EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 9 May 2000

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EDUCATION, CULTURE AND SPORT COMMITTEE
16th Meeting 2000, Session 1

CONVENER

*Mrs Mary Mulligan (Linlithgow) (Lab)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
*Lewis Macdonald (Aberdeen Central) (Lab)
*Mr Kenneth Macintosh (Eastwood) (Lab)
*Fiona McLeod (West of Scotland) (SNP)
*Mr Brian Monteith (Mid Scotland and Fife) (Con)
*Cathy Peattie (Falkirk East) (Lab)
*Michael Russell (South of Scotland) (SNP)
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)
*Nicola Sturgeon (Glasgow) (SNP)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED:

Peter Peacock (Deputy Minister for Children and Education)

CLERK TEAM LEADER

Gillian Baxendine

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education, Culture and Sport Committee

Tuesday 9 May 2000

[THE CONVENER *opened the meeting at 10:05*]

Standards in Scotland's Schools etc Bill: Stage 2

The Convener (Mrs Mary Mulligan): Members will have before them a letter on Gaelic-medium education from Peter Peacock, the Deputy Minister for Children and Education. Does the minister wish to add anything to his letter at this stage?

The Deputy Minister for Children and Education (Peter Peacock): I would like to record my thanks to representatives of all parties who have co-operated in trying to find a united way to signal our support for Gaelic. That spirit was reflected in the debate that we had. We have found a way to move forward that underpins in the bill the national priority that Gaelic has been given. That is a powerful signal to Scotland that we are serious about supporting the language.

Michael Russell (South of Scotland) (SNP): I thank the minister for being helpful in the matter. The bill as introduced did not refer to Gaelic and we are now in a position to move forward. The Gaelic-speaking community is satisfied that the language is being recognised and that the mistakes of the Education Act (Scotland) 1872 are, in part, being rectified. I include a slight caveat as we have not yet seen the amendment, but I am sure that the intention is correct. We are not yet at the point of having Gaelic-medium education enshrined in law, but the reporting of local authority activity in relation to the language will be enshrined in law. That will give us a benchmark. We should be glad about that and look forward to enshrining Gaelic-medium education in law in the next education bill.

Lewis Macdonald (Aberdeen Central) (Lab): Like other members, I welcome the amendment that the minister will move at stage 3. As was said last week, the absence from the 1872 act of any support for Gaelic began a process of the downgrading of the language through the education system. That downgrading ceased some years ago, but it is important that the first education bill of this Parliament should signal that that period has ended and that the period of public support for the Gaelic language has begun.

Mr Kenneth Macintosh (Eastwood) (Lab): I echo my colleagues' remarks and thank the minister for his work in that regard. I look forward to seeing the text of the amendment.

It is important not only that we are including Gaelic in the bill but that all parties—I hope that I can include the Conservatives—are in agreement on the matter. I am glad that members of the Education, Culture and Sport Committee are going forward together in the interests of Gaelic.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I thank the minister and I am glad that John Munro has been kept informed. If the proposal is okay with John, it is okay with me.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the minister and welcome the cross-party moves. I have a more cautious response than my colleagues as I believe that the amendment might not go far enough. I am sure that we will all get behind the amendment at stage 3, but we might have a small debate to try to make further progress.

The Convener: As peace and unity has broken out in the committee, we will move on.

Before section 13

The Convener: I call amendment 113, which is grouped with amendment 115.

Peter Peacock: The amendments have been grouped together, although they address different aspects of the subject of special educational needs.

I am pleased to introduce amendment 113, which seeks to establish an assumption that children and young people should receive their education in mainstream schools. The amendment will benefit children with special educational needs.

Our commitment to developing an inclusive society includes the wish to have all children educated alongside each other. Already, the majority of children with special educational needs are educated in mainstream primary or secondary schools. The amendment will strengthen their right to be educated alongside their peers. It will require local authorities to provide education in mainstream schools for children with special educational needs unless there are good reasons for not doing so.

The presumption in favour of mainstream education would not hold if being educated in a mainstream school were not in the best interests of the child. I recognise that the needs of a small number of children might not be best served by inclusion in a mainstream setting. Their needs might be such that a highly specialised approach is required to enable appropriate educational

provision to be made. That might involve the use of highly specialised staff and equipment that it is not always possible to provide in a mainstream setting. In such circumstances, a local authority will be required—as now—to make an assessment of the child's needs before reaching a decision on the appropriate school.

Another circumstance in which the presumption of inclusion in the main stream will not apply would be if inclusion were incompatible with the efficient provision of education for the children with whom the child would be educated. That recognises that, in addition to the needs of the individual child, local authorities are required to have regard for the education of all children in their area. In some limited circumstances, it might be judged that the inclusion of a child with particular special educational needs might have negative effects on the education of children around them that are disproportionate to the gains to the child concerned. This is not intended as an opt-out clause for local authorities, and I make it clear that such circumstances should be infrequent. However, the amendment allows local authorities to consider alternative provision if necessary. The amendment does not affect the procedures that local authorities have in place to deal with children and youngsters who might be excluded from school for disciplinary reasons.

The presumption will not hold if inclusion would result in significant public expenditure being incurred that would not otherwise be incurred. I stress that that should happen only in truly exceptional circumstances. Local authorities already spend reasonable amounts on adapting school facilities—providing ramps, handrails and so on—to meet the special needs of children.

From April 2000, we have made available additional resources through a £12 million inclusion programme under the excellence fund to assist local authorities further to develop policies of inclusion and to support the inclusion in mainstream schools of children with special educational needs. In addition, the UK Government proposes to introduce a disability discrimination regime in relation to education that will require local authorities not to discriminate unfairly against children with disabilities. At present, education is not covered by the Disability Discrimination Act 1995. Those measures show that the circumstances in which it might be considered appropriate for a child to be educated outwith the main stream would have to be well out of the ordinary.

The amendment provides for the views of the child and of the child's parents to be taken into account when, after consideration of any of the circumstances set out in subsection (2), an authority still deems mainstream education to be more appropriate than having the child attend a special school. The hearing of children's views in that context is a further advance that reinforces the Executive's commitment to involving children and young people, where appropriate, in decisions that affect their education. It should also be noted that when a local authority decides that a particular mainstream school offers the most appropriate setting, parents will still have the right, under existing legislation, to make a formal placing request to another mainstream school or to a special school.

I recognise that the language in the amendment is complex. The amendment has been the subject of extensive dialogue with members of the special educational needs advisory forum, and it seeks to meet the aspirations that we all share. I hope that the committee will agree that the new section strengthens the rights of children and young people to mainstream education, while having due regard to the various factors that must be considered when taking an informed decision on the appropriate education provision for individual children. I invite members of the committee to support the new section that we are introducing.

I would happily deal with amendment 115, convener, but you might wish to allow Jamie Stone to speak to it first.

I move amendment 113.

The Convener: Unfortunately, Jamie Stone is not here at the moment, so the minister is welcome to deal with amendment 115 before I open up the discussion to members of the committee.

Peter Peacock: Amendment 115 concerns a discrete subject within the range of matters that relate to special educational needs. We must avoid the assumption that all children with special educational needs who are being assessed for a record of needs because of their learning difficulties will require assessment of their social care needs or those of their families. The amendment would add a further layer of assessment to the records of need process—a process that is already being criticised as too cumbersome and too bureaucratic. Under the amendment, parents or guardians of the children would have to opt out of that additional assessment. There is a danger that some parents will resent the linking of special educational needs with a social care needs assessment.

The amendment is also unnecessary, as the local authority is under a duty to safeguard and promote the welfare of all children in its area, under section 22 of the Children (Scotland) Act 1995. Earlier we indicated that the national special educational needs advisory forum sees a review of the records of need process as its first priority. It

does not seem sensible at this stage to introduce—as the amendment would—changes to the records of need process that might need to be unpicked following the fundamental review that we want to take place. If Jamie Stone were here, I would have asked him not to press the amendment for those reasons.

10:15

The Convener: I support amendment 113 as it stands. The committee has already demonstrated its commitment to ensuring that the needs of children with special educational needs are met by the education system in Scotland. Those of us who visited Darnley Primary School in Glasgow were able to see at first hand how integrated education can be conducted in a positive way. The vast number of responses that we have received in recent evidence shows how much support there is for the amendment.

My first question relates to subsection (2)(b), which refers to circumstances in which providing education for the child in a school other than a special school

"would be incompatible with the provision of efficient education for the children with whom the child would be educated".

How does the minister see that being implemented? How would the decision be taken, and who would take it? In my previous experience as a councillor, I was involved with two special schools that catered for children with different needs. There were preconceptions even in those schools about the effect that children from one school would have on the education of children in the other. I should be interested to hear how the minister thinks that would be managed, should it become part of the bill.

My second question relates to subsection (2)(c), which refers to "significant public expenditure". Would the minister like to comment on what he foresees as being "significant public expenditure"? He might see that as a decision for local authorities, but I would appreciate hearing his views.

Correct me if I am wrong, but I understand that the amendment relates not only to children with special educational needs, but to children of travellers, who might not currently receive education in a school setting but might wish to take advantage of that option.

Nicola Sturgeon (Glasgow) (SNP): I support the broad thrust of the amendment but, like the convener, I have some concerns about the scope that local authorities will have under subsection (2) to reverse the presumption in favour of mainstream education. The convener has already covered subsection (2)(b), but like her, I want the minister to comment further on subsection (2)(c). The term "significant public expenditure" is open to a number of interpretations. In some local authorities, budgets are restricted and money is tight, so the definition of "significant" might vary from one authority to another. How does the minister envisage that being interpreted? Who is the ultimate arbiter of whether public expenditure is significant?

Mr Monteith: I am interested that the amendment was not included in the bill at an earlier stage or mentioned in debate. However, it is a welcome attempt to refine the Executive's stance and to clarify for parents the position in which they find themselves.

I ask the minister to consider at stage 3 the possibility of extending the amendment, to clarify the position of parents who wish to send their children to special schools. In letters that I have received, parents have indicated that they have had difficulties not in obtaining mainstream education for their children, but in gaining a place for them at special schools. Parents have complained about local authorities withholding information from them about the options that are available. In the interests of creating a level playing field—which the minister is seeking to do—would he be interested in extending the coverage of the amendment at stage 3, to clarify what local authorities should do in respect of special school provision?

Karen Gillon (Clydesdale) (Lab): I, too, welcome the amendment. During the first day of the stage 2 debate, a number of amendments on the issue were discussed, and the minister undertook to come back with an amendment from the Executive. I am grateful that he has done that. I share the concerns of the convener and Nicola Sturgeon about subsection (2)(b) and (c). It would be useful if the minister could expand on those paragraphs.

However, it is important that in the first education bill to be debated by this new Parliament we should create a presumption in favour of mainstreaming for children with special educational needs. From the evidence that I have heard from parents groups and organisations that work with children with special educational needs, it is clear that they want a presumption in favour of mainstream education. I congratulate both the committee on promoting the issue and the Executive on lodging the amendment. I hope that it will meet the needs of those affected.

Peter Peacock: I will try to deal with all the points that have been made. Brian Monteith said that he was interested that the amendment had not been brought forward until now, but in our response to the consultation we indicated that we intended to lodge such an amendment, if possible

within the time allowed. We also flagged that up at stage 1 and earlier in stage 2. We did not include these provisions in the bill from the start because we wanted to carry out further consultation with key interested parties in the area of special educational needs. We were also establishing the special educational needs advisory forum, which had not yet met. The first item of business for the forum was the terms of the amendment. We have taken time to get the amendment right, in consultation with interested parties, before lodging it. This is an extraordinarily complex and sensitive area.

The term "efficient" comes from existing statute. There has been a great deal of debate, both in the special educational needs advisory forum and subsequently, about the right form of words in this new section, to ensure that it sends a clear signal to the educational community and to parents of children with special educational needs that we want to establish a clear right for parents of such children to have their children educated in mainstream education. That is an aspiration for many people with special educational needs.

We have to strike a balance between the profound special needs of some children and the interests of the class or community into which those children would be placed. That is a difficult matter, and great sensitivity and care are required in making that judgment. None the less, we think that it is important that local authorities are free to be able to weigh up the competing interests of the individual child and the parents' desire for that child to be educated in the main stream, and the possible impacts on the wider class community.

I stress that we are talking about limited circumstances. Local authorities should not regard this as some kind of opt-out mechanism for them. The presumption is that all children should be educated in the main stream, and that alternatives should be considered only in exceptional circumstances.

Members asked how such a judgment would be made. It would be best made by the local authority, but it should also be made by the school, with the involvement of the head teacher, the class teachers, the educational psychologists and other professionals in the health service who support the school, in conjunction with the parent and the child. Between them, those people must arrive at a judgment of what is best for the child, balancing that, in extremis, with the interests of the wider class group.

It is not possible to prescribe every circumstance in legislation, as circumstances are potentially infinite in their variety. We are trying to enable dialogue to take place, in which individuality will be an issue. Each case should be judged professionally, taking into account the parents' and child's interests. Those of us who know the professionals who work in that sphere of education—and I am aware that some members of the committee know such people—know how extraordinarily thoughtful they are in the way in which they take the interests of individual children into account. I am frequently astonished at the commitment, care and sensitivity in that sector of education. To a significant extent, we must depend on these matters being addressed professionally.

With regard to "significant public expenditure", I want to make it clear that local authorities should not regard the amendment as an easy opt-out of what we are seeking to achieve. However, it must be recognised that the individual needs of some children and families require significant expenditure. If those requirements are completely out of scale with the benefits to the wider educational community, a local debate should be possible before a judgment is arrived at. It should be remembered that UK legislation is coming, which will mean that local authorities will not be able to discriminate against children with disabilities. That will necessitate an incurring of expenditure: there is no way out of it. We are setting money aside specifically for that purpose.

We also recognise that significant resources are already being spent on special educational needs. If our policy thrust works, there will be fewer children in special schools and more in mainstream schools, which will make possible a transfer of resources. I want to push to the margins the issue of when local authorities will trigger that. None the less, we think it reasonable that a debate could be had locally about those matters, in the context of wanting to move to full integration.

The convener asked about travellers. Because the amendment refers to special schools, it will not affect travellers. However, the earlier parts of the bill, which establish a right to education, have a significant impact on the ability of people in that situation to exercise rights that would not otherwise be available to them. We have advanced their cause in those parts of the bill, but I am not sure that the amendment would do so.

Brian Monteith asked whether we could extend the amendment at stage 3. There has been much debate so far to enable us to arrive at agreement on the matter, and I would be reluctant to commit to doing anything further at this stage. I also stress two points to Brian Monteith. First, I would not support any local authority that sought to withhold information from a parent who was trying to exercise the right judgment and choice for their child. The needs of the individual child must be paramount, and I am all for a free flow of information. If we could do anything to help that,

we would be happy to do so. We are generally trying to give the parents of children with special educational needs more access to information and advice.

Secondly, the right exists for any parent in the situations that I have described to issue a request to have their child placed in another school. There are clear procedures and mechanisms for doing that. I am not sure that we could usefully add anything beyond them, but I am happy to express my desire for parents to be given all the available information, so that they can make the proper choice.

10:30

Ian Jenkins: If the amendment is agreed to, the provision of education for these youngsters in a school will become a core service. The local authorities will be anxious to know that they will not be expected to work with their hands tied behind their backs. There are resource implications for the vast majority of special educational needs people, who need extra assistance in the classroom, and those places must be funded properly if the extra duties are to be placed on local authorities.

