

EDUCATION, CULTURE AND SPORT COMMITTEE

Wednesday 13 September 2000
(*Morning*)

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EDUCATION, CULTURE AND SPORT COMMITTEE 25th 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

CLERK TEAM LEADER

Martin Verity

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Wednesday 13 September 2000

(Morning)

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

Items in Private

The Convener (Mrs Mary Mulligan): Good morning, everybody. Item 1 on the agenda is a discussion on whether to take items 2 and 3 in private.

Michael Russell (South of Scotland) (SNP): Any committee of the Parliament has to be careful about decisions to meet in private. The criteria for that, which have been discussed by the Parliamentary Bureau on a number of occasions and communicated to committee conveners, were set largely as a result of *The Scotsman* case last year in relation to the lobbygate inquiry in which Karen Gillon played such an outstanding part.

Committees must show that it would prejudice their work not to take an item in private. Item 3, on the draft report of the special educational needs inquiry, falls into that category, as holding that item in public would essentially be publishing the report before it was finished.

Item 2 is more questionable. Committees have tended to accept that items should be discussed in private when they relate to the lines of questioning to take with witnesses. However, I am not aware of any committee having discussed in private the composition of an inquiry or the people who would be called to that inquiry. Indeed, some of that material is already in the public domain. The instructions on that—which are voluntary and which committees can change—would question whether item 2 should be taken in private.

We are all aware of the immense public interest in the inquiry. The vast bulk of the committee's work on the matter must be in the *Official Report*—that will be important to people who are considering how we do our work. Canon Kenyon Wright, in the letter that has been circulated to us by e-mail, lays an additional burden on the committee. He makes the important point that the consultative steering group is expecting from the committee what it believes will be one of the most important moments of the Parliament.

Given those circumstances, convener, we should not take item 2 in private. If we reach the

stage in item 2 of discussing lines of questioning—although I am not sure that we can do that today, as we have not seen any written evidence—I understand that we could move a motion at that moment. However, I will formally propose that we do not take item 2 in private.

As the agenda has been published, it would be appropriate to adjourn for five minutes so that broadcasting can make it clear to the Parliament that the item will be held in public. It may be that no one chooses to watch the committee, but we must not only be open, but be seen to be open. That is the right way to proceed this morning.

The Convener: I do not have a problem with that, unless anybody else does. However, I would suggest one proviso, which concerns the last page of the paper that has been circulated by the clerk, on advisers. Can we agree to take that part in private? I am happy to take the remainder in public.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): That is first rate.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): In principle, I agree with the proposal. However, when we are discussing witnesses, I would like to be able to say some things in private about individuals.

Michael Russell: We could discuss the advisers in private and at the end have a round-up of any information about witnesses that members were concerned about divulging in public. However, the clerk will confirm that we are covered in committee by a form of privilege when speaking about individuals.

Mr Stone: That is my understanding.

Ian Jenkins: The point that I was making was more about discretion. I would be happy to have a round-up of the sort that Mike Russell has suggested.

Mr Stone: From my council background, I understand that items should always be taken in public unless there is a compelling and persuasive reason not to do so. The presumption should always be that meetings are held in public.

The Convener: I am happy for us to take item 2 in public.

I should indicate to members that the agenda of this week's meeting does not include an update on items of on-going business, such as Hampden. That will be included on the agenda for a meeting next week, when we will try to deal with any outstanding issues so as to clear the decks for the inquiry.

Item 2 is the school exam results inquiry. I have received a letter from Brian Monteith that I would like to return to during the discussion of this item.

Michael Russell: I suggested that we pause for a moment to allow broadcasting and others to make the necessary arrangements.

10:21

On resuming—

The Convener: We will take a short break.

10:11

Meeting adjourned.

Exam Results

The Convener: Members have in front of them a briefing paper, on which I would like to make two comments. It includes a list of people and organisations to whom we have written asking for written evidence. That should include all those who are listed later as providing oral evidence. Depending on what written evidence they provide, we may decide not to ask them to give oral evidence. After reading the written evidence we may also decide to ask other people to give oral evidence.

The other group that should have been added to the list of those who have been asked to provide oral evidence includes the former ministers who were mentioned at last week's meeting—Helen Liddell, Brian Wilson and Raymond Robertson. They will all be asked to submit formal written evidence.

The first section, headed "Terms of Reference", includes the terms of reference for our inquiry and the terms of reference for the inquiry that is being conducted by the Enterprise and Lifelong Learning Committee. That committee will agree those at its meeting this morning. It will start to take written evidence on 18 September and hopes to complete that by 4 October.

Michael Russell: Did you say that it will start to take written evidence on 18 September?

The Convener: That is when it will start to take oral evidence.

Michael Russell: You said written evidence.

The Convener: I am sorry, I meant oral evidence. During the period of evidence taking, there is only one overlap between our meetings and the meetings of the Enterprise and Lifelong Learning Committee—on 4 October. We will try to schedule the meetings so that they do not clash, which will allow the reporters from each committee to attend the other's meeting. Do members have any questions or comments on the terms of reference and written evidence?

Mr Stone: Last week I made a point in the chamber about there being a question mark over the standing and credibility of qualifications for 2000. Will the second bullet point under point 1 of "Terms of Reference" cover that, as this problem could still be with us 10 or 20 years hence? People with qualifications from 2000 may continue to be asked whether those are up to scratch.

The Convener: The bullet point that refers to

"How confidence in this year's results and next year's results can be restored"

picks up better what you are trying to say.

Mr Stone: Lindsay Paterson was hinting that all the papers may have to be re-examined, to check whether the marking is up to scratch. That is a nightmare scenario, given the logistical problems that it would involve. However, as long as there is a question mark over these qualifications, we cannot ignore the issue. I have three kids who got results this year, and I want to know whether their As and Bs are really As and Bs—in the case of one of them, whether their E is really an E.

Karen Gillon (Clydesdale) (Lab): The bullet point to which the convener referred covers that issue. We must try to re-instil confidence in the exam results that people have received if, as we are told, those are the right results. In the end, we may come to a conclusion about how to do that. Through our inquiry, we may begin to build up a picture that indicates that there can be confidence in the results. That may not happen, but the inquiry will allow us to build up a picture of the situation. If we say now that the results that are out are wrong and should not be accepted, we will be determining the process before we have embarked on it, but the final point should cover us for such an eventuality.

Nicola Sturgeon (Glasgow) (SNP): I agree with Karen.

Mr Brian Monteith (Mid Scotland and Fife) (Con): A number of members who are not on this committee have suggested some ways in which confidence could be restored. Moreover, Ian Jenkins made some comments a couple of weeks ago about how appeals might be handled, and Nicola Sturgeon and I have both commented on the issue of returning scripts to schools for checking. All those actions could restore greater confidence in the marking system.

However, although it is appropriate for politicians outside this committee to make such suggestions and have them considered by those in power, our purpose is to establish how bad the marking was. When we have done that, we should reassess whether any of the proposals have merit and could still be acted upon.

The Convener: I do not think that there is any difference between us. We are all of the same mind and want to play our part in ensuring that there is no question mark hanging over anybody's results from this year. As we work through the inquiry, we will see whether we feel we are achieving that; we may need to change direction if we feel that we need to improve the situation. That is something that we will not lose sight of.

Ian Jenkins: For the sake of the kids whose

results we are investigating, we must be careful not to talk up or artificially inflate the doubt about the results. The time scale of the appeals makes things difficult. Our inquiry ought to be finished and the report published almost before the appeals process is finished. We must therefore see what checks and balances are in place in the appeals system, even before our inquiry is completed, to convince ourselves that everything is in order and that we can have some confidence in the results. Results are always imperfect things, but people have confidence in them because there are checks and counter-checks. We must not assume that we can sort out the whole thing ourselves by the end of the inquiry period.

Michael Russell: All members who have been talking to schools will realise that questions about the validity of the results lie largely in certain subjects, and not right across the board. In some subjects there appears to be a substantial discrepancy between the schools' predicted results and the results themselves. The problem therefore is narrowed down into certain areas.

The statistical basis of those projections would be of interest to us so that we find out how great the discrepancy is and how it compares with what happened in previous years. If local authorities are not providing us with that information, we should encourage them—or some schools, at least—to give us it, so that we can see the information that head teachers are concerned about. I had a long conversation on Monday with a head teacher who pointed to particular subjects in which there was a huge variance between the previous year's projections and the results that were actually awarded this year. That sort of statistical information should be able to inform our inquiry, so I ask that it be included in any information that we receive. It would be difficult to get statistics for the whole of Scotland, but some samples would definitely be useful.

Mr Kenneth Macintosh (Eastwood) (Lab): I read in *The Herald* about an educational statistician who works for East Renfrewshire Council, where a particularly good system is in place that could be applied across Scotland. Such a person would be useful to our inquiry, particularly if we are not entirely convinced that the Scottish Qualifications Authority's computers can do the job. We could write to ask for the views of a statistician, so I shall tell the clerk the name of the person I am talking about.

Cathy Peattie (Falkirk East) (Lab): We are all gathering evidence: the nature of our business is to speak to staff in schools and to parents. My local council is gathering information from all its high schools to find out where the problems are worst. That kind of information might be helpful for us.

10:30

The Convener: I understand that the Convention of Scottish Local Authorities has issued advice to local authorities on how to collect information from schools so that it can make comparisons. I would be happy to contact COSLA to find out what that advice was and what information is being collected.

Michael Russell: Kenneth Macintosh's point is interesting. If there are experts in the field who can explain the significance of the statistics, we should hear from them.

Ian Jenkins: It might be helpful for committee members to know the normal procedures for concordancy checks and checks on individual markers. There will be big discrepancies, because this concordance mechanism has not been used, and it should be no surprise if results are different from before. Looking down the list of witnesses, I can see that it might be difficult to fit this in, but it would be useful for the committee to hear a detailed explanation of what the normal checks and balances used to be, and an explanation of where the concordance checks—I never know whether it is concordance or concordancy; it seems to change from time to time—were not done. If the appeals system works properly and is flexible enough—a point that I made the other day in the chamber—we ought to be able to have confidence in the end result. The checks ought to be done now—done late, but done.

Cathy Peattie: Although we have an idea about what happens with examinations, I would find it helpful to have some kind of flow chart showing the organisations involved and their different roles. I am not asking for 100 pages of text; I want some kind of management flow chart showing who is involved and when, from the moment the papers leave the schools to the moment they are returned. I would find having such information in front of me very helpful when asking questions.

The Convener: I have already spoken to Sue Morris of the Scottish Parliament information centre who is dedicated to the Education, Culture and Sport Committee. She is seeking factual information on what the procedures should be and on how things have been handled in the past. Obviously, the situation this year was slightly different, but there were methods that would have been taken on board. That information should be made available to all committee members.

Michael Russell: That would be helpful, convener. There is a logic to the terms of reference—I will come back to that when we consider the work programme. We must start with some reasonably secure knowledge of how the system operates and some background on why it was set up and how it was meant to operate. That

will require a substantial briefing paper—although perhaps not 100 pages—giving us the whole background, the legal situation, the structure and remit of the SQA, how it operated and what its targets were. Committee members should have such a document in their hands before we start questioning people. We need that base. We should then build on that base so that we can follow logically the terms of the remit, and not just dart about.

There is anecdotal evidence—one problem is that there has been so much anecdotal evidence—that a major failure of the computer system occurred for some six weeks early this year. It will therefore be necessary to take evidence from the computer people. We can come to this when we discuss advisers in private, but I am pretty certain that we will need professional advice on the operation of the computer system—we will require an independent computer expert to advise us. In the context of yesterday's Parliamentary Bureau discussion, I have had an informal conversation with Paul Grice about resources. I am assured that, should we wish to have such an adviser, there will be no difficulty in getting one. We should add that person to our list of advisers so that we have someone who can tell us about the computer system, which was one of the central failures.

Cathy Peattie: I agree with that. We need to know more about the computer system and we should have an adviser in that regard. This is not the only issue that has arisen about the computer system and the consultants involved this year. I hope to get more information later.

Michael Russell: One other crucial point in the operation of the inquiry—this has been an issue for a number of committees when they have been involved in major inquiries—is that we can make sense of the information only if we have good documentation at all stages. I appreciate that this will place a burden on the official report and I understand that it will be difficult, given that office's resources, but we should formally note that we would be looking for the turnaround of the *Official Report* to be much faster than it normally is for a committee. I understand why it is not fast usually, but members of this committee should be able to expect to have the *Official Report* of an evidence session available perhaps 48 hours after that session so that they can prepare for the next session. That is a resource problem for the Parliament, but I think that the clerks should be communicating with the Parliamentary Bureau on that matter. I am sure that the Parliamentary Bureau will ask for priority to be given to this committee's *Official Report*; otherwise, we could be in great difficulty.

The Convener: The feedback that I get is that

the Parliamentary Bureau is more than happy to assist us in ensuring that we are efficient. I would be happy to feed that suggestion to it.

We will deal now with proposals for written evidence. As members will see, written evidence from named individuals has been asked for by 22 September, but the general deadline will be 29 September. Because of the tight time scale for receiving written evidence, I suggest that we should not rule out of order additional information that is submitted after 29 September.

Michael Russell: The organisation of written evidence is also important to the inquiry. The Procedures Committee has a good method of providing documentation—documentation is colour coded and bound in folders, so that it is easy to understand and work with. That will be a burden for the clerks, and I am sure that they would require additional resources, but it is crucial that, when we are presented with the written evidence, it fits into the overall scheme and is well annotated and easily accessible. I ask the clerks to think about how that can be done. Providing 11 copies will be a problem, but it is crucial that we can access the information easily.

The Convener: Absolutely. We have already started discussing how that can be done. Once our adviser is appointed, we will take advice about making the information readable.

Nicola Sturgeon: Last week, Karen Gillon suggested that we should have the correspondence and notes of meetings both from within the Scottish Executive and between it and the SQA. I raised that in the chamber that afternoon as well. Has the Executive been asked to provide that information? We must have that before we start taking oral evidence.

The Convener: If that has not been done, it will be soon. The clerks are trying to get up to speed with collecting all the information.

Mr Stone: Can we be certain how far back we want such information to go?

Nicola Sturgeon: We have to be certain about that and about exactly what we are asking for.

Mr Stone: Are we suggesting that we should have details of all the meetings since Christmas?

The Convener: We have to be flexible and ask for any correspondence that relates to the subject of our inquiry. That might include some from before Christmas.

Michael Russell: I think that an answer to one of Fergus Ewing's written questions said that, as the minister said in his statement, the education department first raised issues with the SQA in March, in response to concerns that had been raised. That is obviously a key point, as the

minister's statement referred to that as being the first time that concerns were raised. We must make clear that that is when the detail starts. However, there might be correspondence and notes of meetings before that date that would be germane to the inquiry. We should study the minister's statement to see whether that is the case. Also, the written evidence from the former ministers will throw up issues of advice and contact with the SQA. Once we see that, we should be prepared to request specific items from periods in which previous ministers were responsible.

Karen Gillon: We must get as much information as possible, do the paper chases and follow matters up in an appropriate way. We should ask for relevant correspondence from when Parliament assumed its powers on 1 July 1999 as a matter of course, the detailed information from March that we require, and go back as is necessary from the written evidence that comes up. An issue was raised in the chamber last week as to whether we should ask for written evidence from both Ian Lang and Michael Forsyth. We should consider that, as we are looking for the fullest possible picture of what is happening. It might not provide anything, but I do not think that there would be any harm in asking.

Ian Jenkins: I take it that when we have invited them along to give evidence—once we have had written evidence—it would be in order to invite them to give blanket evidence. We should say, "Tell us what you think about the SQA and higher still." We should then be able to consider that and ask further questions.

The Convener: Yes.

Nicola Sturgeon: Karen Gillon's suggestion is sensible. We should ask for information going back to 1 July 1999. We must make it clear that we are looking for papers that may have circulated within the Scottish Executive, memos and suchlike, and also all communications between the Scottish Executive and the SQA, whether it is correspondence, notes of meetings, telephone calls or whatever. We must frame the request in such a way that we get all the information that we might need.

Ian Jenkins: I have been doing rural surgeries during the past wee while, and I am not sure that the public are aware that they have been invited to send in stuff. We have said that it is open to anybody to submit evidence. Would it be possible to get the radio to say at some stage, instead of looking for soundbites, that people are invited to send in accounts of their experiences? That would ensure that, at least once, everyone has had the opportunity to hear that. We have said it in the committee, but it has never got in the papers. I hesitate to ask for more material, but we ought to

make it clear that we are prepared to take evidence not just from the Scottish School Board Association or the Scottish Parent Teacher Council but from individuals.

The Convener: A formal advert has been placed. It is on the website and an e-mail has been set up to receive submissions. A formal advert went out on Monday 11 September to pick up on that. A lot of the press and media reported last week that the committee was asking for submissions, but Ian Jenkins is right—it is always difficult.

As the convener of the committee I have received several items from individuals, which obviously will be circulated to committee members as well. If members of the committee receive information from individuals as local members, it would be useful if they could add those to the contents. If members pass them on to Martin Verity, we will put those together and sift them into an order.

Mr Monteith: Going back to the written correspondence and advice, the one organisation that I did not hear mentioned was HM inspectors of schools. I hope that when we are talking about discussions between the SQA and the Executive, we also include HMI as the chief advisers in respect of higher still.

The Convener: I said earlier that anyone who is on the list to appear has been written to. You will notice that HMI is on the list; Douglas Osler is on the list for the first week.

Nicola Sturgeon: Brian Monteith is referring to the request that we make to the Scottish Executive for correspondence and materials. One crucial area is advice given from HMI to the minister.

The Convener: Sure.

Mr Stone: So we are going to write to request that.

The Convener: Yes.

We will move on to the oral evidence.

Karen Gillon: I will ask a question on pupils and parents giving oral evidence. It is very important that those groups are represented. I would like to know how we will choose our witnesses and how we will facilitate the evidence taking. Will we just issue a general invitation for people to come and speak to the committee? We could get six people who have had a pretty bad experience, and their views may not reflect what is actually happening. Would it be appropriate to ask an organisation such as Save the Children to facilitate a similar exercise to that which we had carried out previously, and then invite its representatives to the committee in October to relate to us what has happened?

10:45

The Convener: Let us be clear. Those groups have been included because the committee was keen to speak to parents and pupils. The clerks have not had time to do much detailed work on that yet. It would be useful to take some suggestions from members concerning how we can facilitate taking evidence and bringing witnesses in. Any suggestions this morning would be welcome.

Fiona McLeod (West of Scotland) (SNP): I agree with what Karen Gillon says about approaching Children in Scotland to facilitate the same type of work. That organisation has carried out two types of work for us. We got the views on section 2A that the organisation had gathered from young people, and it also brought people to this committee so that we could be part of the discussion with young people. I know that we are short of time, but would the latter be an informative way to spend Monday 2 October? Instead of sitting around a table here asking folk to give us evidence, we could hold a variety of workshops facilitated by folk who would ensure that the parents and pupils were able to get across to us how events unfolded for them and the emotional impact on them.

We are short of time and we may have to rely on an organisation such as Children in Scotland to gather that evidence for us. If we ask Children in Scotland to set up a consultation exercise, we should ask them to let us know when that will take place and invite us along to be part of that as individuals.

The Convener: Let us have some comments on that.

Nicola Sturgeon: That is a reasonable idea. I would not be too worried about taking direct evidence from selected individuals. We are not talking about young children; we are talking about 16 to 18-year-olds who are more than capable of giving evidence. The question concerns how we select people to invite.

The same issue arises in relation to parents and teachers. I am keen for us to take oral evidence from parents and teachers directly, not just through the representative organisations and teaching unions. We must decide how to select those people, on the basis of the written evidence that we receive, and ensure that we have their input. Obviously, we want to ensure that we receive evidence from teachers who were markers as well.

Mr Stone: Fiona McLeod and Nicola Sturgeon are close to the mark. The head teacher of every secondary school will know only too well the cases that should be brought to our attention. I do not know whether Children in Scotland, whose

involvement I fully support, can contact local authorities and head teachers. However, the head teachers are the key to the inquiry: they will each know of half a dozen pupils who have had a bad time.

Mr Monteith: I have several points to make. Fiona McLeod's suggestion has merit, but I suggest that we consider moving the date of that meeting. I realise that we will discuss our programme of work later, but I feel that it is pertinent to make that suggestion in the context of Fiona's idea, as she mentioned 2 October.

I suspect that Monday 9 October might be a more useful date, as we will have a whole day meeting on that date. That date is also in the recess, and schools in some parts of Scotland will be having their mid-term break, which may make the availability of parents and pupils to attend—and the interest of the public—greater. We used the chamber for the work that we conducted outside the committee with the TAG Theatre Company, when we heard from children throughout Scotland. I presume that the chamber would be available on 2 October for us to take evidence from parents and pupils. It would be easier for them to watch the proceedings in the chamber, and it would be easier for them to attend, as they would be on holiday. I suggest that those factors are considerations when the arrangements are made.

With regard to how we find pupils and parents to give evidence, I am receiving a great deal of anecdotal evidence, particularly by e-mail. Once we have received a lot of the written evidence, some people will begin to stand out as those we want to have along and ask about their experiences.

Mr Macintosh: There have been a number of helpful suggestions about how we can proceed. I was going to suggest a slightly different method, which is to go to a school. It is difficult, because choosing a school would be an arbitrary choice, but it would have the advantage that we could talk to a number of pupils with and without problems, although anybody who sat their highers will have problems. There is no one who has not been affected. It also would provide the chance to talk to teachers who are in unions and those who are not, and to talk to teachers who are markers. Although it would be difficult, we should prepare such sessions in advance so that they work properly. There is something to be said for taking us to the school, rather than the other way round.

Karen Gillon: I have a couple of points. First, I understand Brian Monteith's argument about the school holidays. My only concern is that we may end up with those people who can fund themselves coming, and those who cannot will be unable to participate. It is expensive to come from

the Highlands and Islands to Edinburgh. We may end up with a strong cohort of people from central Scotland and not have a cross-section of Scotland, unless Brian is saying that we will pay for witnesses to travel from all over Scotland to fill the chamber. If that is what is being said, we will have to get permission from the Parliamentary Bureau for 100 witnesses to come to the chamber. If we are saying that the chamber will be full, there is a question of how that will be done.

Following on from Ken Macintosh's suggestion, would it be appropriate to ask local authorities to facilitate that kind of exercise and pool a number of schools, for example, a local authority that covers a part of Scotland that has rural and urban areas? I have some ideas on that. Local authorities could facilitate that kind of discussion with pupils and staff from all their schools. We could have that discussion outside Edinburgh, perhaps in South Lanarkshire.

Michael Russell: That is an excellent idea.

The Convener: Mike, you might know better but my understanding is that resources are now available for witnesses.

Michael Russell: Yes. There is a scheme of payments for witnesses, which would be applicable. Karen Gillon's idea of choosing an area, encouraging the local authority to bring pupils, teachers and others from the schools and having a consultation and witness session is a good one. South Lanarkshire would be a possibility. Stirling would be a possibility also. Gordon Jeyes is the secretary of the Association of Directors of Education in Scotland and is a possible witness. Karen's idea should be factored in, because it would be a useful exercise.

Ian Jenkins: I agree. Ken Macintosh's and Karen Gillon's ideas give us a way that is different from only having two or three people here for an hour. We could get a range of views. In fact, one wonders what the purpose is of one person giving evidence, because we all know individual horror stories. We want to get a cross-section of markers, teachers, people who have been disappointed and parents. If we can get them all together in a forum, there could be an exchange of views and we could ask questions. Different people would hear the questions and could chip in. That would be valuable, perhaps more so than having an hour for parents here and an hour for pupils there. It would work well.

Fiona McLeod: I like the model that we have had already where we use specialist agencies to help us get the evidence. If we are going to a particular local authority, we must ensure that one of the specialist agencies is involved in drawing up that day. As I have become more involved in the consultation process with young people, I realise

that, although we all think that we know how to ask and listen, there are people who can ensure that we go further down that route.

Mr Monteith: I can see the attraction of Kenneth Macintosh's suggestion but the idea of holding the sessions—I use the plural as they might take up most of the day—in council chambers makes more sense from the point of view of the practical arrangements such as recording, which is particularly important for the official reporters, as there are already facilities in place. It would be difficult to import the facilities into a school hall. We should examine a number of council chambers. That would meet Kenneth's suggestion halfway.

Fiona McLeod is right to suggest that, if we use council chambers as a venue, we must use agencies that are involved with children to help source some of the people giving evidence. I did not understand Karen Gillon's line of argument—maybe she could explain it again. I am suggesting that, if we schedule the session for seven days later, we will be able to programme in a full day rather than half a day, and some of Scotland will be on holiday. The fact that the rest of Scotland will not be is unfortunate. The possibility that some people might be able to come and see the inquiry in progress is nothing but helpful.

Separate to that is the issue of witnesses. Mike Russell has been helpful in that respect. It seemed that Karen Gillon was saying that it would be better to have the session when everyone is at school so that fewer people can attend. That seems to be counterproductive. I am sure that that cannot have been what she meant.

The Convener: I do not want to throw cold water on the discussion but I want us to remember the difficulties that we are having in taking the broadcasting outside the Parliament. We already have the day in Glasgow booked for a committee meeting. I take on board the point about the holiday making the committee more accessible for people, but we need to bear the practicalities in mind. We do not want to get into difficulties in arranging meetings as that might delay them.

Michael Russell: I do not think that this is an either/or situation, although it is right to be cautious. I would not seek to alter the dates that are set out in the paper before us or the arrangements for Glasgow. However, there is merit in what Kenneth Macintosh has said and Karen Gillon has followed up. We should be able to open ourselves up to the views and experiences of those who are at the heart of this issue and are in another part of Scotland. I accept what Fiona McLeod says about asking an agency to help us with that.

It might be beneficial if, towards the end of the

inquiry, we went back to the issue of what people have experienced. At that point, we might be able to understand it better. If we were to do that in one council area—and the more I think about it, the more I think that South Lanarkshire would be an appropriate area—it would demonstrate that we are listening and are concerned. Secondly, it would give people the chance to talk to us and see the Scottish Parliament and this committee in action. We should ask the clerks to arrange such a date towards the end of October. We should consult in a school—not council offices, as they would be too official—in one council area. We should deal with the disadvantages that exist. If the event is interesting enough, we can find a broadcasting camera. More important than that is that we listen to what people are saying.

The Convener: There seems to be general agreement on how we should make progress. The timing could be quite interesting, as we will be trying to hear from as many people as possible. Doing that somewhere accessible would be useful.

Unless members have drastic reasons for not going along with this, or unless they want to add something, I suggest that we leave this discussion for the time being. The clerks and I will go away and speak to people. We will take on board Fiona McLeod's point that we could still do with additional advice on how the meeting will be handled.

11:00

Karen Gillon: I have two reasons for suggesting South Lanarkshire Council. One is the variety in that council area: there are urban areas at the edges of Glasgow; there are social inclusion partnership areas in Blantyre; and there are rural areas in Clydesdale. That is a wide spread of areas, people and experiences.

The second reason is that the council has a good track record of involving young people in discussions. It has held a series of citizens and young persons juries, so it has some experience of facilitating discussions of that type alongside some of the external agencies. For those reasons, I think that the council would be a good starting point.

Mr Stone: I am not absolutely sure that I know what we are doing here. Fiona McLeod has suggested Children in Scotland, which is a representative agency for the whole of Scotland. I underline what Fiona McLeod said—that organisation has an important role to play. In Glasgow, will Children in Scotland act on our behalf as co-ordinator of the event? Will the Convention of Scottish Local Authorities recommend some local authorities, which would in turn involve head teachers, markers and

representative pupils? It is essential that the Glasgow meeting on 2 October is a snapshot of Scotland. I appreciate fully the points that were made by Brian Monteith and Mike Russell apropos of finer detail—

The Convener: I thought that we had moved on. We will have a meeting in Glasgow, and we will decide which witnesses we will see at that meeting. Originally, we intended to have pupils and parents, but I think that we are now saying that we would rather speak to pupils and parents in the schools. We will also identify a local authority—which could be South Lanarkshire Council, as has been suggested, although we will obviously have to speak to that council—and have a meeting in that local authority's area. We would then ask the local authority for assistance in deciding on witnesses. We would also ask for assistance from an organisation such as Children in Scotland on how we should hold the meeting, so that the most can be got out of it.

Mr Stone: Will the meeting on Monday 2 October involve pupils and parents?

The Convener: Probably not. On 2 October we will probably bring other witnesses to Glasgow.

Fiona McLeod: I would like the committee to be flexible about what we do on 2 October, because there might be pupils and parents who want to come. As Nicola Sturgeon said, we are talking about 16-year-olds and 17-year-olds, and there might be people who want the opportunity to give evidence to the committee formally. Can we keep that in mind?

Mr Stone: Yes—that is important, at this early stage.

The Convener: My only concern is that, given the number of people we want to hear from, that could impact on our timetable and delay us by an extra meeting. However, I am willing to be flexible until we can arrange an alternative, at which stage we can reconsider the matter. Are members happy with that?

Members *indicated agreement.*

Nicola Sturgeon: I agree with Mike Russell's comment. As we go through oral evidence, we should follow the logic of the terms of reference. That will probably mean hearing first from certain officials from the Scottish Executive education department and the SQA. It will also be logical to see Ron Tuck before we see Bill Morton. We could then move on to pupils and parents and then to the HMI higher still development unit. Last week, I made the point that if we talk to HMI, we have to go beneath Douglas Osler to the inspectors who were involved in higher still liaison. We should talk to the minister towards the end of the process. However, I repeat what I said last week: we must

leave open the possibility of hearing from the minister on more than one occasion, because things might come up throughout the inquiry on which we want to question him. We will have to approach the inquiry from a number of different angles with the minister.

Mr Monteith: I support Nicola Sturgeon's comments, particularly with regard to when we hear evidence from Ron Tuck and Bill Morton. Are we meeting in the Hub on Wednesday 4 October because this room—room 1—is not available?

The Convener: I intended to return to the question of venues. At last week's meeting, Brian Monteith suggested that we should use the chamber more—we have not investigated that. Wednesday 4 October is the day when we clash with the Enterprise and Lifelong Learning Committee, which will be using this room because it is taking evidence from Henry McLeish and Sam Galbraith. If members would prefer, we might use the chamber on that day.

Michael Russell: The chamber has television coverage. For a large-scale committee, the Hub is not a good venue, but the chamber has disadvantages as well. It is impersonal and dispersive, although it is a better location than the Hub. However, we should be cautious about using the chamber—I do not share Brian Monteith's enthusiasm for the way it operates. This is the best room for our meeting—the chamber is not an improvement on it.

Karen Gillon: Is the Festival Theatre out of the question? [MEMBERS: "Yes."] It is better, in my experience, than the Hub and committee room 2. It can accommodate more people at the back of the room—we should perhaps find out whether it is available.

I do not understand why we will hear Ron Tuck at the end of the inquiry. He is the guy who, until 10 August, was responsible for what happened. We should hear from him soon—I suggest 2 October. It would also be appropriate to ask the director of operations and the director of awards to give evidence. If we are serious about the inquiry, let us do it properly. I suggest that we move those officials up the timetable. I would move Douglas Osler down the timetable a bit to the point at which we will hear from the higher still development unit—around Monday 9 October—and move Ron Tuck up the timetable. By 9 October, we will have heard some evidence, which we can relate to our questions to HMI about what it was doing.

We should also move the SQA board up the timetable. I have asked that the committee see the board's minutes and Brian Monteith has asked for the minutes of other committees. We can ask the board—which was supposed to oversee the procedure in some way—where it was in the

process. We need to move the SQA board and Ron Tuck up the timetable, move everything else down by a week and—if necessary—fill the Monday 2 October slot with the former officials of the SQA and its board members.

Michael Russell: There is a distinction between the board members and the chairman of the SQA. The minister referred in his statement last week to the chairman of the SQA in the same breath as Ron Tuck. I agree that we should see Ron Tuck on the first day, but if we are to see him and the SQA officials, we must also see the chairman, who appears to have been a player in all this and who must be questioned.

Mr Monteith: While we are on the issue of the programme of work, I want to record my disappointment at Sam Galbraith's comments last week, following the committee's agreement to try to complete a report before Christmas—indeed, by early November. He went on record on independent radio impugning the ability of the committee to reach any rational conclusions in doing something so quickly. He suggested that we should take far more time. I am concerned that the tenor of his comments was to issue a "prebuttal", in that whatever we have decided when we publish our report will already have been impugned by him, because he thinks that we will have rushed the inquiry.

Anybody who reads the *Official Report* of last week's meeting, during which we deliberated about the timetable, will find that we did not want to rush the inquiry just for the sake of it—we are concerned about getting a result as early as possible because of the impending diet of examinations and our duty to Scotland's pupils.

The Convener: I understand what Brian Monteith is saying. I am confident that committee members realise how much work they will have to do and why they are doing it, so we will note that comment.

Karen Gillon: Can I float an alternative order for the first two days, just to see what members think?

The Convener: We have taken on board all the points about moving witnesses around. As no one has objected to the suggestions, we will re-order the list accordingly.

Karen Gillon: Can we make that list available quite soon, so that members know what is happening?

The Convener: Yes. We will do so as soon as possible and take any further comments on board.

Mr Macintosh: In many ways, the oral evidence will depend on the written evidence. Although I agree very much with the logic behind realigning the order of witnesses, we will probably have to do some more tweaking when we read some

submissions.

Michael Russell: We should meet at least 20 minutes before the scheduled start time on each occasion to discuss lines of questioning.

The Convener: We will do that—we have found it helpful in the past.

The clerk team leader, Martin Verity, will say a word about whether the committee will be webcast.

Martin Verity (Clerk Team Leader): The Parliament's broadcasting authorities have suggested that it might be helpful to webcast the committee during the inquiry, making it available to an audience that might be interested in following the proceedings. As most of the meetings have been booked for committee room 1, the recording equipment and so on is in place. I said that I would try to sound out the committee's views on that proposal.

Mr Monteith: That is an excellent idea, not least because teachers and pupils could watch the proceedings in their schools. That would be much to their advantage and would help the committee generally.

Michael Russell: The webcast is a superb idea, as it means that proceedings will be available at any time. I have also had some initial conversations with members about an interactive session in the last period of the inquiry, using a chatroom where people can talk to us and we to them. That proposal might be interesting—if difficult to implement—and we should investigate it seriously so that we can take additional information and reaction to our inquiry. I have watched the system work and we might be able to receive reaction from experts and authorities on the issue from all over the world. One would be able to dial up Karen.

Karen Gillon: I will dial you, Mike.

Fiona McLeod: That suggestion has reminded me of an earlier proposal to post a notice on the committee's website for folk to send us information. Does our website have the facility for a small, young-person-friendly chatroom that would allow young people to post their experiences from now on?

The Convener: We will look into that suggestion.

I will now move on to Brian Monteith's letter.

Ian Jenkins: Are we finished with the work programme?

The Convener: Did you want to say something about that, Ian?

Ian Jenkins: I have only a couple of points. At

the end of last week's meeting, I mentioned a group called the Scottish Association of Teachers of Language and Literature, or SATOLL. It has had a consistent point of view on higher still, and I wonder whether its representatives might be asked to give evidence, although not necessarily oral evidence.

When we ask the head teachers' union to come, we should ask its officials to bring a head teacher along, because we do not want to discuss only the union's general policy. Similarly, we should ask the Educational Institute of Scotland to bring a teacher with it. The unions can pick who they like, but we do not want to talk only to a general secretary about policy; we want to be able to ask people about what the unions have said in general.

We must also talk to people below the level of the policymakers. As Nicola Sturgeon said, we must get below the level of Douglas Osler to that of the people with experience.

11:15

Mr Monteith: Below the level of Ronnie Smith.

Ian Jenkins: I did not say that, but that is right. It is a matter of principle.

Nicola Sturgeon: Jamie Stone suggested that we take some evidence from an academic perspective, perhaps from Lindsay Paterson. We should, at the very least, ask him for written evidence.

The Convener: I will be happy to do that.

Mr Macintosh: Ian Jenkins's suggestion was very good. It will allow us to hear practical examples as well as the unions' point of view.

The Convener: If the committee is happy, we will make those requests known to the appropriate representatives.

We now move on to the letter that Brian Monteith wrote to me. Do you wish to add anything at this stage, Brian?

Mr Monteith: The main point of the letter is in paragraph 3, on taking evidence. I am concerned about the remit that we have decided on for the committee's inquiry, the terms of reference of which include examination of

"the role of the Executive, and its relationship with the SQA, in relation to the events around the school exam results".

We are all aware that that will involve determining whether ministers acted when they could have acted. There is widespread interest in that. There is a clear disagreement over the extent of ministers' powers. It is not important to score any political points at the moment, but let us say merely that there is a difference of opinion. If the

committee is to come to a conclusion, members will have to form an opinion on that matter and it would be helpful if we had—at the very least—some written evidence. I am not, at this stage, saying that we need definitely to take oral evidence, although it might well be the case that we do.

We need to do two things. We must try to obtain some written evidence from people who might be able to give an opinion on the powers that the Minister for Children and Education might have had. We must also—as I mentioned in the letter—see in the papers that we receive from the Executive any advice that the Executive was given at any time on what ministers could have done and the limitations on what they could have done.

The Convener: It would be appropriate to ask for a written reply on that topic from the minister and from civil servants. We should also seek legal advice, which can be done when we take oral evidence later.

I would also like to draw members' attention to the remit of the Enterprise and Lifelong Learning Committee. It will be examining

"the full current arrangements for the governance of the Scottish Qualifications Authority".

That will include the legal niceties of the relationship between the minister and the SQA. Given that that committee will start that work on 18 September, our reporter will be able to feed back to us on what has arisen. If we wish to progress on that matter we will then have the opportunity to do so.

Nicola Sturgeon: That is fair enough, but we should also remember that it is an express part of the Education, Culture and Sport Committee's remit to examine the role of the Executive and its relationship with the SQA. I agree with Brian Monteith—this is an issue about which there is disagreement. The committee will have to take a view on the matter at some stage. I suggest that Lindsay Paterson should be asked to comment specifically—but not exclusively—on that.

During the passage of the Standards in Scotland's Schools etc Bill we took written evidence from a professor of public law at Glasgow University on the meaning of sections of the bill. We should ask for his opinion on pertinent sections of the Education (Scotland) Act 1996. I understand that Sam Galbraith took legal advice on Thursday and it would be reasonable to ask the Executive to include that legal advice in the information that we request from it.

The Convener: I will be happy to do that, but the only warning I will give is that—as is the case with lawyers—academics' advice and views on such matters will be as many as there are

academics. We must take such advice with that health warning.

11:20

We now move to private session to discuss the matter of advisers.

Meeting continued in private until 12:40.

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