

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Tuesday 23 January 2001  
(*Afternoon*)

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## **EDUCATION, CULTURE AND SPORT COMMITTEE**

### **3<sup>rd</sup> Meeting 2001, Session 1**

#### **CONVENER**

Karen Gillon (Clydesdale) (Lab)

#### **DEPUTY CONVENER**

\*Cathy Peattie (Falkirk East) (Lab)

#### **COMMITTEE MEMBERS**

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

\*Mr Frank McAveety (Glasgow Shettleston) (Lab)

\*Irene McGugan (North-East Scotland) (SNP)

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

Michael Russell (South of Scotland) (SNP)

\*attended

#### **WITNESSES**

Ms Liz Gallacher (Scottish Independent Nurseries Association)

Ms Maggie Simpson (Scottish Childminding Association)

Ms Judith Sischy (Scottish Council of Independent Schools)

#### **CLERK TO THE COMMITTEE**

Martin Verity

#### **ASSISTANT CLERK**

Ian Cowan

#### **LOCATION**

Committee Room 1



# Scottish Parliament

## Education, Culture and Sport Committee

*Tuesday 23 January 2001*

*(Afternoon)*

[THE DEPUTY CONVENER *opened the meeting at 14:33*]

## Regulation of Care (Scotland) Bill: Stage 1

**The Deputy Convener (Cathy Peattie):** Good afternoon. I welcome everyone to the Education, Culture and Sport Committee's meeting. Karen Gillon is not with us today, so it is my job to convene the meeting. We will take evidence for stage 1 of the Regulation of Care (Scotland) Bill from the Scottish Childminding Association, the Scottish Independent Nurseries Association and the Scottish Council of Independent Schools.

Maggie Simpson of the Scottish Childminding Association will give evidence first. Maggie, we will give you a few minutes to give us an outline of your organisation's position, then committee members will ask you some questions. Fire away.

**Ms Maggie Simpson (Scottish Childminding Association):** First, I apologise for not having provided a submission before the meeting. The short time scale did not allow us to prepare one. I have copied parts of my notes today and I am happy to give additional information if necessary.

The association has responded to the consultation papers that have been issued, so a fair record of the organisation's views on the establishment of the Scottish commission for the regulation of care and the Scottish social services council exists.

I have provided a brief outline of who the members of the association are and what we do. We are an independent, non-profit-making organisation and have been around since 1985. We are a childminding association and we work with local authorities and parents, as well as childminders. We provide the support, information and training structure that accompany local authority regulation. We are well placed to comment on the introduction of the bill, as we would have been when the Children Act 1989 was introduced.

Implementation of the child care strategy has meant a huge change for the organisation. It has

allowed us to put in place many local projects that complement us as a national organisation. Those projects provide services locally to childminders and, particularly, to local authorities, with whose registration and inspection units we work closely.

We have always said that we welcome the bill. The existing system is not so bad, but we can see real advantages to having an arm's-length commission. The bill proposes everything we hoped it would, including standardisation and a system that will work throughout Scotland. I do not think that the association's views have changed. The devil will be in the implementation of the bill, not the bill itself. All I have done is go through the sections and highlight some points that might need clarification or that I may have interpreted wrongly. I will set out the association's concerns and I give its compliments on the bill's introduction.

**Irene McGugan (North-East Scotland) (SNP):** I notice that one of the first issues that you mention in your paper concerns the proposed age range. If the range goes from nought to 16 years, your organisation will have some concerns about ratios, which have been contentious. Childminders are allowed to look after six children under the age of eight. It is possible that that number will not increase, but the age range will. Will you outline the impact that you think such a change would have on childminders and the children they look after?

**Ms Simpson:** It seems impossible that anybody could look at that ratio and think that one person alone can look after more than six children. Six children are allowed at any one time, which includes the childminder's own children. In all previous consultations, we have said that that is appropriate.