We have been talking about the issue in the context of special educational needs. I do not want to be silly about this, but we must also consider the definition of a school. We might also consider special units for children with behavioural difficulties, as the amendment does not concern itself solely with children with special educational needs. We talked about discipline in schools last week, and there might be a need for halfway houses between schools and colleges, or between schools and special units. I wonder what is meant by a school.

Jamie Stone is not here and amendment 115 has not been spoken to. That amendment focuses on the idea that the overall needs of the child should be considered, not just those that are provided for by the education authority, if there are other factors in the child's circumstances that would benefit the child and the education authority by being considered together. I hope that you agree with the idea behind the amendment, although I am happy to accept your understanding of the technicalities. The idea is that an overview should be taken of the child's position, not a view of the education authority's decision in isolation.

Peter Peacock: I accept that there is a need to take an overview when that is appropriate. However, amendment 115 would mix up two entirely different types of needs, and might create some resentment because of that.

I also accept that, when it is possible to carry out two assessments simultaneously, with a co-ordinated approach, that would be desirable. We have issued guidance to local authorities, concerning when that would be desirable, to meet the objective that you described. I understand the spirit of the amendment, but, as you accept, it is technically flawed.

The amendment would not allow a child who had been excluded from school, and who might be in a special unit, to return to the main stream if a decision had been made that they should not be in the main stream. We are talking about a special school rather than a special behavioural unit, which is the context that you are suggesting. If further clarification is required, we would be more than happy to provide that clarification to local authorities. Having said that, our alternatives to exclusion programme seeks to keep children with behavioural difficulties and challenges in the main stream. We accept that there are times when they will have to be excluded—and we rehearsed those arguments in Parliament last week—but the amendment does not have the implication that you are driving at.

We recognise that we have an opportunity to redirect resources back into special educational needs provision, to meet some of our requirements. We acknowledge the resource implications and we will not hide from them. One of our key objectives is the long-held aspiration of many groups to include many more children with special educational needs in the main stream of society. If there are resource implications, we realise that we will have to address them.

Ian Jenkins: As Brian Monteith indicated, the position of existing special schools is interesting. There must come a point at which some of those schools will reach critical viability, and at which it might cost more per head to provide education in those schools than it would if they were full.

Peter Peacock: Mr Jenkins is referring to the proposal to redistribute what is given to a small number of centrally funded institutions among the local authorities. The local authorities will be able to choose to buy places in those institutions or to make local provision. We have delayed implementation of that proposal for a year, and we are examining ways in which we can provide transitional arrangements to ensure that no such institution is forced out of business for the wrong reasons.

There will be a continuing need for such provision, but local authorities should be free to buy places in the interests of the child. The present arrangements provide national rather than local resources, most of which are based in the central belt. It is a question that we are alert to. We do not want to cause unnecessary difficulties.

Mr Monteith: I thank the minister for his

comments on the points that I raised. In particular, I am grateful that he made a commitment to the availability of information for parents. I accept what he said about the delay in bringing forward the amendment being due to having to consult widely. I welcome that consultation, but I would like the committee to have access to a minute or report of the proceedings of the forum as background information for our own report and for deliberations on the bill.

Peter Peacock: I shall arrange for that information to be provided.

Amendment 113 agreed to.

Amendment 115 not moved.

Section 13 agreed to.

Section 14—Ending of self-governing status of schools

The Convener: I call Brian Monteith to speak to and move amendment 117, which will be debated on its own.

Mr Monteith: The purpose of amendment 117 is to establish a compromise position that maintains the Executive's section for the removal of self-governing status from schools but avoids throwing the baby out with the bath water. It seeks to give parents at what we must recognise as the sole self-governing school that still operates in that fashion the opportunity to ballot either to move to local authority management or to apply to the Executive for grant-aided status. That status is currently enjoyed by a number of schools.

Although the bill discusses how to improve standards and takes a position in principle on self-governing schools as set up under the Education (Scotland) Act 1980, the one school that is operating in that fashion is, by anyone's yardstick, setting the high standards that we would like replicated elsewhere. The amendment seeks to ensure that a school that has achieved those standards can continue to operate under a different form of independent management. It is a form of management that is enjoyed by a number of schools in the state sector and would therefore not be anachronistic or unique. It could be argued that St Mary's Episcopal Primary School is unique and anachronistic, in that it is the only one operating like that. I want to give the parents the opportunity to move that school sideways to join other grant-aided schools.

Although I accept that there is a majority opinion that the self-governing status of schools should be removed, I have found a great deal of sympathy across the political spectrum for the position of St Mary's. That sympathy is echoed by the editorial stance of such papers as the *Daily Record*, the *Sunday Mail* and *The Express*, which are not commonly known for supporting a Conservative position.

Karen Gillon: The *Daily Mail*?

Mr Monteith: I said *The Express*, not the *Daily Mail*. You should remember which chamber the owner of that paper sits in and which party he represents.

Amendment 117 tries to ensure that the Government does not take a heavy-handed approach, but seeks to give parents the opportunity to achieve grant-aided status. The parents have already made it clear that, in such circumstances, they would support the ending of self-governing status under section 14. In a sense, the amendment offers the Executive an opportunity to fulfil its aims, while ensuring that the standards set by St Mary's can be continued through independent management. Independent management has clearly contributed to the school's high standards.

I move amendment 117.

Peter Peacock: I am ever grateful to Brian Monteith for what he has described on more than one occasion as trying to be helpful to the Executive. I have made it clear on many occasions that I believe the self-governing schools legislation was deeply divisive wherever it occurred. Thankfully, it was very unpopular, for the most part, in Scotland. We believe that it was part of an attempt to create a two-tier education system in Scotland for a minority privileged group on the one hand and, on the other hand, for the majority who would have a different form of education.

We have made clear our commitment to abolishing that legislation, and no school in Scotland should ever have to contemplate opting out to provide an excellent education. We aim to ensure that every school in Scotland is excellent and improving over time. No school has anything to fear from being managed within the supportive framework of a local authority. Brian Monteith said that we should be careful not to throw the baby out with the bath water. St Mary's would continue to exist within a supportive framework with other community interests, under the control of Stirling Council.

I have had a letter from the leader of the council's children's committee, which embraces education, and it is clear that councillors are alert to the sensitivities of the situation and want to support the parents and the pupils. I am convinced that the school has every reason to believe that it will thrive and prosper under the control of Stirling Council and that it has nothing to fear from the proposals.

The bill places schools at the centre of improvement in a local authority framework. Brian

Monteith's amendment, in effect, keeps opting out for one school in Scotland. Against the background that I have given, it would not be helpful to introduce a requirement to ballot parents on the future self-governing status of the school, and I ask the committee to reject the amendment.

Mr Monteith: I am sorry to hear the minister's response, which reflects a more party political attitude than I had hoped for in the spirit of the new politics that we hope to achieve through the committees of the Scottish Parliament.

10:45

Amendment 117 does not seek to question the minister's or the governing parties' commitment to the abolition of self-governing schools or to keep one school in opted-out status. It would allow one school to join with others such as Jordanhill School and some special schools that have grant-aided status. That would ensure that St Mary's Episcopal Primary School is not unique or anachronistic. The minister is right: no school should fear local authority management. However, the management board at that school fears management by a local authority—an authority with which it is familiar. Their claims are not made lightly.

The amendment is not about ensuring a two-tier educational system. It accepts the system as amended by the bill and seeks to work with the bill. As such it is not trying to preserve a Tory relic but to ensure that the school can be associated with other schools within the state system.

The Convener: Brian, are you moving the amendment?

Mr Monteith: Does no one else want to speak?

The Convener: We had asked for the minister's response.

Mr Monteith: I thought Ian Jenkins wanted to speak.

The Convener: That was your summing-up, but if Ian is desperate to come in I will allow it.

Ian Jenkins: I am not desperate to speak. My sympathy with St Mary's is known. If it had been up to me, I would have left it alone, but I think it is a lost battle.

The Convener: What do you wish to do, Brian?

Mr Monteith: I will withdraw the amendment.

Amendment 117, by agreement, withdrawn.

Section 14 agreed to.

Sections 15 to 22 agreed to.

Section 23—Role of School Board in raising standards and improving quality of education

The Convener: Amendment 66 is grouped with and will be debated with amendment 118.

Ian Jenkins: The amendment may seem to quibble and only to amend the wording but it considers whether school boards should reinforce Government policies. The section says that the school boards

"shall exercise those functions with a view to raising standards of education"

There is nothing wrong with that, except that it puts them on one side of things. If there is a dispute, they are tied to Government thinking. School boards are not Government agents; they do not raise standards. The amendment should say that they should be supporting the school rather than reinforcing policy on standards and targets.

I move amendment 66.

Fiona McLeod (West of Scotland) (SNP): Amendment 118 aims to ensure that, while school boards remain one of the principal legislative means of involving parents in schools, there is a clear, democratic way to fill places on boards. It aims to ensure that when a vacancy occurs, the requirement to have a by-election is notified to all parents eligible to vote. Section 25(1)(a) states that a minimum of 30 parents of pupils of the school can ask for a by-election, but if the parents do not know that they can call a by-election, school boards may end up with only co-opted rather than elected members.

Peter Peacock spoke to me earlier and I understand that the term

"Secretary to the School Board"

in my amendment is a problem, as there is no legal requirement for a secretary. However, he said that at stage 3 he will bring forward an amendment to ensure that, when a vacancy arises, all parents will be notified of the procedure for calling a by-election. On that basis I will not press the amendment.

Peter Peacock: I think I understand what Ian Jenkins is trying to achieve in his amendment and the reassurance about our intentions that he seeks. I also think that there could be unintended consequences of the wording of the amendment that he would not want.

The amendment seeks to make clear that the purpose of a school board is not to manage or interfere in the management of a school but to support the improvement process described in section 3 of the bill. I know that Ian Jenkins supports that broad objective. The committee has already accepted in section 3 that Scottish

ministers and education authorities

"shall endeavour to secure improvement in the quality of school education".

That requirement, you may recall, was addressed and extended in practice to school level by the amendment to section 8 that we brought forward in response to the committee's request a couple of weeks ago.

The flaw in amendment 66 is that it would legally require a school board to support those managing the school whatever they were endeavouring to do. Although a school board exists to support rather than manage a school, that does not mean that there should not be healthy debate between the school managers and the board on the improvement agenda.

Accepting the amendment would require school boards to desist from that, which I do not think is Ian Jenkins's intention. The wording would cause confusion over the role of the school board. I understand that concerns have been expressed of the kind that Ian Jenkins has articulated that this section would require school boards to become agents of the Government in carrying out the Executive's improvement agenda. However, at school level the improvement framework talks about individual school plans drawn up to meet the circumstances of that school, at its stage of development, in its community, albeit in a context of national priorities and local objectives.

We do not see school boards as agents of the Government. They have and will continue to have their own limited, local democratic legitimacy and will express their own views. The context for those views is that their efforts should be directed to supporting the improvement process, but there is no wish on our part to thwart the expression of their legitimate views. For those reasons, and following that on-the-record reassurance, I hope that Ian Jenkins will feel able to withdraw the amendment.

We think amendment 118 is a sensible approach to underpinning the democratic structure, as Fiona McLeod said, but because, as she also said,

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is not a recognised term, it is technically flawed. There are also possibly significant administrative burdens to the proposal, so we need to look at how we can best meet Fiona's intention. We will have further discussions between now and the time for stage 3 amendments being finalised and we will lodge an amendment that will as far as possible bring that about. That would also offer the chance quickly to discuss the possible means with the local authorities. However, we want to bring an amendment to meet the spirit of what is intended by amendment 118.

Ian Jenkins: I thank the minister for those assurances and point out that parents have every right to be involved in the improvement processes as well, outwith school boards.

Amendment 66, by agreement, withdrawn.

Section 23 agreed to.

After section 23

The Convener: After section 23 we have amendment 106, grouped with amendments 107, 121 and 122.

Mr Monteith: The first of those amendments, in a sense, goes together with the second. Amendment 106 seeks to give school boards an involvement in the curriculum content and teaching materials of sex education. Amendment 107 seeks to give parents the explicit legal right to withdraw children from sex education. Those two amendments are an attempt to bring in legal reassurance for parents in the section 28 debate.

I have heard it argued that parents can, and occasionally do, withdraw their children from sex education. I am familiar with that owing to the withdrawal of a number of children from sex education in my sons' classes. That option was made available to parents at the beginning. That is good practice, which should be adhered to throughout Scotland, but it is not an explicit legal right. There is a legal right, enshrined in the Education (Scotland) Act 1980, to withdraw one's child from religious education. Amendment 107 seeks to share that right in relation to sex education. The amendment is based on the section for religious education and uses similar language.

Its purpose is to reassure parents that if they are dissatisfied in any way, they have the backing of the law to withdraw their children from sex education. I see this as sending a message of reassurance. I accept that it is good practice, which is generally adhered to, but enshrining it in law is a cheap reassurance to give parents. It sends the message that they have this legal right. It would be clear that they could exercise it and that they would have the backing of the law. I expect that it would be relatively easy for the Executive to adhere to, in that it is already being practised.

It would help to reassure some groups who, for religious and cultural reasons, have concerns about the repeal of section 28 and have already expressed that they may seek to establish schools of their own or move their children to other schools. I speak especially, but not exclusively, of parents of Muslim children, who have stated that they might move their children to Roman Catholic schools or set up Muslim schools. Given that the Executive's general thrust has been to encourage

mainstream education, integration and inclusion, I expect that giving Muslim parents this legal right will help to maintain their children's attendance at what we might call the secular state schools.

Amendment 106 seeks to provide another check and balance as there are concerns—I have heard them expressed by people in other political parties—that local authorities may somehow let down teachers and parents by not adhering to the guidelines that may be available. After all, those will be guidelines and not statutory. The minister explicitly said at this committee that guidelines are there to be taken account of but can be ignored. If the local authority was to go further than parents or teachers might like, then to give the school board the ability to reject materials or the nature of the sex education curriculum would provide another safeguard, which is not intrusive and is reassuring. School boards involve the head teacher, teachers and parents. I think that that partnership would work well to reassure all those concerned about the content of what their children might be taught.

Those two amendments together are an attempt to provide some legal reassurance, which—certainly in the case of amendment 107—enshrines good practice and extends the partnership involved in sex education.

11:00

Amendment 121 is a probing amendment. It seeks to clarify the minister's view on guidance and whether the form of words here is the type of guidance that he would seek to have introduced. Amendment 122 is a slightly different way of bringing forward similar guidance.

Amendment 121 seeks to ensure that children learn about the primacy of marriage and its importance for family life and the rearing of children, but also about the significance of other stable relationships as building blocks of the community, the respect that people should have for themselves and others—in this context that means respect for their sexuality. It ensures that children and parents are given accurate information to enable them to understand differences and to remove hostility and, as has consistently been said by ministers as well as people from other parties, provides guidance to protect children from inappropriate teaching and materials. The purpose of that amendment is to see whether this type of guidance might be more acceptable within the bill.

Amendment 122 is more abbreviated. It states:

"An education authority, and the head teacher of a school, shall in delivering sex education have regard to the value of marriage, parental commitment and family relationships in a child's development."

