

EDUCATION, CULTURE AND SPORT COMMITTEE

Monday 30 October 2000
(*Afternoon*)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

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

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

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

CONTENTS

Monday 30 October 2000

	Col.
SCHOOL EXAMS	1799
COMMITTEE BUSINESS	1828

EDUCATION, CULTURE AND SPORT COMMITTEE

33rd Meeting 2000, Session 1

CONVENER

*Mrs Mary Mulligan (Linlithgow) (Lab)

DEPUTY CONVENER

*Cathy Peattie (Falkirk East) (Lab)

COMMITTEE MEMBERS

*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

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

Johann Lamont (Glasgow Pollok) (Lab)

*Mr Kenneth Macintosh (Eastwood) (Lab)

Fiona McLeod (West of Scotland) (SNP)

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

*Michael Russell (South of Scotland) (SNP)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*Nicola Sturgeon (Glasgow) (SNP)

*attended

WITNESS

Mr Sam Galbraith (Minister for Environment, Sport and Culture)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 1

Scottish Parliament

Education, Culture and Sport Committee

Monday 30 October 2000

(Afternoon)

[THE CONVENER *opened the meeting in private at 13:40*]

14:08

Meeting continued in public.

School Exams

The Convener (Mrs Mary Mulligan): I welcome Sam Galbraith to this afternoon's meeting. I am grateful to you for attending, minister.

Before we start the main part of the meeting, we must deal with a practical issue. Does the committee agree to hold the beginning of Wednesday's meeting, which is to start at 9.30 am, in private?

Members indicated agreement.

Nicola Sturgeon (Glasgow) (SNP): On a point of order, convener. Members will be aware of leaked stories in yesterday's press of the independent report by Deloitte & Touche into the exams fiasco. The newspapers suggested that the report cleared the former Minister for Children and Education of any responsibility for the fiasco. It would appear that the timing of the leak was deliberate and that the stories appeared in the press prior to Mr Galbraith's appearance before us today. I would like the committee to ask the new Minister for Education, Europe and External Affairs to investigate those leaks. We all agree that the leaking of reports in such a manner, before this committee or the Parliament have had a chance to peruse them, is not to be encouraged.

The Convener: I agree that we would prefer leaks not to happen. However, you know as well as I do that they occur. We spend much time looking into them, but I think that it would be better for us to use our time today more productively. We should discuss with the minister what happened rather than have a big discussion now about leaks to the newspapers.

Michael Russell (South of Scotland) (SNP): The situation is potentially serious. As you know, convener, from the terms of the letter that you received about the consultants' report, which we discussed in private, people who are named and

criticised in that report are being given the opportunity to see it two days before it is published. The report will not be published until Friday and yet apparently it is known that it has exonerated the minister—that fact was spun to newspapers over the weekend. That is an abuse of position and of access to the information. An investigation should be conducted to identify who is responsible for that abuse. Their motivation should also be investigated. I repeat Nicola Sturgeon's call for such an investigation. I hope that the Education, Culture and Sport Committee will be strong about that call.

The Convener: The situation is unfortunate. However, you know as well as I do, Mike, that comment in the newspapers may be informed or uninformed. I am not sure that this discussion helps us to make progress on the matter in hand. I would prefer us to push on to our discussion with the minister.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Far be it from me to suggest that the leaking of such a report would influence members of this committee—not least Mike Russell and Nicola Sturgeon—on the culpability of the minister. I back the convener's suggestion: we should move on to our discussion with the minister. I am sure that the Deloitte & Touche report would have been leaked had it condemned and blamed the minister.

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): I hope that there is no suggestion whatsoever that I was involved in leaking the report in any way. If that suggestion is being hinted at, I hope that I will receive an apology and that the suggestion will be withdrawn.

Michael Russell: Touchy.

The Convener: I take it that members of the committee were not suggesting that.

Michael Russell: We do not know who leaked the document. The minister raises a possibility that never entered my mind and that we should investigate.

The Convener: I suggest that the committee should register its disappointment that comment was made in the press on Sunday before members were able to discuss the issue with the minister. However, we realise that we have more important business to deal with at this stage and we wish to push on. Do members agree to that approach?

Members indicated agreement.

The Convener: For the benefit of members who were not present earlier, I wish to thank the minister for his letter to me today about the Deloitte & Touche report and the timetable for its publication. We have requested that the clerks make the report available to us as soon as it is

published, as members will wish to consider it when we produce our draft report.

As I said earlier, minister, we welcome you to our meeting. We know that you will be moving on to another portfolio and I am sure that all members of the committee wish you well in your new job. We now move on to questions, for which I am sure that everyone is waiting.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): There is a school of thought that higher still was implemented before it was ready and that some of the problems that arose this year were due to a lack of proper preparation, including difficulties with assessment structures. Is it your view that higher still was implemented before it should have been?

Mr Galbraith: No. As Ian Jenkins knows, work on higher still started a number of years ago and its implementation was phased in over two years. The implementation was delayed twice, and I delayed the implementation of the new higher English this year. Higher still has been introduced over six years. The question is often not, "Why was it rushed?" but, "How come it took so long to implement?" or, "What is so with the establishment that it took six years to make that corporate change?"

Ian Jenkins is right to say that many issues were raised throughout those six years—including this year. Those issues were related not to the Scottish Qualifications Authority but to higher still and its implementation. We responded to those issues, as members of the committee will have seen from the evidence on what we did about higher still.

We should remember that higher still was introduced, teachers taught the courses and students learned and sat exams. The system worked right up to the point at which the information was sent to the SQA. In fact, the exam arrived on time and worked. I want to congratulate the teachers on that, which was due to their hard work. I also want to thank the students who sat the exams.

14:15

Ian Jenkins: You would not be surprised to learn that I, too, wish to congratulate the teachers.

You say that things have worked, but we have heaps of evidence from education authorities, unions and the Scottish Parent Teacher Council suggesting that there were real difficulties with implementation. You have indicated that some of the advice that you received from the SQA was perhaps over-optimistic. When HM inspectors of schools and members of the higher still development unit and other organisations associated with it gave you information that things

were going swimmingly, were they not—like the SQA—reluctant to tell you the bad news because they were heavily involved?

Mr Galbraith: It is important to distinguish between what went on at the SQA and the higher still development unit. Although there is a relationship between them—to do with the failure at the end—we are talking about two different issues. It is not true that I said that there were no difficulties with the implementation of higher still—there clearly were. It was delayed twice and there were continuing problems. It would not be fair to say that we were not aware of that or that someone had told me that there were no problems. We knew that there were problems. We would expect problems in the first year of introducing something new. However, despite all those difficulties and the problems that we knew about, higher still was delivered and people sat the exams.

Ian Jenkins: We have heard evidence that higher still was delivered at some cost to the workings of schools.

Mr Galbraith: That might be a different issue. There is no question but that there were difficulties—a new system had to be implemented and I dare say that it was done at some cost. I am not saying that there were no problems; we all knew that there were difficulties. However, the exams were sat and the kids did well.

Ian Jenkins: How is the review of higher still going? Has the review group got complete freedom to make any recommendations that it likes, including on the quantity, quality and timing of assessments?

Mr Galbraith: Everything.

Ian Jenkins: Who will make decisions about changes? From our discussions, the answer to that question seems to be blurred. Is it the SQA, which is delivering the assessment system? Is it the higher still development unit or the liaison group? Is it ministers? What place do inspectors have?

