

EDUCATION, CULTURE AND SPORT COMMITTEE

Wednesday 15 March 2000
(*Morning*)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Wednesday 15 March 2000

	Col.
ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) BILL: STAGE 1	703
COMMITTEE BUSINESS	737

EDUCATION, CULTURE AND SPORT COMMITTEE **10th Meeting 2000, Session 1**

CONVENER

*Mrs Mary Mulligan (Linlithgow) (Lab)

DEPUTY CONVENER

Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
*Lewis Macdonald (Aberdeen Central) (Lab)
*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

WITNESSES

Mrs Judith Gillespie (Scottish Parent Teacher Council)
Mr David Hutchison (Scottish School Board Association)
Margaret Nicol (Educational Institute of Scotland)
Veronica Rankin (Educational Institute of Scotland)
Mr Ronnie Smith (Educational Institute of Scotland)
Mr John Waddell (Scottish School Board Association)

CLERK TEAM LEADER

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Alistair Fleming

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Wednesday 15 March 2000

(Morning)

[THE CONVENER *opened the meeting at 09:31*]

Ethical Standards in Public Life etc (Scotland) Bill: Stage 1

The Convener (Mrs Mary Mulligan): Good morning, everyone. This morning we will be hearing evidence from the Scottish Parent Teacher Council, the Scottish School Board Association and the Educational Institute of Scotland. The only other item on the agenda is an update on current work.

We start with evidence from the Scottish Parent Teacher Council. I welcome Mrs Judith Gillespie to the committee. Do you wish to say something at the beginning?

Mrs Judith Gillespie (Scottish Parent Teacher Council): I understand that the committee has received my two submissions, so I wish to start from there. I thank the committee for giving me the opportunity to speak on this matter, about which we feel strongly. I also thank you for accommodating the change in time, so that I can get to Fort William by train.

The Convener: I remind the committee that we are taking evidence on the Ethical Standards in Public Life etc (Scotland) Bill. The Local Government Committee and the Equal Opportunities Committee will also be taking evidence. Members should have been notified of those meetings, in case they wish to attend them. Our report on the bill will be taken into consideration by the Local Government Committee, which is the lead committee. I open the discussion up to committee members, who may have questions for Mrs Gillespie.

Lewis Macdonald (Aberdeen Central) (Lab): In your submission, one of the first points that you make is that the responsibility for the curriculum lies with local authorities and not with school boards. Would it be your contention that the role of school boards, in responding to this consultation, is broadly similar to that of your organisation?

Mrs Gillespie: Their position?

Lewis Macdonald: No, their role and responsibility in relation to curricular matters.

Mrs Gillespie: Yes, because rights are held by individual parents, not by any committee of parents within a school.

Lewis Macdonald: One of the questions that I imagine everyone faces in making judgments on educational matters is how best to gauge the opinions of those involved—who in your case are parents. In preparing your response, how widely have you sought parental views and consulted?

Mrs Gillespie: In drawing up the letter that we sent out to all our members on 17 January—which, I would like to point out, was two days before the Keep the Clause launch—we considered the issue and the nature of our organisation. The nature of our organisation is to be non-prejudicial, and membership is non-prejudicial. Therefore, we do not inquire about people's politics, for example, or any other aspect of their lives. We simply talk on behalf of parents as parents.

We feel that we have a duty to protect the interests of the weakest group. We have recently been involved in promoting the interests of people who want deferred entry to primary school for their children—a very small group—and we have argued their case. We have also tried to promote the interests of those small groups that want to retain special schools. Some members may have seen the article in *The Herald* yesterday by a parent who was writing about autism. He prompted him to write that and supported him.

When we considered this issue, we did not think in terms of a majority view; we simply considered the issue. We felt that the No 1 priority for parents was for children to be protected from inappropriate material. However, that inappropriate material would be of all natures, and would include heterosexual pornography, material on drug abuse and material on violence. When we looked into that, we felt that the existing guidelines offered youngsters adequate protection; there was no evidence that that other material—which was not covered by section 28—had found its way into school classrooms.

We have also been involved in the development of health education packs. I have brought some of those packs along, as I did not know whether the committee had seen them. The packs were put together after careful discussions between teachers, Her Majesty's inspectorate of schools and groups such as ours to ensure that the material was appropriate. Having satisfied ourselves that the No 1 priority, the protection of children, was adequately covered by existing legislation—quite independent of section 28—we considered the nature of section 28. We felt that, because it identified a specific group in society, it was prejudicial and therefore counter to the nature of our organisation. It was on that basis that we

sent the letter to our members. We did not undertake consultation because this matter cannot be decided by a majority view.

Each of us, in some respect, is a member of a minority: men, by virtue of being men, are members of a minority group in society. There are obviously other minorities. There comes a point at which one must evaluate issues not on the basis of what the majority might think, but on the basis of the right way forward. It was on that basis that we put together the letter that committee members have seen. We also took the opportunity to pay attention to some of the stories that were raised at that time and to explain them to our members. The response that we have received from our members has been, on the whole, overwhelmingly welcoming for what we did.

Nicola Sturgeon (Glasgow) (SNP): Over the years since section 28 was enacted, have you received any feedback or evidence from your members on the effect of section 28 in schools, on both teachers and pupils?

Mrs Gillespie: Most people have been completely unaware of the existence of section 28 until now. Since this furore got going, I have been out and about, talking at parents' meetings in North Ayrshire—interestingly—and in East Kilbride this week. In both those places, I asked the parents who were present to think back to their school education; I made the accurate assumption that all of them were at school before 1988 and I asked them to remember their sex education. The only challenge that I received questioned whether the section was really introduced in 1988.

On the whole, people have been completely unaware of the issue until now—it has never been raised. I attended a consultative group of school board chairs in Edinburgh. A secondary school head teacher who was in attendance as an observer said that, for five years, he had been using a sex education pack that included information about homosexuality. He had discussed the pack with parents, none of whom objected to it. That shows that there has been an incredible lack of awareness of section 2A—or whatever we decide to call it. However, at that group meeting, it became clear that the issue was no longer neutral and that there was a greater risk that someone might bring a prosecution under the section. I was interested that, during the debate in the chamber, Annabel Goldie said that the legal advice was that a prosecution could be brought under the section. The situation has changed, simply because the issue has come into the public arena and can no longer be ignored.

Nicola Sturgeon: Obviously, the repeal of section 2A will require the reform of existing guidance. Does your organisation have a view on what should replace section 2A?

Mrs Gillespie: The guidance is predicated on section 2A in a minimal way: schools have been reassured about what they can do rather than what they cannot do. Some of the sex education material that I have brought with me is aimed at five-year-olds. It talks about relationships from the starting point of personal identity. It attempts to get children to stand outside themselves and think about who they are in terms of their sex and their family. Such material would be acceptable whatever the law might be.

The grey area, where guidance might be required, relates to how far issues such as homosexuality can be discussed with youngsters if they raise it in the school. If a youngster has a problem that they want to talk about, they approach the adult whom they think likely to be most sympathetic. That might not be the guidance teacher, who would be the most prepared to deal with the question. Youngsters are sensitive about that sort of issue and they need to take a great leap of trust before talking to someone. If the person whom they choose to talk to feels inhibited for whatever reason, the youngster can be seriously damaged.

Following the furore that erupted, a parent who is a Catholic—it is important to state that—thanked me for what I had said about section 2A. The mother had been worried by the depression that her daughter was going through—the daughter had been on Prozac since the age of 15. Having discussed the subject with groups such as Stonewall, she was able to tell her mother that she was gay. The mother's response was not one of horror, but one of relief—perhaps now they could get to the bottom of the daughter's depression and get her off Prozac. I know that this committee has been very sensitive to considering the youngster's position on such issues. On this issue above all, the starting point should be the care of the youngster.

09:45

I am sorry to go on, but this is very important. *The Times Educational Supplement* of 3 March included interviews with a number of young gay students, who explained their situation and how they had come to terms with it. What was instructive was how young those youngsters were when they first appreciated that they were gay. The appreciation is more subversive than active; many youngsters try to deny that part of their nature, in order to conform with the overwhelming ethos of society, which is heterosexuality. It is important to bear in mind those youngsters and their needs.