Anyone working alone in the pre-school age group can have only three children under the age of five, because a larger number is impractical—the childminder cannot get out, do the things that they need to do or provide a good quality service.

However, the words "at any one time" cause problems. Childminders tend to provide a regular local service for the half-hour before and after school. That is crucial, because children who use such a service are generally local to the childminder and may not use an out-of-school care scheme. To allow their parents to go to work, the children pop next door to the childminder, who may then accompany them to school on time.

If the number is restricted to six at any one time, childminders will have to choose whether to take children for a half-hour or for a full-time pre-school place, for which care would start at the same time as that for the school-age child. The practicalities of the situation, let alone its economics, mean that the childminder would not take the half-hour child;

they would have to take the pre-school child, who would fill a full-time place.

My concern is that that valuable service before and after school will be at risk. Childminders do not take children only up to the age of eight; they regularly take older children and provide a valuable service for them. If the age range is extended, they will not be able to do that any more. My concern is that those older children might be unsupervised and left to go home alone. They would be at risk, which seems a pity. I do not know how you get round that problem.

**Irene McGugan:** That was going to be my next question.

How would we resolve that? Everybody accepts that the absence of protection in the care of children aged eight to 16 has been a shortfall in legislation. We therefore welcome the fact that it is being proposed. What does the SCMA believe is the most appropriate means of offering care to those youngsters?

**Ms Simpson:** It must involve the time limit, so that it is possible to vary the ratio in respect of the older age group who are looked after before and after school. We are not proposing that full time during the school holidays; that would not be appropriate. We are also not proposing that the ratio be extended for the younger age range, but you could extend the ratio for those older children for the short time before and after school. I do not suggest that you extend the idea of a childminder having an assistant during that time, as that would not be practical. About 6,000 childminders take children after school—they cannot all have an assistant before and after school; that would be equally difficult to regulate.

I propose that you consider extending the ratio for older children for that short period of time.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** You mention in your submission the cost of registration and other assessments, given the low income of those who engage in childminding. Have you conducted a thorough assessment of the potential impact of registration fees? The Executive's decision on checking criminal records has been made. Are you getting vociferous feedback from your members?

**Ms Simpson:** The feedback is clear; it is a disincentive. The registration fee is part of the start-up cost. I worry about the police check, because it applies to the childminder and anyone over 16 who is in the house. If a childminder has a partner or older children—and many of them have—they will have to pay for three or four certificates; the cost becomes prohibitive.

The part-time childminders who you really want to attract, especially in rural areas, must pay the

same fixed costs—they are simply not registering.

We have investigated, in a project that we run in Dumfries and Galloway, the reasons for people not registering. We have clear evidence that it is because it is impossible for them to do so; they would never generate enough income. Often, they look after only one child in a village, yet they have to pay all the fixed costs. If the point of the registration process is to protect children, it is not succeeding. It could end up working the other way, as people will not register. We have evidence to show that that is the case.

**Mr McAveety:** Given that there are regional differences, have you suggested a scaling of the cost, depending on the numbers or the individuals involved?

**Ms Simpson:** That has never been part of our proposal.

As the registration fee is only one of the costs involved, we have tended to go the other way and have asked local authorities to assist with the cost of registration as a whole, so that there is a start-up package. Because childminders are effectively considered as small businesses—they are small businesses—they were able to get assistance via the local enterprise company. However, they are now unable to apply for enterprise allowance because the priorities for it have changed. You can now apply for enterprise funding for information technology, so you can get money towards a computer; that is not a lot of help if you want a garden fence.

**Mr McAveety:** What are the average costs involved?

14:45

**Ms Simpson:** The cost depends on whether changes are needed to the home. Fencing, which I mentioned, can be expensive. On average, the initial start-up cost would be anything between £250 to £500. That would include the registration fee, the public liability insurance, the membership of our association and business products such as cash books and contracts. In most cases, the changes to the house will not be major, apart from the addition of features such as interconnected smoke detectors. The costs can be quite high and can be a disincentive to those who predict that they will have a low income, which is relevant to us as we know that 70 to 75 per cent of our members do not pay tax as they earn less than £4,500.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I will return to the issue of the age limit and the ratio. You say in your written evidence that care must be taken if the age limit is set at the nought-to-16 range. Do you have a view of what

the age limit should be? Alternatively, with regard to childminding, would you prefer the ratio to apply only to pre-school children?

**Ms Simpson:** We do not want the ratio to apply only to pre-school and have lobbied for a long time for the extension of the age range. In the previous consultation, in which we considered the nought-to-eight age group, we confirmed that a limit of six children to an adult was appropriate because childminders often look after children of that age during the school holidays and practicalities come into play. We had not taken into account the fact that the ratio might apply to the nought-to-16 age range.

We have not had time to ask childminders what they think is appropriate, but we thought that the issue should be raised. It may be that the guidance should make a recommendation in relation to the eight-to-16 age range which could be left to the discretion of the registration officer when the person is assessed. At the moment, the registration officer will restrict the number of children if they feel that the person is unable to look after six children under the age of eight. The same principle could be applied to the older age range.

**The Deputy Convener:** Thank you for the paper you brought and for appearing before the committee.

I welcome Liz Gallacher of the Scottish Independent Nurseries Association. You will have a few minutes to outline issues that you want to raise and then members will ask questions.

**Ms Liz Gallacher (Scottish Independent Nurseries Association):** I represent the Scottish Independent Nurseries Association, a group of mainly private day nurseries that was formed in 1992. We have members from all over Scotland and have huge local branches, mostly in the west and the east of Scotland.

In conjunction with Glasgow University, we put a quality assurance system in place in 1995 and all our members have achieved the levels it set. Until recently, it was a requirement of membership that members go through the quality assurance system. Recently, to attract more members, we have made that non-mandatory, but we still expect them to go through the system at some point.

Like Maggie Simpson, we welcome the bill. We especially welcome the creation of the new commission because our members tell us that there is great variation across Scotland in how local authorities deal with private nurseries. There are different staff ratios and different requirements for local partnerships. We welcome the national standards, as they mean that we will all be treated equally. I look forward to members' questions.

**Mr McAveety:** The recurring question is whether a single body would be more appropriate than two bodies. Are members of your organisation comfortable with the idea of a single body?

**Ms Gallacher:** Yes, as there would be equality for parents and children throughout Scotland. We feel that the present system is a bit of a lottery, particularly for those who live in a city such as Glasgow, where one nursery can deal with five different local authorities. Children receive different levels of funding for pre-school education. For administration purposes and for the purposes of equality, it makes sense to have national standards to which everyone will adhere.

**Mr McAveety:** In your opening comments, you mentioned inconsistencies throughout Scotland in local authority staff ratios and in their approach to independent nurseries. What are the obvious issues that you would like to draw to our attention?

**Ms Gallacher:** Ratios are an obvious issue. For example, in Edinburgh there is a 1:5 ratio for four-year-olds, but the ratio in Glasgow is 1:8. That does not make sense.

At present, local authorities buy in education from private nurseries. Local authorities receive a grant from central Government and then set the grant at their desired level and top-slice it, but they all top-slice at different levels. Some local authorities might take £300 for administration and quality assurance while others take nothing. The system varies widely and it is difficult for providers—and parents—to deal with.

**Mr McAveety:** Why would a national body help?

**Ms Gallacher:** I presume that a national body would introduce the same standards and set the same requirements for every child and every parent in Scotland.

**Irene McGugan:** There has been a move towards increasing the integration of child care and education, which everyone welcomes, yet the intentions in the bill are that the commission would inspect at least every year, that HM inspectors of schools would also come along with periodic inspections and that those inspections would be separate. What are your views on that? Do your members think that the definition of the roles and the different powers of the commission and HMI in relation to child care is sufficiently clear?

**Ms Gallacher:** As far as I am aware, the bill says that the commission would not carry out an inspection in the same year as the HMI inspection. That would remove the burden from private nurseries, which have been inundated with inspections of late. We have inspections by HMI and local authorities—education services and quality services—as well as inspections from

environmental health and the fire officer. Sometimes, they line up at the door to inspect us. We would welcome having only one inspection a year, as that would cause us no problems.

HMI has a role to play in the education process of early years education. We do not think that it would be a good idea to withdraw that role at present.

**Irene McGugan:** Do you think that we could move to one body being responsible—

**Ms Gallacher:** We could make that move, but it would raise the issue of training the inspectors for a completely different level of inspection.

HMI gives a clear inspection and before the inspectors leave the premises they give us a clear idea of what to expect from an inspection and what the report will say; inspections carried out by local authority registration and inspection services vary from inspector to inspector. The commission will raise huge training issues for inspectors and I do not know how those issues will be tackled. I suspect that it will be the longer term before HMI withdraws from inspecting early years services.

**Mr Monteith:** I want to develop Irene McGugan's line of questioning. In response to Frank McAveety's point, you warmed to the idea of having one body because of all the complications of dealing with many different bodies, particularly in local authorities. In response to Irene McGugan, you pointed out the difficulties of having so many inspections. Might it be helpful if there were one body, such as the commission, to wrap up the inspections—perhaps not all of them, but the registration and inspection function? If the commission delegated that function to one body, might that body be HMI? Would you be happier if one body were to carry out the majority of the inspections? Fire inspections and so on might have to be carried out by specialists, such as fire officers.

**Ms Gallacher:** It might make it simpler for providers if there were one body, but that raises the training issue. HMI does not have any experience in care and it might not see that as part of its remit, because it is education based. I cannot imagine a situation where HMI would move into care—it is more likely to go the other way. However, we would welcome one body carrying out inspections and implementing the same standards throughout Scotland.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Do you accept that there has been great expansion and that the proliferation of inspections is largely to do with registration? It is likely that that will ease off when the situation is established.

**Ms Gallacher:** Yes.

**Mr McAveety:** The inspection role ranges from child care to education, from regulatory to quality inspections. We have said that, sometimes, local authorities have provisions relating to the quality of buildings. Is there consistency across Scotland and does the association intervene if there are differences?

**Ms Gallacher:** We do not see such intervention as our role. There is no consistency across Scotland; there is not even consistency across Edinburgh. One fire officer may say one thing and another fire officer may say something else. We need clear and consistent standards so that people know what they are inspecting and what direction they should take. At the moment it is rather arbitrary and depends on the view of individual inspectors.

**Mr McAveety:** Is there a role for your organisation in reassuring people about the quality of provision in premises?

**Ms Gallacher:** We operate a quality assurance scheme that includes an accommodation element as part of the assessment process. It is a self-evaluation issue. In the future, I would expect there to be inspections, but the provider would evaluate their own service and take it forward accordingly. We expect self-evaluation to play a larger part in improving quality.

**Mr Monteith:** Has anything been omitted from the bill that you would like to be included?

**Ms Gallacher:** I was concerned about one issue, which is that child care services run by education departments in schools will not be regulated. Did I pick that up correctly?

**The Deputy Convener:** They will be regulated.

**Ms Gallacher:** I read somewhere that child care services run by education departments would be exempt from regulation. If so, that would be a cause for concern.

**The Deputy Convener:** My understanding is that they would be regulated. Last week we heard evidence that people in education in local authorities are concerned that they would be subject to regulation to which they have not been subject previously.

**Ms Gallacher:** At the moment, such provision is not subject to regulation. A three-year-old child could go into school, to a breakfast club, and not come out until six o'clock at night. That would involve several different carers. We are concerned that everything should come under regulation.

**The Deputy Convener:** Like other members, I would be concerned if such young children were going into school in the morning and staying there until evening. We will check it out, but I understand—



**Ms Gallacher:** I was unsure about that when I read the bill.

**Irene McGugan:** I understand that after-school activities that are wholly or mainly conducted in schools are exempt.

**The Deputy Convener:** That is taken to mean pre-school and after-school clubs that are not part of nursery or educational provision.

**Irene McGugan:** After-school clubs would be regulated, as they are at the moment.

**Ms Gallacher:** After-school clubs are regulated, but I would like clarification on whether breakfast clubs, lunch clubs and twilight or late-birds clubs for early years—there are different names for them—are regulated.

15:00

**Irene McGugan:** Some small nurseries operate in private homes. As Maggie Simpson said, sometimes childminders work with assistants. Is there enough clarity between those types of arrangement, which both take place in domestic premises? The number of children being cared for could be exactly the same in a small nursery as it is in a house in which a childminder has one or two assistants, yet the requirements will be different. Do your members have any views on that? Should the bill be explicit about the different care requirements in what is ostensibly the same care setting?

**Ms Gallacher:** Twelve children being looked after in a house by a childminder and an assistant might appear to be the same as a 12-place nursery. I do not really have views on the matter. We do not have many members who have tiny nurseries. Our members tend to have at least 20 children and therefore have two assistants. Nurseries that are run out of people's homes are regulated under the Children (Scotland) Act 1995, rather than under provisions on childminding.

**Irene McGugan:** I just wondered whether there was enough clarity about the way in which childminders would be regulated. They provide a different service, but it may be difficult for the ordinary parent to see why a service in one house is run under childminding regulations while one in another house is run under day care requirements as a nursery.

**Ms Gallacher:** I think that a nursery that provided day care would have children all day, who would probably be under-fives, with a few children coming in after school. Clarification is probably required, because there could be a loophole that needs to be closed.

**The Deputy Convener:** If there are no other questions, I thank Liz Gallacher for giving

evidence.

I now welcome Judith Sischy, who is the director of the Scottish Council of Independent Schools. The format will be the same as for the previous witnesses. We will give you an opportunity to outline any issues that you want to raise and I will then invite members to ask questions.

**Ms Judith Sischy (Scottish Council of Independent Schools):** I am very pleased to have been asked to give evidence. We have supplied submissions on the various papers that have been issued; over the past decade, we have had a big commitment to the care and welfare side of education and schools.

The SCIS represents 80 schools throughout Scotland and some 31,000 children. In representative terms, therefore, we are fairly significant compared to an authority of average size—we would come about sixth or seventh in the list. As members probably know, the proportion of children educated in independent schools is around 4 per cent of the total in Scotland. That is a strange figure, because the numbers are unevenly distributed. Roughly 20 to 25 per cent of children in Edinburgh are educated in independent schools. In Glasgow and Aberdeen, the figure is 15 per cent. In the Highlands or the Borders, however, the figure is virtually zero. That is how we get the average of 4 per cent.

Of those 31,000 children, fewer than 4,000 are in residential boarding schools. That is our main locus as far as the bill is concerned. Those children are spread around more than 30 schools, almost exclusively in the east of Scotland, although there are still one or two in the west. There are mainstream boarding schools and there are specialist schools for children with specific difficulties. We have few of those specialist schools; most of them are independently run or local-authority run. Those specialist schools that are our members tend to have children placed there through the local authorities.

Our other locus is in nursery schools. Most of our schools have nurseries attached to them, representing about 18,000 children.

**Mr Monteith:** Do you have any concerns about the level of the registration fee?

**Ms Sischy:** The costs are a concern, but a minor one. Our main concern is the one that Liz Gallacher raised in connection with pre-school care: how the commission will work with HMI. The Children (Scotland) Act 1995 introduced care and welfare inspections in residential boarding schools. As I made clear in my submission, we have done massive work on that. We have issued publications and have moved forward a lot. All care and welfare inspections are now unannounced. We have criteria and performance

indicators, and things are just beginning to take off. The schools are now well equipped and much better prepared in care and welfare, child protection, training and education. I hope that the commission will not undo all that and start at square one, but will build on the work that has been done in the past five years by HMI, the SCIS and other organisations.

My main concern is that we do not throw the baby out with the bath water and that somehow the commission can work with HMI. I think that it will. I will be meeting representatives from HMI and Angus Skinner from social services. I hope that Parliament will put together some criteria that will bring co-operation closer. Cost is obviously a factor, but I hope that it will be relatively minor and worth while.

**Ian Jenkins:** Your submission mentions bureaucracy and the danger of over-inspection. What is your thinking on that?

**Ms Sischy:** We worked closely with Roger Kent on the children's safeguards review when he visited some of our schools. When we speak to the kids, they say that they sometimes have the feeling that eyes are looking at them all the time. There is a danger, with pre-school and with people whose homes you are going into, that there could be too many inspections. It is not a danger for the staff, but it is uncomfortable for the children, who take it to heart. They have questionnaires and forms to fill in. They like doing it and they like being involved, but we must be sensitive to the fact that the school is their home.

**Ian Jenkins:** You were also concerned about pressure on staff to keep up to date with records.

**Ms Sischy:** Any school in Scotland that has an inspection complains about the paperwork, form-filling and policy statements that have to be written and about the performance indicators and criteria. We have, with others, spent five years drawing those up for residential accommodation for the whole of Scotland. I hope that that work will not have to be duplicated. We should take what is best from it and build from there.

**Irene McGugan:** You will know that local authority pre-school and nursery provision currently requires a qualified teacher. The bill will replace that requirement with guidance that a teacher should be involved in pre-school education and will extend that guidance to all such provision. What are your thoughts on that? Do you have trained teachers in your pre-school provision at the moment, or do you have a mixture of care and education staff?

**Ms Sischy:** The survey that was done in the Stirling Council area, which covered some of our schools as well, showed that the staffing in our schools is similar to that in local authority

nurseries. They all have trained teachers supported by nursery nurses; now they also have classroom assistants. The education and training of staff will be a big job. I imagine that our head teachers would be unhappy if a trained teacher was not in charge of a nursery, but a teacher does not have to be.

I am also concerned that the edges have been fluffed—we are talking not about pupil-teacher ratios, but about pupil-adult ratios. I am worried by that, because a pupil-teacher ratio is one thing, but a pupil-adult ratio is another. There is a lot of discussion with the authorities about where we are heading with that. All our nurseries are parts of schools, so it is easier for us to insist that a qualified teacher is present. I cannot imagine that we would have nurseries without qualified teachers.

**Irene McGugan:** So you would continue with that principle.

**Ms Sischy:** Yes. Liz Gallacher made the point that we are moving into wraparound care. It is difficult to oversee that and to ensure that it is as professional as education care. I am sure that increasingly children will come for breakfast and will stay on for this and that. Where does education stop and care begin? We must be equally careful with care staff. Those are big issues, which will change quickly as mums increasingly go back to work and look for help. We are being cautious in ensuring that we have qualified staff and trained people. There should be lots of opportunities for training on the job. Most people who work in this area are female and young, and they must have a chance to top up their qualifications. Those are important points.

**Irene McGugan:** I am sure that you are right. I have another question about teachers and their roles. All teachers are registered with the General Teaching Council for Scotland. If they are involved in a pre-school care environment, it is likely that they will have to register with the Scottish social services council as well. How do you feel about that dual registration requirement?

**Ms Sischy:** I think that all our nurseries are in partnership with local authorities, which has not been a problem. Once they are GTC registered, which they are, so long as there is not more bureaucracy for them—

**Irene McGugan:** I suspect that some form of process will be involved in registering them with the new Scottish social services council.

**Ms Sischy:** Will registered teachers have to register with the Scottish social services council?

**Irene McGugan:** Yes, that was the point of my question. Likewise, managers may have to register if they manage provision that offers care

and education.

**Ms Sischy:** I can see the management having to register, because it is important to ensure that parents are reassured that not only is the education okay, but the care side is okay. I am not sure how teachers will react. They do not like paying their GTC registration fees, let alone other registration fees. I would have to ask about that.

**Ian Jenkins:** In your submission, you refer to appropriate training being needed for management and staff. How will that be provided? Would you train your own staff and, in a sense, become training providers?

15:15

**Ms Sischy:** We realised that we could not just introduce the care and welfare inspections without proper training. We shared our training with the local authority hostel staff. We brought in the inspectors, the social services and other people with more experience than us. We went over the critical factors for both the staff and the young people: clarity about the criteria and how to measure up to them and clarity about the performance indicators and what they mean in practice.

We did a lot of useful training. People could pick things apart and work out what good practice meant and how to prepare for an inspection. The inspectors come unannounced. A school in Edinburgh was inspected this week. The head was all set to interview people when, at 8.30 in the morning, there was a knock on the door. Three inspectors came in and said, "We're here to inspect you."

If teachers do not have things ready and have to scramble about, that makes no sense of the inspection. A lot of training has to be done to ensure that everyone in the school is at ease when talking to the inspectors. It also helps parents and children to know what is going on.

**Ian Jenkins:** I also mentioned qualifications—modules and so on.

**Ms Sischy:** Yes—sorry. We have introduced a professional qualification, which, to an extent, is parallel to that required for nursery teachers, but is intended for all non-teaching staff who are looking after boarders or residential children. That has been highly appreciated. I was hoping to get a Scottish accreditation, but the Scottish Qualifications Authority had other things on its mind, so we had to go down to a university in England. We will make sure that the qualification can be done somewhere in Scotland. We are running a certificate of professional practice, with the help of many organisations in Scotland, all of which will be familiar to members.

**Irene McGugan:** In your written submission, you had a query in relation to "The Way Forward for Care" about how independent schools would be affected by having to ensure that services are managed on a sound financial footing. Could you expand on that? Have your concerns been alleviated by the introduction of the bill?

**Ms Sischy:** Thank you for raising that. At the moment, the inspections that are carried out do not cover the financial side. In theory, a school could receive a glowing inspection—on grounds of either care and welfare or of education—but could be teetering on the brink financially. That is unlikely; indeed, it has never been the case. I am not sure that schools would welcome such an approach, but it should be taken on board that we rely on our own councils, governing boards, accountants, auditors and all the other people who inspect us in other ways to ensure that the schools are financially responsible and viable. If such a financial examination were to be part of the inspection process, that would be a big change. I do not envisage that it will be a big problem, but it is not part of our current experience.

We are not sure from the bill's wording whether the work of the Scottish commission for the regulation of care is to extend to all boarding schools. In our view, the wording suggests that the remit covers only schools with children in residential accommodation who require personal care or support. That requires clarification.

**The Deputy Convener:** If there are no further questions, I thank Ms Sischy for attending.

**Mr Monteith:** I wish to raise a point of order, deputy convener. As you are aware, the committee has received a copy of a letter from Mary Mulligan, which was intended for information only. It raises an important point, which is pursuant to the discussion that we had in private last week. Since then, I have been doing some research. My difficulty is that I am unable to raise the matter, because our agenda does not include an update on committee business. To bring the matter up would require us to go into private session, which would be unfair to those members who are not here. If I brought up the matter in public, that would betray the content of our report. I therefore ask, as a point of order, that a week's stay is put on the publication of the document so that the matter that I want to raise can be put on the agenda for our next meeting and we can discuss it in private.

**The Deputy Convener:** As you say, we cannot discuss it today. No date has been set for the publication of the report, so we can come back to the matter next week.

**Mr Monteith:** Thank you, deputy convener.

*Meeting closed at 15:20.*



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