

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Wednesday 26 April 2000  
(*Morning*)

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## EDUCATION, CULTURE AND SPORT COMMITTEE

### 14<sup>th</sup> 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

#### THE FOLLOWING MEMBER ALSO ATTENDED:

Peter Peacock (Deputy Minister for Children and Education)

#### CLERK TEAM LEADER

Gillian Baxendine

#### SENIOR ASSISTANT CLERK

David McLaren

#### ASSISTANT CLERK

Ian Cowan

#### LOCATION

Festival Theatre



## Scottish Parliament

### Education, Culture and Sport Committee

*Wednesday 26 April 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 10:04*]

**The Convener (Mrs Mary Mulligan):** Good morning, everybody. Welcome back from the recess to the Education, Culture and Sport Committee. I will make a few short announcements.

First, I remind everybody to ensure that their mobile phones are switched off, as they interfere with the sound system. Secondly, we are aiming to finish at 12:30. I will finish the bill proceedings shortly before then so that we can deal with the last three items on the agenda, which should not take long. Thirdly, I remind members that we will take a short coffee break at around 11 o'clock—and I emphasise the word “short”—because it is useful to have a break in the middle of the meeting. I hope that everything goes as smoothly as it did last time.

**Michael Russell (South of Scotland) (SNP):** It could not go more smoothly.

**The Convener:** It was slow, Mike, but it was very smooth.

### Standards in Scotland's Schools etc Bill: Stage 2

#### After section 3

**The Convener:** I call amendment 19, which is grouped with amendment 20.

**Nicola Sturgeon (Glasgow) (SNP):** Amendment 19 would insert a new section into the bill, the purpose of which is to establish an education convention to bring together experts in education and representatives of various education interest groups to provide a source of advice to ministers on the determination of the national priorities and on matters of education policy. That idea has broad support among the education community in Scotland. More than one political party has advocated such a convention for some time, and it would be a useful addition to policy making in Scottish education.

Amendment 20 would formalise the consultation process on the national priorities by making it essential that ministers consult the education

convention and take its advice before framing and publishing national priorities. It does not diminish consultation with wider Scottish society in any way. The consultation that is already envisaged in the bill would still go ahead as ministers have planned it, but there would be a formal aspect through the education convention. That would be a useful addition to what is already in the bill. The section on national priorities in education is one of the most important sections in the bill. It is important that there is as much consultation as possible, and that the consultation process is formalised.

I move amendment 19.

**Michael Russell:** I support Nicola Sturgeon's amendment and the consequent amendment. Many of us are concerned that the potential for confrontation is often present not just in education, but in many other areas of national life. Most arguments are blown out of proportion by politicians, as well as by others. I notice that Ian Jenkins, who is grinning, is willing to take his share of the blame for that.

The convention approach has been successfully used in a number of countries, particularly in the industrial sphere, but it applies well to education. It allows constant discussion, relationships to be formed, and ways to be found for individuals to understand each other. It also provides a means for making national progress, which is not always possible when matters move into the political sphere and out of the sphere of constructive discussion. As Nicola Sturgeon said, an education convention has not only been a Scottish National party commitment, it has been warmly supported by many others. I hope that it will be considered seriously. The amendment adds to the bill: it does not detract from it.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I commend the part that the SNP played in the Scottish Constitutional Convention, which was an organisation of the sort that we are talking about. I do not disagree with the principle of establishing a body of this sort to discuss education. The idea of a discussion group where ideas are aired and ministers are given advice is fair enough, but I am not sure that this bill is the right place to establish it because it could be a recipe for confrontation.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I have one slight advantage as I have served as a member of an education authority, as has Peter Peacock. One of the essential planks of my philosophy is that I am wary of anything that could undermine the role of the local authority.

Perhaps Nicola Sturgeon would care to come back on the point as to how the local authorities

would sit within this. We must bear in mind the fact that local authorities already have links with environmental organisations and industry. There is a good programme of involving children in industry.

A significant weakness in this amendment is that I do not see the word "health" mentioned. The danger is that when you draw up a prescriptive list, what you leave out can be the fatal weakness. Will Nicola Sturgeon enlighten us as to why health is not in here? Anything like this will fail if you do not kick in that aspect, which is fundamental.

**Lewis Macdonald (Aberdeen Central) (Lab):** I share Jamie Stone's anxiety on that latter point. He mentioned health, but my concern would be how the insertion into the bill of a convention would affect the wider obligation to consult. The essential point in relation to setting national priorities is that the consultation should be as wide as possible. Apart from the role of education authorities, there should not be two classes of consultees. My concern would be that if a convention were to be created, it might include some and exclude others and would therefore create two classes of people to be consulted. I would be concerned if we were to go down that road.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I agree with what Jamie Stone and Lewis Macdonald have said. I am not against conventions, I think that they are quite a good idea, but I am not convinced that this one is necessary. If the bodies mentioned were not consulted that would concern me, but I believe that the structures are already there to include all those bodies in the education process. I therefore think that a convention would be unnecessary.

**The Deputy Minister for Children and Education (Peter Peacock):** I have listened to the arguments that Nicola Sturgeon has put forward for a statutory education convention, but I am not persuaded by them. I hope that I will be able to indicate later in the meeting that I am persuaded by some of the arguments put forward on other amendments, given Mike Russell's slight criticism of me last week for being unco-operative. I am indicating that while I will be unco-operative to begin with, I will become increasingly co-operative as the morning goes on.

**Michael Russell:** I can hardly wait.

**Peter Peacock:** I want to draw a distinction between the underlying thought of the need for open debate and discussion about education matters and the specific point about a statutory convention to achieve that objective. We are firmly committed to consulting and involving all the organisations and interest groups around education that require to be involved. The

consultation on this bill demonstrated the effectiveness of the arrangements for pre-legislative scrutiny. This committee has been established to consider matters related to education and advise Parliament on them and will be a key forum for testing education policy in Scotland. I would hate to think that a further statutory body might be seen as an alternative to this committee in its function within Parliament.

The programme for government has established an education forum to link classroom practice and research it much more closely than in the past. The first meeting of that education forum will take place on 15 May and will involve about 60 teachers and researchers discussing thinking skills. Members will be glad to know that I am going to attend in the hope of benefiting from it. That is one example of how the education forum can address specific concerns in relation to education and work in a flexible way to engage people in matters of debate.

We have a variety of advisory groups on specific subjects. One advisory group is advising ministers on parental involvement in their children's education. Other groups are examining special education needs and continuing professional development. Over time, groups will emerge to consider issues and, when they have considered an issue, they will pack their bags and move on to another one. On issues of such importance as the national priorities, we are committed to doing as much as we can by way of consultation. From the current procedure to examine national priorities members will be aware how wide and open the consultation process on that is.

Picking up the point that Jamie Stone made, we also liaise closely with the Convention of Scottish Local Authorities education committee, which itself generates a variety of ideas and issues. For all those reasons, we believe that there is enough provision already. It is a flexible way of operating and we do not believe that the proposal for a statutory education convention would add a great deal. In that spirit, I ask the committee to reject the amendment.

**Mr Stone:** You talked about the forum and researchers, but one weakness that I did not mention was the lack of involvement of higher education. Is that what you are referring to? Are you talking about involving university staff in the forum?

**Peter Peacock:** Our desire is to create a mechanism whereby we can bring together on any issue that requires it all the parties who have an interest. If that includes further and higher education, health boards, social workers or whatever, we will have the flexible mechanisms to allow that because we have not prescribed how the forum will operate in a defined legislative way.

That creates the best mechanism for the future, but it is only one dimension of how we consult people.

10:15

**Nicola Sturgeon:** I hate to be the one to remind Ian Jenkins and Jamie Stone, but that was Liberal Democrat policy prior to the election. Perhaps that does not count for much in the grand scheme of things.

I would like to address a few of the points that have been raised. The amendment does not cut across the wider obligation to consult; it leaves that part of the section untouched. It is an addition to what is already there and does not take away from the wider obligation at all. As far as the relationship with local authorities and the COSLA education committee is concerned, what is envisaged is an advisory body, not a policy-making body or a body charged with the responsibility of implementing policy. It simply proposes an advisory body to allow a formalised way of consulting and advising.

One can never have too much consultation and I think that there is a need to broaden the range of advice that is currently available to ministers. At stage 1 of the bill, the committee heard a number of concerns about the virtual monopoly enjoyed by Her Majesty's inspectors in offering ministers advice on education policy. We heard concerns that there is potential for conflict between that role and the role of the inspectorate to inspect standards, and there was some sympathy with those concerns. An advisory body would provide an alternative source of advice for ministers and would therefore be worth while.

Jamie Stone mentioned having a prescriptive list, and he made a good point about health. Since it was lodged a couple of weeks ago, this amendment has been open to further amendment by other committee members, but no amendments have been forthcoming. If the principle were agreed today, I would be happy to accept that further amendments at stage 3 may well be necessary to refine what we are talking about. It is important that the principle be established and I ask the committee to support it.

**The Convener:** The question is, that amendment 19 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a vote.

**FOR**

Fiona McLeod (West of Scotland) (SNP)  
Michael Russell (South of Scotland) (SNP)  
Nicola Sturgeon (Glasgow) (SNP)

**AGAINST**

Karen Gillon (Clydesdale) (Lab)

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Lewis Macdonald (Aberdeen Central) (Lab)  
Mr Kenneth Macintosh (Eastwood) (Lab)  
Mr Brian Monteith (Mid Scotland and Fife) (Con)  
Mrs Mary Mulligan (Linlithgow) (Lab)  
Cathy Peattie (Falkirk East) (Lab)  
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**The Convener:** The result of the division is: For 3, Against 8, Abstentions 0.

*Amendment 19 disagreed to.*

#### **Section 4—National priorities in education**

**The Convener:** Amendment 20 has already been debated with amendment 19. I ask Nicola Sturgeon to move it formally.

**Nicola Sturgeon:** I do not think that there is much point in moving it formally, given that amendment 19 has been defeated. Amendment 20 makes no sense without amendment 19, so I shall not move it.

*Amendment 20 not moved.*

*Amendment 37 not moved.*

**The Convener:** I call Jamie Stone to move amendment 73.

**Mr Stone:** Would you like me to speak to the amendment?

**The Convener:** Yes. We now come to amendment 73, which is grouped with amendments 54, 21, 22, 23, 55, 56, 39, 40, 41, 42, 44 and 74.

**Mr Stone:** I will make the same point as I did at the committee's previous meeting, which is that amendment 73 allows for the representation of teachers and parents in the consultation exercise. If members turn to section 4, they will see where the amendment fits in. I will leave it at that and wait to see what colleagues on the committee feel about the amendment.

I move amendment 73.

**The Convener:** Do any other members wish to make a contribution? Does the minister wish to say anything?

**Peter Peacock:** Are you dealing with each amendment in turn? Do you want me to speak now, or will I wrap up at the end?

**The Convener:** I will call other members first and come back to you, minister.

**Peter Peacock:** I am happy with that.

**Nicola Sturgeon:** The purpose of amendments 21, 22, and 23 is to ensure that national priorities for education are brought before Parliament for approval prior to being finalised. I know that the minister has lodged alternative amendments that

would have the same effect and I will listen to what he has to say about them.

**Fiona McLeod (West of Scotland) (SNP):** Amendment 74 is to ensure that pupils are involved in the promotion of their own education. Members will know that the matter is one about which I am particularly concerned, but it is also the committee's concern to ensure that young people are involved at every turn in all the issues that affect their lives. We are talking about setting priorities in education and the main beneficiaries of education are pupils. It is, therefore, incumbent on the committee—which has discussed the involvement of parents in the promotion of the education of their children—to ensure that pupils are also involved.

**The Convener:** Nicola, I have been advised that you can speak to amendments 39, 40 and 42 at this stage, if you wish.

**Nicola Sturgeon:** Amendment 39 is designed to ensure that teachers who are not in trade unions have the opportunity to be consulted on local authorities' statements of improvement objectives. The amendment adds to the bill and covers a group of people that might otherwise be left out of consultation.

Amendments 40 and 42 relate to consulting young people. Both are designed to strengthen the provisions in the bill and to ensure that there is more than a token attempt to consult young people. As well as giving young people the opportunity to state their views, the amendments place an obligation on local authorities to take account of those views and to feed them in to their decision-making process.

**The Convener:** Are there any further contributions?

**Karen Gillon (Clydesdale) (Lab):** I will speak to amendments 41 and 44. This big long list is a bit complicated.

**Michael Russell:** But we always like to hear from you, Karen.

**Karen Gillon:** Shut up, Mike. [*Laughter.*]

Amendment 41 deals with consultation, which Nicola Sturgeon and Fiona McLeod have both mentioned. Amendment 44 deals with education annual reports and states that local authorities should, in preparing statements, consult chiefs of social work and take account of children's services plans. It is important that those views are taken on board and are part of local authorities' development plans, particularly in regard to children who are in care and whose education is, clearly, not being best served at the moment. I am interested in hearing the minister's views on that and on how that can best be done, whether through the bill or by other means.

**Peter Peacock:** Obviously, this is a very large group of amendments and I will deal with them in batches according to their subject matter.

Amendment 73, moved by Jamie Stone, would give organisations representing teachers and parents additional rights in the process of setting national priorities for education, by requiring consultation with them. As it is education authorities that will be placed under the duty in relation to the national priorities rather than the teachers or parents, we believe that it is right to give the local authorities the highest status in the consultation process. However, we agree that the views of everyone with an interest in education are important in agreeing the national priorities for education and the process that we have mapped out for identifying priorities involves a wide range of organisations, including teachers and parents. I hope that it is clear that the provision seeks to give those most affected by the legislation the pole position in consultation, without excluding anyone. I assure members that we hope to include as many people as possible in the consultation process.

I will deal with amendments 54, 55, 56, 21 and 23 together. We have lodged amendments 54, 55 and 56 in an attempt to respond positively to the points raised by Nicola Sturgeon in amendments 21 and 23. The Parliament has a role in considering the national priorities for school education. The effect of the Executive amendments is to require a debate and the approval of Parliament for the national priorities. Regrettably, we do not think that Nicola's amendments achieve the intended effect, as Parliamentary approval is not a clear condition of the national priorities coming into force—as it is in the Executive amendment. I ask Nicola Sturgeon to withdraw her amendments in favour of the Executive amendments, which better address the point that she wishes to establish.

Amendment 22, also in the name of Nicola Sturgeon, would require Scottish ministers to identify national priorities on the basis of the aims set out in section 2 of the bill. However, the two sections are not directly related; section 2 focuses on the education service to be delivered to individual children—particularly the outcomes that education is intended to deliver for a child—whereas section 4 is significantly wider than that. Section 4 allows for inputs to be included in the statement of priorities. Although those inputs would be directly related to the most important outcomes for education, they are not necessarily limited to the elements set out in section 2. We do not intend national priorities to be limited in the way that the amendment suggests. We oppose the amendment and hope that Nicola Sturgeon will agree to withdraw it.



I understand that Nicola Sturgeon has lodged amendment 39 with a positive intention and I agree that it is important that teachers and others with an interest in school education have the opportunity to express their views on matters that affect them. However, as it is drafted, technically the amendment would make no substantive difference to the section, as the requirement to consult would continue to apply to organisations representative of people who work in the school. It would not extend the duty to consult in the way in which the member intends.

Members will have noticed that in another context we lodged amendments to respond to similar points. In this case, we have not done so because we consider that the section as it stands places a proper duty of consultation. Under the bill, certain organisations must be consulted, but others, including teachers who are not members of a union—or teachers who are members of a union but who wish to express a personal view—are given the right to express their views. On that basis, I hope that Nicola Sturgeon will decide not to move the amendment.

Amendments 40, 41 and 42 would impose an additional consultation requirement on local authorities. As I have said, we think that consultation is important and that it should extend to children and young people as well as to others with an interest in education—it is important that they all have an opportunity to contribute and to be consulted on matters that affect them. We would like a range of groups to be involved in the preparation of the statement of local improvement objectives.

For such involvement to be meaningful, different groups will require to be involved in different ways. I am aware that a number of local authorities and voluntary organisations are examining different models of involving pupils. We will all be interested in how they develop. The amendments would give the people they mention a higher status than the consultees referred to in the earlier part of the section. We believe that that is neither appropriate nor the intention behind the proposal. As a result, I invite members not to press their amendments.

10:30

I will consider amendment 74 in the same context. The consultation with children and young people on the bill showed that they are primarily interested in being involved in matters that directly affect them at their school. That key element of pupil involvement is dealt with in section 6, which establishes a requirement for schools to report how they have involved and consulted pupils. Section 5 deals with authorities' responsibilities for setting local improvement objectives and, within that, for promoting the involvement of parents in

their children's learning. As we believe the bill as it stands strikes the right balance, we cannot support the amendment.

The idea behind amendment 44, in the name of Karen Gillon, is clearly sensible. We are committed to encouraging as much joined-up working as possible between local and central Government, and that is most important where children's interests are concerned. However, the amendment deals with only one of many matters that local authorities should take into account when preparing a plan. We will explore with local authorities how this and other linkages might be brought together and intend to deal with the issue in guidance published under section 12. I am quite prepared to give Karen Gillon an undertaking that the linkage between social work and education will be emphasised in any guidance. As that arrangement perhaps deals with the matter more appropriately and flexibly by involving other people, I invite her not to press her amendment.

For the reasons that I have outlined, I intend to move the Executive amendments at the appropriate time.

**Mr Stone:** The minister has neatly deployed one of my arguments against me, which is a technique with which I am familiar from a previous incarnation. I have been so persuaded of the ignorance displayed by my amendment that I will withdraw it.

I have mentioned that I am keen to involve local authorities. I also want to mention my old hobby-horse—children. I accept all the minister's comments about establishing best practice and so on. Does he think that, in future, guidelines on the involvement of children will be introduced for local authorities? I know that I am asking him to crystal-ball-gaze, but I am interested in his thoughts on the matter.

**Peter Peacock:** This is a recurring theme for the Executive, the committees and the wider Parliament. Although I am very committed to involving young people far more in decisions that affect them, we are still learning how to do so effectively. In considering how to engage with young people, the Executive and this committee have met voluntary organisations that are developing new skills on this issue. Local authorities are practising new ways of involving young people; indeed, there is a great diversity of practice across the country. Once such good practice has been developed, we should find ways of sharing it between local authorities and the Executive. I am not averse to the idea of issuing guidance in due course to help local authorities to plan as effectively as possible—indeed, we are happy to travel in that direction.

**Karen Gillon:** When young people spoke to the committee, I was struck by their wish to engage in their own school development plans. That happens only piecemeal in a number of schools. If children and young people are to be involved in school development plans, how they are engaged in the process will be very important. In the past, that process has been very frustrating: sometimes young people have been asked for their opinions, sometimes they have not; sometimes their opinions have taken on board, sometimes they have not.

If I were not to move my amendment, I would be looking for some form of guidance on how authorities should engage young people in the process of developing school development plans. If such guidance already exists, it may need to be beefed up a little. I do not think that the mechanism is yet in place to allow young people to take part properly in the process of developing school development plans. If we are serious about what we are saying, we need to examine how we can best do that.

**Fiona McLeod:** I address my point to Karen Gillon as well as the minister. If we are serious about involving young people in their education and the promotion of their education, we must write that into legislation. I do not think that guidelines are enough. Guidelines would follow legislation, but they are not mandatory.

The minister has already referred to the great diversity of practice throughout the country. We need to enshrine in legislation the fact the pupils should be in the pole position when it comes to deciding on their education, as guidance is merely guidance. We must go further and ensure that young people can play a part. We know from our meetings with young people that, when asked, they say that they are mainly concerned with issues in their individual schools—but that does not preclude them from being involved in formulating their local authority's statement of objectives.

**Lewis Macdonald:** I take the minister's point about the diversity of schemes that exist. He will be aware that in Aberdeen there is a very advanced scheme for consulting secondary school pupils through the Aberdeen student forum, which involves pupils from all the secondary schools in Aberdeen. I accept that at this stage, when there is such diversity, it may be a bit premature to lay down firm guidance on the best method of consulting young people, but even the bill as it stands makes it clear that there is a duty on the education authority to give young people an opportunity to make their views known.

I would be interested to know the minister's view on what will constitute fulfilling that duty. From the way in which the bill is written, it seems clear to

me that each education authority must be able to show ministers that it has consulted young people. I would be interested to hear from him how he will judge whether authorities have done that adequately.

**Peter Peacock:** I will try to put this in context. The bill would establish for the first time in law that young people should be involved in dealing with issues that relate to the running of their school. That is a major step forward and I do not think that we should underestimate its importance. It sends a clear signal that the Executive and, I trust, the committee and the Parliament want to move in the direction of greater involvement by young people. However, we must engage young people in ways that are meaningful to them. Later in this morning's debate we will talk about involving young people in matters such as quality assurance. I am not sure that that is as appropriate as involving young people in issues that relate directly to them—issues that emerged from the consultation exercise that took place during pre-legislative scrutiny of the bill.

As Lewis Macdonald and others have mentioned, a diversity of practice is developing. I think that that is a good thing. At this stage, we must experiment and investigate the different ways in which we can engage with young people. Different views exist on how that can be done. In Dumfries and Galloway, for example, there are committees that shadow the council's committees and make decisions on a range of issues. In other parts of the country we have involved youth parliaments and youth forums. Pupil councils are developing in different forms in different schools. There is a great deal to be said for allowing that practice to develop over a period of years, given that we are setting new standards and new expectations. From that, we can find out what practice works best and what young people respond to best. If necessary, we can enshrine it in legislation at that point, to ensure that everyone benefits from the experience that has been gained. However, doing so prematurely might curtail what is happening and limit the ways of involving young people that we can develop.

There are various ways in which the Executive can monitor what is going on. Equally, local authorities can monitor what is happening in other local authority areas and share good practice. In those ways, we can develop the intelligence we require to work out at what point we may act further, if that is what we decide to do. The clear intention is to move down this road and to allow different ways of involving young people to flourish. Such involvement needs to relate to young people and their experience.

**Ian Jenkins:** I accept what the minister says, but there is no reason why we cannot include what

Fiona McLeod suggests and still do exactly what the minister says. Frankly, I do not understand why the bill should not state that when the authority is saying how it runs things it should have to say something about the input of young people. Authorities do not have to provide tons of detail, but they have to be accountable. If they have to say how parents are being involved in promotion, why should they not have to say how the kids are being involved?

**Peter Peacock:** I cannot add to what I have said.

*Amendment 73, by agreement, withdrawn.*

*Amendment 54 moved—[Peter Peacock]—and agreed to.*

*Amendments 21 and 22 not moved.*

**The Convener:** We now come to amendment 38.

**Nicola Sturgeon:** This is a very simple amendment. It would replace “may” in paragraph (b) with “shall”. It should not be optional for ministers to

“define and publish measures of performance in respect of the priorities”.

If there are to be national priorities, it is clear that there must be measures of performance against which success or failure in implementing them can be measured. As worded, the section leaves open the possibility of national priorities being defined and published but there being no way of determining how well or how badly the education system performs in meeting them.

I move amendment 38.

**Peter Peacock:** I understand the sentiment behind this amendment. However, for reasons that I will set out, I think that it constrains what we want to achieve in a way that is not helpful, even if that is not the intention.

The amendment would require Scottish ministers to define and publish a measure of performance for each national priority. Although it is our intention to set measures of performance for most national priorities, we are not persuaded that it would be desirable to set a national measure for every priority.

The committee will have noted from the paper that we published recently and made available to it in advance of publication, the areas that are being considered as national priorities. Although there are clear indicators that would be appropriate for some of the proposed priorities—such as the achievement of qualifications in literacy and numeracy—appropriate measures are more difficult to identify for other priorities.

Indeed, the need to find softer ways to quantify

and assess the quality of education has been circulating in Scottish educational debate for some time. I am thinking of skills such as critical thinking and working with others. How does one define hard measures for such skills? We have been clear that the process will begin by identifying priorities. We will then consider what the appropriate measures should be. If a valid measure cannot be identified for a priority, we will not make the mistake of imposing one for its own sake. When no national measure is defined for a particular priority, a local authority will still be required to set a local objective, but it will be free to determine how the achievement of the objective will be measured.

As currently drafted, section 4 better meets the needs of the objectives that we are trying to achieve by requiring only sensible measures be set, rather than measures for everything. I invite Nicola Sturgeon to withdraw her amendment. I am sure that what I have described is not what she intended to achieve.

**Nicola Sturgeon:** The minister is right to say that that is not what I intended; nor do I think that it is what the amendment would do. I have been a critic of the narrow approach to education that this Government and its predecessor have taken and I accept what the minister says and reassure him that what he described is not my intention.

If there are to be national priorities, there must be some way of measuring how well we are meeting them. I understand the minister's point about some measures of performance being more difficult to set than others, but the fact that something is difficult does not mean that it is not worth doing. Different priorities may demand different types of performance measure; not all performance measures have to be crudely statistical. The challenge that we should rise to is that of finding new and different ways of measuring our success or failure. The fact that that might be difficult does not mean that we should not try to do it. If a priority was set in education, it would be logical to have some way of measuring success in that area. Having listened carefully to the minister, I will press amendment 38.

10:45

**The Convener:** The question is, that amendment 38 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Fiona McLeod (West of Scotland) (SNP)  
Mr Brian Monteith (Mid Scotland and Fife) (Con)  
Michael Russell (South of Scotland) (SNP)  
Nicola Sturgeon (Glasgow) (SNP)

**AGAINST**

Karen Gillon (Clydesdale) (Lab)  
 Lewis Macdonald (Aberdeen Central) (Lab)  
 Mr Kenneth Macintosh (Eastwood) (Lab)  
 Mrs Mary Mulligan (Linlithgow) (Lab)  
 Cathy Peattie (Falkirk East) (Lab)  
 Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**ABSTENTIONS**

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

**The Convener:** The result of the division is: For 4, Against 6, Abstentions 1.

*Amendment 38 disagreed to.*

*Amendment 23 not moved.*

*Amendments 55 and 56 moved—[Peter Peacock]—and agreed to.*

*Section 4, as amended, agreed to.*

**Section 5—Education authority's annual statement of improvement objectives**

*Amendment 39 moved—[Nicola Sturgeon].*

**The Convener:** The question is, that amendment 39 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
 Fiona McLeod (West of Scotland) (SNP)  
 Mr Brian Monteith (Mid Scotland and Fife) (Con)  
 Michael Russell (South of Scotland) (SNP)  
 Nicola Sturgeon (Glasgow) (SNP)

**AGAINST**

Karen Gillon (Clydesdale) (Lab)  
 Lewis Macdonald (Aberdeen Central) (Lab)  
 Mr Kenneth Macintosh (Eastwood) (Lab)  
 Mrs Mary Mulligan (Linlithgow) (Lab)  
 Cathy Peattie (Falkirk East) (Lab)  
 Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**The Convener:** The result of the division is: For 5, Against 6, Abstentions 0.

*Amendment 39 disagreed to.*

*Amendments 40 to 42 not moved.*

**The Convener:** Amendment 79 is grouped with amendments 80 to 87 and amendment 108. I call the minister to move amendment 79.

**Peter Peacock:** Issues concerning the timing of the preparation of the annual statement of local improvement objectives, school development plans and reports on the progress of such have been raised. We recognise that the timing for the preparation of those documents as originally suggested may not be the most appropriate. As part of our current consultation on national priorities, we have asked questions about the

timing of reporting as part of the improvement framework.

Amendments 80, 83 and 86 suggest alternative dates for completion of the annual statement of improvement objectives, school development plans and reports on school development plans, which could provide a solution. Considering the matter in the light of the amendments, recognising that there are different views on what would be the best timing for the preparation of those key documents, and in order not to pre-empt the current consultation, we have lodged amendments 79, 81, 82, 84, 85 and 87, which do not set, at this stage, a specific month for the completion of those documents.

Amendment 108 is consequential upon the other amendments in the group and removes the power of ministers in sections 5 and 6 to change the year and month by the end of which a statement, reports and a school development plan must be prepared. If our suggestions are acceptable, I suggest that Karen Gillon may wish not to press her amendments in light of the more flexible arrangements that we are now proposing following her lodging her amendments.

I move amendment 79.

**Karen Gillon:** I will be prepared not to move my amendments. It is clear from discussion with various parties that the dates that were set made no sense and did not run on or follow from each other. There was not adequate time for schools in particular to consult on their development plan, given the local authorities' objectives.

Having spoken to COSLA and the unions, and given the minister's assurances, I intend not to move the amendments.

*Amendment 79 agreed to.*

*Amendments 80 and 44 not moved.*

**The Convener:** Amendment 74 has been debated with amendments 37 and 73.

*Amendment 74 moved—[Fiona McLeod].*

**The Convener:** The question is, that amendment 74 be agreed to. Are we all agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
 Fiona McLeod (West of Scotland) (SNP)  
 Michael Russell (South of Scotland) (SNP)  
 Nicola Sturgeon (Glasgow) (SNP)

**AGAINST**

Karen Gillon (Clydesdale) (Lab)  
 Lewis Macdonald (Aberdeen Central) (Lab)  
 Mr Kenneth Macintosh (Eastwood) (Lab)  
 Mr Brian Monteith (Mid Scotland and Fife) (Con)

Mrs Mary Mulligan (Linlithgow) (Lab)  
Mr Jamie Stone (Caithness, Sutherland and Easter Ross)  
(LD)

**The Convener:** The result of the division is: For 4, Against 6, Abstentions 0.

*Amendment disagreed to.*

*Amendment 81 moved—[Peter Peacock]—and agreed to.*

**The Convener:** Amendment 57 is to be dealt with on its own.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I would like not to move amendment 57. It was intended as a holding amendment to ensure some debate on section 5, but there were enough other amendments to allow debate to take place.

*Amendment 57 not moved.*

*Section 5, as amended, agreed to.*

**Mr Monteith:** You said, convener, that the vote on amendment 74 was six against and four for. There are 11 of us, are there not?

**The Convener:** Cathy Peattie was not here. I am glad to see that you are taking such an interest, Brian.

### Section 6—School development plans

**The Convener:** Amendment 82 has already been debated with amendment 79.

*Amendment 82 moved—[Peter Peacock]—and agreed to.*

**The Convener:** As amendment 82 has been agreed to, amendment 83 falls.

We now come to amendment 58, which is grouped with amendments 45, 59, 24, 60, 60A, 46 and 76. I have to point out that if amendment 58 is agreed to, amendments 45, 59 and 24 will fall. I call the minister to speak to and move amendment 58.

**Peter Peacock:** There are two aspects to this group of amendments—the involvement of staff in the consultation process and the participation of children. Several amendments concern the involvement of staff. We share the view that everyone involved in running a school should have an opportunity to be involved in the preparation of the plan. In an effort to respond positively to members, we have lodged two amendments that would make clear that all staff working at a school, and the local bodies that represent them, should be consulted on the school development plan.

However, our amendments would not include people who work at a school unpaid. Karen Gillon picked up that point and lodged an amendment—amendment 60A—which would ensure that the expertise and understanding of such people is

enlisted in the preparation of the development plan. I support that amendment and hope that the committee will approve it.

Amendments 46 and 76 address the second issue—the involvement of children in the consultation. I shall address each of them in turn. We have already had a discussion about the involvement of children and the general principles have been well rehearsed. We believe that amendment 46 would not impose the intended duty. Indeed, it may reduce the level of accountability for the arrangements that are in place by removing the requirement to account for the extent to which the existing arrangements are used. In short, the head teacher might be required only to say that arrangements are in place, even if they are seldom used. I am sure that that is not what Nicola Sturgeon intended and I would like her to consider whether she wishes to move her amendment.

I understand the intention behind amendment 76 and agree that it is important to involve pupils in matters that affect them, but the amendment is technically flawed and may send the wrong signals. The amendment would not require head teachers to involve pupils in decisions; it would require them simply to set out an account of how and to what extent they are involved. We are committed to involving and consulting young people in the way that we have already described. We want head teachers to encourage children and young people to engage in the process.

This section is about establishing the appropriate context for children and young people to be involved and consulted voluntarily, and we want to involve children more in all matters related to their education. This is a developing field and many schools are developing new initiatives and new ways of dealing with it. Amendments 46 and 76 send the wrong signal—of compulsion rather than encouragement. I therefore urge the committee to agree to amendments 58, 60 and 60A and suggest that the other amendments in the group not be moved, for the reasons that I have outlined.

I move amendment 58.

**Karen Gillon:** I will not move amendment 45, but I will support amendment 60. Amendment 60A is an important amendment that deals with all the people who should be consulted. I was particularly keen to include persons employed at the school who are not teachers. For too long, people who have been part of the educational process—janitors, school meals staff, cleaning staff and support staff—have played a valuable role but not had a voice. For many of our most disadvantaged young people, they are often the staff with whom they form the most meaningful relationships in school, encouraging them to continue and improve

their educational attainment. Missing them out for so long has been an oversight and we should welcome the opportunity the bill provides to include them in consultation.

I lodged amendment 60A because in my previous life I was a community education worker and spent a lot of time trying to get volunteers involved in school education. Parent volunteers and those who come in to do arts and crafts or music classes provide valuable support to the teaching staff. They were missing from the consultation process before and it is important that they are included formally and given the recognition that their status and input deserve.

**Fiona McLeod:** Regarding amendment 76, the minister says that, by taking out the words “seek to”, we will be bringing in compulsion rather than encouragement. The debate continues and almost goes round on itself.

The thinking behind removing that phrase was to ensure that there was compulsion. We must not only encourage people to involve the pupils in the school development plans, but ensure that they do so. Encouragement is not enough.

11:00

The minister referred to the evidence that we received from young people and the fact that they were most concerned about their immediate school environment. It is important that we make sure that all pupils in every school are involved in the school development plan—not just encouraged to be there, but obliged to be there. We should make that clear at the part of the bill that deals with school development plans.

I know that we are only at the beginning of the process of finding out how to consult young people and find out their views, but I do not think that that fact means that we should not include in the bill a requirement for young people to be involved in the school development plan. I am sure that the committee agrees with me.

**Mr Monteith:** I am content with what the minister said and am happy to accept his amendments.

**Nicola Sturgeon:** I am happy to accept the minister's assurances on amendment 24, so I will not press it. I am not convinced by the minister's arguments on amendment 46. Although I accept that there are differing interpretations of the current legislation, I do not accept that the removal of the words, “and extent to which” weakens the obligation. On the contrary, I think that their inclusion could allow a head teacher to believe that they are free to take a minimalist approach to consulting pupils. The removal of the words makes them obliged to have an account of the ways in

which consultation will take place. I will press the amendment.

**Michael Russell:** I support amendment 60A. The concept of the school community is incomplete without the inclusion of the type of people whom Karen Gillon has been talking about. I hope that the minister will be sympathetic to the amendment. To exclude any group, particularly groups as important as those that undertake unpaid but supportive work with pupils, would be unfortunate and divisive.

**Ian Jenkins:** I agree with what Fiona McLeod is trying to do, but I believe that the terms of amendment 76 are more than aspirational—they are impractical. I intend to vote against the amendment. The bill should not include measures that are impossible to carry out.

**Mr Stone:** I strongly support amendments 60 and 60A. One of the good things that the Executive is doing is moving towards community schools, but there is a lack of joined-up thinking between community education and mainstream education. Anything that brings those areas together will help.

**Lewis Macdonald:** Amendments 46 and 76 continue the debate that we had on the previous section, about how best to consult young people. The process is developing and changing and, in that context, I support the minister's comments that the phrase, “and extent to which” is important. It implies that the process will change and develop over time. It is easy to introduce into the law a dead letter that says, “You shall do this or that.” If the law instead says, “You shall seek to promote this or that,” it is more likely to achieve a long-term gain.

**Karen Gillon:** I shall speak against amendment 76. We are leaving ourselves open to being hostages to fortune. If we insist that all pupils be consulted on every decision that is made concerning the everyday running of the school, the day-to-day running of the school will simply not happen. If there is a statutory obligation, it will become a matter for the courts. I do not think that that is what the amendment is trying to do, but it is what it could do. At the end of the day, that would be detrimental to pupils' involvement. There is a positive move forward, but the minister needs to consider guidance. I would like him to come back at stage 3 with information about the guidance that could be made available to schools on how they can take forward pupils' involvement. Amendment 76 does not achieve what it sets out to achieve.

**Peter Peacock:** I have just one small point to make. I want to make it clear that my comments did not mislead Fiona McLeod. I was trying to point out that we believe that her amendment—well-intentioned as I know it is—would create a

compulsion on pupils, because the head teacher would be required to consult them, whether they wanted to be consulted or not. Our concern is that the amendment changes the atmosphere. Other members have picked up that point.

**The Convener:** Does the minister want to reply to any of the other points?

**Peter Peacock:** I want to make it clear that we support amendment 60A, in the name of Karen Gillon.

*Amendment 58 agreed to.*

*Amendment 84 moved—[Peter Peacock]—and agreed to.*

*Amendment 60A moved—[Karen Gillon]—and agreed to.*

*Amendment 60, as amended, moved—[Peter Peacock]—and agreed to.*

*Amendment 46 moved—[Nicola Sturgeon].*

**The Convener:** The question is, that amendment 46 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Fiona McLeod (West of Scotland) (SNP)  
Michael Russell (South of Scotland) (SNP)  
Nicola Sturgeon (Glasgow) (SNP)

#### AGAINST

Karen Gillon (Clydesdale) (Lab)  
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Lewis Macdonald (Aberdeen Central) (Lab)  
Mr Kenneth Macintosh (Eastwood) (Lab)  
Mr Brian Monteith (Mid Scotland and Fife) (Con)  
Mrs Mary Mulligan (Linlithgow) (Lab)  
Cathy Peattie (Falkirk East) (Lab)  
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**The Convener:** The result of the division is: For 3, Against 8, Abstentions 0.

*Amendment 46 disagreed to.*

*Amendment 76 moved—[Fiona McLeod].*

**The Convener:** The question is, that amendment 76 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Fiona McLeod (West of Scotland) (SNP)  
Michael Russell (South of Scotland) (SNP)  
Nicola Sturgeon (Glasgow) (SNP)

#### AGAINST

Karen Gillon (Clydesdale) (Lab)  
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Lewis Macdonald (Aberdeen Central) (Lab)  
Mr Kenneth Macintosh (Eastwood) (Lab)

Mr Brian Monteith (Mid Scotland and Fife) (Con)  
Mrs Mary Mulligan (Linlithgow) (Lab)  
Cathy Peattie (Falkirk East) (Lab)  
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**The Convener:** The result of the division is: For 3, Against 8, Abstentions 0.

*Amendment 76 disagreed to.*

**The Convener:** We will now take a 10-minute break for coffee.

11:09

*Meeting adjourned.*

11:30

*On resuming—*

**The Convener:** We now come to amendment 61, which is grouped with amendment 62.

**Mr Monteith:** My main purpose in lodging the amendment is that I am interested in how the minister attempts to deal with it; I would like to hear his comments. In particular, I am concerned that the parts of the bill to which I shall refer are too prescriptive and are too tied to a deadline on the production of development plans.

As with my previous amendment on leaving out section 5, amendment 62 was lodged to ensure that we had a debate. I ask the minister to give some consideration to development plans in general, in as much as many of the plans that I have seen are fairly weighty tomes.

On many occasions, head teachers and principals have described to me the amount of time and work involved in development plans, only for them to produce a plan that few people can understand, as the plans are often full of jargon and statistics. I urge the minister that if time is to be spent on the plans, the Scottish Executive should send out the message that, at the very least, the summary must be user-friendly, so that parents are able to access the information contained within the plans.

I move amendment 61.

**Nicola Sturgeon:** I wish to support—I had better get this right—amendment 61. It should be acknowledged that the skill development planning process is already well established in schools and is generally agreed to be successful and worth while.

I was struck, during the stage 1 evidence, when one of the union representatives said that section 6 raised concerns that development plans would be changed from the worthwhile process that they are at present to something that was almost an end in itself, and that the focus would be on the

preparation and presentation of a glossy document, rather than on the process of development planning.

I share Brian Monteith's concerns that what we have in the bill may be rather on the prescriptive side. While the intention may be commendable, the effect may be to take away from a process that already works well in schools. I am sympathetic to the amendment. It would leave in place a section that allows for genuine improvement, rather than diminishing an already working system.

**Peter Peacock:** I understand the points that are being made. There is no desire on our part to over-bureaucratise the system. I recognise the burden that already exists with school development plans. However, I also recognise that the school system as a whole sees the process as immensely valuable. On the point that Nicola Sturgeon is making, that process requires schools to address a series of questions about their practices and the way in which they operate. There is a desire for that process to be firmly established, rather than for some glossy document to be produced. I agree that we want the emphasis to be not on some production, but on the value of the process.

Brian Monteith made a point about the deadline. Members will recall that we have altered the dates already, which will create greater flexibility and give rise to further discussion about the right dates.

I recognise the point that is being made about being too prescriptive, but I do not accept that that is what we are doing. We want to make it clear in the legislation that there is a defined process. It means establishing national priorities, involving the Parliament, and establishing local objectives at local authority level—involving the people whom we have mentioned today—which flow down into the school plan. We need to ensure that that process is adhered to in every case and that it is transparent, so that parents can get access to the school plan, see what the school is thinking and be part of the process of developing the plan.

Brian Monteith also talked about the need for a summary document. We are suggesting not that the entire document needs to be published, but that there should be a summary. I take the point that it needs to be a user-friendly document if it is to communicate adequately to the parent body and the other interests around the school how the plan is developing.

The legislation establishes a procedure for ensuring that development plans are reviewed. There is no point in having a plan, putting it on the shelf and not evaluating its outcome and success. There is a rigour in the system, but we are not seeking to impose an additional burden. What we

are proposing is very much in the spirit of the speeches that we have heard from Brian Monteith and Nicola Sturgeon. We want this to work, but we think that it is best to underpin it in legislation as part of the defined improvement process. I hope that members can accept that that is our intention.

**Nicola Sturgeon:** I am not sure that I am convinced by Peter Peacock's comments. He says that the purpose of the provisions is to establish development planning firmly. However, the point that is being made by the amendment is that that process is already firmly established. As I understand it, the minister is not saying that there are huge concerns about how that process operates in practice at the moment. If that is the case, I am not sure what the proposed legislation adds. There is a danger that we are seeking to meddle in things that are already working very well. In doing that, we might jeopardise something that is already successful. If the minister were to indicate that this is a matter that could be revisited by the Executive and brought forward again at stage 3, I might reconsider my position. However, nothing has been said so far that would suggest to me that the amendment should not be accepted.

**Ian Jenkins:** I would be happy to support Nicola Sturgeon's request that the matter be re-examined. I worry about development plans being too bureaucratic—I have been there, seen it, done it, got the tee-shirt. There is a danger of their being put on the shelf and of new initiatives being introduced that make them look silly. It is right that this should happen and that people should say what direction they are going in, but there is a real danger that plans become a bureaucratic necessity that gets in the way of what is really important. I agree with much of what Brian Monteith said about summaries and so on. I would like the minister to say that he intends to reconsider the matter.

**Peter Peacock:** We would like this proposal to be established in the bill, because it creates the right relationship between the national priorities, the local objectives and the local development plan. It also establishes in law the obligation to provide that plan.

I share members' concern that there is a danger that the process might become overly bureaucratic. That is not our intention. Our intention is to establish that there is a procedure and that that procedure should be reviewed. The provisions would help provide a clear focus on the role of development planning in the overall improvement framework and are important from that point of view. Having said that, I want to assure members that we are not seeking to be prescriptive and bureaucratic in this area. There is existing guidance on how school development plans should be produced. I would be more than



happy to have that guidance reviewed, to pick up the points that are being made and to ensure that, within a legal framework establishing the requirement for a plan and its review, and in relationship to the other aspects of the improvement process, we do not fall into the potential traps that are—rightly—being pointed out.

**Mr Monteith:** There is probably a smidgen of difference between us regarding the difficulties that can result from having too bureaucratic and prescriptive a way of producing school development plans. I am still dissatisfied with the idea that we must legislate in this area. In a sense, it encapsulates some of the difficulties that I have with the bill overall, in that to improve standards it seeks to legislate for good practice that already exists throughout Scottish state education. I am not sure that legislating will make a significant contribution to raising standards. Although we do not differ much in our understanding of the problems and our attitude to them, I am not convinced that keeping these subsections in the bill will have much effect. I hear what the minister says about guidance, and I would far rather guidance were used as a way of achieving what he seeks.

**Karen Gillon:** I recognise some of the concerns that Nicola Sturgeon and Brian Monteith flagged up, but my concern is that the amendment would remove, from section 6(4), the right of parents to receive a copy of the summary of the report and the development plan. That would be a retrograde step. The amendment would remove that right from parents and, for that reason, I would not support it.

**Nicola Sturgeon:** I am not persuaded by Peter Peacock's arguments. I have heard nothing that convinces me that there is a need for legislation on the matter. I also have a real fear that legislating on the matter will detract from good practice. I accept, without reservation, that that is not the minister's intention, but I am concerned that, in practice, that would be the effect of legislating. I support the amendment.

**Mr Macintosh:** The amendment raises a number of issues, in particular the point about not over-bureaucratising schools. That would be a concern for us all, but this is a central message and a central part of the bill. When something is included in legislation, it has added weight and carries extra emphasis or importance.

At the moment, the school development plan can be just another bit of paper. I know that there is much good practice in schools, but in some cases the plan can just be another bit of paper that is handed out from schools to families and then dismissed. If, however, something is enshrined in legislation, it has an importance that will be

reflected in practice. People will see that the whole point is to involve pupils and parents in the running and development of their school. When structures are enshrined in legislation, they are made central to the life of the school.

It is important for the school development plan to be included in the legislation. It is also important that the plan does not become a paper exercise that just gets in the way of the work of teachers, but I do not think that it will. This is an important message, and it should help the work of teachers and pupils and, as a result, the involvement of families.

**Nicola Sturgeon:** This matter is fundamental; it is also a test of how meaningful the consultation has been. When we heard evidence from a range of organisations at stage 1, all the teaching unions and parents' organisations expressed concern that the effect would be to take something that works well and to put it at risk. I like to think that the messages from those witnesses will be taken into account in some way.

There is no argument with the suggestion that development planning is commendable, and should be encouraged and developed. The point is: what is a development plan? Is it a process that a school goes through for its own benefit and the benefit of its pupils, or does the plan become an exercise in its own right—almost an end in itself, with the emphasis on what is produced at the end of the process? Whether or not that is the intention, that will be the effect of the legislation. What we have at the moment works, and if it works—I have heard no suggestion from Peter Peacock that the present system does not work—why on earth are we meddling with it and putting it on a statutory basis?

**Ian Jenkins:** If subsections (3) to (5) are deleted, we are doing what Karen Gillon said. That is what bothers me. If the plan exists, parents should be able to have access to it. That point could be revisited by the minister.

11:45

**Nicola Sturgeon:** I say again that I am willing to accept that the amendment as it stands is not perfect, but there has been no commitment from the minister to look again at the issue at stage 3, and if that remains the case, I want to continue to support the amendment. Committee members might want to lodge amendments at stage 3 to improve upon the position that this amendment would create, but an important principle is at stake, and I would like it to be put to the test today.

**Peter Peacock:** Again, I want to make it clear why we want this measure in the bill. We want to establish an improvement framework: that is what the bill is about. It is about trying to establish in

part the defined roles of the different levels of that improvement process—the national priorities, the local objectives and the school plan—which all relate to each other, and we have to define in legislation how they do so.

There is another point, which was picked up by Ian Jenkins and Karen Gillon. One of the things that the bill requires, in particular the part that we are discussing—but the present situation does not require it—is transparency in the process. Parents should have defined rights with regard to the development plan, and the bill establishes that. In that context, we are firm in our view that we want to maintain the clarity and transparency and the relationships as they are defined. I re-emphasise that, through the guidance, I am happy to try to address the points of concern that have been raised—that is the appropriate way to address them—and to look at the good practice which, as Nicola Sturgeon said, clearly exists.

The bill establishes in law that every school must have a plan. That is important—as Kenny Macintosh said, it is a symbol of the importance that we attach to plans.

For those reasons, I want to stick with what is in the bill, but I am happy to review the guidance.

**Mr Monteith:** Essentially, I come back to the “if it ain’t broke, don’t fix it” argument, because the situation is not broken at the moment. Karen Gillon made a fair point about subsection (4), but as this is the bill’s committee stage I do not see any difficulty in dealing with that issue at stage 3, so I remain convinced that we should at least press on with this amendment.

**The Convener:** The question is, that amendment 61 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Fiona McLeod (West of Scotland) (Sturgeon (Glasgow) (SNP))  
 Mr Brian Monteith (Mid Scotland and Fife) (Con)  
 Michael Russell (South of Scotland) (SNP)  
 Nicola Sturgeon (Glasgow) (SNP)

#### AGAINST

Karen Gillon (Clydesdale) (Lab)  
 Lewis Macdonald (Aberdeen Central) (Lab)  
 Mr Kenneth Macintosh (Eastwood) (Lab)  
 Mrs Mary Mulligan (Linlithgow) (Lab)  
 Cathy Peattie (Falkirk East) (Lab)  
 Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

#### ABSTENTIONS

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

**The Convener:** The result of the division is: For 4, Against 6, Abstentions 1.

*Amendment 61 disagreed to.*

*Amendment 85 moved—[Peter Peacock]—and agreed to.*

**The Convener:** Amendment 86 falls because amendment 85 has been agreed to.

*Amendment 87 moved—[Peter Peacock]—and agreed to.*

*Amendment 62 not moved.*

*Section 6, as amended, agreed to.*

### Section 7—Review of school performance

**The Convener:** We now come to amendment 63, which is grouped with amendments 77 and 64.

**Mr Monteith:** The purpose of amendment 63 is to establish the Executive’s position in regard to the timing of reviews of school performance. If we are to have such reviews—it is clearly felt that they are of substantial use—there should be a time scale in which parents, teachers and administrators will know that a school will have an inspection. I am open to the suggestion that five years is perhaps wrong and that another number might be more appropriate. I draw members’ attention to the fact that the amendment says

“at least every five years”

rather than “every five years”. It would be unhelpful to set a time limit on a review, as that would allow people to know when to expect one—it might be better to say every eight or 10 years. I am happy to hear the minister’s view on that. I hope that he will accept there should be some indication in statute of the regularity of reviews and inspections.

I move amendment 63.

**Fiona McLeod:** Members will not be surprised to learn that amendment 77 seeks to include children and young people in the review of school performance. I would have thought that the central users of the school should be considered when there is a review of a school’s performance. The people who embody the performance of a school are the pupils. A list of those who have an interest in the matter should include pupils and young people.

In the debate on section 6, Ken Macintosh made some interesting comments about what we mean when we say that we support the involvement of young people in their own education. Ian Jenkins talked about legislation giving added weight to issues, making them central to practice. I hope that the committee will send out the message that it believes that children and young people are central to the performance of schools and therefore should have a place in reviewing the performance of their own schools.

**Peter Peacock:** I will deal first with amendments 63 and 64. The way in which Brian Monteith explained his position seemed to suggest that the local authority would be carrying out an inspection function that would be broadly analogous to that of Her Majesty's inspectorate of schools. That is not what we envisage.

The local authority, as the manager of education and as part-guarantor of the quality standards of schools in its area, needs to keep the performance of its schools under constant and regular review. That could take a variety of forms, including area education officers visiting schools regularly as part of the process of quality control. Many other people visit schools, such as advisory staff and specialists. A framework of intelligence is built up about a school. The local authority should always be alert to what is happening in its schools. We are trying to establish that and to ensure that local authorities systematically review the schools against criteria. We want to ensure that they pick up on any practice that is not good enough.

There are other ways in which such reviews arise. Parents might complain about the standards in a school, and that would give rise to an informal investigation—or a formal one if necessary. Investigations might arise from exam results, for example, if the authority has noticed a different trend in one department in a secondary school, or in one class in a primary school. A variety of techniques are available.

We do not envisage set-piece inspections, either unannounced or announced. We are trying to establish a process, in a similar spirit to what Nicola Sturgeon said about the process of developing school plans. We want local authorities to be focused on the need to keep under constant review the performance of their schools, and to take action whenever necessary. That need arises for a whole variety of reasons, not least of which is the formal inspections by HMI, when local authorities and schools have a major job in following up on inspections to plan for improvement.

That is the spirit of section 7, and that is why we do not believe that the time scales in the amendments are helpful. We feel that such amendments could allow local authorities to believe that they need inspect only every five years. That is not the intention. If a school requires regular or constant review, it should have it. If it requires support, it should receive it. If it requires intervention for management reasons, it should have that. I hope that Brian Monteith will be satisfied that the amendments, in that context, are not helpful.

We have heard the arguments about amendment 77. We feel that we should involve young people and do so on terms that are

appropriate to them. I am not convinced that it would be sensible or appropriate to give children a particular role in being consulted on an authority's quality assurance mechanisms, which is what the amendment is essentially about. We need to involve children and young people in ways that are meaningful to them, as we have learned from consultation with young people by the committee and by the Executive. I am afraid that we cannot support the amendment.

**Fiona McLeod:** The minister talks about what is meaningful to young people. The section deals with the quality of education provided. I would have thought that there was nothing more meaningful to young people than that.

**Karen Gillon:** Earlier, I was slightly swayed by the arguments for Brian Monteith's amendments, but given the minister's willingness to strive for continuous improvement, Brian might not want to press the amendments. We should seek continually to improve our schools. Some schools underperform; some perform above our expectations. We should try to bring all schools up to an agreed standard and ensure that all children receive the best education. Perhaps five years is too prescriptive.

**Mr Monteith:** I am encouraged by the minister's words. Words such as "dialogue" and "systematically" might not excite many people, but I felt that the minister pitched them just right in his answer. I certainly do not want to be responsible for achieving the exact opposite of what I wanted to achieve with my amendments. I will therefore not press them. However, a watching brief should be kept on the performance of local authorities, so that they do not fall into the habit of thinking of inspections rather than of continuing dialogue. If the system is open, if there is dialogue, and if a continuous review procedure is in place—whether reviews are prompted by results of tests or examinations, or by management issues—that will satisfy my desires.

**Peter Peacock:** We will come to sections dealing with the inspection of local authorities by HMI. That is perhaps part of the safeguard that Brian Monteith is looking for.

*Amendment 63, by agreement, withdrawn.*

*Amendment 77 moved—[Fiona McLeod].*

**The Convener:** The question is, that amendment 77 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Fiona McLeod (West of Scotland) (SNP)  
Michael Russell (South of Scotland) (SNP)

Nicola Sturgeon (Glasgow) (SNP)

#### AGAINST

Karen Gillon (Clydesdale) (Lab)  
 Lewis Macdonald (Aberdeen Central) (Lab)  
 Mr Kenneth Macintosh (Eastwood) (Lab)  
 Mr Brian Monteith (Mid Scotland and Fife) (Con)  
 Mrs Mary Mulligan (Linlithgow) (Lab)  
 Cathy Peattie (Falkirk East) (Lab)  
 Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

**The Convener:** The result of the division is: For 4, Against 7, Abstentions 0.

*Amendment 77 disagreed to.*

*Amendment 64 not moved.*

*Section 7 agreed to.*

### Section 8—Delegation schemes

12:00

**The Convener:** We come to amendment 26, which is grouped with amendment 88.

**Peter Peacock:** I will deal with both amendments together.

Amendment 26 is a simple, technical amendment, which makes the reference to head teachers in section 8 gender neutral. That is the pattern in the rest of the bill, except for material that is being inserted into existing legislation, which must be consistent with the style of the legislation that is being amended. I hope that members will accept that point.

Amendment 88 follows on our discussion of amendment 36 at the meeting of the committee on 5 April, when I undertook to examine the matter further and, if appropriate, to lodge an amendment to section 8, which has now been done. As agreed at that meeting, before the amendment was lodged, I took the opportunity of discussing it with representatives of all the groups on the committee. I believe that the amendment responds properly to the concerns that the committee raised.

The amendment makes it clear that any delegation scheme must ensure that the head teacher exercises his or her

“delegated functions in a manner consistent with the education authority’s duties under section 3(2)”—

in order to endeavour to secure improvement in education. That clarifies the relationship between sections 3 and 8, and I am grateful for the opportunity to have been able to do that with the committee’s co-operation.

I move amendment 26.

**Karen Gillon:** Amendment 88 is a helpful amendment. I know that we had a considerable discussion about this issue at our previous

meeting. Having spoken to both the unions and the Convention of Scottish Local Authorities, I know that they are satisfied with the amendment. I say, on behalf of the committee, that amendment 88 represents a positive move, and I welcome the minister’s change of heart.

**Michael Russell:** I welcome the fact that the minister has been responsive on this matter. As I was critical of him at the start of stage 2, I should now say that he has moved in a way that meets the committee’s requirements.

**Mr Stone:** I was not as intemperate in my remarks as Mike Russell may have been—

**Michael Russell:** I hope that Jamie Stone will withdraw that remark, as I am never intemperate.

**Mr Stone:** The lodging of amendment 88 was a good move, for which I thank the minister, with whom I spoke at some length about the amendment.

*Amendment 26 agreed to.*

*Amendment 88 moved—[Peter Peacock]—and agreed to.*

*Section 8, as amended, agreed to.*

*Section 9 agreed to.*

### Section 10—Code of practice as regards inspection of education authorities

**The Convener:** We come to amendment 25, which is grouped with amendment 110.

**Nicola Sturgeon:** The intention of amendment 25 is to put in place a code of practice covering Her Majesty’s inspectorate school inspections alongside the code of practice for inspections of local authority education functions. There is a logic to that approach—if a code of practice is good for one part of the inspectorate’s functions, a similar code should be good for another part as well.

The committee has heard a great many concerns about the operation of HMI. In fairness, those concerns were disputed by HMI, and, as reflected in our report, the committee was not in a position to take sides, so to speak. However, people obviously have concerns—voiced in particular by some of the teaching representatives—about the operation of the inspectorate in carrying out school inspections.

We have an opportunity to put in place a code of practice that, I hope, would iron out some of those problems so that both parts of the system know exactly where they stand. Like all the amendments in my name, this one is intended to be constructive. The clerks have pointed out to me that there is an issue about the competence of amendment 25 and that section 66 of the Education (Scotland) Act 1980 also makes

reference to further education, which would, technically, take FE outwith the scope of the bill.

I move amendment 25, although for the reason that I have just given I would be happy to withdraw it in favour of Cathy Peattie's amendment.

**Cathy Peattie (Falkirk East) (Lab):** As Nicola suggests, amendment 110, which I lodged, is similar to amendment 25. It is about a code of practice for HMI in schools. There was some frustration when the committee met HMI and I have a number of concerns about its approach to school inspections, in particular inspections of new community schools. The approach must be much broader; we need to examine all the measures that make a good school. I am not convinced that HMI does that, so we need a code of practice that allows us to examine how HMI operates.

**Mr Monteith:** I have supported amendment 25, but I readily accept the point about its competence. I will support amendment 110, although the convener might explain what the asterisk beside the number of the amendment means—I have forgotten.

**Michael Russell:** The front page of the list of amendments tells you that.

**Mr Monteith:** Oh, good.

It is important that HMI should operate in a way that not only commands the confidence of the teaching profession and the public, but results in a healthy working relationship. If it does, there is nothing to fear from a code of practice. A code of practice would offer protection to HMI and would be an excellent public relations move, especially as the inspectorate is often under attack these days. It would reassure the teaching profession that there was a fallback position if teachers were in any way unhappy about the way in which an inspection was carried out. A code of practice would put us in a win-win situation; I would be interested to hear any rationale behind avoiding the introduction of such a code.

**Karen Gillon:** I add my support for Cathy Peattie's amendment. We hear frequently about openness and transparency. One organisation that has not always been open and transparent is HMI, as the committee heard from a variety of sources. I do not agree with all the evidence that we heard, but significant concerns were raised and it would be wrong to ignore them.

To create a level playing field, there should, if there is to be a code of practice for HMI, be a similar code for schools. I am interested in Cathy's point about new community schools—I do not think that the two codes of practice need be the same; the minister should examine that. I do not want new community schools to become glorified schools or for them to fail to meet the objectives—

which I support—that the Labour Government set out when the schools were established.

I hope that the minister will be minded to support amendment 110, because that would create a level playing field and move forward the debate on inspection.

**Mr Stone:** It would be wrong of me not to say that I feel some unease about the amendment. My experience of HMI has been rather different—the inspectorate did the business and delivered the goods. I am glad that Karen mentioned that some of the evidence might be wrong, because I hope that we are not becoming too pejorative in our assumptions about HMI. I need to be convinced that HMI is that bad and I am interested in hearing what the minister has to say.

**Mr Monteith:** Taking into account some of the previous comments, I will reiterate the fact that, as a supporter of HMI, I favour the amendments. I think that a code of practice would be good for HMI—it is not something that should be feared.

Sometimes, there is a great deal of misconception about HMI, its purposes and what it has been doing. Were it to have a code of practice, much of the misguided criticism could be removed and teachers could be reassured that HMI was going about its business properly.

**Michael Russell:** That is precisely the point. Jamie Stone is absolutely wrong to say that amendment 110 is in some way a punishment for HMI or represents a desire to whip it into line because it has been rampaging about the country inspecting people out of their minds. It is clearly intended to provide a framework in which this committee—which is perhaps the least important part of the equation—and those being inspected in schools can be satisfied that a code of conduct exists, is being referred to and can guide both sides.

A useful framework, or an underpinning, is therefore being added; that is already anticipated elsewhere in the bill. I hope—perhaps not with too much enthusiasm—that the minister will find amendment 110 acceptable.

**Nicola Sturgeon:** I really think that Jamie Stone misses the point here. The amendment is not about being convinced of how bad HMI is. HMI is a very important part of the education system; it is fundamental to achieving high standards. However, there have been concerns about its operation and we would be wrong to ignore that, as Karen Gillon said. The concerns have been expressed consistently by too many people across a range of interest groups for us to ignore them.

The amendment would ensure some transparency and openness in the operation of HMI and it would, I hope, enable confidence in

HMI to be restored. It is in no one's interest to have a breakdown in confidence between HMI and the teaching profession; it is certainly not in the interests of the education system. If we can help to restore confidence, we should take the opportunity to do so.

**Lewis Macdonald:** It is striking, given that we had a full discussion on inspection and HMI at stage 1, that we reach section 10 at stage 2 finding that no amendments have been lodged to sections 9 and 11. That suggests that there is consensus about the principle of extending inspections to education authorities, as section 9 does. It also suggests that there is consensus about modernising the provision for the inspection of schools, as section 11 does.

I believe that section 10, with the amendment about the code of practice, will meet the objective that members have described. Amendment 110 would improve transparency and create a level playing field and we should welcome it on that basis.

**Ian Jenkins:** I endorse that point. I think that the amendment would clarify the role of inspectors. It would allow the question whether they are pushing policies or are just inspecting the schools to be debated. If amendment 110 facilitates that debate, I think that it should be agreed to.

**Karen Gillon:** I want to pick up on Jamie Stone's point. Inspection is very valuable but I think that it would be a positive step if parents, pupils and staff could see the grounds on which the inspection was going to take place. It would be useful if they knew what they could expect from the inspection and if they could judge for themselves whether their school was continually improving, as we have discussed before. I hope that members will support that.

**Mr Stone:** I feel like I am being shelled from all sides, convener—a most unfortunate precedent in this committee.

**Michael Russell:** You have failed your inspection, Jamie.

Amendment 110 has all-party support, and I am sure that the minister will bear that in mind when he responds.

**The Convener:** I hope that Jamie Stone has been reassured.

**Mr Stone:** If reassurance means holing me below the water line, yes.

**Peter Peacock:** I am very pleased about the point that Jamie Stone raised, and that members responded to it in the positive way that they did. I want to pick up the phrase that Nicola Sturgeon used about confidence restored in the inspectorate. We do not think that that is

necessary; we have great confidence in the inspectorate. We believe that the inspectors are a very professional group of people who set themselves the highest standards and conduct themselves accordingly. They have a major and positive impact on the education system, which we should not diminish.

We must always remember—this is where there should be slight caution about a code of practice—the need for the inspectorate to be independent from ministers. In fact, it needs complete independence to conduct its inspections according to the procedures and practices that have been developed to ensure that we benefit from independent advice and scrutiny of the system.

12:15

We have the highest regard for the inspectors, who carry out a vital job. It is important to say why we set out the bill as we did. The inspection of authorities is an entirely new procedure, and we felt that it was essential to have a code of practice for that. The school inspection system, on the other hand, has well-established procedures and practices, and the system is an open way for people to assess their local school. The report is published, parents are consulted and views are sought.

As far as local authorities are concerned, the inspection procedures are well practised and understood. I could explain at length why it would not be necessary to have a code of practice; however, I have heard the arguments and I know which way the committee is pointing. I accept the point that is being made: that there is nothing to fear from a code of practice if it encompasses and protects the principles that are set out. Having said that, my advice is that it would be preferable to amend the Education (Scotland) Act 1980, and to address the matter in the way that Cathy Peattie's amendment suggests. Nicola Sturgeon has rightly acknowledged that her amendment would have taken the matter beyond the scope of this bill, which is school education.

With the agreement of Cathy Peattie and the committee, I would be happy to return at stage 3 with an appropriate amendment that would satisfy the concerns of the committee by amending the Education (Scotland) Act 1980, if that is what the draftsmen feel is correct.

**Nicola Sturgeon:** I was going to return to a point that the minister raised earlier, but, as he is accepting the argument, I shall not bother. I am not sure what the minister's objections are to Cathy Peattie's amendment. He says that he would rather amend the Education (Scotland) Act 1980, but that is what Cathy Peattie's amendment would do.

**Members:** No, it would not.

**Nicola Sturgeon:** Sorry, it would not, but can the minister explain a wee bit more what he means?

**Peter Peacock:** I consult on these matters in advance of these meetings and discuss the possibilities. I am advised that it would be preferable to achieve the objective that is being sought by a different mechanism. I cannot advance arguments further than that. We will return at stage 3 to meet the committee's request as expressed today. I shall have to take advice on the best technical means for doing that.

**Mr Monteith:** We have seen the degree of sincerity with which the minister offers to return with resolutions. As a supporter of Nicola Sturgeon's amendment, I take on board what he has said and look forward to his return at stage 3 with an appropriate amendment. Grovel, grovel.

*Amendment 25, by agreement, withdrawn.*

*Amendment 110 not moved.*

*Section 10 agreed to.*

*Section 11 agreed to.*

## **Section 12—Guidance to education authorities as to raising standards and as to delegation schemes**

**The Convener:** Amendment 65, in the name of Brian Monteith, is on its own.

**Mr Monteith:** The purpose of this probing amendment is to get the minister to explain in greater detail why the Executive feels that it is necessary to go down the road that it proposes to go down. In the referendum for the Parliament and in the subsequent Scottish parliamentary elections, concern was consistently expressed—not only by Conservative party members, but by members of all parties, by COSLA, by local authorities and by education conveners—that the establishment of this Parliament could result in the centralisation of education. There was a fear that local authorities might experience an erosion in their delivery of education. It is widely reported that the Conservative party supports that idea, but via a different route—that of devolving powers out.

The concern was more that the powers of local authorities would be pulled towards the Parliament or the Executive. I rather fear that by creating what appears to be statutory guidance, section 12 takes the route of an anglicised, centralised system, in which, in effect, central Government can instruct local authorities what to do. That may not be the intention, but that is what it seems to do. I would like further explanation on how this is not centralisation of education.

I move amendment 65.

**Lewis Macdonald:** I want to explore the same point with the minister about when guidance is statutory and when it is not. That issue is of wider interest in education. The focus of my question is on the word "may". Does the fact that Scottish ministers "may" issue guidance remove any compulsory element?

**Peter Peacock:** I will try to address those points. Brian Monteith tried to characterise the argument in a certain way by saying that the Executive would have the power to instruct authorities to do certain things. Let me make it clear that this section does not give us that power. We will not have such a power and we do not intend to instruct people. Guidance is what the word suggests that it is.

Ministers can bring different tiers of influence to bear on a local authority. One would be to provide regulation, which would give much firmer powers. We have chosen not to do that in this case, because we do not think that that would be appropriate. We are seeking to develop a stronger partnership approach with local authorities in developing the improvement process. However, it is reasonable that we should issue guidance that they should take account of before they arrive at their decisions. We will want to be satisfied that that guidance has been taken account of—this section has no greater force than that. We think that that is appropriate in the context of developing an improvement process that is fundamental to the development of education.

Lewis Macdonald rightly drew attention to the fact that this is a permissive power and is not an obligation. The section will give us the power to issue guidance, to which local authorities would have to have regard before reaching their decisions, but we will not be required to issue guidance in all instances. We think that we have used the lightest touch that is sufficient for administrative matters. As such matters do not relate to the curriculum, we are far away from previous practices in England and Wales, which have a very different structure and basis. Local authorities in England and Wales have a much smaller role in relation to individual schools than is the case in Scotland. It is in that spirit that the section is proposed.

**Mr Monteith:** I am interested and encouraged by the minister's response. I certainly hope that it is not the Executive's intention to instruct. The key words are "have regard to". If the minister is saying that those words mean that legally authorities only need to take account of the guidance, but can modify, amend or even ignore it, I am satisfied.

**Peter Peacock:** We would not expect anyone to ignore the guidance. They would have to have regard to it in reaching their decision.

**Mr Monteith:** They could take it into account but then choose to take a different route.

**Ian Jenkins:** This is an important area. If we accept what the minister says, as I do, it is clear that the intention is not sinister. However, when one considers this provision in conjunction with what has been said about inspections—about inspectors coming to schools with the sort of agenda that lies behind ministerial thinking—one begins to feel that we should be careful to ensure that the process does not become an imposition. That is why it is important to have a code of conduct for inspections. We need to clarify this whole area.

I am delighted to hear that the section relates to guidance and is intended to be a light touch. As long as the section is in that kind of territory, I am happy to support it. As has been said, members should consider past secretaries of state and how the guidance could have been used to influence matters, perhaps in a malign way.

**The Convener:** Thank you for that. The minister does not want to reply. Brian Monteith has had his reply.

*Amendment 65, by agreement, withdrawn.*

*Section 12 agreed to.*

## Committee Business

**The Convener:** We will now move on to agenda item 2, which is an update on committee business. The Scottish Arts Council and the Scottish Museums Council have been invited to give a brief presentation at the end of next Tuesday morning's meeting to update the committee on museums and galleries month 2000, which will officially start next Monday. I encourage committee members to get involved in their local museums and galleries and to help to promote them in their local communities.

**Michael Russell:** As members will know, there is a crisis in a range of Scottish museums, especially the Scottish industrial museums. I know that there have been discussions and that work is being done behind the scenes—I am grateful for that—to try to ameliorate the crisis. Some museums may not make it through to the summer, let alone past the summer. I hope that the committee may return to that after we have completed stage 2 of the Standards in Scotland's Schools etc Bill, to see if we could quickly, but as comprehensively as possible, look into the matter and try to assist. Scotland's heritage is at risk.

**The Convener:** I can assure Mike Russell that I have also raised this matter. I know that he has lodged a motion on it. This matter is being considered at the moment and I am sure that this committee will return to it as soon as it can. Are members happy with that?

**Members:** Yes.

**Nicola Sturgeon:** Could we have an update on the budget scrutiny?

**Karen Gillon:** An official in the finance department is due to meet me to consider the issues. She has not arranged a date yet, but we will chase it up through the clerks.

**The Convener:** Chase it up as soon as possible and report back next week.

**Michael Russell:** I will update the committee on the film inquiry. I have been in touch with Gillian Baxendine—that will surprise members. I have suggested to Gillian a letter that can go to a range of organisations. She and I still have to finalise the list of organisations. I still intend to bring something back early in the autumn. A small amount of work has been done already, but it is sitting in Gillian's pile and she is already overloaded.

**Mr Monteith:** I welcome Mike's comments. Given the pace at which pronouncements seem to happen on the film industry, and as there is going to be a delay until we deal with the report, if any information comes to hand in his work as a



member of the committee in the meantime, will it be provided to the clerks to circulate to keep members informed?

**The Convener:** Yes.

### **National Lottery etc Act 1993 (Amendment of Section 23) (Scotland) Order 2000 (SSI 2000/78)**

**The Convener:** Item 3 is a negative instrument on the national lottery and Scottish Screen.

**Michael Russell:** This is germane to the film issue. Members will have seen the papers. This instrument is not controversial, except to say that there was a long-running debate as to who should administer this money. The solution that Scottish Screen should administer it is the sensible solution, but it will have to be supervised over a period of time.

There are many questions about the use of lottery money for film making. I hope that the committee might show an interest in it. After the initial report in the autumn, this is the type of issue that we might want to examine more deeply.

The SSI is the result of a hard-pressed and difficult negotiation, which the chairman of Scottish Screen, James Lee, handled especially well.

**The Convener:** Are we agreed that no action need be taken?

**Members** *indicated agreement.*

### **Sport 21 Review Group**

**The Convener:** Agenda item 4 is a request from sportscotland. It would like a member of this committee to attend their review committee of Sport 21. Can we agree to send a member?

**Michael Russell:** I propose Fiona McLeod.

**Mr Stone:** I propose Karen Gillon.

**The Convener:** We have two nominations: Fiona McLeod and Karen Gillon. There will be a division. The question is, that Karen Gillon be nominated.

#### **FOR**

Karen Gillon (Clydesdale) (Lab)  
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Lewis Macdonald (Aberdeen Central) (Lab)  
Mr Kenneth Macintosh (Eastwood) (Lab)  
Mrs Mary Mulligan (Linlithgow) (Lab)  
Cathy Peattie (Falkirk East) (Lab)  
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

#### **AGAINST**

Fiona McLeod (West of Scotland) (SNP)  
Michael Russell (South of Scotland) (SNP)  
Nicola Sturgeon (Glasgow) (SNP)

#### **ABSTENTIONS**

Mr Brian Monteith (Mid Scotland and Fife) (Con)

**Karen Gillon:** Brian does not like either of us, Fiona.

**The Convener:** The result of the division is: For 7, Against 3, Abstentions 1.

We have agreed to send Karen Gillon.

The next meeting of the committee is next Tuesday at 10 am.

*Meeting closed at 12:30.*



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