I ask members to consider—as I have—what their position would be if one of those youngsters were their child. If they were my child, I would

want them to be protected. I would want them to understand that being gay was not necessarily a disadvantage, that they were protected by society and that there were good examples of gay people in society who had succeeded—people such as Chris Smith, Sir Ian McKellen and Billie Jean King. I would also want them to understand that they should be happy. When considering section 28, we must think of youngsters first.

Mr Kenneth Macintosh (Eastwood) (Lab): You raise the important issue of whether being gay is a learned experience. However, I want to bring you back to the issue that we as politicians have to deal with and that has featured in the newspapers—the need to address parental fear or concern. Have you been approached by parents, teachers or children with what they regard as inappropriate material? You say in your submission that the issue that most concerns you is that of children being confronted with inappropriate material in schools. A lot of what I would describe as inappropriate material is circulating in this debate, but I have yet to see an example of material that has been used in a school or has come before children. Have you come across such material, either before or since section 28 was introduced, and is it in danger of finding its way into the classroom?

Mrs Gillespie: I do not think that such material has ever found its way into schools, certainly not by official routes, although I would not want to say that youngsters have not taken it into school in the same way as they are known to take other undesirable things into school. On the whole, teachers and authorities bend over backwards to be conservative in what they put before children, because this is a difficult subject for them to deal with. They are cautious about the material that they use. One reason for the comprehensiveness of guidelines on what is dealt with is that teachers require the comfort and security that those guidelines provide. The material is produced officially; people do not pick the stuff up randomly.

There was an interesting study in the early 1990s—in a way, that is a good source, as that period was quieter—that asked youngsters what issues they felt that they needed to be educated about. For young people in primary 7 and upwards, sex education was very high on the agenda. Sex education was similarly high on the list of matters that parents thought schools should deal with. Only a third of children and parents said that sex education was discussed at home.

Before the present issue arose, most parents were relieved that schools were prepared to take on this subject because it is difficult for children and parents to discuss it. I am not aware of any evidence of inappropriate material being used in schools. However, there has been a huge number

of scare stories, many of which are based on completely untrue statements, which bear no relation to reality. If the people who are worried saw the material officially provided to schools, they would immediately stop being worried.

Mr Macintosh: If there were a chance that inappropriate material was being used, would you be happy about the safeguards?

Mrs Gillespie: Totally happy.

Mr Macintosh: What safeguards could there be to protect children?

Mrs Gillespie: The whole screening process is good. The starting point is that local authorities have responsibility. In the school, the head teacher has a duty to oversee what is taught. One does not find people randomly deciding what will be taught, because it would be perfectly legitimate and open for anyone to object to that and the objection would be dealt with immediately.

I will talk briefly about the time of the AIDS scare in Edinburgh, which in many respects offers the closest parallel. There are times when schools have to go slightly beyond where parents think that they want to go. When AIDS arrived in Edinburgh, my children were at primary school. The arrival of AIDS coincided with an upsurge in intravenous drug use, so AIDS was always a heterosexual issue in Edinburgh. The level of infection among the sexually active age group in some parts of Edinburgh was at epidemic proportions and the issue could not be ignored. There was incomplete knowledge about HIV infection, but there was a deep awareness that it was passed on by bodily fluids. There was an immediate rush to address the issue with primary school children before there was any chance that they might become sexually active, because it was regarded as vital that they received the information that would protect them against the risk of HIV infection.

Before the mid-1980s, someone such as I would never have uttered the word “condom” in public. We then experienced a steep learning curve, as groups of parents and teachers at school meetings had to talk about condoms and condom distribution and the messages that would be given even to primary school children. There were many meetings for parents about these issues. One could see that there was anxiety among parents that these issues would be talked about with children who were so young, but it was understood that that was necessary. Even though the message overstepped parents’ readiness for the information to go into schools, there was a reluctant acceptance that it had to happen.

Although it is true that there is no inappropriate material in schools, some parents will feel unhappy about what is taught—that is because of

their belief about what is appropriate. It is important that when people teach these matters they have a clear understanding of why they are doing it, so that they can defend their position. AIDS education is similar to the present issue, in that it took people into areas into which they did not want to go. The AIDS education programme was quickly accepted as being appropriate, even with very young children.

Michael Russell (South of Scotland) (SNP): Judith, I commend your letter to your members, which is one of the clearest statements of the position that I have yet read. You have effectively made clear your commitment to change, which many of us share. Given that position, we have to recognise the damage that may have been done by the campaigns that have been run both by those who have been arguing to keep the clause and by the equal and opposite reaction on the other side.

We are all concerned that there is somewhere within the Scottish population a concern that has not yet been assuaged. If your letter were distributed to all parents, I suspect that it would help. As for the legislative process, I do not think that there is any doubt that repeal will take place, but repeal may take place with the concern unassuaged. I want to explore with you the ways in which we can get something better and more beneficial out of this process than we look like getting. Allow me to put two suggestions to you for your comments.

The first is a negative one. You mentioned Annabel Goldie's statement about the possibility of prosecution under section 2A. Without repeal, do you think that that will become a reality and make matters worse? Your letter indicates huge legal difficulties, which we all know exist. The positive thing that may come out of this situation is a wider understanding among parents and others of sex education and its purpose, and the responsibility that all parents and society have for making sure that sex education not only reflects what society wishes, but enables and empowers children. Can you reflect on both those points and see whether we can get something more positive out of this debate?

Mrs Gillespie: I strongly suspect that, if a case ended up in court, it would be flung out. The wording of section 2A is so bizarre that I cannot imagine a dedicated Queen's counsel being unable to argue that it was completely meaningless or, if not meaningless, at odds with every other piece of legislation. It is almost—please note, almost—a shame that no case has come before the courts, because it would have been like the "Lady Chatterley's Lover" trial, for those of us who can remember back that far, which revealed a lot about what people were free

to write. A case about section 2A would have been similar, but such a case has not been brought; I would not want a teacher to be the object of such a prosecution, because it would be a nightmare.

Michael Russell: In reality, what you are saying—and I agree with you—is that, in a legal test, any campaign to keep the clause would have to become a campaign to strengthen the clause or to redraft the clause to make the legislation legally operable, as it is not legally operable now.

Mrs Gillespie: I do not think that it is legally operable and I do not see how one could strengthen the clause or make it legally operable, given the equality provisions in the Scotland Act 1998. I assume that, just as legislation in Scotland now has to comply with the European convention on human rights—which section 2A probably does not, although I am not a lawyer—it is obliged to observe the equality clause in the Scotland Act 1998, which specifically mentions sexual orientation as one of the bases on which there should be no discrimination. Strengthening the section would be impossible—says she with her level of legal knowledge.

The way forward is for a much more vigorous campaign to explain to parents the actual situation in schools. I thought that it was interesting that Brian Souter said, when he was interviewed at the weekend, that he had complete faith in teachers and knew that no teachers would introduce inappropriate material. It is the experience of every survey of parents on any issue that, when they are challenged, they always say that everything is all right with their teachers and in their schools. That is a uniform view. Parents always think that the problems exist elsewhere, but would never happen in their classroom. I was struck by the fact that even Brian Souter put forward that view—he had no concerns about the teachers, but painted the local authority as the bogeyman. What is needed is a better explanation for parents. Parents need to be invited into schools to see the kind of sex education material that is being taught.

10:00

When we spent a year in America, my son, for complicated reasons, was in a class of 11-year-olds, although he was only nine. The 11-year-olds were due to get formal sex education that year. The school invited us to come in to view the material that they would be presenting to the youngsters. I did not think that my nine-year-old son was old enough, but when I saw the material I was very reassured. I also realised that, if I withdrew him from the class, rather than receiving the sex education from the teachers, he would get an embellished version afterwards from his fellow pupils. My son joined the rest of his class for sex education and, because he was only nine, we

were able to have an open and frank discussion about such matters, without any embarrassment.

Michael Russell: You are saying that parents need to be reassured about what is happening. I agree with you. In the current debate, the shorthand for that is guidelines.

Mrs Gillespie: No.

Michael Russell: I am talking about the shorthand that is being used.

Mrs Gillespie: Parents need to be invited into schools to see what is being done. Guidelines provide a broad framework—they cannot tell us anything specific. This is about the curriculum, rather than guidelines.

