

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Wednesday 8 September 1999  
(*Morning*)

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## EDUCATION, CULTURE AND SPORT COMMITTEE 2<sup>ND</sup> MEETING

### CONVENER:

\*Mrs Mary Mulligan (Linlithgow) (Lab)

### COMMITTEE MEMBERS:

\*Karen Gillon (Clydesdale) (Lab)  
\*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
\*Mr Kenneth Macintosh (Eastwood) (Lab)  
\*Fiona McLeod (West of Scotland) (SNP)  
\*Mr Brian Monteith (Mid Scotland and Fife) (Con)  
\*Cathy Peattie (Falkirk East) (Lab)  
\*Michael Russell (South of Scotland) (SNP)  
\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)  
\*Nicola Sturgeon (Glasgow) (SNP)  
\*Ian Welsh (Ayr) (Lab)

\*attended

### THE FOLLOWING MEMBER ALSO ATTENDED:

\*Dr Sylvia Jackson (Stirling) (Lab)

### WITNESSES:

\*Mr Sam Galbraith (Minister for Children and Education)  
\*Peter Peacock (Deputy Minister for Children and Education)

### COMMITTEE CLERK:

Gillian Baxendine

### ASSISTANT CLERK:

Alistair Fleming



## Scottish Parliament

### Education, Culture and Sport Committee

*Wednesday 8 September 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 10:00*]

**The Convener (Mrs Mary Mulligan):** Good morning everyone.

**Nicola Sturgeon (Glasgow) (SNP):** On a point of order—

**The Convener:** It would be better if I said good morning first. I welcome the minister, Sam Galbraith, and the junior minister, Peter Peacock, to the Education, Culture and Sport Committee. I also welcome a member of the Scottish Parliament, Dr Sylvia Jackson, who is not a member of the committee. Now, the point of order.

**Nicola Sturgeon:** As members are aware, we had a lengthy discussion in the pre-meeting on the on-going negotiations about teachers' pay and conditions. SNP members—and others—expressed the view that that was possibly the central issue facing the education system at present; it could certainly undermine the Government's commendable agenda of improvement in education. Lengthy discussion took place about whether questions to the minister on that issue would be appropriate and in order. A majority of Labour and Liberal Democrat members seemed to take the view that the minister was to be protected from such questions.

**Mr Kenneth Macintosh (Eastwood) (Lab):** That is not the case.

**Nicola Sturgeon:** The Scottish public—teachers and parents—would find it rather strange that—

**The Convener:** What is your point of order, Nicola?

**Nicola Sturgeon:** I am asking for a ruling on whether questions on the teachers' pay and conditions negotiations will be out of order. The Scottish public would find such a ruling rather strange.

**The Convener:** We are here to meet the minister to discuss the draft legislation outlined in "Improving our Schools". We will have to try to deal with questions that impinge upon the teachers' pay negotiations as and when they arise. However, I am not in a position to say that committee members may ask the minister specific questions on the teachers' pay negotiations,

because this is not the most appropriate setting for such questions.

It is unfortunate that Nicola has raised this as a party political matter. Her statement that the discussion was party political even in the pre-meeting was inaccurate. However, I will try to be accommodating where the matter impinges on the draft legislation that we are here to discuss. I will rule out of order any questions that relate specifically to the question of the on-going teachers' pay negotiations.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** On a point of order, convener. During our discussion, I appreciated your concern that the minister had been briefed on what to expect at this meeting, but a number of us feel that the situation with the negotiations is important. Would it be in order to ask the minister to spare us five minutes on the subject, as a matter of courtesy, so that we can ask one or two questions to keep us up to date?

**The Convener:** If the committee wishes, I am more than happy to invite the minister back to discuss teachers' pay, but I will not raise that issue this morning, given that—

**Nicola Sturgeon:** But—

**The Convener:** I am giving my opinion on the matter. I am chairing the meeting, and my opinion is that, if we wish the minister to answer questions, we will invite him back to do so.

## Improvement in Scottish Education Bill

**The Convener:** We will now move on to discuss the matter in front of us, which we all feel is important. Minister, I will give you some time to introduce the paper and to bring us up to date on the situation. I will then open the discussion to enable committee members to ask questions.

**The Minister for Children and Education (Mr Sam Galbraith):** I shall not take up much of your time, because I am here so that we can have a discussion and I can answer questions.

May I say how pleased I am to be here? This is a useful system. My ministers and I want to be as helpful and co-operative as possible. I hope that the committee will help us as we make progress, and that we can help the committee by giving an insight into what is happening. I view this meeting as part of the making-it-work-together, co-operative, consensual partnership that will enable us to make progress and I am willing to deal with any issues that arise.

Members will know that the bill is about improving education. You have seen the details of the bill, and I will not go over them. We are involved in consultations, so I do not want to make too many definitive statements; as the consultative steering group pointed out, we must have outside consultation before we finalise the definitive parts of the bill. Pete and I are meeting groups formally and informally and we have more meetings planned.

From the meetings that we have had, I sense widespread enthusiasm for the bill. People want a number of issues to be addressed, and perhaps we can raise them here, but generally there is widespread enthusiasm. We will continue to make progress. Following several more private and public meetings and our discussions here, we will be ready to present the final bill to the committee and to Parliament. The final bill is likely to be different, although we will not know what the differences will be until the consultation has been completed.

May Peter say a few words before we discuss matters with the committee?

**The Convener:** Yes.

**The Deputy Minister for Children and Education (Peter Peacock):** I echo what Sam said about the pleasure with which people are greeting us as we participate in meetings across Scotland. I have been to a couple of public meetings, I have met seven councils, the Association of Directors of Education in Scotland and a range of other bodies; generally, the provisions of the bill and the improvement

framework that it sets out have been welcomed. Questions about the details have been raised, but comparatively few questions have arisen on the principles. The consultation process has had a good start, although it has a long way to run. Like Sam, I am happy to address any detailed points that you wish to raise.

**Fiona McLeod (West of Scotland) (SNP):** Sam knows that I have asked him questions in Parliament about the consultation in which he and Peter have taken part; I hope that in this setting he can give a more considered reply.

When we discussed the original statement on the improvement in education bill in the chamber, I asked about consultation with young people. If young people are not involved in the improvement of their education, there is no foundation for any improvement at all. In the chamber, you assured me that you would consult with youth forums, pupil councils and so on. Today, you and Peter mentioned ministerial and public meetings and discussions with committees, with the Association of Directors of Education and with councils. Could you elaborate on what consultations you have had with young people? To date, all that I am aware of is the website that the Scottish Council for Educational Technology has put on the internet on behalf of the Scottish Executive. It has a lovely opening page, but all that the site contains is the text of the bill.

To say that children as young as five will be able to read and comment on that is totally deficient. I have not had a chance to look at the website today but, as of last week, only 24 messages had been posted, the majority of which, I would say, came not from young children, but possibly from teachers. Six weeks of consultation are left. Can you assure me that the young people involved will be consulted?

**Mr Galbraith:** I share your concern, Fiona. As you know, I have young kids myself, who have views on these matters. It is right that each and every kid should be involved. Senior pupils from St Roch's and Shawlands Academy were present at a consultation meeting I held in Glasgow this week. It was clear to me that that was a totally inappropriate forum for them, because the meeting was full of adults and the pupils were intimidated. The meeting was not intended to be specifically for the pupils, but I was pleased that they were there.

As you know, Fiona, the consultation process is just starting. I have already arranged meetings with one or two councils and we will go out to meet other groups. I can absolutely assure you that, by the time the process is complete, I will have met numerous pupils and youth groups. We also plan to discuss the youth parliament. I hope that you will be reassured that, by the end of the process—at the end of October—the issues that you

mentioned will have been taken on board. I have been to a lot of schools recently. I do not speak only to the teachers; I spend a lot of time speaking to the kids, not just about the bill, but about all aspects of their education. I am committed to that aspect of the process.

**Fiona McLeod:** It is wonderful to go out and speak to young people, but have you or your department taken into account any of the research on speaking to young people? No matter how friendly you want to be, Sam, you are the Minister for Children and Education and they are young children and pupils. It is not always simple when speaking to young folk really to understand what they want, but there is a mass of research on how we should speak to them. Neal Hazel at the University of Stirling is doing wonderful work on how we should talk to young people—using lots of different techniques, including play and pictures—to get their opinions. It does not sound to me as though that will be achieved in the next six weeks.

**Mr Galbraith:** I cannot guarantee that I will use all the techniques that you mentioned, some of which—you are correct—I am not aware of. However, I am aware of the difficulties in speaking to youngsters, having children of my own. I can assure you that we will go out and examine the views of young people.

I like to think that I have a fairly good record in my ministerial career of talking to young folk, for example during the consultation on the United Nations Convention on the Rights of the Child. For that report, I spent a lot of time organising meetings and speaking to young folk. Money was also available to allow others to do the same on the department's behalf. I intend to continue that record in the education department. If there are any methods that you would like us to consider, Fiona, please drop me a line about them and I will certainly pursue those that I can.

**Peter Peacock:** Like Sam Galbraith, I have tried, when I have gone to meetings, to take some time afterwards to speak to the young people who are there. What is interesting is that, on some subjects, their views, which they often do not express at the meetings, are diametrically opposed to those of the adults. It is important to draw attention to that fact.

Every pupil council and pupil forum has been sent a copy of the consultation document, to which they are free to respond. On Friday, I had a meeting with the director of Young Scot, which is holding a series of focus groups—members may not like to use that term. There is a possibility—I would not put it any more strongly than that—of consultation being fed through those groups. The organisation is highly skilled in the techniques of consulting young people, as that is its principal activity. Meetings will also be held with pupil

forums, at which the pupils will be in control of the debate—we can learn from that. This is not only a question of dialogue between adults and young people; it is about young people being allowed to explore the issues and being helped to communicate their views. We will, I hope, get a wide tapestry of views from that.

**The Convener:** Are there any further points on that issue?

10:15

**Ian Welsh (Ayr) (Lab):** I have two points—one will be easy to answer, the other might not be. Would Sam or Peter acknowledge that it would be worthwhile for every local authority to address this issue in every school, whether at a pupil forum level or at a management meeting? I had better watch what I am saying, as John Smith has arrived.

My second question alludes to the vexed issue that we were discussing at the start. To what extent do you believe that our consultation process on what Nicola Sturgeon has called a commendable piece of legislation will be coloured by the continuing impasse between the local authorities and the teaching unions on terms and conditions?

**Mr Galbraith:** I do not think that the committee's consultation process will be coloured by what you describe as an impasse. Everyone agrees with our agenda for improvement and we will deliver on it and on all the other parts of our agenda for schools.

The process on the pay negotiations is continuing; it is not yet complete. There is a statutory basis for our being called in to arbitrate but it would be inappropriate for me to comment on the matter at this stage; in fact, it would be in breach of the statutory position.

**Ian Welsh:** And the answer to my first question?

**Mr Galbraith:** I was in Glasgow and I saw that all the schools were involved in addressing the issue. Local authorities have a duty to consult as widely as possible and to bring to us a role for their schools, parents, teachers, managers or whoever. My impression is that local authorities are doing that. Peter has probably spoken to more local authorities than I have.

**Peter Peacock:** I would be happy to write to the leader of the Convention of Scottish Local Authorities education committee to ask him to make sure that your point is addressed. Bear in mind, though, that every school has been sent a copy of the consultation document with an invitation to comment. I hope that, through school boards, parent-teacher associations and school councils, that dialogue will take place.

**Ian Welsh:** I am a former teacher and I know that schools are about not just teachers, but parents, community groups and so on. Some authorities are better than others at ensuring the widest possible consultation. A letter encouraging a wide consultation would be helpful.