Mr Galbraith: HM inspectors do not make any policy decisions. They have the independent role of inspecting schools, which I am not allowed to interfere with. They also have an advisory role: they are out at schools and they see what is going on, so they have lots of expertise that I value. They feed that into the policy-making department. All policy decisions will be made by the minister. The implementation of various parts of that policy will be for the SQA and the higher still development unit, in consultation with all the groups involved. Consultation has been wide in the past and will continue to be so in future.

Ian Jenkins: One of the witnesses last week tried to make the distinction between the big policy and the implementation of it. When higher still was consulted on, certain structural elements were already fixed, so there was not much consultation on them at all. People were asked whether they agreed with the rationale of higher still, which was to change the way in which certain students were catered for—students who had not previously been well catered for. However, the unit divisions and the use of learning outcomes were a given before the consultation started.

Mr Galbraith: I cannot answer for that, because we were not around at the time.

Ian Jenkins: I know that, but some of us were.

Mr Galbraith: All I can say is that—as members will know from the evidence—we consulted widely on everything, including, for example, the delay of the new higher English for a further year and the consideration of the unit assessments. I am certain that that process will continue.

Ian Jenkins: Okay, but it has not been possible to change the structure that I mentioned, because it was a given before the consultation started.

The Convener: Minister, you mentioned HMI, and a couple of members have questions relating to that.

Cathy Peattie (Falkirk East) (Lab): Minister, you say that HMI does not deliver policy. However, a lot of evidence that we have taken indicates that organisations feel strongly that there is a major conflict in the role of HMI. Do you think that it is time to re-examine HMI's role?

Mr Galbraith: No. I have seen some of the things that have been said, but I want to make it absolutely clear that ministers decide policy. HMI is part of the policy-making process and provides advice to ministers, but it does not make decisions about policy. Ministers do that.

Cathy Peattie: Agencies and schools have said that their questions about higher still were batted back and that arrangements and deals were made. HMI is supposed to be the link between such organisations and the Executive, but there seems to have been something of a blockage. It seems clear that information has not reached you.

Mr Galbraith: Information always reaches ministers and is shared around. It would be unfair to claim otherwise. Without knowing specifically what has been said, it is difficult for me to answer in detail. I can only reaffirm that HMI does not make policy.

Cathy Peattie: The perception is that HMI does make policy.

Mr Galbraith: That is a false perception.

Cathy Peattie: Would you not say that HMI's role in curriculum development amounts to an involvement in the delivery of policy?

Mr Galbraith: When HMI inspects schools, it assesses them according to their ethos, their performance, their resources, their management structures and their teaching. HMI is not interested in the content of courses; it is interested in the outcome.

Cathy Peattie: So you do not agree that we now have an opportunity to re-examine the role of HMI in areas other than inspection.

Mr Galbraith: It is for the committee to make recommendations, not for me. However, I advise the committee to approach this issue with great caution.

Michael Russell: Your opinion of HMI is not shared by others. One of the written submissions that we have received states:

"It is disingenuous of Douglas Osler to claim (as he did before the committee on 9 October) that the HMIs do not make policy. That claim depends on an artificial distinction between policy in the sense of legislation or national policy statements and policy as it impacts in the classroom. Higher Still as a whole is a policy—including everything from the ministerial statements that set it in motion in 1994 to the detailed arrangements for how individual subjects are to be assessed."

On 9 October, Mr Osler made an artificial distinction between national policy, for which you are responsible, and the detailed implementation of policy. You are now making the same distinction. We have received a huge amount of evidence that things went terribly wrong with the detailed implementation of policy, particularly in the past two years. Why do you not accept the point about the distinction between national policy and its detailed implementation, as it has been made by a number of people, not least in submissions to this committee?

Mr Galbraith: The fact that my opinion differs from someone else's should not surprise Michael Russell. It is fair to say that on many occasions his opinion differs from that of others. I do not think that that is relevant.

I do not think that there is a distinction to be made between national policy and detailed implementation. Ministerial responsibility is not limited to the national policy on higher still. The decision to delay implementation for a year was also made by ministers. These are decisions for ministers, not for officials.

Michael Russell: So you were making decisions right down to the detail of classroom implementation. Should you have been making those decisions?

Mr Galbraith: Give me some examples.

Michael Russell: The distinction that I have drawn, which you dispute, is between national policy, which you set in ministerial statements and so on, and its detailed implementation. A range of people—teachers, unions and others—gave evidence to the committee that the detailed implementation of policy was subject to immense criticism from those working at the chalkface. However, that criticism was brushed aside and ignored by HM inspectors. Presumably, they did not bring you the concerns that teachers were expressing. If they had, you would have acted on them.

Mr Galbraith: No. As I pointed out, all these concerns were brought to us. We were aware of them from the start and addressed them all the time.

Michael Russell: Teachers do not say that.

Mr Galbraith: I am here to present my side of the argument. Information was brought to us by HMI, which is our eyes and ears in schools. However, we do not rely solely on HMI. That is part of the reason why we go out to schools to speak to teachers and find out what is happening. All ministers will have their own contacts so that they see and hear what is going on. We know what is going on. We knew that there were difficulties. We knew about all the problems. We dealt with them as best we could; in fact we dealt with them reasonably well. I remind you of what I said at the start, which was that the higher still exams went ahead and were very successful.

Michael Russell: When one of your predecessors, Brian Wilson, had ceased to be minister, he said:

"I should have been more sceptical about the reassurances that were brought to me about the progress towards implementation".

Do you share that view?

Mr Galbraith: No.

Michael Russell: So you were satisfied with the reassurances that you received.

Mr Galbraith: We were not given reassurances about this. We realised that there were difficulties. I was satisfied that we were doing everything that we could to deal with those; as it turned out, we did so and the exams were extremely successful. The problem came once the data moved to the SQA.

Michael Russell: We are talking about artificial distinctions in policy; surely you are making an artificial distinction between the success in the fact that students sat exams and the fact that the results of those exams were severely erroneous in a large number of cases, including that of a girl who gave evidence to this committee, whose

paper had been lost. You cannot call a diet of examinations successful if a substantial number of people who sat them have received results that are wrong. Surely you are not arguing that this was a successful diet of exams.

Mr Galbraith: I am saying that the teaching of the courses and the learning, sitting and completion of the exams by the students were highly successful. That was done and it was done well, with a greater number than we had expected. The problems arose when the data got to the SQA. It is important that we separate the SQA from the other issues.

All the representations that we had—this is important, as it is always said that we had a deluge of information—were concerned with the learning and teaching of higher still. I do not think that throughout the process anyone said that the SQA would not be able to cope. However, you must examine the information again, as you have read what Brian Wilson and Helen Liddell said.

Michael Russell: We have received piles of evidence that shows that, over the past 12 months, school after school was becoming alarmed about the ability of the SQA to process the data that it was being sent, which had to be corrected five, six or seven times. The schools said that one of the problems was that there was too much data in the system. They also said that the SQA was not dealing with that data. Why did you not know that, given that the schools knew it?

Mr Galbraith: At the beginning of the year, until March, there were a number of pieces of anecdotal evidence from individuals who said that there were problems with processing the information in the computer system. We addressed ourselves to that.

I repeat that we had very few letters on that matter. It is fair to say that I was never asked a parliamentary question on it. If the alarm was widespread and everyone was saying that there was a problem, your networks would have let you know as well.

Michael Russell: You are the one who claims to have the networks.

Mr Galbraith: We received no letters and no questions on this issue; there was some anecdotal evidence, which we began to pursue in March.

I will repeat what everyone else has said: when higher still was set up, all the complaints and problems that were raised were about learning and teaching. Nowhere did anyone ever raise the possibility of the SQA not being able to cope.

