

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Tuesday 1 May 2001  
(*Afternoon*)

Session 1

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# CONTENTS

Tuesday 1 May 2001

	<b>Col.</b>
<b>ITEMS IN PRIVATE</b> .....	2255
<b>ADOPTION POLICY REVIEW</b> .....	2256
<b>SPECIAL EDUCATIONAL NEEDS</b> .....	2258
<b>CHILDREN'S COMMISSIONER</b> .....	2260
<b>PETITION PE342</b> .....	2262

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## **EDUCATION, CULTURE AND SPORT COMMITTEE** **13<sup>th</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

### **CLERK TO THE COMMITTEE**

Martin Verity

### **SENIOR ASSISTANT CLERK**

Judith Evans

### **ASSISTANT CLERK**

Ian Cowan

### **LOCATION**

Committee Room 2



## Scottish Parliament

### Education, Culture and Sport Committee

Tuesday 1 May 2001

(Afternoon)

[THE CONVENER opened the meeting at 14:36]

**The Convener (Karen Gillon):** I call the meeting to order.

I apologise for Brian Monteith—[*Laughter.*] Brian is unable to be with us today.

**Michael Russell (South of Scotland) (SNP):** I hope that the official reporters record that as “[*Laughter.*]”

### Items in Private

**The Convener:** Item 1 of the agenda is a suggestion that we take item 6 in private, as it deals with a draft committee report.

**Members** indicated agreement.

## Adoption Policy Review

**The Convener:** Members have in front of them a Scottish Executive memorandum on the review of adoption policy. I invite members to comment on the proposed remit and objectives of that review. Comments on the review from the Justice 2 Committee have also been circulated.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I presume that the memorandum follows the ministerial announcement and subsequent debate in the Parliament, as it confirms what was said then. The content of the memorandum appears to be okay, and the questions that the Justice 2 Committee raises also appear to be all right. I am comfortable with the review's remit.

**Irene McGugan (North-East Scotland) (SNP):** I was also going to make that point. The memorandum contains nothing that we were not made aware of during the debate. However, recognition is missing of the fact that an amendment to the motion for debate was agreed. That amendment requires that a review of adoption legislation take place, in addition to and following the review of adoption policy. It is appropriate to place that on the record, in order to underline the fact that the Parliament's decision was to amend the motion. Both the Minister for Education, Europe and External Affairs and the Scottish Executive accepted the amendment, and we should not lose sight of that.

Paragraph 8 of the memorandum suggests that there are other issues that we might think “worthy of consideration”. Indeed. The memorandum suggests that those topics

“can be examined in a second phase of the Review”.

Should not we obtain further information on a second, a third or any other phase that is proposed for the review? No further detail is given on when that work might follow after the initial inquiry and it would be useful to know how many phases there might be and therefore how long the extended period of the review might last before we reach a final position.

**Cathy Peattie (Falkirk East) (Lab):** I agree with Irene McGugan that we should have an outline or timetable for the review, so that we can see what we are working to.

We should also consider where we might be able to influence some of the issues. We do not want the review to go down a specific road, only for matters to be referred to us for discussion, as I suspect that we will want to influence certain areas early on.

**Michael Russell:** There has been a unanimous resolution of the Parliament and a great deal of

cross-party support for the review, with interesting ideas coming from all parties. In the light of that, and of what Cathy Peattie has just said, would it be appropriate to suggest that the committee meets the review group—formally or informally—early in the process, to discuss the issues on the record? That way, everybody could be made aware of the issues and we could exchange views on a matter about which we all have concerns.

**The Convener:** Absolutely. That is a very helpful suggestion. I shall write to the minister, suggesting that course of action.

The Justice 2 Committee is interested to hear our views on the points that it has made. Do members have any comments? The points seem sensible to me. Perhaps it would be useful to highlight them in our response to the minister.

**Members** *indicated agreement.*

**The Convener:** I shall copy my letter to the minister to Pauline McNeill, the convener of the Justice 2 Committee. We can liaise with that committee on this matter, as it will take the lead. I shall also copy my letter to the minister to committee members.

## Special Educational Needs

**The Convener:** We move to item 3 on the agenda. Unfortunately, Brian Monteith is not here, but I shall provide the committee with an update. It is expected that the committee's report, and the Executive's response to it, will be scheduled for a committee debate in May—probably Thursday 17 May. That is a useful slot, and it will provide a welcome opportunity to clarify some points.

