rosemary Byrne (South of Scotland) (Sol):** That is probably the best route to take. We should also emphasise that pupils should be consulted when new schools are built. Some schools will not have the space or the capacity to provide lockers, but we should ask the minister to consider the matter and recommend that there is consultation when new schools are built. That would be helpful progress.

**The Convener:** It seems that the committee is unanimous in its concern about the issue. The best way to proceed might be to write to the Minister for Education and Young People drawing his attention to our discussion, in the hope that he will take on board the points that we have raised. Is that agreed?

**Members indicated agreement.**

## Subordinate Legislation

10:09

**The Convener:** Item 3 is subordinate legislation. We have only five Scottish statutory instruments to consider, although we were expecting considerably more.

**Fiona Hyslop:** Why did we expect more?

**The Convener:** We heard rumours that a large number of instruments were coming the way of committees, but there have been fewer than expected. I am not sure whether that means that there will be a big batch of instruments waiting for the new Parliament and the new Education Committee.

The Subordinate Legislation Committee has drawn this committee's attention to an issue with SSI 2007/132, regarding parental involvement in the appointment of head teachers and deputy head teachers, which we will deal with when we come to it. We have a paper showing the Subordinate Legislation Committee's concerns and the Executive's response.

### Education (Assisted Places) (Scotland) Amendment Regulations 2007 (SSI 2007/114)

### St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2007 (SSI 2007/115)

**The Convener:** If members have no comments, do we agree that the committee has nothing to report on the regulations?

**Members** *indicated agreement.*

### Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 (SSI 2007/132)

**The Convener:** I draw members' attention to the additional paper from the Subordinate Legislation Committee and the Executive's response. Do members have any comments?

**Lord James Douglas-Hamilton:** Our opposition to the abolition of school boards is well known. I will not oppose the regulations, as they give guidance on the recent Scottish Schools (Parental Involvement) Act 2006, but parent power is being restricted compared with the school boards system.

I have one technical point. The Subordinate Legislation Committee's reservation about the appointments procedure is valid, because there is uncertainty about what would happen if a deputy

head teacher was to be appointed in a school that had only an acting head teacher and the local authority deemed that person unsuitable to head the appointment panel. That would be a rare eventuality, but we should invite the Executive to address the matter in guidance, which I am sure councils would be happy to consult in such circumstances.

**Mr Macintosh:** I am a member of the Subordinate Legislation Committee, and we raised that point with the Executive, which responded by saying exactly how it thought the regulations would be interpreted. Appendix 3 of paper ED/S2/07/7/1.1 contains a copy of the response, which specifically states:

"Where ... the chairperson is not a person specifically as prescribed in terms of regulation 7(2), ie as a result of those rare circumstances where the education authority does not consider appointment of the acting headteacher as chair to be appropriate, the appointment panel members would not however be precluded from appointing one of their number".

The Executive has worked out—or suggested—what to do in that circumstance.

**Fiona Hyslop:** I have concerns, which probably go back to the 2006 act, regarding the role of parents in the appointments procedure. I believe that much is left to local discretion, which to an extent is welcome, but the problem is ensuring that councils maximise their involvement and connection with parent councils in particular.

Using professional discretion about professional abilities and so on is more likely to be part of the screening process when a long leet is being drawn up. Parents would have more involvement at that stage. However, the short leet is fundamentally more important in deciding who is appointed, and parents would probably be less involved at that stage.

Having debated the issue, we know why we must ensure that we professionalise the approach to head teacher and deputy head teacher appointments, but we should bear in mind what I have described. Trinity academy school board contacted me, as one of its MSPs, and raised concerns about appointments. The important point is the emphasis that local authorities place on ensuring that they actively involve parents in the process.

10:15

I have a concern about regulation 5(3), which makes it clear that regulations 5(1) and 5(2), on the short leet procedure, will not apply when a head teacher is to be redeployed. The definition of redeployment is wide—it covers any head teacher "currently employed elsewhere". It does not necessarily mean redeployment within a council

area; it could be redeployment across Scotland. When Ewan Aitken was the education spokesperson for the Convention of Scottish Local Authorities, he was keen for councils to be able to redeploy head teachers at will without involving parents. Regulation 5(3) will allow that to happen.

I acknowledge that we must proceed with the regulations, but I am concerned that they negate the involvement of parent councils in redeployment. Parents should still have a role, even in redeployment. I am concerned that regulations 5(1) and 5(2) will not apply to redeployment.

We must proceed with the new procedure for professionalising the employment process. I suspect that we will have considerable experience of that in the next year to 18 months, given that many head teachers are likely to retire. I do not know whether similar regulations will be considered regularly or whether these regulations are a one-off, but a strong case exists for examining how the provisions work once they are up and running.

I am concerned about regulation 5(3). Do other members have a view? Do they, like me, read it as allowing local authorities to do what they want and not involve parent councils when head teachers are redeployed?

**The Convener:** I understand your concern, and I admit to having some concern about regulation 5(3), but the context is that it will operate “following consultation in terms of regulation 4”,

so the parent council will have to be consulted before the head teacher can be redeployed; it will not be excluded from the process. Perhaps we need to say that the guidance must make clear the importance of continuing to involve parent councils, even when redeployment is to take place. If the redeployment of a head teacher is proposed, I see no reason why the parent council cannot interview them before the redeployment is agreed. Perhaps the guidance, rather than the regulations, could cover that.

**Fiona Hyslop:** I feel strongly that that should be the case.

**The Convener:** I suggest that although we have no concern about noting the regulations, we should say that the committee’s successor should see the guidance in draft form before it is published, so that if any concern is expressed that the guidance on involving parents is deficient, it can be addressed before the guidance is issued.

**Fiona Hyslop:** Okay.

**The Convener:** Do members agree that it is advisable to ask for the draft guidance to be issued to the committee?

**Members indicated agreement.**

**The Convener:** Subject to that, do we agree that the committee has nothing to report on the regulations?

**Members indicated agreement.**

### **Education Authority Bursaries (Scotland) Regulations 2007 (SSI 2007/149)**

**The Convener:** If members have no comments, do we agree that the committee has nothing to report on the regulations?

**Members indicated agreement.**

### **Teachers’ Superannuation (Scotland) Amendment Regulations 2007 (SSI 2007/189)**

**The Convener:** Do members have any comments? I shall question you on the regulations’ intricacies shortly.

**Fiona Hyslop:** Has the committee received no representations about the regulations?

**The Convener:** There have been none.

Do we agree that the committee has nothing to report on the regulations?

**Members indicated agreement.**



## Annual Reports

10:19

**The Convener:** Item 4 is annual reports of executive agencies and non-departmental public bodies that report to the committee. We have adopted an approach of noting such reports. Do members agree to note the annual reports of the organisations that are listed in paper ED/S2/07/7/2?

**Members** *indicated agreement.*

## Annual Report

10:19

**The Convener:** Item 5 is the committee's annual report, which is in the standard format that the Conveners Group requires and covers the items that it must cover. If there are no comments, do we agree to adopt the draft report as our annual report for 2006-07?

**Members** *indicated agreement.*

**The Convener:** Before I close the public part of the meeting, as this is our last meeting I place on record my thanks to committee members for their support during my time in office. It has been a very quick and busy 19 months or so since I took over the convenership. I am grateful for the very supportive, cross-party nature of the committee and the way in which we worked together on some difficult and tricky issues in the past year and a half. I also thank very much the clerks for their support to me and the committee.

Finally, as this is his last committee meeting, and because he is retiring from the Parliament and will not be back on the Education Committee whatever happens, I give particular thanks to my deputy convener, Lord James Douglas-Hamilton, for his support throughout this time. [*Applause.*]

**Lord James Douglas-Hamilton:** If I may say so, thanks are due to the convener for his impeccable impartiality and decisiveness in ensuring that we dealt with matters well and efficiently throughout the session.

**The Convener:** Thank you very much for those kind words, James. I close the public part of the meeting.

10:21

*Meeting continued in private until 10:46.*



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