Michael Russell: That is simply not true from the evidence that we have received.

Mr Galbraith: A lot of people will be saying things with hindsight, but I have to tell you that we had only anecdotal evidence that there was trouble with the transfer of data

Michael Russell: The anecdotes were true.

Mr Galbraith: We had anecdotal evidence. Ministers have to deal with that and we did so. We tackled the problems as they arose from the beginning of the year. We dealt with all the evidence that we were given. We received reassurances, but let me repeat that, from the introduction of higher still—you can examine the information—at no time did anyone question the SQA's ability to cope.

The Convener: A couple of members have supplementaries. I will let Mike Russell back in later. Is Ken Macintosh's supplementary on this issue?

Nicola Sturgeon: Mine is, and I indicated first that I wanted to speak.

The Convener: In fact, you did not, Nicola, but I am trying to include everybody. I shall take Ken Macintosh's question first.

14:30

Mr Kenneth Macintosh (Eastwood) (Lab): In fact, I have two questions, one of which relates to what Ian Jenkins was asking.

The Convener: Please ask the one that relates to the current line of questioning.

Mr Macintosh: I want to ask about how HMI is perceived. The evidence that we heard from Gordon Jeyes concerned HMI, but he also made a point about the SQA. He said that the SQA was not policy neutral on higher still and that, to quote the song, it tended to "accentuate the positive". Did you share that perception, not just about HMI, but about the SQA's management?

Mr Galbraith: About their values?

Mr Macintosh: Yes. Do you think that the SQA was not policy neutral about higher still and that it existed to make higher still work rather than simply to operate the system?

Mr Galbraith: The SQA was there to make it work. It was charged with the introduction of higher still as the result of a ministerial decision. I would therefore expect the SQA to carry forward that implementation positively.

Mr Macintosh: Did that give its work a bias, as it was pushing higher still and trying to make it work, rather than listening to concerns and reporting back to you or to others that the system was not working and should be changed?

Mr Galbraith: The SQA's job was indeed to make the system work. The previous Government made a policy decision that higher still was the way forward, which was generally welcomed at the time. Apart from a few pockets of discontent, most people welcomed the introduction of higher still and wanted to make it work. However, I reiterate that no one said that there were no problems; there were clearly problems. The previous Labour Administration allocated an extra £50 million and delayed implementation of higher English for a further year. We were trying to respond to all the areas of concern, but the SQA's job was to introduce higher still and to do so as well as possible. Until the information was transferred to the SQA, the system was highly successful.

Nicola Sturgeon: I want to pursue the point that Kenneth Macintosh has raised about HMI. I would like you to comment on one or two aspects of the development and implementation of higher still that have resulted in a feeling—I shall not put it more strongly than that—that some concerns were not being taken seriously. First, although I accept what you said about HMI not taking policy decisions, it was centrally involved in the design of higher still and responsible for managing the implementation. There is a feeling that that meant that, in the third aspect of its role—assessing the success of higher still—HMI was not in a position to be absolutely objective about the evidence that it heard in schools. Can you comment on that?

My second point goes to the heart of the question about concerns being treated seriously and taken forward as they should have been. The chief executive of the SQA—and I mean no slight to his character—had previously been centrally involved, as a chief inspector, in the development of higher still. Given those factors, do you accept that there was a danger that people with a vested interest in previous decisions were perhaps not as open and objective as they could have been in listening to concerns about higher still?

Mr Galbraith: I understand your question but I would like to make one or two points. I reiterate that, until the information was sent to the SQA, higher still worked well and was successful. I do not want to comment on Ron Tuck; it is for the committee to decide on that. However, I stress that HMI was aware of the problems and so was I. Whatever those problems were—and there were many problems—they were not there just when I took up my post; they had been there ever since implementation. The idea that we were not listening to or bothering about concerns is not borne out by the facts, as members can see from the evidence in front of them.

We twice delayed the introduction of the new system. The first thing that the Labour Administration did was to delay its introduction yet

again in response to concerns. That was a manifesto commitment and we carried it out. I further delayed English, which Helen Liddell had also delayed. We tried to respond to the information on assessment banks. We put in £30 million or £50 million—either way, a lot of money—to deal with the matter. Everyone knew about the problems with higher still and its implementation. We responded to the concerns by allocating money and delaying higher still, so any accusation that did we otherwise would be wrong.

Nicola Sturgeon: Before I ask this question, I should say that I accept that this is no longer your responsibility, but would not you accept that, as a matter of principle, the people who are charged with assessing the success or failure of a major project such as higher still should not be the same people who have been centrally involved in the development and management of the implementation of the project? Should not that be avoided?

Mr Galbraith: Those people also have the expertise. The inspectors were responsible for the implementation of higher still and it worked well in the end. I did not say that there were no difficulties, but the students sat the exams—

Nicola Sturgeon: With respect, you are not answering my question. I am asking you to comment on the matter of principle. If you were to do this all over again—

Mr Galbraith: Ah, with hindsight.

Nicola Sturgeon: Okay, with hindsight. Sometimes what you learn with hindsight prevents problems from being repeated in the future. Would you accept that, in future, the people who are charged with assessing the success or failure of something should not be the same people who were charged with implementing it?

Mr Galbraith: The success or failure of this matter will be determined by the review that I set up.

Nicola Sturgeon: That is not the question that I am asking you.

Mr Galbraith: What is the question that you are asking me?

Nicola Sturgeon: I am asking you whether, as a matter of principle, people who have been charged with implementing a project should be charged with assessing it. Put aside the extraordinary circumstances that have arisen this year. In the ordinary course of events, it was for HMI through its inspections to assess whether higher still was a success or failure. As a matter of principle, would not it be preferable if the people who were charged with that responsibility were different from the people who were charged with implementing the major new examination system?

Mr Galbraith: It is not up to HMI to decide whether higher still is a success; the review committee will decide that. HMI assesses schools' performance; it does not decide on the success or failure of an exam. That issue will be reviewed, and ministers will decide on the success or failure of the exam.

The Convener: Cathy Jamieson, do you have a supplementary question?

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I have a brief one, which I hope will shed light on a few matters.

Minister, you said that there had been no parliamentary questions and that not many letters had been brought to your attention, yet in some of the evidence that we have seen there were rumblings. What should people have done if they were concerned at an early stage? If you were not told, should somebody have brought these matters to your attention at an earlier stage?

Mr Galbraith: Let me remind you that the SQA is an arm's-length organisation with a board—in my view too large a board, but it was set up on the basis that it was necessary to have representatives of all the stakeholders. Of course, if there were problems there, the correct port of call was the SQA and the board that oversees it. All the stakeholders were on that board. For example, there were representatives of the Convention of Scottish Local Authorities, the private sector, teachers and the Educational Institute of Scotland. They were all able to question what was happening and deal with the issues, and that is where the matter should have been pursued. Of course we have a great interest in this, and we were aware of the rumblings and the problems and the anecdotal evidence that there were problems and trouble with the exchange of data and so on. That is why we pursued the matter as we did—as can be seen from the evidence.

The Convener: May I pursue the issue of the board? You are saying that stakeholders were represented on the board. Why did they not raise these issues in a way they could have been dealt with?

Mr Galbraith: I do not know, because I do not know what they raised. We will need to see what the Deloitte & Touche report says on that matter. It would surprise me if the stakeholders had not raised those matters; they may have done so. They may also have suffered from the problem that we suffered from—being given inaccurate and false information.

Nicola Sturgeon: Can I ask a supplementary question on that?