Michael Russell: I understand that. We all know that parents should be encouraged to come in and see what is happening, but in reality the take-up will be about 50 per cent—perhaps less.

Mrs Gillespie: Yes.

Michael Russell: The people who are most vociferous are likely to be those who will not go. Is there a way in which we can reassure those parents and ensure that they understand what is happening in the school, given that some of them will not come in to see for themselves?

Mrs Gillespie: To be honest, I think that you overstate the level of alarm. I am not surprised because that is easy to do.

I draw the committee's attention to a letter that was published in *The Herald* yesterday. It came from a secondary school in Aberdeen that had run a survey of its parents on their views on section 2A. The survey was quite extensive and had been distributed to every parent. The school received 14 replies. The school has between 800 and 1,000 pupils and would expect a 10 per cent response rate to such a survey.

When I have talked to parent groups, this has not emerged as a big issue. Those who are concerned would go into the schools, if they were invited. Not everyone is concerned. It was the unanimous view of the consultative group in Edinburgh that people were not worried. They were not supportive of the hysteria or the repeal. Many of the press statements have been very alarmist. However, if people are reassured by their point of contact with their own school, that is the best way to deal with the matter.

The need for reassurance is addressed locally. I understand what you are saying, but I do not think that there is the same need radically to shift and adjust the guidelines. The working party into the guidelines will take a reasoned, moderate and sensible approach and will make the adjustments that are necessary. I have great faith in the working party that the Government has set up and

believe that its conclusions will be based on sound evidence and will reflect on the issue properly. However, there is no need for reassurance at a national level; the need is local.

The Convener: I am conscious that it is now 10:05 and that you mentioned earlier that you wanted to get away. Are you okay for time? Two more members want to ask questions.

Mrs Gillespie: Yes. That is fine.

Lewis Macdonald: You mentioned Brian Souter. I, too, heard the interview. Unlike you, Mr Souter has never been elected by anybody to any position in public life that relates to this subject. It may be worth reflecting on the influence that his claims and allegations have had on the debate on this issue. One of the allegations that he repeated in his television interview at the weekend was that health education packs containing inappropriate material had been ordered by 180 schools and were ready to be used. Can you shed any light on that allegation?

Mrs Gillespie: No. The only thing I am aware of is the material produced by Avon Health Authority, which some authorities in Scotland have purchased. Hysteria about that material has been generated, although people have not actually seen it. I was fortunate enough to take part in a phone-in programme during which that material was raised. Supposedly, it contains homosexual role-playing and it has been purchased by Fife Council and Highland Council. It is important to point out that it has not been used in either of those authorities and both have said that it is not appropriate for use.

During the phone-in—when hysteria was generated over the supposed nature of the material—it became clear that those who were most hysterical had not seen it. During the programme, a governor from the Bristol area talked about it. He has seen it. He said that it is a 15-minute film designed to accompany five hours of teaching, that the parts of the pack that people are getting worked up about last literally seconds, and that the overwhelming impression that comes out of the teaching material is that tolerance should be exercised. As a parent-governor in Bristol, he thinks that the pack is extremely good.

It is important to put on record the fact that the one piece of evidence that has often been quoted has, on the whole, been quoted by people who have not viewed it and that one person who has viewed it was prompted to make that statement. He had no axe to grind. He was not selling the material or anything like that. He was merely making that statement as a governor of a school in England and as somebody who has seen the teaching pack.

Nicola Sturgeon: Mike Russell talked about parental concern. I was quite comforted by what you said about the scale of alarm. Notwithstanding that, there is real concern—although some of it is misguided. Your comments about confidence in the teaching profession are well made. It has been suggested that giving guidance on sex education some kind of statutory underpinning—perhaps an obligation on local authorities to implement the guidance—might go some way to allay that concern. In your view, is there an argument for that? Is there a way in which that could be done without moving towards a national curriculum, which nobody in Scotland wants?

Mrs Gillespie: The committee will be aware that, in the Standards in Scotland's Schools etc Bill, the Government has introduced two sections—12 and 31—in which a duty is placed on local authorities. The minister has the right to issue guidance and authorities have a duty to have regard to that guidance. The first relates quite specifically to the target-setting agenda. When I inquired of an official what the section means—as I had understood that ministers have always been free to issue guidance—I was told that if an authority chose to ignore ministerial guidance, the Executive would have no comeback under the current arrangements.

The background to section 12 is that when the Government issued guidance on target setting in 1997 or 1998, some authorities so disagreed with the targets they were given that they rewrote them. There was a great deal of anger between the Government and local authorities because of that. Section 12 therefore allows the Executive to call authorities to account should they do that in future. It is important to note that it does not prevent authorities from doing that in future; it just means that they would have to explain themselves. That keying-in means that people have to explain their actions, but it does not impose a formal or heavy hand of legislation on anyone to comply or behave in a certain way.

I have very little legal knowledge, but it seems to me that that option could be adopted to offer reassurance—particularly to people who hold Mr Souter's view that authorities, rather than teachers, are the wicked fairies—that there is accountability all the way along the line. It would certainly not put in place any legal guidelines; nor would it put in place a statutory curriculum. It would merely put in place a clear hierarchy of responsibility and ask local authorities that choose to disregard the Executive's advice on an area of the curriculum why they are doing that and what they would replace it with.

That, rather than a straitjacket of legal requirement, is the kind of public accountability that would result from section 12. In the present

climate, it is probably a useful option that would satisfy those who—quite rightly, in my view—do not want a curriculum enforced by statute, and reassure those who feel that there should be better public accountability. As it was the Government that introduced the section in the first place, and as it applies quite specifically to guidance, I do not see why there can be any objection to it.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I appreciate your evidence, which you have given with logic, compassion and understanding. You understand the parent's position, the teacher's position and, above all, the child's position. I think that I am right in summarising your position thus. You think that there is no special need for safeguards in this area, any more than there would be in areas of political or religious influence. In this area, teachers have a professional discipline that would forbid them to go beyond even a notional guideline. If they did go beyond that, parents, headmasters and school boards would take action quickly, as it would be a breach of professional discipline that would be just as serious as breaching section 28.

Mrs Gillespie: Breaching their professional responsibility would be far more serious—it would raise the question whether they were competent as teachers. You are right to mention political partiality in the school. It has to be ruled out—for good reasons—but it does not stop us offering explanations, for example about political parties. We are free to explain that there are a number of different political parties and even to explain the differences in what they stand for. In fact, it would be appropriate for a teacher, when dealing with politics, to explain the policies the different political parties hold. That is a good analogy.

10:15

The Convener: Thank you for taking the time to answer our questions.

Mrs Gillespie: May I make one small point that I think is significant? I mentioned AIDS and how AIDS education was introduced in the 1980s. Condoms were seen as the solution to the problem of AIDS. Because that is part of teaching about contraception, the teaching of that solution was not acceptable in Catholic schools.

That was not a problem, however, because Catholic schools have complete control over what is taught in that area of personal and social relationships and they came up with their own entirely different packages of safe sex teaching. The restrictions that applied in Catholic schools were not seen to be necessary or appropriate in non-denominational schools.

It is important to recognise that this is an area over which the Catholic Church has control; all school boards in Catholic schools include a representative of the Catholic Church. The fact that there is a divergence of views on this matter merely reflects our system of education. That point should be emphasised.

The Convener: It is a point that I am sure members will welcome hearing. Thank you again, Judith.

Michael Russell: Thank you.

The Convener: Do members want a short break or are they happy to continue?

Since nobody is moving, we shall carry on.

Good morning and welcome to our next two witnesses. I apologise for the slight delay but I am sure that, having heard the evidence, you will appreciate that it was important that members continued to explore various matters. Once you have told us your positions in your organisation, I will open up the discussion to members.

Mr David Hutchison (Scottish School Board Association): I am president of the Scottish School Board Association.

Mr John Waddell (Scottish School Board Association): I am the executive board member of the SSBA for East Renfrewshire Council.

Mr Hutchison: John is also our representative on the working party that the Government has set up.

Nicola Sturgeon: Can you cite specific examples of what section 28 was enacted to combat in Scottish schools? With reference to such examples, from before or since its enactment, what specifically are you frightened will happen in schools once section 28 is repealed?