Nicol Stephen, the Deputy Minister for Education, Europe and External Affairs, had a helpful and productive meeting with schools' representatives last week. He is now due to visit the schools to discuss their specific needs in more detail. I have asked him to keep us informed of developments, which he has said that he will do.

**Michael Russell:** That is extremely helpful. A number of us regret the way in which the matter was handled when the committee first reported on it. The fact that the committee's views were misrepresented by a member of the committee was immensely regrettable and caused a great deal of upset. All the schools have been in touch and all committee members have tried to reassure them.

I am grateful for the minister's actions, which follow assurances from the Minister for Education, Europe and External Affairs. We were led to believe that the schools were not under any threat. When we have the debate, I hope that committee members will not only stick to the recommendations of our report, but will make clear the fact that the committee's report was mainly unanimous, and that, where it was not unanimous, all other members were united against a single member. Each of us spoke strongly in praise of the tremendous work that the special schools undertake, making the case that they need to be supported and developed. The row surrounding the report has not helped those schools and is much to be regretted.

**The Convener:** I understand that a three-hour debate will be dedicated to the committee's report. The committee will be able to appoint a member to make an opening speech for 20 minutes and one to make a closing speech for 12 minutes—usually the convener and the deputy convener. Are we agreed that that procedure should be followed?

**Michael Russell:** Given the consensual nature of the report, we might want to involve members from more than one party in opening and closing the debate.

**The Convener:** We will consider that option and return to the issue at our next meeting.

**Michael Russell:** That would symbolise the cross-party unanimity of the report.

**The Convener:** Yes. We will return to that. We will want to welcome the fact that it is a three-hour debate. That is a positive step. The motion will be a note motion.

**Michael Russell:** The Executive's response, which we have received, will form part of the debate. I hope that it will be added to, following Nicol Stephen's meeting with the schools.

**The Convener:** Yes. A possible motion would be:

"That the Parliament notes and calls upon the Scottish Executive to act upon the recommendations contained within the 3<sup>rd</sup> report, 2001 of the Education, Culture and Sport Committee, on its inquiry into Special Educational Needs."

That is slightly more than a note motion, but I hope that it will be the one that is chosen. I will try to gain more information and will report back to the committee at the next meeting.

## Children's Commissioner

**The Convener:** We move to item 4 on the agenda. Members have received an e-mail confirming that we have decided not to hold the event that was scheduled for Monday 4 June on that date, as members' diaries could not be committed that week. Because of the nature of the event, attendance by a maximum of members is desirable. I have therefore asked the clerks to reschedule the event for Monday 25 June, which is in the last week before the recess. That will give the clerks and those who are involved in making the film more time.

I have submitted a paper to the conveners' group, which will meet on 8 May, outlining our proposal and asking for financial support. I do not foresee any difficulties. However, if members could make committee conveners in their political party groups aware of the proposal and ask for their support, that would be helpful.

14:45

I visited Cardiff on 10 April and had a useful meeting with the Minister for Education and Lifelong Learning and the chair of the Health and Social Services Committee. They took me through exactly what had happened in Wales. They received a great deal of support from ministers and civil servants. As we progress with our inquiry, I shall ask the Minister for Education, Europe and External Affairs whether there would be any merit in our receiving civil service support in the drafting of legislation, if appropriate, in future.

It emerged from that meeting—and this may be relevant to the Parliament, should we decide to appoint a commissioner—that there will be an amendment to Welsh legislation to enable the Welsh commissioner to deliberate and take action on reserved matters, in relation to children in Wales. Although those powers are not devolved to the Welsh Assembly, the Welsh commissioner will still be able to address them. That is a useful precedent to set, and I am sure that we would be afforded the same rights if we decided to appoint a commissioner in Scotland.

I shall meet the Centre Committee of the Northern Ireland Assembly on 14 May to discuss how it is proceeding with the proposal for a children's commissioner. I shall report back to the committee after that meeting. I am also copying the papers that I brought back from Wales, which I shall circulate to members, along with a report.

**Irene McGugan:** At the previous committee meeting, we decided that we would launch the findings of the consultation report at the same time as the film event. Should that also be deferred until 25 June?

**The Convener:** It would be helpful if we could deal with those matters together. People from all over Scotland will be at that meeting; it would be the right forum at which to launch the findings of the report.

**Irene McGugan:** Thank you. I asked only for clarification.

**The Convener:** Are we agreed to do that?

**Members** *indicated agreement.*

## Petition PE342

**The Convener:** Item 5 on the agenda is the consideration of public petition PE342, from Mr Neil Kay and others, on school closures. Members have received copies of the petition. Cathy Peattie, who has been working on the issue, will give us an update on the situation, concerning the Convention of Scottish Local Authorities.