**The Convener:** I wanted to deal with consultation with young people. Nicola, Fiona and Cathy want to speak on that subject.

**Cathy Peattie (Falkirk East) (Lab):** I think that this is a good document. I was pleased to read—and I am moving slightly away from the subject of young people—that it dealt with enabling local communities and parents to become involved in schools.

My experience of working with parents and pupils in preparation for community schools has shown me that they have high expectations of how things should work. When young people are asked what they think would make school better, the responses that they give when they are on their own are quite different from the ones that they give when parents or teachers are present. It is important that time should be created for folk from the voluntary or other sectors to spend with kids. Kids are fairly radical in their views on what their education should be, how good their school should be and how to deal with problems that adults feel to be insoluble. Kids should have an opportunity to spend time—without teachers—thinking about what could be done in their schools.

**Mr Galbraith:** Absolutely. I have the same view as Peter does on this. Whenever I go on consultation, I like the formal part of the meeting to break up quickly and I spend double the time chatting to people because that is when those who are less able to convey their views can do so. Before a meeting with some pupils this week, I spent some time just talking to them without their teachers—I immediately separated the kids from the one teacher who came into the room—and I spent time with them afterwards as well. Informal discussion, in a formal setting, is a very useful tool.

**The Convener:** Nicola?

**Nicola Sturgeon:** My question does not relate specifically to consultation with young people.

**The Convener:** Does anyone have a question that is specifically on young people?

**Karen Gillon (Clydesdale) (Lab):** The papers that we received for this meeting mention consultation with young people who are being looked after and young people who are excluded. I would like to know more about how that consultation will take place, and how consultation with young people from socially excluded communities can take place through community

education or by using youth-work resources outside schools.

**Mr Galbraith:** Peter, if you start to answer that, I shall come in later.

**Peter Peacock:** I take the point that Karen Gillon makes about those who are on the fringes of the system, if I can put it that way. Their views on how the school system has or has not served them are particularly important. That is an area that we have been talking about in the office. Much more systematic research is needed to provide evidence of how young people have been excluded from the system for a variety of reasons. We need to know how the situation has come about, what their experience was and how we can combat the problem.

A huge amount of challenging and innovative work is being undertaken in schools throughout the country to ensure that people are not excluded from the system. We must learn from those who are in that system about the precise circumstances that led to the difficulties. I shall pursue that point after today's meeting, and I shall check what we are doing about it, because Karen's point is extremely important.

We must understand better how the consumers of the service have found difficulties with it. There are issues regarding certain categories of looked-after children and others who, for a variety of other reasons, have encountered difficulties with the present system.

**Mr Galbraith:** That is an area in which I am particularly interested. Committee members will remember some of the recommendations of the Kent report. We consulted the looked-after children and the organisations, and we significantly altered our response as a result of the strong views that were expressed. I intend to utilise those methods again to try to deal with such issues. I spent a lot of time on that, in my position in the previous Administration, and I shall continue to do so.

**The Convener:** Fiona, do you want to bring this part of the meeting to an end?

**Fiona McLeod:** Yes, I would like to tie it up. The committee is concerned that the consultation should be as wide as possible. That idea came initially from the Government. In the draft bill, and in your statement, Mr Galbraith, you say that you will consult widely. In the chamber, you said that you would consult young people. I understand that. I also understand that you are making such statements to satisfy article 12 of the UN Convention on the Rights of the Child, under which the child's opinions—which must be sought—must be given equal weight to all the others that are sought.



I am concerned that, although we first discussed this in June, there does not yet seem to be any clear strategy, based on professional and research evidence, for consulting young people so that we can put the findings into the final process. Are you saying that, since June, the department has not set up a strategy for consulting young people and that we are hoping that we will get something meaningful out of going around and chatting to them over the next six weeks?

**Mr Galbraith:** I accept your concerns, Fiona. We will look into that suggestion, as I want consultation to be as full as possible. I ask you to judge us at the end of the period, as we are really just at the start of our main consultation process.

**Peter Peacock:** It would be unfair to say that we are thinking about that issue only as of today. A copy of the consultation document has been sent to every school and pupil forum, with the intention that it will encourage debate. The youth parliament has been asked to have such a debate. The structure of that parliament, as members are probably aware, means that its decisions are supported in a range of forums throughout Scotland. We have spoken to Young Scot, and young people are being invited to every meeting. We are making an effort at such meetings to engage with young people in particular. It would not be fair to characterise our approach as unstructured, but I would be more than happy to add things to it. Our intention is to engage with young people on this issue.

**The Convener:** It is in the remit of the committee to take this matter further, if we so decide. Following the minister's visit this morning, we might want to discuss at the end of the meeting what further steps we would like to be taken.

**Fiona McLeod:** Can that be put formally on the agenda?

**The Convener:** Yes.

**Fiona McLeod:** Halfway through the consultation process, we clearly have no strategy for consultation with young people.

**Ian Welsh:** I think that there has been as much consultation on this bill as I have experienced anywhere else. The minister and Peter Peacock are to be congratulated on that.

There is a wider issue about consultation on legislation in general. All of us in local government became used to being presented with bills for consultation that had to be returned within a month—sometimes less than that. I hope that we have seen the back of that kind of sham consultation. The committee should draw the issue to the attention of the Scottish Executive and ask it to bring forward a formal approach, taking into account some of the questions that we have

raised today.

**The Convener:** I am keen to move the discussion on. Do you want to comment on this specific issue, Ian?

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Yes, I do. I agree with Ian Welsh about consultation; I made a similar point in the culture debate last week. The way in which we consult is important and the principle that people could contribute was one of the ideas we used to sell the Parliament.

We have to be careful when we talk about a six-week deadline for consulting young people. It is not desperately important to consult them about whether local authorities should be inspected, for example. Much of the bill's content is not of particular interest to young people. I am not saying that it is a bad thing to consult them, but it is not the most important thing. It is more important to take their views into consideration beyond the six-week period. Six weeks is a statutory time limit that relates to consultation for this bill, but improving education is a long-term goal and the mechanisms for doing that should be considered carefully.

**The Convener:** That is a matter that the committee could discuss later. We need to decide whether we want further consultation and, if so, how we want it to be carried out.

**Nicola Sturgeon:** I know that we are anxious to get on to the details of the bill, but while we are on the issue of wider consultation—

**The Convener:** Let us widen the discussion to allow members to say something about consultation in general.

**Nicola Sturgeon:** I welcome the comments in the bill about partnership and I think that that approach is to be commended. As the bill progresses through the legislative process, I hope—I dare say that the view is shared by some of my colleagues—that we have an opportunity to build in mechanisms to foster a partnership approach in practice and not simply in rhetoric.

One of the commitments in the partnership agreement that I found interesting was the commitment to establish an education forum to review and raise standards in schools. As you know, Sam, I have raised that issue with you on many occasions. Will you be bringing forward concrete proposals for the forum as part of the consultation process?

**Mr Galbraith:** I am delighted to see that you are so on board with the Government's agenda in relation to the commitment to partnership.

**Nicola Sturgeon:** Make the most of it, Sam.

**Mr Galbraith:** I have always said—you have

heard me and it has been reported—that we are trying to build an education system based on consensus and partnership. That is the only way forward. However, I remind everyone that consensus and partnership require all sides to participate.

I am keen to make sure that we get things right—we must find the right model and not create a talking shop. When the proposals are ready, we will bring them to the committee.

**Nicola Sturgeon:** Is that likely to happen before the end of the consultation period for this bill or will it be separate from that? I have raised the matter with you before, but I am simply trying to get an idea of the time scale and whether the committee will be able to consider the proposals at the same time as the rest of the bill.

**Mr Galbraith:** I shall introduce those proposals as soon as possible, Nicola. I am not attempting to delay them, but I have to give the issue careful consideration.

10:30

**Cathy Peattie:** I have said that the document recognises the value of the community and parents and that community-parent partnerships play an important part in ensuring that children receive good education and support. As local schools also need to have communities and parents as partners, it is important for the community to be involved in the consultation.

We sometimes forget the role that communities can play. Local authorities that are involved in consultations should be urged to involve community organisations and parents. Communities and parents should also be encouraged to form partnerships to make schools work, because parents should work alongside teachers to support their children's education. Although I value the document's emphasis on partnerships, we need to remember that communities and parents are equal partners and that we need to be at the table as well.

**Mr Galbraith:** Parents, teachers, pupils, the Government, education authorities and communities are all involved in realising a child's potential, and external influences such as what goes on at school, at home, in the Government and in education authorities are also important. Nothing can be taken in isolation. We should all realise and value the fact that each of us has a contribution to make, instead of trying to oppose or to exclude others' contributions. We are trying to build the best possible partnership.

**Cathy Peattie:** That is true, Sam, but it scares the hell out of many parents and members of the community to go into a school. Such a partnership

will never happen unless we can break down some of those barriers.

**Mr Galbraith:** The best way to involve parents has been raised again and again in our consultation. For example, we have asked whether too much prominence has been given to the views of school boards and how other people's views can be heard.

**Peter Peacock:** For me, that is one of the most important points to come out of the consultation. It has arisen from consideration of the issue of school boards, which tends to cause debates about general parental involvement. The consultation has uncovered a school of thought that believes that too many of our efforts to involve parents have focused on the provision of school boards instead of, as Cathy has pointed out, breaking down barriers and providing time for parents and teachers to have a real dialogue about their children's learning needs.

We also need to support parents' attempts to stimulate and to support their children. We are giving more thought to those questions in order to help with the process. We have to widen parents' involvement beyond the school board system, because although that system is important, other aspects are just as important.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** For local authorities, the school spend is often one of the largest—if not the largest—spends in a community. Given that the document has many laudable proposals for community schools, which I fully support, and that schools have had more involvement in adult education, surely the issue involves the wider community.

The document contains a section on school boards. Those of us who have been councillors are aware of the problems of getting people to stand for school boards. Has consideration been given to involving community councils, which are the lowest officially recognised rung of democracy, in connecting with the wider community? I ask that because there has been a move to a more holistic approach to environmental and other improvements in a community, whereby community councils and other agencies can access funding. Such an approach can often be productive with schools.

**Peter Peacock:** This is an interesting area that we have to explore. Another issue that has arisen from the consultation and from the community schools initiative concerns the way in which current arrangements for school boards reflect the wider interest that is also part of the school's activity. I will need to give more thought to that issue. Schools are increasingly perceived to provide wider resources in a community and many

services are attached to them.

However, a school's central purpose is the educational attainment of any particular pupil group at any given time. We have to find a balance with existing school board mechanisms that involves parents much more in their children's learning and that reflects the wider canvas in which, as Mr Stone has suggested, schools are crucially involved. As the consultation progresses, we will be interested to hear more views about those issues in order to develop policy in that very important area.

**Karen Gillon:** In a number of authorities, home-school community partnership officers have been appointed. Has consideration been given to how they can help to involve parents, particularly those from excluded communities, in the consultation process? Their role is to involve parents in their children's education and to encourage the involvement of schools in the community.

**Mr Galbraith:** Home-school links are an important new development and are supported by the excellence fund as part of the whole improvement agenda. Members know that a number of models are involved. The money is handed down through the excellence fund so that local authorities and schools can do their own thing, often involving and supporting parents, bringing them into schools and giving them information.

It is important to maintain home-school links. As everyone agrees, the parent-home-school relationship is absolutely vital to the education system. That is one method that local authorities can use to gather parents' views during the consultation process.

**Nicola Sturgeon:** I have a point about school boards, then I want to go on to discuss the main body of the bill.

The issue on school boards relates to the proposal in the bill to allow the move away from by-election and towards co-option. Given the difficulty in some areas of getting parents to stand for school boards, the frequency with which vacancies arise, and the fact that there are categories of co-opted members, I am concerned that the proposal in the bill could lead to school boards being made up almost entirely of co-opted members. The democratic legitimacy and credibility of school boards might be undermined as a result.