Of course, it mentions the word marriage, but it also mentions parental commitment and family relationships. That type of amendment would go a long way to reassure people that marriage is important, but is not the sole way of rearing children successfully. Parental commitment and family relationships are emphasised and, I would argue, given equal status within that section.

Amendments 121 and 122 seek to advance the guidance debate, so that we hear more from the minister on the Executive's approach. Amendments 106 and 107 are designed to give more statutory reassurance, which I hope the Executive feels it could allow.

I move amendment 106.

Michael Russell: The principal problem with the amendments is that they are not so much probing amendments as blundering amendments. They are designed to stake out a position that we have heard in the chamber many times.

Mr Monteith: You have never listened.

Michael Russell: I often listen, but I have not heard anything that takes this argument forward in a way that helps the debate and helps parents and children. That is what we are here to discuss.

The Executive and the SNP have different views on the matter. The SNP wants a legislative hook. We have argued for that on a number of occasions and we will continue to do so. We believe that progress can be made. We are not arguing that the issue should be a political football, which is—regrettably—the intention of the amendments.

The real problem lies with amendment 107, which is superficially attractive. Everybody agrees that parents should have the right to withdraw children from sex education. That should be and is practised, which makes amendment 107 superficially attractive. However, when one examines the wording, it becomes clear that the amendment is nonsensical—to lodge an amendment such as that is daft. It proposes not only withdrawal of children from sex education, but withdrawal from "any discussion of sexuality". The entire curriculum—including every detail of what was to be discussed—would have to be handed to parents, and children could be withdrawn from classes if sex was mentioned at any point. That is crazy. It means that teachers could not discuss the poetry of William Soutar or Golding's "Lord of the Flies", nor could they discuss much contemporary literature, because that could lead to a discussion of sexuality. I suspect that that would mean that teachers could not discuss male and female plugs in electronics, in case the discussion veered towards sexuality.

Most ludicrous of all is that the amendment would make it impossible to discuss the repeal of

section 2A in a modern studies class or elsewhere, because that would lead to a discussion of sexuality—from which a child could be withdrawn. Even in Brian Monteith's terms, the amendment is utterly self-defeating. I am attracted superficially by the notion of having a right in statute to withdraw children from sex education, but this is not the section of the bill that should do that. The amendment is so fundamentally flawed that it is hardly worth debating.

The rest of the debate takes us no further forward. We want a resolution that reassures those who are genuinely worried and those whose worries have been stirred up further by campaigns that have taken place in Scotland. None of the amendments provides that resolution.

Nicola Sturgeon: All the amendments in the name of Brian Monteith in that group must be voted down because they would make the situation worse. Amendment 106 seeks to give school boards influence over one area of the curriculum that they do not have over any other area of the curriculum. It would be extremely hard to defend that position and there is no evidence that school boards and their members have any desire to be involved in determining the content of the curriculum. The content of the curriculum is best left to the professionals who have been charged with drawing up guidance on sex education. Members should remember that the working party that the Executive has set up includes parental voices, so parents and parents' representatives can provide input at that level. It is the responsibility of teachers, in exercising their good judgment, to determine what is and is not appropriate to be taught in schools.

As Mike Russell said, amendment 107 might be superficially attractive, but it is seriously flawed. The right to withdraw children from sex education classes exists and it happens not uncommonly—as Brian Monteith has conceded. The amendment would make delivery of a school curriculum virtually impossible—parents would have to know in advance the content of what was taught in every class for the section, if so amended, to be meaningful. That is ridiculous. As Mike Russell said, the amendment would give parents the right to withdraw their children from English lessons if certain literature was being discussed and from biology classes if human biology was being discussed. That would cause chaos in schools and the amendment should be voted down for that reason.

The SNP has no difficulty with the first part of amendment 121 and will lodge an amendment to that effect to the Ethical Standards in Public Life etc (Scotland) Bill. There is no reason why there should not be a provision that makes it clear that local authorities should have regard to guidance on sex education. The bill already contains such provision in relation to other kinds of guidance—similar provision in relation to sex education would go some way towards reassuring parents that local authorities are not free to disregard guidance that had been properly drawn up by the working party.

The rest of amendment 121 goes too far, however. It is an attempt to write the content of the guidance into statute. As soon as we did that, we would be on the road to a national curriculum. If that is what Brian Monteith wants in Scotland, he should have the courage of his convictions and argue for that, instead of simply allowing it to happen through stealth. I do not want a national curriculum. It is possible to reassure parents but the Executive has some way to go before it achieves that. However, amendment 121 would begin to turn Scottish education on its head.

Cathy Peattie (Falkirk East) (Lab): Much of what I wanted to say has already been said. I agree with Mike Russell that accepting such amendments would be a backward step. Amendment 9A would cause havoc. Teachers need to have the right to be able to teach. The idea that schools should ask whether they should teach one thing or another is absolute nonsense.

I will not say what I think of some of the stuff that is in here, but I am concerned that Brian Monteith thinks that he can write a curriculum for Scotland and get it right. We are right to stick to our guns and vote against the amendment.

Ian Jenkins: I will not take up the committee's time as everybody has said the right sort of thing. We must not have statutes that tell people what to teach. There should be room for good practice and for guidelines to be established and there should be negotiation between parents and schools at a local level rather than national statutes.

The Convener: Brian, do you want to say anything at this stage?

Mr Monteith: I will wait until I have heard the minister's comments.

Lewis Macdonald: On amendment 106, recent experience has shown us the difficulties that arise when school boards try to reach a shared position on issues that relate to sexuality. In the light of that, I suggest that this is hardly the time to put into statute a requirement that they be consulted in a way in which they are not consulted on other matters, as Nicola Sturgeon said. We do not want to skew the work of the school boards. The introduction of a statutory requirement that focuses on one area of school policy is not the way to ensure that school boards learn the lessons of the recent past and improve the way in which they represent parents. There are many areas of school policy that we hope school boards

will attend to.

The ability of the views of members of school boards to be represented also needs to be addressed, but we should clarify to school boards that their role is to support the improvement of education of schools, as was discussed earlier.

Mr Macintosh: I associate myself with the majority of what has been said, apart from Mr Monteith's comments. The gist of his comments was completely contrary to the spirit of the bill and—to use Brian's words—something of a Tory relic. It would be quite extraordinary to give school boards the power to amend or reject teaching materials. That is not the job of school boards, although they have a very important role to play. They do not, however, exist to usurp the powers of the local education authority or to ignore guidance from the Scottish Executive.

Nicola Sturgeon and Mike Russell have clarified why Brian Monteith has got the wording of amendment 107 wrong and from Brian's own argument, we can see that the amendment is unnecessary. All the powers that he wants already exist. There is, therefore, no reason why the amendment should be included in the bill.

Positive steps toward introducing guidance in a consensual way are being made, but neither amendment 121 nor amendment 122 capture the spirit of that progress. The wording of amendment 121 is wrong—Brian has approached the issue from one perspective and has made no attempt to find common ground on a difficult subject. We should be trying to reassure parents; I think that the amendments will worry them. We should reject all four of them.

11:15

Karen Gillon: I concur with much of what Mike Russell has said. Amendment 106 is one of the most problematic amendments, and probably one of the most divisive. Paragraph (b) of the amendment concerns the right of school boards to

"amend or reject any teaching materials, curricular content or pastoral guidance policy which they consider to be unsuitable or inappropriate."

That would mean that every school board would have a right of access to every lesson plan, teaching note and piece of teaching material that would be used in any class in which sex or sexuality might be discussed.

Practically, school boards would be asked to sit for three or four days at a time to judge whether lesson plans and teaching materials were appropriate. In the real world, the make-up of school boards cannot be known. A school board might be made up of a particular group or minority interest with which Brian Monteith and I might not agree, but it would have the right to veto every piece of teaching material. If that is what he is suggesting, he is advocating taking the responsibility for education away from teachers, local authorities and the Government, and placing it with a small minority who might not be elected, but co-opted onto school boards. That is a dangerous road to go down.

Brian's views are not supported by the teaching unions—judging from my discussions with them—which regard this as a problematic amendment, and one that would hinder their members in teaching children and young people on complex and difficult matters. All committee members agree that there is a need for some reassurance and guidance, but amendment 106 does not go about providing it in the right way.

Mike Russell is absolutely right in saying that amendment 107 is impractical. For goodness' sake, where would it end? Would children be withdrawn from school just because something about sexuality was said in a lesson? God forbid that they might be taught something that might help them to be better citizens and better able to deal with the society in which we live!

I have worked in education for many years, and I know that there are a lot of mixed up kids who need help, support and guidance. All parents have the right to withdraw their children from sex education—it happens. Let us leave the situation as it is. By pressing the amendment, Brian Monteith is trying to do too much, and for political gain.

I want to focus on amendment 121. I have no desire to move towards a national curriculum—which would be the wrong move for Scotland—but it is important to put down some markers for some of the issues that Brian Monteith raised.

Marriage and stable family relationships will be debated in some detail in the Ethical Standards in Public Life etc (Scotland) Bill and we need to tread carefully. I am married: that was my choice. I am having a child: that child will be brought up in a married family relationship—that is my choice. However, my parents were divorced when I was seven years old, and I know how difficult that can be for a child. I know how it feels when a child's pals say, "You've no got a daddy," and I know the difficulties that are caused for education. Amendment 121 places a status on people's relationships. Because of my religious beliefs, I believe that marriage is the most appropriate relationship in which to bring up children, but I did not lose out because I was in a single-parent family for most of my childhood. We need to tread carefully regarding what we say to children—not parents—about the family relationships that they are in.

I am prepared to debate the issue further. The wording of the amendment is not right, and, in the context of the bill, It would be wrong to move towards a national curriculum. We should reject the amendments. There is a need for reassurance and we should continue to address the issue and decide where it would most appropriately be placed. However, the need for reassurance is the result of misinformation about what will be in the curriculum, in guidance and in lesson plans after the repeal of section 2A. Misinformation has led to unjustified fears among parents, and we must provide that reassurance. At this stage, we should reject the amendments.

Peter Peacock: I recognise the sentiments that underlie the amendments, but I believe these particular amendments to be not competent in one aspect and, in relation to school boards, they could establish the most divisive of provisions for running school boards. In asking the committee to reject these particular amendments, I am not asking members to ignore concerns about such matters. Rather, I want to ensure that there is full appreciation of the work that is already being done to them. As Karen Gillon said, the debate goes on.

The amendments seek to use statute to begin to prescribe detailed curriculum matters. As several members have said, the basis of Scottish education is that detailed curriculum matters are non-statutory. One of the pillars of Scottish education is that the curriculum is decided by consensus. That has held true for many generations and it has served this country well.

As soon as we raise the spectre of a statutory curriculum, we set out on a road that has rightly been rejected for many years in Scotland. If statutory provision for one aspect of the curriculum is appropriate in this case, I can foresee arguments emerging over time for further statutory restrictions on teachers and head teachers.

Most important, the amendment does not seem to take account of the safeguards that are in place or those that are being developed. As Nicola Sturgeon said, what protects Scottish pupils from inappropriate influences is the professionalism of our teachers and education managers, partnerships between schools and parents and the national and local guidelines that are in place. The existing safeguards have a strong track record on ensuring that teaching, especially of sex education, is appropriate to the age and maturity of the children in the school system.

Nevertheless, in response to concerns about the nature of such education, and to ensure that good practice continues, we are already taking action to make the safeguards even more rigorous. As members are aware, on 24 February we announced a new general duty on local authorities—when delivering services that are principally for children—to have regard to

"the value of stable family life in a child's development."

That provision will apply not only to school education—the subject of this bill—but across the range of local authority functions that relate to children. That duty is included in the Ethical Standards in Public Life etc (Scotland) Bill.

In addition to that new section, we announced on 27 January that a package of safeguards would be put in place before any repeal of section 2A of the Local Government (Scotland) Act 1986 came into force, to ensure that the best advice is available. That package comprises four elements. First, there will be strong and clear guidance to local authorities in the form of a circular to directors of education. That circular was published in draft form on 1 March. It emphasises the importance of consultation with parents and responds to concerns about that.

Secondly, when schools plan sex education they will consult parents in advance. That is already clearly spelt out in existing guidelines and it is current good practice, but the circular will emphasise the importance of consulting parents.

The third element is that there will be simple and direct procedures by which parents may raise concerns with their child's school and, if necessary, the education authority. That is also spelt out in the circular.

Finally, there will be a review of curriculum advice and supporting materials for schools and teachers. Members are aware that, in the light of the repeal of section 2A, the Executive set up a working group to look at the range of materials that deal with sex education. We also asked that group to consider the scope and general content of the package of safeguards. Its report on those initial considerations was made available to all MSPs last month. I was pleased to note that the group concluded that the package of safeguards is sufficiently complete, wide-ranging and robust to meet the concerns about the repeal of section 2A felt by the public, parents and teachers.

The group will continue its remaining work on reviewing existing resources, consulting on changes or proposed new materials and recommending additions or revisions to them. The group will report to the Minister for Children and Education by 16 June. We are committed to making its recommendations available to all MSPs before a final vote is taken on the Ethical Standards in Public Life etc (Scotland) Bill. The group has already signalled that it sees a need for summary guidance for teachers, advice on consultation with parents and a package of advice for parents. Those materials—and any other new or revised materials—will be issued for consultation, and we will not bring the repeal of

section 2A into force until that work has been completed.

We believe that that package of safeguards will ensure that current good practice continues after the repeal of section 2A.

As well as being perhaps unnecessary in the context of the safeguards that I have outlined, amendment 121 is also not competent. The amendment refers to

"pupils over compulsory school age".

That term has no meaning in the Scottish education system.

I turn now to the amendments on the right of school boards to approve policies and to be given specific powers to amend or reject teaching materials. That proposal would lead school boards straight back into a management role at a time when we are seeking to define their role as being supportive of educational improvement. It would give school boards greater powers over curriculum matters than they have ever enjoyed. They would—as a number of members have mentioned—have powers to overrule the head teacher and to vet, amend or reject the teaching materials of individual teachers. As has been mentioned, the amendment reveals a great mistrust of the professionalism and responsibility of our teachers and head teachers.

It must also be remembered that about 20 per cent of schools in Scotland do not have a school board and, because the provision would not apply to them, the amendment would affect Scotland only partially.

What is worse is that the amendment is pernicious. It invites people to seek election to a school board, not out of interest in the overall development of the school or out of support for the school, but simply to secure a majority on the board, which could dictate teaching policy, methods and content for one narrow aspect of the curriculum. I believe firmly that that would create the potential for terrible division and strife in our schools and communities. It would be unwise in the extreme—especially in the context of the safeguards that I have already mentioned and which are the subject of continuing discussion in the Executive.

I turn now to the amendment on the right of parents to withdraw their children from sex education classes. Parents in Scotland do not need a new statutory right to withdraw their children from sex education; they may already do so. There is no question about that. The existing right provides enough protection for any parents who, in extremis, wish to use it. They need not seek election to a school board and they do not have to seek changes in a school's policies, teaching materials or the methods of any class teacher.

I believe that amendment 122 is superfluous. The Ethical Standards in Public Life etc (Scotland) Bill will place a new duty on authorities, across the full range of their functions, to have regard to the value of stable family life on a child's development.

For all the extensive reasons that I have set out in relation to this particular set of amendments, I urge the committee to reject them.