**Cathy Peattie:** Members will recall that last year a petition led to a report on school closures in Argyll and Bute. The report made it clear that parents had not necessarily been involved in the debate surrounding the closure of schools and it raised many questions about the way local authorities decide on school closures. I recommended that we ask COSLA to consider drawing up guidelines for school closures, and the committee is concerned that nothing has happened.

I have been in touch with COSLA—I do not know whether I have a confirmed meeting yet—because I am concerned that it has still not taken up the issue. COSLA has responsibility for education and a role in drawing up the guidelines, but I have a lot of sympathy with the petitioner. There are reasonable guidelines in England, based on good manners and good practice in consulting parents, which should be adopted here. We are committed to asking COSLA to do something. However, if COSLA cannot address the matter soon, we must ask the Executive to look into the matter.

**Michael Russell:** Cathy Peattie's assessment is fair, but there is a further dimension to the issue, to which the clerks' paper draws attention.

We do not want the Parliament to be seen as the final court of appeal on every school closure in Scotland. That would be unreasonable and it is not our position to do that. Equally, people may feel that they have a grievance at the moment because there is dubiety about the guidelines—they are different in various councils—and there does not appear to be a national context for the debate. The petition draws attention to those two aspects and suggests how we could proceed.

COSLA must introduce guidelines on consultation—that is what we asked it for and that is what it should be doing. If it cannot do that, we must consider an alternative so that we have a standard set of national guidelines on consultation and can say to anybody who approaches the Parliament that they were followed to the letter and that therefore there is no case.

However, what is also necessary is a national context. The petition very fairly points out that, for a number of reasons, the policy that was put in

place in England in 1998 has worked well. One reason is that it has put the responsibility back on local authorities, but within a clear context. Local authorities know exactly how they should operate. The policy has prevented the closure of certain schools, but has permitted the closure of others. No matter how aggrieved parents are, they know that there is a national framework, a decision-making process and local guidelines. That is what we need in Scotland. It will clarify what happens in Parliament, allow this committee and the Public Petitions Committee to be clear about what we will and will not entertain and put the burden back where it should be, which is on elected local representatives.

The petition suggests a useful way forward, which we could build on in two ways. First, we must press COSLA to come up with the goods that it was asked for almost a year ago. We must ask it for a definite time scale and seek alternatives if we do not get the goods within that time scale.

Secondly, we must explore the issue of a national framework and guidelines. The committee could consider that quickly—not before the summer, but certainly after it. It could spend even just a day on it, talk to people and draw up a report.

Those who have been on the committee for some time will remember that we were meant to consider rural school closures. We received a report—which was perhaps not exactly what we were looking for—from the reporter at the time, which disappeared into the ether—the real issue was not addressed. The committee could usefully bring rural school closures and consultation together and do a service to Parliament, the local authorities and parents.

**The Convener:** If Cathy Peattie is willing, she could continue with the issue, try to push it through and report back to the committee with an update as soon as she has one.

**Cathy Peattie:** I am happy to do that. I found last year that most local authorities did not have reasonable guidelines—it was not just Argyll and Bute; other local authorities did not have them either. I am happy to press the matter—I am plaguing Martin Verity's life. I understand that Danny McCafferty of COSLA was off sick and has now returned. I want somebody at COSLA up with the issues very quickly and I will be pushing for that. I will report back to the committee. If we cannot get the guidelines through COSLA, they should be done by the Executive.

**Michael Russell:** Could we get a research paper from the clerks on the application of the English system: how it works, what it has done and what benefits it brings? That could also be tabled for the committee by Cathy Peattie.

**Cathy Peattie:** I would be happy to do that.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I support what Mike Russell and Cathy Peattie are saying. If COSLA does not come up with the goods, the matter should be addressed another way: through the committee, through ministers or a combination of both. We cannot let the matter lie without developments to clarify the situation.

**The Convener:** That has been a helpful discussion.

**Michael Russell:** Can we defer the petition, but inform the petitioner that we are very interested in it?

**The Convener:** Martin Verity will keep it live until we have a further report from Cathy Peattie and can move forward on it.

**Ian Jenkins:** Will we send the petitioner a record of our discussion?

**The Convener:** The petitioner is here.

**Michael Russell:** He is listening to the discussion.

**The Convener:** We will keep Mr Kay up to date with what is happening with Cathy Peattie's report.

14:53

*Meeting continued in private until 16:45.*



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