In drawing up the bill, was consideration given to inserting a provision requiring a majority of school board members to be elected? It is important to retain democratic legitimacy for the work of school boards.

**Mr Galbraith:** The change in the legislation was

proposed as a result of consultation with parents. Many of them found the elections, particularly by-elections, intimidating, and they asked for that stipulation to be removed. We are responding to the wishes of parents.

There is a wider agenda in question. It is clear from the consultation process that many people are asking whether the current form of school boards is the correct one. We are turning our minds to that. I am not yet in a position to say what changes we will propose as a result of the consultation. There is a feeling, however, among members of the public—I call it concern rather than unease—that we ought to rethink some of the roles and functions of school boards and the way in which they are organised.

**Fiona McLeod:** A huge consultation about school boards was undertaken some 18 months or two years ago. I assume that the results of that consultation are being taken into consideration.

A school board election in my local authority is due to take place in November. If I understand the bill correctly, if enough parents do not come forward to be elected at that time, there will be no provision to hold a by-election. We will end up with school boards being staffed entirely by co-opted members. Is that what would happen as a result of the new provision on by-elections if the full election failed to fill all the places?

**Mr Galbraith:** The provision has been included as a response to the consultation process. That was the area that people wanted to be cleared up. It is correct to point out that there is much debate and discussion about issues affecting school boards, and we all want to contribute to that debate. We must give further consideration to other things that people may want to include in the bill. School boards will feature prominently at future meetings of this committee and elsewhere.

**Peter Peacock:** The system of school boards is a useful vehicle for parents who want to get involved and it would be wrong to send out signals that suggest that it is fatally flawed or is under threat. The wider question is about how we can facilitate real parental involvement and remove barriers to involvement.

We all know that most school board elections are not competitive. People are encouraged to stand for the number of places available and then, technically, they are elected. That is somewhat different from real competition for places and from people clamouring to be on school boards. We must ask ourselves how we open up the process, and how we make it easier.

Equally, we must address the kinds of questions that Jamie Stone and Cathy Peattie raised about how we find better mechanisms for involving parents. We must be careful that we do not,

through our proper discussion of the role of school boards and their procedures, give a message that they are not important for the future. They will remain important.

**Fiona McLeod:** That is very important, and that is where the document falls down. A technicality that you have in here is sending out the wrong message. What we should be looking at, and what should be in the improvement in Scottish education bill, is a much more positive approach. How do we go out and get parents involved in school boards? I do not think that doing away with elections is the answer. That lies in whether we can make the elections real.

**Peter Peacock:** We will look at the point that you raise. In the situation that you describe I do not think that there is an impediment to re-running an election. In the past, I have seen councillors who wanted school boards where there were not any encouraging their establishment outwith the normal sequence. The provision ought to be sufficiently flexible to allow that to happen.

**Fiona McLeod:** I do not think that it is at the moment.

**Peter Peacock:** We will look at that.

**The Convener:** Can we move on to wider issues in the paper?

**Nicola Sturgeon:** The introduction to the consultation paper says:

"Success depends on the commitment and professionalism of all those working on a day to day basis with children in schools."

That is central to the entire improvement agenda, and it is one of the difficulties posed by discussing the proposals in this bill in a vacuum. Perhaps, Sam, you would care to say a word or two about the morale of the teaching profession and what you consider to be your role as education minister in ensuring that we have a highly motivated, respected and valued teaching profession? It is that kind of teaching profession that accompanies the passage of this legislation.

**Mr Galbraith:** You will have heard me say that I value greatly the contribution of teachers. The vast majority of them do an outstanding job and are highly committed to their pupils' achieving their full potential. My job is to ensure that we have in place the mechanisms that allow teachers to deliver.

We are fulfilling our side of the bargain. Education spending is up 8 per cent this year and it has been raised every year since 1997. We have put additional money into schools. We have made proposals for continuing professional development.

We are putting a range of measures in place to deliver our side of the bargain. I want to work with

teachers, with consensus and in partnership. Part of the package will be good, decent and rewarding pay and conditions that will help motivate and retain teachers, as well as recruit them. We are committed to that.

A partnership requires two parties. The teaching profession, too, has to join that partnership; teachers cannot always stand on the sidelines and shout no. Every profession and job moves forward, changes its terms and conditions and works more efficiently and effectively. Every profession gets assessed and continues professional development; there is no reason why teachers should be excluded from that process. I have spent a lot of time driving forward our part of the agenda, and I hope that the teachers will do the same, Nicola.

10:45

**Nicola Sturgeon:** My question was whether you think the morale of the teaching profession is as it should be; if not, why not; and what steps you, as a minister, can take to improve the situation.

I am sure that most teachers and parents agree that there are two sides to this, and that both sides have to show a willingness to compromise. I am sure that you also agree that teachers have concerns about trends in education. Are you, as Minister for Children and Education, and someone who was elected on a pledge to lower class sizes, happy that the limit on composite class sizes should be increased from 25 to 30—a measure that will affect almost 100,000 children?

**Mr Galbraith:** You are very clever—

**Nicola Sturgeon:** Thank you.

**Mr Galbraith:** —at introducing red herrings to this issue. I outlined our position. There is no educational reason why a composite class should be different from any other class. Primary classes are all composite classes in which ages vary by up to a year. There is no great educational debate on that, although I realise that it is held up as a shibboleth.

We are well on the way to delivering on our promise on class sizes and will have the size of every class from primaries 1 to 3 down to 30 or fewer.

It is not compulsory that the sizes of composite classes be raised to 30, although it is now allowed.

**Nicola Sturgeon:** You and I both know, Sam, that if the limit is raised, the chances are that class sizes will be raised as well.

I have never got the impression from statements by you or your colleagues that the pledge to lower class sizes in primaries 1 to 3 to 30 was the end of the road; I understood that that reduction was part

of a process of bringing down class sizes. Education research suggests that class sizes would have to be reduced much further to make a significant impact on the educational experience of children.

In light of the trend that has been set by the Government, are you happy to tell parents—this deeply concerns the parents of the 100,000 kids in composite classes, whose only crumb of comfort was the size limit of composite classes—that the upper limit will be raised to 30? Instead of saying, as you have done in numerous press statements, that lower class sizes will be guaranteed for everybody entering primary school, you are telling an awful lot of parents that their children will go into classes with higher class sizes.

**Mr Galbraith:** We are saying no such thing.

I repeat that there is no educational argument for any difference in size between composite classes and non-composite classes.

**Nicola Sturgeon:** Parents disagree.

**Mr Galbraith:** Just a minute, Nicola. We are acting on the basis that there is no educational justification for any difference.

We are committed as a first step in reducing class sizes to lowering class sizes in primaries 1 to 3. We are well on the way to delivering on that promise. I hope that you will recognise that that will be a significant step forward.

**Nicola Sturgeon:** Composite class sizes—

**The Convener:** Very quickly, as there is a list of people who want to speak on this.

**Nicola Sturgeon:** Mr Galbraith has not answered the first part of my question, which was whether he thinks the morale of the teaching profession is as it should be, and if not, why not.

**Mr Galbraith:** Morale can always be improved—the teachers are no different from any other profession. We are delivering significant things on our side to enhance morale: the introduction of classroom assistants; an increase in the number of teachers; an 8 per cent increase in the budget; additional capital for schools; information technology in schools; continuing professional development. We are putting teachers and pupils at the centre. I hope that the contribution we are making will be recognised.

**The Convener:** I would now like to bring some other members in.

**Dr Sylvia Jackson (Stirling) (Lab):** I want to extend the discussion about professional development. There is a section in the introduction about supporting teachers. I realise that, in terms of the approach to continuing professional development, a lot hinges on the consultation with

the General Teaching Council, but there could be more emphasis on that area in the document. Is the reason for that the GTC review?

**Mr Galbraith:** The reason is that within weeks we will produce a document on continuing professional development for teachers. One of my aims is to enhance the professional status of teachers to where it used to be. That will require teachers to adopt the responsibilities of professionals in how they behave and what they do. Teachers are professionals and I want to enhance that quality.

One of the things that distinguishes a professional is continuing professional development, some of which is their own responsibility and something they should take on for themselves, some of which should be assisted by courses that are made available. We have made a start with the probationary period and the head teachers' qualification.

I foresee teachers going through a rolling system of professional development, enhancing both teaching methods and their knowledge of their subject area. When I ask teachers when they last went to an update course, I find it surprising that the general answer is that they have not been. It would be surprising if a professional physicist or geographer, for example, did not keep up to date with their subject.

I ask how many read scientific or research journals or, for example, how many French teachers read *Paris Match* or a French newspaper regularly. I do not find much evidence of that happening. Skills updating needs to be considered and the consultation document on continuing professional development will enable that to happen. I intend to enhance the role of the GTC in relation to the profession and to give it a key role in continuing professional development.

When courses are introduced, they must be validated and properly accredited. It is a waste of everybody's time if a teacher goes on a course that they get nothing out of. Continuing professional development is one of the most important ways forward and something that I know teachers will welcome. That ought to go a significant way to enhance morale.

**Dr Jackson:** I am sure Mr Galbraith is aware that there is a considerable amount of research that shows that although courses are very useful there is a great deal that can be done within the school to improve teaching and learning. Research shows the importance of giving teachers time to reflect on their practice. One of the reasons teachers give for not taking courses and reading journals is their work load. That issue has been of concern for some time. Will that be taken on board in the planned document?

**Mr Galbraith:** I agree that there is a lot to be done in school. In-service training is also part of continuing professional development. I am a bit surprised that teachers rarely go and see what goes on in other schools.

**Michael Russell (South of Scotland) (SNP):** Will the minister give way?

**Mr Galbraith:** I would like to finish first. On the question of reading journals, I read five or six journals a month.

**The Convener:** Everybody wants in on that point, Sam. You have obviously caused a stir.

**Michael Russell:** Peter, I read in *The Times Educational Supplement* this week that you had been in Shetland and had experienced traditional Shetland hospitality. I assume that the people were so welcoming because you did not denigrate the professionalism of teachers, as Sam has done.

A question about morale was asked. According to the article—the journal is reliable and I am sure that Sam reads it along with his five or six others—you said that the problem of low morale was passing away and that there was a bright future. A variety of people to whom I have spoken do not agree. I know that we are forbidden to refer to certain circumstances, but what evidence do you have that the problem of low morale is passing away?

**Peter Peacock:** You suggested that Mr Galbraith is denigrating the teaching profession. The fact is that he is going out of his way to rush around Scotland trying to lift the morale of teachers.

**Michael Russell:** I hope that he does so in a way that is different from how he does it in this committee.

**Peter Peacock:** If you had listened, you would have heard him talk about the measures that have been put in place to underpin the teaching structure and to raise the professional status of teachers. This is not hollow rhetoric: we have talked about morale quite a lot when visiting schools and we have never left a school without being enormously impressed by the commitment of the teachers.

Teachers all over Scotland go the extra mile on behalf of their pupils. However, we have also seen a range of impediments to improving their professionalism, which we are trying to remove. How can a teacher be made to get out of the classroom for the first time in a decade to go and see somebody else performing? How can best practice be shared using the national grid for learning?

We want to cast the debate on education against a positive back-cloth because we are

trying to change the tone of the debate and we want teachers to be more respected. We will play our part in doing that but, as Sam Galbraith said, we have to do it in partnership with the teachers. Teachers appear to be appreciative of the things that are being done to make those changes and to raise their professional status.

One of the things that concerns me is how morale has changed over the past 18 or 20 years. We have to get to a position where there is much more regard for teachers. A genuine debate on change in education can be held if every new idea is not seen as a threat. We are trying to create a climate that will help that happen.