The Convener: Yes. We will return to the role of the board.

Nicola Sturgeon: Your tenure as the Minister for Children and Education lasted for 18 months and you had been in office for a year before this crisis hit. If you had reservations about the structure of the SQA board, why did you not act to do something about it?

Mr Galbraith: My reservation was that the board was too large. However, the SQA structure was rather complex. I inherited a structure that was in place and running the higher still programme during its first year of implementation. Although there were problems with it, the last thing we wanted to do was to start tinkering about with the board. It would have been extremely foolish to do anything of that sort.

Cathy Peattie: One of the frustrations was that people knew there were problems in the SQA but they were unable to do anything about them. What are your views on setting up an intermediary body or commissioner as a link between the Executive and the SQA?

Mr Galbraith: You will want to consider that idea, which I have suggested the enterprise and lifelong learning department consider. I am not thirled to it, but it is a possibility.

It was suggested at the start of the process that the quality assurance should be separate. However, the overwhelming view of the consultation was that that would not be the case. You must remember that the SQA board was set up after widespread consultation. It was debated extensively in the Parliament and I said that the way in which the board was to be set up was rather complicated. It suffered from the problem that all such boards suffer from—that every stakeholder pitched in and wanted a place on it. People joined the board not because of what they could bring to it, but to represent their personal interests on it, and, rather than a small board that produced corporate governance, there was a huge, overweight board. That should be considered in the wider context of this inquiry.

A lot of thought must go into the structure of the board and appointments to it. The people on it should be there for what they can bring to it, not for whom they represent. This committee will have to consider the option of having an interposing body, such as that which exists in England. That idea was widely consulted on, and was rejected.

Cathy Peattie: You are saying that there was a fairly big board, with different stakeholders involved. However, none of those stakeholders represented organisations: they were appointed. Does not that make their position even more ambiguous?

Mr Galbraith: The worst thing would be to have direct representatives, although most of them know that they are there to represent stakeholders. There is always a problem when people are appointed to quangos, and demands are always made to have people to represent specific groups. That is a bad philosophy. The people on quangos should be those who can corporately run them. It would be a disaster to have them appointed by their organisations. The board should be reduced in size.

Michael Russell: The board came into existence under a Tory Government and was reappointed under a Labour Government. Why did the Labour Government not take the view that the board was unwieldy? Apparently, you were saying so. Why were changes not made? The only significant change appears to have been to take off the representative of the STUC.

Mr Galbraith: I was not the Minister for Children and Education then, and I am not privy to documents from the previous Administration.

Michael Russell: But you had a view on the matter—you have just told us that.

Mr Galbraith: Yes, but I was not the Minister for Children and Education.

Michael Russell: So you did not tell anybody about your concerns.

Mr Galbraith: I was concerned with my own departmental remit, which was normal.

Michael Russell: But you had a view on the matter.

Mr Galbraith: Yes. I thought that the board was too large.

Michael Russell: The board was reappointed under a Labour Administration.

Mr Galbraith: Yes. The chairman and some board members were reappointed.

Michael Russell: The board showed some disquiet during the past year—a small amount, with little shown in the minutes of its meetings. In April, Ann Hill drew attention to the fact that she thought there were considerable problems with implementation of the higher still programme—facts were quoted on the front page of *The Herald* in April—yet she appears to have been subjected to some pressure, from the board and others, because she made those criticisms.

14:45

Mr Galbraith: Ann Hill never communicated her concern to us. We have no record of receiving a letter from her.

Michael Russell: Her organisation disputes that.

Mr Galbraith: I can speak only about my organisation.

Michael Russell: You accept that her organisation disputes it.

Mr Galbraith: It can dispute it all it likes; we have no record. Ann Hill raised an issue to do with the SQA in *The Herald*, which we are dealing with. This is not a profitable line for you to pursue, Mike.

Michael Russell: I do not see why it is not a profitable line. It is clear that some members of the board felt disquiet. Looking at it now, do you think that the board should still be in existence, or do you think that, given the board's abject failures, you should have used the powers available to you to dispense with either it or its chair?

Mr Galbraith: After the exam results were out?

Michael Russell: Or beforehand, given that you claim to have been receiving alarming information in the couple of weeks running up to the debacle.

Mr Galbraith: After 20 June, the idea of just going in and scrapping the board and its chairman would have been a ludicrous suggestion, destabilising an organisation that was already in trouble. I hope that no one is seriously suggesting that that is what should have happened. My job was to make the best of what was there.

Michael Russell: Should the same board still be in office?

Mr Galbraith: That is another issue, which will have to be examined once we have the Deloitte & Touche report.

Michael Russell: What is your view at the moment?

Mr Galbraith: We will wait to see what the Deloitte & Touche report says about some of the issues. Until then, my only view is that the board should be reduced in size; it is far too large.

Michael Russell: You will not say whether you still have confidence in the board.

Mr Galbraith: It would be unfair of me to say anything until we have the Deloitte & Touche report.

The Convener: For the benefit of members, let me clarify that following the Scottish School Board Association's appearance before the committee and the evidence that it gave, we asked it to make any correspondence between it and the Executive available. I believe that that correspondence is on its way and that members will have it very soon.

I believe that Ian Jenkins has a supplementary.

Ian Jenkins: Minister, you said that people were

asking to whom they should complain and suggested that it should have been the board. I suggest that part of the reason people did not do that was, first, that they did not know that the board was that kind of board and, secondly, that the lines of communication were flabby. People might have complained to the higher still development unit. I was at in-service meetings at which high-up people in the higher still development unit were present and heard difficulties. The inspectors were also involved in those meetings. They heard about the difficulties. There was also the education department and you, as well as the board—a plurality of things. There were subject panels and all sorts of things.

Mr Galbraith: There were focus groups and liaison groups as well.

Ian Jenkins: The whole thing became an organisational morass. It was difficult for people to know who had the power and to whom and when to complain. You talked about higher still having been a success. The whole time, the SQA was late with assessment bank stuff and so on. People were complaining all the time.

Mr Galbraith: That related to learning and teaching.

Ian Jenkins: Indeed, but learning and teaching are quite an important part.

Mr Galbraith: Of course, and that bit worked. You say that that was at great cost to the schools, but it did work.

You are right; there may be questions about what the issues are and to whom they should be taken. In my experience of politics, people almost always take them to the Government, if not directly, then indirectly through their representatives. We received no representations about problems with the SQA and its marking.

Nicola Sturgeon: I want to move on to the implementation of higher still.

The Convener: Is there anything else on the board? If not, Nicola can continue.

Nicola Sturgeon: I have two questions on the timetable for implementation of higher still. The first one takes us quite far back; I am not sure how far back. What discussions took place between your department or any group within it and the SQA about the need for it to implement a new software program to deliver higher still and what account was taken of the impact of a new program on the timetable for implementing higher still?

Mr Galbraith: Members have received evidence on that subject, in particular the further submission from John Elvidge. It was clear from the start that the previous systems would not work and everyone knew that we needed a new system—

APS. That was set up before I became involved. Everyone realised that it would be difficult and that there would be problems, but no one raised the possibility that it would not work. However, there was a long lead-in time and those discussions took place from the start.

Nicola Sturgeon: When John Elvidge appeared before the committee, he was asked whether there was any discussion in the education department about piloting of higher still or further phasing, to allow time to identify problems and iron them out. He said that he was debarred from answering that question. Can you answer that, minister?

Mr Galbraith: There were no discussions about piloting with me, but when I became involved higher still was already running. When I picked up the system, higher still was already part of it. If there had been such discussions, I would have been opposed to piloting. Piloting would not be appropriate—some students would have come out with minority qualifications, which would not have been the same as the rest. That would not be good. On phasing, as members know, there have been two decisions to delay the programme for two years. It was being phased in over five years. I was involved in the new higher English, which I extended another year. That was the only discussion that I had on the matter.

Mr Macintosh: The Scottish Secondary Teachers Association made the point—and Douglas Osler agreed—that the SQA and before that the Scottish Examination Board and the Scottish Vocational Education Council, had run efficiently until this year, making it hard to avoid the conclusion that the implementation of higher still was a factor in the problems that the SQA experienced this year. We are going over several possible factors, but if the implementation of higher still is a major one, how much responsibility should ministers take for that?

Mr Galbraith: There is no doubt that the implementation of higher still was a factor. If there had been no changes under the old system it is unlikely that there would have been a problem. However, that would mean that we could never change. Having heard Bill Morton's evidence, it is clear that it was not just higher still that created a problem—any change would have caused problems.

Parliament set up the SQA as an arm's-length body for good reasons. The SQA is the education department's external examiner—it measures how well we are doing and the progress of examinations. It is correct and proper that such an operation is kept at a distance, at arm's length. Ministers should not interfere. Members will have read the evidence, which makes it clear that throughout the time we were involved the SQA reminded us constantly that it was an arm's-length

body that was responsible for what was going on. The role of ministers is to accept responsibility for policy; day-to-day running of the organisation is not our responsibility.

Michael Russell: I want to pick up on that point. We have disagreed about the false distinction that HMI and the minister are drawing about policy. Surely you are also drawing a false distinction in relation to your role in arm's-length bodies? It is clear that an arm's-length body is set up for a purpose. You cannot interfere in that purpose. However, as a minister, you have a duty and responsibility to ensure that the body functions effectively and efficiently. By all standards, the SQA is not and was not functioning effectively and efficiently. As a minister, did you not have a duty to ensure that the SQA operated and delivered what you asked it to deliver? It failed to do so. According to all the legislation that the committee has seen, you had a clear ability to interfere in the organisation's running.

Mr Galbraith: You have seen the legislation and are aware of the discussions about our various powers and responsibilities on this matter. However, in such cases, there is a difference between responsibility and culpability; if we had received information that would have led me to utilise my nuclear option powers, there would have been an issue of culpability. However, that position never arose.

Michael Russell: I quote John Elvidge from the meeting of this committee at which he gave evidence—he is sitting behind you and will remember what he said. He said:

"I would describe what we did"—

by "we" he presumably means the department—

"particularly between the end of June and the critical date, as intervention of a sort, in that it bore no relation to the normal relationship between a non-departmental public body and the department."—[*Official Report, Education, Culture and Sport Committee*, 27 September 2000; c1434.]

Your department was hurriedly and belatedly trying to ensure that the organisation delivered the function that you had asked it to deliver. You had the right to do so; the problem was that you did not exercise that right fast enough and well enough.

Mr Galbraith: I am sorry, Mike; we do not have the right to do that.

Michael Russell: Well, what did John Elvidge mean by that statement?

Mr Galbraith: I agree exactly with John's comments. I should explain how we deal with non-departmental public bodies. For good reasons, our powers of intervention are extremely limited; they are nuclear options that are written into legislation but almost never used. The committee has heard of the one example where they have been used,

which concerned CalMac.

The question is how we influence such bodies. Although we have some influence over the chairman, the board and so on, we have an informal relationship for running them; if any problems or issues arise, we can let them feel the heat of the minister's breath on their collar, which I have certainly done with various organisations from time to time. However, we are always mindful of the fact that, as the chairman and other board members constantly remind us, we do not actually have any rights or powers to do so. That said, we can try to influence them.

In this case, we were very aware that we would be very likely stepping over the mark as far as our powers were concerned. If we want to intervene, we have to give a specific direction and then consult the board, which must be given time to consider the direction and then respond to us. We have to play this difficult relationship in order to get things right; we watch the organisation, keep it at arm's length and do not interfere. However, if issues arise on which we have views, we have to try to influence the organisation. That is how the process works.

Michael Russell: Surely, in this case, you were aware that the clock was ticking. Examination results were due to be posted out on 9 August. You were now receiving reports that even Mr Elvidge was taking immensely seriously. He said at our meeting that the relationship

"was a long way outside the normal conduct of the sponsorship relationship"—[*Official Report, Education, Culture and Sport Committee*, 27 September 2000; c1436.]

Although you were acting in exceptional circumstances, the clock was ticking. Surely you had a duty to do the ultimate thing to ensure that this disaster did not take place, and you failed.

Mr Galbraith: What was that?

Michael Russell: Your ministerial duty was to ensure that the disaster did not take place.

Mr Galbraith: No. What should I have done after—

Michael Russell: You should have ensured that the SQA delivered its function, which it failed to do.

Mr Galbraith: By 20 June, we were more concerned with ensuring that we got the best possible result out of the situation. As a minister, my duty was to deliver as best I could. There was no specific direction that I could have given or consulted on that would have dealt with the situation. We were certainly beginning to go over our statutory powers in that area. However, those are just judgments that we make from time to time.

Michael Russell: Was your relationship with the SQA poor?

Mr Galbraith: No.

Michael Russell: How do you explain the minute of a Scottish Executive-SQA liaison group meeting that was chaired by Eleanor Emberson? The minute says:

"Programme for the SQA's annual conference being rescheduled to suit availability of Sam Galbraith. This would also mean that Q&A session would now take place before Mr Galbraith's keynote speech, which would avoid awkward questions being put to the minister".

What awkward questions were you expecting from the SQA?

Mr Galbraith: Absolutely none whatsoever.

Michael Russell: If you were not expecting any, was this minute inaccurate? Were you just being overprotected by your civil servants?

Mr Galbraith: Possibly.

Michael Russell: There might have been a need for such protection.

Mr Galbraith: There was no need for it.

Michael Russell: I do not know about that.

Mr Galbraith: I am probably known as a minister who takes questions almost every time he speaks, whether I ask for them or not. That is usually the best part when you are speaking on these matters.

Michael Russell: But you did not tell Ms Emberson that. She was keen to protect you from the questions.

Mr Galbraith: She was, but I do not need any protection.

Mr Monteith: Minister, you have talked about the options that were available to you such as the warm breath on the collar, the nuclear option and so on. We have had evidence that, when the Education (Scotland) Bill came before Parliament, the Scottish parliamentary counsel gave advice to the then Government about the powers in the bill. That evidence suggests that section 9 of the act means that the minister would be empowered, after consultation with the SQA, to give it directions with regard to the discharge of its functions and that the SQA would have a duty to comply with such directions. Are you telling us that you have had different advice, or would you accept that that is the advice?

Mr Galbraith: That is the advice. The minister has the power to give directions of a general or specific nature, after consultation with the SQA. The notes that accompany the bill make clear that the wording in the act is a standard phrase and that the power was to be used only as a last

resort. Any direction has to be formulated and given to the SQA, which then has to have time to consult on the direction. The views of the SQA then have to be taken into consideration before the direction can be issued. The SQA has a duty to comply with that direction, but the minister has no powers of enforcement.

Mr Monteith: As you have said, there was a difficulty in taking precipitate action with the board or the chairman of the board, as they were in the throes of dealing with problems of which the minutes of the meetings that were held with your officials tell us you were well aware.

What is your view of the letter of 17 July, from Eleanor Emberson to Ron Tuck, which contains a record of what was discussed at the meeting on 14 July. It says:

"My analysis of the next steps, based on Friday's discussion, is as follows, though your comments would be very much welcome, either now or at our next meeting."

Does that sound to you as if Eleanor Emberson is saying, "Here is our record of the events. It is what we would like to happen. Can it happen and will you go ahead with it?" Is that, in a sense, the consultation that you are talking about?

Mr Galbraith: No. There has to be a consultation with the board. After 20 June, when it was clear that there was a problem—although we will have to wait for the publication of the Deloitte & Touche report to find out the extent of the problem—the relationship changed and the SQA was more willing to accept advice from us, although it was still accusing us of panicking.

The Convener: We will make this the final question before we take a break.

Nicola Sturgeon: Mr Galbraith, if you have no culpability in this matter and there is nothing that you could have done to avert the crisis, why are you no longer the Minister for Children and Education?

Mr Galbraith: I do not think that I need to bother answering that question.

The Convener: We will take a short break at this point.

15:04

Meeting adjourned.

15:16

On resuming—

The Convener: We still have some specific issues to deal with, after which we will move to questions about the future. We appreciate that the minister may not feel too comfortable about prescribing the future, but we appreciate his

experience, and his guidance would be useful.

Our next questions are on markers, and I ask Cathy Jamieson to start on that point.

Cathy Jamieson: There was a lot of anecdotal evidence—as well as evidence given to the committee—about the lateness of the appointment of markers and about people who had marked previously deciding not to do it again. Are there issues for the future in that regard? Why would anybody want to be a marker? Why would teachers want to be involved in marking, given the fact that the remuneration is not especially good and that the work eats into their holidays? The latter applies in particular following recent events—many teachers returned from holiday to find extra scripts waiting for them. What do you see as the way forward, especially given what we have heard today, so that resources may be available?

Mr Galbraith: One of the reasons that teachers do marking is that they consider it to be important for them and part of their professional development. That is the real reason, above anything else; given the sum that they get, I do not think that they could possibly be doing it for the money. That needs to be seriously considered. When I found out how much teachers got for marking, I was quite surprised.

Clearly, there are problems with the administration of the marking system, including problems of lateness. That point was raised with the Executive; we pursued the matter and got reassurances on it. We will have to wait to hear what Deloitte & Touche finally says on the matter, but there was no basis from Bill Morton's evidence for questioning the standard of the marking.

Some teachers will always do marking, just for the professionalism of it, but various steps need to be taken: remuneration will have to be reviewed; markers will have to be recruited earlier; better systems will be required; markers should not get the papers too late; and it should be ensured that all the appropriate facilities are available for the task to be made as easy as possible. People who come in to do marking—something for which they have no duty or obligation—should be treated particularly well.

Cathy Jamieson: Young people in particular have raised the point that in other countries, the marked scripts are returned either to the school or to individuals. That can form part of the learning process as well as being part of the checks and balances. Would you encourage us to consider making recommendations—

Mr Galbraith: Yes. In fairness to the SQA, it was about to consult on the return of scripts, which is, I think, the system that is followed in England. We should remember that our system is slightly

different from the English system, as our results have been based on a final examination that has always been the external moderation of internal assessment, whereas in England, one's performance in the final examination decides one's result. In that context, the issue is of less importance.

Cathy Jamieson: Except, presumably, for the young people who ask for—

Mr Galbraith: The SQA had decided to consult on that approach, but, given all the problems that arose, I do not know what stage it has reached or whether it has turned its attention to the consultation yet. However, the SQA intends to consult on scripts, and it would be useful for the committee to participate in that consultation.

Nicola Sturgeon: On that point, concerns have been expressed on pupil performance—if that is the correct term—this year. Blaming pupil performance on marking, or raising doubts about the quality or consistency of marking, may have been a knee-jerk reaction. Do you accept that there might be other reasons for the fact that this year some pupils have not performed as well as expected? Such reasons might include the burden of internal assessment or the change to the examination diet.

Mr Galbraith: We will have to wait to see the final results. I do not think we can judge that pupils have been less successful this year until we know what the results are.

Nicola Sturgeon: Would you—

Mr Galbraith: You will need to await the final pass rate until you can draw conclusions. It would not be right to comment before knowing that final pass rate.

The Convener: We are aware that outstanding appeals remain to be dealt with—we may need to come back to that issue.

Michael Russell: I want to turn your attention to next year, minister, and to what may happen from now on.

A variety of individuals have expressed their concerns to the committee about evidence that exists already of slippage in the delivery of the 2001 examination diet, the arrangements for which include an even shorter period between the end of the diet and the end of the school term.

Is it possible for you categorically to assure Scottish parents and Scottish pupils that this year's problems will not recur next year? Will you give that categorical assurance?

Mr Galbraith: It is not for me to say, as I am no longer the Minister for Children and Education and I am not about to engage in another minister's portfolio. We did everything that we could

reasonably do to ensure that the problems will not recur and I am certain that my successor will do likewise.

On each occasion when I met Bill Morton, I stressed to him the importance of ensuring that next year's diet works well and that the mechanisms are in place. He is seized with the necessity for that approach and I have every confidence in him.

Michael Russell: If I had asked you for that categorical assurance 48 hours ago, when you were still the Minister for Children and Education, would you have given it to me?

Mr Galbraith: I do not answer hypothetical questions, Mike, much as you might like me to.

Michael Russell: I will ask you about three other specific matters.

First, the return of scripts was discussed in depth between your department and the SQA during the year and there is a view that the SQA would not object to the return of scripts. Should that approach be given serious consideration?

Mr Galbraith: Yes.

Michael Russell: Good.

My second question is about the pressure on the SQA and centres. Given that work still requires to be done to secure next year's diet, should not some things of little added value—such as the Scottish group awards, which are yet to be phased in—be put on hold or dropped from the programme, at least until one diet of the current programme is delivered successfully?

Mr Galbraith: My successor will decide that, not me.

Michael Russell: Thirdly, on the delivery of certificates, one of the pressure points in the present SQA structure is the printing of certificates during the constrained period of time at the end of the exam process. Would not it be wiser to consider the system that exists south of the border, whereby result slips are delivered to schools and certificates are not printed until the process, including appeals, is concluded?

Mr Galbraith: No, but that is my personal view; it is for my successor to make that decision.

The SQA must explain better exactly what is in the lifelong learning certificate, so that there is no repeat of the ludicrous stories that we heard this year about pupils getting the wrong results or certificates that contained passes for exams that they did not sit. The situations that were highlighted involved certificates that were not correct. A lot of work must be done to explain exactly what the lifelong learning certificate is.

The Convener: Some of us were able to visit the SQA on Friday, and that was one of the things that was discussed. The SQA is looking at that matter.

Mr Galbraith: I think the SQA accepts that it did not do enough work in preparing people for the new certificate.

Cathy Peattie: Does the minister share the committee's concern that there is already slippage in the 2001 diet?

Mr Galbraith: There has been some slippage, for obvious reasons. I have spoken to Bill Morton and he is directing much of his attention to ensuring that the diet is up and running and to laying down the timetable. I have done everything that I can, and the SQA has done everything that it can. This will be a matter for my successor.

Mr Monteith: I was not aware that we would move quite so quickly to questions about the next diet. I want to ask the minister about a number of issues regarding the week when the news of the exam chaos broke. From the evidence that you and your officials have provided, we know that, from around 20 June, your officials had eight meetings with representatives of the SQA. You had a meeting with the chief executive and chairman of the SQA on 25 July. There was clearly a great deal of concern, and you have said again that there is no doubt that there were difficulties. Hard as you must have been working, why did you feel it appropriate to take your holiday in the week when news was unveiled that your flagship policy was in chaos?

Mr Galbraith: I was in Stornoway, as everyone knows. I was not sunning myself on a beach, out of contact. I was in daily contact. We must get over the idea that only if you are sitting behind a desk in Glasgow or Edinburgh can you affect things or manage them. In the new Scotland, we need to realise that you can work from Ayrshire, Aberdeen, Inverness and Stornoway.

Ian Jenkins: And the Borders.

Mr Monteith: In your ministerial team, you had a deputy minister who was responsible for culture and sport, but you would not have expected Rhona Brankin to be elsewhere during the Edinburgh international festival. I ask the question because it all seems strange to me. I would have thought that, even if things were going swimmingly, the minister would be available when the flagship policy was—

Mr Galbraith: I was available. You must get out of the habit of thinking that you have to be sitting behind a desk in Glasgow. The world has moved on: there are things called faxes, e-mails and telephones.

Mr Monteith: If the world has moved on, let us look at the week when news of the chaos broke. On 8 August, the *Daily Mail* reported an SQA spokesman as saying that there were difficulties and that 200 to 300 candidates would receive incomplete information, but that 99.75 per cent of certificates would be correct. In other words, only a quarter of 1 per cent of the information would not be correct. Yet, in your statement the following day, it is clear that you were aware that the figure was 1 per cent—representing around 1,500 candidates. That was quite a discrepancy from one day to the next—the number of candidates said to be affected was four or five times higher. Were you concerned—not so much about the problems that those candidates would face, but about the possible misinformation that was coming from the SQA?

Mr Galbraith: Those figures changed almost daily as they were updated and considered in different ways. The lack of hard information that the SQA had was a feature throughout. There were conflicting results. On the day that the results came out, I was told that only 300 pieces of information were missing, which surprised me because we expected more. I knew that a small number would receive incomplete information. The SQA had also promised previously that it knew which students would be affected, that it would send them a letter, and that the students would be able to get the information from the schools. That was the basis on which we were working. Most of the reassurances were false, but the problem only really came to light after 10 August.

15:30

Mr Monteith: Given that the reassurances that you were receiving were not being borne out and that the information was confusing, do you think that it was correct for you to say on 12 August that

“everything will be done on time and students will be able to get the places they're entitled to”?

That is quite a specific assurance. Given what you already knew about what was coming from the SQA, do you think that that was a fair comment?

Mr Galbraith: I think that it was. I was engaged in two exercises. One was to try to reassure people. I realised that the vast majority of students would get complete and accurate results, and I thought that it was important to reassure them. Perhaps that was a waste of time, because people piled in to say, “You can't trust them, every result is wrong and we need to rerun the whole diet.” However, I think that I was right to try to reassure individuals. That was a natural thing for me to do, and if I am condemned for doing it, so be it.

The reassurances that I gave were also the reassurances that were given by the Committee of

Scottish Higher Education Principals. As members know, the number of Scottish students admitted to universities is up significantly on last year's figures.

Mr Monteith: That may be so, but students may not have been admitted to the courses for which they applied.

It is clear from COSHEP's evidence that it was suffering the same difficulties that you experienced, to do with the information and reassurances that it was receiving. Those reassurances changed many times. However, from the evidence submitted by COSHEP it would appear that there is a difference between reassuring people that they will have a place at university and reassuring them that they will have a place on a particular course. Do you accept that candidates have had difficulty getting places through clearing?

Mr Galbraith: We can all rewrite history. We should remember that on the Sunday after 12 August, COSHEP stated that no student would be disadvantaged. That was COSHEP's position and it was clear about that. It is questionable whether people are disadvantaged if they enter clearing at a slightly later stage. Places come up all the time. Good places come up later that would not have been available if someone had entered clearing early. The University and Colleges Admissions Service and others advise students not to rush to accept places but to examine the courses available. We should consider that before we jump to conclusions.

Mr Monteith: However, you would accept that people were given assurances that they would have the correct information before clearing started, and that a number of students did not.

Mr Galbraith: What correct information?

Mr Monteith: Correct information about their results.

Mr Galbraith: The assurance was that no one would be disadvantaged.

Mr Monteith: So you would say that the fact that some students in Scotland were not able to apply for a clearing position—something that they could have done had it not been for the exams fiasco—while students in England, who had received A-level results, were able to apply, was not a disadvantage?

Mr Galbraith: Not necessarily. It might be a disadvantage, but it might also be an advantage. How will we ever know that? As I pointed out, many of the good places do not come up until much later in the clearing process, after people who have received two or three offers have withdrawn their other applications. Students should not rush into clearing. It is a theoretical

possibility that students have been disadvantaged, and that argument has been put to me. However, there is an equally strong argument that the opposite may be true.

Mr Monteith: Do you accept that the scenario that I have outlined remains a theoretical possibility only if we fail to produce individuals whose cases demonstrate that it has happened in practice?

Mr Galbraith: I dare say that Brian Monteith will produce such individuals.

The Convener: Members have indicated that they have no further questions about the 2000 diet. Do members have more questions about the future and the 2001 diet?

Michael Russell: Not about the 2001 diet.

The Convener: Are there any other questions?

Michael Russell: Your performance today could best be described as that of a minister who is demob happy.

How do you feel about the performance of your department, HMI, your civil servants and the SQA, which you were responsible for as a minister, after the past three months, which have been such an unmitigated disaster for so many students?

Mr Galbraith: I have nothing but the highest praise for my department and HMI. I consider that my department is probably one of the finest in the Scottish Executive. I can say that without reservation.

I think that the SQA has a lot of questions to answer. Following the Deloitte & Touche report, we will know some of the answers. I think that the SQA did not perform the tasks with which it was statutorily charged.

I am bitterly sorry about what happened. I have offered my apologies to students several times. This is a major life event; we have to get it right for the students. I apologise that that did not happen this time.

Michael Russell: You have indicated, rightly, that a body for which you were responsible as minister failed abjectly to perform the tasks that it was given by you. Is not it surprising that you followed the Michael Howard school of ministerial responsibility by refusing to resign in those circumstances? Others might have chosen to follow what we could call the Lord Carrington school, by resigning because a body for which they were responsible failed abjectly—those are your own words. Would not that have been the better thing to do?

Mr Galbraith: Absolutely not.

As I said, the easy thing would have been to run

away, to say, "Sorry, I am off" and to disappear. That would have been the easy way out; I would not choose the easy way out.

Lord Carrington went because there was a failure of policy. I remember the Michael Howard situation well. The issue was whether he was interfering too much. Officials could not get on with their jobs as he kept asking them questions and interfered in the day-to-day running. You should be careful about the parallels that you draw.

Michael Russell: You took the hard option of staying, yet today you are not the minister.

Mr Galbraith: Yes.

Michael Russell: So the option was not so hard after all, was it?

Mr Galbraith: I have spent considerable time working on this matter and resolving many of the issues. I leave solutions to many of the problems.

Michael Russell: So is the matter now resolved?

Mr Galbraith: I did not say that it was resolved. Many of the issues have been resolved.

The Convener: As there are no further questions, I thank the minister for his attendance at the committee this afternoon.

Mr Galbraith: Thank you very much.

Committee Business

The Convener: The final item on the agenda is an update on committee business. I draw members' attention to the fact that we are part of the budget process. We must decide, as a committee, what part we will play in that and what comments we will make.

I see that Nicola Sturgeon is foreseeing her future and is leaving us.

Michael Russell: This may be her last meeting.

The Convener: Really?

Michael Russell: There may be committee changes on Wednesday. There will be tears, especially from me.

The Convener: I ask Martin Verity to say where we are in relation to the budget process and what we are likely to need to do.

Martin Verity (Clerk): As part of stage 2 of the budget process, the committee is invited to assess the education department's expenditure plans for 2000-01 and to report back to the Finance Committee.

The committee has not had the opportunity to consider its reaction because of a shortage of time owing to the inquiry that it has been involved in. We suggest that at the meeting this Wednesday, 1 November, we circulate to the committee a paper that analyses the Executive's response to the committee's concerns about stage 1 of the budget process. It would also look at the department's expenditure proposals for 2001-02.

If further questions arise from that meeting that members want to put to the Executive, I will write to the Executive with those questions asking for a fairly swift reply, which we could then circulate to members on Thursday 9 November. If members want, we could invite a minister to attend on Wednesday 8 November to answer those questions orally, but it is for members to decide whether they want a minister to give oral evidence on 8 November.

If members do not want a minister to attend, the paper that will be circulated on 9 November, which would include the Executive's response, will form the basis of a draft report that would be circulated for the meeting on 15 November. That would be the committee's draft report back to the Finance Committee, giving the committee's views on the Executive response and proposals for 2001-02.

That is a tight timetable. Because the emphasis has, obviously, been on the inquiry into school exam results, we have not really had the chance to discuss these things in as much detail as we should have done. However, the proposed

timetable would enable us to report back to the Finance Committee in time.

The Convener: As there are no questions or comments, do members agree to that timetable?

Members *indicated agreement.*

Mr Monteith: I am sure that the new Minister for Education, Europe and External Affairs will understand the budgets well, given that he set them.

The Convener: That is true.

Martin Verity: Do members also agree that they would like to hear from the minister on 8 November, or shall we leave that decision until Wednesday?

Michael Russell: We cannot decide that until we have seen the paper that is to be circulated on Wednesday.

The Convener: That is right.

Michael Russell: Is there a time scale for our committee report? I would like to spend a minute or two talking about where we go from here and about the time scale and key dates.

The Convener: As I flagged up earlier, the Wednesday meeting is likely to be our last session of oral evidence apart from the meeting that will be arranged to take in the higher national diploma and higher national certificate students. We do not yet have a date for that session. I propose that, on 8 November, we consider a paper from the clerks and Hamish Long, our adviser, which will flag up a number of outstanding issues. In the meantime, the clerks will begin to put together an initial draft of the oral and written evidence that we have received. They will put that in front of us on 15 November, taking into account our discussions on 8 November. It will take us as long as it takes us to consider the draft reports and decide on a final version.

Mr Macintosh: I am not clear about how we are liaising with the Enterprise and Lifelong Learning Committee on the final report.

The Convener: I will meet the convener of the Enterprise and Lifelong Learning Committee on Thursday. I will speak to him about his committee's proposed timetable and we will try to link the two together. I suggest that we hold a joint meeting at which we will launch the two reports. It would be silly to do that separately. Cathie Peattie has been acting as our reporter on the Enterprise and Lifelong Learning Committee and Marilyn Livingstone has been acting as a reporter to that committee on our deliberations, and we must take on board their comments. They can give their views to the clerk.

Michael Russell: The idea of joint publication is immensely sensible. It would be disastrous if one committee were to publish its report before the other. Perhaps there should be a joint meeting of the committees prior to publication so that we can discuss our final conclusions.

15:45

Mr Monteith: I notice from the papers for the Enterprise and Lifelong Learning Committee meeting this week that there is a proposed discussion on making its draft reports available to the public prior to their being agreed. Has that been raised with you, convener? If it were agreed, would that include the report on the governance of the SQA? Will that issue come before this committee? I would be greatly worried about a report of this importance being put out in draft form, when it would not necessarily represent the view of the committee.

The Convener: I share your concerns. The committees are coming at this issue from different perspectives, but I still think that there is merit in having a joint presentation of the two reports. When we have produced reports in the past we have had a lot of discussion about them and there have been changes to draft reports, so it would be unhelpful to have reports going out that we might wish to change at a later date. I am surprised at the proposal. I will take it up with Alex Neil on Thursday.

Michael Russell: If it helps, this committee could indicate its unanimous disagreement with publishing a draft report of any description at this stage.

The Convener: It flies in the face of what we try to do in having an open discussion when considering drafts.

Michael Russell: For the record, it is important to indicate that that would be a unanimous view.

Members: Yes.

The Convener: I will ask the clerk to make that view known to the clerk of the Enterprise and Lifelong Learning Committee before my meeting with Alex Neil on Thursday, if the issue is being discussed on Wednesday. That committee should be aware of our view.

Are members happy with the timetable? The consideration of the draft report is in our hands. How long that will take is up to us.

Michael Russell: I presume that we will set ourselves a target of publishing before the end of the month?

The Convener: I am aware, as we all are, that already there are students who are half way through this year's exams. If we are to give them

the confidence that they need to carry on, we have to ensure that our report is delivered as soon as possible, so we will be looking to the third week of November, or the fourth at the latest.

Ken Macintosh has already flagged up some issues for Wednesday's meeting. Are there any others?

Mr Monteith: I have printed out all the press releases—I have not read every one yet—from the SQA. I am sure that lines of questioning will arise from them, following on from the questions that I asked the minister, because there is an issue about the information that was coming out and how that contributed to the escalation of press concern and the concern of students.

The Convener: So the press releases relate to the difficulties in August, rather than anything that has come out about the latest diet.

Mr Monteith: Yes.

The Convener: Do you have another issue, Brian?

Mr Monteith: Yes. Would it be possible for the clerks to look at the remaining weeks that we have prior to the next recess and give us a draft of how we might fit in issues such as Hampden, the special educational needs inquiry report, the film studios report and so on?

Michael Russell: I would like the film report to be considered some time in December.

Mr Monteith: I am concerned that we should have an idea of the timetable. We have been meeting twice weekly, and we will be reverting to once a week. We may have to meet twice a week on some occasions. If we do, the longer the period of notice the better.

Michael Russell: I presume that the school infrastructure inquiry is the next big inquiry.

The Convener: Yes.

Michael Russell: It will be interesting to see how we timetable that, but it will also be useful for the committee to sit down and consider its future work plan, given that the SQA inquiry has occupied it extensively.

The Convener: I am aware that the SEN and Hampden reports are on-going. If possible, I would like to programme them in before the Christmas recess. For obvious reasons, I am reluctant to tie us down to those dates too tightly. Over the past week to 10 days, the clerks and I have been considering what we thought would be our future work plan and have tried to draw that up. If we can settle on a vague future work plan, we will circulate it to members for their comments. Mike Russell's comment on his report is helpful, as we can plug that into some space.

Although we assume that committee meetings will resume on a weekly timetable, there is pressure from the conveners liaison group for committees to start meeting once every two weeks. We will have to consider that idea, but not necessarily now.

Michael Russell: We have no further Monday meetings scheduled.

The Convener: We do not, at this stage. If we felt that consideration of the draft report was dragging on, we might want to schedule one. However, at this stage we have no Monday meetings scheduled.

Thank you very much for your attendance.

Meeting closed at 15:51.

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

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

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

The deadline for corrections to this edition is:

Monday 6 November 2000

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

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

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

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

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

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

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 029 2039 5548 Fax 029 2038 4347

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

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

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

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers