

EDUCATION, CULTURE AND SPORT COMMITTEE

Wednesday 2 February 2000
(*Morning*)

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EDUCATION, CULTURE AND SPORT COMMITTEE 4th Meeting 2000 (The Hub)

CONVENER:

*Mrs Mary Mulligan (Linlithgow) (Lab)

DEPUTY CONVENER:

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS:

*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)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED:

Lewis Macdonald (Aberdeen Central) (Lab)

WITNESSES:

Professor Gordon Kirk (General Teaching Council for Scotland)

Mr Douglas Osler (HM Senior Chief Inspector of Schools)

Dr Ivor Sutherland (General Teaching Council for Scotland)

Mrs Norma Anne Watson (General Teaching Council for Scotland)

CLERK TEAM LEADER:

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK:

Alistair Fleming

Scottish Parliament

Education, Culture and Sport Committee

Wednesday 2 February 2000

(Morning)

[THE CONVENER *opened the meeting at 09:33*]

Standards in Scotland's Schools etc Bill: Stage 1

The Convener (Mrs Mary Mulligan): Good morning. A couple of members have yet to join us, but I think that we should push on, as we have a busy agenda. First, on a domestic matter, I remind people to switch off their mobile phones, as they interfere with the recording equipment.

I welcome to the Education, Culture and Sport Committee Mr Douglas Osler, HM Senior Chief Inspector of Schools. I shall ask him to make a brief presentation before inviting questions from members of the committee.

Mr Douglas Osler (HM Senior Chief Inspector of Schools): Good morning, and thank you for inviting me to meet the committee. I thought that it might be helpful if I were to outline briefly the way in which my organisation operates within its statutory role and say something about the focus of inspection. After that, I shall answer members' questions.

The inspectorate operates in pre-school education, which has recently become a new area of work for us, in school education, in further education, in community education and in teacher education. Part of this morning's business, of course, is a discussion on whether that remit should be extended to education authorities.

Our work gives us a unique insight into the quality of Scottish education and into the quality of pupil and student experience in Scottish education, and makes available publicly a unique body of evidence. Our statutory role derives from the Education (Scotland) Act 1980. Inspectors are appointed by royal warrant; that is important because it underscores their independent status in relation to inspection.

That status was further expanded on two occasions: in a statement in December 1992 to the House of Commons by the then Secretary of State for Scotland; and recently in response to the consultation on the Standards in Scotland's Schools etc. Bill, which emphasised the

independent role in relation to inspection and the contributory role within the education department to give policy advice based on inspection evidence.

The 1992 statement called for

"frank and clear assessments of the strengths and weaknesses in schools"—[*Official Report, House of Commons*, 16 December 1992; Vol 216, c 299.]

and in the education system as a whole. That is what we seek to do. Since the inspectorate was founded, way back in 1840, all statements have emphasised the role of external inspection in helping to achieve quality and improvement. However, it is schools, not HM inspectors, that have the first responsibility for delivering that.

As far as we are concerned, inspection is about the experience of individual pupils in the schools that they attend, and giving a view about what it is like to go there as a pupil and how that experience might be improved. Our job is to evaluate beyond that the extent to which the ethos of the school, the curriculum, teaching styles, resources, management and accommodation all support a good school experience for individuals. That individual experience is always the focus of an inspection, and we cannot in any way compromise that responsibility in what we say publicly. That is why classroom observation and frank reporting of what we find are essential.

Methods of inspecting have changed over the years and so have schools, but that principle still underpins our role. Through that, we can contribute to improving the quality of education for individual pupils and students in Scotland.

The Convener: Thank you. I must apologise to members; I should at the start have welcomed Lewis Macdonald to the committee. Lewis is joining us—not as a member of the committee at the moment, although I am sure that it is no secret that there will be a motion later this week for Lewis to replace Ian Welsh, who has resigned, as we all know. We welcome you to the committee this morning, Lewis.

Thank you for your statement, Mr Osler. Are there any questions from the committee?

Cathy Peattie (Falkirk East) (Lab): At the last meeting, we heard about the HMI report and about quality management in education, self-evaluation and local authorities. I was quite impressed by the move towards self-evaluation. What difference do you think it will make to future school inspections if local authority education departments take a self-evaluation approach?

Mr Osler: Self-evaluation has underpinned all our inspections in the past 10 years or so. The combination of self-evaluation by schools monitored by external inspection has made

schools much improved places, because they know so much more about themselves than they did before. It has also made inspection a much more effective instrument in assisting them with that. We have found it successful, and I know that schools have also found it successful.

We would like there to be the same combination in other aspects of our inspections, because it is a powerful combination. If the same thing were to happen in education authorities, the benefit of self-evaluation is that it introduces a common language and a business-like approach to reviewing what one is about and how to plan it. That in itself is useful. It also enables inspection by building on the information that is available from self-evaluation to be more effective.

Given the fact that education authorities are a major factor in delivering support to schools that enables them in turn to deliver quality education, the application of a mixture of self-evaluation and inspection to local authority provision should help to raise standards.

Cathy Peattie: The approach to education is clearly changing, and several new community schools are developing. I am interested in the approach that is taken to evaluation in those schools, the way in which HMI speaks to pupils and parents and the way in which the success of such schools is measured.

Mr Osler: The introduction of new community schools poses the next challenge to the inspectorate and the other public service bodies that are involved in the provision of such education. If the underlying principles of the new community schools are to provide on site the solution to the obstacles that lie in the way of learning and to encourage professionals in the schools and local authorities to work together, it does not make a lot of sense for Her Majesty's inspectors to look simply at mathematics when they turn up.

We have a group that meets with the other professional groups that are involved, to consider how to put together an inspection team that will reflect, in the process of evaluation, what we are asking new community schools to provide. That is not an easy task to accomplish, but it is very important. I hope that it will be a strength for new community schools. Does that fully answer your question?

Cathy Peattie: It does, to some extent, but it does not convince me that enough thought is going into the way in which parents and community organisations can be involved, as stakeholders, in monitoring this new approach.

Mr Osler: One of the principles of new community schools is to acknowledge that, no matter how good a school is—and I take the

opportunity to say that there are many good schools—it cannot provide everything that a young person needs, and must establish community links. Consulting parents and pupils is an integral and important part of all inspections, and we expect to carry that consultation over into the new approach.

In the case of new community schools, more people must be consulted than the parents of the pupils who are attending the school. We must consider ways in which to consult others in the community. We will do that through working with community education professionals, health professionals and social work services inspectors.

Karen Gillon (Clydesdale) (Lab): As you know, Douglas, community learning plans are coming into being. How will the inspectorate ensure that schools are playing their full part in developing community learning plans? In the areas where new community schools do not exist, how are schools playing their part, and how will you evaluate or inspect that?

Mr Osler: I hope that new community schools will gradually spread to the whole of the country. The principle is such that it can be applied to any primary or secondary school in Scotland. A former education minister said that it might become the new wave of comprehensive education, which would be beneficial.

It would seem odd if a community learning plan did not contain a substantial reference to school education. Plans in themselves do not achieve much, unless they are comprehensive. However, they raise awareness of the issues. A community learning plan that left out school education, or referred it to an appendix, would be against the principle that we have been talking about this morning. I hope that schools will be an integral part of the learning plan.

The learning plan will form part of the evidence for an inspection, and we will build on that. One of the themes that we would be interested in, when considering the provision that is made by local authorities, would be the extent to which the community learning plan related other aspects of community provision to school education.

Nicola Sturgeon (Glasgow) (SNP): I have a couple of questions. The first relates specifically to section 11(b) of the Standards in Scotland's Schools etc Bill. The first part of that section states that, if the Scottish ministers so request, HMI will offer advice to the ministers on any matter. The second part seems to talk about the possibility of thematic inspections. Can you explain to us what that adds to the current situation?

Mr Osler: This section concerns the inspection of education authorities, so it adds to the quality and scope of the inspection. The first part makes it

clear that, on the basis of inspection evidence, we might be asked by ministers to give advice. Am I misreading what you are saying?

Nicola Sturgeon: This section relates to the inspection of education establishments, rather than education authorities.

Mr Osler: The section tidies up the Education (Scotland) Act 1980, by adding the opportunity for us to undertake specifically thematic inspections, and by making that a statutory role. It also gives statutory cover for the joined-up inspections that we talked about earlier. It does no more than that.

09:45

Nicola Sturgeon: Would it be correct to say that the section places on a statutory footing procedures that are already commonplace?

Mr Osler: It is to be applied to the joined-up inspections that I was asked about, which are on their way. Ministers deemed it wise to ensure that statutory authority existed to cover that kind of co-operation and inspection.

Nicola Sturgeon: Recent discussion has concerned the potential conflict between your role as policy adviser to the Scottish minister on education and your role as the inspector of standards in schools—in effect, the inspector of the outcome of policies. Do you think that there is any justification for allegations that there may be conflict between those roles? Who inspects the inspectors? You may advise ministers to adopt a policy that, a few years down the line, may turn out not to have been the best policy. Who assesses the advice that you give to ministers?

Mr Osler: Ministers have stated publicly that they want us to undertake independent inspection that will not be subject to ministerial influence and to give them advice on the basis of the evidence that we collect from that. Given the scope of our activity and the amount of evidence that we collect in the course of inspection, it would be odd if ministers did not take account of that when arriving at decisions.

During some 12 years as a senior member of the inspectorate, I have worked with seven education ministers. My colleagues and I have given much advice to ministers, which has been based on evidence from inspection. Never, in my experience, have we made a policy decision—that would be inappropriate for inspectors, and ministers have always made those decisions.

On the basis of the unique body of evidence that we collect, we regularly give advice to ministers that is important and beneficial to the education system. Ministers then add to that advice their political and financial considerations—advice that they receive from other sources, such as

education authorities, teachers' organisations and others—before they come to a decision. The advice that ministers then issue in a circular, on subjects such as the curriculum, is just that. Our advice is varied by the minister's other considerations before it reaches the circular.

The circular contains advice to education authorities that have statutory responsibility for the curriculum and the quality of education in their schools. I imagine that education authorities want to think that they have a substantial input at that point in the process, in advising their schools on interpreting the advice that has come from the centre. Thereafter, individual schools interpret that advice in the light of their particular circumstances. When we come to inspect the provision that we see in individual classrooms, therefore, it is some way from our original advice.

Given that we then inspect the practice that we encounter, and report publicly on what we have seen, there is a helpful dynamic between the original policy advice and actual practice, which generates improvement in the system. It is not the case that the inspectorate evaluates inspectorate decisions. We do not take policy decisions.

Nicola Sturgeon: Much of the education bill is about partnership and the various strands working together. I am sure that we all agree that that is important. The inspectorate plays a vital role in that partnership.

However, the general secretary of the Educational Institute of Scotland said recently that the relationship between the inspectorate and the teaching profession had broken down. Do you think that there is any justification for that statement? Whether or not you agree with that view, if it is a common perception in the teaching profession, what steps will you take to repair the relationship? Is there an argument for a code of practice—similar to that for the inspection of education departments that is proposed in the bill—to be applied to the inspection of schools?

Mr Osler: I read the press release from the general secretary of the EIS, of course. I spent some time wondering how I might respond to a question on that. If I were a teacher writing a school report, I would say that this was disappointing behaviour. I deal with evidence in my job and the press release does not offer any evidence. If it were true, I would be concerned. However, this is not a new theme from that particular source.

The evidence on which I would rely is that just three weeks before the press release, my colleagues met the EIS, as we do on a regular basis, to discuss inspection arrangements and any changes that we plan to make, and none of those concerns were raised. In November, a month

before the press release, one of my deputies spoke, by invitation, to the EIS conference about inspection. At that time it was not suggested that there had been any breakdown in relationships. The willingness of both the EIS and the inspectorate to engage in such interaction indicates that relationships are not as bad as has been suggested.

At the end of every inspection a range of questionnaires are returned to us. Those have not indicated such a perception. Recently, to ensure that I had independent evidence about the way in which inspections were regarded, I commissioned an outside firm to undertake a poll of the views of chairpersons, teachers and parents in 90 schools that had recently been inspected. Although we got some helpful advice from that exercise, the negative perception did not come through.

We get letters from schools, thanking us for the agenda that has been set as a result of an inspection. All our reports show strengths as well as areas for improvement. The quality of the follow-up to the recommendations that we have made—that is considered within two years of an inspection report—suggests that schools find the process helpful. In the report of one of this committee's recent meetings, two directors of education told members that the statement that there had been a breakdown in relations was not true of their areas.

The EIS press release talks about unannounced inspections. Teachers tell us regularly that they prefer inspections to be unannounced. One of their senior elected officials has told us that it does not give them any problems. Perhaps there is a need for the EIS to consider the matter further.

In the past few weeks, we have had several meetings with the other bodies who have a legitimate interest in our inspections. Many of them have taken the opportunity to say that the press release did not reflect their view of relationships with the inspectorate.

It is inevitable that there will be times when the messages that we offer from our inspection evidence will be uncomfortable. It would be easy to give false comfort all the time, but that would not meet our responsibility to give frank and clear evaluations of the quality of pupil experience. We need a more mature response to uncomfortable messages. Our reports are not only for the teaching profession; it is important to reassure interested parents and members of the public that the education system is efficient and effective.

One could liken the general secretary's comments to an invitation to the inspectorate to become involved in a professional conspiracy designed to highlight strengths and to conceal weaknesses. That is not something that we would

do. Our inspection is about pupil experience and the quality of their education. In doing that work, I will continue to report what the evidence shows. Sometimes that is uncomfortable. In order to give a context for drawing attention to weaknesses, I have made it absolutely clear, publicly, that I believe that the education system is essentially robust and well able to correct the weaknesses that we identify. I do not think that they are earth-shattering weaknesses—it is well within the competence of schools to attend to them.

Nicola Sturgeon's second question was about the business of correcting that perception. However, as I do not share the view that the perception exists, I cannot offer a solution. If the perception existed, I would be concerned and would want to ensure that people were well informed about the nature of inspections.

Ms Sturgeon also asked about our code of practice. Ministers have taken the view that the code of practice is not necessary for school education inspections, largely because of the arrangements that already exist or that are about to be introduced. The Scottish Executive has set up a group made up of all the inspectorates in the Executive and I am chairing that group.

The group will produce a generic charter to define the scope of inspections and the approach that all inspectorates should take. Each inspectorate will have its own charter based on the principles of the generic charter. Our charter has been ready for some time. However, we are waiting for the publication of the generic charter to confirm and issue our own.

The charter will encapsulate what we already tell teachers at the beginning of inspections; we take time to ensure that they understand the scope and purpose of the inspection. We also publish our reports and that encourages understanding of the nature of inspection. Our guidelines are based on "How good is our school?", which schools use in their self-evaluation—there is a shared language. We are in the process of posting our inspection guidelines on the internet. There is so much information in the system that it already amounts to a code of practice.

Nicola Sturgeon asked about the accountability of the inspectorate. I do not feel unaccountable. On the contrary, a high level of public accountability is applied to the inspectorate. We are accountable to the National Audit Office, as are all public bodies. We are accountable to committees such as this one and to ministers in the education department. The civil service reviews us from time to time. We publish all our reports. We are putting ourselves through the European Foundation for Quality Management evaluation, to ensure that we apply to ourselves the standards that we expect from schools. We

are engaged in an extensive internal exercise called "How good is our inspectorate?", to make it clear that we take on board our own messages.

We are also accountable to the ombudsman and other forms of review. Furthermore, there is a complaints procedure, which is noted at the back of every report on every school or college. There are very few occasions on which people take advantage of that procedure. I presume that that says something about the quality of the relationships between schools and the inspectorate.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a question that was raised at the committee's previous meeting. There is no doubt that the representatives of local authorities that came to speak to us welcomed inspection and thought that it was a valuable exercise. In particular they valued the self-evaluation process that underpinned the exercise. Mr Dick could not tell me what the resource implications of the bill will be for HMI. Can you? Will the Executive have to spend more money or will HMI be stretched too thin?

10:00

Mr Osler: The bill requires us to inspect all 32 education authorities within a five-year period. That is a tall order. We consider that it would provide work for three inspectors. Reorganisation will help. We will not be involved in some things to the degree that we are just now, so only two inspectors would need to be appointed to deliver the necessary amount of inspections. That would cost about £120,000 annually. Without that resource, we would have to sacrifice an aspect of inspection—ministers must consider whether they want that to happen. We are trying to move to a generational cycle of school inspections, which would mean that every primary school would be inspected every seven years and every secondary school would be inspected every six years. There is a balance to be struck and ministers will have to consider that.

Mr Macintosh: Thank you for that very specific bid for money from the Executive.

The committee is concerned about performance indicators. Few people like being inspected, but I am more concerned about what is being inspected. A recurring complaint from teachers is that, often, the wrong things are being inspected. It might not just be HMI that is seen to be at fault, but there is a feeling that, when schools are judged, the wrong criteria are used and quality is missed out. I know that the performance indicators are under review but I would like to know how they will change and adapt. How will we be able to judge schools not just by crude measures, such as

numeracy and literacy, but by how much pupils gain from their education?

Mr Osler: The performance indicators that are encapsulated in the document "How good is our school?" were devised in discussion with schools and education authorities. They have been reviewed from time to time to ensure that they remain current. That process will have to continue. We will have to develop performance indicators that take account of the social inclusion agenda and new community schools. Each performance indicator has definitions that describe the quality that is expected before points are allocated. Those definitions need to be revised from time to time as well. The performance indicators are not written in stone.

The benefit of performance indicators is that they provide schools and education authorities with a common language when they are talking to each other. They also encourage a businesslike approach to self-evaluation, which can easily become self-congratulation.

Are performance indicators narrow? No. They cover all known aspects of school provision. Not only do they evaluate the curriculum provision, they evaluate the quality of its delivery. One of their most important subsections is the evaluation of the school ethos.

The view that you are expressing comes not so much from "How good is our school?" but from the target-setting exercise. I know that teachers felt that, because ministers chose to emphasise things such as literacy, numeracy and examination passes, other benefits of a good education were being ignored. One would have to respond to that concern by saying that literacy, numeracy and examination passes are important. Young people expect to attain those things, as do their parents. Only a school that pays attention to high-quality learning and teaching, that has good accommodation and resources, that considers the ethos of the school and that thinks carefully about the needs of individual pupils will be able to raise attainment. Teachers should be reassured that everyone who is involved in education provision and evaluation regards those broad factors as important.

Mr Macintosh: I accept what you say. However, I am concerned about the fact that the hard work and inspired teaching that is done in schools in low-achieving areas is not praised. The committee visited two schools in my constituency that are not top of the list of academic attainment but are excellent schools where inspirational teaching is to the fore. Does HMI recognise that such schools do not receive the appropriate recognition?

Mr Osler: I would ask for evidence that that is the case. I think that if we looked at reports on the

kind of schools that you are talking about, we would not find what you suggest to be the case.

In the past, I have been concerned that my colleagues might make too many allowances in such schools and not have the same expectations of high-quality teaching as they do in other schools. However, largely because of the introduction of performance indicators, I do not think that that happens now. We evaluate every lesson that we see for what it is. There are many schools of the kind that you refer to that have had outstandingly good reports. The target-setting exercise took account of the context within which a school operated and showed that many of those schools were doing exceedingly well by their pupils while other schools that should have been doing better were not. We are aware of the issue that you raise and we keep the matter under review.

Cathy Peattie: I am glad that the matter is being kept under review. Even the head teacher of Madras College said that he felt that performance indicators did not give a good indication of the work that is being done in schools and that they should reflect quality in a wider sense.

Mr Osler: There is an interesting debate to be had on that point. In my view, performance indicators offer scope to review the quality of anything that a school does. They cover issues such as the quality of learning and teaching, support for pupils, which is so important, the head teacher, and school ethos—the leadership of the school. It is difficult to say that there is no scope in the performance indicators for covering all those issues. Whether head teachers feel that they are given due prominence in the inspection report is a different issue, which I would want to ensure is addressed by my colleagues.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I want to explore two general points. The first is the communication from you to the minister—or the Parliament, depending on how you want to see it. It is proposed that you will have an overarching responsibility for inspecting the 32 authorities. However, although there are trends and principles in education that apply to all authorities in Scotland, there is regional variance—a point that I made at the previous meeting of this committee. The requirements and problems of a school in a rural authority such as Shetland are different from those in an inner-city school.

From your early answers—forgive me for putting this too simply—I get the impression that it is your job to take the message from the minister or the Parliament out to the schools and to test them on that basis. I want to find out what you think about the possibility of your taking back to the minister what you have seen or what has been put to you

by authorities. As was hinted earlier, some fine-tuning is required of the way in which pupil performance in schools is assessed. Some account must also be taken of the fact that a school is located in Shetland or the western isles, rather than Dundee, Edinburgh or Glasgow. Will you act as a conduit along which information can be communicated back to the minister and, ultimately, to us, so that we can fine-tune and tweak the system? Without that, we will have a problem.

Mr Osler: I do not see it as our role to take the message from the minister out to schools. If the minister has issued advice to education authorities, it is our job as Her Majesty's inspectors to evaluate the quality of provision that results from that advice. However, it is not our role to take out the message in the way that you describe.

The introduction in 1983 of reports on individual schools was very important—the reports are publicly available and they make absolutely clear what difficulties schools in different parts of the country face. That evidence is collated and channelled into further advice to ministers. From time to time, I also draw the minister's attention to particular school reports. There have, for example, been cases where poor accommodation was detracting from the quality of education. The publication of reports gives us an opportunity to take back such messages to ministers. A useful dynamic has emerged, which involves ministers receiving and taking account of policy advice, and then examining the practice that has emerged.

Mr Stone: Secondly, I would like to explore the role of community education. In my former incarnation as a councillor, I had cause to visit Balerno, where there is a superb example of a community school and where community education is embedded in the management structure. No one will contradict me when I say that provision of community education in Scotland is patchy and that it is not a creature of cast-iron statute. One criticism that I have heard made of the bill is that it does not do enough to regularise community education and put it on a firmer footing across Scotland. Given what you said about community schools, I would be interested to hear your comments on community education. Do you perceive the lack of provision for community education as a weakness of the bill?

Mr Osler: I regard community education as extremely important. I had the opportunity to chair a ministerial committee that produced a report that was intended to review and redirect community education. That is a sign of the seriousness with which the inspectorate and I take this issue. The bill that we are considering is about schools. I imagine that ministers intend to deal with

community education in some other way, although I cannot speak on their behalf.

Mr Stone: I am not asking for you to speak on their behalf; I am asking for the opinion of HMI.

10:15

Mr Osler: In evaluating the improvements to the system that it is hoped this bill will bring about, it will be important to assess the extent to which schools and others take into account the community education agenda. A similar point could be made about community planning—if community plans do not include reference to school education, they will be that much weaker. This bill is about schools and I hope that it will create considerable opportunities for improvement in the quality of school education. However, I view the links with community education and other professionals as of key importance to what a school can deliver. Clearly, ministers have taken the view that the bill should not cover this issue, but that does not reduce its importance. It would certainly not reduce the attention that we would give to it when inspecting a school.

Mr Stone: Do you accept that there is low morale in community education across Scotland because of the lack of certainty about where the service is going?

Mr Osler: I might have accepted that view 12 months ago. However, at their recent annual conference, I suggested to community education managers that at last the agenda had come to the door of community education workers.

Given the emphasis on social inclusion and the clear recognition that community education has a great deal to contribute to that, the morale of community education workers ought not to be low. They should ensure that they are the people to deliver much of the social inclusion agenda, instead of assuming that they are being sidelined. Community education managers should take the view that there is something for them to grasp here. If I were a community education worker, I would feel that, because of the social inclusion agenda, this was the first time in years that my professionalism had been recognised as important.

Whether the community education structure is in place across Scotland to take advantage of the current situation is another issue. Mr Stone referred to the patchiness of provision.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): You said that the inspectorate was not taking out a message from politicians and imposing it on schools. Although you said that you acted under Her Majesty's warrant and that you were independent, there is a feeling among

teachers that the inspectors are, in a sense, Government agents who are setting the agenda.

I am interested in the relationship between the inspectors and bodies such as the Scottish Qualifications Authority. Was it your idea to set up testing regimes of the sort that we have? Was it your idea to recommend that there should be more target setting in the first two years of school? How do the inspectors view the consultation on higher still and the fact that some of the real concerns about higher still that were expressed at meetings between inspectors and teachers were not taken on board? The relationship between inspectors and teachers is pivotal. I have been at the wrong end of inspections, but I have always found them a positive experience; I do not think that trust has broken down. However, the involvement of the inspectorate in a semi-political area makes people uncomfortable.

Mr Osler: I realise that there is a perception that we are regulators. I know that things do not work in that way, but communicating that is clearly important. We are not regulators. It is not our business to go out to schools and tick off that they are implementing five to 14, for example. That is not our job at all; it would compromise our professionalism and our independence because five to 14 might be abolished by the next Government and we would then have to tick the boxes to indicate whether each school had accommodated the next piece of advice.

Ian Jenkins: Ticking boxes is what I do not like about five to 14.

Mr Osler: Perhaps I should not have used that phrase. We are not regulators in that sense, but that perception is common in relation to five to 14. Five to 14 embodies national guidance, which practitioners and others considered to be a reflection of best practice. The groups that drew up the guidelines largely comprised practising teachers and those guidelines were widely consulted on. One would therefore assume that five-to-14 guidelines reflect best practice; in inspecting a school, the inspectors would normally assume that those guidelines are what the school will be working to. However, it is open to schools or education authorities—given that they have statutory responsibility for the curriculum—to decide that the five-to-14 guidelines are not a reflection of best practice and to vary them. As I said, our responsibility is to evaluate the quality of the experience of individual pupils. It would not be a problem if that experience were of high quality without five to 14. We do not feel that the school must be told to use five to 14.

Most of the time, one would expect that schools will use the national guidance, as it embodies best practice. However, we would certainly not assume that that is the only way of delivering high-quality

education. Unlike any other organisation in Scottish education, we have access to many sectors of education. We cover the whole country and we publish our reports, so it is inevitable that the influence of our reports will be extensive. That is why it is important that ministers have recognised in the response to the consultation that we should be able to publish our reports free of ministerial influence. Never in my experience has any minister sought to intervene in the publication of any of our reports.

Ian Jenkins mentioned S1 and S2. I think that most practitioners would agree that there is something not quite right about S1 and S2. The inspectorate has never prescribed what S1 and S2 should look like. It would be inappropriate for us to do that, but it would be good for HMI to take part in a debate about it. When we published a report on S1 and S2, we gave advice on how existing guidance and structures might be improved. We drew attention to the fact that they needed to be changed more radically, but we did not give a prescription. That is not our role; it is for the profession as a whole to take a view on the issue.

Ian Jenkins also referred to higher still. I have been involved in the standard grade development programme, in five to 14 and in higher still. Higher still has been consulted on more widely than any of the other developments. In any development, there will be some people who feel that their advice has not been taken on board. I suggest that higher still reflects the majority view of the profession.

Ian Jenkins: You know that I have reservations about the English higher still, but I will not go into too much detail.

I remember that, in one school, a local decision had been taken that French was not compulsory in fourth year. An inspector of modern languages stated strongly that all the pupils should be doing French and said that it was every pupil's birthright to have a second language.

Mr Osler: I will respond to that example. This debate is helped by specific examples, because they provide evidence. The shared view at that time was that the best curricular experience indicated that pupils in S3 and S4 should all have a modern European language. That view was embodied in a department circular, which had been agreed by all the education authorities. It would be interesting to know whether the education authority in that area had agreed that a school could opt out from guidance, which would be its responsibility. It is HMI's responsibility to draw the attention of parents to the fact that what is regarded as the best advice nationally is not being applied in a particular school. We would be wrong not to draw attention to that. What happens about it is a matter for the school and the

education authority.

Fiona McLeod (West of Scotland) (SNP): I will ask you about an issue that I—and many other people—think is fundamental to school education, especially secondary education. The bill will not do this, but I believe that the school library service should be a statutory service. I believe that the service is vital in equipping pupils with the transferable skills that they need for lifelong learning. At the moment, 85 per cent of secondary schools have a school library with a qualified librarian. Can you tell me how many of those libraries HMI inspects? What guidance does HMI use when inspecting them? If HMI does not inspect every school library—especially in secondary schools—would making the service a statutory provision ensure that they were inspected along with the school?

Mr Osler: We would approach that from the view that it was essential that all pupils in secondary schools had adequate access to the facilities that a library provided. If those facilities were missing, we would certainly be drawing attention to that, as it would have an effect on the quality of what was being offered in English and in other subjects. The facilities are part of the resources available in schools and we would be interested in their presence or absence. We would be seriously concerned if a good supply of books and other material were not available to pupils.

If the service were statutory, that would make a difference to the impact of any recommendation that we made about the fact that pupils had to put up with an inadequate library. We could make a recommendation to that effect and follow it up within two years, as we do with all our recommendations. We do not currently have powers to go beyond making a recommendation, so an education authority could choose not to act on that recommendation. If we had powers to inspect the education authority, what you are talking about would become a factor in the process. Therefore, if the service were statutory, that would make a difference to the impact of the recommendation. We certainly want all pupils to have access to adequate library facilities.

Fiona McLeod: I asked two specific questions. Does HMI include an inspection of the existing school library in the inspection of a school? When HMI inspects a school library, what guidelines does it use?

Mr Osler: I can make the detailed information on that available to you. The inspector who is inspecting the English department would usually inspect the school library. That is not because we believe that books are required only for English, but because there must be somebody who has responsibility. Before making recommendations, the inspector would meet the librarian and talk to

them about the job, the way in which the library was resourced, the way in which the management of the school included the librarian in decisions and the way in which pupils were allowed to use the library. There is a performance indicator on the use and availability of resources. If the library was not available, or was available but was not being properly used, that would also emerge from an inspection report.