Mr Hutchison: During February, we conducted a survey of our members that elicited almost 800 responses from school boards throughout Scotland. It has shown us that there is a great deal of concern among school boards and parents about what the Government is proposing to do and how it is proposing to do it. We appear to be the only people who have consulted parents on this issue, through our members. That is what has been lacking until now in this process.

We are asking the Government to delay any decision on repeal until it has consulted parents on what they think about what it is doing. Before it puts the draft guidelines to MSPs for a decision, we would like the Government to put them out to parents, to get their views. The framework to do that exists—it can be done through school boards and parents associations. The Executive would not have to send the guidelines to every parent in Scotland. After the consultation has been carried

out, we would like the Executive to take account of what parents are saying to it on this issue.

You asked whether we know of instances of inappropriate material being provided. We do not. However, might that not be due to the existence of section 2A?

Nicola Sturgeon: I do not doubt that parents have very real concerns, but you will agree that, as a representative organisation, you have a duty to deal in fact. That is why I am asking you about specifics.

Let us put aside for the moment the period since the enactment of section 28. Can you provide examples of inappropriate material being used in schools prior to the introduction of section 28? Surely that is the period that should give us an indication of what is likely to happen after section 28 is removed. If there are no examples of inappropriate material being used in schools before section 28 was introduced, it may be that the concerns of parents at the moment are not based on evidence but on alarmist stories that are appearing here, there and everywhere.

Mr Hutchison: Let us deal with fact. The fact is that, at the moment, there is a great deal of concern among parents about this issue. It is up to the Government to reassure parents and to indicate that inappropriate materials will not go into schools following the repeal of section 2A. That is all that we are asking the Executive to do.

Michael Russell: Which inappropriate materials? You have not mentioned any yet.

Mr Hutchison: The Avon Health Authority pack has been mentioned this morning.

Nicola Sturgeon: Can we stick to Scottish schools?

Michael Russell: Let us explore the issue of the Avon health pack. The question that was asked about that earlier yielded an answer that was quite different from what we had expected. Nicola Sturgeon asked you to identify inappropriate materials issued before and since the introduction of section 2A, and materials that you are afraid will appear if the section is repealed. You have come up with the one example of the Avon health pack, but we have already heard that it is not as presented. You must find some other examples.

Mr Hutchison: I am afraid that I disagree with the answer that was given earlier this morning.

Michael Russell: Have you seen this material?

Mr Hutchison: Yes.

Michael Russell: In its entirety—including the five-hour teaching pack?

Mr Hutchison: Not in its entirety. However, it is more than a video. I have seen material that asks children to role-play.

Michael Russell: I do not normally take assurances from this Executive at face value, but the Prime Minister, Sam Galbraith and Donald Dewar have given an assurance that there will be no question of that taking place. Teachers have also given that assurance. Why do you not believe them?

Mr Hutchison: I am only reflecting the views of our members. The Government needs to reassure our members and parents that the safeguards exist. I do not think that it has done that up to now.

Nicola Sturgeon: I am sure that we will come back to the views of your members. I am interested to know on what factual evidence of experience in schools your concerns are based. With the greatest of respect, I do not think that you have answered that point.

Mr Hutchison: My personal views are irrelevant: I am reflecting the views of my members.

Nicola Sturgeon: We will come back to that in a minute.

I agree that there is a duty on all of us to protect children from inappropriate materials in schools; but do you not think that one of the deficiencies of section 28 is that it—arguably, but I will go along with you—provides protection for children against inappropriate material on homosexuality, but provides absolutely no protection at all against any other type of inappropriate material? On that basis alone, do you not accept that section 28 is at the very least deficient?

Mr Hutchison: The Government has to reassure parents not just on education about homosexuality but on sex education as a whole. I believe that the Government has not given parents that reassurance. Section 28 exists; the Government is proposing to take it away. It is therefore incumbent on the Government to reassure parents that safeguards will be put in place if section 28 is removed. Up to now, it has failed to do so.

Nicola Sturgeon: Is the Scottish School Board Association speaking with one voice on this issue? We have read press reports this week of a split between you and other members of the executive of your organisation.

How extensive has your consultation process been? You have consulted school boards; but within each school board, how many parents have responded to the consultation? None of the questions in your consultation would seem to take account of where the debate is now. Is the Scottish School Board Association as united on

this issue as you are trying to make out?

Mr Hutchison: At a meeting of the Scottish School Board Association on 4 March, we discussed the results of the survey. The views that I am putting to you just now are the views that the executive board arrived at following that discussion. They are the views of all the members of the executive board.

The time scale for our consultation was very short. We saw the period following Mr Galbraith's letter to school boards at the end of January, in which he stated that the repeal of section 2A would be delayed until results from the working party were known, as an opportunity to carry out a consultation of our members, even though the time scale was short. We expressed clearly to our members that they should seek the views of the people they represent before returning the questionnaire to us. I do not have exact numbers, but we believe that very many of them did in fact consult parents. At the meeting on 4 March, we took a straw poll, and all of the members of the executive board had consulted parents.

Michael Russell: I do not doubt the sincerity of your consultation exercise; I might doubt its width, but I do not doubt its sincerity. An impartial observer—Nicola Sturgeon referred to this—would say that the Scottish School Board Association has not been very sure-footed on this issue and that you have, to say the very least, moved backwards and forwards on it by, for example, accepting funding from the Keep the Clause campaign.

I would like to reflect on the clause itself—

Mr Hutchison: We have received no funding whatsoever from the Keep the Clause campaign.

Michael Russell: You participated in the launch of the campaign.

Mr Hutchison: I have already explained publicly that that should not have happened.

Michael Russell: Whether or not you should have participated, you did participate.

Mr Hutchison: The launch that we attended should have been an SSBA launch. It turned out to be a Keep the Clause launch, and it should not have been.

Michael Russell: What did they do—change the posters when you got there?

Mr Hutchison: They did not change the posters. The posters were up before we got there. That was a mistake by the organisers, and it should not have happened.

Michael Russell: Suffice it to say that there has been some confusion.

Let us examine the section itself. I do not doubt that parents need to be given reassurance. However, you heard what Judith Gillespie said in her very impressive evidence. As we know, the section has never been used in law. There is huge dubiety about whether it could be. One of the questions for those who are arguing that the clause should stay is, if the clause is ineffective and impossible to use, should it be strengthened to enable it to be used?

10:30

Mr Hutchison: I want to make it clear that we are not arguing for section 2A to stay. We are arguing for the Government to make clear to parents what it intends to put in its place, and then to ask parents whether they agree with that, through a consultation process. The Government should decide whether the section should remain after it has consulted with parents.

Michael Russell: Let us take that one stage further. You say that there should be a consultation exercise—

Mr Hutchison: With parents, which has been sadly lacking until now.

Michael Russell: Your colleague sitting on your left—

The Convener: I ask you to speak one at a time.

Michael Russell: Mr Waddell is a member of the working party. Will he say whether he is taking part in the working party with the serious intent of ensuring that the guidelines are effective and will satisfy parents?

Mr Waddell: The working group has had two meetings so far, and the guidelines and the circular that would accompany them have been thoroughly discussed. At present, the content of the guidelines appears to fall just short of what we believe parents are looking for—the reassurance that a family relationship should be of a traditional nature.

At the previous meeting of the group, the point was made that if our English counterparts were prepared to include traditional family values phraseology in their Learning and Skills Bill, why cannot the Scottish Parliament do the same? Are there to be double standards, with England having a higher standard than we have? The working group is progressing, although we have one or two concerns.

Michael Russell: So you are saying on behalf of your organisation that you are taking part in this process, which is a concession by the Government, as that was not originally intended. I am glad that that concession was made. Work is

being done on providing the guidelines that you hope parents will be satisfied with, but that work is not yet complete.

That suggests that there is a more positive drift to your argument than we might have expected from the early days of the debate with the Scottish School Board Association. Are you saying that the situation is becoming more positive than it was two or three months ago, even though the association is currently opposed to repeal?

Mr Hutchison: You have picked me up wrongly. We are not opposed to repeal. We are asking the Government to delay the decision on repeal until it has consulted with parents on what it intends to put in place of the section.

Michael Russell: You are taking part in that process at the moment.

Mr Hutchison: Yes, we are.

Michael Russell: So you have got what you are asking for. I am keen to tease out where you think we are and where you think we will end up.

Mr Waddell: What we have now probably falls just short of what parents would expect the Parliament to produce. Various interpretations have been placed in the media on the figures from the survey that we conducted. It has been suggested that if parents were shown the guidelines that have been proposed, opinion might swing towards acceptance of what the Government is trying to do.

Michael Russell: You heard what Judith Gillespie had to say about statutory provision. Within the context of her open and honest assessment that there was not huge opposition from parents to repeal, would you be happy with the sort of statutory provision that she was talking about?

Mr Hutchison: Again I say, ask parents. We want parents to be consulted on this issue. If the wording that emerges from the working party on the guidelines is distributed to parents through school boards and they accept it, that is fine. However, let us ask the parents.

Michael Russell: Would you be happy with statutory provision? I have said that I would be.

Mr Hutchison: I am not here to enunciate a personal opinion. If parents said that they were happy in a consultation process, I would accept their decision.

Michael Russell: Will you consult on that?

Mr Hutchison: If the Government does not consult on the draft guidelines, we will.

The Convener: I will bring Mike Russell back in later if he is not happy, but a number of members

still want to ask questions.

Lewis Macdonald: The application of section 2A clearly has an importance to parents. Where does that rank in comparison with its importance for young people and teachers? Which parties do you think are most directly affected at the moment by the application of section 2A?

Mr Hutchison: At the centre of all this are the children. They must be. Parents' general concern is that children should be protected. They are looking for the Government to reassure them that protection will be there.

Lewis Macdonald: Do you accept that the protection of young people relates to two things in this context: first, the matter of inappropriate material, which we have explored to some extent; and secondly, the problems that young people can encounter when dealing with sexuality?

Mr Hutchison: Absolutely. We are looking at all children here.

Lewis Macdonald: How do you respond to Judith Gillespie's view that this is essentially an issue of the rights of minorities, which includes young people who have issues around their sexuality to deal with, and that, like the issue of autism and schools that she also touched on, it requires a careful and considered view and cannot be settled by straw polls?

Mr Hutchison: I do not understand your reference to straw polls.

Lewis Macdonald: I am interested in your general response to Judith Gillespie's position. As I understand it, her view is that this issue should be approached primarily from the perspective of the rights of the children involved. How would you respond to that?

Mr Hutchison: I have read the guidelines that accompanied section 2A, and I understand that they do not preclude teachers from talking about homosexuality with pupils. At the moment, teachers are concerned that if they attempt to do that, they may be overstepping the mark on section 2A. If teachers feel inhibited by that legislation, that is a real concern, as it means that certain pupils may not be getting the counselling that they need.

Lewis Macdonald: Do you recognise that we should be seeking to remove a section that specifically discriminates against or points the finger at one particular group?

Mr Hutchison: I would much prefer to have positive legislation rather than negative legislation, or positive guidelines rather than negative guidelines. As John Waddell has said, traditional family values should be the focus of what schools are teaching about health and sex education. That

would go a long way towards reassuring parents. It would not preclude the discussion of homosexuality.

Lewis Macdonald: So the issue for you is not whether to abolish section 2A, but how best to do it?

Mr Hutchison: That is what we are saying; it is what our survey is saying. The way in which the Government has gone about abolishing section 2A has not reassured parents. The results of our survey show that the proposed wording has not reassured parents. Therefore, we want the Government to get the wording right and then to ask parents whether it gives them the reassurance that they seek.

Ian Jenkins: Your association is in a very difficult position. I do not think that the head of an association such as yours can speak on an issue on which members have so many different views. I recognise that you are using surveys, but the underlying positions are almost irreconcilable. A gut statement by the Scottish School Board Association is bound to upset your members in one way or another.

I want to ask about the section 2A in principle and in practice. In principle, do you accept that it is a discriminatory piece of legislation?

Mr Hutchison: Yes.

Ian Jenkins: Therefore, under the Scotland Act 1998, and for the Scotland that we want to build, there should not be discrimination in the law. You and I might have prejudices that arise from how we were brought up, or whatever, but the law should not contain such discrimination.

Mr Hutchison: I have said in answer to a previous question that I would prefer there to be positive rather than negative statements. However, parents need reassurance.

Ian Jenkins: On principle, there should not be discrimination in the law.

Mr Hutchison: It is up to the Government to reassure parents about what will replace section 2A.

Ian Jenkins: I accept that.

In practice, people are worried about schools being flooded with inappropriate material and about children being influenced in a direction in which people would not want them to go. Do you accept that there are schools all over Scotland, such as George Watson's College and Daniel Stewart's and Melville College, which are not subject to section 2A? Are they flooded with homosexual material? Are children at those schools unduly influenced and are their parents exposing them to danger?

Mr Hutchison: I do not know—that is the private sector.

Michael Russell: Is it likely?

Mr Hutchison: Probably not. I would hope that that would not happen anywhere in Scotland. We need to reassure parents that it will not happen.

Ian Jenkins: I am trying to reassure them by example. Section 2A is not needed.

Mr Hutchison: Given the evidence that we are presenting to you, and the general concern that exists, do you think that that is enough?

Ian Jenkins: I am trying to convince you by example.

Mr Hutchison: I am trying to find out whether you think that that is enough, as I do not think that it is. The wording of the guidelines must give parents the reassurance that they seek. We need to ask parents whether that is enough.

The Convener: I remind you that it is committee members who ask the questions.

Mr Hutchison: I beg your pardon.

Ian Jenkins: I accept that parents should be reassured. I would like that to be done on a school-by-school basis. As Judith Gillespie suggested, it could be done by the parents and school boards of individual schools, without any need for statute.

Mr Hutchison: I, too, wish that that could happen, but this has become a national issue, on which the Government must give leadership and guidance so that parents receive the reassurance that they obviously seek.

Ian Jenkins: I am heartened by Mr Waddell's view that reasonable people can discuss these matters in reasonable ways. I am hopeful that a solution can be found without reference to statute or a national curriculum.

Fiona McLeod (West of Scotland) (SNP): I will ask a series of very factual questions, as I think that we need to bring out the facts instead of relying on hearsay, straw polls and so on. The Scottish School Board Association has talked about what parents expect and has said that it represents parents. I think that it represents school boards, which is possibly not the same thing as representing parents.

You received a total of 777 responses. How many school boards are there in Scotland?

Mr Hutchison: There are approximately 3,000 schools in Scotland, of which 2,400 have school boards.

10:45

Fiona McLeod: How many of the 777 school boards that responded to your survey consulted parents?

Mr Hutchison: Very many, but I cannot give you a figure.

Fiona McLeod: A figure was given in *The Herald* yesterday, and I have a figure from a school board in my constituency that consulted parents. Of about 470 parents—there are 398 pupils on the school roll—three parents wrote back. That is evidence of the level of concern among parents. How many parents responded to the “very many” of the 777 school boards that consulted parents?

Mr Hutchison: We leave it to school boards to initiate surveys in their areas. The national organisation cannot go into that level of detail with individual school boards.

Fiona McLeod: It would have been a step too far to include on the return form a section saying whether parents were consulted and how many parental responses were received.

Mr Hutchison: We could have asked very many questions but we wanted a clear indication of the position on section 2A.

Fiona McLeod: What is the average number of parents on school boards?

Mr Hutchison: The number varies with the school roll.

Fiona McLeod: On average?

Mr Hutchison: Six.

Fiona McLeod: That excludes co-opted and religious members and so on.

Mr Hutchison: Yes.

Fiona McLeod: How sure are you of the accuracy of the figures that you have given us?

Mr Hutchison: The figures are 100 per cent accurate. I do not understand your question.

Fiona McLeod: When I run my eye down the figures, I see that in quite a few councils there are no school boards that agree with the statement that

“Section 28 should be repealed”.

I have attended school boards and am sure that that is incorrect in some instances.

Mr Hutchison: As you have pointed out, a number of school boards have not responded to the questionnaire. I think that is because of the length of time that we gave school boards to respond. The length of time it takes school boards to respond to a questionnaire depends on when

they meet. The questionnaire was distributed at the beginning of February so we will have missed those school boards that meet at the end of the month.

Fiona McLeod: Do you think that if there is huge parental concern, which you are convinced that you are representing, school boards might have called an early meeting and ensured that they got information to all the parents on their rolls?