**Michael Russell:** Why is it not working so far? Why are we in the state that we are in today as regards the event about which I am not allowed to talk?

**Peter Peacock:** We have come through a period in which teachers have felt beleaguered by an overload of initiatives. We are moving into a period where we hope there will be a period of relative stability. We are putting resources into supporting current structures. It would be impossible to turn around in two or three months the mood that has built up in the teaching profession during 20 years.

**Michael Russell:** None of us expects a relative period of stability in the next few months. Could stability be secured by allocating resources to secure a settlement that will please teachers?

**Peter Peacock:** I will not comment on the teachers' pay negotiations as they are not a matter, directly, for Government. Also, it would be improper for me to do so because, as Mr Galbraith said earlier, there is a role for ministers to arbitrate in the dispute. However, my impression is that it is not a question of resources; other questions are much more of an impediment. We need to ensure flexibility in the profession to increase the financial and professional rewards for teachers. We are working to raise the professional status of teachers.

**Michael Russell:** It is not working, though, is it?

**The Convener:** I have indications from many members in the committee and am trying to give people an opportunity to ask supplementaries—I think that that is only fair. I ask members to try to refrain from jumping in. Everybody is waiting to speak. We will come back to you, Mike, if you still have further supplementary questions, after we have been round the table.

11:00

**Ian Jenkins:** I spoke in the chamber, in June I think, about the mood music not being right in education. I have been impressed by the wishes of

Mr Peacock and Mr Galbraith to speak a good game about the teachers. I am sure that they will come away impressed from the visits to schools they have said they will make. I hope that they will move from that to say that we must listen to teachers, who have impressed us so much, when they express real professional concerns—not selfish ones—about their conditions, pay, status and ability to do their job.

I think that "Improving our Schools" is an excellent document, but a deal of additional bureaucracy is inherent in it. It carries statements about trying to reduce bureaucracy. We need to be careful. One thing that we can do for teachers is try to cut out unnecessary bureaucracy. If teachers can see movement in that direction, that would help them feel better about things.

I promise members that teachers are not inflexible, but when their professional concerns appear to be overridden by what is said—in spite of the good things that are being said—there is a danger that our efforts will be spoiled. We must listen. I hope that a period of stability can be established in which the genuine professional concerns about conditions and so on can be addressed at leisure. That involves talking to the real people, so that settlements or proposals that do not mean anything for them, but demand that they make up their minds, do not arrive on their doorsteps.

**Mr Galbraith:** Thank you for those comments, Ian. I am glad that you noticed the mood music, to use your phrase. Changes in that regard have been made consciously—and very easily, because we believe in it. My beliefs, views and feelings about, on and towards teachers have been much reinforced by school visits.

I repeat what I said at the start: the vast majority of teachers do an outstanding job and are utterly committed to realising the potential of their individual pupils, and, on behalf of the Government, I thank them all for that.

My job as Minister for Children and Education is to try to put in place the mechanisms—not impediments—to help teachers do their job. Those mechanisms allow them to carry on with their professional development. We have started to put them in place. Education expenditure increased by 8 per cent this year. It has increased every year since Labour came into government in 1997. It is important to note that we have made progress on classroom assistants, teachers and the new excellence fund.

I would like to offer some reassurance about the call for stability. It is my view also that education needs a period of stability, in which everything can settle down, but it is important that that should not mean stagnation. When there is stability, we must

be prepared for movements and changes. All organisations roll forward, and education will have to do the same. I hope that we can look forward to stability as we work with teachers, and that we can change not just the mechanism, but the position from which we adopt education policy, so that when proposals or ideas are advanced, they are not seen as threats or something to say no to.

Genuine ideas suggested by people who are genuinely concerned with moving us forward are for discussion. We can all make a contribution—without always feeling obliged to give 20 reasons why they cannot be implemented—and suggest ways in which they might be implemented a bit better or what might help to implement them.

I hope that the debate will involve consensus rather than be along partisan lines, when people try to score points, twisting or misconstruing other people's words, or other silly things like that. There are ways in which we can take the debate forward genuinely. We should remember that kids—children—should be the focus of the debate. The debate is about them. I believe that teachers also want the debate to be about children, so we should take the debate forward on that basis.

**Fiona McLeod:** There are two issues that I wish to raise: composite classes and continuing professional development, which I will turn to first.

We want continuing professional development, as every professional does. I am in a profession where people want that—Sam was previously in such a profession, although medicine is self-governing rather than being driven by outside bodies. Teachers should be given respect so that they can drive their own continuing professional development; they do not need someone behind them with a whip. Teachers are professionals, and every time that they walk into a classroom and talk to a new pupil they are involved in continuing professional development. How can we have continuing professional development when there is no time for it or when the new contract refers to adding an extra 50 hours of social inclusion work to a teacher's current work load? I ask Sam to give me a specific response to that question.

Peter mentioned the national grid for learning, for which there is a strategy to get teachers' information technology skills up to date. The Executive has put resources into that strategy—teachers are given the necessary time and class cover for when they are away on IT training. Are they being offered the same resources for their general continuing professional development? Will they have time within their working week—without the extra 50 hours—and will there be class cover for when they are away undertaking continuing professional development? Those are vital issues.

**Mr Galbraith:** I will deal with the question on

continuing professional development first. Of course continuing professional development has resource implications. We understand and will give consideration to that. However, the individual also has a responsibility for continuing professional development, and I would like to see teachers accept that. I am clear that continuing professional development has resource implications, and that is part of the debate about teachers' conditions. It is about freeing up time, about utilising time differently, about getting cover, about developing and about being flexible. That is why the discussions about the package and about teachers' terms and conditions are so important. If we are to implement all these proposals, we need more flexibility.

**Peter Peacock:** My point about the national grid for learning was that it is a good illustration of how, ultimately, we can help to relieve the burden on teachers in the classroom in a variety of ways. The national grid for learning is often seen simply in terms of the pupil advantages, but there are potentially huge advantages for teachers who will be able to share information across the network of schools in Scotland. I am struck by how isolated teachers can become in their own classroom and in their own subject over time. Teachers write lesson plans, conducting research for their future teaching tasks, but that means that they are repeating the work that two teachers did two nights before somewhere else in Scotland. We need to get teachers connected to one another, and to create a means by which they are able to do that to a far greater extent, exchanging not only materials but ideas.

The national grid for learning, with the infrastructure that goes with it, will potentially release that opportunity in a way that has never before existed. By using technology, although it is only one illustration, we can help to free up time for teachers to undertake other forms of professional development. I can see that the day will come when, by using technology, teachers will be in conference with other teachers elsewhere in Scotland—perhaps in the evenings, perhaps during the day, depending on the structure of their time. Although that approach is not available now, we must start to move down those routes. There are ways of helping to contribute to ideas about continuing professional development that are not immediately obvious but that are beginning to become available.

**Fiona McLeod:** Peter and I could debate the national grid for learning for the rest of the week. Access to information needs time—both to get the information and to use it—and that is the point that I was trying to make.

The second point that I have is on composite classes. Everything should be evidence-based

and you clearly said, Sam, that there was no educational reason why composite classes should not be the same size as one-stream classes. I would like to see the evidence for that, and most parents would too. A composite class of 30 pupils maximum, which is what you are proposing, means that a teacher will teach an age range of almost two years. That is a phenomenal range. If educational research shows that class sizes should be reduced for better educational outcomes, surely it follows that increasing composite class sizes will result in educational non-benefit. I would like to see the research on which you based that decision.

**Mr Galbraith:** We are not proposing any increase in composite class sizes. That is part of the negotiation of the teachers' package. It is important to get that clear first. Second, there is no educational reason why composite class sizes should be any different from non-composite class sizes. Any primary class is a composite one in which a good teacher will teach a range of abilities. A properly constituted composite class will probably have less of that range of abilities within it, with the pupils at different ends getting help. Those are the educational arguments and that is the fact of the matter.

**Peter Peacock:** There is a real danger in your argument, Fiona. The public will assume that every composite class will grow to 30 and that 100,000 pupils in Scotland will be disadvantaged because they are in composite classes. A huge number of children will always be in composite classes because they attend schools where the numbers mean that there cannot be anything other. The educational outcomes are not significantly different in small rural schools, which may have pupils across a seven-year age range, let alone a one or two-year range. Some would argue that the outcomes are significantly better. It would be a mistake to undermine people's confidence in the ability to teach in composite classes, because for many Scots there will be no alternative.

It would also be a mistake to pretend that 100,000 pupils will suddenly move from a class with seven pupils in it to one with 30. Physically, that just will not happen. Most of the kids in rural areas will remain in exactly the same situation. Of the 100,000 pupils that you mention, although I am not entirely clear about that figure, a significant number will always be taught in classes of less than the current maximum of 24. Please do not encourage an argument to take hold in Scotland that composite classes disadvantage your kid's education. They do not. Do not pretend either that people will automatically move from classes of less than 24 to a maximum of 30. That is not the case. Also, I understand that the Convention of Scottish Local Authorities is committed to phasing



out composite classes where the physical circumstances of the school permit that.

**Fiona McLeod:** I am not saying, and I do not want parents to think, that being in a composite class is a disadvantage. I just want the evidence about the size of the class.

**Mr Galbraith:** I am glad that you reinforce that, because that is not the view of your party.

**Fiona McLeod:** Peter, it is a completely different situation having seven pupils across a seven-year age range in a rural school from having 24 or 30 pupils across a two-year age range. The numbers make a big difference. If you are so convinced that larger composite classes are not a problem, why has Aberdeenshire Council said that it will revisit the settlement because it is not happy about the increase in composite class sizes?

**Peter Peacock:** I am afraid that you are not right about that. What Aberdeenshire Council was questioning, as I understand it, was the mistaken belief that composite classes would not be allowed in a rural setting. That is simply not the case. There is no alternative for a vast number of kids. That was a misunderstanding, and the council was seeking a guarantee that those classes would be able to continue, not that they would be abolished.

11:15

**Ian Welsh:** I have just one or two observations, and a question. I would like to re-emphasise my credentials in this area. I worked in education for 20 years, for much of that time in a deprived area in Auchinleck in Ayrshire. Ian, too, was a teacher until very recently. We have talked here about the structures of education, but to know what it takes to be a successful teacher one needs to have been in the classroom and to understand its culture. Teachers have to be a cross between Mother Teresa and the Terminator to succeed. They have to cover the whole range.

Even those of us who are parents and understand the difficulties of raising one or two children substantially underestimate the impact of the culture of the classroom. That must be taken alongside the pathology of the process of permanent change in education. I am sorry, but Brian will have to bear the brunt of my criticism of the legacy of the past 20 years of Conservative misrule.

Sam talked about professional development. The truth is, for the past 20 years teachers have been professionally developing themselves on their feet, as change after change has impacted on them. Throughout the 1980s and early 1990s, much of that change was unaccompanied by resources, apart from the intellectual resources that the teachers brought to it. That has to be said.

We need to be aware of that to understand where we are now regarding what Mike Russell would call the forbidden area. That is part of the pathology of this issue.

I have no doubt that there will be a resolution of the teachers' dispute. I hope that it is resolved in such a way that teachers are comfortable with the structures in which they have to work. I say that as a former council leader as well as a teacher. That will be the platform for success with this document, and should serve as a pointer to the negotiators. I offer myself as a go-between, if necessary.

Neither should the minister underestimate the problem of teachers' workload. My wife is a lawyer and has to undergo 30 to 50 hours of professional development a year to satisfy the Law Society of Scotland. Very often teachers are in no fit state to take on their set hours of professional development—because they are knackered, because they are under stress, because they have 300 jotters to mark, because they are preparing exam papers. We have to understand that before we can reach the great new dawn into which, I hope, Sam is taking us.