Fiona McLeod: I am concerned that you have not mentioned the Convention of Scottish Local Authorities' standards for school library services, which were issued last year. I hoped that the inspectorate would have taken those on board and started using them by now as part of the inspection process. I am concerned that you—as chief inspector—keep referring to English departments and books. The library service is actually an information and library service. Perhaps for that reason we need to make library provision a statutory responsibility.

10:30

Mr Osler: Of course. I suspect that I have been undervaluing the contributions of other members of the inspection team. It is important that somebody has clear responsibility for library provision, otherwise it is likely that there will be none. We would not say that the use of books should be a feature only of English departments. It is open to any inspector to visit a library in the course of determining the availability of resources for English departments. I know that many inspectors do that—I did when I carried out inspections.

Nicola Sturgeon: I would like to go back to a statement that you made earlier, which I found a wee bit difficult to grasp. You said that it would be okay with HMI if authorities or individual schools were not implementing the five-to-14 curriculum as long as the quality of the education being provided was satisfactory. We have been given a submission by the education department on Steiner schools and the possibility of their coming into the state education system. Something in that submission jars with what you have said in a letter to the committee, which states:

"HMI will not recommend that the school changes its basic philosophy, although they will identify those areas where provision is not in line with recommended advice."

Do you concede that your statement is highly theoretical and would not be recognised by authorities, schools or teachers in Scotland? The view in schools is that the five-to-14 curriculum is, to all intents and purposes, compulsory and must be implemented regardless of the fact that—and this is not an exaggeration—many teachers think it is overcrowded and its balance is incorrect.

Mr Osler: There is a wide perception that although the five-to-14 curriculum is advised and not statutory, all schools will implement it. A number of education authorities are, as members know, examining variations on it. That is entirely within their rights.

I do not think that there is a contradiction between what is in the letter to which you referred and what has been said about Steiner schools. The guidelines are, as I said, not written in stone, but they reflect most practitioners' views of current best practice and of what is best for children in that age group. Given that the guidelines are national advice, it is reasonable that we draw attention to any occasion when departure from them means that pupils are getting a worse education. If departure from the guidelines means that something more effective is being done, I hope that we draw attention to that also, because that would become an example of good practice.

Nicola Sturgeon: If the bill is enacted, the sphere of inspection will include HMI inspections of education authorities, HMI inspections of schools, local authority reviews of schools' performance, self-evaluation by schools and assessment of best value. I am not suggesting that there is such a thing as too much inspection, but are you satisfied that all those different tiers of the inspection process will be complementary rather than merely overlapping?

Mr Osler: They must be complementary, otherwise the process will result in a gross overburdening of schools. We must ensure that schools do not spend so much time being evaluated that they are left with no time in which to teach—that would be quite inappropriate.

The external inspection by HMI and self-evaluation are entirely complementary because the fact that schools have taken so well to self-evaluation has enabled HMI to conduct less inspection. We are now able to have much more effective and efficient inspection of schools because they know so much more about themselves than they did 10 years ago. Then, no systematic evaluation was done by schools and we had to start our process at an earlier stage. Those two elements taken together have turned out to be an efficient inspection system.

I also hope that the business-like practice of self-evaluation will bring about savings in schools—they know what they are planning and they can, therefore, direct their resources efficiently.

Nicola Sturgeon mentioned best value. It is important that the inspection of education authorities relates to best value. Such inspection is not the same as an assessment of best value and it does not replace it; it is complementary to it. As

members know, we have been discussing with the Accounts Commission for Scotland and those in the Scottish Executive who know about best value how all the elements will relate to one another. The point is well made; we must ensure that they are complementary and that each takes account of the others. In that way we will be able to ensure that we do not do anything twice and that if a school provides information once, that information is not asked for a second time. We will continue to monitor that.

Ian Jenkins: Teachers often say that they are overburdened with bureaucracy and administration. Do you see any ways round that, such as the bumf-busting ideas that Donald Gorrie comes up with? Do you have an overview of the levels of morale in teaching? Have you ever had to tell ministers that the system is under strain and is creaking because teachers—for various reasons with which we might or might not agree—are unhappy?

Mr Osler: At one time, inspection was very burdensome for schools. As I said, at the end of inspections we gave out questionnaires that reviewed the nature and impact of the inspection. We ascertained from responses that we were asking for too much in advance of the inspection. Schools, knowing that they were to be inspected and that a report on that inspection would be published, would give us information that we had not asked for. We have had cars arrive at our offices with boot-loads full of information. I can understand why. Because of that, we have reduced dramatically the amount of information we request in advance from schools. We have also made it quite clear that if we stumble across a need for more information, we will ask for it then.

We have also reduced considerably the amount of notice of an inspection that we give to schools. Part of the problem was that we told schools about inspections too far in advance, which gave them too much time in which to become concerned about the inspection. Their response was to give us too much information.

Ian Jenkins also asked about the broader issue of administration and paperwork in classrooms. I do not think that teachers are asked to do very much in the way of administration or recording that does not need to be done by somebody. I do, however, believe that a great deal of it does not need to be done by teachers—it takes them away from teaching. That is why we worked with the Accounts Commission for Scotland on the publication “Time for Teaching” which reviewed thoroughly the kind of activities teachers are asked to undertake and took a view on whether they should be done by teachers. It provided advice that was designed to free teachers to do what they are good at—teaching.

There is an issue about that and we have opportunities to relay views on such issues to ministers. Those views are important and are based on our extensive knowledge of schools. We make ministers aware of the implications of such issues and reports such as “Time for Teaching” are available to ministers as well as to the public.

The Convener: Do any members have quick questions?

Karen Gillon: Our discussion with education authorities revealed that consultation with parents and—in particular—pupils on inspections was patchy and depended on what was already happening and what could be implemented. Can you tell us what consultation takes place with parents? If HMI examines the experience of pupils as an educational outcome, how is that done and how can the process be improved?

Mr Osler: We take that seriously. I am not sure about being patchy—we do the same thing in every inspection, so it is not patchy in that sense. What worries us is whether we always get the views of all parents.

At a more strategic level, from time to time, we meet bodies that represent parents to discuss changes to inspection and their views on how an inspection has been carried out. I said that I have commissioned an independent firm to review experience of inspections in 90 recently inspected schools. We found out, through that review of experience—which included focus groups of parents—that parents found the reports useful. They had known about the inspection and had understood what it was about. Parents’ views about an inspection changed—they became a great deal more positive—between being told that it would happen and seeing the report.

In individual school inspections, we issue a questionnaire to a sample of parents at the beginning of every inspection and invite all other parents to complete the questionnaire, should they wish to get one from the school or from us. The responses to that come directly to us—there is no intervention by the school. We summarise those responses and take account of them in the inspection. Each inspection team includes a layperson, who takes a particular responsibility for considering both the way in which the school relates to its parents and the responses to the questionnaire.

At the beginning of all our published reports on schools, we summarise the views of parents. We do not necessarily agree with parents’ views—we have to make up our own minds—but the questionnaire gives us an opportunity to respond to parents’ concerns. Sometimes, we will agree with parents that there is, for example, a safety issue, and we will make a recommendation on

that. At other times, we might reassure parents that their fears are unfounded.

At the end of some inspections, after the report has been published, we give a questionnaire to a number of parents, asking them whether they found the report readable and useful, and whether it seemed to describe the school they know so well.

We do not have a meeting with parents, although we have discussed that. The lay member of a team can talk to groups of parents. We do not advertise meetings publicly, partly because we have been unsure whether meetings would be any more helpful in getting at the full body of parents than a questionnaire. In some ways, the questionnaire is more likely to elicit helpful comments from parents.

During primary and secondary school inspections, we ask groups of pupils—selected by us—about the quality of their school experience. During our classroom observation, we talk to pupils about the work they have been doing and we look at examples of that work, which means that we not only see what happens in a day, but what has happened in the preceding weeks. Pupils are very much a part of the inspection; they would have to be, because they are the focus of our activities.

In our unannounced care and welfare inspections, we ask pupils to fill out a questionnaire entitled, “What is it like to be a pupil at your school?” I do not pretend for a moment that we have necessarily reached the ultimate and effective consultation with pupils and parents. We take it seriously and spend a lot of time on it, and we will continue to take on board any ideas that people have to make it better.

Karen Gillon: Would it be possible for us to have a copy of the standard questionnaires?

Mr Osler: Of course.

Karen Gillon: Do you have any plans to discuss with Save the Children, which was consulted on the bill, how it can advise you on your consultations with pupils in the inspection process?

Mr Osler: The consultation of pupils in relation to the bill would not really be a matter for us. However, talking to groups of pupils about inspections is core to our main business.

10:45

Fiona McLeod: Do your inspectors receive any specific training on talking to and eliciting the views of young people, especially primary school pupils, who are particularly young? Save the Children has the specialised ability to do that. It is

all very well saying, “We got down on our hunkers and we chatted to them,” but are you eliciting the information that you need? Are you training your staff in doing that?

Mr Osler: We do not give specific training on talking to children, although I see no reason why we should not seriously address the issue. However, all the people who undertake it are trained and experienced teachers. Over many years, they have become very effective in their contact with young children. They are also, professionally, experts on how children learn and relate. There is something built into their professionalism; however, the idea that that should be topped up from time to time, perhaps as they get further away from a classroom situation, would be acceptable.

Fiona McLeod: What about people who are inspecting pre-school?

Mr Osler: Those who are inspecting pre-school have extensive experience of pre-school. We are not taking people from further education colleges and pushing them into pre-school; they are all experts with a lot of experience. Their experience when they join us is not such a problem; as time goes on, we should perhaps refresh that experience. I am happy to take that on board.

Mr Macintosh: Something Fiona McLeod said reminded me that the last sentence in the General Teaching Council for Scotland’s submission on the bill says:

“In addition it holds to the view that as a token of credibility and professional solidarity all members of Her Majesty’s Inspectorate and of the Education Directorate should require to be registered.”

What is your view? Do you think that you should require to be registered with the GTC?

Mr Osler: All of us would be eligible for registration; many of us have been registered in the past. It is not an issue that I would want to fight in ditches about, but we are not employed as teachers in schools. The requirement really relates to the employment of people by education authorities and independent schools, rather than by us, although we would not employ someone who was not registrable with the GTC, because they would not have the expertise that we are looking for.

The Convener: On that note, I shall draw this part of the meeting to a close. I thank Mr Osler for his clear answers to our questions and for spending time with us this morning.

I suggest to committee members that we have a five-minute break while we bring in the witnesses for the next section of evidence.

10:47

Meeting adjourned.

10:59

On resuming—

The Convener: I repeat my earlier request for the benefit of those who have just joined the meeting and who have mobile telephones—please switch them off. One interfered with the speaker system during the break—we know who was responsible.

I welcome members of the General Teaching Council who are here to give evidence. Mrs Watson will introduce her team—[*Interruption.*] Witnesses do not have to press the microphone buttons, as we have someone who does that for us. It is a very good system.

After Mrs Watson has introduced her team, she will make a brief statement to the committee, which will be followed by questions from members to the witnesses.

Mrs Norma Anne Watson (General Teaching Council for Scotland): Thank you. We have had a change of plan this morning—the registrar will make the introductory statement and then we will speak about various matters.

Dr Ivor Sutherland (General Teaching Council for Scotland): Thank you, convener.

First, I will introduce the GTC team. My name is Ivor Sutherland and I am the council's registrar. On my left is Norma Anne Watson, who is the council's convener and on my far left is Professor Gordon Kirk, vice-convener and dean of the faculty of education at the University of Edinburgh.

I realise that we are limited to two minutes for our introduction, which is not a lot.

The Convener: That is okay—we will be a bit generous, so you should not worry.

Dr Sutherland: That is good—flexibility is the order of the day.

We welcome the opportunity to meet you, convener, and your colleagues on the committee.

In our view, the Standards in Scotland's Schools etc Bill is important for standards in Scotland's schools and for the future growth and development of the GTC. We look forward to a robust, stimulating and interesting exchange of views on the bill.

While we are pleased with many parts of the bill, members will not be surprised to learn that we are disappointed with some aspects of it. We have five principal areas of concern and I imagine that they will emerge in the cut and thrust of the debate that will now follow.

There endeth our brief introduction.

The Convener: Thank you. I open the discussion to members of the committee to ask questions.

Mr Macintosh: Your submission makes a point about the balance on the council between teachers and appointed members. Your worries have not been taken on board—are you happy with the balance?

Mrs Watson: Teachers are gravely concerned about the teacher majority of one, given that the GTC is independently funded by teachers. Every teacher pays £20 a year, whether they are a head teacher, principal teacher or classroom teacher. If a teacher is absent from a meeting, for whatever reason, all matters relating to education will be decided without a teacher majority. That anomaly is not reflected in the composition of the various teaching councils that are being established. We wish to highlight that issue.

Mr Macintosh: You made the point that one cannot always have a majority on a committee, no matter what one might prefer, which is something that we might find. Do you find that, when you are discussing matters, there is a split between teachers and non-teachers?

Mrs Watson: No. It is a great pity that the non-teachers on the GTC are not here today. However, perhaps they will have that opportunity in future.

Anyone who observed a meeting of the GTC would not be able to tell who is a teacher and who is not, because, once we are around the table, we are professional people. We are there to discuss educational matters—there is no difference between the teachers and the non-teachers. Obviously, there is a difference in terms of expertise, but when we come together there is an understanding of education, a demonstration of professionalism and non-teachers show great respect for the views of teachers. That approach is right and proper not only for the GTC but for the British Medical Association or whatever.

Dr Sutherland: At present, we have three kinds of committee: statutory committees, which we must have; standing committees, which it is clearly sensible to have; and ad hoc committees, which we establish every so often to deal with particular issues that emerge.

The membership of statutory committees is fixed, and the majority of their members are teachers. Standing committees are also made up of a majority of teachers, but we have a good track record of co-opting other professionals who can bring particular expertise to bear on our discussions. Indeed, some of our ad hoc committees do not have teacher majorities, so there is mixing and matching. However, the

principle that there should be a clear overall teacher majority underlies the establishment and self-regulation of the council.

Mr Macintosh: Why should teachers have a majority on committees if there is very little difference between the views of the teachers and the appointed members?

Professor Gordon Kirk (General Teaching Council for Scotland): It was intended to be a mechanism for self-regulation. No other comparable body—for doctors or lawyers, for example—would claim that their council or professional body should consist only of members of that profession. There are many stakeholders.

However, it is important that members of the profession feel that they own the General Teaching Council. That body would have no credibility if there were only two or three teachers on it, although we have asked a few questions about the precise arithmetical calculation that ensures tokenistically that teachers have a bare majority on the council.

Although the teacher majority looks a bit niggardly—as if there is not the kind of trust that the community ought to be prepared to invest in its teaching profession—nobody would claim that teachers should have such a majority that other vital interests and bodies did not have a say. It is a question of balance.

Mrs Watson: For further clarification, if non-teachers are unsure of any matters, they show the proper respect and ask the pertinent questions of teachers. When I say that there is no obvious difference between teachers and non-teachers, I mean that there is respect for each other's views. No one could pick out the teachers and non-teachers in a group.

Dr Sutherland: There is also a recognition that the council derives much strength from the wide variety of views that it encompasses. The whole educational community—not just the teaching profession—is included. As Professor Kirk pointed out, we have never said that there should be an overwhelming teacher majority; however, there should be an obvious majority. Although input from local authorities, universities and Churches gives the council its breadth, depth and clout, the principle of self-regulation means that there should be a teacher majority, but a majority of one is a bit narrow.

Mr Macintosh: I just wanted a sense of the feelings on that issue.

A key section of the document is about changes to your disciplinary powers and procedures. Are you happy with the general thrust of that?

Dr Sutherland: Yes. It reflects what we have been suggesting for many years. In the past, we

have been concerned that we have never had a sufficiently wide range of sanctions available to us to dispose of a case. Until now, members have either been registered or deregistered. Although there was the opportunity to defer consideration of a case for up to two years, the disciplinary options were pretty draconian. There were cases in which something needed to be done, but in which striking off a member was too savage an option. As a result, we welcome the extension of the range of sanctions.

Mr Macintosh: Is there a perception within or outwith the profession that there are many bad teachers out there?

Dr Sutherland: No. The committee should remember that our powers end with probation, except in cases of misconduct. We have had no involvement in cases regarding continuing competence. Our perception is that, although there are not hordes of hopelessly incompetent teachers out there, there are some, and it would be silly not to recognise that fact. I first wrote a letter about the issue in 1989 and, as a self-regulatory profession, we have been pushing for more than 10 years to sort out the small minority of teachers who do not reach an acceptable standard.

Professor Kirk: I want to reinforce that point. There is a clear anomaly in conferring on the GTC the entitlement to remove someone from the register on grounds of professional misconduct. The council has been exercising that responsibility fairly and clearly; teachers have full legal protection and the step is taken only after due process. However, the authority of a professional body is undermined when it does not have the power to remove a member who, given all the support to which teachers are entitled, still does not attain a basic level of competence. Pupils in schools need to be protected from such teachers.

Over the years, there has been a sense that the GTC was meddling in other people's business—that the council was not the employer, which had the responsibility for dismissing teachers. We draw a distinction between dismissal and removal from our register and we think that the proposals in the bill make sense. After due process, it would, regrettably, fall to an authority to dismiss a teacher in the interests of the education service. It should not be possible for such a teacher to get a job in a neighbouring authority; such a matter would come before the council, which—again after due process—would judge whether that teacher should be entirely removed from the council. Although that measure alone will not solve the problem of how to enhance the quality of education, it is unfair that the children of Scotland do not have such protection. The bill will offer that protection.

The GTC is well aware that it has no locus with

regard to dismissal and there might be cases in which the council would take a different view from that of an education authority. The standard of proof will vary, which will be awkward for some people; however, there is no doubt that a professional body should have that kind of authority.

Dr Sutherland: As a tailpiece to that, the climate surrounding continuing competence has changed substantially over the past 10 to 30 years. People's attitudes have shifted and parents are not prepared to put up with teachers who are not doing a proper job in the classroom. Furthermore, the attitudes of head teachers have also changed. Resources are so tight that head teachers cannot afford to carry a teacher who is not performing properly or doing the right job. Most important, as Professor Kirk said, the profession does not wish to be embarrassed and humiliated by the small number of teachers who are not up to the job.

I would like to stress that we are talking about a very small number indeed. Also, the General Teaching Council's track record is very good and robust. It can stand up to the utmost scrutiny on probation and on all other matters. It should be scrutinised—teachers should regulate teachers. That is right and proper, and that is why we welcome the powers in the bill.

The Convener: I will come back to Kenneth Macintosh if he has any more questions, but there are some more people whom I would like to bring in.

11:15

Nicola Sturgeon: There is an overwhelming argument for saying that, if a teacher is dismissed, the GTC should have a role in determining whether the reasons for that dismissal constitute incompetence and should lead to deregistration.

I would like to probe this from another angle. Although the bill would extend the jurisdiction of the GTC into cases of professional incompetence, the GTC's role would still be dependent on the local authority first having dismissed a teacher. Therefore, although we all accept that we are talking about a small minority, if there is a problem with a teacher and the local authority does not or cannot take action to deal with that—and if one was being cynical, one would say that that was all too common in Scotland—the GTC does not have a role and cannot get involved. Do you think that the bill should go further and give the GTC a more proactive role without the local authority first having to dismiss the teacher? That role could allow it to get involved earlier to help with preventive action, or allow it to act if parents or other bodies expressed concerns about a

teacher?

Mrs Watson: We welcome that question. We want to be involved as early as possible. The earlier the GTC can be involved, the better it is for the teacher and for pupils' education. We would welcome that, but there might be a dilemma if there were tensions between the local authority and the GTC. The GTC should in no way be used as a rubber stamp—that would be quite wrong.

Dr Sutherland: A compromise has emerged in the bill. For 10 or 12 years, we have been saying that there is a problem. We have emphasised how tiny the problem is, but have accepted that it is there. We thought that we should be the organisation that had its powers extended to deal with the problem because—to be honest—the track record of the education authorities has not been especially good. There has been tension between us, as a professional body, and the authorities because of their right to manage the system and to manage the teachers.

We thought that that extension of power should be along precisely the same lines as the current system for dealing with misconduct. It seemed to us to make complete sense that a system that relates to competence should exist in parallel with the system that relates to conduct. That would give us the opportunity to intervene earlier. It would mean that an authority or a school that had identified a developing problem could come to us and we would take over in a supportive and non-threatening way. It would also give parents, teachers and anybody else an opportunity to comment.

I repeat: what has emerged is a compromise between the competing interests, pressures and demands of, on the one hand, the authorities with their right to manage and, on the other hand, our body and its professional role. The compromise might work but, as has been pointed out, our role depends entirely on the authorities taking action. If the authorities do not move or change the way in which they operate, the situation will remain unchanged. In light of the modified climate to which I referred earlier, that would be a pity.

Ian Jenkins: Your remarks and the area that you are covering bring us back to where we started: teachers should be the ones to do the judging, because for teachers to feel that the system was not driven by their colleagues would be damaging. Do you envisage the council employing advisers or mediators who would help teachers in difficulty?

Dr Sutherland: We have a well-developed system for dealing with misconduct. It works. The statistical evidence shows that we have a good record in dealing with cases of misconduct. I hope that we will have a similar system for dealing with

incompetence. We have access to a QC who ensures that we are never ultra vires. We have our own solicitor who keeps us right. Depending on what happens with the bill and where it all ends up, we will revamp our committee structure and, in parallel with that, we will revamp our staffing arrangements. We cannot think ahead to what new statutes there may be—it is too early—but we are thinking of having at least one professional officer who will deal with issues of competence.

Professor Kirk: It is important that the GTC is not drawn into doing a kind of Advisory, Conciliation and Arbitration Service job when a teacher and an employer have fallen out. That would compromise the GTC's position when it came to taking appropriate disciplinary action, and would interfere to a significant degree with the legitimate authority of the employer.

We cannot stop people from writing to the GTC. If we were to get half a dozen letters from parents at a single school, the proper way for that to be handled would be for it to be referred to the body that is responsible for the management of the school. What is proposed in the bill is undoubtedly workable. It respects the distinction that we have drawn between dismissal and deregistration. However, there has to be a clear line drawn between the authority of the GTC and the legitimate authority of the employer.

Mrs Watson: I would like to repeat a point that the registrar highlighted in his introduction. The burden of proof for us at the GTC must be as robust as that in a court of law. That is not the case at the moment for the local authorities; but it has been and will continue to be the case for the GTC.

Dr Sutherland: Parents' views have changed and, quite rightly, they are not prepared to tolerate shoddy performance. They expect a body that is charged with the regulation of teaching to be able to comment on incompetent teachers. It is frankly an embarrassment at the moment if I get letters—sometimes shoals of them—from parents about Miss X, Mr X or Mrs X, who is not doing the job properly, and I have to reply, somewhat lamely: "I am sorry, but we do not have any powers to deal with that. You will have to refer this to the local authority." They then reply: "We have done that for the past five years, and Miss, Mr or Mrs X is still there." It may be that if the compromise that has emerged works—and, with good will on both sides, it can work—it will go a long way towards solving the problem. It will depend on the local authorities.

Nicola Sturgeon: I seek clarification on something that Professor Kirk said, and which Dr Sutherland has gone some way towards clarifying. In a situation where you receive complaints about a teacher from parents, fellow teachers or

whoever, and the view of the local authority is that the complaints are not justified and that it is happy with the teacher, should you still have the power to investigate—not behave like ACAS, but simply investigate—those complaints to determine whether they are justified? For example, if there is a complaint against a lawyer, and the lawyer's employer says, "The complaint is completely unjustified and we are standing by the lawyer", the Law Society will still investigate. Should you have a similar power?

Dr Sutherland: In an ideal world, yes. Of course, these matters are pursued in a collaborative way. Normally, my action upon receiving a complaint, whether about conduct or competence—and sometimes it is difficult to see on which side of the line complaints fall—will be in a spirit of partnership and collegial responsibility. I will go to the authority and say: "I have a bunch of parents complaining. What's the story?" Out of that usually will come some form of action.

If the bill is passed in its present form, I will not be entitled to do anything other than say, "Look, I am terribly sorry, but you will have to take up your complaint with the local authority." We would like to be able to intervene at an early stage, and to respond to legitimate, well-attested and robust representations from parents, or even schools, because the bill states that representations must come from an authority.

Mr Brian Monteith (Mid Scotland and Fife) (Con): It strikes me that you are asking to be given a status similar to that of the Law Society or the General Medical Council. If someone were to undergo a brain operation, and they were not happy with their neurosurgeon, they could take up that matter with the GMC. Or, as Nicola Sturgeon said, if someone was unhappy with their lawyer—which could be a local authority lawyer, because local authorities employ lawyers—they could go to the Law Society. There seems to be no difficulty for local authorities which employ lawyers and know that the Law Society can strike them off.

In a nutshell, it seems that by having the powers that you are seeking you are asking to be elevated to a status similar to that of the Law Society. If that is the case, is it your opinion that that would help to elevate the teaching profession to the same standing as—avoiding cynical jokes—lawyers, accountants and other professionals?

Dr Sutherland: I hope that that will follow in due course. That issue is being addressed by the McCrone committee. The matter is not as complicated as you suggest. We have powers to consider misconduct at any stage in a teacher's career. We have been doing that for 30-odd years, and we do it fairly well. We are told by those in other professional bodies that our track record is better than some; for example, it is better than the

GMC's.

All we are asking is that we get precisely the same powers with regard to competence that we have in respect of conduct. That is the argument at its simplest, and it does not seem to be unreasonable. There has been no suggestion that our work on misconduct has interfered in any way with the managerial responsibilities of the authorities, so why should it do so in relation to classroom performance?

Professor Kirk: It seems that lying behind that question is an interest in how we see the GTC enhancing the standing of teaching as a profession. The models that we have are the GMC and the Law Society. It is interesting to note that Scotland has had its GTC since 1965, and we constitute the model for half a dozen countries. South of the border, they have learned from our example, but they have come up with a body that falls well short of the aspirations that we have.

11:30

One might ask, looking back over the past 30-odd years, in what ways teaching as a profession has been enhanced by the presence of a body like the GTC. To be honest, I find that question difficult to answer. I would like to say, what would have happened had there not been a GTC? It is a body that has had a key role in admitting people to the register of teachers, and has played a major part in determining the quality of the educational experience of people who train to become teachers, up to the point of final registration. Thereafter, unless there has been serious professional misconduct, the GTC has not had a role.

The bill is an effort to enhance the quality of education in Scotland. It is appropriate that a section of the bill deals with enhancing the standing of the teaching profession, because none of the objectives that the Executive has for itself, or which are set out in the bill, are achievable without the efforts of teachers.

Clearly, we need to do everything that we can to have a profession that is well motivated and well rewarded, and that is doing the kind of job that the community expects of it. One of the key things that we see the council doing is acting as the voice of the teaching profession. If it is to do that with credibility, the council needs to have all the powers that comparable bodies have.

Obviously, that will not happen overnight. We see belated attempts to put in place arrangements for continuing professional development, which in our view are well short of what is needed. We may have an opportunity to speak about that. We need to ensure that the GTC has the clout that other professional bodies have, so that it embodies the

aspirations of the community as well as the aspirations of teachers.

What do you do about those who disgrace the profession? Undoubtedly, we should have a fair mechanism for ridding the profession of them. However, it would be a mistake to invest too much attention in that, because although its contribution to quality is important, it is small. There are many other things that the GTC needs to do.

Mrs Watson: Those comments raise a couple of our other concerns that I hope we can address later, such as empowerment, voting constituencies and the reserve powers that you may or may not have regarding the composition of committees. I do not know if you want to move on to those matters now, but they represent a number of our other important concerns that the registrar mentioned in his introduction.

The Convener: We may come back to that.

Mr Monteith: I am happy to move on to the issue of committees if there are no other questions.

The Convener: We have another question on the topic that we are discussing at the moment, but I will come back to you.

Karen Gillon: I am interested in exploring further the GTC's desire to become something like the Law Society and to take on its form of investigation of complaints. What would be the competence criteria that you would use in your inspections? Would they be subjective or objective? What are the resource implications for the GTC if it takes on every single complaint in the manner that the Law Society has to do? Can you do that financially? Would it mean an increase in subscriptions for teachers? Would it mean new staffing? If you are saying that you want to proceed with large numbers of investigations in the manner of the Law Society, how will you take that forward?

Dr Sutherland: In the first place, we must be clear that we are not dealing with huge numbers. Everybody is agreed on that.

Karen Gillon: If you open this can of worms, we could well be dealing with huge numbers. You need to address that. If you say that every individual has the right to come to you to complain about a teacher and that you will investigate that complaint, you will open a big can of worms. How will you deal with that?

Dr Sutherland: We are not talking about colossal numbers—the evidence is there for all to see. Within our present structure, we deal with about 200 cases a year of misconduct, without any bother. You are right to say that we would have to produce a framework of competence—work is already being done on that. We would have to be

clearer about the definition of competence at different levels of the profession, from the end of training, through probation, up to expert teacher and head teacher.

However, you should not forget that we have had more than 30 years' experience of probation. We deal with competence at that level and have a reasonably robust record. Mercifully, it does not happen too often, but there are probationers who come through the system, get into schools and then, for whatever reason, find that they are not making the grade. It is the council's job to do something about that. We would bring the experience that we have in dealing with teachers beginning their careers to bear on developing a standard of competence further down the line.

Of course, there will be resource and staffing implications. The council is waiting to see how the bill develops, because it is a chicken-and-egg situation. We must see what the bill says and what our committee structure will be before we can adjust our staffing to meet our responsibilities. However, we stand ready to invest resources in what we regard as a very important area. It may be that at some point the fee will have to rise, but at the moment we could cope relatively easily.

Professor Kirk: There are similarities between teaching and the law, but there are also big differences. Education is provided mainly through public bodies. It would be daft and inefficient if every time that a parent had a problem, they took it to the GTC. Difficulties should be dealt with at the point where they arise. We do not see ourselves being at the receiving end of a welter of complaints. Everybody has complaints about education—that is a sign of a responsive education service. An education service in which there are no complaints is not properly responsive.

One would imagine that schools and authorities would have ways of handling difficulties and problems that arose. This morning, we are being invited to explore whether, in addition to what is proposed in the bill, it would be reasonable, in a case where a parent had failed to get satisfaction locally, to refer the case to the council. As the registrar has made clear, we do that already in cases of professional misconduct.

Nicola Sturgeon: All professional organisations have ways of dealing with frivolous complaints and complaints that, objectively, are not well founded. Could you tell us how you deal with such complaints in misconduct cases, which you have been handling for a long time?

The more important issue, which Karen Gillon raised, relates to the national standard for competence that is currently under discussion. Do you think that it would be better to conduct that debate in tandem with discussion of this bill? Do

you think that there is an argument for including in the bill a requirement on the GTC, if we were to extend it in the ways that we have been discussing, to draw up a national standard for competence?

Professor Kirk: There is a national standard of competence at the stage of the beginning teacher. The GTC is working on the national standard, which will probably be in place before the legislation is enacted. This is not rocket science. There should be nothing in the bill that stops the council getting ahead with this important work.

Dr Sutherland: It is correct to say that we are used to receiving some—it is not a huge number—frivolous complaints of misconduct. Professor Kirk is right. Usually, we ask the complainant whether they have spoken to the head teacher—sometimes they have not. If they have spoken to the head teacher but are not satisfied, we ask whether they have spoken to the local authority. If they have exhausted those methods, I tell them to commit their complaint to writing—usually complaints are made by telephone—so that we can consider the matter. We have a committee of preliminary investigation, which is chaired by the vice-convenor, but most problems will be ironed out before they reach that stage. We are well used to dealing with complaints that are frivolous, vexatious, prejudiced and so on, and I agree that they should be avoided.

Work is being done on standards. A development officer, who is funded jointly with the Scottish Executive, is working on a standard of competence for teachers during the transition from provisional to full registration. A standard is in place for the teacher education institutions, which leads to the standard for probationary teachers. I agree that work is needed further down the line and that it would be helpful if there were provision for that in the bill.

This is a national debate, which it would be perfectly proper for the council to lead, but it would require the contribution of all the key stakeholders as it is an important issue. I agree—this ties in with an earlier point—that we will get into a mess unless we are clear before we start about what we mean by competence at various stages and in various contexts.

Karen Gillon: It is easy to determine, in the light of evidence, whether there has been misconduct, but incompetence is more difficult to identify. People's views and aspirations affect their judgment of whether someone is competent. We must explore that point further if the GTC is to make judgments about competence. I do not suggest for one minute that there are hundreds of incompetent teachers, but there might be many parents who think, for whatever reason, that certain teachers are incompetent. Mechanisms

must be developed to make things very clear. I am concerned that we are opening up something that we have not considered sufficiently.

Mrs Watson: We cannot comment further, as I think that points have been well made. We have heard what you have said about this, and you have heard what we have said. There are other concerns that we would like to share with you this morning.

The Convener: There will be questions from another couple of members, which might cover those concerns.

Ian Jenkins: I want to ask about the constitution of the council, and about the idea of constituencies for elections. As I have voted for GTC members, I know that people do not know the candidates and vote for them for all sorts of strange reasons—because they are women, or because they are or are not Catholics. In your paper, you say that you are worried about the idea of categorising people as head teachers and so on. I am inclined to agree with you, but would you tell us why you regard that as a problem?

Mrs Watson: The number of constituencies that was proposed would have been completely unworkable. I see that the GTC has to find a solution to what is proposed in the bill. The first option, involving nine or 10 categories, would have been unworkable, because if one moved categories, for example, by getting a promoted post, one would have to resign—there would be a continuing, moving feast.

11:45

There is a myth abroad that categorising candidates would result in a better spread of promoted and unpromoted posts. However, we conducted an interesting survey that showed that over the years—it might have been by accident—there has been a tremendous spread in all sectors. It is right and proper that there should be such a spread.

The GTC would have preferred to keep the status quo, as it is very simple. As you say, it is not without difficulty, in that all the teachers in Scotland can vote even though they do not know the candidates, but that is not very different from many other elections. The beauty of the present system is the simplicity of the primary and secondary categories. As you say, we did not have a good turnout last time, but that is the same in other elections, so we are all in the same boat in trying to encourage people to vote.

The important point is that when members of the council get round the table, one does not see a stamp on their heads saying head teacher, classroom teacher or whatever. The members are

on the council to discuss education and teaching matters and it does not matter whether they are nursery or secondary specialists or whatever. Of course members of the council listen to each other—the cut and thrust of debate is crucial. It would almost be unprofessional to opt for constituencies. I feel strongly about the question and think that having constituencies would be a retrograde step. I know that the GTC would prefer to keep the status quo.

Mr Monteith: The bill proposes that there should be seven categories rather than the four that there are at present. The bill seems to suggest that that change is required to increase the number of people participating in elections. However, from my observation of the General Teaching Council, I think that the number of teachers voting for representatives on their professional body would increase if the GTC showed more interest in teachers after they completed probation. I suspect that the problem for most teachers is that the last time they see the GTC in operation is when they go through probation. The matter we discussed before is what will contribute to greater participation of teachers in elections.

I noticed that your submission mentioned that the introduction of a number of small categories could have an adverse effect on gender balance. Why is that?

Dr Sutherland: Mr Monteith is right that one reason why the electoral poll is so low is that the council does not come into contact with teachers beyond the stage of probation. As he knows, we have worked hard to address that problem. We have worked hard on communication strategies—meetings, journals and everything under the sun—to interest teachers in what we are trying to do. Our hope is that our incursions into the fields of continuing professional development and competence will expose to teachers the fact that we are a body that touches their professional lives throughout their careers and that is not restricted to probation.

Although we must reiterate our view that our extended powers do not go far enough, we hope that one of the spin-offs of those powers will be a rise in interest and in the electoral poll. Our poll is about 30 per cent; polls for other bodies and aspects of local government are sometimes even lower than that. We take a professional view and are all committed to the council; we think that the council is right for the health of Scottish teaching. We want teachers to be committed to the council, to support it and to take an interest in the elections. We are happy to do anything that will increase the poll, but perhaps we are a little shade obsessive about it and will have to live with the fact that we will never achieve a 95 per cent poll.

I agree that the extended powers should enhance the interest of classroom teachers throughout the land in the council and in what it does for the profession.

Mrs Watson: Members are probably aware that we have also appointed a communications officer. That has proved to be extremely useful, and we are getting more publicity now than ever. There is no doubt that we still have much work to do—Mr Monteith is right about that—but that appointment was a step in the right direction.

Professor Kirk: As we learn from other contexts, we can enhance the GTC's standing by becoming better at gaining publicity and by using all the trickery of modern communication. For that to be effective, however, you have to ensure that what you are communicating is something of substance.

The questioner who wondered whether the GTC would rise in people's esteem if it had a continuing concern for the profession's well-being was absolutely right. It would undoubtedly excite interest in the GTC if continued registration depended on regular displays of competence, such that teachers had their MOT periodically and were no longer included on the register if they failed. That system would be extreme and is not being suggested this time round, but it might be one day. The council has not asked for that system, but has argued over the years for something much more modest.

It is deeply regrettable that, for no good reason, the power to approve—or accredit, to give it its fancy name—programmes of continued professional development is not proposed in the bill. The GTC's line of business until now has been to ensure that the courses are up to the mark at the initial training stage. Two questions are usually asked, of which the first is, "Is the course academically valid?" The fact that the course results in a university degree means that it is demanding and will stretch people. That is how it should be—people should not get into teaching because they have two highers and a vaccination, but should go through a rigorous programme. The second question is, "Is it in line with what is needed in the schools?" Of course, that is the GTC's job.

There is limited involvement of teachers in programmes of continued professional development, but we hope that that involvement will continue. The programmes are academically valid, but there is no mechanism at all that addresses the question of how they relate to the circumstances of the school.

We put the case strongly to the people who are reviewing the GTC—members will have heard of Deloitte Touche, whose staff go about doing

reviews in their spare time. Those people said that the reason for not recommending that the GTC should have that power was that it would be "labour intensive"—they did not even put the hyphen in. That seems a very weak reason for not giving the GTC the authority to determine whether in-service training and programmes for professional development are in line with professional expectations.

Deloitte Touche recommended that we should return to the matter in five years' time. If we return to it to think about it in five years' time, the chances are that such a power will not be introduced for another three or four years after that. The bill—or the documentation that surrounds the bill—proposes that we return to the matter once the council's other powers have bedded down. To us, that looks suspiciously like a cop-out; it makes the period of time indefinite. Given that the council has demonstrated that it can do the job at the stage of initial training, it is quite remarkable that the legislation will not take advantage of the opportunity to put in place a function for the GTC that nobody is carrying out at present.

The Convener: Could you also pick up on Brian Monteith's point about the gender issue?

Mrs Watson: When people look at the constituencies and the committee structure, I hope that they will be attracted and that we will get a better gender balance.

The GTC is concerned about the suggestion that committee numbers be reduced. That would definitely have an impact on gender. The suggestion is that the numbers on all the committees be reduced, then you co-opt. I can see where that suggestion is coming from, but it seems totally illogical. It would also have an impact on the accreditation and review committee; the suggestion is that its membership be reduced to six or seven, and that it have three sub-committees. That would be very difficult indeed. The registrar will want to comment on that.

Dr Sutherland: The bill is relatively silent on committee structure. Deloitte Touche had things to say about rationalising committees and pointed out that the committee structure is a matter for the council; the bill acknowledges that. Indeed, we have been addressing committee structure and a paper on the matter has been debated. The bill comments on the professional conduct committee only. We are quite happy with that; that will ensure that matters are tidied up with regard to the extended powers on competence.

I also want to address what we regard as a rather mischievous addendum to the bill, which deals with a reserved power on committee structure. Mischievous is one word for that—one

could use others. My colleagues and I think that that betrays a lack of trust in the teaching profession and in the council. We have worked for 30 years and there is no evidence to suggest that we do not know what we are doing on committee structure, balance, gender and co-opting expertise. We just do not like the inference behind that reserved power; it seems to say, "If we don't like what you're doing, we're going to tell you what to do."

That might be just a little point in the bill, but it seems to be totally in conflict with what the whole thing is about—self-regulation. Self-regulation means managing one's affairs. How can a bit of the bill claim to be about self-regulation if it threatens to tell people how to construct and compose their committees? We earnestly beseech the committee to think seriously about whether that is completely out of tune with what the bill is otherwise about.

12:00

Mr Macintosh: What point are you referring to?

Mr Monteith: You are referring, are you not, to section 50, on the power of Scottish ministers to require the GTC to establish committees? It seems at odds with the principle of self-regulation that ministers will be able to stipulate through regulations that a committee should be established and what its membership should be.

Dr Sutherland: That is my point. I am not concerned so much about the establishment of committees; we are well used to that. At the moment, we have statutory committees for investigating, for discipline and for exceptional admission to the register. That is fair enough; those committees are important to the council's work. The establishment of committees such as the professional conduct committee is perfectly reasonable and nobody is worried about that.

However, the next bit of the bill seems to suggest that SEED could come along and determine the membership of any committee; we do not think that that is proper in a bill about self-regulation. One wonders about parallels with the Law Society, the General Medical Council and so on; one wonders whether teaching is getting different treatment.

Mr Monteith: The bill allows more control than the Executive has over Scottish Opera.

Dr Sutherland: Absolutely.

Mrs Watson: There is extreme concern over this matter; that is why I was using it as a peg. As the registrar said, we are well used to forming and composing committees. That is no problem at all, and nor are sub-committees or co-options, but we see the reserved powers very much as a threat to

the council.

Our other problem, which I know the registrar wants to address, is that all this must be done by the deadline of October 2001. We find that quite offensive. Given that we have been elected for a four-year term of office, being told that that is the latest date by which we can be operational is like a politician being told, "By the way, there will be an election next week." I do not think that members would like that any more than the General Teaching Council likes it.

Dr Sutherland: That is our other disappointment, which is procedural rather than substantive. We cannot for the life of us see why the bill insists that the whole thing be upset and disrupted a year before it would otherwise have happened as a matter of routine. Elections are due in the normal course of events, on a four-year cycle, in the autumn of 2002. We are being enjoined, if the bill goes through, to turn all that upside down to save a year.

We think that it would be more prudent, would make better sense, would be better husbandry of resources and would make for more stability if we continued with our coherent council, which is working well at the moment. Why upset all that to save a year? It would make more sense to work together for the change—as we are beginning to do—so that when the next council, the 10th, comes along, it can take on board all the new responsibilities and committee structures. Again, one cannot help thinking that this is a mischievous little exhortation in the bill. I hope that members will think seriously about the unnecessary damage and disruption that it will cause.

Nicola Sturgeon: I have two questions. The first goes back to the issue of continuing professional development. We have heard your views about what you think the GTC's role in CPD should be. Do you think that CPD should be compulsory in the teaching profession? Should it be a condition of continuing registration?

Dr Sutherland: It is not a matter of CPD being compulsory, but of every Scottish teacher being entitled to high-quality continuing professional development.

We know that there is a lot for us to get on with, but we would like an active register to be established by about five years down the line. That would mean that teachers would have to show documentary or some other kind of evidence that they are fit to continue to be registered. We would need to have a big debate nationally about that, but that is what we would like.

Nicola Sturgeon: My second question concerns registration of teachers in the independent sector. The bill does not go so far as to say that all teachers in the independent sector should be

registered—given that most of them are, that seems to be an omission. Can you think of any reason why all teachers should not be subject to the requirement to register?

Dr Sutherland: None whatever. It has been council policy to extend compulsory registration into the independent sector; we have said that time and time again. That is one aspect of the bill with which we are pleased, because although the bill does not say so in so many words, it sends the strong signal that we are moving towards a situation in which all teachers will be registered. We have always said that children in the independent sector are entitled to teachers with precisely the same standards of professional and academic conduct as those in the public sector. We have already had one meeting with the Scottish Council of Independent Schools to discuss how to progress that suggestion in a humane, flexible and relatively speedy way.

Mrs Watson: As convener of the council, I feel that every teacher in Scotland should be entitled to CPD. I do not think that anyone in this room doubts that it has proved difficult for the 32 councils to provide CPD. It was not quite so bad for the regional authorities, but reorganisation has made it quite difficult to get high-quality CPD. The General Teaching Council feels strongly about that.

Professor Kirk: Schools' modes of operation change, new approaches to learning come along and there are new imperatives in the curriculum. It would be odd for a professional council to subscribe to the notion that all one needs to get through 40 years of professional life is a degree. That is a nonsense.

The way to effect major change in the teaching profession and in schools is to recruit strongly and to give recruits strong courses, in collaboration with the profession. That is happening; we have never recruited more strongly. Programmes of initial teacher education are stronger than they have ever been. We are turning out high-quality teachers but, regrettably, they are messed about something terrible when it comes to their probation—but that is another matter.

The service will improve if people have the opportunity to continue to develop professionally. As the registrar has indicated, CPD is likely to be on the agenda of the McCrone committee and the General Teaching Council would certainly support it. Of course, one can have entitlement and choose not to exercise it, and that would not be right.

Mr Monteith: I have two questions. First, would difficulties arise if the power were to be extended to cover schools in the independent sector—just as the Law Society deals with private firms and

partnerships—and, if so, how might they be overcome? For example, if a Montessori school were to be set up in Edinburgh—traditionally, that type of school has not registered teachers—how would that be tackled? Would there be difficulties in a school's not having registered teachers and perhaps trying to give them a different name to get round the requirement to register?

My other question is about part-time teachers standing for election. Would not it be simpler to enable any member of the council who is a registered teacher to stand and simply to ask them to clarify in standing whether they are in full-time or part-time employment? If someone is paying their fees, surely they should be able to stand for the council anyway.

Dr Sutherland: We considered that point of view when we examined our own evidence in the consultation process. We are quite happy with the notion of part-time teachers. We felt that the situation was discriminatory, largely on gender grounds, and we are quite happy that the extension has been made to part-time teachers. That wrong has been put right. It is important to note that our colleagues south of the border are thinking about retired teachers. Teachers are better off in the maelstrom of teaching if they can contribute in a reasonable and up-to-date way to the work of the General Teaching Council. We talked about all those matters and came to the view that the extension to include part-time teachers was a good thing.

The other issue, which is more cumbersome, is the question of registration. Around 85 or 90 per cent of teachers in the independent sector are registered, or are registrable but have chosen not to register. A campaign must be launched to encourage those who have not registered to do so. Other teachers may have a professional shortfall. The evidence shows that many teachers who have good degrees have not trained—they have not undertaken their professional underpinning. There are mechanisms in the existing exceptional admissions machinery to deal with that. There might be a handful of teachers whose shortfall is so gross that nothing can be done unless they embark on a degree programme.

Whatever happens, we are considering a date beyond which all new starts will have to be registered. We also want a grandfather or grandmother clause that allows people in the system to carry on. I agree that we must ensure that there is not a back door, whereby someone could be used as a teacher but called an instructor.

We are talking about culture and climate. After a few years, questions on registration in the independent sector will not have much meaning, as the profession will have a unified, registered

body. Members will recall the turbulence of the start of registration in the mid-1960s, but nobody thinks twice about it now. When independent schools come on board, there will be some initial coming and going, pushing and pulling, negotiation and so on, but within a few years it will be accepted practice to have registered teachers in private schools.

The Convener: Unfortunately, due to time pressure, I have to wind up the debate. I hope that we have covered the areas of concern that you felt about most strongly. We have your written submission.

I apologise for the fact that the sunlight in this room put you in the spotlight, so to speak, during the giving of your evidence. We had no way of protecting you from it. Thank you for the way in which you answered our questions, and for giving us your time.

Dr Sutherland: On behalf of the delegation from the council, I thank the committee for welcoming us so warmly and for giving us such stimulating and interesting questions, which showed that you appreciate some of the knotty and complex issues. Thank you for the interest that you have shown in our evidence.

The Convener: Thank you very much.

I have two quick matters of business for the committee, before members disappear. Sorry, Fiona, I see that you are suffering from the sunlight as well.

Cathy Peattie has a request to make.

Cathy Peattie: I would like the committee to consider the issue of Grampian Television and its effect on the Scottish media and Scottish culture.

12:15

The Convener: I allowed Cathy to raise that matter, as the committee might want to consider this topical issue. However, I am aware that we have agreed a timetable of business. If the committee agrees, I shall arrange with Cathy a way in which to fit this item in, should there be any gaps over the next few weeks.

Members will be aware that we are about to have a press conference on the national companies report. It would not be responsible of me, as convener, not to comment on the fact that our report has already been commented on in the newspapers, both on Sunday and on Monday. I feel very disappointed about that. The committee managed to put the report together consensually, in total agreement about its proposals. The press comments have weakened the message that we would have put across.

I have two main concerns. First, the Scottish

Executive may question our ability to keep matters private—and we have raised a number of issues with the Executive. We will have to deal with that situation as and when it arises. Secondly, the trust and confidence of members of the committee in each other may be undermined. We should be able to have private discussions and say what we feel at the time. I ask members to consider their responsibility to each other and to respect confidentiality so that the committee can carry out its business in the most effective way. Given the time and energy that we spent on our report, it was important to try to do that.

I will not open the matter up for discussion just now, as everybody would want to comment to justify their actions. We all feel much the same about it. I ask members to try to refrain from breaking the confidence of the committee on such occasions in the future.

I thank members for their time this morning. The representatives from each of the parties have been asked to stay behind. Other members of the committee are welcome to stay if they want to.

Meeting closed at 12:17.

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