

EDUCATION, CULTURE AND SPORT COMMITTEE

Wednesday 6 October 1999
(Morning)

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EDUCATION, CULTURE AND SPORT COMMITTEE 5th 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:

Ms Oonagh Aitken (Chief Executive, COSLA)
Mr Keir Bloomer (Executive Director, Clackmannanshire Council)
Ms May Ferries (Vice-Convener, SJNC)
Mr Sam Galbraith (Minister for Children and Education)
Mr Jim Gibson (Personnel Officer, COSLA)
Councillor Danny McCafferty (Education Spokesperson, COSLA)
Mr Malcolm MacIver (Convener, SJNC)
Mr Peter Peacock (Deputy Minister for Children and Education)
Mr Ronnie Smith (SJNC)
Mr Ken Wimbor (Joint Secretary, SJNC)

COMMITTEE CLERK:

Gillian Baxendine

ASSISTANT CLERK:

Alistair Fleming

Scottish Parliament

Education, Culture and Sport Committee

Wednesday 6 October 1999

(Morning)

[THE CONVENER *opened the meeting at 09:32*]

The Convener (Mrs Mary Mulligan): Good morning, everyone. A number of members have yet to join us, but they are on their way.

I should like to take a couple of minutes to explain how we will proceed this morning. The Scottish Joint Negotiating Committee management side has been allotted 45 minutes to make an initial statement and to take questions from committee members. Representatives from the SJNC teachers' side have been allotted 45 minutes for the same process. That should take us to approximately 11 o'clock. At that stage, the committee will take a comfort break for 10 minutes, because I am aware that we are prone to overrunning and I thought that we should build in a little break.

At 11.10, the minister and his deputy will join us, and we will have an hour to ask them questions. Following their presentation and after they leave us, I ask committee members to remain for 10 or 15 minutes so that we can go through some housekeeping matters such as the visits to schools and meetings after the recess: please spare some time to do that.

Teachers' Pay

The Convener: I want to push on with important business. I welcome the panel from the Scottish Joint Negotiating Committee management side. The procedure has already been explained, so I will hand over to you, Councillor McCafferty, to introduce the other members of the panel. After that, you will have up to 10 minutes for your statement. We would be grateful if you could keep it as short as possible. Then I will open the floor to committee members, so that they can ask you questions.

Councillor Danny McCafferty (Education Spokesperson, COSLA): I think that it will be more appropriate for the members of the panel to introduce themselves.

Ms Oonagh Aitken (Chief Executive, COSLA): I am Oonagh Aitken, chief executive of the Convention of Scottish Local Authorities.

Mr Keir Bloomer (Executive Director,

Clackmannanshire Council): I am Keir Bloomer, director of education at Clackmannanshire Council and one of the advisers to the management side.

Mr Jim Gibson (Personnel Officer, COSLA): I am Jim Gibson, and I am a personnel officer with COSLA.

Councillor McCafferty: I would like to make a brief, general statement on behalf of the management side. Keir will handle specifics about the detail of the package if anyone wishes us to elaborate on that.

We accept that the offer that we put to the teachers' side has been overwhelmingly rejected. We regret that and are disappointed by it; it will require greater analysis. The rejection was not just of a particular package. It shows that there is a deep-rooted, pent-up resentment in the Scottish education system that has been brewing for about 20 years. We must address that. Unfortunately, the debate took on an adversarial tone of combat, rather than one of constructive discussion. That did not help to clarify the issues in any way, which is regrettable. It is equally regrettable that that crisis occurred against a backdrop of the progress of Scottish education, where there is so much potential and opportunity and so many positive developments.

The teachers expressed a clear opinion, but they have also been contacting COSLA directly, and they are telling us that they are underpaid, overworked and under constant stress. They suffer ill health because of their work and there are increasing social and safety problems in schools. We acknowledge that that is not a healthy state for Scottish education, albeit that the quality of teaching and of standards is continually rising. We cannot ignore the teachers' description of the environment in which they and their young people are working. That is not a healthy environment for young people and we must address that.

COSLA recognises that there are genuine anxieties, insecurities, concerns and frustrations. We set out to change that. Our aim was to provide a quality education service, a quality learning environment, and a motivated quality teaching force. Those were our objectives—nothing else. We recognise that those objectives will not be, and cannot ever be, attained unless we have the good will of the teaching force. Any speculation that COSLA would adopt an anti-teacher, union-bashing attitude is false. That would not be in our interests, or in the interests of the profession. Such an attitude would destroy our aims, which we are not in the business of doing.

That is the context in which COSLA sought, in good faith through the millennium negotiations, to put forward a package that we thought was designed to recruit, reward and retain good

classroom teachers. We recognised the need to change management structures, particularly in secondary schools. Throughout the process, we consulted all the political parties in COSLA. On 26 March, on 30 July and on 11 August they all endorsed the package that we put forward. We have consulted the broad spectrum of opinion in COSLA and we have not found any disagreement with our offer in that forum.

The management proposals were put forward positively. Unfortunately, they have been interpreted as the exact opposite of what we intended to achieve. That says that there is something wrong with the mechanisms that we use. There are those who say that the offer itself is flawed, but it was constructed after 12 months of debate, dialogue and discussion. The package that was put forward had both management and union input—into the millennium review and into the final package.

There were meetings at the table, meetings around the table and meetings behind the chair with anybody and everybody in education who was interested in taking the thing forward. Despite that, the result has been the overwhelming rejection of the outcome of those discussions. That does not inspire confidence in the mechanism that was used to achieve those ends.

We are now having to go back to the drawing board. It is not an understatement to say that Scottish education has been brought to the edge of an abyss, rather than to the edge of a bright new dawning, which was the intention of the millennium review. Society owes it to the young people whose future is in our hands to break through that impasse, to come to a reasonable solution, and to move forward to create the kind of education system in which we all have a vested interest.

It is wholly inappropriate to look backwards, apportioning blame, threatening industrial action and getting involved in petty squabbling and feuding. We do not need posturing, point-scoring or political opportunism: that would be a disaster for Scottish education at this point. Scottish society must come together as one across all spectrums of opinion to find a solution, rather than scoring points against any section of society. That is not what our young people need as we approach the millennium.

COSLA remains firm and united in its views. We want to have an education system that reflects the needs of society, and we are prepared to work to achieve that. We do not believe that the SJNC has delivered. It has not delivered for teachers, it has not delivered for young people and, if these are the results that we get out of it, it is certainly not the way forward. In COSLA, we are clear about our desire to retain a national pay structure. We do

not want local bargaining; we want a national structure, and we will put forward a submission to the inquiry stating that. We also want to work in partnership with teachers, with parents and with the Parliament to take education forward. We believe that education should remain within the sphere of responsibility of local authorities and that there should be no diminution of the role of local authorities.

I hope that, through the committee of inquiry, all those with an interest in education will be able to make their case for a practical, achievable, affordable and, above all else, sustainable way forward. There can be no more Houghtons, no more Cleggs and no more Mains. This time, we must have a structure that can sustain itself into the millennium. We can achieve that by talking to one another and by healing the damage and the breaches that have been created because of the current situation. We must go forward in the spirit of partnership rather than conflict, and we all have a responsibility to the young people of Scotland to go down that road.

The Convener: Thank you very much. I remind members to ask their questions through the chair. I shall allow each member to ask a question followed by a supplementary. At the end, I shall go back to pick up any other questions.

Ian Welsh (Ayr) (Lab): As Danny McCafferty will be aware, I led a local authority and was therefore part of the COSLA exercise. Like many other council leaders, I am disappointed that we have been part of a sleepwalk-into-disaster scenario. As someone who has been involved from time to time in pendulum negotiations, I am astonished that we can get to a situation in which negotiations are at an advanced stage, yet there was an overwhelming ballot by teachers against the proposals.

I would like to explore why we have come to a situation in which there has been a long, and apparently productive and meaningful, negotiation, but the result is an overwhelming vote against. I know that COSLA does not want us to reflect on what went on before, but it is inevitable that we will have to consider it. How did we get to the stage where there was an apparent move towards agreement before the teachers overwhelmingly knocked it back?

Councillor McCafferty: Keir Bloomer can answer that point. I might be able to supplement his answer, as I came into the negotiations in June, but Keir has a longer memory than that.

Mr Bloomer: We got to this situation by a lengthy process. The management side put an offer to the teachers' side on 26 March, which it indicated would be its final offer. However, in response to an approach from the Educational

Institute of Scotland—but not the whole of the teachers' side—further discussions took place between the end of March and the end of June.

At a meeting at the end of June, in which various modifications to the March offer were discussed, the management side representatives were under the impression that teachers' side representatives were going away to recommend acceptance to the constituent organisations. The teachers' side has subsequently denied that. One can say only that a serious misunderstanding took place at the end of June.

When we met again after the summer break, it was the understanding of the management side that we were moving towards agreement. In the event that proved not to be the case. As the two sides were clearly operating on different assumptions, little was done to prepare the teaching force for the changes contained in the offer.

The Convener: Do you want to add anything, Councillor McCafferty?

09:45

Councillor McCafferty: Keir has a point. However, considering the situation from June objectively—I was not involved in the 12 months before that—and reading the management side offer on 26 March, the teachers' counter-proposals and the management's response to those proposals, I see that there were certainly differences on monetary funding and class sizes, but there were no major disagreements in principle. Reading those documents, I would not say that there is a massive chasm between the two perceptions. There were details—how much money, how fast and how soon—that needed to be clarified. When I became involved in June, there was a request for a meeting to continue to seek to clarify issues. When someone requests a meeting to clarify matters, that shows that the door is still open and that we are negotiating.

The other unions, the Scottish Secondary Teachers Association and the National Association of Schoolmasters and Union of Women Teachers, rejected the offer of 26 March out of hand, on a 98 per cent ballot. The fact that the EIS did not do so shows that it did not want to reject the offer at that time—there was something there that offered the possibility of further negotiation and movement. We tried to accommodate the issues that were brought to our attention. At the end of the day, I understood that we were on the verge of a deal. That was my intent and impression. To be fair to the EIS, no one ever used the words, "You have a deal"—I want to be absolutely frank about that. There are other ways of saying things, and I was sure that

we were very close. If I had thought for a minute that it would come to this, I would have wanted to negotiate differently.

Ian Welsh: As a former educationist, I am not in the least surprised that secondary staff in particular see the eradication of the principal teacher post as a major issue. Even Danny referred to the pressures of 20 years of innovation overload, stress, uncertainty and curriculum change. I am not surprised that there has been a wholesale reaction to what is perceived as the eradication of the level of principal teacher.

We are talking about a particular time scale—there were local government and Scottish Parliament elections. I think—and I dare say that other COSLA leaders would agree—that we were not well informed about the financial details of the scheme. Very late in the day, we were given some figures that took us aback, because most of us had been involved in settling our financial position for the next year.