The minister made one or two points about best practice. I hope that the communications revolution that Peter is offering us will assist the dissemination of best practice. However, best practice has been whirling about in schools for decades, and I must tell the committee that it normally goes into the rubbish bin whenever Douglas Osler appears with his inspectors, although that is another issue. The organisational constraints of the school day make regular visits to neighbouring schools extremely difficult. There is no way in which that can be done on a regular and sustained basis, although it can be done piecemeal.

The general point that I want to make is that there is a 20-year problem here. I am delighted that the minister is entering into the debate in the context of steady improvement. Personally, I do not believe that there is any pressing need to reinvigorate the curriculum. However, there is a pressing need to reinvigorate the teaching staff. That is the most significant thing that needs to happen. Teachers are not immune to new ideas, but they are worn down by ceaseless innovation in education.

We need a five-year period to let higher still settle and to let five to 14 get on the go. That will let the next stage in development planning take hold and allow teachers the professional status and breathing space that they have not had. I say that as a former teacher and it is important that Sam understands this. I left as a deputy head teacher, so I was removed from teaching by the time that I left education. I allegedly went into a

high-stress job, but I would rather do that than go back into the classroom.

The mood is right and I hope that the teachers' dispute is settled. I am sure that it will be. We can then build a consensus in education. It is too important a subject to have disharmony amongst politicians.

**Mr Galbraith:** I agree with Mr Welsh and share his concern about stability. We require time to let the situation settle down and consider what we should do. We must start the process of building up professionalism and morale to deliver our agenda.

**Ian Welsh:** I have one more supplementary question.

**The Convener:** Briefly, please.

**Ian Welsh:** I reserve a right to come back to this as we consider the bill. I was pleased that the mission statement said that we wanted to be inclusive and offer opportunity for all. Not enough mention is made in this document about children with special educational needs. We need a more significant push on that. I have two children, of whom one is very bright and one has special educational needs. I would rather that resources were applied to the child with special educational needs than the child who is going to get three or four As at higher. The document has a motherhood statement about being inclusive, but we must follow that with practical action for the most vulnerable children in the school community.

**Mr Galbraith:** I agree with that. We are giving close attention to special educational needs and we will make progress on that issue. I recently visited a school in Fife to examine that issue.

**The Convener:** Are you saying that there will be something further in the bill?

**Mr Galbraith:** We will produce the Riddell report soon. We have already put in additional resources: £5 million for speech and language therapy; additional funding for in-service training; and another £1 million for training. We will continue to progress.

**Ian Welsh:** Resources are important, but there are other fundamental issues. I am proud of Scottish schools, but we must improve social inclusion for children with special educational needs—not only disabled children, but the 20 per cent of children at that end of the spectrum. We must ensure that schools and teachers are open, inclusive and responsive. We must have a practical discussion about this.

**Peter Peacock:** I will pick up two of the points that Ian has made and link them. I have visited two special educational needs schools recently. Those do fabulous work and we need to talk more about

the good work that is being done in those schools. However, those schools did not know what was happening in other special educational needs schools in Scotland. We must share good practice. I take Ian's point about practical impediments. We must find ways of removing those so that the best practice is carried out.

**Ian Welsh:** That makes an assumption that we are happy with those kinds of settings. Making integration part of the process is a big issue.

**Peter Peacock:** Those schools were integrating fully with the normal school sector. That is why those are excellent schools and we must share their practice. We have had a report from Professor Riddell on special educational needs and we will consult on that within the next few weeks. A separate document will be produced.

**The Convener:** I am sure that the committee will want to follow up on that, because there are concerns about how it is included in the bill.

**Mr Monteith:** I will move on to the document. I have a lot of questions, so I will try to keep them brief. On page 18 it states:

"Scottish Ministers consider that it would be appropriate to place themselves under a general duty to promote improvement and to exercise their functions in a manner designed to improve standards".

The term duty has strong legal connotations. Do you have any knowledge of the redress that there would be to parents if there were no improvement, or a fall, in standards?

**Mr Galbraith:** It is always open to parents to take action through the civil law, and judicial review is open to them. Appropriately, that duty is placed on us. It is important that when everyone else has a duty placed on them, we have duties placed on us in order to focus us on the responsibilities of the agenda. Ministers are answerable to Parliament and to this committee and are held accountable to the electorate at the end of the day, even although we are not personally involved in the day-to-day management of the schools. In the final analysis, it is always open to individuals to have recourse to the civil courts in order to deal with these matters.

**Mr Monteith:** I take it from that that parents could seek compensation through the courts.

**Mr Galbraith:** As I said, redress is available through the civil procedures of the law.

**Mr Monteith:** On the same page, in a paragraph relating to local authorities, it states:

"At present local authorities are under a duty to secure 'for their area adequate and efficient provision of school education'".

It goes on to say:

"Neither adequate nor efficient is defined".

The following paragraph states:

"The duty will certainly encompass levels of attainment".

You are trying to establish definitions. Am I right in thinking that, given what you said in your first answer, parents could seek legal redress if, according to those criteria, standards either were not met or fell?

**Mr Galbraith:** Brian, that would be no change on the current position. It has always been the case that if parents thought that an education authority or a school was failing to fulfil its statutory duty, they had recourse to the law. As you know, that is why those duties are written into statutes and legislation.

**Mr Monteith:** You are trying to define more clearly what the current position is on local authorities, and you are placing a new duty on the Scottish ministers. Following your previous answer, if St Mary's Episcopal Primary School in Dunblane were to witness a fall in standards after it came under local authority management, would you have funds put aside to deal with the compensation claims?

**Mr Galbraith:** I can only reiterate what I said at the start. It is open to any parent to take any authority to court if they feel that it is not fulfilling its statutory duties. Whether they wish to do so may depend on the legal advice that they receive. I cannot offer them any more advice. I am not clear what the position is of local authorities, and what reserve and contingency funds they have for actions raised in court.

**Mr Monteith:** As a direct consequence of these proposals becoming law, then, not only would you more clearly be defining the educational standards that local authorities are meant to provide, but you would be taking upon yourself a duty, and you would be allowing parents at St Mary's to sue the Scottish Executive if there were a fall in standards as a result of your actions.

**Mr Galbraith:** As I said, the legal position has not changed. If they feel that a local authority has not fulfilled its statutory duties, parents can take the authority to court. That has always been the case, and it applies to any function that a local authority must provide under statute.

**Mr Monteith:** With regard to self-governing schools, paragraph 3 on page 45 states:

"There are currently only two self-governing schools in Scotland, Dornoch Academy in Highland and St Mary's Episcopal Primary School in Dunblane."

What do the ministers consider to be the status of Jordanhill, given that it is not a local authority school?

**Mr Galbraith:** As you know, I have declared my personal interest in this matter and I am not

involved in any of the discussions or decisions related to it, so Peter will answer that question.

11:30

The legislation is concerned with opted-out schools under the previous acts. I would like to remind the committee in passing that on several occasions I served on the relevant bill committee through the night. We were often teased by the then minister Michael Forsyth about how many schools would opt out. I am not sure why—perhaps we were supposed to say, "Not many", so that two years later he could point to 200 or so. We always said that it would be a handful, and it seems that even that was an overestimate of demand. In the end, there were only two. It was an unused and unpopular piece of legislation that we are committed in our manifesto to getting rid of. That is what this bill is about: returning opted-out schools to local authority control and removing the previous legislation from the statute books.

Peter, do you want to deal with the other point?

**Peter Peacock:** On the way to answering the question, I want to pick up a couple of points about St Mary's. It would be better to offer the children of St Mary's an excellent education, rather than compensation after the event. That is what we are trying to achieve.

**Mr Monteith:** They already have it.

**Peter Peacock:** We should extend the rights of parents at St Mary's. Given that the school is opted out, I do not know whom parents would currently sue if standards have fallen since it opted out. I do not know whether that is the case, but our measure will enhance the rights of parents.

The provisions of the bill deal with opted-out schools and the self-governing regulations. That was the manifesto commitment that the Government made before the election and that we are now pursuing. Jordanhill is not an opted-out school and is not, therefore, covered by the provisions of this bill.

**Mr Monteith:** I draw your attention to the heading on page 45, entitled "Self-Governing Schools", and to paragraph 2, where it states:

"The Scottish Executive believes that schools are properly managed within the framework of the local authority".

I also draw your attention to the heading on page 7, entitled "Schools are the Centres of Improvement", and to paragraph 3, where it states:

"But schools must operate in the framework of challenge and support provided by the local authority".

Why are there no plans to change the status of Jordanhill?

**Peter Peacock:** As I indicated, this provision tidies up the law in relation to self-governing schools. The reference at the top of page 45 is to the legislative background. "Self-Governing Schools" is not a generic term: that was the law at the time.

Jordanhill has never been covered by the self-governing schools legislation. It predates that, for very clear reasons of which, I am sure, Mr Monteith is aware. The school is, therefore, in a different position, with a different legal status from St Mary's, which is the only remaining opted-out school.

**Mr Monteith:** I repeat that the document says that

"schools must operate in the framework of challenge and support provided by the local authority".

Are you telling me that there are no plans to place Jordanhill under local authority control, which it never was previously? Are you quite content to leave that as an anomaly and deal with the other school separately?

**Peter Peacock:** The motivation of this part of the bill was to get rid of a rather nasty and divisive piece of legislation relating to self-governing schools. That is our commitment and that is what we are doing. Jordanhill has never figured in that framework. On the other hand, the school is subject to the same inspection regime and support mechanisms as others. It can also have access to a range of local authority support mechanisms if it so wishes.

To answer Mr Monteith's question directly, the school is in a different situation and there are no plans to alter its status.

**Mr Monteith:** So you do not consider Jordanhill a self-governing school?

**Peter Peacock:** Under the terms of the legislation with which we are dealing, it is not a self-governing school.

**Mr Stone:** I cannot resist commenting on what Mr Monteith has said. As all members of this committee are aware, Dornoch Academy lies within my constituency. Like many other people on this committee, I have had a number of letters from parents whose children attend St Mary's Dunblane. The answer that I give them is this: whatever the history of Dornoch—and I do not think that Dornoch rose to Michael Forsyth's fly, but rather that its decision to opt out was the result of a Highland Regional Council problem of the day—the school has now returned to local authority control, and has done so happily. That is a tribute to Highland Council and to the parents and staff at Dornoch Academy.

What I would say to Mr Monteith and what I

have said to the parents in my letters is, "Go to see the rector, go to see Highland Council, go to see how it is done". It is far better to heal situations of this sort than to pick at the wound day after day. That does not help.

I want to take a different direction and explore where Sam and Peter are coming from—what we see before us today, and what we might see in the future. Earlier, Sam touched on what might come before future meetings. When I saw the title "Improving our Schools", I thought that that would mean an end to holes in school roofs and that I would be able to get Thurso High School and Wick High School done up, Tain Royal Academy turned into a community school, and so on. This document is here and it is good. However, I want to explore the limits between what I am talking about, the structural issues, and what we have before us today.

When I talk about school boards involving communities and accessing funds and having an imaginative way to approaching repairs and improving schools, I am thinking of devolved school management. The reason that I bang on about community schools, Sam—and I thank you for answering my questions in the chamber—is that community schools can improve school fabric as well as performing a socially inclusive role in a community. Where do you think improvement work will cut in? How does the document relate to the work that needs to be done? We have a problem with school structures in parts of Scotland. "Improving our Schools" seems to be about that.

**Mr Galbraith:** Absolutely. When I visit schools I see that some are in a bad state of repair. While the quality of education depends on the quality of teachers, the state of the buildings is also important. The statute gives powers to deliver in many areas. The improvements are about relationships with parents, achievement, attainment, safety and professional development. They are also about the school environment, which is why we have allocated additional resources to the capital sum: £115.7 million over five years was announced in 1997, on top of a baseline of about £120 million each year, and an additional £185 million during the period of the comprehensive spending review. We are also examining the innovative public-private partnerships that can be utilised to the value of about £400 million.

We attach great significance to the fabric of our schools. Yesterday, I was at a school in the Gyle that is getting a splendid new extension and I visited a school in my constituency that has had its windows fixed and its roof repaired.

**Mr Stone:** To what extent might section 94 of the Local Government (Scotland) Finance Act 1973 help projects that could not be dealt with by

public-private partnerships? To what extent will it be possible to use section 94 across authority boundaries? It might be possible for a school in an urban area to go heavily into public-private partnerships and for the Government money then to go to another school. It is a very thorny subject and the authorities would kick up hell about it, but I am thinking about how to get cash into rural schools that badly need it, such as those in my area.

**Mr Galbraith:** I have no immediate answer for you. We have no ideological view on public-private partnerships; we adopt a value-for-money approach. You made the contentious suggestion that if one area found funding from one source, money would be given to another area. I expect that that would produce an uproar.

You touched on a wider issue. The Convention of Scottish Local Authorities has a formula on how moneys are distributed across boundaries. Perhaps it is not the best formula to deal with areas that have upsurges in demand as population shifts take place, as they have done in Aberdeenshire and Ayrshire, but I would be fearful of tampering with it without full consultation with COSLA. It is a contentious issue as it is concerned with the distribution of local authority funds and grants but the committee might like to pursue the issue when it talks to COSLA officials.

**Mr Stone:** I will pursue the matter with considerable vigour now that the minister has given me the green light.

**The Convener:** Coming from West Lothian, where expansion is rapid, I share your concerns about how the formula operates, Jamie.

**Nicola Sturgeon:** I have three questions about the role of HM inspectors of schools. First, there seems to be an inconsistency in the body of the consultation document. Page 16 deals with the proposal to allow HMI to inspect local authorities and states that

"The inspection of education authorities is a new and major development, but the approach will not be imposed."

Page 35 lists three types of inspection. The wording sounds as if the system of inspection will be compulsory. For example, the proposed regular periodic inspections

"will allow Ministers to put a programme of inspections in place under which all authorities are inspected at least once in the next five years."

On the face of it, Sam, that is a bit of a contradiction. Can you clarify the situation?

**Mr Galbraith:** I think that you have slightly misunderstood, Nicola. Page 16 says that the nature of the inspection will not be imposed because, as you know, the type of inspection is being discussed with local authorities so that there

is agreement about what will happen during the inspection. A code of practice has also been established. The situation has been discussed fully and that is what the words try to capture.

**Nicola Sturgeon:** My second question also relates to HMI's role in inspecting local authorities. I have no difficulty—nor do I think anyone else would—with the concept of inspecting local authority education functions. However, is HMI the appropriate body to carry out the inspections? HM inspectors are largely ex-teachers; local authorities' education functions are not purely educational—they are affected by matters of finance and management. I wonder whether HMI has the resources, expertise and person power to carry through the proposals in the document. Would not it be more appropriate—as COSLA believes—to establish a new evaluation body for local authorities that is separate from HMI and the inspection of schools?

**Mr Galbraith:** I was not aware that that was COSLA's view. Peter may want to comment on that. The Accounts Commission is also involved, so HMI will not be the only body carrying out inspections. I believe that HMI is the appropriate body. It will inspect the educational functions of local authorities, which it has skills in doing. HMI has already been invited to carry out inspections by several local authorities, which value the inspectorate's opinion. After all, inspections are designed to enhance roles, to identify areas where provision can be improved and to suggest ways in which improvements can be achieved.

I am delighted that Nicola agrees that education authorities should be inspected, which is one of the important proposals in the bill. We cannot continue to inspect schools without inspecting the people who are responsible for much of the delivery within them. We must ensure that all parts of the system work fully and properly. That is what brings value.

Peter will say something about COSLA's view.

**Peter Peacock:** Thankfully, I am no longer responsible for COSLA's view. I am not fully up to speed with Nicola's point—it would be best to approach COSLA about that—and I may have misunderstood, but I thought that what COSLA had discussed was an improvement agency and the mechanisms for supporting improvement and change once those needs had been identified. It did not talk about identifying the necessary improvements and changes.

A number of authorities have volunteered for the inspection process, because they see getting an objective, external eye as a constructive means of self-examination. The situation is not unique in public administration. HM inspectors carry out complete inspections of police, fire and social work

authorities.

The important thing to remember is that HMI has unique insights into how education works. Its inspectors are in a privileged position—very few other people, if any, go into classrooms and hear about the impact that administration has on schools, as well as listening to a whole variety of points of view and holding discussions with education authorities. It seems to me that they are well placed to lead the inspection.

Inspections will be carried out against criteria—that have yet to be developed—on what constitutes a good education authority. There will be some agreement on those criteria between the inspectorate and COSLA directors of education, who are working on them now. The inspectors will use their skills to inspect against those criteria.

The inspection team will be complemented by another professional from a local authority education service who understands intimately what happens in local authorities. A number of inspectors have been in senior administrative positions in local authorities; they have not just been teachers. We are in no doubt that it would be best for the inspectorate to lead, but the system would be moderated by what I have described.

11:45

**Nicola Sturgeon:** I am keen to hear your views on what expansion of HMI will be necessary to enable it to carry out those additional functions.

I have a final point about HMI, from a wider perspective. You will agree that there is concern in the education profession that there is scope for conflict between the inspectorate's role as a policy maker and adviser in education, and its role as inspectors of standards in schools. The consultation document "Regulation of Early Education and Childcare" states:

"The government believes that it is right to separate registration and inspection of childcare from development work."

I am confused about why you think it is right in child care, but not right in school education.

**Mr Galbraith:** I will deal with the issue of HMI inspecting its own policies, which, I agree, has been raised on a number of occasions and is causing some concern in some areas. I make it clear to the committee that although we take advice from inspectors—they have a wealth of knowledge and a very useful contribution to make to the debate and much advice to give—it is ministers, not HMI, who make policy. That is an important distinction.

**Nicola Sturgeon:** You have not answered my question about why it is right to separate functions in childcare, but not in school education. Could

you explain that distinction?

**Mr Galbraith:** Education functions in child care are looked after by HMI. Regulation of child care covers a wide area. You will have seen the current consultation document on child care that considers the regulation of childcare. Child care involves much besides nursery education.

**Nicola Sturgeon:** I understand that, but you make a fairly blunt statement in that consultation paper about separating the registration and inspection of childcare from development work. It strikes me that that goes to the heart of the argument about the roles of the inspectorate in school education. I do not understand the distinction.

**Mr Galbraith:** It does not strike me that that statement goes to the heart of the argument about the roles of inspectors. The distinction is obvious.

**The Convener:** I warn the committee that we have less than 15 minutes left. As several members still wish to raise issues, members should keep questions short and sweet.

**Peter Peacock:** I wish to pick up on the matter of resources for the inspectorate. The inspectorate has given us an indication of the additional costs if the provision is enacted. They will have to be considered if the provision is enacted. If additional resources are given, it is entirely possible that the inspectorate will recruit people from other disciplines such as you described earlier—for example by secondment from other spheres of education. Such arrangements are increasingly common and are to be encouraged.

**Karen Gillon:** I have a couple of questions on pre-school education. I welcome the provision that would place a statutory duty on local authorities to provide pre-school education, but given the fact that money will not be ring-fenced, I am concerned about how we will ensure that any money that is allocated in the general education expenditure for pre-school education is used for that purpose. I welcome the Government's commitment to increasing pre-school education to three-year-olds and four-year-olds and the fact that that commitment will be matched with resources.

I also wish to ask about the current guidance notes, as in a previous life I was involved with the inspection—or seeing the inspection—of pre-school provision. We hope that new guidance notes will be introduced, but how will they be developed? Will they be brought before this committee so that we can examine them? The guidance notes should address the link between pre-school and school and how it is facilitated. I do not think that they do at the moment.

**Mr Galbraith:** The normal procedure is that guidance notes are circulated for wide

consultation. I do not see a problem with the point that you raised, Karen.

You mentioned the ring-fencing of moneys that go to local authorities—an issue that ranges wider than the scope of this committee, as you realised. Currently, the pre-school grant is a specific grant. The provision of pre-school education should be made a statutory duty—partly to ensure that expenditure on pre-school education is used for that purpose once the moneys have been tipped in with other grant-aided expenditure. Local authorities would have to provide it, on a statutory basis.

I am sympathetic to the idea of ring-fencing, although I can hear howls of protest from local authorities and COSLA. This is an important issue that will continue to be debated. I see that the idea of further amounts being ring-fenced has Ian Welsh musing slightly over his pen. I do not think that it would be useful for me to say more than that at the moment, but I do have some sympathy with the concept.

Peter, you are a local authority man. Do you want to get involved in this widening debate?

**Peter Peacock:** The way to guarantee that resources flow through is through the statutory duty to provide pre-school education. Such are the resource allocations available to local authorities that, with that statutory duty, I cannot see how they could divert the money to any other purpose and continue to fulfil their statutory duty. The resources would flow from enacting the proposal in the bill.

**Michael Russell:** I wish to ask two questions—one that follows up Nicola's question on the inspection of local authorities, the other on school management.

The SNP broadly welcomes the inspection of local authorities, but I was interested in the issue of special inspections and the proposal that there should be at least eight weeks' notice of the start of such an inspection. There seems to be some confusion between a special inspection and an incident that might trigger a special inspection.

Let me give an example of flawed decision making. For once, Sam, this is not a criticism of your department. You—or your predecessor in the department—appeared to give Western Isles Council entirely good advice on the merger of Lewis Castle College and the Nicolson Institute. The local authority—for what, one must say, appear to be rather pigheaded reasons—chose to ignore that advice, got it completely wrong, was subject to legal challenge and has now had to overturn its decision. That strikes me as an example of a case in which there needs to be some way of saying to a local authority, "Your decision-making process, and the way in which

you have gone about this, is flawed." Eight weeks' notice of a special inspection will not do that. What is the relationship between an incident where a local authority simply gets things badly wrong according to the law—although your department's role is to ensure that that does not happen—and inspection?

**Mr Galbraith:** The plan is to have a rolling programme of inspections. I do not think that we are in any way barred from or unable to inspect immediately if there is a particular problem. Indeed, I think that that option is important. Under the Education (Scotland) Act 1980, ministers, should they be worried, have reserved powers to act on problems in local authorities. One way in which to consider the matter further before taking that action would be to send in HM inspectors to examine the problem, so I do not think that one option precludes the other.

**Michael Russell:** I believe that, Sam, but I think that care is needed at the drafting stage so that it does not look as if local authorities can take comfort from a notice period of eight weeks before something is done.

**Mr Galbraith:** I will certainly consider that, as we would not want that to be the case.

**Michael Russell:** My second question is on devolved school management, which is a system that many people consider can work. There was a commitment in the SNP's election manifesto—and a commitment from the Labour party in the partnership agreement—to consider the administrative burden on teachers. Somewhere between those two positions one has to make progress on the devolution of power, in terms of running a school, to the management team, as well as ensuring that yet another crushing administrative burden is not created. Ian's speech—it was not a question; it was a speech—was a very acute, and, from my own experience and from what my wife tells me, completely accurate view of the culture in the classroom and how teachers feel about these issues. Although it works, devolved school management will be an additional burden unless there is help with resources.

**Mr Galbraith:** That is always the dilemma. Certain administrative burdens go with responsibilities and you get lost in those burdens rather than your core functions. I appreciate that devolved school management will require resources so that there is no additional burden on the teacher. It is our intention to provide that.

**Ian Jenkins:** This is not particularly contentious. When you talk about improving schools, Sam, the document mentions things that can be measured. First, not everything in education can be measured. Secondly, when we target and

benchmark we need to be careful that everyone involved is confident that the data from which they work are valid. Some of the targets, although they have now been better negotiated, have before seemed to be plucked out of the air. Some of the benchmarks, such as exam results or five to 14 tests, do not always have the confidence of the people administering them. Some schools have no truants at all.

Then there is the difficulty of how these things are measured to start with. Farmers tell me that some of their problems arise from the starting point—having been wrong in the first place five or six years ago. We must ensure that the benchmarks for improving schools are right. It will be difficult, for example, to compare higher results with higher still for some years to come. Jumping to conclusions and using league tables and things like that are problematic. I urge you to recognise that not everything that is good in schools can be measured.

**Mr Galbraith:** I agree with your last statement. You will have seen the document “How good is your school?”, which makes that very point. It looks at what can be measured and at the whole spectrum of what goes on in a school—and at its value and ethos. Those are important things for a school. You have been a teacher, Ian, and you know that you can go into a school and see great things; the feeling, the ethos and the atmosphere are right. There is much that cannot be measured, and that is what “How good is your school?” is about. It is also about how to self-assess a school. We are keen to ensure that these initiatives are owned by schools. Once that happens, the school is committed to them.

Targets were not plucked out of the air. Considerable effort and research went into them. You will appreciate that they are the start, which has to be somewhere. Of course there are problems. Nothing is ever perfect, nor would you expect it to be. What we do have is a commitment to refine and develop and take matters forward.

It is important to know what you are doing and to be able to measure it. The benchmarks and targets are not for creating tables or for scolding or blaming; they are the tools that help schools and teachers find out where the problems are so that they can be addressed by the Government and education authorities. The teacher will have helped to deliver a better service. As long as that remains the philosophy behind the targets, we can agree and make progress.

It is our intention to enhance, refine and develop for the benefit of those involved and for the future. It is our intention not to blame or shame, but to have an external marker against which people can judge themselves.

**The Convener:** We have two minutes left, and four people wanting to speak. Please ask your questions very quickly and if we can we will pick them up. If not, I am sure that the minister can come back to us, perhaps with written answers if that is necessary.

**Dr Sylvia Jackson:** We have talked about external evaluation and about HMI coming in. We have talked about “How good is your school?” and school self-evaluation and the importance of that. What is not so clear is what the local authority’s role is in evaluation. My experience is that the local authority comes in and does a trial run before a full inspection. The relationship between external evaluation, local authority evaluation and school self-evaluation needs to be looked at a little more.

**Mr Galbraith:** We envisage local authorities’ objectives for schools, and their duty to enhance and improve schools and determine and deal with underperformance, being agreed with the school. That is not a matter for us. It is for the local authority and the school to agree what they are going to look at and how the internal assessment will be evaluated. I hope that that will be the way forward. We are keen to have those issues owned by the school and by the local authority.

12:00

**Fiona McLeod:** In the section on pre-school education, the report seems to suggest that private schools that receive no funding from Government agencies can still administer corporal punishment to children under the age of five. I think that that needs to be examined more carefully.

**Mr Galbraith:** Yes, we will take that on board.

**Fiona McLeod:** There are also no placing requests for nursery schools. Why are we continuing that policy?

**Mr Galbraith:** Because we have a mixed economy in nursery schools and parents are free to exercise their placing requests. That is what we encourage. We explain to all local authorities that which nursery a child attends should be in the interests of the parents and the child. In effect, placing requests already operate, although without legislation.

**Ian Welsh:** I have one question in four parts. Does the minister agree that we should not import the perceived political nature of the Office for Standards in Education into the Scottish inspection system? We do not want a tartan Ofsted; we want our own home-grown version. Does he agree that the inspection of education authorities could be problematic if the inspectorate does not understand the integrated way in which local authority finance operates? Does he accept



that having a parent member as opposed to a lay member would enhance the review panel that he proposes for the inspection process? Why does the panel need the requisite member of the business community with an iffy background in quality assurance when we already have a wealth of talent in quality assurance in the Scottish education system?

**Mr Galbraith:** The answer to the first question is yes. The answer to the second question is no, because they are inspecting the educational function. I will think about the last point.

**Ian Welsh:** There is an important issue about local authority budgets being spread across the services. It is not that clear cut.

**The Convener:** Thank you.

**Nicola Sturgeon:** We all agree that raising standards in numeracy, literacy and exam passes is extremely important, but we must also consider education in the wider context. We have a duty to educate responsible and active citizens who can take informed decisions about the world in which they live. My concern is that the bill misses the opportunity to put education in that wider context.

Will the minister outline some specific proposals to deliver on the commitment in the partnership agreement to encourage civic, environmental and business education in schools?

**Mr Galbraith:** Much of what we do does not require legislation; legislation gives us powers that we use to develop other areas. We do not want to build everything into legislation, or the system will become inflexible.

**Nicola Sturgeon:** Yes, but what are you doing to fulfil the pledge?

**Mr Galbraith:** That is not something that needs to be handled with legislation.

**Nicola Sturgeon:** I am not suggesting that it is; I am asking what the Executive is doing to fulfil that pledge. I am not suggesting that it needs to be part of the legislation.

**Mr Galbraith:** I am sorry, I misunderstood your point.

All those subjects will be built into the curriculum through enterprise links and other bodies. I could go into that at great length, but I do not have enough time. I agree with Nicola that those are important topics that we should take forward.

**The Convener:** That is an important question, Nicola, and I am sure that it is one that the committee will want to pursue. I am sorry Peter, I was going to allow you to comment on that, but we really do not have enough time. Brian has one quick question.

**Mr Monteith:** Page 10 of "Improving our Schools" says:

"Schools are not in competition, one with another."

That seems to deny the experience of people who teach in schools or manage them. Parents who make placing requests seem to regard schools as being in competition, particularly given the fact that if a school roll falls below a certain level it begins to lose budget, which affects the number of teachers it can provide. Is it not the case that schools are in competition with one another, even if that is not the intention?

**Mr Galbraith:** No. It is our intention to ensure that everyone achieves the highest possible standards in our schools. That is the way forward, rather than having a demoralising regime of competition. I want every school to attain the highest possible standards and every child to achieve his or her potential.

**The Convener:** I apologise to everybody who still has questions—two hours was obviously not long enough—but Peter and Sam have to leave. I thank everybody who asked questions and thank Peter and Sam for attending. We might have to invite them back at some stage as there are a number of pressing issues.

**Mr Galbraith:** Thanks very much. We would be happy to come back at any time.

## Work Programme

**The Convener:** A number of issues have been raised this morning that we might want to pursue. I am open to members' guidance as to how we continue but I suggest that we pursue a few points in particular. The first relates to discussion and consultation with young people, which we should deal with soon. Fiona had some suggestions on how we could improve the methodology on that. The second issue relates to elections to and membership of school boards. The third issue is teacher development and professionalism. The fourth is how the inspectorate should be resourced and developed.

**Nicola Sturgeon:** I agree with your choice of areas for discussion, Mary. I am sorry to come back to an issue that I raised earlier, but I would like to take you up on an offer that you made. I think that the negotiations on teachers' pay and conditions are central to the education debate and I suggest that we invite Mr Galbraith back—possibly to our next meeting—to question him for half an hour on the state of the negotiations and on what can be done to break the deadlock.

**Ian Welsh:** I am not sure that we should invite the minister to deal with that subject; it would be more useful to invite representatives of the two negotiating parties. It would be meaningless to put

the minister on the spot at this stage. The deadlock will be broken by the result of the teachers' ballot.

**Nicola Sturgeon:** Mr Galbraith holds the purse strings.

**Ian Welsh:** With all due respect, do you want the minister to throw a pot of gold at an unresolved situation?

**The Convener:** I remind members to speak through the chair.

**Mr Monteith:** As has been pointed out, the Scottish Joint Negotiating Committee for Teaching Staff in School Education is tripartite. We could ask representatives from all three sides to come; we may want to talk about different things to each of them. We might ask the minister what he can do to bring the sides together and we could find out from the others what we can do to bring them closer together.

**The Convener:** Are there any other views before I comment on that?

**Mr Stone:** I am happy to defer to you.

**Fiona McLeod:** The tripartite negotiations are important but, as has been said, Hampden needs an immediate answer. We will want the minister here next Tuesday to answer questions on that.

**Ian Welsh:** Why do we need an immediate answer on Hampden? I missed that.

**The Convener:** It was raised earlier in the meeting.

**Ian Welsh:** Why is an immediate answer needed?

**The Convener:** Fiona, why do you think that we need an immediate answer on Hampden?

**Fiona McLeod:** I have asked questions in every conceivable forum since July and have not received answers. The committee will want to know whether the National Stadium is paying its bills and can operate as a national stadium.

**The Convener:** It is obviously up to the minister to deal with Hampden, but I take on board Fiona's point that this committee may have concerns about it. If the committee has concerns about Hampden, I am happy to invite the minister to discuss it. Is that the feeling of the committee?

**Mr Macintosh:** No, it is not. We have just had a discussion with the minister, which dominated the whole meeting. There are many things which I would like us to move on to, within and outwith the bill. Although Hampden is important, it is not a priority for the committee, and it can be pursued through other avenues.

**Fiona McLeod:** I have explored every other

avenue that is open to me and have not got answers. It may not be a priority but it is an urgent issue. We need to know whether the bills for which McAlpine issued a writ against the National Stadium were paid last month.

**Ian Welsh:** What is our locus in this? Is it because the Government is a minority funder?

**Fiona McLeod:** The Government is not a minority funder; £40 million of the £63 million is public money.

**Ian Welsh:** You are talking about lottery funding, which is separate from our powers. There are other funders, including Glasgow City Council. We need to get this into perspective. Nobody is more interested than I am in ensuring that the blessed Hampden is financially stable. I wish that it had never been bloody built. It is not a pressing issue for this committee.

**The Convener:** I suggest that we leave the question of Hampden until the committee considers its priorities.

**Nicola Sturgeon:** Did we get agreement on the previous issue?

**The Convener:** No, we will return to it. We have left Hampden on the table so that we can discuss it under the priorities that this committee will have for future meetings.

**Fiona McLeod:** I think that we need the minister here next week to give an answer. I have gone down every possible route and have not got an answer. This committee has the power to ask not just the minister but the board members to explain what is going on. If that is the only way in which to get an answer on £40 million of public funding, we have to do it.

**The Convener:** I understand your concern that you have not had an answer to the questions that you have rightly been putting, but I wonder whether that is for the committee to pursue, or whether you should pursue it as a member of this Parliament.

**Fiona McLeod:** It could be put to a vote of the committee.

**The Convener:** May I finish? It is up to the committee to decide whether it wants to deal with this matter. I suggest that we leave it on the table to be discussed along with the other issues that the committee needs to deal with. It may be that members will agree that we put Hampden at the top of the agenda, but we must consider that alongside other issues.

First, I want to deal with the teachers' wage settlement and whether we want to invite the minister and, as Ian suggested, the other two negotiating parties—the teachers and management—to discuss it.

**Ian Welsh:** I do not know when the result of the ballot will be known, but the involvement of this committee will serve no purpose until then.

12:15

**Nicola Sturgeon:** On the contrary, I think that it is important that negotiations continue. The danger at the moment is that both sides are taking increasingly fixed positions. If we can investigate ways in which the deadlock can be broken, we should go ahead and do it.

**Ian Welsh:** The ballot might break the deadlock.

**Nicola Sturgeon:** In that case, everything will be fine, but if it does not, I would like to think that this committee had in the meantime done everything in its power to bring about a speedy solution.

