

EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 2 May 2000

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CONTENTS

Tuesday 2 May 2000

	Col.
STANDARDS IN SCOTLAND'S SCHOOLS ETC BILL: STAGE 2	851
COMMITTEE BUSINESS	891
STANDARDS IN SCOTLAND'S SCHOOLS ETC BILL: STAGE 2	894

EDUCATION, CULTURE AND SPORT COMMITTEE 15th 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 MEMBERS ALSO ATTENDED:

Mr John Munro (Ross, Skye and Inverness West) (LD)
Peter Peacock (Deputy Minister for Children and Education)

WITNESSES

Allan Campbell (Comunn na Gàidhlig)
Robert Craig (Scottish Library Association)
Elizabeth Knowles (Perth and Kinross Council)
Fionnlagh MacLeod (Comhairle nan Sgoiltean Araich)
John MacLeod (Comann nam Pàrant (Nàiseanta))

CLERK TEAM LEADER

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Tuesday 2 May 2000

[THE CONVENER *opened the meeting at 10:01*]

The Convener (Mrs Mary Mulligan): Good morning, everybody. I welcome the witnesses to this morning's meeting of the Education, Culture and Sport Committee. In a moment I will explain how we intend to proceed. I also welcome John Munro to the meeting.

I draw members' attention to the gadget that they have before them, which allows us to take simultaneous translation from the Gaelic. Members will see that it is tuned to channel 3, which is the channel that we will be using. The volume control is on the left-hand side of the gadget, which members may use when they wish. Members also need to press the green start button. Anyone who has difficulties should indicate that to us and we will try to assist them.

Standards in Scotland's Schools etc Bill: Stage 2

The Convener: We begin with a presentation by representatives supporting Gaelic-medium education. I will ask the three witnesses to introduce themselves, to explain whom they represent and to speak to the committee for about 10 minutes. The witnesses will then take questions from members of the committee. We will try to bring questioning to a close at about 11 o'clock, as it will be followed by a further evidence-taking session on libraries. I ask each of the witnesses to introduce themselves and the organisation that they represent.

John MacLeod (Comann nam Pàrant (Nàiseanta)): Mòran taing. Is mise Iain MacLeòid agus tha mi na mo chathraiche air Comann nam Pàrant (Nàiseanta). Ma chanas mi facal an toiseach mu dheidhinn Comann nam Pàrant. 'S e buidheann Nàiseanta a tha seo a tha a' riochdachadh phàrantan aig a bheil clann ann an siostam foghlam tro mheadhan na Gàidhlig taobh staigh sgoiltean—

The Convener: I am sorry. Can I just stop you for a moment. I have been told that members should be on channel 2 instead of channel 3. Please change your gadgets accordingly.

Mr Kenneth Macintosh (Eastwood) (Lab): I knew that my Gaelic was bad, but I did not realise

that my English was that bad as well.

The Convener: I am sorry to have interrupted you, Mr MacLeod. Please carry on.

John MacLeod: Tapa leibh. Is mise Iain MacLeòid. Tha mi na mo chathraiche air Comann nam Pàrant (Nàiseanta) agus 's e buidheann nàiseanta tha sin a tha a' riochdachadh phàrantan aig a bheil clann ann an siostam foghlam tro mheadhan na Gàidhlig air feadh Alba. Chuir sinn an athchuinge a-steach gun a' Phàrlamaid a dh'aobhraidh an cothrom seo fianais a thoirt dhan a' chomataidh airson dhà na thri aobharan.

Tha trì aobharan sònraichte ann. An toiseach, ged a tha ùidh mhòr againn ann an cànan na Gàidhlig tha sinn dhen bheachd gur e foghlam is cudromaiche buileach agus, air sgàth sin, tha sinn airson gum bi foghlam Gàidhlig air fhaicinn mar shiostam foghlaim a tha taobh staigh siostam foghlaim na stàite san fharsaingeachd, an àite a bhith a bharrachd air foghlam coitcheann.

A rithist, mar shiostam foghlaim a tha air a bhith air leth soirbheachail anns na còig bliadhna deug a chaidh seachad, tha foghlam tron Ghàidhlig airidh air a bhith stèidhte ann an lagh na dùthcha mar a tha foghlam tron Bheurla. Mar sin, tha e iomchaidh gum bi taic dha siostam foghlaim na Gàidhlig air a dhaigheachadh ann am bile foghlaim, a' chiad bile foghlaim a tha Pàrlamaid na h-Alba a' stèidheachadh.

Is e foghlam tron Ghàidhlig an iomairt is cudromaiche a tha a' dol air adhart taobh staigh obair leasachaidh cànan na Gàidhlig aig an àm seo. Tha feum air leudachadh agus neartachadh a thoirt air an iomairt sin agus tha e cudromach gun toir Pàrlamaid na h-Alba a h-uile taic is urrainn dhaibh dhi leis a h-uile cothrom a thig fan comhair. Mar sin, mholainn dhan chomataidh gabhail ris na molaidhean a tha san athchuinge agus atharraichidhean iomchaidh a mholadh taobh staigh bile an fhoghlaim. Tapa leibh.

Following is the simultaneous interpretation:

Thank you. I am John MacLeod, the convener of Comann nam Pàrant, the National Gaelic Parents Association. CNP is a national representative body for parents whose children are in the Gaelic-medium education system throughout Scotland. At the beginning of the year, we submitted the petition that has led to this evidence session. Although we have a great love of the Gaelic language, we feel that education is even more important and, for that reason, we want Gaelic-medium education recognised as a system within the general education set-up, rather than as an add-on to mainstream education.

As Gaelic-medium education has been particularly successful in the past 15 years, we feel that it deserves to have the same statutory

foundation within the Scottish legal system as English-medium education. It is therefore appropriate that Gaelic-medium education should be supported and enforced in the first education bill to be approved by the Scottish Parliament.

Gaelic-medium education is recognised as the most important initiative in the framework of Gaelic language development and, as such, needs to be promoted and developed. It is vital that the Scottish Parliament gives us every support through all available opportunities. With that, we suggest that the committee accepts the recommendations in our petition and changes the Standards in Scotland's Schools etc Bill accordingly.

Allan Campbell (Comunn na Gàidhlig): Tapa leat, Iain. Is mise Ailean Caimbeul agus tha mi na mo cheannard air Comunn na Gàidhlig, buidheann leasachaidh nàiseanta na Gàidhlig ann an Alba. Tha sinne mar bhuidheann air a bhith a' cothachadh airson foghlam tro mheadhan na Gàidhlig bho chaidh a' bhuidheann a stèidheachadh bho chionn—

The Convener: I am sorry, I will have to stop you again. We are not receiving any simultaneous interpretation. *[Interruption.]* Thank you. Can you begin again, please.

Allan Campbell: Feuchaidh mi a rithist. Bheil sibh ga mo chluinntinn a-nis? Tha e mòr leam a' ràdh gur ann a dh'aon ghnòthaich a bhathas a' cur cùl orm.

The Convener: I am sorry. We seem to be having some problems this morning. *[Interruption.]* I apologise for the delay. I will give you longer than 10 minutes, so do not worry. Mr Campbell, could you start again, please.

Allan Campbell: Tapa leibh. Is mise Ailean Caimbeul, ceannard Chomunn na Gàidhlig, buidheann leasachaidh nàiseanta na Gàidhlig. Tha sinne mar bhuidheann air a bhith a' tagradh agus a' cothachadh airson foghlam Gàidhlig bho chaidh a' bhuidheann a stèidheachadh bho chionn sia bliadhna deug air ais agus bha sinn ga mheas na chothrom shònraichte nuair a chaidh Pàrlamaid na h-Alba a chruthachadh agus gu robh sinn a' faireachadh gu robh seo a' dol a thoirt cothrom shònraichte dhuinn Gàidhlig, tè de phrìomh chànanan Alba, a thoirt air adhart gu ìre laghail—rud nach robh aice riamh roimhe.

Bho chionn ceithir bliadhna air ais, chuir sinn, tro bhuidheann comhairleachaidh a th' againn air foghlam Gàidhlig, pàipear deasbaid poileasaidh nàiseanta airson na Gàidhlig chun a' Riaghaltais a bh' ann mar stiùireadh dhaibhsan air mar a mhiannachadh foghlam na Gàidhlig fhàicinn a' gluasad air adhart.

Lean sinn sin an uairsin le poileasaidh anns an

fharsaingeachd airson na Gàidhlig a bha a' gabhail a-staigh a h-uile pàirt de bheatha na Gàidhlig air feadh Alba. Bha am poileasaidh sin air a tharraing ri chèile ann an cuideachd agus ann an conaltradh le buidhnean mar Comhairle nan Sgoiltean Araich, Comann nam Pàrant agus na buidhnean Gàidhlig eile a tha ag obair aig ìre na coimhearsnachd. 'S e an treas rud a rinn sinn 's e am pàipear seo, "Dreach lùil airson Achd Gàidhlig", agus chaidh sin a chur chun na Phàrlamaid an uiridh, meadhan an t-samhraidh an uiridh, agus tha mi a' smaoinèachadh gun d' fhuair a h-uile ball leth-bhreac dheth. Chuirinn nur cuimhne gun do gheall a h-uile prìomh phàrtaidh a th' anns a' Phàrlamaid seo taic dhan inbhe thèarainte sin agus gum biodh iad deònach gun deigheadh inbhe na Gàidhlig a thoirt air adhart aig ìre laghail ann an Alba.

Tha foghlam tro mheadhan na Gàidhlig mar bhunait shònraichte dhan an amas sin air inbhe na Gàidhlig agus ged a dh'fhaoidte a' ràdh gun gabhadh dèiligeadh ri foghlam mar phàirt de bhile Gàidhlig, chan eil e a' dèanamh ciall dhuinne gum biodh bile foghlaim ga chur air adhart tron Phàrlamaid seo gun iomradh ga thoirt air tè de phrìomh chànanan na h-Alba.

'S e an t-amas a th' againn, agus an aonta a th' againn mar bhuidhnean a tha ag obair às leth na Gàidhlig, gu feum Gàidhlig a bhith air fhidhe staigh mar phàirt de bheatha làitheil na dùthcha seo ma tha a' chànan sin gu bhith buan. Tha sin a' ciallachadh gum feum Gàidhlig cuideachd a bhith air a fhidhe staigh mar phàirt de bheatha làitheil foghlam na dùthcha seo agus craoladh na dùthcha seo agus gnìomhachas na dùthcha seo. Tha sinn dhen bheachd gu bheil cothrom shònraichte ann ceum a ghabhail às leth na Gàidhlig tro bhile an fhoghlaim seo agus tha sinn a' smaoinèachadh, mar sin, gu bheil còir aig Gàidhlig a bhith air a h-ainmeachadh gu shònraichte anns a' bhile seo cuideachd. Tapa leibh.

Following is the simultaneous interpretation:

Thank you. My name is Allan Campbell and I am the chief executive of Comunn na Gàidhlig, which is a Gaelic national development organisation. The organisation began fighting for and promoting Gaelic-medium education about 16 years ago. We felt that the establishment of the Scottish Parliament provided an excellent opportunity to promote Gaelic, as one of the languages of Scotland, in a legal framework.

Four years ago, through our Gaelic education committee, we wrote a paper on a national framework for Gaelic education, to help people to understand how Gaelic-medium education should be developed. Then we wrote another policy paper on every aspect of developing Gaelic throughout Scotland, which was drawn together through holding discussions and many meetings at a

community level and with different Gaelic organisations, such as those represented here today.

Our third action was to produce the document, “Draft Brief for a Gaelic Language Act”, a draft of which was given to the Parliament in the middle of summer last year. I believe that all members received a copy of that document, and I remind members that all the main parties in the Parliament promised both to support our initiative and that Gaelic would achieve legal status in Scotland.

Gaelic-medium education is an important milestone, as it is fundamental to the development of Gaelic. Although we could deal with education as part of a Gaelic bill, it does not make sense to us that an education bill could be introduced in the Parliament without mentioning Gaelic, which is one of the main languages of Scotland. All Gaelic organisations agree that Gaelic must become a central part of the daily life of this country if that language is to survive. That means that Gaelic must become part of everything in this country, including industry, education and broadcasting. In this bill, we believe that we have a tremendous opportunity to take an important step forward. Therefore, Gaelic should receive a special mention in the bill.

10:15

Fionnlagh MacLeod (Comhairle Nan Sgoiltean Araich): Is mise Fionnlagh MacLeòid. Tha mi ag obair aig Comhairle nan Sgoiltean Araich. Tha a’ bhuidheann mar bhuidheann nàiseanta ag obair air feadh Alba gu lèir. Thòisich CNSA fichead bliadhna air ais. Aig an àm sin cha robh ach ceithir buidhnean fo aois sgoile ann. Anns an fhichead bliadhna chaidh seachad tha sin air èirigh. Tha seachad air 140 buidheann uile gu lèir agus timcheall air 2,500 leanabh. Thairis air na bliadhnaichean sin tha iomadach seòrsa atharrachadh air tighinn air foghlam fo aois sgoile. Tha pàirt dhe na h-atharraichidhean air a bhith air leth math. Pàirt eile, chan eil. Leis a h-uile buannachd tha call.

’S e aon bhuannachd gu bheil sgoiltean-àraich air an cur suas le cuid dhe na roinnean agus ’s e buannachd mhòr a tha sin. ’S e an trioblaid bho ar taobhne gun tug sinne na buidhnean seachad agus glè thrì nuair a chluinneas tu bho roinnean gu bheil iad a’ fosgladh mòran sgoiltean-àraich Ghàidhlig, chan eil iad air feadhainn ùra fhosgladh, dìreach an fheadhainn a bh’ ann. Tha sin a’ cur rud beag de dh’uallach oirnn air sgàth nach eil sinn a’ faicinn leasachaidh agus adhartais mar bu chòir a thaobh ar cànan.

’S e a’ phrìomh aois a tha a’ tighinn a-steach air a’ ghnòthaich, a th’ againn an-dràsda air tìr-mòr, ’s

e clann eadar mìos a dh’aois agus trì bliadhna. Chun a-seo bha sinn ag obair eadar mìos agus còig bliadhna ach le na sgoiltean-àraich ùra a’ tighinn a-steach tha sinn air trì chairteal dhen chloinn eadar trì ’s a còig a thoirt seachad dha na roinnean ionadail. Tha buannachd mhòr, mhòr ann ann an iomadach seòrsa dòigh.

Aig an fhìor àm seo tha e a’ toirt timcheall air 2,000 uair a thìde a bhith a’ toirt leanabh gun Ghàidhlig gu bruidhinn na Gàidhlig gu fileanta. Nis, tha fhios ’am gu bheil sibh ag obair a thaobh foghlaim anns an fharsaingeachd agus a thaobh cànan mar Fraingis is Gearmailtis, dh’iarrainn oirbh a-rèisd smaoineachadh air buaidh modhan teagaisg, chan e mhàin a thaobh na Gàidhlig ach a thaobh cànanan eile. Tha a h-uile dùil againn, air a’ bhliadhna a tha romhainn, gun geàrr sinn sìos na h-uairean a thìde bho 2,000 uair a thìde gu 1,000 uair a thìde a thaobh an ùine a tha e a’ toirt clann a thoirt gu bruidhinn na Gàidhlig. ’S e modhan ùra a tha seo a bhios feumail, chan e mhàin anns an dùthaich seo, ach air feadh an t-saoghail. Tha buannachd againne a thaobh cànan ri cloinn fo aois sgoile a’ bualadh, chan e mhàin air an dùthaich againne, ach air a h-uile dùthaich.

Tha sinn cuideachd an dòchas, thairis air na còig bliadhna a tha romhainn, gu bhith a’ cur a’ mhòr-chuid dhen chloinn dhan sgoil-àraich aig trì bliadhna, a’ bruidhinn Ghàidhlig, ged a tha iad a’ tighinn bho dhachaighean gun Ghàidhlig idir. Tha modhan sònraichte againn nach eil idir ann an dùthchannan eile, mar a chanas sinn anns a’ Bheurla, “We’re at the cutting edge”, ach ’s e an rud is tàmailtiche a th’ againne builleach glè thrì nach eil fhios aig foghlam neo Alba agus na daoine a tha ag obair a thaobh foghlaim gu bheil leithid a rud a’ tachart.

A’ tilleadh chun na h-achd a tha seo, bu mhiann leamsa gum biodh Beurla mar chànan air a h-ainmeachadh anns an achd. Bu mhiann leam cuideachd gum biodh Gàidhlig air a h-ainmeachadh anns an achd airson tha e mì-nàdarrach a bhith a’ cur gnòthaich air adhart, achd neo bile, gun a bhith ag ainmeachadh dè na cànanan air a bheil thu ag obair, gu h-àraidh agus sinn anns an Roinn Eòrpa an-diugh. Tha mise an dòchas anns na bliadhnaichean a tha romhainn, chan e mhàin gum bithear a’ teagasg tro mheadhan na Gàidhlig agus tro mheadhan na Beurla, ach gum bithear a’ teagasg tro Spàinntis agus Gearmailtis agus tron h-uile cànan eile.

’B e an trioblaid bu mhotha, ’s dòcha, nuair a bha achd Pàrlamaid ann ann an 1872, an achd a bha cho cudromach a thaobh foghlaim ann an Alba, nach deach Gàidhlig ainmeachadh. Dè thachair às dèidh sin? Bha sgoiltean Ghàidhlig ann aig an àm agus chaidh a’ chànan a mùthchadh, a marbhadh air sgàth is nach robh i air a h-ainmeachadh. Bho ar taobhne, gu seachd àraidh,

tha e glè chudromach. The e, cha mhòr, a' toirt seallaidh dhuinn air inntinnean nan daoine a tha ag obair a thaobh foghlaim ann an Alba air dè dha-rìribh a tha iad a' smaoinachadh.

'S e an dàrna aobhar airson gu bheil sinn ag iarraidh gum bi Gàidhlig air a h-ainmeachadh, agus Beurla, an dà chuid air an ainmeachadh a thaobh a' bhile, 's e gu bheil iomadach oifigear anns na roinnean ionadail a tha fada an aghaidh na Gàidhlig. Tha sinn dhan coinneachadh bho sheachdainn gu seachdainn. Chan eil sin a' tachairt, mar is trice, aig a' cheann shuas. 'S ann tha fiosrachadh agus foghlam is ionnsachadh a' tighinn thuca ach nan dèigheadh a h-ainmeachadh cha b' urrainn dha na h-oifigearan a tha ag obair aig na roinnean ionadail a ràdh, "Chan eil taobh aig a-seo ri Gàidhlig. Cha robh Gàidhlig air a h-ainmeachadh a thaobh sgoiltean-àraich".

Chaidh £250,000 a chomharrachadh, thairis air trì bliadhna, a thaobh sgoiltean-àraich ach nuair a thèid thu a bhruidhinn ris na h-oifigearan anns na roinnean canaidh iad, "Cha robh Gàidhlig air a h-ainmeachadh, chan eil seo a' tighinn a-steach a thaobh na Gàidhlig. Feumaidh sinn fuireach gus am faigh sinn rudeigin sgriobhte a thaobh na Gàidhlig." Air an aobhar sin, bho bhith ag obair leis na h-oifigearan agus na roinnean, agus tha iomadh roinn ann far a bheil oifigearan a tha gu math bàidheal a thaobh na cànan, chan e na h-oifigearan sin a tha a' cur dragh oirnn, ach na h-oifigearan anns na roinnean a tha ag ràdh, "Chan eil Gàidhlig air a h-ainmeachadh agus nam biodh i cudromach bhiodh i air a h-ainmeachadh." Leis a-sin, chan e mhàin gu bheil e cudromach gun tèid Gàidhlig a h-ainmeachadh agus gun tèid Beurla a h-ainmeachadh cuideachd, a thaobh cloinn fo aois sgoile, ach tha e cudromach aig gach ìre oir chan eil slat tomhais idir againn a thaobh nan cànanan agus an dòigh teagaisg a th' ann.

Chan eil sinn idir a' bruidhinn dìreach air a bhith cur air adhart cànan. Tha sinn a' bruidhinn air foghlam tron chànan sin. Ma tha leanabh ann an sgoil ag obair a thaobh matamataics tro mheadhan na Gàidhlig, 's e foghlam a th' ann. Ma tha thu ag obair a thaobh eachdraidh, ma tha thu ag obair a thaobh eòlas-dùthcha, ma tha thu ag obair a thaobh a h-uile cuspair a th' agad tro mheadhan na Gàidhlig, 's e foghlam a th' ann. Tha thu a' toirt a-steach fiosrachaidh, tha thu a' cnuasachadh agus tha thu an uairsin ga thoirt seachad do dhaoine eile. 'S e foghlam a th' ann. Chan e cuspair. Sin a dh'iarrainn a chur air adhart.

Following is the simultaneous interpretation:

I am Fionnlagh MacLeod. I work with Comhairle Nan Sgoiltean Araich, the Gaelic Playgroups Association. We are a national organisation, working throughout Scotland. CNSA was established 20 years ago. At that time, there were only four pre-school Gaelic groups, but in the past

20 years that number has risen dramatically to 140 groups that cater for more than 2,500 children.

Over the years there have been many changes to Gaelic pre-school education, as to pre-school education in general. Most of them have been excellent, although some have not been so good; with every good change comes a bad change. One of the positive changes has been that local authorities now establish pre-school groups, which is excellent. However, the problem is that we have passed groups on to local authorities that are not so keen to open Gaelic pre-school groups. They have not created any new groups; they have simply taken over the ones that we had established. That worries us, as we do not recognise the kind of development that we would like, and the language does not gain any advantage from it.

We look after children between the ages of one month and three years on the mainland of Scotland. Until now, we were working with children aged between one month and five years, but we have lost three quarters of the children between the ages of three and five to the new nurseries that have been established by local authorities.

It takes more than 2,000 hours to bring a child who does not speak Gaelic to fluency in the language. I know that you are talking about education in general, and languages such as French and German. I ask you to think about the way in which languages are taught—not just Gaelic, but other languages besides. In the next year, we expect that we will reduce the number of hours that it takes to learn Gaelic from 2,000 to 1,000, so that more children will be fluent in Gaelic. New teaching methods will be useful not only in this country, but all over the world, and we have an advantage in that the children speak Gaelic before they go to school. We hope that children who enter nursery schools at the age of three, even if they come from non-Gaelic speaking homes, will be fluent in Gaelic, through the use of teaching methods that are not used elsewhere. As we say in English, we are at the cutting edge, and those who work in education elsewhere in Scotland do not know of the methods that we are using to help children to become fluent Gaelic speakers.

We would like English to be mentioned in the bill. We would also like Gaelic to be mentioned in the bill. It is unnatural to publish a bill of this sort without mentioning the languages with which we are working, especially as we are now part of Europe. I hope that in the years to come we will teach not only through English and Gaelic, but through Spanish, German and other languages. The biggest problem that we have is that the Education (Scotland) Act 1872 did not mention Gaelic. What happened after that? There were

Gaelic schools at that time, but the Gaelic was quashed and practically killed because it was not mentioned in the act. From our perspective, it is very important that this bill should look into the minds of people who are working in education in Scotland.

There is another reason that we want Gaelic and English to be mentioned. We know that many officers who work in local authorities are against the Gaelic language; we meet them week after week. That does not happen higher up, where people have access to education and learning. If Gaelic were mentioned in the bill, officers who work at local authority level would not be able to say that their authority has nothing to do with Gaelic because they do not have it in their nursery schools. Some £250,000 was allocated to nursery schools but, when we speak to officers in local authorities, they can say that Gaelic is not mentioned in legislation, that it does not come into their work and that they need something in writing about Gaelic.

I have worked with officers in the local authorities and with councils. We do not worry about those officers who are supportive of the language, but we worry about those who are opposed to it and who would say, "If Gaelic is so important, why is it not mentioned in the bill?" It is important not only for pre-school children but for children at every other level that Gaelic should be mentioned in the bill. If it is not mentioned, we will not have the right to have a say in teaching methods and how we promote the language.

We are talking about education through the language. If a child works at mathematics through Gaelic, that is education. If children do history, geography or any other subject through the medium of Gaelic, they are learning, taking in information, thinking for themselves and passing on that information. It is all education. It is not just a subject. That is the view that I want to promote at this meeting.

The Convener: Thank you. I open the floor to questions from members of the committee. I remind members that the witnesses have graciously agreed to take questions in English, if that is how you wish to put them.

Mr Macintosh: Thank you for coming. Before I start, I should declare an interest: my father is chairman of Sabhal Mòr Ostaig, the Gaelic college.

I was very interested to hear the arguments. We all agree that securing legal status for Gaelic is vital for its continuance. One thing that you did not mention is the lessons that can be learned from what is happening in Wales. What do you think we can learn from what has been done in Wales to promote the Welsh language?

Allan Campbell: There have been few advantages in working for the development of Gaelic over the past 15 to 20 years, principally because the number of Gaelic speakers in Scotland is at a dangerously low level. We have little time in which to win this battle or to lose it completely. We probably have between 20 and 30 years in which to turn the situation around. That is why all issues such as education and broadcasting are so important to us, and why we have to address all of them simultaneously.

Bha mi air tionndadh gu Beurla gun fhiosda dhomh fhèin. Tha e a' sealltainn mar a tha an saoghal anns a bheil sinn beò a' toirt buaidh orm.

Dè dh'ionnsaich sinn bhon Chuimrigh? Dh'ionnsaich sinn gum feum àite sònraichte a thoirt dha foghlam agus tha mi a' smaoinichadh gur dòcha gur e an t-amas a tha romhainn, a' phrìomh amas a tha romhainn, a thaobh suidheachadh na Gàidhlig, gum faigh sinn co-ionannachd dhan chànan le Beurla mar a tha eadar Cuimris agus Beurla anns a' Chuimrigh. 'S e sin is coireach gu bheil sinn ag iarraidh gun tèid Gàidhlig a h-ainmeachadh anns a' bhile foghlaim seo. 'S e sin fear dhe na bunaitean a th' anns an amas a th' againn airson inbhe thèarainte cuideachd.

Ged a tha iad air suidheachadh na Cuimris a neartachadh, gu sònraichte dà achd Pàrlamaid, tha fhathast obair mhòr aca ga dhèanamh a thaobh a bhith màrgaicheachd na cànan agus a' brosnachadh na cànan aig ìre na coimhearsnachd. 'S e obair a tha sin cha mhòr nach deachaidh fiù 's toiseach toiseachaidh a dhèanamh oirre ann an Alba. Tha na buidhnean saor-thoileach uile an sàs ann ach 's e pàirt dhen trioblaid a th' ann, agus feumaidh sibh seo a thuigsinn gu sònraichte, mura bheil a' choimhearsnachd a' faicinn gu bheil inbhe dha thoirt dhan chànan, mura bheil iad a' faicinn gu bheil àite sònraichte agus leantainneachd dha thoirt dha rudeigin mar foghlam tro mheadhan na Gàidhlig, chan urrainn dhaibh gu sìorraidh creideas a bhith aca gu bheil e dol a leantainn. Ma tha sinn ag iarraidh air pàrantan an cuid-chlìonne a chur taobh foghlam tro mheadhan na Gàidhlig agus gun chinnt aca gu bheil seo dol a mhairsin, cuimhnichibh, tha foghlam tro mheadhan na Gàidhlig an-dràsda an crochadh air deagh rùn chomhairlean.

Chan eil còir aig pàrantan air agus tha sinne aig toiseach linn ùr ann an Alba le Pàrlamaid ùir sa h-uile càil eile as a bheil sinn cho moiteal agus a dh'aindeoin sin chan eil a' chòir bhunaiteach seo aig pàrantan a thaobh an cànan fhèin nan dùthaich fhèin. Tha cothrom agaibhse sin a chur ceart neo, co-dhiù, ceum a ghabhail air an t-slighe leis a' bhile seo.

Following is the simultaneous interpretation:

I spoke English almost without thinking there. It shows how the world we live in has affected me that I spoke English quite naturally.

What have we learned from the Welsh? We have learned that we should give education an important place. Our main objective with regard to Gaelic is that the language should have equality with English, in the same way that Welsh and English are equal in Wales. That is why we want Gaelic to be mentioned in the education bill. That is one of our main aims with regard to secure status.

Although the Welsh situation has been greatly strengthened by two parliamentary acts, there is still a great deal of work to be done to market and to promote the language at community level. We have hardly started on that in Scotland. Many voluntary organisations support community involvement. We have to understand the problem, part of which is that if the community considers that the language is not getting the recognition that it should, and that there is no continuity with regard to Gaelic-medium education, the system will never have any credibility. We want parents to send their children through Gaelic-medium education, yet they are unsure whether the system will continue.

Remember that Gaelic-medium education relies very much on the good will of the councils. We are proud of what has happened until now but, despite that, we still do not have the fundamental legal right for people to learn through their own language in their own country. You have an opportunity to reverse that situation or at least to take a step towards reversing it.

Fionnlagh MacLeod: Dh'fhaighnich sibh dè a' bhuannachd a thàinig às a' Chuimrigh. Saoilidh mi gur e a' bhuannachd is motha a thàinig às a' Chuimrigh gu bheil foghlam na bhunait oir tha sin a' toirt misneachd is cothrom do dhaoine, chan e mhàin a' chànan ionnsachadh ach, cuideachd, a bhith siùbhlach is fileanta agus air dòigh a thaobh a bhith ga sgrìobhadh 's ga leughadh agus ga cur gu feum ann an dòigh beatha.

'S e an rud a tha eadar-dhealaichte, 's dòcha, a thaobh Gàidhlig seach cuid de chànanan eile gu bheil thu a' bruidhinn air dòigh-beatha. Tha an cànan ann, chan e mar fhrith-chànan, ach mar chànan is urrainn a bhith air fhidhe staigh air a h-uile pàirt de bheatha bhon chiad mhionaid a dh'èireas tu anns a' mhadainn chun a' mhionaid mu dheireadh a thèid thu dhan leabaidh air an oidhche. 'S urrainn dhut a bhith air do chuirteachadh leis a' chànan sin agus a cur gu feum. Leis a sin, chan e frith-chànan a th' ann ach cànan a tha a' cuairteachadh a h-uile càil.

10:30

Dh'fhaighnich thu dè a dh'ionnsaich sinn às a' Chuimrigh. Dh'ionnsaich sinn tòrr mu na trioblaidean aca agus thug e dhuinn cothrom sealltainn air dè na rudan nach bu chòir dhuinn a dhèanamh, dè na rudan a b' urrainn dhuinn a dhèanamh agus dè na rudan a th' againn ri dhèanamh an-dràsda. Mar eisimpleir, tha foghlam cudromach, am bunait is motha th' ann, ach chan e an aon chuspair a th' ann. Tha thu a' bruidhinn air coimhearsnachd, tha thu a' bruidhinn air craoladh agus tha thu a' bruidhinn air a h-uile nì eile.

Dh'iarraibh gluasad air falbh 'on Chuimrigh ann an dòigh airson sealltainn ri dùthchannan mar na Bascaich aig a bheil cànan gu tur eadar-dhealaichte bho Spàintis, dìreach mar a tha Gàidhlig agus Beurla anns an dùthaich seo. 'S e an rud a tha iadsan a' dèanamh an-dràsda, tha iad a' cur 500 neach-teagaisg a bha ag obair ann an Spàintis tro chùrsaichean bliadhna neo dà bhliadhna agus tha an Riaghaltas agus an Roinn Eòrpa a' pàigheadh airson is gun ionnsaich iad na cànan ùra agus chan e mhàin gun ionnsaich iad cànan ùr ach gun ionnsaich iad na modhan ùra, oir feumaidh tu na modhan ùra a thaobh a bhith teagasg tro mheadhan na Basc an àite na Spàintis.

Feumaidh tu modhan ùra agus tha thu ag ionnsachadh, thairis air bliadhna neo dhà an cànan anns a' chiad dol-a-mach, agus an uairsin às deidh dà bhliadhna aig a' char is fhaide tha 500 tidsear ùr agad. Nis, tha sinn uile air a bhith a' caoidh nach eil gu leòr thidsearan ann. Tha iomadach freagairt a-muigh air crìochan na dùthcha seo. Tha mòran dhùthchannan air a dhol tro na h-aon thrioblaidean sa tha againne an-dràsda agus, leis a sin, ma tha thu ag iarraidh freagairt a thaobh gainnead thidsearan, tha againn ri sealltainn ris an t-suidheachadh am measg nam Bascaich.

Ma thu ag iarraidh sealltainn a thaobh curraicealam, mar eisimpleir, tha trioblaid againn a thaobh cloinne fo aois sgoile agus an curraicealam a th' ann an-dràsda ann an Gàidhlig air sgàth is gur e curraicealam a th' ann a tha a' bualadh air a' chiad chànan. Tha iad air an curraicealam eadar-theangachadh bho Bheurla gu Gàidhlig. Tha sin furasda gu leòr a thaobh cloinn aig a bheil i bho thùs ach chan eil i idir freagarach airson cloinn aig nach eil i a' tighinn a-steach. Chan urrainn dhut pàirt dhen a' churraicealam a dhèanamh gus am bi a' chlann fhèin a' bruidhinn na cànan agus, leis a sin, 's urrainn dhaibh ionnsachadh bho dhùthchannan, mar eisimpleir Canada far a bheil dà sheòrsa sgoil ann, dà sheòrsa curraicealam ann a thaobh Frangais, curraicealam ann airson na cloinne aig a bheil i fo thùs agus curraicealam eile ann airson cloinne a tha ga h-ionnsachadh.

Tha trioblaidean a' togail a thaobh gnothaichean mar sin ann an Alba fhèin an-dràds a ged nach eil sinn a' faighinn èisdeachd air sgàth is gu bheil iad ag ràdh, "Seo an curraicealam." Chan eil èisdeachd ga thoirt seachad a thaobh gum feumar sealltainn ri curraicealam ann an dòigh eile. 'S urrainn dhuinn ionnsachadh bho iomadach dùthaich.

Following is the simultaneous interpretation:

You asked what we have learned from the Welsh situation. The greatest advantage is that language is fundamental. Not only do they have the opportunity to learn the language but they are able to become fluent at reading and writing the language and using it in everyday situations. The main difference with Gaelic and similar languages is that we are talking about a lifestyle. The language is there; it is not just a second language. It can be used in every aspect of our daily lives from the moment we rise in the morning to the moment we go to bed at night. People can be surrounded by that language and can use it.

We learned from Wales about the problems that it had, which showed us what we should not do, what we could do and what we now have to do. For example, education is fundamentally important but it is not the only subject. We are speaking about community and broadcasting.

However, I would like to move away from the Welsh situation to consider other countries, such as the Basque country. The Basques have a very different language from Spanish, just as Gaelic and English are very different. The Basque country is putting 500 Spanish-speaking teachers on a two-year course. The Government and Europe are paying for those teachers to learn the new language, its idioms and so on, in order to teach through the medium of Basque rather than Spanish.

Initially, the teachers learn the language and after two years they are ready to teach—there will be 500 new teachers. We are all complaining about the fact that there are not enough teachers. Many countries have experienced the same problems as we now face. If we want answers to the question of teacher supply, we must consider the situation in the Basque country.

We have problems with the current education curriculum for pre-school children. It is a curriculum for children who speak Gaelic as their first language. That is okay for children who already speak Gaelic, but it is not at all suitable for those children who do not. We cannot teach part of the curriculum until the children speak the language. We can learn from other countries, such as Canada, where there are two types of schools with two different curricula: one for those who already speak French and another for those who

are learning. There are problems in Scotland, although until now we have not had a proper hearing. "This is the curriculum" is all we hear. Nobody is listening. We have to look at the curriculum in another way. There are many cultures from which we can learn.

John MacLeod: Tha mi a' smaoineachadh ann a bhith a' dèanamh coimeis eadar Alba agus a' Chuimrigh gu bheil na trì cinn a tha seo ag èirigh an còmhnaidh. 'S e sin còirichean, co-ionannachd agus leantainneachd. Tha sin acasan agus chan eil againne. Carson nach biodh? Tha e cudromach gum biodh còirichean aig pàrantan airson foghlaim Gàidhlig faighinn dhan cuid-cloinne far a bheil iarrtas air a shon. Ann a bhith sealltainn ri co-ionannachd, tha iad ag obair anns na sgoiltean air an aon churraicealam agus a tha clann na Beurla. Tha iad a' dèanamh sgriobhaidh is leughaidh is còmhraidh is gach cuspair eile ann am foghlam ach a-mhàin ann an cànan eadar-dhealaichte.

A bharrachd air a sin, tha iad a' faighinn buannachdan dà-chànanais a-mach às a seo agus tha obair rannsachaidh a' sealltainn gu bheil, a bharrachd air a sin, gu bheil buannachdan sònraichte foghlaim ag èirigh bho bhith a' faighinn foghlam ann am mion-chànan mar seo. Ann an leantainneachd, tha e cudromach, mar a thuirt Ailean, gum bi dùil nuair a thèid clann dhan an sgoil gu bheil iad a' dol a-steach a shiostam a bheir dhaibh leantainneachd ann am foghlam. Mar sin, sin na h-atharraichidhean a tha mise a' faicinn eadar sinne agus a' Chuimrigh agus tha mi a' smaoineachadh gum biodh e air leth iomchaidh dhuinn a bhith a' sealltainn ri còirichean, co-ionannachd agus leantainneachd ann am foghlam Gàidhlig.

Following is the simultaneous interpretation:

In comparing Scotland to Wales, we can consider three headings: rights, equality and continuity. Wales has all those things and we do not. It is very important that parents have rights to have Gaelic education for their children where the demand exists. In terms of equality, the Gaelic-medium pupils follow the same curriculum as English-medium pupils; they are writing, reading and speaking and doing all the other subjects as English-medium pupils. Apart from the fact that they are learning in a different language, the curriculum is just the same.

There are other advantages for children who are bilingual. Research has shown that there are educational advantages in receiving education in a minority language. As Allan Campbell said, it is important that when children go to school they enter a system that will provide continuity of education. Those are the differences between Scotland and Wales. It is important that we consider the issues of equality and continuity with regard to Gaelic education.

Michael Russell (South of Scotland) (SNP): A Mhairi, tha mi glè thoilichte gu bheil na comunnan aig a bheil uidh anns a Ghàidhlig còmhla riunn an diugh. Feumaidh mi bruidhinn anns a' Bheurla, tha eagal orm.

Following is the simultaneous interpretation:

Mary, I am very pleased that people from the Gaelic organisations are with us today. Unfortunately I must pose my questions in English.

The member continued in English.

Although unfortunately I must pose my questions in English, I am sure that that will not inhibit Allan and his colleagues from continuing to reply in Gaelic, which I welcome.

As we are considering legislation at this meeting, we must focus on clear questions for the witnesses. With the convener's permission, I will ask three clear questions.

I have received letters supporting an amendment at this stage from a range of organisations, including local authorities, such as the Highland Council, Argyll and Bute Council, the Western Isles Council, Comann an Luchd-lonnsachaidh, Sabhal Mòr Ostaig, your organisations and others. It might be appropriate for Allan Campbell to respond to my first question. Are you aware of any organisation involved with Gaelic that has considered this live issue and finds itself against the idea that the Standards in Scotland's Schools etc Bill should mention Gaelic?

Allan Campbell: Chan eil mi smaoineachadh gun urrainn sin a bhith oir tha na buidhnean a tha strì airson na Gàidhlig a' strì airson, mar a bha mi a' ràdh na bu tràithe, airson adhartais aig a h-uile ìre dhan a' chànan, chan eil ùine againn feitheamh airson a' chòrr. Tha sin a' ciallachadh gu feum sinn a h-uile leasachadh 's a h-uile adhartas a ghabhas faotainn fhaotainn cho luath 's a ghabhas. 'S e cothrom sònraichte tha seo ann am bile an fhoghlaim 's chan urrainn dhòmhsa smaoineachadh air buidheann sam bith a bhiodh airson bruidhinn an aghaidh na Gàidhlig oir 's e sin a bhiodh iad a' dèanamh mura biodh iad a' cur taice ris a' Ghàidhlig ainmeachadh sa bhile tha seo.

Following is the simultaneous interpretation:

I do not think that that would be possible. The organisations that are striving for Gaelic are working hard to make progress at every level for the language, as I said. We do not have time to wait for anything else—we must work for every development and every step forward, and we should take action as soon as we can. Gaelic should be part of the Standards in Scotland's Schools etc Bill. I cannot think of any organisation that would be willing to work against Gaelic, because that is what they would be doing if they

did not support what we are saying today.

Michael Russell: There is an argument that Gaelic-medium education will be dealt with by a bill proposing secure status for Gaelic and that, therefore, there should be no demand to amend this bill—that any such amendment would be premature. Do you find that argument convincing?

Allan Campbell: Tha mi smaoineachadh gum biodh e ceart agus iomchaidh gum biodh iomradh air foghlam ann am bile a thaobh inbhe thèarainte ach chan eil mi smaoineachadh gu leig sinn a leas feitheamh airson inbhe thèarainte airson cothrom a ghabhail rudeigin a dhèanamh dhan chànan ann am bile an fhoghlaim. 'S e an argamaid a tha sinne air a bhith cur air adhart—le sinne tha mi a' ciallachadh Comunn na Gàidhlig le taic bho na buidhnean eile san fharasaingeachd—tha sinn air a bhith ag argamaid gu bheil còir aig foghlam na Gàidhlig a bhith a' faotainn àite ann an cridhe obair leasachaidh foghlam Alba, chan ann mar rudeigin air leth ach mar phàirt de dh'fhoghlam Alba. "Normalisation", 's e sin am facal a tha sinn a' cleachdadh. Ri linn na h-argamaid a tha sin, saoilidh mi gur e cothrom sònraichte a dhèigheadh a chall dhan chànan mura biodh Gàidhlig a' faotainn àite sònraichte a thaobh a h-ainmeachadh sa bhile tha seo.

Following is the simultaneous interpretation:

It would be right for education to be included in a bill for the secure status of Gaelic, but I do not think that we should have to wait for such a bill in order to take advantage of the situation and to do something for the language in the Standards in Scotland's Schools etc Bill. Comunn na Gàidhlig has argued, with support from other Gaelic organisations, that Gaelic-medium education should be given a place at the heart of the educational development of Scotland. It should not be treated as a separate issue, but as part of English, mainstream education in Scotland. We want Gaelic to be treated as a normal part of the education system. It would be a loss if Gaelic were not given a place in this bill.

Michael Russell: That is a very important answer. Fionnlagh MacLeod referred to the failure to include Gaelic in the 1872 act; from an historical perspective, there is no doubt that that failure damaged the language substantially. Today, we are saying that that mistake should not be repeated.

I will move on to my second point. If there is universal agreement that there should be an amendment to the bill—and I believe that such agreement exists—before we consider what should be in that amendment, we must consider what it should achieve. I would like to hear views from each of the witnesses about what they think that amendment should target.

John MacLeod: Tha mi smaoineachadh gur e rud as cudromaiche leis na tha seo gur e tèarainteachd dha siostam foghlaim na Gàidhlig—rud nach eil ann an-dràsda. Ma bheir atharrachadh sa bhile sin seachad dha pàrantan 's dhan cloinn tha e nise na bhunait airson a dhol air adhart. Ma tha tèarainteachd ann thig adhartas mòr ri linn sin.

Following is the simultaneous interpretation:

The most important issue is security for the Gaelic-medium education system, which we do not have at present. Amending the bill for parents and children would give us a foundation on which to make progress. If we have security, we will make great progress.

Michael Russell: An amendment that was not properly drafted, or was drafted too widely, might stir up a hornet's nest in terms of financial commitments from local authorities. The Executive has mentioned that issue before. How could security be given without an open-ended financial commitment also being given? The Executive is, to be fair, making a substantial commitment by including Gaelic in its priorities.

John MacLeod: Chan eil sinne airson foghlam Gàidhlig a sparradh air duine—tha e saor-thoileach. 'S e tha sinne ag ràdh far a bheil iarrtas reusanta air a shon gum bu chòir taic dhan sin a bhith stèidhichte sa lagh, rud nach eil an-dràsda, 's tha sin ga fhàgail gu saor-thoileach. Chan eil e dha fhàgail cho fosgailte, saoilidh mi, 's gum biodh uallach mì-nàdarrach air ùghdarrasan ionadail ri linn.

Following is the simultaneous interpretation:

We do not want to force Gaelic education on anybody—the system is voluntary. Where there is a reasonable request for Gaelic-medium education, that should be supported. That should be part of the law, which is not the case at the moment. The system is voluntary, but we do not want it to be so open-ended that local authorities are left with a problem.

Allan Campbell: Tha mi smaoineachadh gu bheil e uamhasach cudromach gum biodh sibh a' tuigsinn gu bheil sinne, a tha sàs ann an obair leasachaidh na Gàidhlig, a' tighinn thugaibh ann an dòighean agus le beachdan cho proifeiseanta agus cho ciallach agus a ghabhas. Bha uair a bha sinn a' cur feum air, mar a tha a h-uile iomairt eile, tomhais de "loony fringe", mar thuirt iad, ach tha mi smaoineachadh gu bheil sinn a-niste bèò ann an saoghal far a bheil sinn a' dèanamh adhartais ri linn proifeiseantachd agus argamaidean tha ciallach agus, ann a bhith dèanamh argamaidean dhen t-seòrsa sin, tha sinn a' faithneachadh nach eil an sporan cho farsaing sa rùnaicheamaid.

Aig an aon àm tha sibhse mar Riaghaltas agus

mar phàrtaidhean poilitigeach fa leth air gealladh a thoirt dhuinn gu bheil sibh airson gum bi a' chànan tha seo buan mar phàirt de dh'eachdraidh agus de dhualchas Alba agus ri linn a' gheallaidh a tha sin tha sibh cuideachd a' tuigsinn, mar phàrtaidhean, nach gabh sin dèanamh gun airgead a chur an sàs ann.

Niste, chan eil sinne a' ràdh gur e airgead bunait a h-uile càil—feumaidh sibh àite a thoirt dhan chànan tha seo agus còirichean a thoirt dhith fon lagh, ach feumaidh sibh cuideachd airgead reusanta chur ma coinneimh agus chan eil sinne dol a dhèanamh an seòrsa adhartais a tha sinn ag iarraidh as aonais sporan a tha beagan nas fiallaidhe na tha an sporan an-dràsda. A dh'aindheoin an deilbh a gheibh sibh gu math tric sna meadhanan gu bheil sinne ann an saoghal na Gàidhlig a' dol fodha le airgead chan eil sin fìor. Tha feum againn air an tuilleadh maoineachaidh ach 's e an rud a bheireadh a' Ghàidhlig dhuinn le bhith air a h-ainmeachadh san achd tha seo, mar a chaidh ainmeachadh na bu tràithe, bheir e co-ionannachd cothrom do phàrantan a tha ag iarraidh foghlam tro mheadhan na Gàidhlig—equality of opportunity.

Niste, tha sin gu math bunaiteach anns na geallaidhean a tha sibh uile a' toirt seachad. Tha e a' ciallachadh gum bi an achd tha seo a' fàgail air comhairlean ionadail gu feum iad èisdeachd ri pàrantan 's nach fhaod iad cùl a chur ri pàrantan far a bheil iarrtas reusanta ann. Thèid tòrr a ràdh mu ghainnead luchd-teagaisg agus àireamhan beaga ann an foghlam tro mheadhan na Gàidhlig agus canaidh cuid ribh bu bheil an dà rud tha sin, an toiseach gu bheil cho beag a chloinn ann am foghlam tro mheadhan na Gàidhlig a dh'aindheoin a h-uile adhartas, gu bheil sin na aobhar gun an còrr leasachadh a dhèanamh, agus cuideachd gu bheil gainnead luchd-teagaisg na aobhar gun an còrr leasachadh a dhèanamh.

Niste, 's e chanainnse ribh ma bheir sibhse stèidh oifigeil agus taic laghail do dh'fhoghlam tro mheadhan na Gàidhlig, mar a thuirt pàrant a bha aig coinneimh poblach a bha againn ann an Glaschu, "Gabhaidh fada bharrachd phàrantan cothrom an uairsin air a' ghoireas a tha seo na tha deònach a dhol a shabaid air a shon an-dràsda"—more will take advantage than are prepared to fight for it.

Sin a thuirt i agus gun teagamh tha e fìor agus cuideachd aon uair 's gu bheil foghlam tro mheadhan na Gàidhlig mar rudeigin tha stèidhichte gu nàiseanta fon lagh, bidh fada, fada bharrachd luchd-teagaisg deònach a dhol an taobh sin agus iad a' faicinn cothrom air an t-slighe a dhèanamh le beò-shlàint tro mheadhan na Gàidhlig fad am beatha—beò-shlàint phroifeiseanta agus tha a h-uile càil a tha sin a' crochadh ri chèile.

Following is the simultaneous interpretation:

It is extremely important that members understand that those of us who are involved in Gaelic development have come to the committee holding professional and informed views. There was a time when—as with every initiative such as ours—there was a loony fringe, but we are in a world in which we are making progress with professional and informed arguments. The purse is not as kind as we would hope, but we want the language to progress and to be a strong part of the Scottish political scene. Government and political parties must understand that that cannot be achieved without money.

We are not saying that money is the foundation of everything, but we need to give Gaelic a place and to give it rights within the law. We must, however, have a reasonable amount of money to enable us to do that. We will not be able to progress as we would wish without a better purse than we have. The media portrays us as people who are sinking under the weight of money, but that is not true—we need a lot more funding.

If Gaelic is included in the bill, that would give equality of opportunity to parents who are looking for Gaelic-medium education throughout Scotland. An act that included Gaelic would make local authorities listen to parents. Authorities would not be able to turn their back on reasonable demands for Gaelic-medium education. A lot will be said about the lack of teachers and the small number of pupils in Gaelic-medium education. Some will say, first, that the fact that there are so few children in such education—despite the progress that has been made—is a reason for there to be no new progress or development. The fact that there are so few teachers is also given as a reason for making no further progress.

As a parent pointed out at a recent public meeting in Glasgow, if Gaelic-medium education is given secure status, more parents will take advantage of the system than are willing to fight for it at the moment. That is, without a doubt, true. Once Gaelic-medium education is secure within the law, a lot more teachers will come in to the system because there will be opportunities to make a living from Gaelic-medium education. All those things hang together.

10:45

Fionnlagh MacLeod: Bha thu faighneachd dè na rudan a dh'ìarradh sinn a thoirt à bile foghlaim. Saoilidh mi gu bheil againn ri tòiseachadh a' smaoinreachadh air dhà na thrì rudan an toiseach. A thaobh àireamhan de chloinn a tha air am breith an an Alba, tha na h-àireamhan air a dhol sìos fo 70,000, ochd bliadhna deug air ais, gu nas lugha na 60,000 an-diugh, lùghdachadh thairis air na

bliadhnaichean de 10,000. Tha e air a bhith a' dol sìos 500 no 800 no 1,000 no 1,500 gach bliadhna.

Aig a' cheart àm tha sinn a' cluinntinn gu bheil foghlam, foghlam, foghlam againn ach tha airgead, airgead, airgead, airgead cuideachd a' dol a-steach a thaobh foghlaim agus aon dhe na rudan a bha gu math snog is brèagha bho chionn ghoirid—nuair a chuir am Prìomhaire 100,000,000 a thaobh foghlaim ann an Alba—cha d'fhuair sinne litrichean sna pàipearan-naidheachd a' gearan uiread de dh'airgead a bhith a' dol taobh na Gàidhlig, rud a tha gu math snog bho ar taobhne.

Tha airgead a' dol a-steach a thaobh foghlaim ann an Alba an-dràsda. Air a' bhliadhna tha romhainn bidh 3 billean agus 600 millean agus rud beag a bharrachd a' dol a thaobh foghlaim ann an Alba gu lèir, dìreach a thaobh na Pàrlamaid seo. A thaobh Gàidhlig agus foghlam tro mheadhan na Gàidhlig, bidh 's dòcha eadar 2.5 millean agus 3 millean uile gu lèir—sin uileas, tha thu a' bruidhinn air tiotain beaga biodach nuair a smaoinicheas tu air an airgead a tha air a chosg air Gàidhlig an-dràsda.

Ma tha thu faighneachd dè thàthar ag iarraidh a-mach à bile foghlaim, thàthar ag iarraidh dhà na thrì rudan. A' chiad rud tha thu ag iarraidh gum bi Gàidhlig is Beurla aig an aon ìre agus, gun iad a bhith air ainmeachadh as a' bhile, chan eil mi smaoinreachadh gun tachair sin a chaoidh, airson daoine a tha a' sealltainn air càil a tha sgrìobhte tighinn bhon a' Phàrlamaid, mur eil Gàidhlig sa bhile sgrìobhte diochuimhnichidh iad mu deidhinn. Sin a' chiad rud.

An dara rud: feumaidh siostam a bhith ann far a bheil airgead sònraichte a' tighinn air adhart mu choinneimh an airgid tha tighinn a-steach do dh'fhoghlam uile gu lèir. Mar as motha de chloinn a tha dol taobh na Gàidhlig anns an sgoil 's ann as motha de dh'airgead a bu chòir a bhith gan leantainn. Bu chòir airgead a bhith leantainn.

Following is the simultaneous interpretation:

You asked what we would want to gain from an education bill. We have to start thinking about a few things. The number of babies born in Scotland each year has decreased from 70,000 to fewer than 60,000 over the past few years. The decrease has been 500 to 800 every year.

We are always talking about education, education, education, but it is also money, money, money. The money that has recently been pumped into education is very nice, but when the Prime Minister came to speak about this matter, although we heard about the financial boost for education in Scotland we never heard anything about the boost to Gaelic education.

Money is going towards education in the year to come: more than £3 billion will be set aside for

education during this Parliament, but we might get only £2.5 million to £3 million specifically for Gaelic-medium education. It is such a small amount when we think how much money is currently being spent on Gaelic in general.

If you ask what we want from the bill, we want a few things. The first is for Gaelic and English to be at the same level and to have equality. They should not be discussed as separate entities. People look at the written language coming from the Parliament. If Gaelic is not written into the bill, it will be forgotten about.

Secondly, there has to be a system whereby specific amounts of money are ring-fenced for Gaelic, as is the case for English. That money should continue to be provided.

Michael Russell: I think there has been a slight misunderstanding about the work of this committee. It does not allocate resources, which is a matter for the Executive, although it will consider the budget next month.

We have to consider what should be in legislation for education in Scotland. So far, you have indicated that there is universal support and a reflection that the mistake made more than a century ago must be corrected. There is also a sense that the first Scottish education bill in the first Scottish Parliament for 300 years should not neglect to mention Gaelic. We accept what should be achieved, although the supply of teachers is an important issue which I know the Executive is examining.

Given those points, we have to consider what amendments to the bill should be lodged. We have received material from Fionnlagh MacLeod and from John MacLeod, and I know that Allan Campbell has given some thought to this: could each of you say briefly—we are running out of time and I can feel the convener's eye upon me—what amendments you think would be most useful? I am sorry to be technical, but it is important for this to be read into the record so that we know from our reading of the record what you think the amendments should be.

John MacLeod: Tha mi smaoineachadh gu bheil trì puingean anns na chur sinn air adhart tha cudromach agus 's e sin an toiseach: far a bheil iarrtas reusanta a' tighinn bho phàrantan gum biodh e mar uallach air ùghdarras ionadail foghlam tro mheadhan na Gàidhlig a thoirt seachad dha pàrantan airson an cuid cloinne. Agus a rithist far a bheil foghlam tro mheadhan na Gàidhlig ri fhaighinn ann an sgoil, gum biodh an t-seirbheis a tha iad a' faighinn agus na goireasan a tha iad a' faighinn aig ìre co-ionannachd eadar an dà shiostam—nach bi càil a dhith air foghlam Gàidhlig nach biodh a dhith air foghlam Beurla. Agus mu dheireadh dìreach mar phrionnsabal ann

am bile foghlaim gum biodh càil sam bith a tha sa bhile a tha ag ainmeachadh foghlaim gu bheil sin a' ciallachadh foghlam tron Ghàidhlig a cheart cho math ri foghlam tron Bheurla.

Following is the simultaneous interpretation:

I must raise three important points. First, where there is a reasonable demand from parents, it would be the local authority's responsibility to provide Gaelic-medium education. Secondly, the services and resources to Gaelic-medium education should not lack anything and should be the same as English-medium education. Finally, as a point of principle, any mention of education in the bill should mean Gaelic-medium education as well as English-medium education.

Allan Campbell: Cha robh sinne air beachdachadh mionaideach a dhèanamh air càit an cuireamaid na faclan a thaobh na Gàidhlig an sàs anns an dreach a th' agaibh dhen bhile ach chanainn ag an ìre seo gun cuireamaid taic ri Comann nam Pàrant is ris na thuirt lain an-dràsda thoireabh tha an athchuinge a chuir Comann nam Pàrant thugaibh air a bonnachadh air a' phàipear a dheasaich Comunn na Gàidhlig fhèin a thaobh inbhe thèarainte agus mar sin tha sinn a' smaoineachadh gu bheil na molaidhean a tha iad a' cur thugaibh a' dèanamh ciall agus gum biodh iad gu math na Gàidhlig.

Aon rud eile a chanainn mar phàirt dhen fhreagairt dh'iarrainn a chur ris na thuirt mi ris a' cheist aig Mgr Russell. 'S e sin, chan eil sinne a-rèir a' phàipeir conaltraidh a tha air nochdadh a thaobh amasan sònraichte, educational priorities agus mar sin air adhart, chan eil sinne faicinn aobhar sam bith, gu dearbh chanamaid gum bu chòir Gàidhlig a bhith air a h-ainmeachadh gu sònraichte anns a' bhile, agus cuideachd a bhith na h-amas sònraichte. Tha sinne smaoineachadh gu bheil a' chànan aig ìre cho lag agus gu feum sin tachairt ma tha i gu bhith buan.

Following is the simultaneous interpretation:

We have not yet thought out the fine detail of using the word "Gaelic" in the bill. However, I want to reiterate and support what John MacLeod has said. As CNP's petition is based on CNG's paper on secure status, its proposals make very good sense and would be for the betterment of the language.

Furthermore, on the consultation paper on education priorities that was recently circulated, we see no reason why Gaelic should neither be mentioned in the bill nor made a priority. If the language is to survive, both possibilities would be useful.

The Convener: If the two members who have indicated that they wish to speak keep their questions brief, we should get both of them in.

Fiona McLeod (West of Scotland) (SNP): I want to explore the pre-school position a little more. Fionnlagh touched on the point that local authorities' partnerships with pre-school education providers had an impact on the Gaelic pre-school group. Does that provide a good—and recent—example of the fact that a non-statutory basis will always impinge to the detriment of Gaelic education provision? How many Gaelic pre-school playgroups have been able to go into full partnership with local authorities and to continue to provide Gaelic-medium pre-school education?

I was also interested in what was said about the pre-school curriculum—that point had not dawned on me before. I do not know whether members are aware of the extent to which there is a curriculum for pre-school education. If that curriculum is based on English, does it hamper Gaelic-speaking pre-schoolers and other non-English-speaking pre-schoolers? Perhaps we should consider that question.

Fionnlagh MacLeod: A' freagairt na ceist a bha agaibh a thaobh a' bhuidhne a bha ann, thàinig e thugainn gu soilleir gun robh cuid dhe na h-ùghdarrasan ionadail cho meaghail air airgead agus nach biodh àite ann dhuinn, gun robh iad ag iarraidh a h-uile sgillinn a dheigheadh tro na crògan a chumail. Tha iad ag ràdh gu bheil iad cho gann de dh'airgead agus thàinig e thugainn gun robh againn ris an aon sheirbheis a chur air adhart airson £850 's a bha iadasan a' cosg £2,000 air mu choinneimh gach leanaibh. Bha againn ri obrachadh a-mach a thaobh buannachd dhan Gàidhlig an robh e nas fheàrr dìreach na buidhnean againn a thoirt dhaibh agus fhàgail aca na sinne a bhith strì ann an suidheachadh far nach robh airgead gu leòr gu bhith ann, far nach robh taic idir, idir gu bhith ann agus iad ag iarraidh an aon cheann-uidhe, an aon sheirbheis agus seachad air na h-Eileanan an Iar cha mhòr nach tug sinn a h-uile buidheann seachad—cha robh sinn a' faicinn gum b' urrainn dhuinn an cumail—dheigheadh iad a dhith co-dhiù.

Tha iomhaigh agus inbhe aig roinnean ionadail nach eil aig buidhnean saor-thoileach—tha airgead, tha taic, taic oifigeran, trèanadh—a h-uile nì ann agus ma tha thusa an crìochadh ri sgillinn no dhà airson an aon sheirbheis a chur air adhart chan urrainn dhut a dhèanamh. A thaobh maith na Gàidhlig thug sinn smuain air a h-uile càil agus thuirt sinne riutha thoir eabh leibh iad, cha robh sinn idir, idir, idir a' faicinn gun robh am blas a bha a' tighinn bhuapa a thaobh partnership, bha sinne ann an suidheachadh 's chan urrainn dhomh seo a chur ann an Gàidhlig gu dòigheil 'We were in a situation of being in a tank with the shark and the goldfish – we were the goldfish agus bha sin anns cha mhòr a h-uile roinn ris na choinnich sinn. 'S leis an sin thug sinn seachad iad. 'S e na h-Eileanan an Iar an aon àite far a bheil cothrom na

fèinne ann an-dràsda.

An dàrna puing a bh' agaibh a thaobh a' churraicealam: tha e air tighinn am follais ann an Eirinn agus anns a' Chuimrigh nach urrainn dhut an aon churraicealam a chleachdadh le cloinn a tha fileanta agus a' chànan aca. 'S urrainn dhut an aon churraicealam a chleachdadh le cloinn aig a bheil Beurla 's aig a bheil Gàidhlig gun thrioblaid sam bith ann ach ma tha thusa toirt cloinn a-steach aig trì bliadhna gun facal Gàidhlig aca, gun facal Gàidhlig aig na pàrantan, chan urrainn dhut an aon churraicealam a chleachdadh. Nuair a smaoinicheas tu air aig an ìre seo tha e a' toirt 2,000 uair a thìde clann a thoirt air adhart gu bruidhinn gu, siubhlach, gu fileanta. Mar as trice chan eil iad fileanta gun tèid iad dhan sgoil aig còig bliadhna agus as dèidh na bliadhn' uire. Tha thu a' bruidhinn air dà bhliadhna agus ceithir mìosan gus am bi iad siubhlach, fileanta, agus far an urrainn dhaibh a h-uile càil a libhrigeadh ann an Gàidhlig. Chan urrainn an aon churraicealam, chan urrainn mar eisimpleir ceist fhaighneachd do leanabh a tha trì bliadhna gu leth agus air rud beag de Ghàidhlig a chluinntinn a thaobh dè tha iad ag iarraidh a dhèanamh ma tha thu ag obair ann an Gàidhlig fad an t-siubhail. Dè an taghadh a th' ann? Feumaidh curraicealam eadar-dhealaichte a bhith ann agus tha na tidsearan, gach cuid anns na sgoiltean-àraich agus anns na cròileagan a th' againn air fhàgail a' gearan gu dona agus gu dubh ach nuair a leughas tu na pàipearan a thig air ais bhon Riaghaltas, "There were only a few who objected or who put in objections to the curriculum" agus sin uileas tha sgrìobhte, chan eil iad a' sealltainn air gu daingeann dè dha-rìribh a tha air cùl gnothaichean.

Following is the simultaneous interpretation:

You mentioned the effect of the curriculum. It became very clear to me that some local authorities were so stingy that they were not giving it a place; that they wanted to keep every penny on which they got their hands. They say that they are short of money. It became obvious that we had to provide for £850 the same service as they were providing for £2,000. We thought that, instead of fighting without money or support, we would provide our organisations and let them carry out the work. They wanted the same service for less money. Except in the western isles, we thought that we would give all our groups to local authorities. We thought that we could not hold on to them because we did not have the funds. The local authorities have credibility, training and other things that voluntary organisations such as ours do not have. It is impossible to provide the same service for a few pennies.

We have thought of everything for the good of Gaelic. We told them to take the groups. We

thought that there was no way that their partnership ideals—I cannot express this articulately in Gaelic so I will switch to English: we were like a goldfish in a tank with a shark. That was true of almost every local authority we met. Therefore we just handed the groups over. The only place where we have an opportunity is the western isles.

Another point about the curriculum is that it has become apparent in Wales and Ireland that one cannot teach the same curriculum to children who are fluent and those who are not. One can use the same curriculum for people who have English and those who have Gaelic, but there is no way that one can give the same curriculum to three-year-olds who have no Gaelic and whose parents have no Gaelic. At that age it takes 2,000 hours for children to learn Gaelic fluently. They then go to school at the age of five. It takes about two years and four months until children are fluent and have no problem making themselves understood. One cannot ask a three-year-old child what they want to do if one speaks Gaelic all the time. There has to be a different curriculum. The teachers in the nurseries and the playgroups complain bitterly. One may read in the Government papers that only a few people objected, but the papers do not examine in detail what lies behind all this.

11:00

Mr Brian Monteith (Mid Scotland and Fife)

(Con): I can just about get my head around the idea of what the rights that you suggest might mean in the western isles and other areas where there is a large Gaelic-speaking population. I can imagine what the implications might be in Glasgow, where we have the school, and in Edinburgh, where we have the unit. However, what would the implications be for parents of children in St Andrews, Dundee, Aberdeen or Ayr, where children might have to commute to such schools? Would those local authorities have to find a large corps of like-minded parents or would we try to encourage authorities to buy in provision or establish small groups in schools? I am trying to tease out the practicalities in areas where there is not a large enough number of people to make a school viable.

Fionnlagh MacLeod: Aon dhe na freagairtean a th' ann a thaobh sin 's e air sgàth is gu bheil sinn a' tòiseachadh buidhnean le pàrantan is clann fo fiù 's mios a dh'aois gu 3 bliadhna neo gu dà bhliadhna agus an uairsin tha cròileagan ann eadar 2 bhliadhna agus 3 neo eadar 2 bhliadhna agus 4 agus tha sgoil-àraich ann an uairsin. Mus tig iad gu 5 bliadhna mar is trice tha na h-àireamhan ann.

Mar eisimpleir, ann an Obar Dheathain, an rud a tha mi an dòchas a bhios a' tachairt an ath

bhliadhna, chan e mhàin gum bi an sgoil-àraich ag obair anns a' mhadainn ach bi i ag obair feasgar. 'S e an rud a th' agad ri dhèanamh, 's e bliadhna neo dhà de dh'ùine a thoirt seachad airson na h-àireamhan a thogail. Mur a bheil duine sam bith ag obair agus a' brosnachadh agus a' cuideachadh nam pàrantan anns an sgìre tachraidh e gu math slaodach. Ma tha cuideigin ann, ma tha neach leasachaidh ann a freagairt ceistean nam pàrantan, mar eisimpleir, aon cheist a bhios a' togail gu math tric, "Dè thachras ma thig an leanabh dhachaigh thugamsa a thaobh obair-sgoile. Dè tha mi dol a dhèanamh?" Chan eil am freagairt sin duilich idir. Tha thu gu bhith ag obair leotha a thaobh na Beurla agus tha thu gu bhith ag iarraidh orra cuideachadh fhaighinn a thaobh na Gàidhlig tron an leanabh fhèin. Tha iomadach seòrsa rud a ghabhas dèanamh ach mar a bheil thu a' toirt nam freagairtean sin seachad tha na pàrantan sin a' falbh agus tha iad ann an ioma-cheist agus cha tèid a' chlànn air adhart.

A thaobh àireamhan, tha e cudromach gum bi daoine ag obair ann an sgìre a' freagairt nan ceistean ach 's ann dìreach tro thìde a tha thu a' togail nan àireamhan. Far nach eil duine ag obair anns an sgìre a' cuideachadh nam pàrantan, tha e mòran nas duilghe. Feumaidh sinn aideachadh, tha e mòran nas duilghe ach 's e pàirt dhen an aobhar a bha na grantaichean sònraichte ann, a thug a' bhuidheann agaibh fhèin seachad an toiseach, 's ann airson a' chiad cheum agus airson an dàrna ceum a dhèanamh agus dh'obraich e gu fìor mhath. 'S e an aon trioblaid a th' ann an-diugh gu bheil an t-airgead sin fhathast a' dol dha na h-aon phròiseactan agus chan eil airgead ùr a' tighinn air adhart a thaobh leasachadh a dhèanamh. Ma bha thu a' bruidhinn a thaobh luchd-teagaisg, tha freagairtean ann. Chan eil e idir, idir duilich na freagairtean a' lorg a thaobh barrachd luchd-teagaisg fhaighinn. Tha mi an dòchas gu bheil sin a' freagairt na ceist agaibh.

Following is the simultaneous interpretation:

There are problems in that regard. We have groups for children who are between one month old and two or three years old. We have a playgroup for children aged between three and four years old and a nursery for children who are between three and five years old. There are sufficient numbers of children under the age of five.

I hope that, next year, Aberdeen will have a nursery in the morning and afternoon. There has to be a year or two of sufficiently high numbers. If nobody is working in the area to encourage parents, that growth will not happen. A development officer has to be available to answer parents' questions. Parents often ask what will happen if they are unable to help with the child's homework. They need to be reassured that they

will be able to help the child with both English and Gaelic. If those answers are not supplied, parents will be worried about their children and it will be more difficult to increase the numbers.

When your party was in government, Mr Monteith, specific grants were provided to help the first and second stages be achieved. That worked well but, although that money is still available, no new funding for development has been brought forward.

John MacLeod: Mas urrainn dhomh a' ràdh, tha sinn a' faicinn anns na bliadhnaichean a chaidh seachad far an do thòisich, mar a chanadh tu, siol beag. Tha e air fàs. Far an robh àireamhan gu math beag ann an aonadan Gàidhlig air feadh na dùthcha 's dòcha ann an àitichean far nach robh coimhearsnachd Gàidhlig soillear, 's dh'aindheon sin tha na h-àireamhan sin air èirigh gu ìre mhòr ann a dhà na thri bhliadhnaichean.

Tha e duilich a ràdh gu bheil foghlam Gàidhlig iomchaidh ann an àite mar seo agus nach eil ann an àite mar siud. Chan eil e cho furasda sin agus aig aon taobh dhen loidhne tha àitichean 's dòcha mar Dhun Deagh neo Fìobha, àitichean far an suilicheadh tu nach eil mòran Gàidhlig ga cleachdadh, ach aig ìre eile tha àitichean iomlach far a bheil glè bheag de chloinn ann an sgìre. 'S dòcha nach eil ach còignear a' tighinn a-steach dhan sgoil agus ma tha an coignear sin ag iarraidh foghlam tro mheadhan na Gàidhlig carson nach fhaigheadh iad sin? Saoilidh mi gu bheil e cudromach gum biodh na còirichean sin aig pàrantan agus tha e an urra ri dè a tha iartas reusanta a' ciallachadh anns gach sgìre.

Following is the simultaneous interpretation:

There was a small number of pupils in Gaelic-medium units throughout the country in places where there might not be an obvious Gaelic community. The numbers increased greatly in a few years. It is wrong to say that Gaelic-medium education is suitable for one area but not for another. The situation is not that simple.

There are places such as Dundee and Fife where one would imagine very little Gaelic is used, but there are also remoter areas in which there are very few children and only a few come into the school. If the five or so pupils who enrol want Gaelic-medium education, why should they not receive it? It is important that parents should have that right. Provision will depend on what "reasonable demand" means in each area.

Allan Campbell: Dh'iarrainn-sa dìreach glè bheag a chur ris na chuala sibh a sin. An toiseach, chanainn ribh, neo chuirinn nur cuimhne, rud a chaidh a ràdh uair neo dhà an-diugh, bho chionn còrr air 120 bliadhna air ais chaidh Gàidhlig fhàgail a-mach à achd foghlaim agus co-dhiù 's e sin an t-amas a bh' ann aig an àm gu nach e, 's e buaidh

chruaidh a bha sin gun deachaidh Gàidhlig fhàgail an dàrna taobh. Chaidh Gàidhlig fhàgail a-mach à foghlam làitheil agus chaidh Beurla a sparradh air cloinn air feadh Alba aig an robh Gàidhlig mar chànan mhàthaireil agus dh'fhàg e an-diugh tòrr dhe na daoine anns an dùthaich seo air a bheil tàmailt nach eil a' Ghàidhlig aca. 'S e buaidh a' cho-dhùnaidh a bh' ann bho chionn 120 bliadhna is còir dhan a sin.

Chanainn-sa seo ribh. Chan fhaod buaidh dith na taice a thachair roimhe a bhith air a chleachdadh mar leisgeul airson teiche bho cheum leasachaidh agus cothrom leasachaidh an-diugh. Aon rud eil a chanainn ribh. 'S e bunait an iarrais a chur sinne air adhart a thaobh inbhe thèarainte dhan chànan na faclan "facilitation not coercion" agus sin agad an argamaid a tha sinn a' toirt thugaibh an-diugh cuideachd. Mura bheil cothrom ann dha pàrantan foghlam tro mheadhan na Gàidhlig a thaghadh dhan a' chloinn chan urrainn dhaibh a dhèanamh agus mura bheil an cothrom sin ann tha sibhse a' cur binn bais air a' chànan leis a' bhile seo cuideachd.

Following is the simultaneous translation:

I remind the committee of what has been said a couple of times today already. Gaelic was left out of the Education (Scotland) Act 1872. That action—whether or not it was an aim at the time—was destructive, as Gaelic was set aside and left out of education. English was forced upon children in Scotland who had Gaelic as their first language. Today, a lot of people in this country are embarrassed and sad that they do not have the language, but that is the result of the 1872 act. The lack of assistance that occurred before should not be used as an excuse not to proceed with development.

The fundamental way in which we want to develop the language is through facilitation, not coercion. That is the argument that we present today. If parents do not have the opportunity to choose Gaelic-medium education for their children, the Gaelic language will be allowed to die. By leaving it out of this bill, you are putting your amen to the death of Gaelic.

The Convener: Thank you.

Cathy Peattie (Falkirk East) (Lab): You talk about the Education (Scotland) Act 1872 and the fact that Gaelic was excluded. As a native Scots speaker, I think that the biggest problem was that Scots was also sidelined. We have talked about Gaelic, which is important, but it is equally important for me, as a lallander, to consider the fact that the Scots language has also been lost.

The Convener: Fionnlagh, did you want to add something?

Fionnlagh MacLeod: Dheidhinn-sa gu mòr a

thaobh am beachd a thog an-dràsda. Tha trì cànanan ann an Alba agus tha mise dhen bheachd gu feum na trì aca inbhe fhaighinn. Tha iad eadar-dhealaichte, ge-tà, anns an dòigh, aig an ìre seo co dhìu, gu bheil pàrantan ag iarraidh gum bi foghlam aca tro mheadhan na Gàidhlig bho bhun gu bàrr.

A thaobh na Beurla, tha iad ag iarraidh sin cuideachd. 'S e an rud a dh'iarrainn-sa fhaicinn gum biodh pàrantan ag iarraidh an dearbhadh rud a thaobh Albais agus nuair a thig an latha sin tha mise an dòchas gum bi a' Phàrlamaid seo a' toirt an aon chothrom dhaibh.

Tha rud eile a' tighinn a-steach air cuideachd, rud nach do dh'ainmich sinn roimhe seo. 'S ann a thaobh fo aois sgoile a bha e, gu ìre. 'S e sin, tha mòran phàrantan a' tighinn thugainne gach bliadhna à dùthchannan eile, feadhainn a' tighinn à Canada, à Sasann, às a' Chuimrigh agus à Eireann agus tha iad ag ràdh, "Tha sinne ag iarraidh ar cuid-cloinne a bhith a' faighinn foghlam tro mheadhan na Gàidhlig".

Aon rud a tha mi ag iarraidh oirbh smaoinichadh air. Tha coimhearsnachdan ann, mar eisimpleir, a' Chomraich—Applecross—far nach eil foghlam fo aois sgoile tro mheadhan na Gàidhlig. Chan urrainn dhuinne cantainn riutha ma thèid sibh a dh'Inbhir Nis gheibh sibh foghlam tro mheadhan na Gàidhlig. Tha e a' cur rud beag de dh'ullach orm thairis air na deich bliadhna tha romhainn, dè bhuaidh a bhios aig a seo a thaobh teaghlachan, gu h-àraidh anns na h-àitichean iomlach far nach eil mòran cloinne, far a bheil am foghlam fo aois sgoile gu lèir ann am Beurla. Dè bhuaidh a bhios aig a seo? Chan eil sinn a' bruidhinn air mòran ach aon teaghlach neo dà theaghlach a' falbh à coimhearsnachdan neo teaghlachan nach eil idir a' dol dha na coimhearsnachdan sin mar Ghleann Eilge ann an Loch Aillse agus tha sinn air teaghlach a stiùireadh gu àite eil air sgàth 's nach eil foghlam fo aois sgoile ann neo foghlam bun-sgoile ann tro mheadhan na Gàidhlig.

Tha mi a' smaoinichadh gu bheil againn ri faighneachd na ceiste, "De bhuaidh a thaobh depopulation a bhios ann far nach eil sgìrean ann le foghlam tro mheadhan na Gàidhlig?" Chan eil mi idir a' bruidhinn air aon bhliadhna ach a' sealltainn 10 bliadhna is 15 bliadhna air thoiseach. Leis a sin, dh'iarrainn aon rud fhàgail agaibh. Tha e cudromach gu bheil Gàidhlig gu bhith ann anns a h-uile coimhearsnachd far a bheil pàrantan dha iarraidh. Tha e mar phàirt de rud Albannach, gu mòr a thaobh rud Albannach, agus ma tha pàrantan ann an Alba ag iarraidh gum bi Gàidhlig neo Albais aig an cuid-cloinne, tha mise a' faireachdainn gum bu chòir an cothrom sin a bhith aca.

Following is the simultaneous translation:

I support the opinion that we have just heard. There are three languages in Scotland that must be accorded their place and status. There is a difference, however—at least, at this stage—in that parents want Gaelic-medium education. They also want education in English. I would like parents to want the same in the Scots language. When that day comes I hope that this Parliament will give them the same opportunity.

Another factor is involved that we have not mentioned before, which concerns pre-school education. Many parents come to us every year from other countries—from Canada, England, Wales and Ireland—who say that they want their children to be educated in Gaelic.

Members should bear in mind that there are communities, such as Applecross, where there has been no provision of Gaelic-medium schooling—it is non-existent. We cannot therefore encourage parents in that area. We have to tell them to go to Inverness to get Gaelic-medium education. If all education, at least at pre-school age, is in English, what effect will that have, over the next 10 years, on families settling in remote areas, where there are already very few children? It may not affect many families, but one or two may leave the community. Others will choose not to go to communities such as Glenelg near Skye and Lochalsh. We have already had to direct a family to another area because Gaelic-medium pre-school education does not exist.

We need to look 10 or 15 years ahead. We must ask about the effect that having no Gaelic-medium education is having and will have on depopulation statistics. I leave members with that question. It is important that Gaelic is available in every community where parents want it. It is part of Scotland. If there are parents in Scotland who want their children to have Gaelic or Scots they should be availed of that opportunity.

The Convener: I am afraid that I must draw this part of the meeting to a close. I thank the witnesses for answering our questions so clearly and offer my apologies again for the upset at the beginning of the meeting, but I think that things did improve. May I say how sorry I am that we did not manage to meet you in Inverness. We had hoped that that would be possible, but unfortunately the practicalities meant that it was not. Perhaps we will meet there at some stage in the future and will be able to take views from not only you, but other members of your communities.

I thank also the interpreters, who did so well and enabled us to understand fully the thorough answers that we received to our questions.

We will take a couple of minutes to allow the witnesses to change seats and will then move on to the next agenda item.

11:12

Meeting adjourned.

11:18

On resuming—

The Convener: I welcome the witnesses to the Education, Culture and Sport Committee. Please introduce yourselves and make some opening remarks. Members of the committee may then ask you some questions.

Robert Craig (Scottish Library Association): Good morning. I am a director of the Scottish Library Association and of the Scottish Library and Information Council.

Elizabeth Knowles (Perth and Kinross Council): Good morning. I am an educational development officer with Perth and Kinross Council. I am here in my capacity as the previous president of the SLA. I was also on the working group that produced the Convention of Scottish Local Authorities standards and I chaired the group that produced the performance indicators for school libraries.

Robert Craig: We welcome the opportunity to give evidence to the committee. School library services have made a major contribution to education over the past 25 years. In many ways, that contribution has been heightened by developments in information and communications technology, which have helped to move school libraries and school librarians more centre stage than they have been in the past. The internet makes a wider range of resources available to pupils, it helps to mediate between pupils and information and it encourages pupils to use the new technology.

While there has been much development over the past 20 years, the association's view is that the position of the school librarian in secondary schools should be statutory. That would help to equalise provision throughout Scotland. At the moment, there are a number of authorities whose schools do not have librarians. That creates inequality of access and pockets of exclusion in the education system. The association believes that an amendment to the bill to make school library services statutory would do a great deal to raise standards in education and to help to resolve the problem of exclusion.

It is no coincidence that in the countries, especially the Scandinavian ones, that we look to as exemplars of co-ordinated information and communications technology, school library provision is statutory and has been for some time.

My colleague will say something about the contribution that librarians make to the curriculum and to schools.

Elizabeth Knowles: I would like to say a little about the role of the school librarian in education. In "Improving our Schools" and in the draft bill, the Executive has emphasised the need for local authorities to look beyond the general provision of education to the development of the individual child. Authorities will be required to prepare young people for future challenges and to develop their personality, talents and abilities to their fullest potential.

School librarians have a critical role to play in that development. They promote inclusion, providing access to resources and facilities to all pupils, irrespective of ability. They provide an environment for learning that is supportive and encouraging—an environment that many of our young people do not have at home.

Librarians help to create confident and independent learners in schools, as they support young people in developing those skills that are needed to access and to use information—skills that, as Robert Craig has said, are increasingly crucial with the spread of information in electronic formats.

Librarians help to motivate young people to learn, offering stimulating and exciting resources and opportunities. They encourage young people to learn and to think across subject disciplines in schools, to use their imagination and to think creatively. If we are serious about lifelong learning, motivation should be an important aspect of that.

In all those ways, librarians make an important contribution to raising attainment and achievement in our schools. The important role of libraries and librarians in schools has, to some extent, begun to be recognised in the development of ICT skills, using the Government's new opportunities fund. In study support, the role of the librarian has been recognised in a number of pieces of research.

Last year, the Government put money into the books for schools initiative, while this committee, in its inquiry, is considering the infrastructure of schools, including school libraries. There is some feeling, then, that the Government considers libraries to be important. Her Majesty's inspectorate of schools has already identified the considerable differences in library provision between schools in Scotland. Young people are disadvantaged if they are denied access to the kinds of learning opportunities that libraries provide.

It is for those reasons that we would like the Scottish Executive to ensure that school library posts in secondary schools can be maintained and developed, that there will be an expectation of what those libraries and services will deliver to young people and that they will be part of the authority and school planning self-evaluation and

inspection process.

The Convener: Thank you. Do committee members have any questions? I see that Fiona McLeod wants to ask the first question. I know that she supports what Elizabeth Knowles has been saying, so I shall let her begin.

Fiona McLeod: I have to declare my registered interest as a member of the Library Association and as a former school librarian. It is lovely to sit here as a committee member and hear Liz Knowles and Robert Craig putting across just how important libraries are to the education of our children. They have made a good case.

Liz Knowles talked about the work that school librarians do in helping pupils to become fully rounded and able to contribute fully to their schools. Can you elaborate on the work that is now done by school librarians to support the portfolio aspect of standard grade, and that will be done to provide such support for higher still?

Robert Craig mentioned the fact that almost all secondary schools in Scotland have school librarians. What would it cost to provide librarians in the 30 schools in Scotland that do not have qualified school librarians?

Following on from the questions that I asked representatives of the Gaelic organisations, another question comes to mind. The effect of the local government reorganisation of four years ago could instruct the committee on how the lack of a statutory position impacted on the provision of school library services when we lost the regions and went to unitary authorities. Will you comment on that?

Elizabeth Knowles: Fiona McLeod asked about the role of librarians in working with senior pupils on portfolios and independent work at standard and higher grade levels. I believe that the preparation work for standard and higher grades starts at a much younger age, when pupils develop investigative skills and learn how to tackle projects on their own in an independent manner. For too long, there has been an assumption that libraries matter only when pupils get to S4 and S5. What is important is the progressive development of skills that allow pupils to work independently and think clearly about the strategies they use to access information and put together the work that is expected of them at S4 and S5 level.

Librarians do a great deal of work in supporting individual pupils in taking forward projects and investigations. That involves helping them to structure and manage their work and to develop the skills that we mentioned. It also allows them to access information and resources, within the school and outwith it. School libraries are linked to a national network that allows them to access materials that are available nationally.

It is important that pupils have access to those resources. They can access them during school time but, increasingly and appropriately, they also have better access to resources outwith school hours. That is important for pupils who are working on their own and may not have the resources available at home. That helps to build their opportunities to develop portfolios and independent work in a more structured way.

Robert Craig: To supply librarians to the 30 schools that do not have them would cost somewhere in the region of £450,000. That is what it would cost to make up the difference if it was done in one financial year.

Before local government reorganisation, the regions were responsible for school library services. When the regions disappeared, those services were devolved to the new authorities. In some instances, the support services have been merged with the public library service, which, as members will be aware, has been statutory for 150 years.

I do not think that reorganisation has had a great direct impact on librarians in secondary schools. A greater impact has been felt in the support services, some of which have disappeared altogether while others have merged with public libraries. The picture varies from authority to authority. To some extent that reflects the strength of the services before reorganisation.

School libraries have been developing in Scotland for about 25 years. That development has been incremental, yet patchy. One could argue that if we waited long enough, all secondary schools would have school librarians. However, are we prepared to wait another 25 years for that to happen? The same argument was applied to public libraries, but without legislation and their statutory position such libraries would not exist in the way in which they do today.

11:30

Cathy Peattie: Elizabeth, you said that school libraries promote inclusion and help to provide a learning resource. I agree that many kids do not have books and resources at home. Can you elaborate on the kind of support that we can give to those children?

Elizabeth Knowles: Increasingly, school libraries are developing into learning resource centres. They encompass a vast range of resources and facilities that they may not have had even five years ago. Most secondary school libraries now have a range of ICT facilities, often networked across the school facility and sometimes across the council as well. They give children access to ICT. People feel strongly that there is a growing gap between the ICT poor and

the ICT rich. The experience of information searching and handling that some children have access to at home is not available to all children and that is why it is important that school libraries have such resources in addition to books and other traditional materials.

It is important to make resource centres and libraries available to pupils outwith school hours. Authorities are now looking towards the study-support budgets that have come from the excellence fund initiatives to examine how such facilities can be made more accessible to pupils. There are examples of school libraries that are open at 8 o'clock in the morning for pupils coming in for breakfast clubs. They have always been available at lunchtime and they are increasingly available in the early evening.

There is an opportunity to look beyond what happens immediately after school—the bulk of the study-support activities take place between 3.30 and 5.30—and to consider the role of the secondary school library in community learning as well as the involvement of parents in family learning. In the initial stages, the provision of a qualified librarian to manage such services is something that obviously relates to the children, although it has a wider impact in terms of lifelong learning.

Cathy Peattie: Community learning was the next issue. The library of my local school is open in the evening and ex-pupils who have gone on to universities and colleges in the city can go into the local school and use that library. That is a great resource. How do librarians see the extra work load brought about by giving access to the community? I know that the local school librarian thought that it was a wonderful idea, although it created a lot more work and stress for her.

Robert Craig: It is always difficult when one begins to alter radically the way in which a library service operates, which the lifelong learning agenda is beginning to do, because librarians and the way in which they deliver the service face added pressure. Some people react better than others to change and are more adaptable.

The approach to service delivery is becoming much more flexible. For example, there is much closer co-operation between public libraries and further education colleges on the development of lifelong learning centres in public libraries. Historically, there has been good co-operation within schools between librarians and teachers on delivering those services. However, as services develop, schools will begin to expand the way in which they support the library. There is already evidence of that happening in other authorities, where library assistants are being provided in order to free the librarian to do the professional work that you identified. Potential solutions exist, if

the changes are tackled flexibly.

Elizabeth Knowles: In general, librarians believe that they have skills to offer opportunities beyond their immediate clientele. I do not think that they have any difficulty with the concept of extending their work into lifelong learning and community provision. However, the position of school librarians is fairly tenuous. While the majority of schools in Scotland have retained librarians, there are anxieties about what might happen with budget cuts and with difficulties in school provision. When developments are in progress, it would be helpful to librarians and to authorities if it were more certain that those posts would be retained and developed in the way in which people want. At times, the uncertainty and lack of clarity in individual authorities on the function of libraries within schools cause librarians concern about their role. What authorities expect of school libraries and resources centres must be clear and authority policy must be specific on that point.

Robert Craig: The vital point is that we are not saying, "Make librarians statutory and that's the end of it." Our point is that that must be considered in a developing context. We have COSLA-approved standards for school libraries, so a framework is in place. The National Audit Office supported and published the performance indicators for school libraries that we developed. The elements to monitor and evaluate the service are in place, so that Government can be sure that it is getting value for money and that the service is helping to raise levels of attainment and to develop standards, which is important. Librarians must demonstrate that they can make that contribution, and some of the building blocks to enable them to do that are in place.

Cathy Peattie: Do the performance indicators recognise the wider role for libraries?

Robert Craig: The short answer is yes.

The Convener: I will follow up the point made by Elizabeth Knowles on security of tenure. As noted earlier, the committee is at the stage of considering detailed amendments to the Standards in Scotland's Schools etc Bill and we are addressing the issue of the statutory status of school librarians. Do you think that statutory status is necessary to secure the provision of a library service within schools? Robert Craig mentioned uneven provision and the fact that some schools do not have a library facility. Is it your view that it is essential that the provision of library services is made statutory, or could that be achieved through guidelines or some other measure?

Robert Craig: We would argue that the provision should be statutory. The difficulty with guidelines is that they are purely guidelines.

Guidelines have been provided in the past, as by the Stimpson committee in 1974—there is a whole host of them. They have been partially successful, as they have encouraged some authorities either to improve their provision or to take that provision further. The problem is that, so far, the guidelines have had little impact in the areas that we have identified. Therefore, we would argue for statutory provision.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I endorse what Elizabeth is saying. School libraries are now regarded as powerhouses in schools. If they are properly run, they are a resource not only to help the pupils, but to support the teachers massively. Their importance is widely recognised. I am interested in their development as resource centres, which has made them more sexy, if you like. They are not bookish places, but places where the kids want to go. They enjoy being there, and the teachers feel confident that they can be provided with a service.

Do you think that the 30 schools that do not have librarians do not have them because of their size, or is it because of a lack of enthusiasm from the local authorities? Any secondary school that does not have a library is disadvantaging itself.

Robert Craig: It is not a question of size. Several of the schools that do not have librarians have school rolls that run into the hundreds. We are not talking about 50 pupils or fewer. In some rural areas, school library provision has been slower to take off than in other areas, and there are perhaps historical reasons for that. It is certainly in rural areas that there are gaps in provision. The irony is that there are few alternatives in those areas, which makes the school library and the after-school provision that has been mentioned even more significant.

The same thing happened in the history of public library development. Without pressure from the Carnegie UK Trust, there would not have been public libraries in rural areas, and a similar problem would have arisen. In some ways, school services are just beginning to catch up.

Ian Jenkins: Do you want a full-time specialist librarian in every school—even one and a half or two, if you can get them—or do you accept that sharing facilities with the local authorities is an option?

Robert Craig: We want specialist school librarians, but there must be some kind of flexibility. In rural areas that have small populations, several schools might share those facilities. We are not saying that there must be a librarian in every school, but we want all schools to have access to the services of a librarian.

Mr Monteith: Ian Jenkins raised a couple of points that were similar to what I wanted to ask

about. You mentioned that the cost of the 30 librarians that are lacking would be £450,000, at a cost of about £15,000 per head. Are you quite comfortable with that figure? I would have expected an employer's cost projection to have been in the region of £20,000 per head, which would make the figure £600,000. However, I am unaware of the salary scale—you might be able to help me in that regard—and your answer to Ian Jenkins's previous point, that there might be some sharing, suggests that £450,000 might be an accurate estimate.

Elizabeth Knowles: The salary grades are an issue. Salary grades vary from authority to authority. They depend on the job description and—I have to be honest—the historical rates in each area. Salaries will vary from £11,000 or £12,000 to £20,000 at the top of the scale, depending on the authority. That gives rise to concerns throughout Scotland, although I believe that people should be paid according to their job description. The final total would depend on where librarians are employed.

Mr Monteith: Is there a pattern of not filling posts or of not creating posts where they do not exist? Are the 30 librarians lacking in particular authorities, or do gaps occur haphazardly?

11:45

Robert Craig: The pattern was haphazard many years ago, but the gaps are now in particular authorities. Most authorities—as you can tell from the figures—have a full complement of school librarians, as they have had for many years. We have come here to argue from the point of view of our vested interest, but it is important to point out that, at a time when local authority budgets are under pressure—and they have been for some time—authorities have maintained those posts in all their secondary schools. That must say something about how much the librarians are valued.

Mr Monteith: That suggests that, once those posts have been created, they are valued by authorities, which feel that they should keep them. Your answer also suggests that other local authorities have made a specific policy decision. If that is the case, has that policy decision been driven by resources—have authorities looked at their budgets and had to change their policy—or do those authorities not value the service? Alternatively, do they believe that they make up for any lack through the provision of a different service?

Robert Craig: It is a mixture of all those things. Some authorities, especially the rural ones, have come to address the matter rather late and have just begun to appoint librarians. It is more difficult

for some of the island authorities to do that, as questions of resources and flexibility must be addressed. Some authorities are beginning to take a more flexible approach and are considering sharing resources, particularly in rural areas. There are various solutions to the problem and various reasons why we are in this position.

The Convener: Fiona, you indicated that you wanted to speak.

Fiona McLeod: I want to answer everybody's questions, but I know that that is the role of our witnesses today. Someone asked why school libraries should be statutory. Earlier, the committee discussed the statutory provision of Gaelic-medium education to meet parental demand. Could Robert or Liz elaborate on why school library provision, as an essential service, should be statutory?

Robert Craig: Yes. We support that statement and agree that school libraries provide an essential service. The point that I made about the authorities retaining the service even when they are under financial pressure illustrates that. As I said, developments in ICT and the way in which lifelong learning is being delivered will heighten the importance of librarians in schools. Because so much will be done on an individual basis, learning will be delivered outside the classroom in many cases. I return to the point that was made about social inclusion. For many children, the school library is the first and, in some cases, the only place where they can access books and technical resources. That is especially true in rural areas, but it also applies to urban areas. The present system creates inequality in access and therefore exclusion. No matter how we dress the matter up, that is how it is. How that can be resolved is a matter for the Parliament to decide, but there is no doubt that the need exists.

Ian Jenkins: I agree with your approach. However, although it is possible to have a statutory requirement that there should be a library in every school, the quality of the library is important. You could have three shelves of books and call it a library. Standards are required. It is not enough to stipulate on paper that a place has to exist. A library is more than a place.

Elizabeth Knowles: I agree totally. The framework for schools that we have produced through COSLA contains the beginnings of a set of standards, as do the performance indicators. The performance indicators are based closely on the "How good is our school?" document. They indicate benchmark provisions that concern more than quantity. To consider the reverse of the case that Mr Jenkins described, you could have a gorgeous-looking library that was absolutely full of books but that did not do anything to help learning or teaching.

Ian Jenkins: Indeed.

Elizabeth Knowles: Although it is important to have a good number of books and sufficient space, it is far more important to get to the heart of what libraries can do for learning and teaching in a school. Our performance indicators are a start in that process. Together with the COSLA standards, they provide an important framework.

The local education authority must have its own policy and standards for libraries in its schools. The bill deals with the inspection of local education authorities. One would hope that, as part of that inspection, people would be considering the policies and evaluation mechanisms that authorities have for their school libraries. Some authorities invest heavily in school libraries—through salaries, through the devolved budgets and perhaps through other money for study support through the national grid for learning.

It is vital that any provision of posts is set in the context of having a clear view of objectives and the way in which they will be evaluated. We hope that the inspection of the school library will be seen as an integral element of any school inspection.

Ian Jenkins: Even if you did not get statutory requirements into the bill, those inspection procedures would mean that there was no longer anywhere for local authorities to hide.

Fiona McLeod: It might inform the committee's discussions if Robert could send us copies of the COSLA standards, the performance indicators and—as Brian Monteith had to do the arithmetic—an outline of the average salary scales for school librarians and the qualifications that they need. I forget that I know all those things and that not everybody else does.

Robert Craig: I would be happy to do that.

The Convener: As there are no more questions, I thank the witnesses for their answers. We will consider these matters further as we go through the bill.

Robert Craig: Thank you for your time and attention.

Committee Business

The Convener: I am anxious to move on, as I know that people are pushed for time.

Last week, Nicola Sturgeon raised an issue concerning the budget. Karen Gillon has been asked to consider, with the committee clerk, the Executive's document and any points on which the committee might require further clarification. Committee members will then receive a report, which will assist them with any matters that they wish to raise when the minister, Peter Peacock, attends the committee on 23 May. All members will have the opportunity to question the minister on the Executive's spending proposals. Nicola, does that answer the question that you asked last week?

Nicola Sturgeon (Glasgow) (SNP): Partly, but my problem is that I am not yet entirely sure what we have to do. I understand that we have to make our comments to the Finance Committee by the end of May. Will the committee have the opportunity to discuss whether we want to take evidence from anybody else at this stage? I ask that because I know that some other committees have been doing that—for example, the Justice and Home Affairs Committee took evidence from a range of people last week, and some other committees seem to be a bit ahead of us. If the first time that we consider this matter is when the minister comes, that does not leave us any time to take any supplementary evidence before the end of May. Are we not leaving things a bit late?

The Convener: Part of the problem with scheduling was that we had already timetabled our discussions of the bill, which led to difficulty fitting things in. I think that there is also uncertainty about when we are expected to make our submission. I believe that there was a slight delay in that.

Gillian Baxendine (Clerk Team Leader): I have not been told about any changes to the timetable; I believe that we are still working to the same timetable. The committee discussed this a few weeks ago and—because of the difficulty of scheduling evidence taking alongside all the other business—it agreed that it was happy to have a session with the minister after perhaps only a discussion among committee members. If the view of the committee has changed, that can be reconsidered—although there is now very little time to schedule other evidence. Different committees take different approaches, depending on what they have on their agendas.

Nicola Sturgeon: Gillian is right—we did have that discussion. However, I am only just beginning to understand all that is involved in this process.

Before we meet the minister, I would like us to consider the issues and decide whether we are happy to hear from only the minister. I know that timing is tight, but could we schedule something?

The Convener: The paper by Karen and Gillian will flag up issues that they think we might want to pursue with the minister. We will have an opportunity to consider the paper and add to it before the minister comes to the committee. If you are suggesting that, following that meeting with the minister, we should take further evidence, we would need to consider that once we know what our timetable will be.

Nicola Sturgeon: I am suggesting that, in the light of Karen's paper, we will need to consider whether we want to take further evidence. It may be that we do not, but I do not think that we have to wait until after we have seen the minister to make that decision. When will we get Karen's paper?

Gillian Baxendine: There are a number of questions to which we think it would be helpful to get factual answers from the Executive before the minister comes, so that members' time is not wasted by just asking what certain figures mean. We intend to draw up a paper tomorrow in which we will ask the Executive for answers; it would be unreasonable to give the Executive less than a week or two to give those answers, so our report will only be ready in time for the meeting before the one at which the minister is scheduled to attend.

The Convener: I suggest that discussion of the Executive's answers be put on the agenda for the meeting prior to the minister's attendance. We can decide whether we feel that we need further evidence, or further clarification, before we see the minister.

Nicola Sturgeon: The minister is not my only concern. However, for very understandable reasons, I feel that we have got into a situation where we have no room for manoeuvre.

The Convener: I have said at the conveners group—we have said it in this committee—that our timetable is very tight because of our other commitments. We may not be able to give this matter the time that we might want. That is unfortunate, but I like to think that we will have time to pick up on the most pertinent points. I hope that, in future years, we will spend more time on this process.

Nicola Sturgeon: Will you confirm that we will have the discussion of Karen's paper on the agenda for the meeting before the one on 23 May?

The Convener: Yes—on Monday 15 May we will discuss the budget review.

Are there any other items?

12:00

Mr Monteith: I would like to raise the issue of the spirit in which we have in camera discussions on the reports that we produce. Last week, when the Parliament debated the Ethical Standards in Public Life etc (Scotland) Bill, I was surprised to find that Nicola Sturgeon felt it right to mention our report's conclusions on that bill while hiding behind our in camera discussions to suggest that I was in favour of the unqualified repeal of section 2A of the Local Government Act 1986. Of course, anyone who attended the meeting of the committee at which we discussed the report will recall that I was initially intent on recording my dissent. However, in order to get a form of words on which we could all agree and to produce a unified report, we found a solution that met with everyone's agreement. I was rather surprised to find that that was thrown back in my face. I was unable to intervene to correct Nicola's comments.

That is history, but we hold in camera discussions in order to be able to talk freely, because those discussions are not reported. There is some benefit to that approach, but if we do not all enter into the spirit of those discussions, we will find that far more of our reports will contain noted dissent, because members will not wish their words to be twisted.

The Convener: I do not think that I can add anything to Brian's comments. We have discussions in private to try to reach agreement. I do not know whether people are any more likely to say what they really think in private than they are in public. I am not sure whether there is any inconsistency—perhaps there is for some members.

Nicola Sturgeon: Clearly there is for some members.

The Convener: You have made your point, Brian.

Mr Monteith: And it has been recorded.

The Convener: Members will be aware that we have a timetable of visits for our special educational needs inquiry. Anyone who has not yet done so should advise the committee clerks as soon as possible about their availability for those visits—I must admit that that includes me—so that we can organise them.

After this afternoon's meeting, our next meeting on the Standards in Scotland's Schools etc Bill will be held on 9 May. The deadline for amendments to the sections of the bill that we will deal with at that meeting is Friday 6 May.

Meeting adjourned at 12:02.

14:05

On resuming—

Standards in Scotland's Schools etc Bill: Stage 2

The Convener: This afternoon we will consider the next stages of the bill. We have had a slight delay, because we are a few members short, but we need to make progress.

After section 12

The Convener: We had completed section 12. The next amendment is amendment 111, which is grouped with amendments 106 and 107. Is any member prepared to move it?

Karen Gillon (Clydesdale) (Lab): Although I do not want to speak to the amendment, I shall move it, to allow the committee's views to be heard on the subject.

I move amendment 111.

The Convener: No members have made any comments, so I assume that the minister does not wish to reply.

The Deputy Minister for Children and Education (Peter Peacock): I am unclear procedurally whether Karen Gillon wishes to push the amendment at this point.

Karen Gillon: I do not want to put it to a vote. I moved it to allow members to express an opinion if they wanted to do so.

The Convener: Nobody wants to comment on the amendment or to put it to a vote.

Amendment 111, by agreement, withdrawn.

Section 41—Functions of the Council

The Convener: We now come to amendment 78.

Nicola Sturgeon: This amendment seeks to give the General Teaching Council an additional function, to accredit courses of continuing professional development for teachers. It is, to some extent, a probing amendment. I will be interested to hear the minister's views. It is fair to acknowledge that the Executive has already made it clear that it wants to make CPD the accepted norm for teachers and it is working towards the establishment of an active register, something to which I give my full support.

The ministerial strategy committee has been set up to examine this in more detail under the minister's convenership. The bill also gives the GTC a limited role, at this stage, in CPD. I

understand that the Executive has given a commitment to review the position in five years' time.

I have lodged this amendment because I fear that the Executive is seeking to move too slowly in this regard. The GTC already approves courses for initial teacher education so there is a certain logic to the argument that, as we move towards CPD being the norm for teachers, it should also fall to the teachers' professional body to accredit CPD courses. I am slightly fearful that the delay of five years means that the Executive is seeking to move too slowly.

The view of the GTC is that, as things stand at the moment, it has the expertise and experience to undertake the accreditation of CPD courses now. I look forward to the minister's comments. My fear—and I know that it is shared by the GTC—is that if we wait five years until we review the situation, it will be some time after that, assuming that the view of whatever Executive is in power at that stage is to proceed to allow the GTC to accredit courses, before that becomes a reality. I am not convinced that we could not move more quickly towards that end objective.

I am hopeful of hearing assurances from the minister this afternoon that we could move more quickly, even if what the Executive is saying is that, in five years' time, we could be in the position where the GTC would be the accrediting body. That would be much more satisfactory than what is envisaged at the moment.

I move amendment 78.

Peter Peacock: I trust that it is okay, under parliamentary rules, for me to take my jacket off. I will assume so, unless you rule me out of order.

I thank Nicola Sturgeon for making clear the context in which she has put down this amendment. I hope that I will be able to give her the reassurances that she seeks.

She has indicated that the effect of the amendment would be to require the GTC to accredit courses of continuing professional development for teachers. I will make it clear that we have not ruled out such a role for the GTC. We see the GTC's role potentially expanding in a number of respects over time. This is one of the areas in which we imagine it would expand significantly.

The other point I will make is about the five years that Nicola Sturgeon mentioned. We have made it clear that the primary reason that we have taken power in this bill to confer additional functions on the GTC by order is to be able to allow the GTC to take on powers in the future in the area of teachers' continuing professional development, if it is desirable. We do not see the

five-year limit as necessarily applying to this matter. That recommendation came from the consultants report. In relation to CPD, it is not in our mind that we would only consider that matter after five years.

We are suggesting that it is not advisable to be specific at this moment about what the task for the GTC should be in relation to CPD. We therefore suggest that it is not appropriate at this time—and I stress at this time—to place this in the bill. There was no consensus in the consultation, among all the consultees who responded, about what the GTC's precise role should be in relation to continuing professional development. There was a lack of clarity in a number of the responses.

As I indicated, we are committed to strengthening the skills, subject knowledge and professionalism of teachers throughout their careers. As Nicola Sturgeon also indicated, a strategy committee is being established for CPD, which I will chair. I hope that it will meet later this month. We hope to make announcements about the precise membership very soon. The membership will comprise teachers, head teachers and a number of outstanding individuals from education and business, who can bring expertise on CPD to bear on the needs of schools.

That committee's task will be to oversee the development of the framework and to draw up a strategy for CPD in the school sector. The precise role of the GTC in CPD and how it would relate to the possible establishment of a staff college—the arguments for which we have already rehearsed in another place—will be a matter for consideration by that strategy committee, on which the GTC will also be represented.

I would not rule out piloting arrangements involving the GTC at a fairly early point, if that is what the strategy committee wishes to do. Against that background, it is our view that it is not wise, at this stage, to put a duty on the GTC to accredit courses of staff development, especially when it is not clear precisely what the implications might be. For example, would the GTC look at providers or at courses? Which courses would it accredit? Would it be all courses, however short and whoever provides the courses? What about validation of provision other than courses? What about the role of universities and so on? We want to develop ideas on all those matters in the working group. That is why we want to have a slightly longer time horizon to agree on those matters, by consent, among all the parties, before we make use of the powers that we are seeking in the bill to allow the GTC to develop its role in this matter.

I make it clear that the five years that Nicola Sturgeon talked about is not in our mind. If we can move more quickly than that, we will certainly do

so. On that basis, I hope that Nicola Sturgeon will feel able to withdraw the amendment.

Nicola Sturgeon: I appreciate the minister's comments. I was keen to have a rehearsal of the arguments on this issue, principally to establish that we were not necessarily looking at a five-year time scale before the position would be reviewed. Subject to one or two comments that I will make about section 41 of the bill later on this afternoon, I am happy at this stage to accept the minister's comments and not to push this amendment to a vote.

Amendment 78, by agreement, withdrawn.

14:15

The Convener: We now come to amendment 2, which is grouped with amendment 90.

Nicola Sturgeon: I am keen to hear the minister's comments. I do not take issue with the fact that the GTC's role might develop and evolve over the years; indeed, I argued for that a few minutes ago. However, given that the functions of the GTC are laid out in primary legislation, I question the effect of this section of the bill, which allows ministers to add functions at a later stage. I know that the GTC has raised the question as well. I suggest that it would be better to have any new functions added by primary legislation as well.

I move amendment 2.

Karen Gillon: The purpose behind amendment 90 is to ensure that if the ministers decide to use this power, they must consult with the GTC. The bill lacks a requirement for consultation with the GTC, although perhaps one is implied. There needs to be direct consultation with the GTC before functions are added. I hope that the minister sees fit to accept the amendment.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I back up Karen Gillon's words, which make eminent sense. The amendment is not threatening, but ensures a belt-and-braces approach. It would be a good move for the minister to accept it.

Peter Peacock: On amendment 2, it is important to remember that, although we have an opportunity to create primary legislation for education and we will have further opportunities—far more than existed under previous constitutional arrangements—it is not an everyday event. The bill seeks to set out a change in the provisions for the GTC and enhance its powers.

Equally, we recognise that we cannot anticipate every event in the course of primary legislation and that there are reasons why it might be appropriate for ministers to have powers to add functions over time. In an earlier debate, I gave

examples of continuing professional development. That was the prime motivating factor for the inclusion of this clause. This afternoon, for example, we will discuss the role of the GTC in matters of incompetence. The power in the bill could be used to give the GTC executive functions in the areas of professional development and so on, in addition to its advisory role in continuing professional development, which has already been made explicit in the bill.

The powers set out in section 41(3) allow us to act quickly without waiting for primary legislation and the opportunities that that would present in the light of the committee's deliberations. I remind the committee that safeguards are built into the provision. An order made under the provision would be subject to negative resolution procedure and therefore the provision does not give ministers an absolute power. In that context, we feel that the provision is reasonable.

Amendment 90, from Karen Gillon, offers an additional check as it would require Scottish ministers to consult with the GTC before any new functions were allocated. I welcome that and I accept that the proposal ensures that there is no doubt that the Executive intends to work with the GTC on the matter of its role and functions. In that context, her amendment is helpful. I encourage the committee to accept amendment 90 and reject amendment 2.

Nicola Sturgeon: I am happy not to press amendment 2 on the basis that the minister accepts Karen Gillon's amendment.

Amendment 2, by agreement, withdrawn.

Amendment 90 moved—[Karen Gillon]—and agreed to.

The Convener: The next amendment is amendment 3.

Nicola Sturgeon: I cannot speak for Brian Monteith, whose amendment this is, but I am supporting the amendment in order to ascertain the intention of this section. The section is vaguely worded and imprecise. Because of that, teachers are concerned that the section might be used—if not by this Executive, by future Executives—in a way that is against the spirit of the section. I want to ascertain the kind of information that the GTC could be ordered to supply, in what circumstances and to whom.

I move amendment 3.

Peter Peacock: I am grateful for Nicola Sturgeon's display of trust of this Executive.

Nicola Sturgeon: My tongue was in my cheek.

Peter Peacock: I am grateful for the opportunity to explain the matter, as it is simple. The section is not in any way overprescriptive. We included the

provision because the new General Teaching Council for England will be required, under statute, to refuse registration to a person whose name has been removed from the register of the GTC for Scotland or who has been refused registration on grounds of misconduct or criminal conviction.

The provision does not limit the GTC's ability to provide information at its own hand and we hope that the supply of relevant information will happen as a matter of course. However, it seems reasonable to take this fallback power, given the need for the GTC in England to have information about eligibility for registration in Scotland in order to fulfil its statutory duties. There are safeguards built in to the provision: again, an order made under it would be subject to negative resolution procedure. I hope that that information will allow the amendment to be withdrawn.

Nicola Sturgeon: I will not press this amendment to a vote. Given the minister's explanation, I must say that the provision could be more tightly worded as the provision is relevant to only one situation. There might be scope at stage 3 for an amendment that could tighten up the legislation and ease some of the fears in this suspicious and cynical world. I accept that the provision is subject to negative resolution. That gives this committee and the Parliament a say before the power is used.

Amendment 3, by agreement, withdrawn.

Section 41, as amended, agreed to.

Section 42—Constitution of the Council

The Convener: This is where it gets interesting. Amendment 4 is grouped with amendments 91, 92, 93, 94, 95, 96, 97, 98, 100, 112, 101, 102 and 103. I would ask Brian Monteith to speak to the amendments, but he still is not with us. Nicola?

Nicola Sturgeon: I should reassure the committee that I will not be making a habit of doing Brian Monteith's job for him. One can only speculate about what has detained Brian. No doubt we will read about it in his diary in *The Herald* next week.

I am happy to move amendment 4. It is fair to say that the section of the bill that the amendments relate to has caused a great deal of consternation in the GTC and the teaching profession. There is a feeling that section 42 is an attack on teachers and their professional body, in that it tries to dilute the influence of the profession on its professional body. That body is funded by teachers and they look to it to maintain standards in education and to regulate the teaching profession.

I have heard nothing that has persuaded me that we need to reduce the number of teachers who

are represented on the council, thereby reducing the teaching majority to one. That would be a bit mean-minded—a majority of one would be almost as bad as no majority at all. The GTC has pointed out that all it would take for the teaching majority on the council to be wiped out would be for one teacher member not to be present.

The provisions are against what I hope is the spirit of the bill. They are viewed as an attack on the role of teachers in their own professional body, and I think that there are grounds for believing that view.

I move amendment 4.

Karen Gillon: Nicola Sturgeon is right: there has been considerable discussion, over the piece, about the teaching majority in the GTC. The committee took evidence on that and recognised the new public duty responsibility that the bill will place on teachers and the need for that duty to be part of the GTC's function. However, it is important that we send a signal to teachers that this is not about diminishing their role or attacking them, and should certainly not be seen as that.

Amendment 91 would increase the majority to two. A majority of one could be wiped out easily if someone were ill, or for some other reason. A move to a majority of two would give some safeguard—not as much as some people would like, but a move in the right direction. If the teaching profession's majority ever needed to be used against the wider group that forms the rest of the GTC, that would be a sad day for Scottish education. By increasing the majority to two, we would provide some safeguard, but I hope that the majority would not need to be used. Increasing the majority would be a signal to teachers, rather than an encouragement for one side to vote against the other in future deliberations.

Cathy Peattie: I support that. I, too, am concerned about the majority of one, because I do not think that it would be workable. I support a majority of two, but I hope that it would not need to be used every time.

Amendments 101 and 103 concern part-time working. Sessional teachers such as music teachers, many of whom are women, would be excluded. The amendments are an attempt to define the time as one fifth of full time rather than half, and to recognise that a number of teachers who do sessional work do not work the same hours as full-time teachers.

Ian Jenkins: I endorse what Karen Gillon said, but I also want to reinforce the worries that Nicola Sturgeon expressed. I do not like the idea that teachers should feel that their majority has been cut to the bone. I am quite happy to support Karen's amendment to increase the majority to two, but I think that there is an argument for

another one yet. We might come back to that.

Like Karen Gillon and, I think, everyone else here, I hope that the GTC does not often work in a way that is thought of as taking sides—teachers against the rest. I do not think that it does, in practice, and I hope not, but cutting the majority to the bone does not look good. I am glad that we have an opportunity to extend that majority a wee bit, and I will be thinking about whether we need to extend it a wee bit further.

Mr Stone: I am perfectly happy with Karen Gillon's amendment. As Ian Jenkins just hinted, it should not be down to majorities but to matters of principle, or rules—essential tests—that would be applied to the whole mechanism.

I could have lived quite happily with a majority of one. It is not just the case that someone on the teaching side could be away; someone could be missing from the non-teaching representatives. If we can send out the right signals by upping the majority to two, I am happy with that. I hope that the minister accepts the amendment.

14:30

The Convener: We are on section 42, Brian, if you want to speak to your amendments.

Mr Monteith: Thank you. I apologise for my delay in getting here.

With my amendments, I wanted to give the minister a variety of options—not that he could not dream them up for himself. In a sense, some of the amendments may seem quite contradictory; in fact, some of them clearly are. That is because they present a number of options, some of which have been argued to me by representatives of the various bodies that are involved in the GTC.

The basis of the amendments is to maintain the teacher majority in a substantial form, and to do that in one of two ways: first, to remove a number of positions and replace them with others and, secondly, to more or less revert to the current position. I have no strong views on how the majority should be maintained, but I thought it would be helpful to have a choice, so that we could detect whether the minister ruled out both options or was attracted to a particular route in changing the composition of the GTC.

Peter Peacock: I am grateful for Brian Monteith's ever-helpful approach to such matters.

This is a complex group of amendments. I will try to deal with the impact of each amendment, but first I have two general points. Nicola Sturgeon said that section 42 was being interpreted in some quarters as an attack on teachers. I want to make it absolutely clear, from the Executive's point of view, that that is not in any sense, shape or form

what we seek to do. We have no desire to do that. If we had wanted to attack teachers, perhaps even the majority of one would not have been included in the bill.

The majority of one is included in the bill for the clear purpose of signalling that we want teachers to be in the majority on the GTC. However, the other major point of context is that we must always remember that the GTC, under the proposals in the bill, is being given additional powers. I flagged up earlier in today's meeting that we envisage further powers and duties flowing to the GTC over time. Most important, there is a new public interest duty on the GTC. That is a solemn duty, which has to be taken very seriously indeed.

In that context, we want to try to ensure an appropriate balance between teaching and the other interests that require to be brought to bear around such matters. That underpins what we have proposed, which in no way should be seen as a desire to attack or undermine the role of teachers—rather the reverse. We have high ambitions for enhancing the professional status of teachers across a whole range of things.

I will move amendment 102 later, but first I want to speak to other amendments in the group, which all concern the constitution of the GTC. We believe firmly that it is time, after 35 years, to look closely at the GTC's constitution to ensure that it enables the GTC to play its part in improving the quality of teaching in the 21st century. Our proposals for the GTC give it more power and influence, with the potential, as I said earlier, for even more power to follow.

The GTC carries increasing public responsibility for standards with its new public interest duty, as I have explained. We want to ensure balance and the representation of relevant interests in the GTC membership. The GTC's constitution must also change if it is to carry out extended duties in a way that reflects its new public interest role. The council exists to regulate the teaching profession, enhance teachers' professionalism and promote the standing of the profession, and we are committed to registered teachers having a majority of places on the council.

The teaching profession exists to serve a wider public interest, and it is right that those interests are adequately represented on the council. Around 75 per cent of the respondents who commented on the proposals for the appointment of nominated members either supported them or would like to see more representation from non-teacher interests, or a wider range of interests, on the GTC. In my view, many of the proposed amendments would not strike the right balance between teacher members and those representing the wider public interest.

Brian Monteith's amendments—amendments 4 and 5—would retain the elected teacher membership at 30 and increase the overall membership of the council to 54. During consultation there was little or no support for increasing the council from its present size of 49: some would say that even that is too big. The amendments would also remove the proposed head teacher membership categories. I shall return to that shortly.

Amendments 92 to 94, also lodged by Brian Monteith, seek to revise proposals for members appointed or nominated to the GTC. In amendment 92, Brian Monteith suggests that three head teachers should be appointed to the GTC, although he does not say how that should be achieved. For that reason, the amendment would probably not be wholly effective and it would remove from the GTC appointed representatives of the Association of Directors of Education in Scotland. I agree with him that the role of the head teacher is critical, but the appointment of head teachers in place of directors of education does not seem to be the way to recognise that.

With amendment 93, Brian Monteith seeks to remove the provision for the Association of Directors of Social Work to appoint a member. Again I find that rather surprising, given the links between education and social work that we have discussed at previous meetings of this committee. It is totally at odds with the view, held by many, that closer links between the professions are in children's best interests.

Mr Monteith proposes in amendment 94 that the number of ministerial appointments on the council should remain at four, rather than six as we are proposing. The number of nominees has increased from four to six because we have taken account of the interests that require to be represented on the council. I stress that the nominated members do not sit as representatives of the Executive, and of course they are appointed in accordance with the code of practice of the commissioner for public appointments—the Nolan or Neill committee procedures as they tend to be known. At least one nominee will represent each of the following: parents, business and special education needs. Again, in the consultation exercise there was no consensus among those consulted on any other way of having parents and business represented on the GTC.

Amendments 96 to 98 and amendment 100 address the elected teacher membership. In amendments 96 and 98, Brian Monteith proposes the removal of the two head teacher categories in the elected membership. Consultation supported the division of the elected teacher representation into separate constituencies, and the constituencies for head teachers were seen as

particularly important. While the present arrangements have produced a reasonable distribution across the different grades of teachers, that distribution cannot be assured. We must remember that we are creating a law that must endure over a number of years, so we are seeking to guarantee that certain categories are represented by the way in which we construct the constitution. We believe that it is particularly important to have dedicated places for head teachers in view of their key role in leading and managing schools.

Amendments 97 and 100 would increase the number of elected schoolteachers, other than head teachers, from 14 to 22, and the overall number of elected teacher members from 25 to 26. The effect of the amendments, whether Brian Monteith intended it or not, is to prohibit head teachers from seeking elected membership of the GTC.

For the reasons that I have outlined, I cannot accept amendments 4, 5, 92, 93, 94, 96, 97, 98 and 100, and I call on Brian Monteith not to press them.

Karen Gillon's amendments—amendments 91, 95 and 112—propose an increased number of teachers on the GTC so that the overall number of elected teacher members would increase from 25 to 26. As I have already explained, the Executive thinks that the proposal that there should be 25 elected registered teachers on the council strikes the right balance between elected teacher members and representatives of the wider interest, given the increased public responsibilities that I have referred to. Among other things, we want to ensure that the allegation can never be levelled at the GTC that it is dominated by teachers—and teachers from one teaching organisation in particular. That would not serve the GTC well. However, I have listened carefully to what Karen Gillon has said and to what Jamie Stone has said in support of her.

We have been looking to strike an appropriate balance in the GTC membership. It was never our intention to send teachers a message that their role on the GTC was being downgraded in any way and I wish to make clear that their role is not being downgraded, as I hope I made clear earlier. Karen Gillon's intention is to send a clear signal that the teacher role still remains crucial. We support that. Karen also referred to the fact that we need to protect the public interest duty and the future reputation of the GTC as a balanced organisation. If we can help to send the signal that Karen Gillon has called for, which to some extent Nicola Sturgeon and Brian Monteith also called for—although I should say that I am not significantly altering the public interest balance that I have referred to and which we hold to be

crucial in this equation—we would be happy to do so, so I urge acceptance of Karen Gillon's amendments.

Amendments 101 and 103 have been lodged by Cathy Peattie. She has explained why she lodged them and she has spoken to me several times outwith the committee. The Executive's policy is that elected members should be active teachers. That underlies what we are trying to achieve, but I agree that the previous thresholds may have ruled out many part-time teachers from standing, even though they could make a valuable contribution to the GTC. I am therefore pleased to signal that the Executive would be happy to accept amendments 101 and 103.

Finally, amendment 102 would make the GTC's electoral scheme provide that only head teachers are able to vote for head teacher candidates in GTC elections. If we are to embed, as we want to, the role of head teachers in GTC membership, rather than rely on chance to ensure that they are properly represented, we should ensure that the appropriate voting arrangements are in place. Our view is that it is sensible for head teachers to vote for other head teachers in their sector. As peers, they are most likely to know the candidates and take most interest in ensuring that the best representation exists. It is important to note that the amendment does not alter the basic principle that it is for the GTC to produce its election scheme itself.

Nicola Sturgeon: I do not have much to say. I heard the minister's comments and his assurances that this part of the bill is not intended as an attack on teachers. Nevertheless, it is inescapable that that is the way in which it has been received by the teaching profession. I am glad that the minister has shown some signs of recognising that in signalling his acceptance of Karen Gillon's amendments. However, I wish to push amendment 4 to a vote. I heard the minister's comments on the public interest and reforming the GTC, but the case has not been made for reducing the teacher majority that currently exists. The objectives that the minister has for the GTC can be realised without reducing the number of teachers who are represented on it.

The Convener: The question is, that amendment 4 be agreed to. Are we all 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)
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 3, Against 6, Abstentions 1.

Amendment 4 disagreed to.

Amendment 91 moved—[Karen Gillon]—and agreed to.

The Convener: Is amendment 92 being moved?

Mr Monteith: I wanted to make a few brief comments in response to the minister. Have we moved beyond that stage?

The Convener: The debate has already taken place, Brian.

Mr Monteith: In that case, I will not move the amendment.

Amendments 92 to 94 and 5 not moved.

Amendment 95 moved—[Karen Gillon]—and agreed to.

Amendments 96 to 98 and 100 not moved.

Amendment 112 moved—[Karen Gillon]—and agreed to.

Amendment 101 moved—[Cathy Peattie]—and agreed to.

Amendment 102 moved—[Peter Peacock]—and agreed to.

Amendment 103 moved—[Cathy Peattie]—and agreed to.

14:45

The Convener: Amendment 6.

Mr Monteith: Not moved.

The Convener: Sorry—I had just kept going. We now come to amendment 6, which is on its own.

Mr Monteith: Sorry—I thought that we had covered that amendment.

The Convener: You did say "not moved" but I will let you off.

Mr Monteith: Like a broken record.

The Convener: Do you want to speak to and move amendment 6, Brian?

Mr Monteith: We have debated it, have we not?

Members: No.

The Convener: It has been selected for debate

on its own.

Mr Monteith: I lodged this probing amendment to tease out the minister's view on the starting date of the changes detailed in subsection (5). I want to know whether he has any intention of pressing for 31 October 2001. Does he agree that, having just elected a council, it might be more proper to expect that council to take on the role of instituting and preparing for the changes brought about by the bill? Would that not be preferable to the council having to demit office in less than two years—no sooner than it is established?

I move amendment 6.

Karen Gillon: I oppose the amendment. If we set up a new system and a new council, we should encourage the council to take up its duties and provide adequate training beforehand. If the bill is to be viewed as the way forward for Scottish education, it is appropriate to proceed with the new council and its new make-up in place, with adequate support and training for it to take up its role.

Peter Peacock: There is no sinister motive behind subsection (5). As I have already said, and as we have debated today and at stage 1, the proposals set out in the bill represent a substantial package of measures to increase the powers of the GTC and to strengthen its public interest role. The revised constitution, which was the subject of extensive consultation, is integral, and it seems perfectly reasonable to enact the provisions at as early a date as practicable, to get on with the new job and to allow the GTC to get on with its job as soon as possible.

We are entirely confident that the GTC will have ample time to revise its electoral scheme and to run an election. A significant part of the GTC's concern over this matter—I know this as I met some of its representatives last week, and the matter was raised with me—relates to the cost of the election falling at an earlier point than planned, and earlier than the GTC's building-up of its budget for that election. The cost therefore falls directly on individual teachers. I recognise that point of concern.

I have asked the GTC to write to me formally so that I can give the matter formal consideration. We are determined to progress to the new setting as quickly as we can and to allow the GTC to develop its new role as quickly as we can. That is the simple purpose underlying subsection (5); we do not think that that it is unreasonable and I hope that Brian Monteith, in that spirit, will feel able to withdraw his amendment.

Ian Jenkins: I am pleased that the minister is listening to the GTC on these matters. Teachers are paying for this; I hope that if they write to the ministers in nice terms, he will be nice back.

The Convener: Thank you for that.

Mr Monteith: I am interested to hear the minister's views. I am content with the fact that he is in correspondence with and is meeting the General Teaching Council. I hope that the discussion on the budget cost of the election will be taken on board. I ask to withdraw amendment 6, although I look forward to a future announcement that might prevent my lodging a similar amendment at stage 3.

Amendment 6, by agreement, withdrawn.

Section 42, as amended, agreed to.

Sections 43 and 44 agreed to.

Section 45—Provision of information to Council

The Convener: We now come to amendment 104, which is grouped with amendments 7, 8, 9, 48, 10 and 11.

Nicola Sturgeon: Amendments 104 and 48 seek to do two things: first, to begin to define clearly the respective roles of employer and professional body and, secondly, to draw better the distinction between a teacher's competence to be a member of the teaching profession and their fitness for a particular job.

Neither amendment 104 nor amendment 48 seeks to take away from the role, power or responsibility of local authorities as the employers of teachers. Neither amendment is intended to impinge on local authorities: they do not take anything away.

My concern is that the GTC's only role as regards the competence of teachers comes when a local authority takes action to dismiss a teacher. That is the only circumstance in which the professional organisation can become involved in questions of competence. There are two problems with that. First, it is my view that the General Teaching Council should have a role in competence cases that is independent of that of local authorities. At the moment, it can get involved only if a local authority decides to act in a particular way.

The GTC's having a role independent of local authorities would mean that if a local authority decided not to take any action against a teacher, but there was concern on the part of parents, fellow teachers or a head teacher that there was a problem with the competence of a teacher, the matter would be referable to the GTC, which would be able to investigate the complaints.

That is the thinking behind amendment 48. It would allow complaints or concerns about a teacher's competence to be taken directly to the GTC without first having to wait for the local

authority to take action.

The second point, which amendment 104 relates to, is that the GTC should—in my view—have the power to become involved in competence cases at a much earlier stage than is possible at the moment. There is an argument for saying that—as is the case for misconduct cases—the GTC should be able to become involved when there are concerns about a teacher's competence before a local authority dismisses a teacher. Amendment 104 would allow that earlier intervention. It may not spell that out precisely, but it envisages a support role for the GTC for teachers and local authorities to try to resolve situations before the stage of disciplinary action leading to dismissal.

The other thing that amendment 104 does—or begins to do—is draw a distinction between competence and fitness for a job. It is clearly the role of an employer to determine whether a teacher is fit for a particular job. The professional body should determine competence to remain a member of a profession. It is right that the GTC should be able at an early stage to make a preliminary determination of competence—although, as I said at the start, amendment 104 would not tie the hands of a local authority. There is nothing in the amendment that would oblige a local authority to accept the findings of the General Teaching Council at that stage.

The aim of both amendments is to begin properly to distinguish the respective roles of the GTC and the local authority. Crucially, amendment 48 would allow direct referrals to the GTC from persons other than local authorities, which means that the GTC would have a role independent of local authorities.

I move amendment 104.

Mr Monteith: I echo much of what Nicola Sturgeon has said and support the basis of her argument. I would be happy to support amendment 104. Nicola's amendment and the series of amendments that I have lodged are two different ways of achieving the same thing. I am suggesting, particularly in amendment 10, the establishment of a complaints sub-committee that would act as a filter, receiving complaints about teachers' professional conduct in the classroom from parents of children at state schools or schools where registered teachers work, and from head teachers and colleagues. To reflect the concern about teaching standards, I think it important that we make the process as open as possible. It would be no different from the processes that are in place for lawyers, accountants, architects and so on. This committee has heard a great deal of evidence on that subject.

The purpose of the complaints sub-committee would be to weed out vexatious and trivial

complaints before forwarding cases to the disciplinary sub-committee, if it believed that there were grounds for doing that. Again, this is about extending the complaints process beyond the employer. Local authorities already employ accountants and lawyers, and they have no objection—at least, we have heard no objection voiced—to the Law Society and the Institute of Chartered Accountants of Scotland presiding over professional conduct procedures against lawyers and accountants.

I do not regard teachers as a very different case and I do not see how such a procedure would interfere with the proper role of a local authority or independent school. If there are technical problems with my amendment, I would be happy not to move it and to seek a similar proposal from the minister. However, if the minister is not minded to do that, I would like to hear from him why he believes there is a difference between lawyers and accountants and teachers.

Mr Stone: It is not for me to steal the minister's thunder, but there is a big difference between lawyers and accountants and teachers. Most teachers, apart from those in the independent sector, are employed by local authorities. Last week I made no apologies for coming from the local authority perspective on this. With all due respect, Nicola Sturgeon is being disingenuous. She said that she does not wish to undermine the role of local authorities, but everything else she said indicates that her amendments would do that. People do not need two brain cells to see how the detail of amendments 104 and 48 would undermine directors of education.

It is more important even than that. Schools belong to local authorities and they must belong locally. That is why there are councillors. For that reason, I could not in a million years support either of Nicola Sturgeon's amendments or Mr Monteith's amendments. I urge the committee not to compare the teaching profession with architects and lawyers, as they are very different. Most lawyers work for legal firms and most architects work for firms of architects, although it happens that some work for local authorities. However, we are comparing apples and pears. I owe Brian Monteith that for his column last week.

Cathy Peattie: I agree with Jamie. There is no way that I could support these amendments. There is an issue of accountability. Local authorities employ teachers and manage schools, and they are elected by local people to do that. When there is a problem, it is up to local authorities and the trade unions that represent the teachers to find a way forward.

Karen Gillon: I came into this debate with an open mind; I was open to persuasion and remain so. However, I have not yet been persuaded of the

case for these amendments. When we took evidence, I tried to tease out some of these issues. I was not convinced that the GTC had the mechanisms in place to take on this role, but I wanted to see whether there was something that we could do.

15:00

I looked carefully at amendment 104 to see whether there was any way in which it could balance out the local authority's role as an employer with the professional role of the GTC. In a former life, I was a trade union lay activist. The amendment is a gift to the teachers. Under this amendment, if the GTC said that a teacher was competent, they could not be sacked, as the case would never get past an industrial tribunal. The employer would have great difficulty sacking a teacher if they found them to be incompetent. We need to consider that further.

There is a role for the GTC in determining competence and we must continue to investigate that, but I do not think that the forms of words that have been proposed so far are correct. We need a balanced arrangement that allows the local authority to continue to act as the employer. The public see a distinct difference between teachers and lawyers. Teachers educate people's children and therefore have a special role and a responsibility to parents and the wider community. They are held in high regard, which is not true of all lawyers and accountants. I do not think that we want the teaching profession to go down that road.

We need to look into whether the GTC should consider issues of competence as part of the public duty aspect of its responsibilities—whether it has a duty to examine how local authorities are carrying out their functions and to ensure that, if parents make complaints, they are investigated properly and adequately. Sometimes, parents are concerned that an investigation of their complaint has not taken place. They might be happy with the outcome if they were convinced that a proper investigation had been conducted.

The Convener: I, too, have a problem with amendment 104. The relationship between the actions of the local authority and those of the GTC is finely balanced and I do not think that amendment 104 strikes the right balance. I accept the point that Karen Gillon has just made about the evidence that we received from the GTC. We may need to examine the GTC's role in dealing with complaints, but from its evidence it was apparent that it had not considered in sufficient detail how its role might change. As a result, the representatives of the GTC were unable to answer questions that were put by a number of members. There may be room to review this, but I do not think that the amendments that are currently

before us would improve on what is suggested in the bill.

Mr Macintosh: I echo the points that you and Karen Gillon made, convener. The evidence that we have heard so far is that amendment 104 would mean that the GTC could supersede local authority decisions. That is, in effect, what would happen if the GTC were to be notified, as the amendment says,

"before holding a disciplinary hearing".

I was sympathetic to Nicola's argument that the GTC's role and competence should be extended. However, I do not think that this amendment is the one to do that. It will get in the way, at least of local authorities. Moreover, I have strong reservations about the disciplinary procedures of the Law Society of Scotland and the British Medical Association, so I am not sure that their procedures should necessarily be held up as good examples for the teachers to follow.

Mr Monteith: Nicola Sturgeon is well able to look after herself. However, her amendment, for which I have already voiced support, is an attempt to avoid some of the problems—which a number of members have mentioned—with having a procedure for dealing with incompetence prior to an authority getting into difficulty.

Members should remember—it was clear in the evidence—the considerable experience of the GTC in dealing with misconduct of teachers. The GTC can already keep teachers on the register who have been dismissed for misconduct by local authorities. There are examples of teachers having been dismissed and the GTC subsequently ruling that their misconduct did not require them to be removed from the register, much to the embarrassment of the employer.

Jamie Stone said that the comparison was like apples and pears. Local authorities are employers. They employ lawyers, accountants and architects—professionals—just as they employ teachers. It is interesting that, in the discussions that I have had so far, I have found no opposition from the trade union movement to my amendments. Indeed, I have found support from members of trade unions.

Karen Gillon: That is the point that I made.

Mr Monteith: The idea that the GTC is inexperienced and unable to deal with the matter, that it does not have the resources and that it would be out on a limb is wrong. It has the resources and the experience and would enjoy trade union support, as it offers a more impartial way of dealing with what is, as we all know, a rather small problem in the profession— incompetence.

An independent body that has teacher

involvement, is funded by teachers and has a teacher majority—a point emphasised today—rather than an employer majority, strengthens, in many ways, the employee's hand. I believe that the amendments are helpful to the teaching profession rather than distressing.

Nicola Sturgeon: I am sympathetic to many of the comments that have been made. Although I started out by saying that amendments 48 and 104 are linked, which they are, they can also be treated separately for the purposes of this discussion.

Amendment 48 proposes something very specific: to give the GTC—or, more accurately, parents and other teachers—the same powers for cases of incompetence as it has for misconduct cases. All the amendment says is that it is illogical and indefensible that someone who has a genuine concern about a teacher cannot take that concern to the GTC unless a local authority has already taken action to dismiss that teacher. That situation is hard to defend before a parent or group of parents who have real concerns about a teacher, in a case where a local authority, for whatever reason, refuses to take any action. There is nothing the parent or parents can do. It is ridiculous that they have no right of recourse to the teachers' professional body. That situation does not arise in cases of misconduct. The amendment has much to commend it.

The fact that local authorities employ lawyers and so on is a reasonable point. I do not suggest that we should seek to copy the procedures of the Law Society of Scotland or the General Medical Council exactly; I am not arguing that for a moment. However, if a member of the public has a gripe about a lawyer who is employed by a local authority, he or she can go to the Law Society and have the case investigated, regardless of whether the local authority employer decides to take any form of disciplinary action against that lawyer. As a matter of principle, I see no reason why the same situation should not exist for teachers. I do not think that anybody has anything to fear from that.

At one of the meetings at stage 1, Karen Gillon raised a valid point about vexatious complaints. I concede that the wording of amendment 48 may not be specific enough, but perhaps it could be tightened up at stage 3. However, all professional bodies that take complaints directly from the public have procedures to filter out vindictive, malicious or vexatious complaints. Similar procedures would apply if the model were to be put in place for the teaching professions. I readily accept that. I ask the Executive to give serious consideration to amendment 48, which has a lot to commend it. The situation as it stands is difficult to defend.

Amendment 104 is slightly different; it is more of a probing amendment. It may be that it is not in an

appropriate form and that it would cause more problems than it would solve. However, again I am trying to establish a principle. Depending on what the minister has to say, I may be happy to withdraw amendment 104 on the basis that we work towards something more acceptable at stage 3.

I repeat that I am not for a minute trying to suggest that local authorities as employers should not have absolute power over hiring and firing, subject to disciplinary procedures and employment legislation. It is up to an employer to decide whether a teacher, like any other employee, is fit to do the job that they are employed to do. I am trying to suggest—whether this amendment would mean this or not is another matter—that it is not for an employer to determine a person's competence to be a member of a profession; that is for the professional body to decide. There must be a separation between someone's fitness for a job and their competence to be a member of the profession.

I am happy to talk to the Executive to see whether we can come up with an amendment that would do that better. The amendment represents an important point of principle—it is important to allow the GTC to be involved in competence cases at an earlier stage. The objective should be to take preventive measures, rather than simply waiting until a teacher has been dismissed, at which point the GTC's hands are tied in terms of providing support.

Karen Gillon: I am sympathetic to amendment 48. I will be interested to hear the Executive's arguments for supporting the amendment or not. There is a case for including it. The wording is perhaps not as tight as the Executive or we would want, but the minister may want to explore the issue further.

Brian Monteith misunderstood my comments. I was not for a minute suggesting that the teaching unions would be displeased with amendment 104—rather the opposite. My concern about competence relates to people in promoted posts. Often, the issue for an employer is a person's competence in a promoted post, not their competence as a teacher. How we work through that is not clear in either of the amendments. In other professions, such as community education, in which I worked in my previous life, there were ways of dealing with someone who had been placed in a promoted post if it became clear that management responsibilities were not their forte. Discussions were held between the trade unions and the employer to facilitate the move backwards. It was not just a case of saying, "Sorry, you are not competent in this job and therefore we are sacking you." My concern with promoted posts in teaching is that the issue may

become a person's competence as a classroom teacher, rather than their competence for a post.

That is one of the issues that we still have to tease out. There are clear issues about competence as a classroom teacher, but management and secretarial responsibilities are now attached to a number of promoted posts. As we have discussed at great length, such responsibilities might not be everybody's forte, although the people concerned might be excellent classroom teachers. The wording of the amendment might prevent someone from being removed from a post if they are deemed competent as a teacher. I would be interested to hear the minister's comments on amendment 48.

15:15

Nicola Sturgeon: I do not know whether Karen Gillon intended it, but what she said about promoted posts illustrates my argument perfectly. If a teacher in a promoted post is not up to that job, that is clearly a matter for the employer. Competence and fitness for a job are clearly in the province of the employer. The question of competence to be a member of a profession is a wider issue and should be determined not by an employer but by a professional body.

I reiterate that I am not defending amendment 104 as it stands. I would like to hear the minister's comments and see whether we can find any common ground.

Ian Jenkins: Nicola and Karen are both talking a good game and I find myself not knowing quite what to think. I suspect that we should not go with amendment 48 now. We have taken things too quickly and we need more time to work on the matter together. Competence in teaching is not simple. Karen Gillon mentioned the secretarial aspects of promoted posts, but ordinary teachers have such responsibilities too. This is a difficult and fraught area and I am not happy about the complaints that are flying around. Like Karen, I sympathise with amendment 48, but I am not sure that it is right yet.

Peter Peacock: These are complex issues and I would like to take some time to deal with them properly. I welcome the spirit in which Nicola Sturgeon and Brian Monteith have dealt with the amendments that they propose. There are legitimate arguments around this area of concern and there are many different views. Because it is a complex issue, we must be careful that what we leave in statute will not confuse things further. I shall explain why I think that the amendments as they stand may do just that. We must do more than just begin to define the relationship in the bill, as the statute will have real force and power. As I develop my argument, I shall show that there are

further arguments that must be considered in relation to these matters.

Before I go into detail, I draw a distinction between the point that Nicola and Brian made about misconduct and the timing of interventions by the General Teaching Council. We must remember that misconduct can involve child protection matters. I have personal experience of such matters, so I understand fully what that means. Misconduct cases can deal with people who are no longer employees and may have left the profession some time ago. Such people are therefore not in the school in question. There are reasons why it is important to have procedures that allow certain misconduct cases to be dealt with differently from competence cases. I shall leave that point for the committee to reflect on.

The amendments deal with the powers of the GTC to investigate complaints about, or become involved in cases of, teacher incompetence at a stage prior to action by the employer. It is important to stress that. Amendments 7 to 11 and 48 propose that, if a parent or colleague alleges incompetence and there is reasonable evidence to support the allegation, the GTC should investigate. If such an investigation finds that a teacher no longer meets the standard of competence required to remain in the profession, the GTC could then consider removing the teacher from the register. The amendments also deal with the point that Nicola stressed about trying to bring the GTC into the proceedings earlier than would otherwise have been the case.

The bill contains substantial new provisions that will enable the GTC, for the first time, to remove from the teaching profession for reasons of professional incompetence those teachers whom they find to be in that position. That addresses the point that Nicola made earlier. The GTC has a definite role, although she argues that it should be involved at a different stage of the process. We are absolutely clear that it is for employers to manage the teaching force and, for the most part, the employer will be the local authority.

The new role for the GTC, in which it would consider taking action following notification from a teacher's employer, reflects that position. It is a position and an emphasis that is consistent with other provisions in the bill that seek to ensure that education authorities take responsibility for all aspects of school improvement. It is for them, as employers, to assess the competence of teachers in posts and to address rigorously any suggestion of incompetence or underperformance in those posts. By contrast, the GTC's functions are concerned with the fitness to enter and remain in the teaching profession, not with performance in a particular post. Karen Gillon illustrated that point with her example about promoted posts.

Our proposals, which clearly identify the distinct responsibilities and roles of the employer and the professional body, commanded wide support in the consultation exercise. We must take great care that those distinct responsibilities are not confused or diluted.

Unfortunately, amendment 104 adds to the confusion and does not clarify the relationships and roles. It takes no account of the need for employers to consider fitness to remain in a particular post, and it is not clear how an investigation by the GTC would impact on action being taken by an employer. For example, is it intended that disciplinary action by the GTC, whose only sanction is deregistration, should take place instead of that being carried out by an employer? Or is it perhaps proposed that the two processes should duplicate each other? In either situation, how would that impact on the responsibility of an employer to ensure that children are being taught by competent teachers? There are profound implications arising from amendment 104, and we believe that it does not help the situation, however well intentioned it is.

I am concerned that representations from parents about poor teaching in schools should be fully, rigorously and swiftly addressed. However, such action must be the responsibility of the employer. I want to ensure that employers address those issues consistently, applying not only common procedures but also a shared view of the standards. We are putting in place the framework that will allow them to achieve that.

Following the report last year by Her Majesty's inspectors of schools on existing disciplinary procedures for teachers, we invited the Advisory, Conciliation and Arbitration Service to work with local authorities, the GTC, teaching unions and professional associations to develop new procedures that are effective and fair and will command the confidence of all parties. Those procedures will be based on our intention to introduce legislation in due course to ensure that the dismissal of a teacher is the responsibility of the director of education, with the right of appeal to the council's appeal committee.

A standard for full registration of teachers is being developed through a project jointly funded by the Executive and the GTC. Although that standard is directed primarily at strengthening newly qualified teachers' induction to the profession and at introducing greater rigour and consistency to assessments of performance during probation, there is no doubt that it will also come to be seen as a national capability standard for all teachers. It will therefore be central to the consideration by employers and the GTC of incompetence and it will link directly with the procedures that are being developed by ACAS in

the working group that I mentioned.

The GTC will have a fundamental and continuing role in presenting and explaining that standard throughout the education service, so that it can operate effectively as a national standard. That is fully in line with the GTC's new public interest duty under the bill and its continuing role as guardian of professional standards.

As I have outlined, the roles of the authorities and the GTC are distinct. However, they depend on each other and, to have maximum impact on rectifying the inadequacies in the present system, they must operate together. We see the GTC as having an evolving and developing role.

I have been listening carefully to arguments on competence, at stage 1 and today. I have also taken note of the deliberations of the committee and meetings with the GTC and other groups. I want to assure the committee and other groups interested in the debate that I see potential for developing the role of the GTC in relation to our clearly stated principle that the employer must first determine competence issues. It is inevitable that the GTC will receive representations from parents and others, and it is essential that all parents have confidence that their concerns are being properly addressed.

The GTC, in reflecting its public interest role, must also be confident that those representations are properly addressed by the employers. I flagged up that issue at a meeting with the GTC last week and I intend to speak to COSLA about what might be possible in exploring those areas. I believe that it will be possible to construct a new dynamic between the employers—in their primary role in competence matters concerning employees—and the GTC, with its public interest role.

I intend to ask COSLA and the GTC to discuss those matters soon and to relate their discussions to the work of ACAS. The GTC has rules that govern its present investigating and disciplinary procedures and we have said that we expect it to produce a code of practice and criteria to be used in reaching decisions on the removal, under the council's new powers, of a teacher from the register for misconduct, incompetence or ill health. The code will be drawn up in consultation with teachers, their employers and other interested parties and will provide an opportunity to explore how the GTC can complement the role of employer in handling the representations to which Nicola Sturgeon and other committee members referred.

A number of members—and others in the debate—have referred to the fact that what is being proposed and argued for at the GTC is fundamentally at odds with the regulation of other

professionals. Doctors, dentists and lawyers are frequently cited as appropriate comparisons. As members have said today, such an assertion bears examination.

There are more than 50,000 teachers in Scotland. That is significantly more than the 8,500 practising lawyers. There are fewer than 2,000 dentists in Scotland and slightly more than 4,000 general practitioners. I do not have statistics on the number of accountants. The number of teachers dwarfs the numbers employed in those other professions that are often compared to teaching. A significant number of people in those other professions are self-employed—they do not have the sort of employee-employer relationships that teachers experience.

Teachers—unlike members of the other professions, who meet individual clients when necessary—are engaged with children and their parents for a prolonged period of at least 11 years. That is why the potential for complaints against teachers—irrespective of how poorly justified they are—is substantially greater than the potential for complaints against those other professions. I do not believe that those who have advocated a prior role for the GTC over employers have begun to appreciate the task that is involved. The proposals in the amendments would not only give rise to significant additional work, but be dangerous and interventionist and confuse the role of the employer.

For all the reasons that I have given, I cannot accept the amendments, despite my signal that I can see a way of developing a role regarding competence for the GTC in a way that would act to stiffen the resolve of the employers and give confidence to the public. The bill as it stands properly sets out the discrete statutory roles of the employer and the GTC. It is clear that employers and the GTC can be effective only if they complement each other; that requires close consultation between the GTC and local authorities. That can be done properly only when the standard to which I referred at the start of my remarks and the procedures that surround that standard are available to us. The ACAS working group is due to report in June and the development of the standards for full registration will be available for consultation at approximately the same time.

Although the Executive is clear that the GTC has an interest in complaints about incompetence, the detail of that will, in our view, need to be explored throughout a longer time frame than the passage of the bill will allow. I hope that I have reassured members that the Executive intends to see the debate move forward over time and, in that spirit, I urge Brian Monteith and Nicola Sturgeon to withdraw their amendments.

Nicola Sturgeon: I will be brief. It was useful to hear the minister cite statistics—the fact that there are so many more teachers than there are lawyers, accountants or dentists emphasises the need for us to get this right. Teachers have a greater impact on many more lives than any other profession does.

The minister made many comments specifically on negotiations and discussions between COSLA and the GTC about their relationship in terms of competence. Those comments have convinced me that I should withdraw amendment 104—I will be happy not to press it to a vote.

I have heard nothing to convince me that there is an overwhelming reason why we should not begin to move towards a situation such as is envisaged by amendment 48. Listening to the minister, I was struck once or twice by the thought that there is not a huge gulf between our positions. I detected some defensiveness—that is, perhaps, more to do with the minister's background than anything else.

Amendment 48 was not designed as an attack on local authorities or on their role as employers. The minister rightly said that local authorities—as employers—and the GTC have discrete roles. The role of the local authority is to determine an individual's competence or fitness for a particular job and Karen Gillon illustrated that perfectly. The role of the GTC is to determine a person's fitness to enter or remain in the profession. I have no problem with that distinction. My problem is with the fact that the GTC is wholly dependent on local authorities properly carrying out their functions before it can do its job properly. That is an indefensible situation. Although I recognise and respect the roles of each, both should be able to exercise their functions independently of each other when necessary, although eight or nine times out of 10 that would not be necessary. They should be able to do that as much to operate a system of checks and balances as for any other reason.

I do not see why a parent or a teacher should not have the right to go directly to the GTC if a local authority is not properly fulfilling its functions. In most cases, I hope that such a situation would not arise, but in the real world such things will, inevitably, happen. I see no reason why the Executive should not agree to amendment 48, which I intend to press to a vote.

15:30

Karen Gillon: I would like clarification from the minister on amendment 48. I am heartened by what Peter Peacock said about the role of ACAS in trying to bridge the gap that exists. My worry about amendment 48 relates to the potential

situation in which a parent is unable to convince anybody anywhere—head teachers or others—that there are grounds for taking a complaint forward. There might be complaints that are difficult to deal with. The words “trivial or vexatious nature” appear in the amendment and it is often difficult to work such things out.

I would be interested to hear whether the ACAS discussions will include discussion of how and whether somebody is able to make a complaint about incompetence. Can such a matter be taken forward only at the local authority disciplinary stage?

The Convener: Nicola's previous contribution was supposed to wind up the debate, but I see that a number of members are indicating that they wish to speak. We are close to reaching agreement on the matter, so I will allow the debate to continue until we do.

Mr Monteith: My points pertain to the amendments in my name. I am happy to make the points now or later.

The Convener: Now, please.

Mr Monteith: I have been interested by what the minister has said and I was rather taken aback by the fact that he is satisfied—I am not taking advantage of his words here—with the procedures for and the record of dealing with cases of incompetence. I recall lodging a question requesting statistics on the number of teachers who have been dismissed by local authorities for incompetence; I was told that no central records are kept. Every exploration that I have made at a local level to establish the number of teachers who have been dismissed for incompetence has drawn a blank.

I wonder why, when so much is being put in statute, this matter is not. It will, instead, be the subject of further arrangements, discussions and meetings with other bodies, such as ACAS. It is an important matter that should be dealt with in statute.

In expanding the GTC's role, one must be concerned with ensuring that the GTC can monitor professionals after a complaint is brought against them. The arguments round the table have ranged from expressions of great faith in teachers to the view that the fact that there is a large number of teachers means that there will be a large number of complaints. Those are contradictory arguments—I am not accusing the minister of advancing them, but members will appreciate my point that there are contradictions in the arguments against my amendments.

I shall not press my amendments at this stage, but will wait to hear more of the discussions that the minister is having. However, I am minded to

return with them later, as, from the evidence that I have received anecdotally—I have been disappointed that COSLA and Association of Directors of Education in Scotland representatives seem to make a habit of staying away from the many GTC meetings that I have attended—I am sure that the minister can achieve a resolution. There is no gulf between the minister and the GTC, but history tells us that there is a gulf between the local authority employers and the GTC, which it may take more than ACAS to bridge.

The Convener: Nicola, did you want to add something?

Nicola Sturgeon: Karen Gillon said that she was concerned about parents who have not managed to satisfy anybody that a valid complaint has been made, but who have suddenly found that they can approach the GTC. If a parent has been unable to satisfy anybody that they have a valid complaint, it is unlikely, if it is a vexatious or malicious complaint, that they will be able to satisfy the GTC. As long as proper procedures are in place to filter out such complaints, they should not be a problem. Notwithstanding the large number of teachers in Scotland, I think that this procedure would lead to few legitimate complaints that would require to be investigated.

The minister said earlier that he was worried about the GTC's ability to cope, although the GTC feels confident that it could cope with a role such as this and is enthusiastic about it. The GTC's view should be given some weight. The proposal is designed to be supportive of teachers as well as to give parents and colleague teachers rights to take action in certain circumstances.

There are very few teachers in Scotland who could be called incompetent, but even a few such teachers would drag down the rest of the profession. To strengthen the GTC's ability to deal with the few who should not be in the profession would strengthen the profession overall. I reiterate the fact that this proposal is not designed as a threat to anybody, but to strengthen the hand of the GTC for the benefit of the profession overall.

Ian Jenkins: We are agreed on the same issues. The question is over the method that should be used. I wonder whether we make too much of the separation of the local authority and the GTC. I envisage a situation in which, when considering dismissing someone, the local authority asks a GTC representative to attend the tribunal to discuss the matter. They could take evidence together, in partnership; there should not be opposition. Perhaps that is simplifying the matter. However, given the minister's assurances about discussing the issue properly, and given the fact that this committee can revisit the issue, there is hope that a solution can be found. I agree with

Nicola Sturgeon that the procedures should be fair and that they should do the teaching profession credit, as it is self-regulating to a degree. The methodology just needs to be worked at a wee bit.

The Convener: Minister, do you want to respond to those comments?

Peter Peacock: Yes. The nature of the discussion reveals the nature of the difficulty over this issue. There is no clear consensus on the way in which this matter ought to be handled, either now or in the medium or longer term. We must be extremely cautious at this stage about what we put in the legislation, as that will be binding for all parties. The impact on all parties must be absolutely clear, and it would be unwise to decide on anything if we were not clear about the outcomes. That is the difficulty that we have with some of the detailed amendments, and in trying to underpin the principle that I have stated of ensuring that the employers are responsible for competence while exploring ways in which we can involve the GTC more effectively.

If I gave Brian Monteith the impression that we are satisfied with the present arrangements, I gave the wrong impression. We are not satisfied with the present arrangements. That is why we have set up the ACAS committee—to consider ways in which to improve the disciplinary procedures. We have also made it clear that that matter should ultimately be the responsibility of a director of education, and that there should be appropriate appeals mechanisms for the employees who are concerned. We want progress to be made on this issue.

Nicola Sturgeon asked how we can improve the system to ensure that it acts properly when a complaint is investigated. That is territory in which further exploratory work is needed. Parents will approach the GTC, whether or not there is a formal procedure, and should expect to receive a coherent answer that reinforces their desire to have their complaint addressed adequately. We can explore the role that the GTC could have in relation to the way in which a local authority develops its procedures, to ensure that that is done properly over the lifetime of a complaint. I do not want to pronounce on this matter, as I genuinely want further debate to take place on those difficult issues.

The other point that Nicola Sturgeon made was about the right to approach the GTC. I expect that people will approach the GTC with complaints, as common sense would dictate that, on occasion, that would be the right action to take. There must be proper answers about the way in which their complaints will be dealt with, which is an area that I want to consider further.

Karen Gillon raised a point about ACAS. I was

not sure whether she was talking about ACAS having a long-term role in relation to these matters, or whether ACAS would have a role in the further debate that I have mentioned.

Karen Gillon: Yes, in the debate.

Peter Peacock: There is a locus here. The ACAS group is examining disciplinary procedures, and it would be sensible for any further discussions between the GTC and the employers to relate to what is happening in that ACAS group. I would have to think further about the precise mechanism for that, as we are only beginning to flesh out these matters as a result of this committee's debates.

I signal to the committee, with genuine intent, that there is scope to consider those issues further. I shall not give the assurance that anything concrete will have happened by stage 3, as I would be misleading the committee to suggest that. However, I would be happy to set out the Executive's thinking on the points that I have made more clearly at the appropriate time before we reach stage 3, so that members will know the areas that we want to address.

We genuinely want to find a way to use the public interest duty of the GTC to help to strengthen the procedures of the GTC and employers, while maintaining the distinction between their roles. That requires a lot more work, and we would rather allow that work to be carried out outwith the constraints of this bill than impose a constraint in the bill, the outcome of which none of us is very sure about.

The Convener: Nicola, you will have the final say.

Nicola Sturgeon: There is perhaps more common ground on this issue than this debate has shown. The minister said that it would be common sense for people to take their complaints to the GTC, which is true. There must be more clarity about what the procedure will be when that happens. That is what is lacking. There is also an illogicality in the role of the GTC.

Having listened carefully to the minister's comments, I am prepared to withdraw amendment 104 at this stage, on the understanding that he will provide us with a memorandum, in good time to lodge amendments at stage 3, which will outline the state of play and the Executive's thinking. I am not yet convinced that we should not include in this bill measures that would head us in the right direction. However, in the interests of consensus, I shall hold fire at this stage.

Amendment 104, by agreement, withdrawn.

Section 45 agreed to.

Section 46—Professional Conduct Committee and Investigating and Disciplinary Sub-committees

Amendments 7 to 9, 48, 10 and 11 not moved.

Section 46 agreed to.

Sections 47 to 49 agreed to.

Section 50—Power of Scottish Ministers to require Council to establish committees

15:45

The Convener: I call Brian Monteith to speak to and move amendment 12.

Mr Monteith: This very simple amendment calls for the deletion of section 50, which grants power to ministers of the Executive to require the GTC to establish committees. I am still unconvinced that the Executive requires such a statutory power. A minister simply needs to write to the council to invite it to establish a committee and, lo and behold, the committee is established.

I wonder whether such a power goes beyond the boundaries of recognising the GTC as a professional body which is paid for, elected and run by its own membership. If that is the case, it should have a distinctly independent mind when establishing committees that investigate various aspects of the professionalism of teachers. At this stage, I am interested more in hearing the minister expand his views before deciding whether to put the amendment to a vote. This issue strikes at the very heart of the independence of the GTC, which is already generally compliant with the minister's wishes on the issue of committees.

I move amendment 12.

Peter Peacock: Our thinking on these matters is rooted in our commitment to the public interest duty embodied in the GTC's new powers. As Brian Monteith has indicated, his amendment would remove section 50, which enables ministers to stipulate, through regulations, that a particular committee should be established and what its membership should be. It should be noted that the force of the legislation relates more to committee membership, which will then affect the particular committee to be established; however, it is not our intention to specify particular committees.

Furthermore, we do not intend to empower ministers to identify named individuals as members of committees, but to allow them to ensure, if necessary, that a committee has adequate representation of the relevant interests on the GTC. Safeguards are built into the provision, because any order made under it would be subject to negative resolution procedure.

However, I should explain in more detail why it

was necessary to introduce the provision in section 50. There are currently no appointed or nominated members of the GTC on the conveners committee, which is the policy-making heart of the GTC. A review of the GTC by consultants recommended changes to the council's current committee structure, including subsuming the work of the conveners committee into a new policy and strategy committee. The revisions to committee structure and membership should fully reflect the council's wider role in contributing to the quality of teaching and learning, and its duty to have regard to the public interest. The GTC—and now Brian Monteith—have made much of this provision being in conflict with the principle of self-regulation.

In the bill, we have striven to make clear that the GTC regulates the teaching profession in Scotland in the public interest; indeed, it could be argued that such regulation is very generous as committees dealing with alleged misconduct cases and, if the bill's provisions are enacted, cases of serious professional incompetence and ill-health must have a registered teacher majority. That said, the GTC will no doubt be alert to the need to protect its independence and reputation by in future ensuring that its policy and strategy committee reflects its full range of interests and not just one constituency within those interests.

I hope that the GTC will address this issue. We will take action only if it does not do so. In that context, the provision in section 50 is more of a reserve power, which we hope will never be used. We think that this is an appropriate provision as it ultimately protects the public interest and means that ministers will be accountable to Parliament. In the light of that, I invite Brian Monteith to withdraw his amendment.

Mr Monteith: The minister has clarified several points. Will he further clarify whether this power would allow him, or any other minister, to appoint someone who is not a member of the GTC to a sub-committee of the council, or would it merely allow him to ascertain the balance within the council itself?

Furthermore, is he satisfied that this section falls under other relevant sections which seek to provide a teacher majority on the committee? In other words, could this power allow him or other ministers to change the balance of representation on a committee so that there is no such teacher majority? If we let this section go through unamended, I might introduce future amendments on that matter.

Peter Peacock: On your first question, we have no power to appoint committee members in the way that you have described. As for your second point, we would not have the power to override the requirement for a teacher majority.

Mr Monteith: In the light of those comments, I am happy to withdraw the amendment.

Amendment 12, by agreement, withdrawn.

Section 50 agreed to.

Section 51—Abolition of Scottish Joint Negotiating Committee for School Education

The Convener: We now come to amendment 105, which is grouped with amendment 109.

Nicola Sturgeon: I want to outline my reasons for lodging these amendments, which seek to delete the section that removes the statutory basis of the Scottish Joint Negotiating Council.

First, on the principle of continuation of the SJNC, the minister will no doubt tell us that this dreadful institution has failed teachers and the education system and that we cannot move forward one inch until we get rid of it. However, if the Executive is committed to taking account of the views of teachers and their representatives, it cannot brush aside the fact that the SJNC has the support of many teachers as well as the main teaching unions.

Furthermore, it is not true that the SJNC has had only a detrimental effect on education in Scotland; it has had a positive impact on several areas such as class sizes. For many years, agreements reached through the SJNC have meant that we had a maximum class size in Scotland when our counterparts elsewhere had not.

The minister will no doubt claim that it is the SJNC's fault that teachers' pay is now so far behind other professionals' pay—for example, new graduate teachers get paid much less than graduates in jobs in other professions. Although that argument might or might be valid, it should be said that it is central Government's fault that teachers' pay is so far behind comparable professions. This Government and the previous Government have underfunded local authorities, which has meant that they, through the SJNC, have been unable to reward teachers properly.

My two other points are more about timing and the inclusion of this proposal in this bill. First, as the committee pointed out in its stage 1 report, there was a lack of consultation before this section was included in the bill. While there was extensive consultation on other aspects of the bill, that surrounding this section was virtually non-existent. What consultation there was consisted of a letter to a few organisations, giving them a matter of days to respond. If my memory serves me correctly, the consultation was simply on the technical provisions, rather than on the principle of what was being proposed. The lack of consultation is patently obvious and suggests that this would have been better dealt with at a later stage, when

people had had more opportunity to make their views known. The minister will no doubt say that everybody was aware of the Executive's intentions in this regard, but there is a difference between being aware of somebody's intention and being able to express views on a proposal and to expect that those views will be taken into account.

My final point relates to the coincidence of the bill and the deliberations of the McCrone committee. In a sense, we are being asked to approve the removal of the statutory basis of the SJNC without having any idea of what is to replace it, as the replacement is a matter for the McCrone committee. The minister and Sam Galbraith have made statements in the past about retaining collective national pay bargaining. There is no reason to doubt them, but we do not yet know what McCrone will propose as a replacement for the SJNC and what the Executive will decide to put in place. Unless the time scale is changed, McCrone does not report until the end of this month. The committee does not know how long it will be after the report is published before the Executive issues a response to McCrone. Potentially, we are creating a vacuum, in that one form of negotiating body is being removed before its replacement has been put in place.

For those reasons, I think that it is the wrong time to make this proposal. I am not sure whether I would support it even if it were proposed at a later stage, because of the matter of principle. Notwithstanding the matter of principle, it would be wiser to wait and to consider the McCrone recommendations before moving to remove the statutory basis.

I move amendment 105.

Ian Jenkins: I agree with much of what Nicola Sturgeon says. I have said before that I would support the abolition of the SJNC because I felt that it had been a bad deal for teachers' salaries and so on. However, I recognise the kind of protection that it gave us on class sizes and other conditions. There is another element in the pipeline that Nicola has not mentioned: the consultation on the schools code, which is raising these issues again.

I would not want to say that the SJNC has been all bad, but it has been clumsy. Year after year, teachers waited for ages to get their salary increases because of the Byzantine way in which the negotiations were conducted. The so-called millennium package that was brought out at the end of last year was a shambles. Any organisation that introduced that and expected the teachers to accept it does not deserve shelf life.

I will support the proposal, although I have the same reservations as Nicola Sturgeon about creating a vacuum. We need to trust ministers; I

hope that that trust is well placed.

Peter Peacock: On that happy note, I would be content to leave.

We are firmly convinced that we need to move forward on this, so I fear that the consensus that Nicola Sturgeon referred to earlier will break down at this point. To pick up Nicola's point about consultation, it was no secret that our intentions had been made clear well in advance of the conclusion of the millennium review procedure that if it were unable to deliver, we would have to consider the arrangements for future negotiations. That information was in the public domain.

The timing followed the opportunity to see what would happen with the millennium review—it was only after that broke down that the announcement was made. We believe that there is still the opportunity, through this committee and other mechanisms, for people to make their views known.

We have listened to that in relation to future procedures, as a result of the committee's own deliberations on how consultation ought to be carried out. We felt that there was a need to act and we have acted. We do not believe that anybody has been constrained in the process of making their point of view known.

16:00

As Nicola Sturgeon indicated, section 51 removes the statutory basis of the SJNC, while leaving in place the existing agreements. We firmly believe that this is necessary because, as Nicola anticipated I would say, the SJNC has failed to deliver what was needed by teachers and therefore by pupils, and by the wider community, which depends upon Scottish schools.

That is not an isolated view held by the Executive. Although Nicola said that one of the teacher organisation trade unions is strongly committed to the SJNC, I think that this committee has heard in evidence that that is not a universal view among all the teaching organisations.

Half the employers' side of the SJNC believes that the SJNC has had its day and that it is time to find a new mechanism that will better serve teachers but, equally, that will better serve the rest of Scottish society, which depends so much on what happens in schools. Scottish society requires our schools to have a contented work force and to deliver what the community wants. The Parliament has debated that matter in principle and has supported the Executive's view on the SJNC.

We believe that the SJNC has failed teachers and therefore that it has failed pupils in the wider community. The breakdown of negotiations over the millennium review last year, after previous

failures within the SJNC, demonstrated to us that the SJNC in its present form is incapable of modernising the terms and conditions of teachers and giving us a teaching force that is able to deliver the improvements to education that we need.

I want to make it crystal-clear that, in this section of the bill, there is nothing that rules out other forms of collective bargaining continuing in future. As Nicola Sturgeon rightly pointed out, we have established a committee, under Professor McCrone, to make recommendations on teachers' pay and conditions and on the future arrangements for settling those issues. That committee is expected to report before the end of this month.

We are committed to wide consultation on whatever is contained in the McCrone committee's report. All the parties, as well as the Executive, will need to consider carefully how to proceed. We are preparing our thoughts on that and will ensure that no vacuum is left of the sort that Nicola described. We are convinced that this is a necessary move, and I strongly recommend that amendment 105 and the consequential amendment be rejected.

Karen Gillon: Labour members support the Executive's position on the abolition of the SJNC. However, we want to put on record our strongly held view that at no point do we wish to see teachers' pay being subject to local pay negotiations. We do not support that in any shape or form.

Nicola Sturgeon: I have nothing to add. The arguments have been rehearsed.

Peter Peacock: To pick up the point about local pay bargaining, I think I am correct in saying that Sam Galbraith answered a parliamentary question on this and that it is not the direction that we seek to pursue.

The Convener: The question is, that amendment 105 be agreed to. Are we agreed?

Members: No.

The Convener: It goes to a vote.

FOR

Fiona McLeod (West 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 2, Against 8, Abstentions 0.

Amendment 105 disagreed to.

Section 51 agreed to.

The Convener: I thank members for their co-operation. We will meet again next Tuesday, and I remind members that it is our intention to take amendments on all the remaining sections. Those amendments should be lodged by Friday.

Meeting closed at 16:04.

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