Would you like to comment a wee bit more on the financial scenario?

Councillor McCafferty: Discussions on the financial side of things took place, because the package on offer would have been very expensive. The Scottish Executive required a report on that. The package that was put forward was complex, and I could not do it justice in a quick summary. The explanation required handouts, overheads and videos. A meeting took place after the Scottish Parliament was formed and COSLA had a new leadership. A full explanation was given at that stage and it lasted for the best part of an hour and a half. I am sorry, but I cannot do that in five minutes.

Ian Welsh: I just want to establish whether any promises were made to fill the financial gap.

Mr Bloomer: When tabled, the offer would have cost £187 million in its third financial year, when the new arrangements would have been fully implemented. The Scottish Executive's support grant—which would have been made available in any event—would have supplied £120 million of that amount. Another £43 million would have come from other central Government sources, such as additional funding and using aspects of the excellence fund to achieve the same objectives through different routes. Local authorities would have been required to fund the resulting gap of £24 million from economies made by changes in conditions of service, such as absence cover and the funding of in-service training. COSLA finance experts thought that, in its final form, the package was viable, but only just. However, although the offer would have stretched the limits of authorities' finances as far as they would go, we reckoned that it was viable and that we would have been able to

sustain it.

Nicola Sturgeon (Glasgow) (SNP): I have read many of the COSLA papers on this subject. My understanding is that, even taking into account the changes to management structure that you outlined, the funding gap by the end of year 3 would have been £16 million. That gap would not have been plugged by the £8 million that Sam Galbraith mentioned in his statement to Parliament two weeks ago. Perhaps you can comment on that point at the end of the session.

I want to ask about Danny's opening statement. I was glad to hear that Danny accepted the ballot result. However, I was more concerned to hear him try to explain away the ballot result by referring to teachers' years of frustration and the negotiating mechanism. Following the ballot result, does COSLA accept teachers' concerns about the contents of the offer? For example, instead of recruiting, rewarding and retaining teachers, the management structure would arguably have created a bottleneck in the middle management of the profession. Teachers were concerned that proposals on working hours would have undermined their professional autonomy; they also had valid concerns about the increase in composite class sizes.

Although I take Danny's point about not looking back, it is important to learn the lessons of the past. Presumably COSLA will be giving evidence to the McCrone committee in due course. It would be reassuring to hear that the concerns expressed by 98 per cent of the teaching profession were being taken on board and that COSLA was not simply seeking to explain the ballot result with reference to the negotiating machinery.

I am confused about the negotiating machinery itself. Danny implied that had different machinery been in place, the offer would have been implemented. However, I do not think that a different negotiating mechanism would have made teachers think differently about the offer. Is he saying that the changes that he wants to make to the negotiating mechanism should allow COSLA to impose unpopular and unworkable changes on the education system? If so, that is unacceptable.

Councillor McCafferty: No one can ever impose unworkable changes on any profession—doing so would be futile because the changes would not be implemented. I was not suggesting that. I was saying that the SJNC—which was supposed to be delivering change in Scottish education on pay and conditions of service—failed. The SJNC failed; we had Houghton, which failed; we had Clegg, which failed; we had Main, which failed; and we had higher still—it failed again this time. People cannot just say that it is the offers that are always wrong.

Nicola Sturgeon: Why not?

Councillor McCafferty: There must be something wrong with the machinery. The machinery is supposed to have representatives from the Scottish Executive, the union side and the management side sitting down and working out a consensus, before going out and arguing jointly for that consensus. We genuinely thought that we had achieved that consensus. For example, we constantly accepted compromises on working time. When an additional 70 hours a year was rejected, it was brought down to 60 hours and then to 50 hours. Four times COSLA negotiated downwards; the union side never once met us in a compromise. However, when we reached 50, it stopped, and if someone stops, we have to interpret the passivity of that as meaning that the figure is acceptable.

We then went on to discuss class sizes. COSLA's position is that we want to abolish composite classes. The facts that we tried to publish would demonstrate that under COSLA proposals, out of a total of 17,000 classes in Scotland, the number of composite classes would be reduced to 900. We did not think that, over a three-year period, eradicating the other 900 was an insurmountable problem. We believe that our proposals can be substantiated and that our figures can be proved. We have included in the proposals a mechanism for a review in 2003 so that, if we are wrong, people will be able to see that we are wrong, and we will be able to rectify any mistakes, although we are confident that that will not happen.

However, although we put forward that case, we were told the exact opposite—that class sizes would go through the roof. How can there possibly be two sides in one room with such different perceptions of the same issue? That is beyond me, and we have tried to make that clear.

On the subject of the leadership scale and the principal teachers' scale, it was interesting to note that both the management and union sides recommended that there should be three tiers—a main scale, a professional leadership scale and a management scale. There is not a chasm between us. We have to work out how we can manage the change. COSLA's view was that we would do that over a five-year period, but somehow it has got into the public domain that we want to do it tomorrow.

There are differences of emphasis. Perhaps Keir would like to comment on that.

Mr Bloomer: I would like to clarify one or two points. The SJNC was set up—under a different name—by the Remuneration of Teachers (Scotland) Act 1967. It changed its name in 1982, but kept essentially the same negotiating

machinery. In that period of more than 30 years, it has never—not on one single occasion—succeeded in negotiating a pay increase that was in line with the national average increase in earnings. The only times when teachers have benefited relative to the rest of the community have been on the three occasions when the negotiating machinery did not function and independent committees of inquiry were set up—under Houghton, Clegg and Main.

Furthermore, the SJNC has not succeeded in protecting conditions of service. The period during which the current scheme of conditions of service has been in operation is also the period in which teachers' complaints about growing and excessive work load have been expressed most vociferously. Neither has it succeeded in modernising conditions of service. We are going through a period of rapid educational change, and we require flexible conditions of service allowing authorities to deliver the education service that the community expects; yet, in the past 10 years, the SJNC has not made a single important change to conditions of service.

10:00

Teaching—certainly in the secondary sector—suffers from an over-dependence on promotion as a way forward. Criticisms have rightly been levelled at the existing structure because of its tendency to remove good teachers from the classroom. A more important criticism is the fact that, by placing the classroom teacher—who is, after all, the most important person in the entire structure—at the bottom of a hierarchy of seven in secondary schools, or of five in larger primary schools, we are demeaning the business of teaching.

There is no easy way out of an over-dependence on promotion, but the management side believes that the professional leadership grade, which was a reward for good teaching and provided an incentive for people to remain in the classroom, represents an important step forward. The key thing about that grade, which was insufficiently publicised during the ballot and was not properly understood, is that there is no fixed limit on the number of professional leaders. Teachers who met the quality standards would become professional leaders and their numbers were likely to increase over time.

At the moment, there are just under 17,500 primary classes in Scotland. Of those, 12,800 are single stage, and under the proposals their size would come down from 33 to 30 pupils. That means that three quarters of primary classes in Scotland would be living with a lower class limit, not a higher one. Furthermore, 40 per cent of composite classes are in small schools and would

have been unaffected by the change—their class limit would have remained at 25.

Our work with a number of authorities demonstrates that it is the existence of the separate composite class limit itself that has caused the growth in composite classes in the past 20 years. Two thirds of composite classes would, over a seven-year period, have turned into single-stage classes. Some 37,000 children in Scotland who are currently being taught in composite classes need not be taught in them. The number of composite classes that might increase in size comes down to a mere 850 or so out of the 17,500 classes. Authorities gave an undertaking that they would attempt, as far as possible, to ensure that those composite classes were smaller than other classes in the school. Certainly, the authorities were in a position, given the small number of classes involved, to concentrate the resources of classroom assistants and visiting specialists so as to give additional support to those composite classes. Far from being educationally deleterious, the measures would significantly have improved the quality of education within primary schools.

The Convener: Nicola, do you have a supplementary?

Nicola Sturgeon: A number of points arise from those answers and, time permitting, I will return to them. However, I want to move matters on a bit. Obviously, the negotiations have now been split in two. The immediate issue for COSLA is to agree in the SJNC on Friday a one-year pay deal with the teachers. What will be on the table for the teachers on Friday? Have you asked for additional Government resources to plug the gap, or part of it, between the 8 per cent that the teachers have asked for and the 3 per cent or so that you are reported to be about to offer the teachers? If you have, what has been the response? If you have not, why not?

Councillor McCafferty: The short answer is that we might as well abolish the SJNC here and now if we want to start discussing these matters in public, instead of on Friday. The SJNC meets on Friday and it has to discuss all the issues. With respect, we will leave the discussion until then.

Nicola Sturgeon: Mary, may I come back on that?

The Convener: Briefly.

Nicola Sturgeon: I am asking what the COSLA side's opening gambit to teachers will be on Friday. It is now Wednesday. The question should not be too difficult to answer.

Councillor McCafferty: The teachers' side has still formally to reject the management offer, which they will do on Friday. The teachers' side will then

formally put forward its case for the 8 per cent increase. COSLA's opening gambit will be to listen.

The Convener: I call Ian Jenkins.

Michael Russell (South of Scotland) (SNP): I have a follow-on point.

The Convener: Ian was next. I will take Ian and come back to you, Michael.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I do not mind if Mike has one short point to make.

Michael Russell: I just want to ask a follow-up question.

The Convener: Quickly then, Mike.

Michael Russell: Councillor McCafferty, I am interested in your response. You have not denied the story in *The Scotsman*, which says:

"West Dunbartonshire Council, of which COSLA's education convener and chief negotiator, Danny McCafferty, is a member, has earmarked only 2.6 per cent for a rise."

To ask the question another way, if you are offering more than 2.6 per cent—you meaning West Dunbartonshire—will you have to go to the Executive to ask for more money, or are you intending to offer that while having something secret that we do not know about?

Councillor McCafferty: As far as my local authority is concerned—and I am not here representing it, so the question is a bit unfair—I do not conduct the discussions. We have a convener of finance who deals with personnel and finance issues. If we have a budget figure of 2.6 per cent and the settlement is higher than that, West Dunbartonshire Council, like every other local authority, will have to consider how to meet that shortfall.

Michael Russell: East Lothian has a budget figure of 3 per cent, Aberdeenshire has 2.5 per cent and Clackmannanshire has 3 per cent; if the offer is to be above an average of those, will you have to talk to the Executive about resources?

Councillor McCafferty: Any pay settlement from 8 per cent downwards will have to be considered within the context of local government finances.

Nicola Sturgeon: Is that yes or no?

Ian Jenkins: A couple of things in the package would worry me if they are retained, as you believe should happen. I do not think that it was reasonable to attempt to make such a culture change as a by-blow of an annual pay review. How can we go from line management to collegiate work in a short time when the number of people is being cut?

You say that you will retain excellent teachers in the classroom. Which people who are currently out of the classroom will be involved in the structure that you propose? I was a principal teacher, but was not out of the classroom very much—I taught almost as many periods as anybody else did, but had all the management to do as well. This offer was going to cut the number of managers in schools. The management structure—the bureaucracy, the way in which examinations are run and so on—is based on line management. Bureaucracy is going up and up. It is cuckoo to cut the number of managers and pretend that those people would be retained in the classroom.

Councillor McCafferty: You make an excellent case for change. If you had been on my side and had presented that case to the teachers, you might have sold it to them—you have certainly convinced me that we are too line managed and that the bureaucracy within education needs to be changed.

The committee of inquiry has a wide-ranging remit. It can consider not just the financial impact on Scottish education, but best practice throughout Europe. It can take on board academic opinion on whether things are workable. The inquiry will give us the ability to analyse some of the issues that have arisen. I look forward to the inquiry and to the opportunity to argue educationally as well as financially.

Mr Bloomer: I will take up a few points, if I may. In your opening phrase, Mr Jenkins, you said that it was a mistake to bring about a culture change as a by-product of a single year's pay increase. However, the critical point is that this was not a single year's pay increase. It was the end of an extremely long period of negotiation and followed on from the millennium review that was set up by agreement between the two sides to explore in depth exactly the kinds of issues that you talk about.

A task group was set up to consider the promotion structure. There was considerable agreement among that group that the structure was over-elaborate and that, in some respects, it inhibited rather than promoted change. Furthermore, the deal was to be introduced over a three-year period. This was not a one-off arrangement, but a complex process of negotiation, which was designed to produce the changes needed to suit the profession for the next decade or longer.

The Scottish system's reliance on promotion is virtually unique—I cannot think of another education system in the western world that places such a reliance on it. I think that it arose from a comparatively cynical attempt in the early 1970s to buy off teacher discontent by creating additional posts, rather than by giving significant pay

increases across the board. As I said, I accept that getting out of the over-reliance on promotion structures is a difficult process, which cannot be painless.

We already have examples in Scotland of successful collegiate working. The primary sector, by and large, works collegiately. For instance, the five to 14 programme has been successfully and almost completely implemented in the primary sector on that basis, but the programme has made little headway in secondary 1 and secondary 2, where it operates against the vested interests that are built into a subject-based promotion structure. There are extremely important educational reasons for trying to alter the ways in which secondary schools, in particular, are managed.

The proposal must be viewed in the context of other changes that are taking place, which the management side took into account. The Government has, through the excellence fund, financed the introduction of classroom assistants as another means of support for schools. The Audit Commission and Her Majesty's inspectorate study, "Time for Teaching", was specifically designed to move a lot of the bureaucratic burdens from teachers to support staff of one kind or another, who are much more appropriately employed for that purpose. A culture change was being proposed, but we believed that the change was absolutely necessary in the educational interests of the community.

The Convener: Do you have a supplementary?

Ian Jenkins: Yes. Do you accept that a teacher in a high school received a piece of paper one day that asked him to tick a box to approve that culture change, although he did not know how that change would affect him? He did not know how many promoted posts there would be in the school at which he worked and he did not know whether the 50 extra hours would be worked during the Easter holidays, the summer holidays or at nights. So many things were uncertain and unfamiliar—they had not been properly sold to the teachers—that there was no way in the world that anybody with any understanding of how teachers would receive that document could have expected them to vote for the changes. The ballot was terribly badly managed.

Councillor McCafferty: You make a valid point. We did not anticipate that we would arrive in this situation, which is an indication that we genuinely believed that we would have a negotiated settlement and that there would be consensus.

You are right in saying that the document had to be considered in its entirety without detailed knowledge of the discussions that had taken place. The ballot was like a referendum, except for the fact that a referendum asks one question, not

20. If 20 questions were asked, 20 different opinions would be voiced, somebody along the line would be offended and a rejection would be more likely. This ballot was more fundamental than that, and I would not insult teachers by pretending otherwise. It was, for particular reasons, a fundamental, emphatic no vote.

Nevertheless, the document outlined protections—local consultative mechanisms in each school that would work out the 50 hours. There were also consultative mechanisms at the local authority level, and there was an appeal mechanism at the SJNC level. At three different stages, there was protection relating to how things would pan out. The matter was not as simple and straightforward as people are suggesting. The document may be over-complex, and in hindsight we could all say that things could have been better presented. I wish that the presentation had been better—no one welcomes a 98 per cent rejection and presentation is important in that respect. However, mechanisms were there to safeguard teachers' rights.

Ian Jenkins: Do you think that it might have been a good idea to include two or three exemplars?

Councillor McCafferty: If we had anticipated a recommendation for a no ballot, we would certainly have presented the document entirely differently. We were working on the assumption that both the teachers' side and the management side would produce a joint presentation for teachers. Perhaps we were foolish; perhaps we believed that we were going to produce a joint presentation.

The Convener: We have only five minutes left, so members should keep their questions brief.

Mr Kenneth Macintosh (Eastwood) (Lab): Danny, you said in your opening statement that teachers are overworked, undervalued and underpaid. I think that all committee members agree with that and appreciate the stress that teachers are under in the classroom. You were close to a settlement, but suddenly the process broke down. Do you think that—and this distinction might be too simple—the process ultimately broke down over resources or over conditions?

Councillor McCafferty: The process probably broke down over both. Although there are similarities, the teachers' side was expecting far more in excess of the pay offer that was put to them. As you have heard from Keir, we were already stretching the bank but they wanted us to go well beyond that. From the teachers' perspective, that was the pay element.

There are differences within the sectors regarding the conditions of service. What might satisfy the secondary sector might not satisfy the

primary sector. Primary schools do not have principal teachers, so teachers in those schools might not have found that issue a barrier. Unfortunately, all conditions ended up in the one package, although the issues were far more complex. There are things that we should learn from that.

We have to come back to the point that there are principles at stake. We have to find a way to recruit, retain and reward teachers, and we must do it collectively in the best interests of the children. Some elements, both of the management side proposals and of the counter-proposals put by the teachers, suggest that we should not simply throw out the baby with the bath water. If both sides were considering a different formulation in terms of three-tier structures, we should still focus on whether any elements that are based on common principles can be rescued. There are lessons to be learned and we should try to keep the good aspects while recognising the difficulties that have already happened.

10:15

Michael Russell: I found a lot of that evidence rather depressing, because the witnesses have expressed very little vision about what should happen next. It is right to condemn political opportunism and I think that the minister has been politically opportunistic in seizing on the failure of the negotiations to abolish the mechanism.

Having said that, what happens now? Teachers have rejected the offer overwhelmingly. Even on a crude analysis of the figures, 70 per cent of all teachers have said that they do not want the offer. You have been reasonably honest about where things have gone wrong, and we shall ask the opinion of the unions about the matter in a moment, but what happens next? An independent review has been suggested, but I do not believe that the teachers seriously want to take industrial action; indeed, there is a traditional reluctance on the part of teachers to do that. Yet, at this crisis moment, when they want to know what happens next, teachers are being faced with the possibility of what they would regard as an insulting pay offer.

"What happens next?" is the key question in this dispute, and this committee has not heard what COSLA hopes will happen next or what actions it can take to stave off the situation that Danny described as being at the edge of an abyss. We are at the very edge, but nothing that I have heard so far tells me how you, as key people in the negotiations, can prevent us from falling into the abyss.

The Convener: Can you answer that question in two minutes?

Councillor McCafferty: I will certainly do so. I regret Mike Russell's opening remarks. That is the kind of political opportunism that I wanted to avoid. I do not think that it is at all helpful.

Michael Russell: I was referring to the minister's actions.

Councillor McCafferty: We must go forward constructively and the inquiry will be one of the mechanisms for creating the vision. Once the inquiry is set up, COSLA, teachers and, for the first time, parents, school boards and members of the Scottish Parliament, will have an opportunity to contribute, so that the visions of all those who are interested in education—academics or lay people—can be fed into the inquiry. If a few people cannot get it right, perhaps a whole nation can.

Nicola Sturgeon: What would—

Dr Sylvia Jackson (Stirling) (Lab): I want to ask—

Michael Russell: What do the SJNC and COSLA do now to stop things getting worse?

Councillor McCafferty: What we do now is to go to the meeting on Friday, to start to negotiate and to talk.

Nicola Sturgeon: I wanted to ask a question.

The Convener: I am sorry, Nicola. I was going to bring you in, but Mike jumped in.

Dr Jackson: There are still questions to be answered.

Nicola Sturgeon: We have not had a satisfactory answer to that point, and it would take only 30 seconds.

The Convener: We have already overrun our time and we have to move on. The discussion could go on for much longer, but I now want to thank the witnesses for their presentations. We are grateful to you all for answering our questions.

Councillor McCafferty: Thank you.

Nicola Sturgeon: That is outrageous.

Dr Jackson: On a point of order, convener. I specifically asked to come to this meeting, as any MSP is allowed to. The usual procedure, as you mentioned at the beginning of the meeting, is that everybody can ask a question, not that some people can ask two or three. That is totally unfair. If we are not in fact going to address the issue properly with the rest of this morning's presentations, I will seriously consider taking the matter forward to another place.

The Convener: I have to say that—

Michael Russell: May I make a point?

The Convener: I am sorry, Mike, but I want to make some comments.

We are aware that we are constrained by time, that this is an involved issue and that members have a number of supplementary questions that they would like to ask. I will try to bring members into the discussion as much as possible, particularly when they have a supplementary question on the issue that is being discussed. However, I ask members to be disciplined in terms of coming in again and again. I will try to get round all members during the meeting. It is important that members are allowed to ask supplementary questions on an issue when it has been raised. I will not take any more questions on that point, as I am anxious to move on and to get to meat of the issue: the discussion with the teachers' side of the SJNC panel.

Nicola Sturgeon: This is appalling.

The Convener: I welcome the witnesses to the meeting. They will have seen the procedure. We will give Mr MacIver, who will lead, some time to make a presentation. I ask him to keep that as brief as possible, and then I will open the discussion to members to ask questions. We have 45 minutes.

Mr Malcolm MacIver (Convener, SJNC): Thank you, convener. I will introduce the teachers' side first. Beside me is May Ferries, who is the vice-convener of the teachers' side. In real life, May is deputy head teacher of Victoria Primary school in Glasgow. I am the convener of the teachers' side and, in my other life, I am the assistant head teacher at Grangemouth High school, which is run by Falkirk Council. On my other side is Ronnie Smith, who is the general secretary of the Educational Institute of Scotland in his other life. Alongside Ronnie is Ken Wimbor, who is an assistant secretary of the EIS and who is also the joint secretary of the teachers' side of the SJNC.

In late 1996, representatives of the management and teachers' sides of the SJNC held a series of meetings with a view to improving relations between the sides and to moving towards agreed positions on a number of key policy areas. As a consequence, in September 1998, reports from four millennium review task groups were agreed by the umbrella strategy group and by the full SJNC. The reports covered the funding of education and the Scottish Parliament, managing demographic change, management structures in Scottish schools and enhancing the work and effectiveness of the SJNC.

Previously, in May 1998, following agreement on that year's salaries round, the SJNC agreed as follows:

"To enter into longer-term negotiations to achieve salary

levels for Scottish teachers such as to attract and retain in the profession high quality practitioners and, given there is a joint and shared recognition of the need both to

(a) reward the dedicated classroom teacher

(b) review the Management structure in Scottish schools to secure a high quality education service, fit for the 21st century which can command the support of the community and teaching staff."

The SJNC then established a negotiating sub-committee, which met for the first time on 11 November 1998. Five further meetings of the sub-committee took place, over a 10-month period, with significant pauses when councillors were unavailable. On 25 January 1999, the management side tabled its first offer. The teachers' side then tabled counter-proposals on 17 March and at an 18-hour meeting on 25 March, the management side tabled its so-called final offer.

Informal representations were made to the management side, which eventually agreed to enter into further discussions on the final offer. On Friday, 20 August, the management side tabled its revised offer. As members will know, all the organisations that were represented on the teachers' side have rejected that offer and, where ballots were held, it was rejected by 98 per cent of the membership. The offer was deeply flawed, incoherent in places and would not have served the best interests of our young people or of the teaching profession. There are four principal reasons for its rejection.

First, on working hours, the proposed additional duties and additional hours would have taken many teachers away from duties directly associated with teaching and learning, which would have worsened existing work-load burdens. In addition, existing professional autonomy over the time that supports the process of teaching and learning would have been lost. Although teachers are readily engaged in social inclusion activities, often on the basis of some form of overtime, it is our view that the primacy of teaching and learning must remain paramount.

Secondly, the proposal to increase composite class sizes from 25 to 30 was introduced for purely economic reasons. The increase in class sizes would have freed up £20 million to pay for other aspects of the offer.

Thirdly, the management side was unable to be clear as to whether the idea of the new professional leader was to be a grade or a post. Although the concept was meant to reward the dedicated classroom practitioner, 20 non-teaching duties were added to the remit of the new position.

Lastly, the pay offer is worth 14.7 per cent as an increase in the total salary bill, that is, 4.7 per cent per year. The current rate of increase in average

earnings is more than 5 per cent. This year, the average graduate starting salary is £17,360. In three years, COSLA will be offering a starting point for teachers of £16,000.

We deeply regret the Minister for Children and Education's announcement to abolish the SJNC. Members have before them copies of the agreement between COSLA and the teaching unions which proposes a mechanism to ensure a greater degree of flexibility and local autonomy over existing national agreements. It is unfortunate, to say the least, that the minister has taken the decision to abolish the SJNC, apparently without giving proper consideration to the agreed position between the management side and the teachers' side of the SJNC.

We are also unclear about the mechanism by which the recommendations of the McCrone committee will be implemented. Will both sides—teachers and management—be required to reach agreement or will the recommendations be introduced through legislation? Members should be in no doubt that the removal of negotiating rights from 60,000 Scottish teachers is not the way to establish partnership or consensus.

The Convener: Thank you for keeping that contribution brief. Do members have any questions?

Karen Gillon (Clydesdale) (Lab): Given the considerable interest in and speculation on this matter that there has been during the past few weeks, does the trade union side in the negotiations believe that this committee should become involved in the negotiations?

Mr MacIver: Do you mean the Education, Culture and Sport Committee?

Karen Gillon: Yes.

Mr MacIver: It is our view that we must find a way out of the impasse that we are in. I refer you to Danny McCafferty's earlier remarks. If there is a general view that the committee should play a role, it is in the interests of everyone to move forward on the basis of consensus. Clearly, we would rather reach an agreement. Moving forward on the basis of consent will be a difficult task for all parties involved—that is worth reflecting on. I know that Ronnie Smith will want in on this point, but it is our view that it is still possible to reach agreement within the framework of the SJNC.

Mr Ronnie Smith (SJNC): I stress our commitment to the SJNC, not just to its shell, but to making it work. We believe that matters should be resolved within the SJNC. The SJNC is a tripartite body, with representatives of teachers, of local authority employers and of the minister. It is my understanding that the role of members of the Scottish Parliament is to try to guide the actions of

ministers and to hold ministers to account for them. To the extent that the Executive is one of the three parties in the SJNC, there is, therefore, a role for members of the Scottish Parliament.

Ms May Ferries (Vice-Convener, SJNC): As the trade union side, we anticipate in negotiations that we will push the management side as far as it is prepared to go and put the offer that emerges to our members. A rejection of an offer would usually result in further negotiations within the negotiating body. That is why we are so annoyed that the negotiating body is being abolished at this stage in the process.

Nicola Sturgeon: I have three quick points to raise. We heard Danny McCafferty say earlier that he thought that the positions of the management and the teachers were not that far apart. Having read the teachers' counter-proposals, I see that there are broad areas of agreement in principle; the stumbling blocks appear to be in the detail. Where might it have been possible for the management side to make further concessions or compromises in the final offer that might have brought about agreement? What was the problem? Why were such compromises not forthcoming?

10:30

Secondly, the issue concerning us just now is the pay deal for this year. Based on the speculation—and since we have had no clear information from the management, we can only work on press speculation—what do you think the chances are of an agreement being reached this year within the SJNC that would move us back from the abyss that we face?

Thirdly, during the debate that was initiated by the SNP last week, members of all parties expressed disappointment that the teaching unions had not been asked to participate in the McCrone committee. Has an approach to the unions been made since then? If not, what do you think that means for the work of that committee and for the outcome of its deliberations?

Mr MacIver: I will answer the last question first. I have just checked with Ronnie Smith and it seems that no approach has been made to the unions about teacher representation on the McCrone committee.

Ken Wimbor can say something about the gap that exists between our counter-proposals, of which we are happy to give a copy to the committee, and what was tabled.

Mr Ken Wimbor (Joint Secretary, SJNC): Malcolm has already highlighted the main areas of disagreement that have existed for some time. The main problems related to working hours and

the professional autonomy over an aspect of those working hours; the composite class issue; the fact that the professional leadership proposal was flawed and was badly thought through; and the fact that the pay offer over three years did not match the increase in average earnings. Those four areas led to the profession's rejection of the agreement.

I would like to make a point about the mechanism by which the negotiations were conducted. Unlike previous negotiations within the SJNC, the management side presented us with a number of offers throughout the process. It was never put to us that we should attempt to reach a draft agreement for presentation in the future. We were presented with offers that remained in the management's possession whether or not the offer was final.

Mr MacIver: That is a significant fact. We were dealing with offers that we did not own. It was telling when the previous convener on the management side said that he recognised that the process was difficult for us because of how we introduced change. They were relaxed because they would either get change by agreement with us or by having the Executive abolish the SJNC. That attitude made it difficult to create a climate of ownership and trust.

On Nicola's question about pay, like Danny McCafferty, I am not willing to negotiate in public. At this stage, the management has a responsibility to try to resolve this year's pay round. We have lodged a claim of eight per cent because we believe that that will address the problems of recruitment, retention and the gap that exists between the pay of new teachers and that of other graduates. We know something of the figures; the management must have some knowledge of the situation in schools. The onus is on management to come to us on Friday with a responsible offer, but I am not willing to discuss figures publicly.

The Convener: It would be useful if you could submit to the committee the paper to which you referred.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): You have spoken—and we have heard from others—about the SJNC management side coming up with various offers. I want to push you to find out what you suggested to the management side. Let us take, for example, the middle rank—the superteacher role. What were your counter-proposals on that?

Mr MacIver: We were prepared to examine the current structure in schools. It is easy to present us as reactionary and resistant to change, but there is no evidence for that. In secondary schools in particular, there is arguably a plethora of posts. We were prepared to address that problem.

Disagreement centred on the issue of the curriculum manager or principal teacher. We believe that someone has to be responsible for driving the curriculum in secondary schools. That is the message that the Executive's key adviser, HMI, is putting across. HMI is saying that principal teachers will be the people most responsible over the next four or five years for bedding in higher still, which has just been introduced in secondary schools. However, when we challenged the management side to present us with a vision of how a secondary school should be managed—I remember asking Keir Bloomer to do that—it failed to respond. Appendix 3, I believe, of the final offer was Mr Bloomer's attempt to provide a rationale, but in most secondary schools it created more confusion than light.

We cannot have, on the one hand, HMI telling senior staff in local authorities, deputy heads and head teachers that principal teachers are the key to driving through higher still and, on the other, a proposal from COSLA to start dismantling the post from August 2000. Those two things do not gel. We were, however, prepared to consider some flexibility. The report of task group 4 makes it clear that we were prepared to engage with management, but that it was determined to retain ownership for itself. The eventual offer was management's final offer, not an agreed final offer.

Ian Welsh: I want to come back to that point. There are ways of flattening out the management structure in a secondary school and combining professional drive with administrative expertise, but I do not think that the management side's offer does that. I am speaking as someone who has expertise and has worked in the sector.

I am not happy about the negotiating rights of 60,000 teachers being given away. Irrespective of what happens in the review, I will argue for the retention of collective bargaining. However, a former senior member of the EIS, who is now on the management side, has said that the SJNC has failed consistently. Would Ronnie Smith like to comment on that?

I agree with Malcolm MacIver that it would have been much better if this process had been conducted on the basis of an agreed position—I hesitate to use the word concordat—rather than through a spate of management offers. That would have allowed management to consult staff in schools in a much more coherent and consensual way.

Mr Smith: The antipathy to the SJNC that is felt in some quarters escapes now and then into the public domain. We heard some of that this morning, when I learned from Danny McCafferty—to my total astonishment—that the SJNC had failed on higher still. That has nothing whatever to do with the SJNC, which deals with pay and terms

and conditions of employment. That may give you a wee feel for some of the antipathy that exists.

The presentation this morning referred to the SJNC failing to produce settlements that matched average earnings. If the management side took the view that that was a desirable outcome, it was open to it to come to the SJNC with such a proposition, which would have received more than passing consideration from the teachers' side.

Lest it be forgotten, the SJNC gave not just teachers, but Scottish children class-size limits in the mid-1970s. Class sizes south of the border range around 40 or 50 because there is no upper limit in England and Wales. Generations of Scottish children have a lot for which to thank the SJNC. It was also able to introduce arrangements for absence cover, to ensure that when a teacher is absent from school for whatever reason, the youngsters are taught by teachers. More than a few achievements can be laid at the SJNC's door.

We recognise that the SJNC has not worked as satisfactorily as it could; that is why we sat down with COSLA and launched the millennium inquiry. That was our initiative. Part of that inquiry's duty was to examine ways in which the SJNC could be made to work better. We were led to believe that one of the local authorities' concerns was the purported inflexibility; they wanted more scope at local level. In good faith, we sat down and agreed with COSLA mechanisms whereby there could be local variations, provided that a proper agreement was reached locally. Sad to say, that agreement—reached in the millennium inquiry—did not survive the first meeting of the SJNC when it came to try to deliver that outcome.

Much can be said in favour of the SJNC. It produces agreements that are, by definition, agreements—no imposition is involved. It produces outcomes that are legally enforceable, which is a sound principle—when people make agreements, they should be able to be called upon to honour them. It produces a level playing field across Scotland, among rich and poor authorities, on the conditions and pay that apply. I am not here to speak for the EIS, but that organisation will say a lot more about that in the coming period.

The Convener: You have indicated that there is a lot to be said for the SJNC. However, you went through a negotiation process that lasted for some months, if not longer, yet the offer that was put on the table was overwhelmingly rejected by the teachers' side. At what stage should you have indicated that the offer would not be acceptable? In what way did the SJNC make that situation arise?

Mr MacIver: I will let Ronnie speak first, then I will come back in. That is an important perception, which we have to challenge.

Mr Smith: First, we have to clear up the facts. I was encouraged to hear Danny McCafferty come clean on this earlier—and in *The Times Educational Supplement* on Friday. At no point did anybody say that there was an agreement. Apparently, the management side detected other coded messages. I am absolutely clear what questions were put, because I was present at all the meetings. When the management side was unable to secure an answer in the affirmative that we would recommend the offer to our bodies, it changed the question. The question it put was, "Will you at least put this offer to your members?" We said we would, and we did. We have honoured, to the letter, any commitment that was given within the SJNC.

The apparent gap in understanding may have much to do with the psychology of the negotiations. Malcolm MacIver and, I think, Ken Wimbor made the point that the previous convener was absolutely clear that the management side would achieve change, with or without agreement. The management side was driving this; it was its property and it was making offers. I have never been involved in a negotiation that has been conducted in such a way. At no time was there an attempt to agree a draft document that each side could then take back to their constituent bodies. It was a most peculiar way in which to proceed and I believe that it derived from the message that the management side had received—how that message was given to it, I cannot tell—that it had support and that it would achieve this change, by hook or by crook. That is why the gap of understanding opened up.

10:45

Mr MacIver: The point about the SJNC—as Ronnie said—is that it is made up of three sides. It can move forward only on the basis of three sides reaching agreement, which is an interesting model in terms of the supposed new politics in Scotland. Arguably, the SJNC is a model for achieving change on the basis of consent and through partnership.

It is difficult to proceed when two partners of a tripartite organisation do not want to make things work. The SJNC can work if people want it to, but it has to work on the basis of compromise. People need to sit down and reach agreement like adults. We cannot have a situation where one side says that it wants change and it is either going to get it through agreement or by replacing the negotiating machinery and driving the change through. The message that that gives to Scottish teachers is clear.

Ms Ferries: At the beginning of the millennium discussions, many things were talked about before the negotiation started, but at no point was the

composite class-size maximum mentioned. That emerged once the formal negotiations began. Government spending limits have hampered the progress of the SJNC. When the management side needed its sums to work, it had to find extra money from somewhere.

This morning Keir gave the committee a detailed explanation of what could happen to composite classes. As a primary teacher, I do not have access to the figures that Keir used in his study. However, from my experience of 25 years of primary teaching I do not recognise the conclusions that he drew from his analysis. That view was shared by 98 per cent of my colleagues who voted in the ballot. At a time when the sizes of one set of classes are being cut—a move that is very welcome, although long overdue—an increase in another set of classes is completely unacceptable. That was described in negotiations as a major stumbling block, which would affect the way in which teachers would vote. Similar problems arose on many occasions during the discussions, but suddenly at the end an assumption was made that those major stumbling blocks had disappeared. The management side made the wrong assumption.

On another primary school issue, the professional leader post was portrayed as a benefit to primary teachers and a step towards equality of opportunity to promoted posts. Again, that is a welcome move, but—there is always a but—Keir referred to unlimited access to such posts, over time. Members of the committee have already expressed some concerns about the budgeting associated with the initial deal; to increase the amount of professional leader posts would take a further major injection of funds. Teachers were quite aware that such a major investment was not to be relied on—it was a hope, but it was certainly not a concrete commitment.

Fiona McLeod (West of Scotland) (SNP): I want to clarify that the perception of consensus by the management side was not formed because of the machinery of the SJNC; rather, the situation arose from a management attitude, which has been clearly outlined—if management did not get what it wanted, it did not want the SJNC. Is that right?

Mr MacIver: The management side knew that we set great store in the SJNC. It felt that we would agree to the proposal because—as had been made clear in many meetings—if we did not agree they would go to the minister to say that the SJNC had failed and should be abandoned. To be honest, I feel that an element in the management side thought that it would win either way, which made negotiations difficult.

Mr Wimbor: I do not want to overemphasise this point but, in the early part of this year, it was clear

that the stakes were high in the negotiations—if we did not reach an agreement, the management would be in a position to ensure that the SJNC ceased to exist.

In a previous incarnation, I was a further education officer with EIS and was involved in relatively similar discussions in which national bargaining within further education was lost. We are all aware of what has happened in that sector. The last thing that we want is to repeat the mistakes that we made in the further education sector by losing national bargaining and removing negotiating rights from 60,000 teachers.

Mr Brian Monteith (Mid Scotland and Fife) (Con): It has been said that negotiations have been going on since the millennium review. During that period, the education ministers have changed and, with council elections, the members of the COSLA team have changed. Have either the lack of the involvement of Government ministers or the subsequent change following the May elections contributed to the problems that we face? Could ministers have done something differently that might have helped to alleviate the situation?

Both parties have said today that, in some respects, agreement is very close. Naturally, there are areas of difference that need to be worked on. However, if the minister, as a member of the SJNC, had come to you and suggested some kind of marriage guidance or arbitration to help the negotiations, would you have found that proposal attractive? As a second part to that question, if your answer had been no, would you have changed your views if the minister had then offered to underwrite such arbitration financially?

Mr MacIver: I know that Ronnie has views on arbitration, which I will let him articulate, as he is very clear on the matter.

Mr Smith: The answer to that point is very simple. The SJNC—to which, as you will have heard, we are greatly attracted although others are not—has explicit provision for arbitration within its framework. However, we have been told that that framework is disappearing. We have read in the press that the convener of the management side does not think that arbitration is appropriate. Furthermore, I read on the BBC website the leaked Cabinet document that apparently dismisses arbitration as well. The short answer is that two of the three participants in the SJNC have declared, by somewhat circuitous routes, that arbitration is not an option that they would be prepared to consider.

The teachers' side of the SJNC has not discussed arbitration as an option. However, given our commitment to working within the framework of the SJNC, it would be safe to say that the issue would be carefully considered if it were to raise its

head in the SJNC.

Mr MacIver: To answer your second question about money—there was a long discussion with the management side about the package. It was very clear that what it was offering was extraordinarily generous. It used very strong language, but I do not want to get into a discussion about whether that is significant.

There was a parcel of money on the table, but members of the committee should be in no doubt that we repeatedly told the management side that its ambition and what it was offering would not—in our view—be attractive to Scottish teachers.

I found it in some senses disappointing to listen to some of what the management side said this morning. I recognise that Danny McCafferty only came in after May—there has been much changing of players on its side. The teachers' side has stayed the same, but the players with whom we have been dealing have changed in a variety of ways.

The management side knew at an early stage that we had made a commitment to our members that any significant change of the nature suggested would have to be decided on by ballot. If, therefore, it needed to convince anybody, it would not need to convince May and I to go to our salaries committee—it would need to convince people in staff rooms and to listen to the debate there.

The management side had to recognise that if it had a limited amount of money, there was a limited amount that it could ask for. It was told more than once that it was overstretching itself and that it was being extraordinarily over-ambitious in terms of professional leaders, working hours, composite classes and so on.

Essentially it asked for far too much and offered far too little. The skill of negotiation is, ultimately, to reach a compromise between what can be offered and what people will do for it. I can still hear May's speech about composite classes, in which she pointed out that what the management side was suggesting would not go down well and that it should be under no illusions about that.

I made it perfectly clear that we were prepared to engage with the management side on the subject of management structures in secondary schools. We have no difficulty with that. We are not some neanderthal organisation that is resistant to change—that would be an absurd charge to level at Scottish teachers when one looks at what is happening in schools.

The management side's view of the issue of professional leaders—without bad-mouthing pet food manufacturers—is a dog's breakfast. None of the people in schools who must deliver education

understood it. We were dealing with people who manage education and who manage budgets, among them a director of personnel who approached the issue from the standpoint of that function.

Nobody who delivers education day to day in schools has stood up to say anything positive about the management side's proposals. There is much in that for both parties to reflect on, but I think that the only way that we can ultimately move forward is on a basis of consent.

Disappointment at the minister's first reaction was not as a result of the messenger getting it wrong, but because there was something wrong with the message. We still have a major problem on our hands—how to avoid the problems that could arise with teachers in Scotland. What sorts of messages are being put across by the composition of the McCrone committee, the nature of its remit and so on? It looks as if we are dealing with a management side that will—as it said months ago—try to get what it wants using the powers it has if it cannot get it by consent. It is our view that that is not for the benefit of Scottish education or for the young people of Scotland.

The Convener: We have time for a quick supplementary. I remind members that we have only five minutes left for this.

Mr Monteith: I would like to go back to the first point I made. In your view, has there been any difference in the changeover from Helen Liddell to Sam Galbraith? I am not aware that Helen Liddell said that we should use the winding up of the SJNC as part of the bargaining process. Has there been a difference caused by Danny McCafferty taking over from Elizabeth Maginnis? Is that a contributory factor?

Mr Smith: This is not a question of personalities. The semi-detached attitude of ministers to the SJNC predates the previous general election. I do not think that the change in COSLA has been an issue.

People have been saying that the negotiation period is very long—it lasted 10 months. It began in November 1998 and there were long pregnant pauses when there was no one with whom to negotiate because councillors were preoccupied with other things such as getting re-elected—or not, as the case may be.

The period of negotiation has not been that long, but that is not down to personalities. The issues that are around go back a long way and will, I dare say, carry on into the future.

11:00

Michael Russell: I want to be clear about what you on the teachers' side are saying, because it

touches on a considerable issue. From my understanding, you were involved in driving the millennium review forward and contributed very positively to it, but you found yourself negotiating in an atmosphere in which you were essentially told—actually told, according to Malcolm—that either you accepted the proposal or the whole mechanism was likely to be abolished. Therefore, Scottish teachers were essentially negotiating with one hand tied behind their back while, one might say, being punched in the face. That was going on in reality. You were being told, “Accept this or the mechanism is going to go.”

Mr MacIver: That is a fair point. Ken wants to add to it, and I am happy to let him give his perspective, as he is joint secretary.

Mr Wimbor: I would use another metaphor: the proverbial gun was at our head for the duration of the negotiations.

Michael Russell: For the duration of the negotiations?

Mr Wimbor: Yes. The management side was clear that if there was a failure to reach agreement at the end of the process, it had the political support to ensure that the SJNC would disappear. That was made clear to us right from the start.

Mr MacIver: It was also made clear to us that that was the overwhelming political view of everybody in COSLA—that we were dealing with a collective view from across the councils: either we were on board or it was all gone.

Michael Russell: I understand that nobody wants to negotiate through this committee—that is not your purpose in talking to us today; it is to open up this issue—but in the circumstances that you describe, when you go for your next negotiations on Friday, the gun has been fired, to use Ken’s metaphor. The situation now is that the political movement from the Executive is to abolish the SJNC. What do you, on the teachers’ side, want to get out of the negotiations, apart from the best deal for your members? What do you think should be the right negotiating machinery? Can you tell us how the SJNC should change—not be abolished?

Mr MacIver: This is interesting: the genesis of this matter was a meeting that took place a long time ago. I think that, of everyone to whom you have spoken this morning, we are the only four who were at the original meeting. A difficulty has been created by the change of personnel. The original issue—it still remains—was about local variations to the SJNC. There was also a discussion about management structures in secondary schools.

We were prepared to engage on that. We reached agreement with local authority

representatives and offered them a model on how to establish local variations within the framework of the SJNC. Interestingly, however, once we reached agreement, certain voices on the management side did not like it, and resiled from it.

The SJNC is still in existence. Clearly, it has to come to this Parliament and to this committee, whatever happens in the future. It is our view that, as long as the SJNC is in existence, we will operate in its framework. In that sense, we still have a responsibility to resolve this year’s pay round for Scottish teachers in the best way we can, and to be clear that that is what we will do. To an extent, we also have to address the issue of our relationship with the McCrone committee, but we have to articulate our concern which is, ultimately, how to move forward.

There is a general agreement and commitment to take Scottish education forward. In our view, that cannot be done—it would be folly—without the consent of 60,000 Scottish teachers. People should be clear that we will articulate the necessity of doing it on the basis of consensus and of all parties sitting down and reaching an agreement. If other people wish somehow to move forward on a they-know-best basis, that is for us in the SJNC and for the collective teachers’ side to reflect on.

At this stage, the SJNC is still in existence, and we believe that it still has a function to carry out. That is what we intend to do.

The Convener: I am sorry if we have run out of time—a couple more members were wanting to contribute.

I thank representatives of the SJNC for their presentation and for answering questions. These discussions will obviously continue. They will be aware that we have invited the Minister for Children and Education to speak to us in 10 minutes’ time.

Mr MacIver: Thank you very much, convener. I thank members for their time.

The Convener: There will now be a 10-minute break before the minister joins us.

11:04

Meeting suspended.

11:15

On resuming—

The Convener: I thank members for returning so promptly. We now move on. Good morning, minister.

The Minister for Children and Education (Mr Sam Galbraith): Good morning, Mary.

The Convener: We will allow you between five and 10 minutes to open the discussion.

Mr Galbraith: We do not need that.

The Convener: Okay. If you are quite happy, we will begin to ask questions. Thank you. If members of the committee have any questions to ask the minister, they should indicate that through the convener. In order to allow as many people as possible to speak, I ask members to keep their questions succinct.

Mr Macintosh: Minister, I want to ask about an issue that arose from the evidence of the two groups that have just spoken to us. The Educational Institute of Scotland, the teaching side on the SJNC, is of the opinion that the Government sided with COSLA, the management side on the SJNC, against its representatives. It said that you effectively held a gun to its head and that, for all the time it was in negotiations, the threat that the SJNC would be abolished was hanging over it. Do you recognise that fact?

Mr Galbraith: No. Nothing could be further from the truth. We sided with no one. I made it clear at the start that I would not get involved in those negotiations, which were for the negotiating committee. The future of the SJNC had already been announced in the white paper, and I made it clear to both sides that if that body could not produce a package that would be acceptable to both sides, we would want to consider its future. That was not a threat; it was known publicly by everyone and it was in the newspapers at the time.

Nicola Sturgeon: Sam Galbraith has quite openly—I commend his honesty—confirmed the view of the teachers' side: that it went into the negotiations with a gun at its head. That is an astonishing admission from the minister.

My question concerns money. The funding of any offer that is agreed between the management and the teachers is where the minister enters the equation. The first part of my question relates to the funding of the offer, as it stood. The second part relates to the one-year pay deal that the SJNC will consider on Friday.

The deputy convener of the teachers' side said during its evidence that she thought the problem during the negotiations was "Government spending limits". That strikes a chord. Reading through all the paperwork involved with the final offer, it became clear that the funding gap at the end of three years, after COSLA had taken into account the money that had been made available through the comprehensive spending review and various efficiency savings, would still be £16 million.

In your statement of two weeks ago, you said

that an additional £8 million had been offered in the latter stages of the negotiations, to try to bring about a settlement. That still left a substantial funding gap. Where would that money have come from if the teachers had accepted the offer? It seems clear to me that councils would have had difficulty funding the offer as it stood. Accepting that, it becomes clear how difficult it would have been for them to enter further negotiations. Clearly, money was a big stumbling block. I would like you to address those points today, as you did not do so during the debate last Thursday.

The second part of my question relates to the negotiations over a one-year pay deal, which will take place in the SJNC on Friday. The teachers have asked for an 8 per cent increase. The indications are that councils can afford an increase in the region of only 2.5 to 3 per cent.

We have seen speculation—I grant that it is only speculation—that COSLA will offer about 3 per cent, which is likely to be rejected by teachers. Accepting that scenario, will you make more money available if COSLA asks for it, to ensure that an acceptable deal can be agreed? Specifically, is the £8 million that you mentioned in your statement still available for COSLA to use to fund an acceptable pay settlement?

Mr Galbraith: There are seven or eight questions there. I will try to deal with each one in turn. To reiterate, the position on the SJNC was flagged up a long time ago in our white paper, which is a public document. Everyone knew about it; there was nothing underhand, devious, shotgun or threatening about it. You should not portray it in that way. I made it clear to both sides—they were aware of it—that if the system did not work, we saw no reason to persist with it. That was public knowledge.

As regards funding, we were approached in July and asked if we could put in some additional money because that would be necessary for a deal. At that time we put in £8 million. We always made it clear that we were willing to look at the funding issue and to assist with that. We could not give a blank cheque—this is not a something-for-nothing society—but were willing to look at the position. There was the usual traffic between ourselves and COSLA on this and we were all of the view that the deal could be funded partly through additional Government funding and partly through efficiency measures from COSLA.

I do not think that I should comment on the current negotiations. The negotiators should be allowed to get on and deal with that.

Nicola Sturgeon: You have not answered two of my questions. First, there would have been a £60 million gap at the end of year three, and you offered £8 million. All the efficiency savings were

taken into account. Where was the extra money to have come from? Secondly, I am not asking you to negotiate in public; I am asking you whether, if COSLA cannot come up with an offer that is acceptable to teachers within its existing means, the Executive will put more money on the table to avoid a damaging industrial dispute?

Mr Galbraith: We do not want an industrial dispute. We will do everything we possibly can to avoid—

Nicola Sturgeon: Will you put—

Mr Galbraith: Please, please, please.

Nicola Sturgeon: It would be helpful if you could answer the question.

The Convener: Let the minister answer the question.

Mr Galbraith: You asked me some questions. Do me the courtesy of allowing me to reply. We do not want an industrial dispute and we will do everything within our power to prevent one. The best position for this committee is to allow the negotiators to get on and resolve matters. The Executive will be available for consultation and discussion if the negotiators wish.

Nicola Sturgeon: It is a simple question.

The Convener: We will see if we can bring out the information that you want in another way, Nicola. If not, I will come back to you, but there are a number of others who want to ask questions.

Mr Stone: Facts are chieftains that winna ding. One issue that Nicola made great play of last week—perhaps rightly—was that of composite classes and class sizes. Unfortunately, we did not have a chance to cross-question the teachers' side of the SJNC, but we did get a fairly detailed breakdown of facts from the employers' side in which the effects of class sizes were downplayed. I would like to hear your thoughts, minister, on the detail of how this will affect children. How many classes do you see increasing their size? How many will decrease their size? What will the effect be? We must get to the nitty-gritty of this.

Mr Galbraith: I cannot give you that answer and I do not see the point of going over that deal, which is between COSLA and the unions. I am worried that class sizes will not be determined by us. My understanding is that the composite class deal went only for two-stage class deals not three-stage class deals and that it was linked to a commitment to reduce all class sizes from P4 to S2 to 30 or fewer pupils. This is not our deal. We were not part of it and I am not here to justify it or reject it. You must deal with the people who are involved in that negotiation.

Mr Stone: I think that you might have misinterpreted me. I wanted to know your

department's statistics.

Mr Galbraith: For what—for the number of classes that would go up or down? We do not have those—

Mr Stone: You hinted at an answer when you mentioned the drop to 30, but, as I recall, the employers' side said that only 600 classes would get bigger. Can you confirm that?

Mr Galbraith: No, I cannot confirm that—we do not know the figures. We do not have that sort of information.

Mr Monteith: It would appear from your comments so far, Mr Galbraith, that you feel that the deal is being done between only COSLA and the teachers. You spoke of COSLA's offer and the teachers' rejection of it. That leads me to wonder whether there is any point in asking you about facets of the deal, so let me move on to ask you about your decision to wind up the SJNC. Why did you feel it necessary to rush to that decision, when the mechanisms of the SJNC have not yet been exhausted? In particular, you seem willing to dismiss the mechanism for arbitration without even attempting to use it. Why not exhaust the SJNC's procedures, and then make the decision to wind it up?

Mr Galbraith: The advice that I have had about arbitration is that if both sides want it, they can ask the First Minister for arbitration. He will then appoint an arbitrator, who will reach a decision that the First Minister will accept or reject. However, we need both sides to come and ask for that—we cannot impose it on the SJNC.

Mr Monteith: I think that you are being especially modest.

Mr Galbraith: I am a modest man.

Mr Monteith: You are a minister of the realm—do you not feel that you might have had some influence if you had said, "Listen chaps, listen guys, let's see if we can just get this sorted out. Children are at stake"?

Mr Galbraith: Do you want me to interfere in the negotiations?

Mr Monteith: You have a role—doing what I suggested would not be interference. Do you not think that you could have convinced some of them to go for arbitration? We have heard today from those on one side that they would have considered that.

Mr Galbraith: If both sides wish to come to me and ask for arbitration, we will be more than willing to set that in motion for the current year—but they have to come to us first.

Ian Welsh: You have given your view on the SJNC. After you have seen the report of Professor

McCrone's committee, what will be your view on the future of national collective bargaining?

Mr Galbraith: I do not take a view on that—I am genuinely looking for a way forward and I am genuinely open to any suggestions. That is why that committee is there—to make proposals. I have absolutely no view on what the structure should be afterwards.

Michael Russell: I want to go back to the vexed question of money. I understand that you do not want to dance on the tripartite organisation of which you are a member, but Danny McCafferty admitted that his council has put aside 2.6 per cent for a teachers' pay rise, and in *The Scotsman* on Monday there was an article by Tom Little—who is sitting here—pointing out that East Lothian has put aside 3 per cent, Aberdeen 2.5 per cent, and Glasgow 2.5 per cent. Money will be an issue. Can you reassure the 60,000 or 70,000 teachers who are concerned that when the discussion takes place on Friday, you will be there, and even if you are not dancing, you will sit it out like a wallflower, prepared to help out with your wallet if things get difficult?

Mr Galbraith: What a splendid description. Let me be clear about the tripartite nature of the SJNC. We have two representatives on it. They are there only as observers and in an advisory capacity—we are not part of the negotiations. That should be made absolutely clear.

I do not want to get into hypothetical discussions, because that is not helpful. I have said from the outset that we are keen to ensure that there is a deal. We want to be helpful. However, I am not willing to start negotiations here. This is not the place for that.

Michael Russell: Untypically, I am trying to be helpful to you.

Mr Galbraith: Oh yes, absolutely!

Michael Russell: No, I am trying to be helpful.

Mr Galbraith: "I am Mike Russell and I am here to be helpful to you." Absolutely!

Michael Russell: I know that that idea is unusual to you, but the fact is that you want to avoid strike action, and I believe you. We have heard that the management side and the union side want to avoid strike action. Scottish teachers—and I declare an interest because I am married to one—want to avoid strike action. But how—and this is a serious question—do we avoid strike action if, at the crucial moment when teachers come in for another discussion of the matter, they find themselves not only having been offered something that they do not want, but having been offered less than what other people are getting? Surely money is crucial. Surely the message going out from the Executive as well as

the management side should be that they want to clear up this year's dispute before starting further discussion on changes in education.

11:30

Mr Galbraith: I could not agree with you more, Mike. I want the dispute to be resolved because industrial action is in no one's interests. The Executive stands willing to play its part in the resolution of the dispute, but it would not be right or helpful for us to start laying out positions when negotiations are taking place. You might not know this, but negotiators never lay out their positions before they reach the table. Thank you for the helpful suggestions, however.

Michael Russell: I am just sorry that you will not help yourself or the Scottish teachers in this situation.

Ian Welsh: The local authority budget settlement is a red herring, Mike. As most local authority budgets were set in March, there is already an amount for settlements. The settlements exist for the purpose of setting council tax levels. If another settlement comes in above or below the budget figure, the budget must be adjusted accordingly. That is a straightforward issue, and *The Scotsman* has been adventurous in suggesting that it is anything other than normal to go through that process.

I am in no doubt that the SJNC will reach a settlement that will be acceptable to Scottish teachers for the forthcoming year. Whether an agreement that is acceptable in the broadest sense can be reached after the review process is a much bigger issue. I am committed to national collective bargaining, even if the minister is not prepared to take a position on that.

The Convener: Where is the question, Ian?

Ian Welsh: Does the minister agree that there is an opportunity to have a wide-ranging review of and a fresh look at management structures in our schools? Does he further agree—and this has not happened during the process—that there should be an agreement on the way forward, rather than merely a management side offer that will be rejected?

Mr Galbraith: That sums up my position, but I will not say that I support national collective bargaining. This is a genuine attempt by the Executive to leave what has happened in the past and to avoid it happening again.

I am looking for a system that rewards teachers' commitment and professionalism. The system that is in place at the moment does not do that. I want the new system to recognise their value and their position, and to reward them without confrontation and without two sides lining up against one

another. I have no preconceived notion of what that system might be. I do, however, want a system that looks broadly at all the issues that have been raised, including the management structure.

We face a difficult task. The problem in the past has been that we have had confrontational negotiations in which we bite off too much and get nowhere. We need to step back, to get an independent view of the position and what the structure should be and to take things forward from there. It is a genuine attempt to prevent confrontation, to enhance teachers' professional status and to reward their commitment.

Michael Russell: Why, in that case, is there no union representative on the committee of inquiry?

The Convener: Please speak through the chair. We are not just taking questions willy-nilly. We are trying to establish a reasonable discussion.

Michael Russell: It was a good question that deserves an answer.

The Convener: I will bring you in if you want to ask that question, but you must go through the chair, Mike.

I wanted to bring you back to the SJNC, minister, although I am aware that you have said that you do not want to look back. You have said that you think that the role of the members of the Executive who are on the SJNC is to advise and assist. Although I might have misinterpreted the discussion, there was, I think, some criticism of that position from the teachers' side this morning. The word semi-detached was used in relation to your position within the SJNC. Do you accept that description? If not, do you think that, by being more involved in the negotiations, the Executive could have made the SJNC more productive in coming up with an acceptable settlement?

Mr Galbraith: The Executive, and the old Scottish Office education department, has never been involved in negotiations—never, ever. The First Minister's—or the secretary of state's—role was to appoint observers. We are not there to negotiate and we do not take part in the discussions—we never have. The negotiations are between the employers and the unions. We were approached and asked to provide more money to try to seal the deal. We offered to put that money forward. We suggested some changes to the wording, but we have never been involved in the negotiations and we have no role in the negotiations. It is not a tripartite body.

Michael Russell: I repeat the question: if you have that consensual view and your proposal to reinforce consensus is to abolish the consensual machinery, which is an odd way to get consensus, why do you not bring into your inquiry a

representative of the trade union? We asked you that question last week.

Mr Galbraith: The committee of inquiry is not a representative body—it is an independent committee that will step back from the situation. That is why trade unions are not on the committee.

Michael Russell: Could the unions contribute to the committee in a productive way, by having membership?

Mr Galbraith: They will contribute to the inquiry by introducing evidence and by being involved in that way. You have to understand the nature and the structure of the committee. There will be an independent body that looks at the issue from outside—no one on the committee represents any interests. It is the evidence, and who introduces that evidence, that is important.

Michael Russell: Would it be a good gesture to teachers, given the difficulties of the present—

Mr Galbraith: Mike, you know that, unlike yourself, I do not indulge in gesture politics. I do the right thing.

Michael Russell: Perhaps a few more kindly gestures would help you.

Mr Stone: Peter Peacock and I are former councillors, and many of us—and many SNP members—believe in the notion that the councils deliver education. That is why I support you, Sam, in what you say about the Executive being semi-detached, if you like, and having observer-only status on the SJNC. However, given the importance of councils, agreement on which, I am sure, crosses all party boundaries, can you reassure me that the inquiry will go into the detail of education delivery by particular councils? That would be important in finding a way forward.

Mr Galbraith: I am not sure what you mean.

Mr Stone: I do not mean that the committee should go into each authority, but would it go into detail with some authorities? That should not be done simply through COSLA, but rather the committee should go a bit further and obtain—

Mr Galbraith: No. The committee will not be involved with an individual council, under any circumstance. The committee will adopt a broad-based approach and make generalised proposals. If there is a perceived problem with an authority on, say, education provision, the proposal is that we will inspect the education functions of local authorities—the bill's powers will provide for that. The committee will not pick out an individual authority in order to examine it and to establish whether it is acting in a fair and proper manner.

Mr Stone: I find it a little surprising that you say that, as delivery of education, in the broadest sense, varies within Scotland.

Mr Galbraith: I am not sure what you are proposing. Are you talking about a case in which you might feel that a council was not doing something properly?

Mr Stone: No. The committee of inquiry will address, for example, composite classes—the Highland experience of that will be different from the Glasgow experience, and I would have hoped that the committee of inquiry would take some kind of—

Mr Galbraith: I see. I understand what you mean now. The committee of inquiry will look at the position across Scotland, using a broad-brush approach to take account of local variation, although I hope that it will not be so prescriptive on such issues as to examine each council separately. Of course, when it examines any proposal, it will have to consider how it will affect different parts of Scotland. We all know that local authorities provide education because circumstances vary in different areas. We will take that factor into account. I now understand your question, Jamie. I thought that you were asking me something else.

Nicola Sturgeon: I return briefly to the issue of money. I am not sure why you are being so vague about that. All the evidence at our disposal suggests that the councils will not be able to afford an offer that will be acceptable to the teachers. The question that I was asking you is that if that is proved to be the case on Friday or shortly thereafter, will you as the Minister for Children and Education put more money on the table to break the impasse and avoid industrial action? I thought that you could have given a yes or no answer; I am not sure why that has not been forthcoming.

My second point goes back to the McCrone committee. You say that you are not into gesture politics and I accept that, but you have made gestures to local authorities through having a chief executive on the committee. You have made gestures to the directors of education and to HMI as they are involved in an advisory capacity. You have made gestures to head teachers. Why is it that the only partner in education not involved in the committee is—through the teaching unions—the teaching profession? You may not want to make gestures, but would it not have been cleverer to involve the teachers in the process? Would not that have increased the likelihood of the end result being accepted by all those involved in education?

I was surprised to hear you say that you had no view on the structure that was to replace the SJNC because, if memory serves me correctly, in Parliament after your statement—I think in response to Hugh Henry—you gave an unequivocal commitment that national collective bargaining would continue. Have you changed

your view?

Will you give a commitment—a yes or no answer will suffice—that you will be bound by the outcome of the McCrone committee, even if you do not agree with its recommendations?

Mr Galbraith: Governments do not set up inquiries to ignore their findings, but Governments never give an absolute commitment to be bound by everything that an inquiry suggests. That would be ridiculous.

I thought that Hugh Henry was asking me whether I was ruling out collective bargaining, the answer to which was that I did not rule out collective bargaining. I did not commit myself to it and I did not rule it out.

We considered the matter of teachers' representation. We did not want union representatives on the committee, because we did not want a person on the committee as a representative. No one is there representing a body. People are on the committee in their individual right, and that is the way that we want it. We realised that the committee had to include someone from the profession. We thought that the best way to deal with that would be to have a head teacher. Once we had one head teacher, we had to have one from a primary and one from a secondary. We thought that that solved the conundrum, to have someone from the teaching profession who has been at the chalkface. That was a good compromise, and a fair resolution of the matter.

Nicola Sturgeon: For the purposes of this meeting, I will accept that that was your calculation and was made with the best of intentions, but that has not satisfied the teaching profession. You have heard the views expressed by the profession through the unions and you have heard the views of the Scottish Trades Union Congress about the composition of the committee. You heard the views expressed by members from all parties in the debate last week. Given that your calculation has not satisfied all those in education, will you change that view and advise Gavin McCrone to fill the one unfilled place on the committee?

Mr Galbraith: No.

Nicola Sturgeon: There is still a chair at the table. Will you advise the committee to have it filled by a classroom teacher?

Mr Galbraith: No. It was not my calculation that this arrangement would satisfy everyone. I did it in the certain knowledge that there would be complaints about it.

Nicola Sturgeon: That is astonishing, Sam.

Mr Galbraith: I thought that that was the right decision and I always take what I think is the right

decision.

Nicola Sturgeon: Even if that undermines the committee and makes it more likely that its recommendations will not be accepted? Even if it means that not all those involved in education will have confidence in the process that you have set up? Is that a price worth paying?

Michael Russell: It alienates a key constituency.

Mr Galbraith: We tried to resolve the matter as well as we could. We should wait for the outcome of the inquiry.

Nicola Sturgeon: You have undermined confidence at the outset. What chance does the committee have if all those involved in education do not have confidence in it from day one?

Mr Galbraith: You are helping to undermine confidence in the committee—you should think twice about doing that.

Nicola Sturgeon: That is outrageous.

Karen Gillon: All members round the table believe that the overwhelming concern is to ensure that children in Scotland are given the best possible education. We are not at that stage at the moment, Sam. Can you tell us how you think, as a committee, we can help to make progress? How do you think that the Executive can make progress in improving the education of our children?

11:45

Mr Galbraith: I would like this committee to adopt a non-bipartisan approach, rather than view it as a place at which to score political points. We need to address the agenda. The issue of teachers' pay and conditions is crucial. I have said before that we cannot deliver our agenda without having committed teachers and attracting them to the profession. That is why I want a system that rewards them properly and recognises their professionalism and their commitment. Because the current system does not do that, I want a better system in place.

It is important for us to remember that there is another huge agenda out there: that of delivering for the pupils. That concerns issues of constantly improving and raising standards, helping teachers to improve, supporting teachers, exclusions and the excellence fund: all those important matters. I look to the committee to address some of those parts of the agenda. Give us suggestions and ideas on how we can take the agenda forward, concentrating on the pupils' interests and what we can do for them in future. I look forward to the committee making suggestions.

As you know, I have given the committee the two documents on the bill and the General

Teaching Council. In future, I will provide the committee with every document that comes from our department, including the McCrone committee recommendations, which I will bring to this committee immediately they are available. The committee will report to the unions, COSLA and ourselves, and I will ensure that you get the report.

The Convener: Are there any other questions?

Ian Jenkins: I accept the need for the McCrone report, and as you know, I said the other day that I did not think that it was absolutely necessary to have a practising teacher on the committee, for the reasons that you mentioned. However, I seek reassurance that the committee will have all the resources that it needs. I worry that the starting point will be the document that has been overwhelmingly rejected. There are flaws in it that are so severe that using it as a starting point would be dangerous and would lead to a lack of confidence.

Mr Galbraith: You are not talking about the deal; you are talking about the millennium review, not the COSLA offer.

Ian Jenkins: I am talking about the offer.

Mr Galbraith: The committee did not play any part in the offer. It has asked to look at the review because the teachers agreed to the principles of it as a way forward.

We have put aside a considerable sum for the committee. It is free to commission its own research. Advisers are available if the committee wants advice: it does not have to ask for advice, and it can ignore any that is given.

Ian Jenkins: But the committee had better take it.

Mr Galbraith: No. The committee can commission whomever it wishes. We have made more than adequate funds available, so that the committee can commission its own research and have independent advice.

Nicola Sturgeon: Sam, if I heard you correctly, you said that the McCrone committee was not examining the terms of the offer, but that it was examining the millennium review. However, the terms of reference of the committee clearly state that it can look at any or all of the offers put forward by the management side on 20 August. Clearly, it has a remit to examine the offer and, if it considers it appropriate, to bring back the offer in a revised form.

Mr Galbraith: No, that has nothing to do with this year's deal.

Nicola Sturgeon: The terms of reference of the committee state explicitly that the members may look at all or any part of the final management offer put forward on 20 August.

Mr Galbraith: Absolutely. You would want them to do that.

Nicola Sturgeon: But I thought you just said that they had no remit to look at that.

Mr Galbraith: They have no remit to deal with this year's offer.

Nicola Sturgeon: Are you saying that they have no remit to deal with the pay offer?

Mr Galbraith: They have no remit with regard to sorting out this year's deal.

Nicola Sturgeon: Yes.

Mr Galbraith: I hope that clears that up.

The Convener: I hope that it is clear what the committee will be doing.

There do not seem to be any more questions.

Mr Stone: I have one. Given what I said earlier, I believe that it is important that control over education stays with councils. That is why the Executive should be at arm's length, because any other message would be badly misinterpreted by councils. I think that everyone would agree with me on that point. Can you reassure me that if the committee of inquiry comes up with a successor to the SJNC, the Executive will still be at arm's length? That is an important point.

Mr Galbraith: Absolutely. We have no desire to take this on under any circumstances, although when you see the flak that you get when you are not involved but get blamed for it, you might wonder about that. I am sorry to have to tell Brian Monteith that the position is that we have no intention whatever of taking over control of education.

Michael Russell: You are a good actor.

Mr Galbraith: You should not live in a world of conspiracies, Mike.

Michael Russell: Nor should you live in a world where you pretend not to be in places.

Nicola Sturgeon: We must make a clear distinction between the Executive taking over the negotiations and the Executive performing the role that it is there to perform, which is to facilitate agreement where that is necessary. It does not wash when Sam sits there and says that the offer has nothing to do with the Executive. The Executive has spent the past few months advising Scottish teachers—sometimes quite forcibly—to accept the offer, and it is now punishing them for rejecting it. If Mr Galbraith does not think that anything that has been said today by my colleagues and me constitutes the Executive's role in the process, will he outline to the committee what exactly his job is as education minister, in relation to this issue?

Mr Galbraith: I am sorry that you are lapsing into extravagant and partisan language yet again.

Nicola Sturgeon: It is a simple question. Will you answer the question?

The Convener: Will you give Mr Galbraith the chance to answer the question?

Nicola Sturgeon: He has not answered a single question yet.

The Convener: Perhaps you should stop interrupting, then.

Mr Galbraith: Negotiations on teachers' terms and conditions are a matter for discussion between the employers and the unions. We play an advisory, observational role, and when we are asked to do so, we try to facilitate a deal. That is our correct and proper role. The role of the education minister is to ensure the provision of education of the highest possible standard for all our children. The Improvement in Scottish Education Bill will formally, and for the first time, place a duty on me to ensure that there is a constant improvement in Scottish education, to return it to its highest standards.

Fiona McLeod: You said that your role was to facilitate the completion of the deal when you were asked to do so. You were asked for the money and you did not come up with enough. Do you not think that that was a negation of responsibility?

Mr Galbraith: Please do not start saying things that are not true. We put in additional sums when we were asked to do so. It was always recognised that additional money would be put in, in the normal traffic of conversation between ourselves and COSLA. Please stop misleading people on these things.

Fiona McLeod: But not enough.

Nicola Sturgeon: If the minister would give a straight answer to a straight question, there would be no scope for misleading anyone. As we have time to spare, I shall have another go.

You have said that you put more money on the table, when asked before. Why can you not tell us today whether COSLA asked you for more money to fund and accept the pay offer, and to pull the teaching profession back from industrial action? Will you or will you not provide it?

Mr Galbraith: I do not understand why Nicola Sturgeon keeps going on about this. I have said repeatedly that we are always willing to help. We do not want there to be industrial action; we want a solution. We have not been asked to do anything at the moment. I do not deal in hypothetical situations, and we do not lay out the positions for negotiations before they arise.

Nicola Sturgeon: We are led to believe that

Jack McConnell will, this afternoon, announce the provision of an extra £80 million for education. Is there scope to resolve this dispute within that?

Mr Galbraith: I cannot comment until Jack announces that this afternoon.

Ian Welsh: Can *The Scotsman*?

Nicola Sturgeon: It is known everywhere.

The Convener: Members should not have discussions across the table. That is not helpful.

Ian Welsh: Nicola has asked about this five or six times. She knows that I am prepared to support positions on a non-partisan basis. The EIS position is quite clear: this was not a matter of resources—the offer was deeply flawed and incoherent, as Malcolm MacIver said. The real issues were working hours, the taking away of time from teaching and learning, the diminishing of professional autonomy over time, composite classes, and the status of the professional leadership. The concern is not simply over resources.

Teachers ought to be properly rewarded; I hope that the review process will recognise that. However, it would be much more significant if the review process were to allow schools to have proper management structures and proper teaching and learning structures. That would give them some stability and a way in which to deal with the huge stresses that have been placed on the teaching profession over 18 years of disregard. That is much more important. We should not always focus simply on resources.

If Nicola and her colleagues are saying that another 8 per cent on the table would have meant teachers selling out all their professional concerns, that makes me very concerned.

Nicola Sturgeon: That is not what I said.

Michael Russell: Excuse me, minister, but—

The Convener: I have tried to be lenient, Ian, but you should have asked a question. I will allow a question from Fiona, after which we shall try to wind up this meeting.

Fiona McLeod: The EIS clearly stated that there were four reasons for rejection. Three of those reasons concerned resources: extra working hours; larger sizes for composite classes; and pay. If three out of the four conditions of rejection concerned pay and resources, resources will be central in reaching a resolution.

Ian Jenkins: I think that it was Keir Bloomer who said that one cannot impose a deal on 60,000 teachers. The EIS said the same thing. Do you now say it, too?

Mr Galbraith: Yes. I have heard some wild

stories about plots and conspiracy theories. It is true that there is no way of imposing such things; they must be arranged by co-operation and agreement.

The Convener: Thank you for that clear answer.

I thank members for their questions and I now want to draw the meeting to a conclusion. It is difficult for the minister to answer questions about hypothetical situations, but he has tried to answer the questions that have been put. Thank you, Mr Galbraith, for attending this meeting.

Meeting closed at 11:57.

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