**The Convener:** Brian has been trying to get in.

**Mr Monteith:** It is quite apparent to many of us, both in this committee and elsewhere in the Parliament, that this Parliament has a great job to do in winning back the confidence of the people. One of the committee's tasks—as well as bringing the Hampden issue to light and exploring what, if anything, has gone wrong—is to take up issues such as the teachers' pay dispute. We should not allow ourselves to be governed by the time scale of the parties involved; it is for us to take the issue by the scruff of the neck and find out information that might be helpful.

There is nothing to fear from investigation. It is easy for journalists to reach the parties and the minister involved and to run stories in the papers, but we seem to be saying that we should hold back. The Scottish public would like to see politicians taking some action. Through this committee, we have the ability to bring people before us and ask them pertinent questions. Hopefully, that will help the process along. I suggest that we move on this as soon as possible.

**The Convener:** Whenever industrial discussions are in progress, it is not necessarily for politicians to get involved as immediately as Brian suggests. People do not want politicians to start playing party politics with an issue, as—unfortunately—sometimes happens.

However, I am warming to the idea of inviting the minister and the other parties to a committee meeting. I would like the committee to suggest when that should happen, because I have some sympathy with the view that we should not issue invitations while the teaching unions are holding a ballot.

**Ian Jenkins:** I agree that if we are not seen to be asking questions, people will be surprised; I really feel that. However, I would be upset if we

appeared to be trying to do the negotiation.

**Nicola Sturgeon:** Nobody is suggesting that.

**Ian Jenkins:** Well, there has been some suggestion along those lines. That is the agenda that seems to be being pursued. It would be fine for us to have exploratory questions sessions, but I do not think that we can try to solve the problem.

**Michael Russell:** Is it possible to broker a compromise on this?

**Ian Welsh:** I hope so.

**Michael Russell:** We got off to a very bad start with what happened first thing this morning—that is not a party political point—but let us see whether we can make better progress. There is sense in saying that the ballot is a process in which we should not interfere, but as soon as all the ballots are over we should endeavour to speak to the parties involved. Perhaps we should advise the minister that we will also need to speak to him if he is going to be one of the parties. Brian is absolutely right—we have to play a role in this process.

**Ian Welsh:** Does Michael Russell agree with me then?

**Michael Russell:** In the spirit of the new politics, a compromise should be possible in this committee. I hope that that would be welcomed by Labour members, too. However, we can do things the other way; we can take entrenched positions—as committee members did this morning—and create difficulties. Alternatively, we can make the sort of compromise that we are working on. It is up to the members around this table.

**The Convener:** Can I suggest that that was what I said, although perhaps not as well as Michael Russell? I said that we should invite the parties to appear before us, but discuss the timetable for doing that. From the muttering around the table, it seems that people know when the ballot will be completed. Does the clerk have any information on that?

I have been informed that it will be over by 15 September.

**Nicola Sturgeon:** That is a sensible compromise. In response to Ian's point, there is no suggestion that this committee should do the negotiation. That is what the SJNC is for and will, I hope, continue to be for. However, it would be useful if this committee could play a role.

**The Convener:** I do not have a diary on me, but I believe that 15 September is next Wednesday.

**Michael Russell:** We should take the following Wednesday.

**The Convener:** Can we agree that we will invite

all parties on the following Wednesday—22 September—if that is acceptable to those who are negotiating?

**Michael Russell:** I will not be here.

**The Convener:** That is the next Wednesday meeting.

**Michael Russell:** If it cannot be 22 September, in view of the fact that we need to get everybody's diaries together, we should find the nearest date thereafter.

**The Convener:** Let me assure you that I am as keen as everybody here that we make some progress on this. What I do not want to do is interfere in a haphazard way that could damage any negotiations that are going on. Do we agree on that?

We have 10 minutes to discuss other items of business that the committee may wish to raise. At the conveners meeting yesterday, there was a clear feeling that we will have difficulty with our work programme if we do not set out some proposals to a timetable. When emergency items arise, committees will need to deal with them, but we are keen that we should set some kind of timetable in the first instance, to give the clerks and researchers some guidance. I will take people's comments on that, if I can get round the table in 10 minutes.

**Mr Stone:** As I forewarned you twice today, I will come at this as a structural issue. School performance and teacher morale and performance are linked to the structure of schools. As I said, schools in my area—and Thurso and Wick high schools in particular—are in bad nick. Thurso High School is in a disgraceful condition, and that is affecting the delivery of the service to pupils. We are boxed in by section 94. Sam has rightly moved in a good direction with the comprehensive spending review, but we know that that is not enough.

As a committee, we must look at how we address that issue, which applies to every one of us. It may be a matter of freeing up capital from current revenue or of using balances or other forms of finance. I entirely accept Sam's point about moving funds across boundaries. I was twisting his tail slightly, as I knew fine well what the answer would be. My former authority would go berserk if there was any suggestion of using section 94 to move funds to Aberdeenshire or Morayshire.

This is desperately important to people out there. If we talk about improving our schools, they will say, "What about the hole in Castletown Primary School?" I know that I am getting a bit local here, but I hope that all members agree that the problem is bad.

**Mr Macintosh:** My first point—about the inspectorate—relates to the four points that you raised, convener.

**The Convener:** Are we agreed on the four points that we will discuss further?

**Members:** Yes.

**Mr Macintosh:** Does that mean that those four points will be on the agenda next time?

**The Convener:** We will progress those points, and any others that anyone wants to add.

**Mr Macintosh:** East Renfrewshire is one of the authorities that have been inspected. I recommend that we learn from that inspection and invite the director of education here or go to East Renfrewshire.

**The Convener:** We will come to that if we have time.

**Mr Macintosh:** My second point is the one that Nicola raised—the broader context of the bill. The bill talks about the structure of education, but it will operate in a wider context, particularly in relation to the sustainable education that Nicola alluded to. It is important that we have that on the agenda and talk about the overall philosophy of our approach to education.

**Michael Russell:** I have quite a list of points. I thought that we were listing points and then deciding on some priorities. We must not forget that we are a cultural committee, too, but on the education side I have raised the issue of rural schooling. We need to look closely at the criteria for closures, as well as finding a positive way of encouraging rural education, particularly rural primary education. We must get to grips with the fact that, although we want rural primary education to continue, there are lots of questions about how it is resourced.

I referred to the Nicolson Institute and the Lewis Castle College, which raise a range of issues about how schools merge and how communities get involved in that. Many people regard this as an issue of maladministration in education, and the courts reviewed it as such. We should consider whether to examine it specifically, as it would open up the issue of how parents are consulted about the way in which education provision is made.

The committee has a role in examining how the national cultural strategy is progressing. We have a commitment to invite Greg Dyke and Sir Robert Smith to meetings, which we have not yet honoured. There is the perennial question of the Scottish film industry—three different sets of studios, or possibly four, have been proposed—and there is the question of production in Scotland having reached something of a watershed. We should consider those issues as part of our culture

remit.

Finally, although Scottish publishing is a growth area, it presents a huge number of issues. An investigation into Scottish publishing might provide some very useful material for this committee and for the Scottish arts community in general.

**Mr Monteith:** We should invite representatives from St Mary's Episcopal Primary School to give evidence on the education bill. Its publication is a significant event for that school, whose views it would be important to hear. On the national cultural strategy, I raised in the chamber the issue of the national theatre for Scotland. There are a number of players whom we could ask about that. I shall return to the development at Hampden later, as I have already given notice that I was concerned about it. I should also mention—I bring this up under any other business—that there should be separate sub-committees.

**Mr Macintosh:** On a point of order. I move to extend the time for this committee. We are obviously up against it, and I do not think that we will be chucked out immediately if we want to continue.

**The Convener:** I think that there is another meeting in this room, so I would be reluctant to extend our time, even though there are a number of issues that members want to raise. If members want to put on the agenda items that the committee can consider over the coming months rather than immediately, I shall ask Gillian, the committee clerk, to speak to them and write down the ideas that they want us to consider. Members can e-mail those ideas, if that is considered more suitable. We will try to put together a programme that will include everything.

As Mike said, we still have the cultural strategy to examine. I am also more than aware that we have not yet had a briefing on sports issues, and I know that sportscotland is anxious to meet us. There may be items from that meeting that members will want to include as well. As we have had a briefing on arts issues, does the committee agree that I should arrange with sportscotland a suitable time for a briefing on sports? After that, we could consider what items the committee wants to include. Mike, you are shaking your head.

**Michael Russell:** I would like some clarification of the process. All the issues that we have raised and more—if we e-mail you others—will go into a paper that the committee will confirm as its work programme for this session. Is that what will happen?

**The Convener:** Yes.

**Michael Russell:** So we are not reaching any decisions today; we are just throwing ideas into the melting pot.

**The Convener:** I hope to leave it as open as possible, so that committee members can include as many items as they are interested in.

**Mr Monteith:** When we discuss what the committee might consider, can we have on the agenda the notion of sub-committees investigating culture and sport separately?

**The Convener:** Yes. There is a paper on sub-committees and travel, but we do not have time to deal with that just now. I suggest that we put that on the agenda for Tuesday's meeting. I take it that the committee is in agreement that we should have a meeting next Tuesday, as we will need the time.

**Dr Sylvia Jackson:** If we are to have a sports presentation, could we try to have it when no other committees are meeting? I know that that might be difficult but I, for one, would like to attend that debate.

**The Convener:** That is extremely difficult. We are having problems with members' availability, because most of them are on more than one committee.

**Karen Gillon:** I understand why you say that. I hope that the briefing from sportscotland is agreed and that we can go ahead and organise it without waiting until the next meeting. One thing that I would like us to do as a matter of urgency—this links in with travel—is to visit some community schools. If we do not do that, we are talking blind.

12:30

**Fiona McLeod:** Before we leave, I want us to decide, as a committee, whether we are inviting Hampden and all those associated with it to come to us by—I would suggest—28 September to give us a clear picture of what is going on. I would like to find out whether the committee wants to do that.

**The Convener:** I suggest that we write to the minister and ask questions along the lines of those that you have been putting, Fiona. We might get an answer before 28 September. If we do not get a suitable answer by that date, we can give a commitment to invite Hampden back.

**Michael Russell:** That process can be truncated. If we ask the minister Fiona's questions and there is no reply by next Tuesday, we should be in a position to say that we must treat the issue as a priority. That gives the minister a week's grace.

**Mr Macintosh:** Are we saying that we will decide whether this is a priority issue when we decide the rest of the agenda?

**Michael Russell:** No, the proposal is that a letter is written on behalf of the committee asking these questions and, in the light of the answers—

or lack of answers—we will decide what to do next Tuesday.

**Mr Macintosh:** That sounds fine.

**Ian Welsh:** I am at one with Fiona on the need for us to understand what is going on. I am sure, however, that it will be a question of resolving the funding issues—whatever they might be—and that the partners will be trying to do that. I am no more party to this than anyone else here, although I have some information from the Scottish Football Association side which I will not throw into the pot here. In principle, the scenario is no different from the balloting issue. The partners must resolve things and I do not want us to go clodhopping in and disturb that. On the other hand, it would be helpful to have, at least, a holding position to clarify the issues. I am saying that, but it would be nice if the funding partners said it, too.

**Fiona McLeod:** I am not asking the committee to clodhop. I am asking exactly what Ian has just asked. We must have the issues clarified.

**The Convener:** We will write as a committee to the minister.

**Michael Russell:** And in the light of the response we will consider our next move. We want a response by next Tuesday. I am sure that the minister can provide that.

**The Convener:** We must conclude now. Thank you for your attendance, and thank you to those in the public gallery who have sat it out.

*Meeting closed at 12:33.*

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