Mr Monteith: Much of my purpose in lodging these amendments was not just to probe the minister's response, but to probe the responses of fellow committee members. There has been a great deal of debate on this issue in the media and in the chamber, although I have to say that the debate in the chamber has been rather polarised, and deaf to what people have said. The purpose of the amendments was to advance the debate, and to establish what people really mean by what they say.

The purpose of the amendment on school boards was to try to provide some reassurance for parents and, indeed, for teachers and head teachers. I found that members' comments showed scant understanding of how school boards work and of who their members are. School boards include teachers and they include head teachers; they are not divorced from the schools.

Part of the thinking behind the amendment was to try to take advantage of the efficient way in which sex education is handled in independent schools. Members will be aware that section 28 does not cover independent schools. How is it, then, that parents do not perceive a problem in independent schools? I have discussed that question with parents and they are reassured by the independent governance of the schools. Were they not so reassured, they would move their children away.

In amendments 106 and 107, taken together, I have attempted to give the governance of schools a degree of independence in its approach to sex education. I wanted, in a sense, to mirror the reassurance that parents who send their children to independent schools have, and to give that reassurance to parents at state schools. There is no evidence of which I am aware—I would be interested to see any—that there is a problem with sex education in independent schools. There is no evidence of which I am aware of elections being held for boards of governors on the basis of what might be taught on sex education in independent schools.

I have found support for my amendment as far as school boards' rights are concerned from the Scottish School Board Association and from individual school board members. I do not,

therefore, believe that the amendment is lodged in isolation. I suggest that the way that school boards in the state sector are constructed means that they are even more representative of parents than most of the independent schools' boards of governors.

11:30

Many independent schools' governors no longer have children at school and they have not been pupils for some considerable time; state school boards are composed primarily of teachers, head teachers and parents, with some additional co-opted members. I therefore see no difficulty in extending those rights to existing school boards, and I do not believe that that would have the detrimental effects that some members or the minister suggest.

On amendment 107, it is our and the Scottish Parliament information centre's opinion that there is not a legal right to withdraw children from sex education. We seek to introduce something that I accept is common and good practice, making it a legal right. There has been some attraction to the principle of the amendment, particularly from Mike Russell, but there seemed to be concern that it was badly worded, was incompetent or went too far. As I said earlier, the amendment was based on the existing section, dealing with religious education. It sought to give similar rights with regard to sex education.

On the intervention by members on this issue in the past, in lodging their own amendments, even amending my amendment—that has been done before to other members' amendments—the silence is deafening. I hear myself being accused of making this a political football; yet, in my attempt to develop this discussion and to find out what reassurance we might find agreement on, I see no amendments from any other members—due, I am sad to say, to party political point scoring.

I would be happy and interested to return with a similar amendment at another stage, which might achieve the legal rights that I have spoken of, if there is cross-party agreement, as Mike Russell indicated there just might be. If there is a possibility of doing that, and if members think that there is something in any of my amendments, all they need to do is speak up, rather than wait until the debate. The amendments have been lodged since the recess, I remind members. Members should speak up, or contact me, and seek to—

Mr Macintosh: We all spoke.

Mr Monteith: Yes, you spoke here. I meant speaking up in advance. Some of the amendments have been lodged since before the recess, and I would have been quite agreeable to taking consideration so that we could find a joint position.

I will now move on to amendments 121 and 122. I am very interested to hear all the members, particularly Labour members, speak on amendment 121, and I would like to clarify my position on statutory guidance. The amendment does not seek to introduce that. Its wording is "shall have", not "must have". "Shall have" is borrowed from section 12, which, as the minister himself explained at committee only last week, ensures that its provisions are not statutory.

The minister will recall that I introduced an amendment at the last meeting to delete the whole of section 12 because I was concerned about the statutory guidance powers that the minister might take. He reassured me that he was not taking statutory guidance powers, so I would have thought that we would have been comfortable with the words "shall have" as meaning that there is no statutory intent.

Nicola Sturgeon's comments on subsection (1) of amendment 121 may be worth developing. Subsection (2) clearly sticks in the craw of Cathy Peattie and a number of other members. I remind members, if they were not aware of this already, that amendment 121 is based on the amendment that was brought forward in the House of Lords by Baroness Blackstone, the Labour peer. As I said at the outset, this is a probing amendment, which attempts to find an area of agreement. Today we have discovered that the Labour members of this committee object to what is being proposed in England. That represents some advance in the debate.

I reassure Karen Gillon that I am trying to find a solution that will reassure parents. My parents were divorced and my sister was brought up mainly by a single parent. I have every sympathy for people in that situation. I noted that, with the exception of the minister, members did not comment much on amendment 122, which may be developed further in discussion between members of this committee or the parties. I am happy not to press the amendments to a vote at this stage, to allow further discussion aimed at finding areas of agreement between the parties that will ensure that the debate moves forward positively and that Scottish parents are given the reassurance that they want.

Nicola Sturgeon: We have discussed these amendments for 40 minutes and it is only fair to the committee and those members of the public who are present that we should make a decision on them. I think that they should be moved and a vote taken on them.

The Convener: I think that that would be helpful, as it would ensure that people were clear about the committee's view on the amendments. It

would be unfortunate if Brian Monteith decided not to press them to a vote at this stage. Is that still your view?

Mr Monteith: It is still my view, because I wish to protect my position for debate at stage 3.

Michael Russell: Precisely.

The Convener: Even if amendments 107, 121 and 122 are not moved by Brian Monteith, it is open to members of the committee to move them, so they can still be voted on.

Ian Jenkins: I will move all the amendments.

The Convener: You can do so as we come to them.

Ian Jenkins: Sorry.

The Convener: I will keep you right.

Ian Jenkins: Good girl.

The Convener: The question is, that amendment 106 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

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

AGAINST

Karen Gillon (Clydesdale) (Lab)
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
Fiona McLeod (West of Scotland) (SNP)
Mrs Mary Mulligan (Linlithgow) (Lab)
Cathy Peattie (Falkirk East) (Lab)
Michael Russell (South of Scotland) (SNP)
Nicola Sturgeon (Glasgow) (SNP)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 106 disagreed to.

Section 24 agreed to.

Section 25—Vacancies for parent members of School Board

Amendment 118 not moved.

Section 25 agreed to.

Schedule 1 agreed to.

Sections 26 to 28 agreed to.

After section 28

Amendment 107 moved—[Ian Jenkins].

The Convener: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

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

AGAINST

Karen Gillon (Clydesdale) (Lab)
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
Fiona McLeod (West of Scotland) (SNP)
Mrs Mary Mulligan (Linlithgow) (Lab)
Cathy Peattie (Falkirk East) (Lab)
Michael Russell (South of Scotland) (SNP)
Nicola Sturgeon (Glasgow) (SNP)

The Convener: The result of the division is: For 1, Against 9, Abstentions 0.

Amendment 107 disagreed to.

Amendment 121 moved—[Ian Jenkins].

The Convener: The question is, that amendment 121 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Karen Gillon (Clydesdale) (Lab)
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
Fiona McLeod (West of Scotland) (SNP)
Mrs Mary Mulligan (Linlithgow) (Lab)
Cathy Peattie (Falkirk East) (Lab)
Michael Russell (South of Scotland) (SNP)
Nicola Sturgeon (Glasgow) (SNP)

ABSTENTIONS

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

The Convener: The result of the division is: For 0, Against 9, Abstentions 1.

Amendment 121 disagreed to.

Amendment 122 moved—[Ian Jenkins].

The Convener: The question is, that amendment 122 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Karen Gillon (Clydesdale) (Lab)
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
Fiona McLeod (West of Scotland) (SNP)
Mrs Mary Mulligan (Linlithgow) (Lab)
Cathy Peattie (Falkirk East) (Lab)
Michael Russell (South of Scotland) (SNP)
Nicola Sturgeon (Glasgow) (SNP)

ABSTENTIONS

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

The Convener: The result of the division is: For 0, Against 9, Abstentions 1.

Amendment 122 disagreed to.

The Convener: I suggest that we take a five-minute break. We are running a bit late, so I ask members not to delay too long.

11:42

Meeting adjourned.

11:52

On resuming—

The Convener: We come to amendment 119, which will be debated on its own. I ask Fiona McLeod to introduce and move it.

Fiona McLeod: Thank you, convener.

It is nice to be able to discuss an amendment that would bring positive benefits to every pupil in Scotland, especially at secondary schools, equipping them with skills for all life events.

Last week, we heard oral evidence—I have since received written documentation—from the Scottish Library Association that clearly shows that school libraries with qualified librarians can provide pupils with lifelong skills such as information retrieval, helping them to locate information and enabling them to assess it and apply it appropriately. School libraries can provide pupils with the skills to present information to support a case they are making, be it in their school work or later, in other areas of life.

I confess to watching the Labour party political broadcast last night. One of the highlights was the Government's commitment to ensuring that every pupil leaves school with information and communications technology skills.

When we consider the current consultation paper on the national priorities and targets for schools in Scotland, we can see how important it is that we equip our pupils not just with information technology skills, but with the other information skills that I have mentioned: children need to be able to handle and retrieve all kinds of information, in print, on computer or in any other format.

I hope that the evidence members heard last week convinced them that libraries have a vital role to play in delivering those lifelong skills. The library is a cross-curricular department of the school. No matter what subject is being studied, the library can equip people with information skills to further their study of that subject. It also gives vital support as education moves to more supported study and self-directed learning by pupils. The Parliament's and the Government's commitment to that agenda must be shown by ensuring that every pupil in secondary school has access to a properly resourced school library managed by the professional—the librarian—who can deliver that service.

This issue affects every pupil of every ability. We are not just talking about supporting folio work at standard grade or more detailed work at higher still. We should start as early as possible to ensure that every pupil of every ability masters the essential information skills for life.

When I was a school librarian, my school roll was 649. I was the only member of staff, apart from the head teacher, who saw every pupil. The school librarian instructs every pupil. It is important that we recognise the professional role of qualified and chartered librarians. We have a four-year degree structure and a professional accrediting body. We have the professional skills that are needed to manage the resources in a school library; to present those resources to every pupil; and to provide user education in the lifelong skills that I mentioned. Increasingly, the school librarian provides the management of resources for other members of staff in the presentation of the curriculum to the staff.

Last week, we heard about the costs of providing a school library for every secondary school. The costs are minimal—I think the figure that was quoted was £400,000. In trying to work out how small a proportion of the overall education budget that is, I get lost deciding how many nothings to put after the decimal point. Providing a librarian for every secondary school would not be achieved in one year—there would not be a £400,000 one-off charge to the Executive. Phasing in school librarians to manage libraries at the 30 secondary schools that do not have a librarian in post can be done at a total cost of £400,000.

I remind the committee that the Convention of Scottish Local Authorities supports the provision of school libraries. Members will have received a copy of the document on standards in school libraries, which was produced by COSLA and the Scottish Library Association.

Finally—I hope that this is not taken too personally—I remind the minister that he is the honorary president of the Scottish Library Association. I expect him to support the profession that he wishes to represent in an honorary capacity.

I move amendment 119.

Michael Russell: I am sure that if he does not support the amendment, the minister, being an honourable man, will take the honourable course.

The evidence we have heard was particularly impressive on two counts. One is the modest cost, to which Fiona McLeod referred. Many of us had believed that the provision of school libraries was already a statutory duty with some force of law. It is long overdue that it should be. The big question would be whether it is affordable. The answer is an emphatic yes. That would be a modest cost to

achieve significant progress in raising the standards in Scotland's schools, as the title of the bill suggests. I hope that the minister will be sympathetic to the amendment. It is always possible for ministers and civil servants to find technical reasons why the wording is in some sense deficient. If it is deficient in any way, I hope the minister will give an undertaking to come back with a wording that is appropriate for the purposes of the bill.

The second strong reason to support the amendment—Fiona McLeod touched on this—is that the role of school libraries is not simply to support children in their learning, but to co-ordinate and marshal resources in schools. We need a professional to undertake such a task. That is an increasingly large and complex job that must be done professionally, particularly if the best information resources are to be brought to bear upon education in the school.

It is very difficult for many schools to imagine how they might operate without a professional assisting, advising and marshalling resources. In those circumstances, the argument for the amendment is very difficult to refute, the evidence has been conclusive and it would be a small, but significant step if the minister were able to give a commitment to accept it during stage 3 consideration.

12:00

The Convener: Obviously, minister, you will have heard the support for school library provision in the evidence the committee heard last week. One of the issues that need to be resolved is that of schools that do not yet have library provision. Those schools have an educational disadvantage that needs to be addressed. I would be interested to hear your comments on how we can give children in those schools the same advantages as children in schools that currently have a library facility.

Ian Jenkins: I would like to speak in support of school libraries. I do not know about the technicalities of the amendment, but what Fiona McLeod said about school libraries is true. What the convener has said about the disadvantage to children in schools without libraries is also true and the potential for a school library and librarian to be a powerhouse in school education is immense. There are good school librarians and ones that are not so good.

Fiona McLeod: Like teachers?

Ian Jenkins: Absolutely. I do not pick out school librarians in particular. I say simply that they have a pivotal position and that a well-run library is a fantastic asset to a school. I wonder about the librarian having absolute job security under the amendment, when principal teachers of English do not, even under the millennium review. Apart from that, the amendment is on the right lines.

Cathy Peattie: To echo your comments, convener, I would say that we are all very supportive of librarians and value the work that is done in schools, not only with pupils, but with the wider community. I would like to hear the minister's views, because a few schools do not have librarians and it is important to have that hook to bring the children into the library.

Peter Peacock: I commiserate deeply with Fiona McLeod on watching the Labour party political broadcast. I missed it, although I have occasionally seen an SNP broadcast—I have never been noted for my taste in films.

I should declare an interest, convener. Having held the positions of honorary president of the Scottish Library Association and chair of the Scottish Library and Information Council, I am obviously very sympathetic to the library cause. I fully recognise that school librarians and school libraries play a valuable role in supporting pupil education. In general, we take the view that local authorities should decide on the best way in which to support learning in each of their schools. I am confident that librarians will be a central part of that and I will encourage that approach.

Last year, COSLA completed a report on the standards for school library services. The report is important in setting out standards for the future of library services in schools and will provide a major spur to local authorities to make progress on that issue. Indeed, I am happy to place on record my encouragement of that. It is important that authorities carefully consider those very full recommendations. As Fiona McLeod said, alongside the traditional library services that we have mostly come to expect and enjoy in schools, the development of ICT will provide an important opportunity for local authorities to widen the role of libraries in schools.

Our general objective is to encourage the school system to focus on outcomes for pupils in terms of skills and knowledge, not on particular inputs, which is a theme of the current consultation on national priorities under the bill and in the schools code. In such a context, I do not think that a statutory obligation is appropriate; it could well have the perverse effect of constraining how schools and authorities respond to develop the service over time. Although I note the amendment's requirement to consult on the library service—the committee is aware of the extent of consultation that is required on all aspects of schools—I do not think it appropriate to set out in statute how local authorities should consult on specific parts of the education service in every school.

We do not require statutory obligations for other forms of provision such as gymnasiums, games halls, swimming pools, the use of ICT or drama or music spaces. As set out in the bill, the inspection of authorities and schools—which the committee has already approved—will play an important part in encouraging the proper type of support for pupils, which should address the concerns that others have raised. If an inspection of an authority showed that, as a matter of policy, the authority was not providing adequate library services to meet the support needs of its pupils, I would expect that to be raised in the inspection and acted upon by the local authority. That creates an important new dynamic in the system to tackle the problem that you have mentioned, convener.

I believe that any deficiencies that were discovered by an inspection would be reported and acted upon. Equally, if an individual school inspection found that the support needs of pupils were not being adequately met, I would also expect that conclusion to be reported and acted upon. The new code of practice for school inspections—which the committee has already approved—will provide an opportunity to address matters concerning the school library service and school inspections. I hope that the code of practice will contribute significantly to filling the gap that has been identified and to tightening up procedures without artificially constraining the school or setting a precedent for school library settings such as does not exist for any other part of the school.

Although there is no lack of commitment to ensuring that school libraries act as a significant and important resource for pupils across the school sector, we do not believe that prescribing this particular aspect of school provision in statute, when no other aspect is similarly prescribed, is an appropriate way forward. That is particularly the case in light of the COSLA report, the local authority inspections—which create a much wider policy framework for examining these matters—and the code of practice on school inspections. For those reasons—and with the genuine desire to progress this issue—I invite Fiona McLeod to withdraw her amendment.

Fiona McLeod: The minister said that there is no reason to create a statutory obligation for school libraries because that would make them different from other aspects of the school setting, such as gym halls and swimming pools. Someone will have to put me right as to the date, but I am sure that legislation in the 1940s stipulated that every new secondary school had to be built with a school library. There is an existing statutory obligation to provide a physical school library. I am sure that the committee must have been convinced by last week's arguments that it is a waste of money to provide a physical library room without the professional staff to ensure that resources are fully exploited.

The minister talked about output skills. It is not possible to ensure the outputs if there is not a professional member of staff to ensure that children learn the skills that will be counted as outputs. The minister talks about general encouragement. We do not leave it to a local authority to employ the person it thinks best to teach English or physics; we say that the person must be registered with the General Teaching Council because that will ensure a standard of education for every pupil in that teacher's class. Only by following the same route with school librarians is it possible to ensure that every pupil receives the appropriate education from the appropriately qualified professional, and is protected by the appropriate safeguards that go with that professional's qualification.

We know that when local authorities are inspected for provision of school library services, some of them will come up short. The 30 schools that lack secondary school librarians are concentrated in, I think, just two authorities. When the report of the inspections in those two authorities says that they are not providing a decent library service, how can we, without statutory powers, ensure that those two authorities come into line with the rest of Scotland? How can we ensure that all their pupils have the same advantages as pupils in the other 80 per cent of schools in Scotland?

The minister spoke about the new code of practice for school inspections. School libraries will have to be addressed. I hope committee members remember that, when the chief inspector of schools came to the committee to give evidence—much of which we were dissatisfied with—one of the glaring omissions was that he had no knowledge of the COSLA standards for school library services. He had no knowledge of the framework for "How good is our school?"

We must recognise that although we use good words, without a statutory basis we cannot ensure that every pupil in Scotland will have access to a professional level of education. We are not talking only about information skills to get pupils through school so that they can get their standard grades and their highers: we are talking about lifelong skills. The committee is committed to lifelong education. Without a good grounding in information skills, pupils will suffer not only in their education but in all areas of life—for example when they go to the social security or when they look up a bus timetable. There are essentials for getting through life that require access to, and use of, information skills to support people's individual needs.

Peter Peacock: Ian Jenkins rightly made the

point that giving statutory protection to one group of staff in a school but not to others seems anomalous to say the least.

I will try to pick up on as many of Fiona McLeod's points as I can. I do not want to give the impression that I am giving a general encouragement to authorities to consider the question of libraries: I am actually giving a specific encouragement. We know that schools require a range of learning support systems. We are increasingly considering ways of developing such systems, both in and around the school, supporting learning, homework and so on.

We fully recognise the importance of libraries and the skills of librarians. Over time, those skills will become much more important as ways of learning change and as more support is given for individual learning. Do not underestimate the degree to which we want those skills to be underpinned and secured.

When an inspector makes a report that contains recommendations and draws attention to shortcomings, invariably—and I mean invariably—the school, with the support of the local authority, will address the matter. The school inspection process is followed up some months later to ensure that the actions that have been recommended have been carried out. I do not know of anywhere where that has not happened.

An inspection has significant force. That is the best way to address the issue. Where there is a deficiency in the support mechanisms for learning—libraries are crucial to that—provided by the local authority, I would expect it to be acted on. I note the comments about the chief inspector of schools not knowing about the COSLA report when he gave evidence. He knows about the report now and is fairly clear what I think on those matters. I believe that the codes of practice provide the right way to firm up the position and to achieve Fiona McLeod's aims without prescribing in statute just one aspect of school provision. We are not seeking to be unreasonable about the matter, but we want to be consistent in the way we allow authorities to design the best packages for their schools.

12:15

Because of the advent of information technology, we are experiencing the period of greatest change society has ever known. We cannot know the full implications of that change. The library world is responding to the challenge in a variety of ways. At this stage, prescribing particular ways of meeting a current need is not the right approach; we can achieve the same objective through other means. The mechanisms that I have mentioned will be very powerful in addressing such questions.

Fiona McLeod: The minister suggested that the amendment seeks to enshrine libraries in statute—separate from everything else. Rather, the amendment seeks to ensure that all pupils throughout Scotland have access to the appropriate level of information provision, supplied by a professional. We would not be happy for a local authority to appoint physics or biology teachers without all that GTC registration implies. The same should apply to a school librarian.

The Convener: The question is, that amendment 119 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

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

AGAINST

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

The Convener: The result of the division is: For 3, Against 7, Abstentions 0.

Amendment 119 disagreed to.

The Convener: We come now to amendment 120.

Mr Monteith: I lodged amendment 120 to clarify the minister's attitude towards introducing at stage 3 an amendment that might achieve similar aims. From the evidence the committee has heard and the letters that we have all received, the minister will be aware that some schools that are currently independent from the state sector, such as Steiner Waldorf schools, would like to be considered as part of the local authority structure and maintained in the state sector. The amendment seeks to encourage that possibility.

It has been put to us that there is a belief that local authorities already have adequate powers to initiate or take over the running of schools that have a different curricular approach; it has also been put to us that local authorities are reluctant to use such powers without a clear steer from the Executive that that would meet with its approval and that some of the obstacles that may be in their way might be addressed. In particular, committee members will be aware of problems that might surround aspects of General Teaching Council registration for teachers in independent schools and Her Majesty's inspectorate of schools' attitude to a different curricular approach. The Steiner

Waldorf approach to the five to 14 curriculum is different but coherent. No doubt further work can be done on the inspection process to ensure that schools with a different curricular approach can become part of the main stream.

I am interested to find out whether the minister believes further legislation might be helpful and, if so, whether he might be willing to work to find some resolution that, while it would not place a duty on local authorities to move towards maintaining such schools in the state sector, indicated that they are permitted to do so and can proceed with ministerial support, particularly in Edinburgh and Aberdeen, where two of the larger Steiner Waldorf schools are.

I move amendment 120.

Nicola Sturgeon: I do not have much to add. My mind is far from made up on this point. The purpose of the amendment is to allow us to hear the minister's views. I would not want there to be a duty on local authorities to maintain schools that follow a different curriculum to local authority schools, nor would I like to give the impression that I was advocating any brand of schooling. However, there is too little scope for diversity in the education system at the moment and an amendment of this type might allow greater diversity.

I want the minister to comment on something that Douglas Osler said at a previous meeting. He told us that schools under local authority control were already free to depart from five to 14 guidelines if they could deliver education equally effectively in different ways. It would not be an exaggeration to say that that comment was ridiculed by other witnesses who appeared before the committee. I would like the minister to tell us whether he thinks that Mr Osler was right and whether departure from the five to 14 guidelines would be allowed or condoned by the inspectorate.

Ian Jenkins: Although I do not like the amendment, I am in favour of the ideas behind it. We could benefit from a consideration of other ways of doing things in education. I am interested in the idea of an education that has a different philosophy from that which is found in mainstream schools. I think that it would be useful to examine such teaching methods under conditions in which they had the backing that allowed them to function properly.

In the same context, I wonder about home education. Scottish education has tremendous variety in its schools, but there should be a place for people who do not want to be part of the monolithic national system and that place should not be hamstrung by the fact that it receives no support. I wish that we could give such organisations a bit of support without appearing to fragment the system. I am not talking about schools that are trying to produce academically better pupils, but schools that have a different philosophy. It would be a pity if we could not allow them a bit of leeway.

Peter Peacock: I am grateful for the explanation that Brian Monteith and Nicola Sturgeon have given for lodging the amendment. I stress that diversity in education to meet the needs of individual children is to be welcomed. In one sense, the purpose of this bill is to give individual children the right to education. That means that we should put the interests of the individual child at the centre of what we do. However, in the current legislation there are no restrictions on authorities providing school education with alternative curricular structures or teaching methods.

In addition, the effect of amendment 120 would be very broad. It is not limited to the education that is offered by Steiner Waldorf schools—to which, as Brian Monteith has indicated, it is intended to refer—and could require authorities to set up schools offering an alternative curriculum that does not exist and for which there may be little parental demand. I do not believe that the amendment is appropriate, given the powers that already exist.

Under sections 1 and 2 of the bill, the Scottish Executive has set out the broad direction for school education. That will be amplified by the national priorities, which will be identified under section 4 and on which consultation is now under way. Within that framework, it is for local authorities to consider how best to deliver the education service adequately and efficiently, as required by section 1 of the Education (Scotland) Act 1980, taking account of parents' wishes regarding the education of their children and views expressed in the consultations that are required under the bill. In providing their education service, local authorities may decide to operate different types of schools or to purchase places at schools or other education establishments in the independent sector or in other authorities, if they believe that that is in the interests of the children concerned. They are not limited, as the amendment suggests, to one form of education.

Local authorities already have the power to support Steiner Waldorf schools, should they choose to do that. Authorities are already moving towards providing more flexible curricular options for pupils. As part of the alternatives to exclusion programme, for example, units are being established for pupils with behavioural difficulties, while in education action plan areas a number of schools are grouped together to examine particular local needs. Greater diversity is developing. New community schools also offer a

different flavour from existing school education. As the committee is aware, we are promoting specialist schools for traditional music, language, dance and so on, and we would like to take that further.

As Ian Jenkins indicated, although schools are all part of the state system, they are culturally very different from one another; they have different traditions and histories, and offer a variety of approaches within the agreed framework of the state system. The state system should not be represented as monolithic, unchanging and unsympathetic to the needs of individual pupils.

We have also moved towards relaxing the age and stage restrictions for examinations. That kind of flexibility is the way forward in providing child-centred education. It can be achieved through existing legislation. If a local authority took the view that funded places at, for example, a Rudolf Steiner school would not be an appropriate use of resources, given its duty to provide an education service to the whole community, it would be wrong for the Scottish Executive to require the authority to do that against its better judgment.

It is important to remember that, under the current arrangements in Scotland, parents may choose to have their children educated in independent schools or may educate them at home. Where parents exercise those powers, the costs should not fall on the public purse. This amendment could be interpreted as having that effect. As has been mentioned, local authorities can deploy teachers only if they are registered with the GTC, which raises specific matters in relation to Steiner Waldorf schools.

Having given the reassurance that sufficient powers exist, that there is no need for new powers and that we already have a diverse, but coherent, system that rests on consensus about the right way forward for education in Scotland, I urge Brian Monteith to withdraw the amendment

Mr Monteith: I welcome the minister's comments, as they place on record the current position and clarify how local authorities may extend the curriculum. That encourages me to seek to withdraw the amendment. I will consider whether a further amendment is required at stage 3.

Amendment 120, by agreement, withdrawn.

The Convener: I suggest that we break for lunch. We will reconvene at 2.30 this afternoon.

Meeting adjourned at 12:29.

14:35

On resuming—

The Convener: Item 3 on today's agenda is a discussion on the education budget, so it is my intention to draw the debate on the bill to a conclusion at about 4 o'clock to allow us time to discuss the budget. Karen Gillon's paper has been circulated; Karen has to leave by half-past 4.

We start with amendment 123, which is taken on its own, and I ask Karen to introduce it.

Karen Gillon: The purpose of amendment 123 is to contribute to the aim of raising standards by maximising parental participation in and support for schools. Its effect would be to underpin the level of parental participation being sought under section 6 of the bill.

As committee members know, in its stage 1 report, the committee said:

"whilst school boards have an important role to play in involving parents, there is a role for others which is complementary to this."

According to the report, the Executive's position is that

"school boards must be seen in the context of a wider strategy to involve parents in schools and . . . this was only one strand of the ways in which schools will seek to involve parents."

In 1998, there was a major consultation exercise on parental involvement in children's education. A report was produced, entitled "Parents as Partners", which found that although parents wish to be consulted on key issues, they do not always want to manage schools. I understand that the Scottish Executive is pursuing a range of strategies to improve parental involvement. Local government is represented on the strategy group, which is developing the Executive's commitment to a national planning forum on parental involvement in school education.

While no one disagrees with the premise that parental participation is essential to the effective delivery of school education, the provisions in the current legislation, which rest largely on school boards, and the new requirement in the bill that parents should be consulted about school development plans, are not enough. The new section will put beyond doubt the need to involve parents more generally in school education matters.

By placing a general duty on authorities and thereby schools, diversity can flourish and good practice can be developed and shared. School boards have a key role in involving parents and representing their views. That should be reflected in the training provided for school boards and in the work that the boards do to promote

participation of all parents as part of the overall drive to secure continuous improvement in the quality of education.

The proposed new section would address the concerns raised by the committee about the promotion of general parental participation where a school board has not been established in a school. There was a general view that we wanted to see parental participation extended beyond those who traditionally have become involved in school boards. In my previous job, it was my experience that those parents who are more socially excluded do not tend to become involved in school boards because of their authoritarian nature and their committee structure. We need to consider ways of involving a greater number of parents in their children's education. For that reason, I hope that the amendment will be accepted.

I move amendment 123.

The Convener: It has been pointed out that this room is particularly warm and stuffy. Nobody should feel constrained. Please remove your jackets if you wish. Unfortunately, we cannot open the windows because of the noise outside. I am sorry, but there is nothing that we can do about that.

Cathy Peattie: I support Karen Gillon's amendment. Parental participation is important, and it is sometimes easy to decide that a school board constitutes parental participation. As an ex-founder member and convener of a school board, I think that school boards are important, but they are not the be-all and end-all of parental participation. The biggest challenge for the bill, and for this committee, is to get parents through the school door who feel that the school belongs to them and their communities. Parents sometimes feel that they do not have a voice, as it is difficult for them to come to the school. There must be a climate in which parents are encouraged to come along.

We took evidence from Stirling Council and COSLA, which were very positive about different approaches to parental involvement. Local authorities should be encouraged to consider appropriate parental involvement for their areas. If going into a school is an alien concept to parents in an area because of the culture and where they have come from, different approaches must be taken, as such areas often do not have school boards. As Karen Gillon says, it is important that we consider other models of participation and what is appropriate in different areas.

HMI should consider how parental participation can be measured, so that it is not paid only lip service. All too often, we hear comments such as, "We have spoken to the parents, and they are fine." It is sometimes difficult to pin down what has been done. It makes sense to include a section in the bill about parental participation, to acknowledge that it is not just a matter of consulting school boards, although they are important. If we are serious about getting parents through the doors, we need to support local authorities in coming up with appropriate measures to do that, accepting that different areas will have different approaches.

Mr Macintosh: I speak in favour of Karen Gillon's amendment. The amendment is in keeping with the tone of the bill, which encourages greater participation of parents and families in the education process. The Executive should be able to accept the spirit of the amendment, and I shall be interested to hear the minister's response.

One of the minister's earlier comments was quite revealing. He pointed out that 20 per cent of schools do not have a school board, which shows the failings in the school board system, in spite of its advantages. We should also not forget the parent-teacher associations, which exist as an alternative mechanism.

Whatever mechanism we use, we should be reaching out to parents and encouraging them. Because of their own experiences of school, or for whatever reason, many parents have little contact with schools. We have all seen evidence of the fact that their children's education, and the education of the whole community, suffers because of that. We should encourage local authorities to take a proactive role in seeking the views of parents, and should consider including that in the legislation.

Ian Jenkins: Great strides have been made in bringing parents into schools. I cannot remember my parents ever being invited to come to school—of course, I was a good guy and no trouble. There are now parents nights, parent-teacher associations, statutory school boards and opportunities for parents to respond through homework diaries. The movement is generally growing. The problem is that, as Cathy Peattie said, some parents are scared of school and do not want to cross the threshold. We need to make it easier for them. The principle of parental involvement is right, and Karen Gillon's amendment is correct in promoting it.

14:45

Mr Monteith: Perhaps I am being unfair, but I challenge Mr Macintosh to lay the blame at those failings in the system that are responsible for the relatively poor participation level—only 70 per cent of schools have school boards. I am minded to support the amendment.

Karen Gillon: There must be something wrong

with you.

Mr Monteith: My support may be dangerous territory for Karen Gillon; she may have to withdraw the amendment all of a sudden. Before I make a decision, I will be interested to hear the minister's comments. There is a problem with the relevance of school boards, especially given their lack of real power, although I accept that surveys show that school board members are shy of taking on more power, particularly when they are untrained. A great deal more needs to be done on this.

I agree with Cathy Peattie, although I will make a different comment. There is a culture of people feeling unsure about putting themselves forward for school boards. They are perhaps intimidated by the education jargon and the fear that they may be made fools of because they are not part of the education establishment and have to come to grips with the way in which it is managed. I would like to hear from the minister whether the amendment would create an alternative route, or a third way, for local authorities to involve parents. I ask that out of curiosity; there is nothing mischievous in it. I am trying to explore the limits of the amendment. There is already a great deal in the bill about enhancing and clarifying the role of school boards, so I am not sure exactly how the amendment fits. No doubt the minister will have a view on that.

Fiona McLeod: I would like to ask Karen Gillon a few questions. When I first read the amendment, I understood that its provisions were already covered by sections 5, 6 and 7. Why do we need a separate provision for parents? As an aside, I should add that pupils are not included in two of those sections.

My other concern is the use of the phrase

"parents of children attending that school".

Would we need to widen the scope, so that guardians of children at a school can be involved? We do not want to get into discussions along the lines "You are not a parent, so you can't be here".

Ian Jenkins: I will tell a wee story about the inspections that we had when I was on a school board. We gave a questionnaire to parents, and out of nearly 100 responses four said that there was too much homework in the school and four said that there was not enough. The inspectors made a big point of that and said that there was something wrong with the homework in the school. I do not know what you are supposed to do if some say there is too much and some say there is not enough. We have to be careful how we respond to consultations. We are talking about something wider; we are talking about getting people in and talking.

The Convener: There is one point that I want to add, minister. When we heard evidence, one of the points that was put to us was that school boards and parent-teacher councils are fairly formal arrangements; sometimes parents do not feel that they have the time or the ability to become involved. However, on specific issues that might arise in the school management process, there has to be some way of ensuring that there is wider consultation with parents. How can we take that forward, so that parents have a say when it is appropriate for them and their children without being tied in to the school board? That brings us back to what Brian said about the possibility of a third way of involving parents in schools.

Peter Peacock: As the committee is aware, we regard the involvement of parents in their children's education as extremely important; indeed, it is of growing importance. One of the major themes to develop out of the pre-legislative consultation and the discussions on the bill has been the significance and the potential of parents' involvement in their children's education, which can help to improve attainment levels and to engage children more fully in the school process.

There is recognition on our part—and, as a result of the consultations, on the part of a wider range of people—that defining parental involvement in terms of school boards has been a narrow approach. A much wider repertoire of measures can be used to involve parents. The Scottish Parent Teacher Council in particular has argued for the need to widen the range of opportunities for parents to become involved in the life of schools and in their children's learning, and to understand much more widely what a school is about and how they can become part of the process.

The national priorities consultation paper, which is now out for consultation, picks up some of the provisions in the bill to allow national priorities to be struck on important issues in education. Engaging parents in their child's learning is a theme in that national priorities consultation. In future, we wish fully to explore and develop parental involvement. In fact, we have a parental strategy group looking at the practical mechanisms and opportunities for involvement across the school system. The group includes, among others, the Scottish Parent Teacher Council, the Scottish Consumer Council, the SSBA, COSLA and the Association of Directors of Education in Scotland, which are trying to help us to understand more fully the opportunities that are available and how we can more fully engage parents in the learning and school processes.

We have allocated something like £5 million from the excellence fund in each of its three years to support the role of parents in their children's

education, particularly by assisting family literacy schemes and by expanding the provision of home-link teachers across Scotland. I have visited more than one school with home-link teachers; I have been struck by the fact that the targeting of a specific resource can engage parents much more fully in their child's learning. Moreover, the parents have had the opportunity to learn and to go into further or higher education to develop their own skills. That is a means of breaking into the cycle of uninterest in education and of helping children and, in turn, adults as well.

The scheme from the excellence fund is targeted particularly in areas of deprivation, and chiefly on the parents of children in the three-to-six age group. On top of the work that Ian Jenkins said is already taking place in the early-intervention programme, a number of local authorities have already implemented the scheme and have involved parents in the life of their schools. Where that is the case, resources are being used to develop complementary schemes for parents of older or younger children.

As Fiona McLeod said, section 5(2) contains a new duty on local authorities to report on what they are doing to promote the involvement of parents in their children's learning. That is a symbol of how seriously we take this matter. That reporting duty has been imposed in the expectation that authorities will publicly account for what they are doing to engage parents.

Having said all that, and having been encouraging, I am concerned about the breadth of Karen Gillon's amendment. Section 5(2) requires a local authority to provide

"an account of the ways in which the authority will seek to involve parents in . . . the education of their children."

That is a narrower and more focused term than Karen uses in her amendment. Her amendment aims to involve parents in "school education". That might include school management issues, which is the point that Brian Monteith alluded to. From what Karen has said, I am not sure that that is the intention behind her amendment. She is looking for a much wider repertoire of ways in which to involve people in the school process.

However, I have heard the points that Karen Gillon, Cathy Peattie, Ian Jenkins and other committee members have made. We want to push this agenda forward and find the optimal ways of engaging parents in the school process, so I offer to work with Karen and colleagues between now and stage 3 to see whether we can find an acceptable amendment that addresses the points that she is seeking to make without by accident creating a duty on a local authority to find alternative means of providing school boards or of dealing with school management issues. On that basis, I invite Karen Gillon to withdraw her amendment, with the assurance that we will look for an alternative with her consent.

Karen Gillon: I agree with Fiona McLeod's point about parents and I accept that amendment 123 may be badly worded. We must be careful not to exclude anybody, and there are many grandparents, foster carers and adoptive parents who, as legal guardians, have responsibility for children's education. It would be worth while redrafting the wording.

On sections 5, 6 and 7, it is important to include a wider statement about rights and responsibilities. People have a right to be involved in their children's education, but that entails a responsibility on parents or guardians to play a role in homework support, in school activities and in other aspects of a child's education.

I was encouraged by Peter Peacock's positive statements on home-link staff, who are a valuable part of the education team. I would like those authorities that do not have home-link staff to consider employing them, as their work benefits children's learning and can also help to involve adults who may have had bad experiences of education during their time at school. Given Peter's assurance that he will introduce an amendment at stage 3 that takes on board Fiona McLeod's point about guardians, I am happy to withdraw amendment 123.

Amendment 123, by agreement, withdrawn.

Section 29—Provision of education for pre-school children etc

The Convener: I call Ian Jenkins to move amendment 67, which will be debated on its own.

Ian Jenkins: Amendment 67 tackles a problem that affects many people. A child who is born in February will become eligible for educational support when he or she reaches the age of three. After Easter in the year in which they reach that age, such children are eligible to enter what I shall call a playgroup, to distinguish it from nursery school, for the three months until the summer holidays. In the August, they will begin a year in nursery school, after which, at only four and a half, they are expected to go to primary school.

A child who was born in November, six months earlier, would have three full terms in playgroup before entering the same nursery school for a year and then going on to primary school at the age of almost five. The child who is four and a half will have had one year and a third of pre-school education and the child who is five will have had two years. The child who is four and a half will be entering primary school less mature and with less support than the older children. People who have been the youngest pupils in their class often find it

difficult to catch up, and that may continue for years.

A parent should be able to say, "My child is only four and a half. I would like them to have a further year of pre-school education before they go to primary school." The local authority may or may not agree to that. That pre-school provision is not funded by the Scottish Executive and some local authorities will decide to allow it whereas others will not. There will always be some pressure on parents to let children go to school at that young age. I know that some local authorities are willing to allow parents to delay their child's entry to primary school, but the funding causes a problem. The regulations are strange because they depend on the luck of when someone is born.

My amendment would allow every child, if the parents wish it, to have two full years supported financially in pre-school education. I know that there are technical problems about when children would start or stop. There may be difficulties with when parents have to declare that they do not want their kids to go to primary school until they are five and a half. However, the present regulations are complex and inequitable. It does not seem right that the least mature children should have the least support.

The regulations are inflexible and dependent on postcodes. Depending on the local authority area in which they live, some parents may get encouragement and others may not. The rules create difficulties for local authorities, because some people kick up a fuss and are seen as asking for special treatment. Often, a psychologist or doctor is called on to say that the child is immature so that he or she can get the extra year in pre-school education. Otherwise, the child will be forced to go to school at that time.

Those are organisational problems, but there is also an educational argument. There is a movement across Europe that suggests that the age at which children start school in this country may be too early. To force children into formal education even earlier seems rather a dodgy stance. Other amendments concerned the participation of parents in their child's education. This should be one of the places at which that participation begins. An informed decision should be taken by parents and their local authority on pre-school education and the Executive should fund that provision.

I have heard it said that an amendment of this kind would cost a lot of extra money, but I remain to be convinced about that. The kids are already in the system after the age of three and are entitled to support. Going to primary school a wee bit later could allow them to leave school earlier at the other end of their school career. Kids need to be supported. There seem to be strong educational, administrative and financial reasons for an amendment that does what amendment 67 suggests. My amendment may not be ideally worded, but it expresses my point of view. People must feel that they have ownership of decisions about education, and this is where parental participation should start.

I move amendment 67.

15:00

Mr Macintosh: I sympathise with what Ian Jenkins says. I am not entirely sure about the wording of the amendment, but the case that he puts is strong. There is obvious unfairness to the child and the parents, who get less education for their money, as it were, and there may be damage to the children. I have a one-year-old son who will soon be of pre-school age, so I am interested in when children should start formal education.

I would be interested to hear the Executive's views, but it is important that we do not create a system that encourages or forces parents to send their children to school when that could be damaging to those children or not in their best interests. I am not sure about the wording, but I certainly support the spirit of the amendment.

Fiona McLeod: I want to ask the minister whether the arrangements in section 3 could solve this problem. The concerns centre on the very late children, with January and February birthdays, who are causing the most problems. During their pre-pre-school year, those children are not able to start on their third birthday, but have to defer entry until the final term. In some cases, the January and February children tend not to be able to start even after Easter; their chance to enter pre-pre-school is gone and all they get is their pre-school year. Could the problem be worked out through orders? My son is one of the late-in-the-year kids and he started on his third birthday. It was not the beginning of term, but provision was made for children like him to start on their third birthday.

Mr Monteith: Ian Jenkins's amendment, which is well meant, says that children should be entitled to two years of pre-school provision. The current provision for three and four-year-olds at pre-school is essentially part time. I would like clarification from the minister on that.

To provide two years' full entitlement would double the Executive's commitment from part-time provision in the third and fourth year to full-time in those years. If there is a problem for the minister in doubling the resources that are available, would he be willing to accept at stage 3 an amendment that stated that instead of part-time provision being available for three-year-olds and four-year-olds, parents might be allowed to elect to take up full-time pre-school provision for their four-year-olds?

That would use the same amount of resources.

Karen Gillon: I support the sentiment of the amendment, but I am not convinced about its wording. The benefits of pre-school education are clear and I am sure that no member will argue with that, or with the Executive's commitment to pre-school education.

There seems to be an anomaly, however, in that some children get four terms and others get six terms of pre-school education. If pre-school education is beneficial, some children might, therefore, start their formal education with an advantage over those who start their educational life later. We need to examine that.

As Ian Jenkins said, there are cases in which a child is clearly not ready to go to school early. I am involved in such a case at the moment and it is difficult for the parents and the authority. I am sure that it is also difficult for the child, although I have not spoken to the child. The parents believe that their child is not yet ready to go to school.

We must not make decisions based on what is fashionable. A few years ago, early entry to school was the fashion, but there is now a move towards later entry. Whatever we do should be based on the needs of the child and what is educationally best for the child.

I was interested in Brian Monteith's idea about full-time provision for four-year-olds. What that means, effectively, is that the child would be in school from the age of four. I do not think that we should do that—we should engage children in education slowly and at a level that is appropriate to them. It is often traumatic for a child to go into full-time education away from its parents at five years old—I have been there and seen that. Kids will scream and wail. They do not want to be at school, but their mammy leaves them at the door. We should not want that.

We must engage children in education by building up to it through play. It would be a backward step to offer children of four a full-time place in education. They might be placed in education by parents for reasons other than the needs of the child, such as the parents' employment. We must be careful—if somebody wants to pay for child care in addition to pre-school education provision, that is up to them, but formalising full-time education for four-year-olds would be a retrograde step.

I am sympathetic to the amendment in the name of Ian Jenkins. I am not quite sure that it is worded correctly, but the sentiments are right and should be examined.

Mr Monteith: I am a little distressed by Karen Gillon's words, but I am sure that that will bring a smile to her face. I am concerned that her words might accidentally condemn parents who seek to give their children full-time nursery school provision at four years of age, although I am sure that that was not her intention. I will be happy to be corrected.

I want to elicit from the minister whether there will be an opportunity for parents to have a choice. It is not for us to say whether parents' choices are right—every parent must try to make the right choices for their children. Will there be flexibility in the system to allow parents that choice?

I know people who learned to read at the age of three and now speak seven or eight languages. From our earlier discussion, I know that Steiner Waldorf schools prefer children to start formal education later, at the age of six. I do not suggest that either approach is correct, but I want to tease out of the minister an agreement that there should be flexibility in our system.

Cathy Peattie: Much of what I wanted to say has been said. Clearly there are people who choose to put their wee ones into nurseries or school much earlier, because of work commitments or whatever, and it is right that they should be able make such choices for their families. However, I would be concerned if we introduced education for children at the age of four.

As I am a committed pre-school playgroup person, my children were very well adjusted when they went to school after two years in playgroup. They managed fine even though they went in at the age of four and a half. We are talking about pre-school education. Children need to play before they sit down with books in mainstream education. It scares the hell out of me when we talk about teaching languages and so on to four-year-olds.

We need to retain choices and consider the opportunities for children to have two full years. However, I would be concerned if we moved to children starting school at the age of four. Although choices are important, children must come first. Pre-school education is vital to allow children to gain the full benefit of formal education when they start school at the age of five.

The Convener: I supported Ian Jenkins's amendment, as it would give some flexibility. However, there are two major problems with the amendment. The first is the practical issue that several members have mentioned: should children start after Easter and continue for six terms? If they did that, what would they do in the last term? Would they go to school for a term, or would they stay in nursery for a seventh term? As Cathy Peattie said, the social education that children receive as well as the formal education must be taken into consideration when deciding when children should move on to schools.

The second problem relates more to education. Parents often allow their children to attend nursery from the age of three, but it is only when the children are at nursery that they start to develop and show whether they will be able to move on to school or whether they are immature and would benefit from a longer time in nursery school. That question can be addressed only once children have started to attend nursery, when it can be decided by parents, nursery staff and educationists. One cannot delay that assessment—it is a difficult judgment to make.

I appreciate that Ian Jenkins is talking about offering flexibility. One has to consider children individually. In my experience, the education authority was willing to allow children to have an additional year at nursery, when that was appropriate. It was not common and it was not a fashionable decision, but it might have been right for individuals. There has to be some flexibility, but I worry that the amendment might not give flexibility and might add burdens to the present situation.

Karen Gillon: On what Brian Monteith said, I do not condemn any parent who decides to put their child into full-time nursery education. However, I do not think that it is right for us in this country to say that education will start at the age of four.

Cathy Peattie spoke about play. As I carry out my review of sport in schools, I find it striking that staff in primary schools say that children do not know how to play. There are monitors in playgrounds because children find it difficult to interact and play with each other as they have not been brought up to do that—children are brought up indoors with computers, television and videos. Very young children find it difficult to play. We need to examine how we develop play as a form of education. That can be done in pre-school education but not necessarily in formal education.

15:15

Fiona McLeod: In section 29(5), new subsection (4B)(b) refers to

"children who have attained school age but have not commenced attendance at such a school."

That seems to give the flexibility for children to have an extra year of pre-school education. Does it give enough strength to the parent to demand an extra year of pre-school from the local authority?

Peter Peacock: This is an extraordinarily complex matter—the discussion has suggested that that is the case. I will set out in detail our thinking on the matter and will try to address the points that members raised as I do so. I regret that we were not able to clarify our position before Karen Gillon planned her pregnancy. I have worked out the dates and think that things should be okay and that the policy will be clarified by the appropriate time.

I understand the concern that lies behind the amendment. In essence, it is that the youngest children in the system, who are arguably the least mature, potentially have less entitlement to pre-school education than their slightly older, and possibly more mature, peers. The amendment seeks to ensure that children have access to the pre-school education that is best suited to their needs. There has been a lively debate on the matter. I understand the concerns that have been raised and am anxious that we consider the issues further because they need to be examined in more depth than we have been able to do.

At present, a comparatively small number of parents seek to defer the entry of their child to school. There are circumstances in which that is well justified and in the best interests of the child. In such circumstances, a local authority is free to allow a child to defer entry and to fund that deferral. Contrary to what Ian Jenkins hinted, there are resources in the grant-aided expenditure system. There is about £22 million per annum of nursery teaching GAE in 2000-01, in addition to the money for mainstream pre-school provision.

We intend in the not too distant future to put the pre-school grant funding into mainstream GAE and to remove the distinction between the grant funding that is specifically for pre-school education and the funding for education generally. We are currently taking advice on the timing of that change, which would give more flexibility than there is in the system at present and would give local authorities greater freedom to fund deferrals if they wish to do so. Therefore, we believe that there is no impediment in the current system to local authorities funding deferred places, which should be done when a parent and a local authority agree on the need for deferral.

I stress that this is a complex area, in which there are concerns about rights as well as about practical means. I will take those concerns on board. The amendment tries to establish more clearly what the rights of parents are.

I assure members that I have considered the matter and related policy questions in detail over the past few weeks, since debate hotted up and Ian Jenkins's amendment was lodged. With officials, I have explored whether there is a better way to make provision, as Ian Jenkins suggests. The strong advice that I have received is that the drafting of the amendment is significantly flawed and would not achieve its intended outcome.

I think that Ian Jenkins accepts that and realises that the amendment might have unintended consequences. For example, it is not clear about entitlement to pre-school education, or whether

children would be eligible to start pre-school education immediately on their third birthday or in the term after their third birthday. That ambiguity makes it difficult to know whether children would have a greater entitlement to pre-school education. On some interpretations, most children could receive less pre-school education, rather than more.

The amendment could also have the unfortunate effect of requiring a child to leave pre-school education on their fifth birthday, even when that falls during the middle of a term. For example, a child born in March could start pre-school education in the month of his or her third birthday, receive just over one full year of pre-school education and then have no entitlement during the whole school year before he or she starts primary school. A different interpretation is that a child who starts pre-school education in the August after his or her third birthday would have to stop attending on the fifth birthday, before the end of the second pre-school year.

There are a number of complications with the amendment, although I accept that, in lodging it, Ian Jenkins did not intend the interpretations that I mentioned, as he intended to highlight issues of principle. However, there is merit in exploring the issue further.

The advice that I received demonstrates that that area is enormously complicated, for the reasons that I have illustrated, involving birth dates, particular entitlements and interactions with the school system as currently constructed. As members know, section 29 places a duty on education authorities to secure pre-school provision for certain categories of children. Those categories are to be prescribed by order, as Fiona McLeod rightly said. Such a division between primary and secondary legislation is important in this context. The primary legislation sets out the overall policy and the secondary legislation gives further and, in this case, significant, detail. I do not want to disturb those arrangements or principles, but on this occasion the formulation also allows for flexibility, as the order can be amended more easily than the primary legislation.

It seems to me that this is an important opportunity. In other words, it would be possible to progress the matter through secondary legislation, rather than through primary legislation. In so considering, it would be useful to examine the matter much more thoroughly and to involve the key interests in that examination, so that one can develop a shared understanding of the detailed issues. What might arise once the matter is probed in depth would reveal just how complex the issue has become.

That would also allow us to see whether an opportunity exists for an agreed way forward, which might involve, for example, the preparation of much more thorough guidance to local authorities on how to interpret these matters in future. It might also involve using the regulatory powers that I mentioned earlier. I make it clear that I do not rule that out as a way forward, if that is the best way to achieve the outcome that we might all desire.

The resource issues involved need to be fleshed out and understood as we progress the matter. I note that COSLA, in its representations, believes that that outcome can be achieved without additional resources. Speaking as a former COSLA official, I think that that is a refreshing, new approach by COSLA, which I will keep to the forefront of my mind as the issue advances.

To progress the matter, I therefore propose to convene a working group of interested parties—the Executive, local authorities, representatives of parents and others—to examine the issue thoroughly. I will act to establish the working group immediately and will ask it to report to me by September.

I am making a genuine offer to try to open up the debate much more fully and thoroughly. It is a highly complex matter, as I found as I began to consider the arguments over recent weeks. I hope that Ian Jenkins will feel able to withdraw his amendment, on the clear understanding that we want to make progress and that there are devices available to us to do so.

The Convener: There are a couple of questions before I come back to Ian Jenkins.

Cathy Peattie: Does the minister intend to include representatives of the voluntary sector organisations that are involved in playgroup provision in the working party?

Peter Peacock: I am open to people's thoughts on that matter, as I have no fixed ideas. We must get all those with key interests around the table, and if that includes the voluntary sector, I am happy to take Cathy Peattie's suggestion on board.

Mr Monteith: We will see in the *Official Report* the record of the minister's long and detailed response.

For the sake of brevity, am I right in thinking that the minister is making a clear suggestion that the amendment be withdrawn and that no primary legislation is required at this stage? While the working group that he has suggested might have some proposals for orders or secondary legislation, how would the minister react if it were to suggest that primary legislation might be required in one area or another?

Peter Peacock: I do not make this offer in order to find a way out of trying to improve the situation

in due course. I do not rule anything out. However, as Fiona McLeod noted, the secondary provisions are quite detailed, and we are clear that the flexibility that they allow for provides potentially the best way of embedding the issue in statute.

Equally, depending on what the working group comes up with, I do not rule out much more precise guidance on these matters, which might also lead to that improvement. We should allow the debate to run for a while, as these matters are genuinely complex. Everyone should have a mature appreciation of just how difficult it is to prescribe in this area. I do not rule out whatever might be the right way forward, but I want to see the outcome of the debate.

Ian Jenkins: I am grateful to the minister for his comments, and I accept totally the criticisms of the wording of the amendment—I think that I acknowledged those criticisms earlier. I felt that it was a slightly woolly amendment—not that there is anything wrong with wool, which is a fine, natural material that comes from the Borders.

I was aware of those criticisms when I lodged the amendment, but I wanted to get the issue on to the agenda. I have written to the minister several times about particular cases, which drew my interest to the area. I am delighted with the minister's offer of a working group and with the idea that the issue can be resolved by regulation. I am also delighted that the minister has given a limited time scale within which we can expect results. I understand that people have been approaching ministers about the issue for some time—it is not new. It would be nice if we could draw the debate to a conclusion within a measurable time scale.

Brian Monteith just about made my point for me. It seems to me that the record of these meetings is almost more important than the bill, because the minister has taken on some quite big issues, saying, "We will do a bit of this and a bit of that." I think that this issue is one of the most important and significant. I am confident that the minister will produce the goods and, with that in mind, I am happy to withdraw the amendment.

Amendment 67, by agreement, withdrawn.

Section 29 agreed to.

Sections 30 to 36 agreed to.

Section 37—Education outwith school

The Convener: We now come to amendment 124, which is grouped with amendments 125, 126, 127 and 1.

Lewis Macdonald: My purpose in lodging amendments 124 and 125 was to take the opportunity of addressing a weakness in the existing legislation and to allow education authorities greater flexibility in providing education outwith school, where exceptional circumstances make that the right thing to do.

Members of the committee will be aware of a case drawn to our attention, of a family with three children on the island of Auskerry, which is just off the island of Stronsay in the Orkney islands. That family is playing an important role for those of us who want to see the repopulation of Scotland's islands, as it is helping to turn the demographic tide by making a living on that island. However, the family faces the difficulty of the absence of a school on the island and of the absence of safe and reliable transport facilities to allow the children to go back and forward between the islands at weekends during the winter months. While the younger children, who are of primary school age, are mostly being educated at home, the family does not want to opt out of local authority provision. It wants the children to benefit from local authority education, but it is not able to get those benefits at the moment. The oldest child is close to secondary school age and the self-evident difficulty for the parents, who are not professional teachers, is that of maintaining an adequate secondary education.

The amendments are intended to allow Orkney education authority to provide education to the children, by video link or computer-assisted learning, to allow them to continue to benefit from a local authority education, while recognising that for a large part of the year they will not be able to do so in a mainstream school.

Greater flexibility is needed; I believe that amendments 124 and 125 provide that. They address the specific points that relate to the Auskerry case, as does Nicola Sturgeon's amendment 127. They go beyond that a little, in that they allow education outwith school in any special circumstances that would make it unreasonable to expect a pupil to travel to school. They address this case but, I hope, go beyond it and allow other cases—perhaps unforeseen—to be addressed in the same way. Under the amendments, provision of education would be on the same basis as the current arrangements when pupils have long-term health problems.

I hope that the minister will accept the amendments and that they will be welcome in Auskerry and other remote communities. Who knows, if the amendments are accepted, perhaps the second case where they might be of great use would be in permitting the long-term resettlement of the island of Taransay, which would be another step in the right direction.

I move amendment 124.

15:30

Nicola Sturgeon: I support Lewis Macdonald's amendments 124 and 125.

Amendment 127, which is in my name, is a development of the amendments lodged by Lewis Macdonald. Section 37(1) details circumstances in which a local authority should make special arrangements for a pupil to receive education outwith school. The problem is that there is no definition of special arrangements in this legislation or in any other legislation. Amendment 127 sets out examples of what special arrangements might be made by a local authority.

The thinking behind the amendment is to provide guidance to education authorities as to what special arrangements they may want to enter into to cater for pupils who are to be educated outwith school. The absence of a definition of special arrangements and the absence of guidance to education authorities would, arguably, make it too easy for an authority to reject a request for special arrangements on the grounds that, for example, the cost of providing those arrangements would be prohibitive. This amendment gives examples of special arrangements for the guidance of local authorities.

It is important to say that the list in this amendment is not exclusive. It gives examples, but does not put a definite duty on local authorities. It is a permissive amendment that says to local authorities, "Here are some examples of things that you can do", but does not say that those arrangements must be entered into. It is not exclusive and it is permissive. Something along those lines would be helpful to local authorities in the various circumstances that they find themselves in with pupils who have to be educated outwith school.

I am genuinely interested to hear what Peter Peacock has to say on that amendment. It may be that better wording could be found for this. If that were the case and the minister's objections are technical rather than a matter of principle, I would be happy to take the amendment away and come back with a different wording. I welcome his comments.

Amendment 126, which is also in my name, relates to subsection 37(2). That subsection deals with the circumstance in which a pupil has been exempted from attending school because they have to give assistance to a member of their family who is ill. The amendment would take out the words

"in so far as is practicable and".

The reason behind that amendment is that the right of a pupil in those circumstances to receive education should be enforceable and absolute. The way that the section is worded at the moment means that it would be open for an education authority to determine what is practicable, so the rights of the child would be at the discretion of the local authority and, arguably, not enforceable. The removal of those words would make it clear that the right was enforceable.

I also support amendment 1, which is in Brian Monteith's name, but I will not speak on that now.

Mr Monteith: I voice my support for amendments 124, 125, 126 and 127, in the names of Lewis Macdonald and Nicola Sturgeon. Peter Peacock has already made it clear that he does not want a monolithic structure. I welcome the liberal response to those amendments, which show that he means action and not just words.

The Convener: Do you want to speak on amendment 1, Brian?

Mr Monteith: It is in a different section.

The Convener: It is in that grouping.

Mr Monteith: This amendment was the first that I lodged. Members will not be surprised to find that it is a probing—that ubiquitous word in my vocabulary—amendment. Its purpose is to tease out of the minister what possibility there might be of bringing forward an amendment at stage 3 to deal with home education. There has been significant lobbying of MSPs on this issue, specifically in regard to pointing out the difference in practice between Scotland and England. It is a Catch-22 situation, which subsection (3) of this amendment seeks to cut off—that is, that the child's parent can notify the authority in writing that the child is receiving education by means other than the attendance at a public school, rather than the other way round, which often catches the parent out by having to prove that education is being provided.

I will happily take it on the chin if I am told that the amendment is not competent or is not worded correctly, as may be the case, but I would like to know if there is a possibility of giving reassurance to the small minority of parents who believe that home education is, at least at the initial stages, the route by which they want to proceed with their children.

Karen Gillon: I support Lewis Macdonald's amendments. The letter that we received from the family on the island—I will not even attempt to pronounce it—was a powerful one. The eldest son is now going to high school and will have to be away from home for considerable periods of time. I know that a lot of young people who live in remote communities have to do that, but the specific difficulty is that this young man would have to be away for a length of time. To move from a small community to a relatively large town would be

quite a stressful experience, especially at weekends. To be away from home at weekends with no friends or family support would be difficult.

I remember when, aged 18, I left the relatively small town of Jedburgh to go to the bright lights of Glasgow to attend university. I found that a difficult experience, but at least I could go home at weekends. This young man would not even have that luxury in some of the winter months because of the inclement weather. We need to move to provide alternative education for him. I think that those amendments do that.

I am interested in Nicola Sturgeon's amendment 127. I would be interested in the minister's views on whether that may be achieved through another means. Perhaps provision in guidance would suffice and meet the same objectives rather than putting it in the bill, given that we live in a changing environment and those arrangements may not be the most appropriate in 10 years' time.

I am interested in Brian Monteith's amendment. I support the right of parents to educate their children at home, if they feel that that is in their interests. I have received letters and e-mails from, and had conversations with, not just parents but children who have benefited from being educated at home. They have lobbied powerfully. I would be interested to hear how the minister thinks that we can best serve those children and their parents.

Nicola Sturgeon: I speak in favour of amendment 1, which relates to home-educated children. We must recognise that some people in Scotland choose to educate their children at home, for a variety of reasons. For some people, that is a positive choice, because they think that it is the best way to educate their children and that it will benefit their children in the long term more than sending them to school. For others, it is more of a negative decision: perhaps their child is being bullied at school, or the child may have special needs that the school or education authority is unable to cater for. For those people, the decision to educate at home may be less positive, but nevertheless has benefits for the child because it removes some of the problems that they would encounter at school.

I do not think that Brian Monteith is arguing—I certainly am not—that we should encourage home education, but we should recognise that it is a reality. Given that, we have to ensure that the rules are both clear and consistent, and the problem with Scots law as it stands is that that is not the case. As Brian said, before a parent can withdraw their child from school for whatever reason, they have to have the local authority's consent. The process of obtaining that consent can be lengthy and frustrating, and is not consistent across the country. Some local authorities respond quickly to parents' requests, while others can be obstructive and drag out the process. That can create problems, especially for children whose parents want to withdraw them because they have difficulties at school. The effects of such delay on those children can be serious. They are made to attend school, possibly in circumstances that are damaging for them mentally and, in some cases, physically.

There is much to be said for reversing that process, bringing Scots law into line with English law and allowing parents to withdraw children by notifying the local authority. That would also stop a situation that I am sure happens now—I have certainly heard anecdotal evidence of it—whereby, in effect, children slip through the net because the process for obtaining consent can be lengthy and frustrating. Those children appear in truancy statistics because they are not turning up for school, or simply slip through the net. Local authorities cannot ensure that the children are not at risk and are being educated and cared for properly. If we had a system in which parents could notify the local authority that they were withdrawing their child, then withdraw pending the local authority looking into the case, the onus would be on the local authority to ensure that the arrangements for the child's education were satisfactory.

I support amendment 1. As with all amendments, if the minister is worried about the technicalities, I am sure that we can re-examine it, but it is important to establish the principle that the law as it stands is a problem, which we could sort out without too much difficulty.

Fiona McLeod: Amendment 127 deals with special arrangements for home education. If we are to commit ourselves to diversity of educational provision, which we talked about earlier, we must also ensure that resources are available to back up that diversity. Often in home schooling, there is a lack of access to educational materials. Remote supervision of the pupil's education by a school or authority is also important, so that the parents who have decided to opt out of the school but stay within our framework can do so, but still have access to resources and supervision.

Ian Jenkins: I, too, support broadly the theories behind the amendments. I get worried sometimes about schools supervising from a distance, when people are doing something different from what is being done in the school. It always used to annoy me terribly when parents said that they were going away on holiday for three weeks and would the teacher give them homework for while they were away. Dealing with kids who are not there takes up teachers' time, as does looking after relationships with those who are being educated at home.

10:45

As I said earlier, we should try to give some support to people who genuinely want to do things differently. If that support consists only of access to materials and such like, at least that is a gesture. I suspect, again, that the minister might say that he will have another look at the matter, because it is complex. There seems to be cross-party support for the approach that lies behind the amendments.

I also worry about people abusing the facility by declaring that they are educating their kids at home when they are not, or using it as an excuse because they cannot be bothered sending their kids to school. We must be careful about how the facility would be supervised, but, given that we are considering the positive side, we should examine the matter more fully.

Peter Peacock: These amendments cover quite discrete areas. I will try to address them in their natural groupings.

First, I shall address the Orkney amendments—if I may call them that—or amendments 124 and 125, which were lodged by Lewis Macdonald and supported by Nicola Sturgeon. We welcome those amendments. I declare a personal interest. As someone who worked for Orkney County Council education department, quite a number of years ago, I understand the circumstances precisely. I know Stronsay, having organised the north isle sports on that island, which took place on a day just like this in 1974—the day that Scotland played Brazil in the world cup. I remember it vividly.

The arguments that have been made for giving local authorities additional powers to provide education other than at an educational establishment, where it would be unreasonable to expect the child or young person to attend the establishment, are wise in the terms that I have indicated. The specific case that Lewis Macdonald referred to is an example of the circumstances in which the new power might be used. The power offers additional flexibility in how education can be offered, and I hope that members will feel able to support that. It clarifies the law and gives a permissive power to local authorities, but the decision on how to act in the circumstances is still for the local authority. We are happy to welcome that and ask the committee to support the amendments.

Amendment 127, lodged by Nicola Sturgeon, is offered in a genuine spirit and is designed to help with, or expand on, the situation that I have just said we can support. As Nicola said, the list that is included in the amendment is not exhaustive and does not require, or forbid, any particular action on the part of an education authority. As such, the amendment would have no legal effect other than to offer the examples that are listed. Those examples certainly represent ways in which an authority might exercise its power, but there are many more ways, and it would be unfortunate if the examples that are listed were seen as setting expectations for all cases, or indeed as setting an expectation that could limit action in the future.

As Karen Gillon said, such areas of technology or learning support are developing rapidly. Opportunities are arising from digital television and new satellite means of communication, and the new wireless application protocol phones, which are not computers, phones or televisions but a combination of technology, are on the horizon. We want to leave local authorities free to identify the best approach in every case.

I hope that Nicola Sturgeon will recognise that we do not wish to set down in legislation a limited range of examples, if those examples could subsequently be seen as limiting in any way. In legal terms, the amendment has no practical effect. Having said that, I would be more than happy to consider guidance on the issue, in which we could set down the range more flexibly. That could be done with the local authorities where this might impact in any event. We could try to find a way of listing the range outwith the statute, while nevertheless giving a clear signal that we are not ruling out opportunities for local authorities. I hope to deal with amendment 127 in that way.

Amendment 126 requires a more complicated explanation. Section 37 inserts a new version of section 14 of the Education (Scotland) Act 1980 into that act. Subsection (2) of the new section 14 requires local authorities to make educational provision for those young people who are not required to attend school because they are providing care for a sick or infirm relative. The subsection makes the duty subject to the proviso that the authorities should make special arrangements

"in so far as is practicable".

There are two reasons for that. First, it would be unfortunate if a pupil granted an exemption from the obligation to attend school so that they could provide care for their relative was not able to provide that care because the obligation on the authority to provide them with a full education while at home conflicted with that need to provide care, which was the primary reason for the exemption. Under the section, the local authority can consider the extent to which education can be provided consistent with the need for the young person to provide care. Secondly, we want to avoid placing local authorities under a duty that might make them reluctant to grant exemptions in appropriate cases. We consider that the amendment would be unfortunate and likely to act against the interests of the young carers, so I

invite Nicola Sturgeon not to press it.

Brian Monteith said that he lodged amendment 1 as a probing amendment. Given the recurrence of such probing amendments, perhaps we should reinterpret MSP as "Monteith still probing". I understand the intention behind the amendment. Education authorities have an important role in monitoring the provision of education in their areas. It is important to ensure that children who are withdrawn from school do not slip through the net, as Nicola Sturgeon and Ian Jenkins said. We believe that the law as it stands is an important safeguard for local authorities in ensuring that children do not slip through the net. We do not believe that changing the law is the best way forward, so we do not propose to accept the amendment.

However, I accept that clear guidance would be helpful to all concerned. We will be consulting education authorities and others with an interest in home education with a view to issuing guidance on the circumstances in which authorities should give consent for a parent to withdraw their child from school. I hope that Brian Monteith will recognise that that is a genuine offer to improve matters while leaving in place the legal safeguards that we believe are important. Given that assurance on proper guidance, I ask him not to press the amendment.

Mr Monteith: I seek clarification on a number of points. On amendment 127, was the minister's objection based on the belief that the language was too definitive? The amendment refers to "computer-assisted distance learning". Would he rather that it referred simply to distance learning or technologically based distance learning, without specifying computers? His objection seemed to be based on his view on the development of technology rather than on the overall tenor of the amendment.

Amendment 1 is a probing amendment. I was trying to find out what the minister would do. I am not convinced that his response was fully helpful, although I recognise that he is trying to meet me halfway. I am generally reluctant to press matters, as I seek to reserve my position for stage 3. However, it would be useful to elicit from committee members their support for such an amendment, so I am minded to lose that option in this case and press the amendment to a vote. My intention is to ensure that local authorities follow what is in statute rather than simply make arrangements. The minister's response suggested that he envisaged a partnership approach in which the local authorities had the lead hand. I am not convinced about that.

Peter Peacock: On amendment 127, we believe that it is not possible to anticipate every circumstance through listing specific matters in the bill. Distance learning is moving on rapidly and dramatically. New technologies are arising and we do not fully know what the implications of that will be. We take a general view that we would rather not make the bill specific on this point—we do not want people to think that, because something is not listed in the bill, it is not appropriate. We want people to be able to make decisions about the most appropriate way in which to support children in these circumstances; we do not want to rule anything in or out. As I said, we are making a genuine offer to expand the guidance on this matter, which is a much more flexible approach and would give clear signals about what was felt to be appropriate.

I am not clear whether the word "computer" has a specific definition in law: when is a computer a computer and when is it not? I do not want people to be caught up in technicalities so that their ability to provide a service is removed. I would much rather leave the matter open, while making our intentions clear.

On amendment 1, let me make it clear that the law as it stands provides an important safeguard; it does not allow children to go unnoticed and to slip through the net. I reassure Brain Monteith that there is no intention that the local authority should take the lead hand in home education. What we need is a safeguard to ensure that we know that children are being educated at home. We need to be able to keep an eye on that. Our offer to issue guidance is genuine, as we recognise that greater clarification is needed.

Mr Monteith: I am happy to hear the minister offer to issue guidance. However, in a spirit of realpolitik, I believe that pressing the amendment to a vote will re-emphasise our belief that such guidance is a necessity.

Lewis Macdonald: I am pleased that the minister will accept amendments 124 and 125. I was interested to hear Nicola Sturgeon's comments on amendment 127, but I believe that amendments 124 and 125 are simpler and will leave it open to local authorities to make the appropriate arrangements. They are in the spirit of the bill as a whole. Guidance that spelled out the appropriate arrangements for cases such as I have raised would be helpful.

Amendment 124 agreed to.

Amendment 125 moved—[Lewis Macdonald]—and agreed to.

Amendments 126 and 127 not moved.

Section 37, as amended, agreed to.

After section 37

Amendment 1 moved—[Brian Monteith].

The Convener: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

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

AGAINST

Karen Gillon (Clydesdale) (Lab)
Lewis Macdonald (Aberdeen Central) (Lab)
Mr Kenneth Macintosh (Eastwood) (Lab)
Mrs Mary Mulligan (Linlithgow) (Lab)

ABSTENTIONS

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

The Convener: The result of the division is: For 3, Against 4, Abstentions 1.

Amendment 1 disagreed to.

16:00

The Convener: I am in the committee's hands. I said that we would stop at about four o'clock. Do members want to take amendment 49, on exclusions, or wait?

Mr Monteith: Given that Jamie Stone is not here for us to hear his lucid discourse and that there are other items on the agenda, I suggest that we move on.

The Convener: If that is agreeable to everyone, we will pause for a few minutes to allow us to clear the room. Karen Gillon has gone to get some fresh air.

Committee Business

The Convener: Item 2 on the agenda is the proposed schedule of meetings. Four meetings have been identified to take oral evidence on the inquiry into special educational needs. I suggest that we try to condense those into three, leaving a week free to ensure that everybody is able to participate fully in the proposed visits. I hope that everybody has responded to Ian Cowan about the visits. How do members feel about that?

Nicola Sturgeon: That is fine.

The Convener: Are there any other questions on the proposed schedule?

Members: No.

Budget Process

The Convener: We need Karen Gillon back in to speak to the paper.

Nicola Sturgeon: Would it be possible for me to make my comments now, as I have to go? I have very few comments to make.

The Convener: Karen is back. On you go, Nicola.

Nicola Sturgeon: The paper covers a lot of the stuff that I would have covered. First, I want some reassurance. Will agreeing this paper preclude us from raising other matters with the minister when he comes?

The Convener: No.

Nicola Sturgeon: If we are to be satisfied with the evaluation of outputs and with how targets are being met, the important thing is for us to know what the starting point is—what previous targets were. If the target is to achieve 5,000 classroom assistants, we need to know that there are not 4,999 at the moment.

On page 2, there is a question about identifying unused resources at the end of the current financial year. Do the figures for 1998-99 and 1999-2000 include any underspend? We keep hearing about end-year flexibility—the money is being used to fund all sorts of things. What proportion of the figures was not spent on education? It would be useful to know what the plans for 1998-99 and 1999-2000 were so that we know whether what was spent reflected expenditure plans or whether expenditure fell short or exceeded the plans.

The Convener: Perhaps Karen Gillon would like to say something about the paper.

Karen Gillon: I went through the information that we had with the clerks and the Scottish Parliament information centre. One of the things that we noticed at the outset, the point that Nicola picked up on, was the need to know how targets are measured. The paper is fairly badly set out. It is difficult to link up points a, b and c and pull them together.

We wanted to prevent a lot of discussion about technical points, so we decided to get information on them first, to better inform our discussions with the minister. That means that people will have a chance to consider the general points before the minister comes so they will be able to deal with more of the specific details when he is here. We were genuinely trying to be helpful; we were not trying to preclude or hamper any discussion. In fact, the reverse is true. We were trying to enable a more informed discussion.

The Convener: Are there any questions or comments? If not, I remind members that the minister will be in attendance on Tuesday 23 May in the afternoon. The meeting will start at 2 o'clock to give us plenty of time to discuss the budget process.

Thank you for your time.

Fiona McLeod: I am sorry, convener, but can I go back to item 2?

The Convener: You can indeed, Fiona, if you are quick.

Fiona McLeod: I will be very quick. I have heard that Save the Children is producing a toolkit on consultation with young people, which is in draft format. I think that it would be appropriate for us to approach the people at Save the Children to ask them to send us a copy of the draft and, if we can find time, to come and tell us about it.

The Convener: I am happy to take that on board.

We will meet here next Monday at 2 o'clock. I hope to complete the bill then.

Meeting closed at 16:07.

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