Mr Hutchison: Very many of the schools that responded did that.

Fiona McLeod: Your figures show that fewer than a third of your school boards returned the forms. You cannot give us figures on exactly how many of those school boards consulted parents. Therefore you cannot tell us how many parents responded or how accurate a reflection these results are of real parental concern.

Mr Hutchison: School boards are elected by parents and represent parents. They are there to represent the views of parents, and that is how we interpret the results. The average school roll is 300 or 400; therefore, these results represent the views of those who represent the parents of almost 300,000 children.

Cathy Peattie (Falkirk East) (Lab): You talked about the concern of parents. As a parent, I am concerned about some of the misinformation that I have read. How can we get past that misinformation? You say that the school boards represent the views of parents, but I am not sure that all parents have been consulted. How do you suggest that we should draw up guidelines in consultation with parents?

Mr Hutchison: I suggest that we consult through school boards. The mechanism is there for the Government to distribute the guidelines to school boards for them to carry out surveys locally.

Cathy Peattie: In theory, that is a good answer. However, as Fiona McLeod has said, the feedback through school boards is very poor and parents have not necessarily had the opportunity to say how they feel, or have not wanted to get involved in the argument.

Mr Hutchison: That is exactly the point that I am making. We should give school boards and parents an appropriate amount of time to consult on this issue, to find out whether there actually is the level of concern that we think exists. We should get parents' views on the matter one way or another—that is what has been lacking until now.

Cathy Peattie: I felt that Judith Gillespie knew quite a lot about the issue. She spoke about inviting parents in to look at the kinds of materials

that are available. Do you think that that would help? Would school boards be interested in facilitating that kind of approach?

Mr Hutchison: Absolutely. Any effective school board would do that anyway, and we are urging our members to do that. However, we find that the uptake is not great when we try to bring parents into schools. It is not always possible for single mothers and working parents to come into schools. The information must go out from schools to the parents. Parents cannot always be invited into schools.

Cathy Peattie: Are you saying that, although parents are dreadfully worried about what will happen to their children in school, they are not willing to find out what materials are going to be used?

Mr Hutchison: I am not saying that they would not want to come in, but that they might not be able to do so.

Cathy Peattie: I am a parent, and if I thought that my child was at risk, I would be there even if I had to go in the evening.

I am interested in what you have to say about traditional family values. How do you define traditional family values?

Mr Waddell: My understanding of traditional family values is a normal marriage, in which parents bring up their children.

Cathy Peattie: What message does that give if a colleague MSP tells me that the majority of children who live in Dundee, for example, are not living in a family with a married environment? That does not mean that those children are not being brought up in a stable, loving family. What does your interpretation of traditional family values mean to those children in Dundee—that they are different from children who are brought up in a traditional family environment? Is that the message that we want to give?

Mr Waddell: I would not like to think that the message would be given that those children are in any way disadvantaged in comparison to other members of society. We are trying to be non-discriminatory in everything that is done.

Cathy Peattie: Should we be saying to children that a good family is a traditional family, with a married mum and dad, the dog and a brother and sister? Is that the message that we want to give to children, or should we rather tell them that a happy, loving home is the best environment for a child?

Mr Waddell: A happy, loving home is the best environment for any child. To try to define one as better or worse than another is not in my remit.

Cathy Peattie: Are we not in danger of doing that when we talk about traditional family values?

Mr Waddell: You would have to address that question to some of our English counterparts, as that is what they are discussing with churches—

Cathy Peattie: This is a Scottish Parliament, and we want what is right for children in Scotland.

Mr Waddell: It is right for children in Scotland to be protected. Any concerns that parents have over the contents of the curriculum should be addressed. We are trying to get across the message that children should receive an appropriate education from the curriculum in all its aspects, not only in respect of sex education.

Cathy Peattie: I am sure that we want to ensure that children feel valued regardless of what kind of family they come from.

Mr Waddell: Yes.

Mr Hutchison: The main point that we are trying to make is that, whatever guidelines the Government chooses, it should ask for parents' views on them before they are implemented. If the guidelines focus on stable family relationships and traditional family values, and if parents are happy with that, that is fine. However, the important thing is for the Government to ask the parents.

Nicola Sturgeon: Cathy Peattie asked the important question of how we get past the misinformation that is inevitable in a debate such as this. Your answer was that, to some extent, that should be left to school boards. I would like to explore that a wee bit further. Earlier on, we established that there were no examples of inappropriate material being used in schools prior to the introduction of section 28. You were also unable to cite any examples of inappropriate material being used in schools that are not covered by section 28. That is the factual context in which we are operating.

I heard what you said about that not necessarily being enough to reassure parents. Do you not think that the Scottish School Board Association would be doing parents a greater service, and going some way to reassure them, if you spent more time pointing out those basic facts? I would be interested to hear whether the survey that you sent out to members gave any factual information on the context of this debate. If it did not, why did it not? Does that not mean that, by omission, you are helping to mislead parents and taking part in the spreading of misinformation?

Given that factual context and the fact that you are now getting the consultation that you and others, including the SNP, have asked for, and given that there are plenty of people in this Parliament who are determined to hold the Government to account on the issue of consulting

parents, is not the basis of your opposition to the repeal of section 28 now completely removed? Surely it would be far more constructive for your organisation to join with others to work towards the repeal of section 28 in an environment in which parents can be reassured that their children will be protected? Is that not a far more constructive role to play?

Mr Hutchison: We are not opposed to the repeal of section 28. However, we want no decision to be made on the repeal of section 28 until we know what will be put in its place, and until parents have been consulted and the Government has taken account of what parents have told it through that consultation.

Nicola Sturgeon: Can you answer my question on whether you have taken care to make your members and parents aware of the factual context in which we are working—which is that you cannot cite a single example of inappropriate material being used in schools?

Mr Hutchison: The information that we sent out with the questionnaire was simply the legislation and the guidelines, which are what we were asking for opinion on. That is all the information that accompanied the questionnaire on the issue. If the Government refuses to consult parents on the issue when the guidelines are published, we will take it upon ourselves to do that.

11:00

Nicola Sturgeon: Surely we all have a duty to ensure that these decisions are based on fact. Given that you accept that there has been a degree of misinformation in the debate, do you not accept that one of your roles as a representative body is to inform your members about the circumstances that gave rise to section 28 and what has happened since its introduction, and to tell parents that many of their understandable fears are based on nothing more than misinformation?

Mr Hutchison: We urge school boards and parents to examine the issue for themselves and make up their own minds, and our recommendations will reflect the outcome of any consultation on further guidelines. One fact that has got lost in the media hype is that we are not opposed to the repeal of section 28. However, we do not want a decision to be made on the repeal of the section until we are convinced that parents are reassured that whatever will be put in its place is acceptable.

Michael Russell: Does your body have no leadership role, or do you only follow opinion? I ask that question because those comments are a classic definition of a following role. I would have thought that, as Nicola Sturgeon said, the

executive committee of any organisation would, in the context of providing information, want to lead.

Nicola Sturgeon: Or even just to inform.

Mr Waddell: Next week, there will be a presentation on the guidelines and the circular that will go to members of the executive board, and that information will be passed on to the school boards that make up the association in Scotland.

Mr Macintosh: Although you say that the Government needs to reassure parents, which I accept, we already know what the replacement Government section will be. It will stipulate that local authorities should have regard to a stable family relationship. Will not that reassure parents?

Mr Hutchison: If that is the form of words that the Government decides on, with guidelines to back it up. All we are asking is that the Government should consult parents and take their views into account.

Mr Macintosh: Given that the replacement section exists and your organisation will agree on the guidelines in committee, will you promote those guidelines to parents as an acceptable alternative?

Mr Waddell: Perhaps the word “agree” is not quite accurate. The working group’s consultation will reach a consensus of opinion on the guidelines, which we will then promote if the SSBA and the parents’ representatives in the organisation are happy with them. The proposed guidelines will probably be far more detailed than in the past, and I hope that they will allay parental fears.

Part of the problem is not misinformation, but lack of information. Parents were unaware of what section 28 was until all the media hype, because of which parental concerns have been heightened. All we ask is that parents be consulted and told about the proposed guidelines; and if they are happy with them, we in turn will be happy to promote that position and the repeal of the section. However, parents must be consulted, because they are the people who count and their fears about their children’s education must be allayed.

The Convener: As I am feeling generous today, Lewis Macdonald can have a very quick question.

Lewis Macdonald: Mr Hutchison, the question of leadership was raised and Mr Waddell said that it is not part of his remit to say that one kind of loving, happy home or stable family relationship is better than another. I agree with that. In any future consultation, will you give the same guidance to the association?

Mr Hutchison: Recently we have been very careful not to persuade members one way or

another on the issue, which is why we included only the legislation and the guidelines with the questionnaire. Your question is absolutely crucial, and we would definitely not stipulate that one type of relationship is better than another.

The Convener: Thank you. The discussion has been thorough.

11:05

Meeting adjourned.

11:15

On resuming—

The Convener: I welcome the witnesses. As you were here when the previous witnesses gave evidence, you will be familiar with the format.

Mr Ronnie Smith (Educational Institute of Scotland): Good morning. I am the general secretary of the EIS. On my left is Veronica Rankin, the equality officer of the EIS and on my right is Margaret Nicol, the president-elect of the EIS.

Nicola Sturgeon: The Scottish School Board Association failed to cite any example of inappropriate material being used in schools prior to the introduction of section 2A. Is that because there are no examples?

Margaret Nicol (Educational Institute of Scotland): Yes. There is no evidence of any inappropriate materials having been used in Scotland prior to the introduction of section 2A. There is no evidence of anyone using or wishing to use inappropriate materials during the time that section 2A has been in force. Despite some of the assertions that have been made, there is no evidence that any local authority is considering using inappropriate materials.

I am happy to be answering this question, because I am employed by Fife Council, which is one of the councils that the SSBA stated was considering using inappropriate materials. That allegation was untrue. The council leader, Christine May, complained about it and there was a full retraction. We are unaware of any council wishing to use any kind of inappropriate material in Scottish schools. Scottish teachers would not support it.

The Convener: What do your members think of section 2A? I assume that they would support its repeal.

Mr Smith: The vast majority of our members support the repeal of section 2A. Our position has been consistent—we opposed the introduction of the clause. The impact on teachers has been variable. For many teachers, it has not been an

issue. However, we recognise that there is a residual, legal sword of Damocles, which is thoroughly unhelpful, given the absence of a problem needing to be addressed by such a section.

Lewis Macdonald: There is an argument that section 2A was introduced to address a problem that did not exist. The argument has also been put that the abolition of section 2A is unnecessary because it does not create any problems. In other words, its repeal is as pointless as its introduction. How would you respond to that?

Mr Smith: We take the view that the section is thoroughly redundant, but it is not benign or neutral. The section sends a clear message that one group in particular is singled out for disapprobation. We think that that is fundamentally discriminatory and wrong; it should not be allowed to remain on the statute book.

Lewis Macdonald: Can you give a specific example of the existence of such discriminatory legislation inhibiting or influencing your members, or making them concerned about the welfare of the young people in their charge?

Veronica Rankin (Educational Institute of Scotland): Yes. Some of our members have indicated that they have been reluctant to deal with specific questions about homosexuality. As we pointed out in our submission, some teachers are perfectly comfortable with it, whereas others are not. Judith Gillespie is correct in saying that the matter is more likely to be raised by children approaching a teacher in confidence. For example, a child might approach a teacher if their parents have split up because a parent is homosexual. That has been raised as a specific example. Although that was dealt with effectively in the long run, the legislation meant that teachers were somewhat worried about dealing with the matter.

There is also the question of how teachers deal with homophobic bullying. The Scottish Anti-bullying Network has given out some excellent advice on homophobic bullying. The difficulty is that the legislation is so vague. What exactly is meant by promotion? The situation is unacceptable, even if there is only one child to whom we cannot give good and adequate advice.

Michael Russell: I applaud your paper, which covers a range of important issues, not just section 2A. In such moral debates, there is a need for organisations and individuals to give some leadership to society. You are clearly prepared to do that. However, we must also recognise what is given—the range of misinformation and scaremongering that has caused concern among parents. This morning we have been given contradictory evidence on the level of that

concern. I am particularly interested in Margaret Nicol's view on what that concern is. How do we deal with it, given the current situation? Can we reach a situation where repeal is welcomed, allowing us to move towards the kind of society that we seek?

Margaret Nicol: You are right. There is a degree of concern that did not exist before the media hype began. I think that there is a perception that there is concern about what might happen rather than a real concern about what is going to happen. There lies the genesis of the way forward—once the section is repealed and the guidelines are in place.

As a teacher, I can speak only for my school. There are 1,800 children in my school, yet we have received only one letter from parents about section 2A—that letter supported the repeal of the section. That is the genuine level of concern among those who have had a chance to have a reasoned debate about the section. There is probably greater concern among those who are being made afraid by the media. That is what we must address. However, that can be done only after the section has been repealed.

Mr Smith: It is important that we recognise that the real connection between parents and the system is at the level of the school. The best way to counter the appalling, misleading information that has been promulgated is through the school, where every attempt is made to engage with the parents. That is where the Scottish School Board Association should be mindful of the statutory role of school boards. Under the School Boards (Scotland) Act 1988, the purpose of the school board is to promote links between home and school, not to be that link. The current guidelines in relation to health and sex education clearly advise schools to provide every opportunity directly to involve parents in the formulation of and consultation on the programmes that are taught. That is the best way to make progress.

Michael Russell: I want to follow up another point that was made earlier in the meeting. We have discussed phrases such as “traditional family values” and “traditional family life”. Of the 12 children in one of my own child's school classes, only three of them came from what one would call an established marriage. That might be regrettable or otherwise—many of us would regret that. What is the reality of traditional family life at the chalk face, when dealing with children? In those circumstances, what should be taught in a way that is helpful to children?

Margaret Nicol: I think that the proposed alternative—the reference to a stable family relationship—is helpful to children. I teach at Madras College in St Andrews, which could be considered a relatively middle-class, affluent

school. I do not think that even a third of the children in a class come from a background of what could be described as traditional family values or traditional family relationships. It should not be forgotten that some children living in traditional family relationships are not necessarily living in stable family relationships.

It would be difficult for any teacher to promote any particular value to a class that contained children in families with same-sex relationships, children in families where carers were involved, children with a single parent, children in a family with two parents with abuse going on—or children with two parents in a stable, different-sex relationship. I do not think that the children would understand what traditional family values meant; they would resent the promotion of those values on behalf of their friends in the classroom who lived in extremely stable relationships that would not be perceived as traditional family values by those who are putting forward the idea of traditional family values.

Michael Russell: Would it be fair to say that one can understand the aspirations of people who wish to see children taught in the sense that you are describing, and in a—I do not want to use this phrase because I think that it is pejorative—traditional family relationship, but that it is more helpful to teach children the reality of the society that they live in, and the way in which they can get the best out of it?

Margaret Nicol: I do not know that I would accept that people should have an aspiration to have that type of family life.

Michael Russell: But would you accept that that feeling exists in parts of society?

Margaret Nicol: I accept that a two-parent heterosexual family relationship, when it is stable, is every bit as valuable as any other family relationship. That would be our position.

Michael Russell: But the best thing to do is to teach children the reality.

Margaret Nicol: We have to teach children about reality, and the important word used in the political context of family relationships is stable. The important words when dealing with children are loving and caring.

Ian Jenkins: I had better declare that I am a member of the EIS. I was also a member of a school board.

In connection with what Michael Russell and Margaret Nicol were saying, I cannot remember how long ago it was realised that, when speaking to a class, it was difficult to say to an individual, "What does your mum think?" or, "What does your dad think?" One of the children would say, "Which dad?" or something similar—seriously. The

question would be rephrased, "What do the folks at home think?" It can become difficult. Do you agree—both as general teachers and as guidance teachers—that we are really trying to value the child as an individual and that we should get rid of anything which gets in the way of that if possible?

Margaret Nicol: I entirely agree with that. One of the paramount things that must come from the guidelines is that every child must be respected, whatever kind of family or circumstances they live in, as an individual. Further, all families and adults should be respected as individuals, regardless of the way in which they live.

Cathy Peattie: I would like to talk about guidelines. We heard from the previous witnesses that the parents need to be consulted. Ronnie Smith mentioned that consultation does not lie with the school boards, although they have a role. I am keen for parents to get good information and to get past the nonsense that people have been reading. I hope that we can move forward.

How do you think that we can move forward, work with parents and ensure that they get the proper information? How can we get to the kids themselves and ensure that they have an opportunity to put their views?

11:30

Mr Smith: The steps that have been taken so far have been in the right direction, in so far as a group has been established. As I understand it, that has not been done totally to recraft existing guidelines. A substantial body of material is already in existence, much of which is hard to criticise. It is fairly full and helpful.

We are returning to the age-old problem that I do not think anyone has cracked—how we connect with parents. We have had lots of different stabs at that, whether we are talking about parent-teacher associations, school boards, direct one-to-one contact, straw polls or whatever. I am not sure whether there is a single, simple formula—a magic answer that will get through to all parents. It may be that we have to recognise the reality that some parents are content to trust that things are being done reasonably and properly in the school. I do not think that there is the distrust of teachers in schools that some people seek to portray.

The one thing of which I remain convinced is that, if we are to be able genuinely to connect with parents, and if we cannot win over certain tabloid newspapers, which are very good at penetrating households, the only other way to do so is, as I said earlier, to set up better links between home and school. That could be through meetings with parents, although at the moment that tends to concern the progress of individual children, but there ought to be opportunities for schools to

organise seminars, briefings and so on. That happens—although it will vary in different areas, and we recognise that, whatever time of day or night is chosen, it will always be inconvenient for some people. Some may not particularly want to avail themselves of the opportunity that is presented, but it has to be at the school level.

Nicola Sturgeon: I want to pick up on Ronnie Smith's point about the public's confidence in the teaching profession. It was a point well made, and I would like to echo that.

Earlier, Judith Gillespie alluded to the fact that, while people have confidence in the teaching profession, they have slightly less confidence in the local authorities. I am sure that your own confidence in local authorities has been stretched from time to time. Do you accept that that is both a distinction and an issue? Can anything be done to try to get round the fact that people may trust teachers but have a fear that local authorities may not be quite as reliable?

Mr Smith: There are different views about local authorities, held by different people at different times on different issues. I am not aware of any belief or suggestion that there is a local authority or a group of them that are disposed to be let loose, promoting homosexuality, in the event that section 2A were to be repealed. I do not think that there is any real concern that local authorities are likely to play fast and loose if they are freed from the constraints of section 2A. I have honestly not seen that raised as an issue. I have heard of more fear about some dark lobby that will come and take over our schools and do all kinds of terrible things with our pupils.

Nicola Sturgeon: I would not necessarily disagree with you. Nevertheless, there is a fear among people that something is going to happen. I know your view on the national curriculum, and whole-heartedly share it. I would resist any attempts to move in the direction that you described. Judith Gillespie talked about the option opened up by section 12 of the Standards in Scotland's Schools etc Bill for placing a duty on local authorities. The guidance would not be in statute; a duty would simply be placed on local authorities to account, if necessary, for their actions in implementing the guidance.

Given your belief about the lack of desire on the part of local authorities to go off and do their own thing—I share that belief—do you think that that would be a harmful option? Conversely, might it be helpful in reassuring people that there will not be some dreadful occurrence as soon as section 2A is removed?

Mr Smith: The section of the bill to which Judith Gillespie referred does not give us any concern, provided that the meaning of the term “to have

regard to” is agreed. We would not want there to be a direct statutory diktat—thou shalt do A, B or C. We understand that local government is a second tier of government, beneath the national Government, and that what local government does is constrained by certain parameters laid down by national Government. The section is potentially a way forward.

Nicola Sturgeon: Therefore, if you were satisfied that the meaning of “to have regard to” had been explained, you would not have any great concern about the use of such a formulation for sex education guidelines.

Mr Smith: The situation might be different formally—in law—but it would not be hugely different from now in practice. We have lots of guidelines on the curriculum. Largely, authorities follow them and there are relatively few areas of dispute, although Judith Gillespie alluded to target setting, which was an area of tension recently. If one considers the extent to which the five to 14 curriculum is the model to which authorities work, I do not think that such a formulation would be a problem for local authorities.

Lewis Macdonald: I agree with your comments about the nature of the relationship between councils and schools. It is important to knock on the head the false idea that there is a distinction between councils and teachers when it comes to the delivery of education. A council cannot deliver its education policy except through teachers. Perhaps you could expand on that.

On the basis of what you have said, I take it that you would be positive about there being a duty on local authorities, as education authorities, to have regard to stable family relationships in the teaching of moral and personal responsibilities.

Mr Smith: Yes. We have publicly welcomed the formulation of the proposed alternative section, which refers to stable family relationships. We are at ease with the formulation, which we think is excellent.

Ian Jenkins: We have talked about the fact that youngsters may seek guidance, and Judith Gillespie mentioned the fact that children would go to whoever they found to be most sympathetic. However, there is another dimension to what is taught in schools. In English, for example, the choice of books could be contentious. The removal of section 28 would allow people to guide others towards certain reading. That is interesting. What potential problems could there be with that and with things such as the language used in textbooks, which can be a problem at the moment? It is another area, outwith the personal and social development curriculum, which is up in the air.

Margaret Nicol: Groups of teachers who are not, for example, guidance teachers and so are not trained might be affected to some extent. The example that springs to mind is English teachers, for whom the selection of books is important. Teachers might have felt constrained by the fact that selecting a book that deals with the topic of homosexuality could be regarded as promoting it. That has been one of the grey areas. However, no teacher could teach "The Merchant of Venice" at A-level without dealing with relationships. Teachers have been constrained not by section 2A, but by their professional judgment. The removal of the section, however, will remove the doubt and uncertainty.

Fiona McLeod: As an ex-school librarian, I feel I must come in on that point and back up what has been said. Before section 2A, school librarians did not have unacceptable material on the shelves as a matter of course. They continued to use their professional judgment, but section 2A always left hanging over the selection of material the threat that their professional judgment could be called into question. That is one of the reasons why the section should not be there.

The Convener: If there are no further questions, we will end on that note of agreement. I thank the witnesses for their attendance and for answering our questions. The committee will report to the Local Government Committee and the matter will then be decided in Parliament.

Thank you for your contribution.

Mr Smith: Thank you.

Committee Business

The Convener: The next item on the agenda is an update on committee business. I will give an update on two items. First, last week, we discussed the fact that Jamie Stone was having difficulty getting an appointment to meet Moray Council as part of his review of rural schools. It has now been agreed that he will visit Moray Council as soon as possible. There is a slight problem with the timing of the visit, so there might be a delay in Jamie's report coming back to the committee.

Michael Russell: Jamie Stone has not yet been to Argyll. I know that he is hoping to visit, but I hope that he will do that before he produces his report, as it has an important contribution to make to the debate.

The Convener: I am sure that Jamie Stone will visit the places that he planned to visit before he reports back. The visit to Moray Council was pushed back, which might have delayed the report. I just want members to know that the visits

are taking place and that Jamie will report back as soon as possible.

Secondly, as we have discussed previously, the committee is required to consider the budgetary process and report to the Finance Committee. We need to ensure that our response is with the Finance Committee by the end of May. I am sure that no one is unaware that that will clash with our consideration of stage 2 of the Standards in Scotland's Schools etc Bill, which could make the work load fairly onerous.

Therefore, I want to suggest that we appoint a reporter to meet staff from the Scottish Parliament information centre to clarify what information the committee needs to provide to the Finance Committee, so that we can submit a considered response, although I am aware that that is unlikely to be as detailed as we might have wanted. I suggest that we ask Karen Gillon, as deputy convener, to do that. She is not here this morning, but I promise that I have spoken to her. Is that agreed?

Members indicated agreement.

The Convener: As part of that process, we will invite the minister to come here to discuss how the Executive has spent its money on education in the past year. That meeting will take place some time in May.

Do members require updates on any other items? If not, I thank members for their time.

Meeting closed at 11:43.

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Friday 24 March 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Annual subscriptions: £640

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £2.50

Special issue price: £5

Annual subscriptions: £82.50

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £2.50

Annual subscriptions: £80

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 0171 242 6393 Fax 0171 242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 01232 238451 Fax 01232 235401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 01222 395548 Fax 01222 384347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers