

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Thursday 6 June 2002  
(*Morning*)

Session 1

£5.00

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## EDUCATION, CULTURE AND SPORT COMMITTEE 17<sup>th</sup> Meeting 2002, Session 1

### CONVENER

Karen Gillon (Clydesdale) (Lab)

### DEPUTY CONVENER

\*Cathy Peattie (Falkirk East) (Lab)

### COMMITTEE MEMBERS

\*Jackie Baillie (Dumbarton) (Lab)  
\*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
\*Irene McGugan (North-East Scotland) (SNP)  
\*Mr Brian Monteith (Mid Scotland and Fife) (Con)  
\*Michael Russell (South of Scotland) (SNP)

### COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)  
Murdo Fraser (Mid Scotland and Fife) (Con)  
Fiona McLeod (West of Scotland) (SNP)  
\*Karen Whitefield (Airdrie and Shotts) (Lab)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Tommy Sheridan (Glasgow) (SSP)

### CLERK TO THE COMMITTEE

Martin Verity

### SENIOR ASSISTANT CLERK

Susan Duffy

### ASSISTANT CLERK

Ian Cowan

### LOCATION

Committee Room 3



# Scottish Parliament

## Education, Culture and Sport Committee

Thursday 6 June 2002

(Morning)

[THE DEPUTY CONVENER *opened the meeting in private at 10:33*]

10:40

*Meeting suspended until 10:50 and thereafter continued in public.*

### School Meals (Scotland) Bill: Stage 1

**The Deputy Convener (Cathy Peattie):** We are meeting to discuss the School Meals (Scotland) Bill. The meeting was being held in private, but it is now being held in public. I understand that everyone now has a copy of the draft stage 1 report. I am not sure how the committee wishes to work through this. We could go through the report page by page, although members may wish to make some observations at the start.

**Michael Russell (South of Scotland) (SNP):** I am broadly content with the report as it stands. There are one or two little tweaks that each of us might want to call out to you, convener, but I do not think that it is necessary to go through it paragraph by paragraph.

The Health and Community Care Committee's draft report notes which members of that committee wished the bill to proceed. It has been this committee's practice in the past to allow a paragraph to that effect in the body of the report. In this case, that will allow us to give the view of those who want the bill to proceed, with a note of how they voted. I will support the bill's proceeding at this stage, although I think that it is badly drafted and incomplete and will require considerable amendment to become workable. Having said that, I believe that the principles of assisting young people, eliminating child poverty and improving nutrition can all be supported.

It is up to the committee whether we follow the Health and Community Care Committee's approach, which can be seen on page 9 of that committee's draft report. I suggest that we include a brief paragraph, saying that, on a division, such-and-such members voted for the bill to proceed for the following reasons, followed by just one sentence, probably somewhere on page 13 or just

before the final recommendation. I do not want to dissent from the vast majority of the report, which I think is substantially correct.

**The Deputy Convener:** You indicated at our previous meeting that you intended to do that. Have you a written copy of what you propose?

**Michael Russell:** I have been unfit for so much of the past few days that I do not have a written copy of what I want to say. However, I point out that I did not attend Mr Sheridan's recent celebration or indeed any of the other ones—I had my own little private festival.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** You sad soul.

**Michael Russell:** It is sad. I have not got a copy, but what I want to include will literally be two sentences, the first of which will start, "On a division", although I cannot predict the outcome of that division yet, of course.

**Jackie Baillie (Dumbarton) (Lab):** I will not dissent from what Mike Russell has suggested other than on a procedural note. I am not sure whether the correct way of recording the difference of views is to do so in the text of the report or as a footnote, as the Health and Community Care Committee did. I just want to clarify that procedural point, as we agreed at the previous meeting that the facility to include something along those lines exists.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I, too, do not disagree with most of the report, although some of it needs to be strengthened slightly. It has been suggested that we have just one recommendation on the bill, but we have taken a lot of evidence, on which we should be making recommendations to the Executive.

In particular, we should ask the Executive to consider providing water in schools and to review the provision of milk for particular age groups, having considered whom that would benefit most. We should include recommendations on those matters, because they have merit. That fits in with the work of the expert panel on nutrition and school meals—our recommendations should be worded in a way that recognises the expert panel's work.

**The Deputy Convener:** We will return to the issue of making clear recommendations.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** As the member who has probably disagreed with the committee most often in the production of our reports and who has had that disagreement minuted, I would say that the form has normally been to minute any disagreement in a number of paragraphs and to record it at the report's conclusion. I think that this is the first time that such a situation has arisen in relation to a

recommendation on a bill and I would quite readily accept a different procedure in this context. I am more comfortable with the difference of opinion being minuted in the body of the report. If Mike Russell wants a record of the difference of opinion, that may be put in the conclusion.

**Irene McGugan (North-East Scotland) (SNP):** I would like to know what progress has been made on a couple of matters. Have we had a response from the Executive about initiatives in Sweden and Finland or a response from Tommy Sheridan on the cost benefit analysis, as requested? I presume that the expert panel report is with the minister, because it was alleged that it would be complete by the end of May. Will the committee see it before it is signed off?

**Martin Verity (Clerk):** We have not yet had a response from the Executive on the questions that the committee asked. Mr Sheridan submitted a response to the committee's previous request and drew our attention to evidence that had been submitted. I have had no indication that we are to expect any information on the expert panel report in time for the completion of the committee's report.

**The Deputy Convener:** Clearly, we have expectations of the panel report. Irene McGugan is suggesting that we need that report to allow us to complete our report and Karen Whitefield would like us to consider our recommendations to the Executive bearing in mind the recommendations of the panel.

**Ian Jenkins:** I endorse what Karen Whitefield said about one or two recommendations that we might make. In the expectation that the expert panel will come to the conclusions that were hinted at in the evidence that we heard, we ought to say to the Executive that, whatever happens to the bill, the panel's recommendations must be taken seriously. Although we would not say that the Executive has to implement all the panel's recommendations, we could put it on record that we expect the Executive to respond positively to those recommendations.

**Michael Russell:** Karen Whitefield and Ian Jenkins are right. The one problem is that our report is a report to the Parliament on a piece of legislation; it is not a report to the Executive on its policies. Having heard the evidence, we can say what we believe and what we recommend, but we will have to draw that to the attention of the Executive separately. If the bill proceeds, it will be taken up in debate; if it does not proceed, it may be necessary to send an extract of our report to the Executive or, before the summer recess, to spend part of a meeting agreeing a letter to the Executive.

**Tommy Sheridan (Glasgow) (SSP):** I have had a quick read of the committee's draft report and I wonder whether the committee would consider rewriting the sections on stigma. In evidence to this committee and to the Health and Community Care Committee, One Plus and the Child Poverty Action Group clearly tried to alert members to the fact that upwards of 80,000 children from families officially defined as living in low-income households are excluded from free school meals. The One Plus figure is now 123,000. On stigma, the committee's report refers only to the introduction of swipe cards. It does not refer to extending entitlement. The report therefore does not deal with the poverty element of the bill, which is a major element. In the hope that the conclusion may be different, I ask the committee to reconsider and to strengthen the recommendations on stigma.

Paragraph 72 on page 13 of the report says:

"Although the Committee has been impressed with the work of the Expert Panel as outlined in evidence, it is aware that the Panel's report has not yet been presented to ministers and consultation on its recommendations have therefore not yet taken place."

The paragraph ends:

"However, the committee believes that the approach being taken by the Expert Panel could be more effective than the provisions of the Bill."

This is a subjective view, but I sat through the meetings at which the committee took evidence from members of the expert panel. How committee members can conclude that they are impressed with the panel's work when they have not seen its report is beyond me. I may take a subjective view, but if anything I believe that people were surprised at the lack of evidence to back what the expert panel's witnesses said. It is worrying that the committee can base a conclusion on a report that it has not seen. I ask the committee to reconsider that point.

11:00

I ask the committee to consider changing its decision about supporting the general principles of the bill. It is perfectly acceptable for Mike Russell to say that improvements are needed. That is what stage 2 is for. If members support the general principles, they should support the bill and work hard to improve it.

If the committee is to make a recommendation, I appeal to it to recommend free milk and water for every school. The report says that the committee has written to schools and that it appears that most schools provide water. I have visited only six of 32 local authority areas, which is a limited number, but in five of the areas that I have visited, water is unavailable. In the largest authority—

Glasgow—water is unavailable. That is a disgrace. If the committee is to make any recommendation of note, it should call on the Executive—regardless of whether the bill proceeds—to legislate for milk and water to be freely available for every school pupil.

**Jackie Baillie:** We are in danger of picking out key phrases, whereas we must go through the report page by page. Tommy Sheridan has highlighted an emphasis that the committee would not have made. That process will be useful.

Irrespective of whether the bill proceeds, the committee desires to examine the outcome of the expert panel's deliberations. I understand that the panel's conclusions may go out to consultation, because many stakeholders, particularly local authorities, must buy into the process. The committee will have an opportunity to engage directly on the outcome of the expert panel's work. The panel was considering issues such as the availability of water and milk, stigma and raising nutritional standards. The committee felt strongly about those matters, so that should be reflected clearly in the recommendations.

**Michael Russell:** I emphasise Jackie Baillie's point about the expert panel. At times, the bill's sponsor has had an unfortunate tendency to denigrate those who hold a different opinion from his. I have spoken to members of the expert panel and heard what has been said about them. It is undoubted that they are examining the same matters with a great deal of enthusiasm and commitment. It would be wrong to downgrade their commitment to some of the bill's principles simply because they do not support all the bill's principles. That point should be made strongly.

**The Deputy Convener:** We have a job to do now. We need to look through the report and agree on issues. We may want to agree to and sign off a page at a time. We must decide how we deal with Mike Russell's view on how the bill should progress. Is that your personal view or the SNP's view, Mike?

**Michael Russell:** My colleague Irene McGugan confirms that it is the party view and I am happy to agree with that.

**The Deputy Convener:** I should not have asked my question.

**Jackie Baillie:** He has just been whipped.

**Michael Russell:** I have no personal views.

**Jackie Baillie:** Liar, liar.

**The Deputy Convener:** Did you give your individual view or the view of both you and Irene McGugan?

**Michael Russell:** I trust that my colleague will support me.

**The Deputy Convener:** She might—who knows? We must consider how we deal with paragraph 72 and whether a footnote is necessary. We will follow our previous practice for dealing with such matters.

**Michael Russell:** The relevant document is our report on the Scottish Qualifications Authority. The practice that we followed for that report worked rather well.

**The Deputy Convener:** We must also consider any recommendations for the Executive's expert panel, the availability of milk and water, which Tommy Sheridan talked about, and our expectations of the Executive. I take on board Mike Russell's point that the report is to Parliament, not to the Executive.

We must start working through the report. We will do a page at a time.

**Michael Russell:** There are very few changes to make.

**The Deputy Convener:** Points have been made about the recommendations. Perhaps we can highlight matters that we want to cover. The last page of the report contains the recommendations.

On page 1, are there any comments on paragraph 1? Paragraph 2? Paragraph 3?

**Ian Jenkins:** Do we

"provide free school meals to those who are receiving income support"

or to their children?

**The Deputy Convener:** It is always helpful to have teachers present. I have a red pen here.

Are there any comments on paragraph 4? Paragraph 5?

**Tommy Sheridan:** Sorry, I have a point on paragraph 4, in the interest of fairness. The report makes the point that the bill asks for nutritional standards to be set by the Scottish ministers, but the bill clearly states that that should be done on the basis of consultation with—to use Jackie Baillie's phrase—the stakeholders. We are not asking Scottish ministers to make up nutritional standards; we are asking Scottish ministers to define Scottish standards after a consultation exercise. That is an important point. Some people have criticised the bill for not covering nutritional standards, but that is because I cannot include nutritional standards in the bill. I want to consult others.

**The Deputy Convener:** Do members have a view?

**Mr Monteith:** I am happy with that.

**Michael Russell:** I am not terribly happy with that, because the bill is clear. Section 1(5) of the

bill proposes new subsection (6) to section 53 of the Education (Scotland) Act 1980 and states:

"Before making regulations under subsection (5) above, the Scottish Ministers must consult—

(a) such persons or bodies as they consider representative of—

(i) education authorities,

(ii) Health Boards, and

(iii) school boards, and

(b) such other persons as they consider appropriate."

I do not think that that reflects the point that Tommy Sheridan is making. There is a weakness in the bill in that regard.

**The Deputy Convener:** Are there any other views?

**Mr Monteith:** I think that Mr Sheridan is asking that that aspect of the bill be pointed out in our report. I do not view it as particularly contentious. I am quite surprised by Mike Russell's view.

**Jackie Baillie:** As that point is not the one about which there is most debate, dropping in an appropriate couple of words, such as "in consultation", would not cause me any difficulty.

**Michael Russell:** I propose the insertion at the top of page 2 of the words: "Scottish ministers should set nutritional standards in consultation with other bodies, which would be adhered to by local authorities."

**The Deputy Convener:** Are members happy with that?

*Members indicated agreement.*

**The Deputy Convener:** Are there any comments on paragraph 5, on oral evidence? Paragraph 6? Paragraph 7? Paragraph 8? Paragraph 9?

We move to the summary of the evidence and the general overview. Are there any comments on paragraph 10?

**Jackie Baillie:** This may be a moot point, but for the benefit of people who have not been involved with the issue before, if we say

"there is no consensus as to whether or not the Bill is capable of achieving those intentions",

we need to spell out precisely which intentions we mean. I propose a change in wording: "There is no consensus as to whether providing all school meals free of charge to all pupils will achieve those intentions".

**Michael Russell:** If we stated "a school meal in the middle of the day", that would be more accurate than what Jackie Baillie has just proposed. The bill seeks to provide not all school meals free of charge, but a free school meal in the middle of the day.

**Jackie Baillie:** I am happy to accept that correction.

**Michael Russell:** In the usual spirit of co-operation.

**Jackie Baillie:** Indeed.

**Mr Monteith:** Does Mike Russell have school dinner or does he have lunch?

**Michael Russell:** I think that we all have lunch.

**The Deputy Convener:** It is school dinners, Brian. You are absolutely right.

**Michael Russell:** I think that that is what the bill seeks to provide. That is what it says.

**Mr Monteith:** In the interests of accuracy, I accept that.

**Ian Jenkins:** Do we view universality as one of the principles of the bill?

**Michael Russell:** That is an interesting question, which I am happy to debate with you later, Mr Jenkins.

**Ian Jenkins:** I am asking you now.

**Michael Russell:** And I am saying that I am happy to debate it with you later.

**The Deputy Convener:** Martin, what have we agreed?

**Martin Verity:** The committee has agreed that there is no consensus on providing all meals to all pupils free of charge in the middle of the day. We could use slightly better wording.

**Michael Russell:** The wording should be: "There is no consensus as to whether or not the provision of a free nutritious school meal in the middle of the day to all pupils is capable of achieving those intentions."

**The Deputy Convener:** Are there any comments on paragraph 11?

**Ian Jenkins:** Paragraph 11 is a clumsy sentence, and I am not sure where it is going:

"The arguments put forward to support the Bill centre on the link between poverty, ill health and low educational achievement".

It continues with the phrase "on poor nutritional standards".

**Michael Russell:** The sentence has a comma between "educational achievement" and "on poor nutritional standards".

**Ian Jenkins:** I know, but do the arguments that are put forward to support the bill centre on poor nutritional standards?

**Michael Russell:** It would be better to put "poor nutritional standards" first. The phrase would read, "poor nutritional standards, the link between



poverty, ill health and educational achievement”—

**Ian Jenkins:** That is followed by

“the Bill’s ability effectively to address all of these issues.”

That is where the arguments centre.

**Michael Russell:** I think that the phrase should be, “the Bill’s intention to address all of these issues”, rather than

“the Bill’s ability effectively to address all of these issues”.

**The Deputy Convener:** So the word “intention” should be included. That makes sense. Are members happy with that?

**Members indicated agreement.**

**The Deputy Convener:** Will you read that back so that we are clear, Martin?

**Martin Verity:** The suggested version would read: “The arguments put forward to support the Bill centre on poor nutritional standards, on the link between poverty, ill health and low educational achievement, and on the Bill’s intention effectively to address all of these issues.”

**Michael Russell:** No, it should read: “on the Bill’s intention to address all of these issues.”

**The Deputy Convener:** Is that okay?

**Ian Jenkins:** We had better keep in the word “effectively”.

**Michael Russell:** I do not think so. By definition—

**Ian Jenkins:** Okay. Fair enough.

**The Deputy Convener:** We come to paragraph 12.

**Ian Jenkins:** The fourth line contains a “who” that should not be there. It is in the phrase,

“because their family does not receive ... or who do not take up their entitlement.”

**The Deputy Convener:** We can talk about that later, as there is also an issue about the uptake of school meals. We need to make it clear that those who are entitled to free school meals do not necessarily take them. We need to come back to that. Do members agree to that?

**Members indicated agreement.**

**The Deputy Convener:** We come to paragraph 13.

**Mr Monteith:** Part of the debate that regularly came up in evidence concerns the difficulty of moving from receipt of benefits to receipt of tax credits, to which paragraph 13 refers. It was pointed out—not by One Plus, but during the committee’s deliberations—that the working families tax credit contains an allowance for school meals. I know that some people believe that the

allowance is not large enough or that there are problems with delivering it in that way. Nevertheless, if we are putting forward one side of the argument in paragraph 13, we need to acknowledge, either in that paragraph or elsewhere, that the allowance exists.

**Jackie Baillie:** Paragraph 53 covers some of those issues. I was going to make similar points about numbers and estimates when we got to that point.

**The Deputy Convener:** We come to paragraph 16. We need to consider water and how we—

**Michael Russell:** Are we going to take the recommendations out of the report after we have gone through the paragraphs, at the end of each section or at the end of the report?

**Jackie Baillie:** We should do that at the end of the report, because the basis of the recommendations are at the end and just need to be teased out and made more prominent.

**Michael Russell:** That would give us a final section on what we want the Executive to consider, although we are not reporting to the Executive. Can we make the first recommendation the point that Karen Whitefield made—that water should be available freely to all pupils in schools?

**The Deputy Convener:** Yes, drinking water should be available freely.

**Michael Russell:** It is absolutely incredible that in the 21<sup>st</sup> century children cannot get free drinking water.

**Tommy Sheridan:** Will the committee strengthen that point somewhere in the report and emphasise that water should be made available freely in appropriate places? Someone in the education department in Glasgow told me that children could go to the toilet to get drinking water, which we are opposed to. Will the committee specify that, as some people might say that water is available in the toilets?

**The Deputy Convener:** We heard from Judith Gillespie that lots of children tend not to drink water at school, because they do not want to go to the toilets to get water.

**Mr Monteith:** I am aware that some schools label their own bottled water and sell it. I am referring to still drinking water. If pupils want to drink carbonated water, schools should be free to charge for it.

**Michael Russell:** Ordinary drinking water should be available.

**Mr Monteith:** What we call tap water.

**The Deputy Convener:** Good Scottish tap water.

**Mr Monteith:** Still drinking water.

11:15

**Michael Russell:** There is nothing wrong with selling bottled mineral water with the school name on the bottle, but that should not be the only source of water available.

**The Deputy Convener:** Tap drinking water should be available. It is not just at lunch time that children might want a drink of water; water should be available at break time, too. If water is not available, children are more likely to drink cans of juice, for example.

**Karen Whitefield:** We are almost suggesting that we need water fountains and I do not think that we need to be so specific in a general recommendation.

**Michael Russell:** Some people do not like using water fountains.

**Mr Monteith:** I want to be specific because, unlike in an ordinary report to the Executive, we are dealing with legislation. Being specific is important, because people may intentionally misconstrue what we say.

**The Deputy Convener:** Okay.

**Michael Russell:** We understand the recommendation. It would be the first of a list of recommendations at the end of the report, which should be prefaced by a comment saying that, although the report is not to the Executive, we will make the following recommendations to the Executive.

**The Deputy Convener:** Yes. Are there any comments on paragraphs 17 or 18?

**Ian Jenkins:** We should say "many schools" rather than simply

"schools are providing drinking water throughout the day".

That reads as though all schools are.

**Michael Russell:** Yes. "Many" is the right word.

**Tommy Sheridan:** I cannot find that bit.

**Michael Russell:** The responses are not here.

**Tommy Sheridan:** I would like to see how many schools responded. I would be surprised if that applied to most schools.

**Jackie Baillie:** We do not have that information. It came out earlier.

**Martin Verity:** We have received responses to the question about the provision of water from a significant number of local authorities and we can make a copy available in a few minutes.

**The Deputy Convener:** Thank you. We can come back to that.

Are there any comments on paragraphs 19 or 20?

**Michael Russell:** Paragraph 20 would give us another throw-out recommendation.

**Tommy Sheridan:** For the committee's information, Glasgow City Council is today considering changing its report. The administration has expressed concern about the report that was initially submitted. The committee will receive an additional paper.

**Michael Russell:** It will be too late.

**The Deputy Convener:** It will be too late, because we need to submit our report.

**Tommy Sheridan:** I am saying that you should not set too much store by Glasgow City Council's report—I know that you have not relied on it so much—because it will be changed.

**The Deputy Convener:** Paragraph 20?

**Michael Russell:** The throw-out recommendation is that any practice that stigmatises or identifies children, such as handing out meal tickets, should be eliminated.

**Jackie Baillie:** A later and much bigger section deals with stigma.

**Michael Russell:** Yes. However, I think that we should include what I suggested in the list of throw-out recommendations.

**The Deputy Convener:** Yes.

**Ian Jenkins:** We say that it is "incumbent upon the Executive" to eradicate such practises, but we should include local authorities in that. I do not see why that line should refer just to the Executive.

**Michael Russell:** It is a way of allowing the Executive to say to local authorities that such practises should be eradicated.

**The Deputy Convener:** Local authorities need guidance from the Executive.

**Ian Jenkins:** Okay.

**The Deputy Convener:** Are there any comments on paragraph 21?

**Karen Whitefield:** This is another paragraph that will lead to a recommendation on milk. In particular, we need to ask the Executive for clarification about giving milk not necessarily to every child, but perhaps to a particular age group that might benefit from receiving free school milk. That might be children under seven or primary school children. Other committee members have made that point.

**Jackie Baillie:** Yes. I believe that we have asked the Executive to address that point. At paragraph 21, instead of saying

"if more milk and water is drunk and less sugary drinks", can we say "rather than sugary drinks"? I am becoming an English teacher in my old age.

**Michael Russell:** We cannot cope with two on the committee.

**Jackie Baillie:** Be quiet. I am just a surrogate one.

I hate sentences that declare that there are serious issues to be addressed but do not say how they should be addressed. I suggest that we remove the first sentence in paragraph 22 and insert a sentence that reflects the point that Karen Whitefield made. We need to find out at what stage it is critical for children to have milk. I accept that dental caries affect people throughout their lives, I would have thought that milk would be particularly useful to children when their adult teeth are forming.

I believe that we asked the Executive for information. Can we stamp our feet to ensure that we get that?

**The Deputy Convener:** Yes.

**Ian Jenkins:** I note that I asked for that information during a public meeting of the committee. The request should stand.

**Michael Russell:** Can we toughen up our stance on fizzy and sugary drinks? We should tell the Executive that every effort should be made to minimise the availability of such drinks in schools. Dalziel High School sells fizzy water in such a way that it is much more attractive for pupils to buy that than to buy Coke or other drinks. For three reasons, we should ask for the supply of fizzy and sugary drinks to be diminished. First, such drinks are responsible for dental caries. Secondly, they have an effect on health. Thirdly, we know that caffeine-based drinks often have an effect on behaviour. That is why I never touch them. We should encourage the Executive to take "all steps possible" to reduce the availability of commercial soft drinks on school premises.

**Mr Monteith:** I cannot support the insertion of the words "all steps possible", as such steps would include legislation.

**Michael Russell:** We could ask the Executive to take "whatever steps possible" to reduce the availability of commercial soft drinks on school premises.

**Mr Monteith:** I would prefer us to use the word "encourage".

**Michael Russell:** All right.

**Jackie Baillie:** There is substantial evidence relating to the use of vending machines in schools. Either here or in a separate paragraph we could tease out the points that Michael Russell makes

and question the use of vending machines in schools—for the sale of sugary drinks, in particular, but also for the sale of sweeties and things of that nature.

**Michael Russell:** We should discourage the use of vending machines. We should also discourage the sale of commercial soft drinks on school premises.

**Tommy Sheridan:** As a direct result of evidence given to the committee, Glasgow City Council has decided to end fizzy drinks sponsorship within its schools. That shows that the evidence-taking sessions on the bill have had a positive effect in at least one local authority area. The committee is on the right track as far as fizzy drinks are concerned.

Will members take into account the fact that the National Assembly for Wales has already legislated to supply free milk to all under-sevens and is now considering extending that provision to all primary school children?

**The Deputy Convener:** That is why we are seeking further information from the Executive.

**Jackie Baillie:** The School Meals (Scotland) Bill says that milk should be supplied free to all children. We have asked to be provided with different optimal ranges and costs within those.

**Irene McGugan:** We have received a report from our nutritional adviser that indicates that the benefits of milk consumption are twofold. The paper states:

"milk may replace other drinks higher in sugar, and the nutrient composition of milk actually protects the teeth. This is important at any age."

Our nutritional adviser implies that milk consumption is not important only for children under seven. It is particularly important for girls to have a high calcium intake up to the age of 18, to lower the risk of osteoporosis.

Having made the case for milk, we must be alert to the fact that some youngsters have dairy intolerance. Other youngsters do not want to take milk for dietary, religious or other reasons. We need to be careful about how we phrase the report, so that we include those people and ensure that their intake of calcium is sufficient for their health needs.

**Ian Jenkins:** I accept that drinking too many fizzy and sugary drinks is bad for kids in some respects. However, we need to be careful about making recommendations when we do not have all the evidence for the effect that they will have. I suspect that, if we banned Coke and other drinks from school premises, more children would leave the school to buy them, along with other snacks. We might undermine some of the good measures that we are trying to promote by making the school

appear a less sympathetic or cool place for children to eat.

This is a difficult issue. When I was a teacher, I worried about schools' making money out of products that were not doing children much good in the long run. However, we have already discussed that there are psychological issues to consider. If we want children to take their meals in school, we need to pay attention to how they feel about things.

**The Deputy Convener:** We have made a number of recommendations on the provision of water and milk. I am keen to ensure that we are happy with the wording of paragraphs 21 and 22. What do we have there, Martin?

**Martin Verity:** We might have to come back to the committee with the proposed wording.

**The Deputy Convener:** Are we taking the first line of paragraph 22 out?

**Martin Verity:** Yes. You want to obtain information on the stage at which it is particularly crucial to drink milk, although there is evidence about its benefits at any age.

**The Deputy Convener:** We have already asked for that information.

**Martin Verity:** The committee would like every effort to be made to encourage local authorities to minimise the availability of commercial soft drinks, in the interests of improved dental health, health generally and child behaviour.

There has been a discussion about the provision of vending machines in schools and it has been suggested that that can encourage the sale of sugary drinks. Although concern was expressed about the fact that, if that provision were taken away, children might be encouraged to leave the school premises during the day, the balance of opinion in the committee seems to be that it would prefer to discourage the commercial provision of fizzy soft drinks in schools.

**Ian Jenkins:** Discourage but not ban.

**Martin Verity:** Yes. We will reword the paragraphs to reflect those views and bring them back to the committee next week.

**The Deputy Convener:** The next section of the report deals with nutritional standards and the work of the expert panel. Are we content with paragraph 23?

**Jackie Baillie:** I do not want to die in a ditch over this issue, but it might be helpful if we included an annexe that detailed the expert panel's remit, composition and time scale, given that we have spoken a lot about the expert panel and our recommendations will be phrased in that context.

**The Deputy Convener:** Are we agreed to include that annexe?

**Members indicated agreement.**

**The Deputy Convener:** If there are no further comments on the paragraphs in this section, we will move to the next section, which deals with stigma. Are there any comments on paragraph 29?

**Tommy Sheridan:** Paragraph 29 contains this sentence:

"As stated in paragraph 20, any practices which highlight those who receive free school meals must be eradicated."

However, you have previously stated that the issue of stigma related to the poverty trap has to be addressed. Unless you are going to return to the issue later and talk about uptake and entitlement, this part of the report might be a good place to talk about that.

**Jackie Baillie:** The report deals with the issue later.

**Tommy Sheridan:** Okay.

11:30

**The Deputy Convener:** Are there any comments on paragraph 30? Paragraph 31? Paragraph 32? Paragraph 33?

**Mr Monteith:** The paragraphs in the section that deals with stigma do not seem to reflect the experience of our visit to Leith Academy, which we might want to flag up, although we are reporting primarily on the basis of evidence that was given to us. We might be content with the later reference to Leith Academy in the report, but I think that, as the pupils in Leith Academy told us that stigma was not an issue for them, it might be reasonable to refer to that at this point. I know that that school provides only a snapshot, but it is one that we are happy to use elsewhere in the report.

**Jackie Baillie:** It would be useful to drop in a reference to that school, but equally we should recognise that it cannot be the sole source of evidence. We surveyed children who attended the Parliament. I am not sure where the paragraph about that is in the report, but it would be useful to have a handle on the number of children and the ranking that they put on the issues that were most important to them. If the survey substantiates what we found out anecdotally at Leith Academy, it becomes more useful as an exercise. I appreciate that that will not be done until our next meeting, but it would be useful to drop in that detail.

**Mr Monteith:** It would be helpful even if we could have a paragraph that referred to the visit as an annexe to the report. It is an important part of what we did.

**The Deputy Convener:** Where are we in terms of the survey and survey information?

**Martin Verity:** We have the information, but we have not yet made it available to members.

**The Deputy Convener:** When will we get it?

**Martin Verity:** The information arrived after the draft report was sent to the committee. Members will have it before Tuesday. The survey information will be included in the written evidence that is to form an annexe to the report.

**The Deputy Convener:** Given Brian Monteith's point, it is important that we see the results, which will give us an insight into the issue of stigma.

**Martin Verity:** We can e-mail the information to members before Tuesday.

**The Deputy Convener:** That is fine.

**Tommy Sheridan:** I appeal to the committee to change the first sentence of paragraph 33, which is bold but does not recognise the arguments on stigma that One Plus and the CPAG have made. The sentence reads:

"Therefore the Committee believes that the swipe card system does have the potential to eliminate stigma".

Could the committee change the sentence to read that the committee believes that the swipe card system "could have the potential to help towards addressing stigma"? One Plus and the CPAG argue that it is the entitlement element of stigma that is the problem. Swipe cards will not change that element.

**The Deputy Convener:** Are there other views on that point?

**Mr Monteith:** I would prefer to use "reduce stigma". It might seem a moot point, but "eliminate" may be too strong and absolute a word. Stigma is attached to so many different aspects of schools. The swipe card for school meals does not have the potential to eliminate stigma, but it could reduce it.

**Jackie Baillie:** We are talking about potential. I am not going to die in a ditch over this, but the swipe card does have the potential to eliminate stigma.

**Ian Jenkins:** I do not agree. It is not possible to eliminate stigma. Kids are clever at spotting it.

**Jackie Baillie:** Yes, but in the context of—

**Ian Jenkins:** I do not see why we cannot say "reduce". It is not possible to eliminate stigma totally, but we can reduce it and make it less hurtful. I agree with Tommy that it is putting it too strongly to use the word "eliminate". Stigma cannot be eliminated at a stroke.

**Michael Russell:** The phrase "help to

overcome" would appear to be moderately strong.

**The Deputy Convener:** "Help to overcome", "eliminate" or "reduce"—where are we?

**Michael Russell:** I would suggest "help to overcome".

**Jackie Baillie:** I am quite happy with that compromise. Peace has broken out. I thought that there was war.

**The Deputy Convener:** I know a line in a song with that—

**Michael Russell:** We can help to overcome.

**Ian Jenkins:** I note that, in the middle of paragraph 33, the report says:

"The Committee would also urge the Executive to extend the use of swipe card technology to all schools."

When I think of wee schools up the Yarrow valley, I cannot quite see that that is sensible.

**Michael Russell:** Why not?

**Ian Jenkins:** Well, that would not seem to be sensible for small schools. The wording of that paragraph should read something like: "The Executive should consider extending the use of swipe cards to all large schools."

**Michael Russell:** No.

**Karen Whitefield:** It would be wrong to give an exemption to schools. We should be asking schools to open up negotiations with the Convention of Scottish Local Authorities so that the local authorities can become involved in taking decisions about the kind of swipe card system that they are to introduce in schools. We should also ask schools to discuss whether the card should be used only for school meals or whether it could also be used for the school library and for other school activities. We might want to add that point to our recommendations.

**Irene McGugan:** I agree with Karen Whitefield's comments about the wider application of swipe cards. I also remember Craig Clements from Angus Council confirming to the committee that Angus now has an entirely cashless system, even though it has a considerable rural population and a number of very small schools.

**Michael Russell:** There are very strong arguments for ensuring that all schools are involved. The people of the Yarrow valley have the right to participate in technology as much as others. More important, the stigma in a small school could be much greater than the stigma in a large school. As a result, the use of a cashless system in a small school is vital. Moreover, I would not be surprised if we reach the stage where children have such cards from the start to the end of their school career, and therefore it seems daft

to eliminate small schools from the scheme, only to have them catch up later on.

**Ian Jenkins:** Forgive me—I take back some of my comments. I was just thinking that installing equipment in small schools might not be the best way of spending money.

**Michael Russell:** That could also be a side recommendation at the end of the report.

**The Deputy Convener:** Do members have any comments on paragraph 34, which deals with nutritional standards and uptake?

**Michael Russell:** The sentence that begins “Although in oral evidence” does not go anywhere. Instead, we should have a sentence that begins something like: “However, we should note that, in oral evidence, John McAllion stated that”.

**The Deputy Convener:** Are members fine with that?

**Members** *indicated agreement.*

**Jackie Baillie:** I note that the bill’s intention is to eliminate stigma.

You can keep going, convener.

**The Deputy Convener:** Do members have comments on paragraphs 35 and 36?

**Members:** No.

**The Deputy Convener:** Do members have any comments on paragraph 37?

**Jackie Baillie:** I have a minor point about the last sentence. Can we change “of” to “on”?

**The Deputy Convener:** Do members have any comments on paragraph 38?

**Ian Jenkins:** Are we

“concerned that it is difficult, if not impossible to legislate for the behaviour of children”

or should we just “recognise” that it is difficult to legislate?

**Michael Russell:** I think that we should just recognise that it is difficult to legislate. If we say that it is “impossible to legislate”, we might as well all go home. Are we going home?

I should point out that the second sentence does not make sense either. It should read: “The committee believes that to encourage children to eat nutritious food the choice and quality of food, the environment in which it is eaten and the reasons why children do not want to stay in school are all issues that must be taken into account.” Is that okay?

**The Deputy Convener:** Fine.

**Tommy Sheridan:** Could the committee flag up the sentence

“The Committee also believes that nutrition should become an integral part of the school curriculum”

as a recommendation?

**Michael Russell:** I am very nervous about doing that. Are we saying that nutrition should be taught in schools? By and large, that happens already. We do not have a national curriculum. Are we recommending that something should be part of a national curriculum that we do not have? We would have great difficulty in doing so. We could certainly encourage spreading awareness of nutrition in schools. However, I am always very wary about saying that we should teach a certain subject in schools. Ian Jenkins knows what I am talking about. Such provisions are added willy-nilly by politicians and do not bear any resemblance to what actually happens in schools.

**Tommy Sheridan:** Well, you did not challenge the sentence.

**Michael Russell:** I am grateful that you have drawn it to my attention, because it should be challenged.

**Tommy Sheridan:** I agree with the sentence, because I think that nutrition should be an integral part of the school curriculum. The evidence that we received from home economics teachers when we were developing the bill was that the subject was clearly a denigrated part of the curriculum and was no longer encouraged. When no one challenged the sentence, I was hoping that it would become a future recommendation.

**The Deputy Convener:** As Mike Russell pointed out, we do not have a national curriculum.

**Michael Russell:** I am content with the sentence as it is expressed, because it is vague. However, I would have some difficulty if it were made less vague or made into a firm recommendation.

**Jackie Baillie:** People might be more comfortable with the sentence if the term “school curriculum” were changed to “education process”. However, the point is that we were taken with Gillian Kynoch’s approach to the whole issue. We are talking not just about a meal but about how meals are wrapped into a whole-school approach. If we reflect on that in our recommendation on nutritional standards by dropping in a line about a whole-school approach, that should cover the committee’s views.

**Ian Jenkins:** It is the misuse of the word “curriculum” that is the problem. If we said that nutrition should become an integral part of school education, or something like that, it would solve the problem.

**Mr Monteith:** We could change “the school curriculum” to “the five-to-14 guidelines”.

**Michael Russell:** That would be worse.

**Mr Monteith:** That would be a flexible way of ensuring that nutrition could be dealt with within the curriculum. That is what you are arguing for.

**Michael Russell:** The trouble is that the world of primary schoolteachers would rise up and lynch you, because there is so much in the five-to-14 curriculum that it would not be possible to squeeze in a chip, let alone anything else.

**Mr Monteith:** It would define what you mean; otherwise you would just be talking hogwash.

**Michael Russell:** With the greatest respect, Mr Monteith, I leave that to you. We should be saying what Jackie Baillie and Gillian Kynoch are saying—the whole-school experience is the issue. To move towards inclusion in the five-to-14 curriculum would be to move in the wrong direction altogether.

**Mr Monteith:** Five-to-14 is the curriculum.

**The Deputy Convener:** Five-to-14 is not appropriate in this instance.

**Mr Monteith:** The problem is the word “curriculum”.

**Michael Russell:** That is what we are going to take out.

**The Deputy Convener:** We have agreed to take out the word “curriculum”. We are looking for a whole-school approach.

**Michael Russell:** We should say: “The committee also concurs with Gillian Kynoch’s view that the provision of food in schools should form part of a whole-school approach”. Then we should take out the first two sentences of Gillian Kynoch’s quote and start with the phrase “Whole-school approach”.

**The Deputy Convener:** Is that agreed?

*Members indicated agreement.*

**Ian Jenkins:** The end of Gillian Kynoch’s quote makes reference to

“a continuous process of nutrition education.”—[*Official Report, Education, Culture and Sport Committee*, 14 May 2002; c 3370.]

**The Deputy Convener:** Do members have any points on paragraphs 39, 40, 41 or 42?

**Irene McGugan:** I have a small point. The final word on page 8 should be “healthy”.

**The Deputy Convener:** Well done. Is there anything to say about paragraphs 43, 44, 45 or 46?

**Mr Monteith:** Will we keep in the words in bold in paragraph 46 if we do not receive further evidence?

**Martin Verity:** The phrase, “We have not yet received this”, was put in bold to draw the matter to members’ attention.

**Mr Monteith:** The request has already been made.

**Michael Russell:** We have not received further evidence and we are finalising the report, so I presume that we should say: “He was happy to provide further evidence that there was no causal link, although such evidence had not been received by the time the report was agreed by the committee.”

**Jackie Baillie:** We could do two things. If the evidence has not been received by 11 June, we can note that. If we receive it by 11 June, we can drop in a paragraph about what it says.

**The Deputy Convener:** Is that acceptable?

*Members indicated agreement.*

**The Deputy Convener:** Do any points arise on paragraphs 47, 48 or 49?

**Mr Monteith:** I am slightly uncomfortable with paragraph 49, because I believe that it is too absolute in linking poor diet and lack of exercise to becoming overweight and obese. Although there is no doubt that that link has been established, the belief that there is a genetic link has also been established. Paragraph 49 suggests that poor diet is the only factor and I feel that there needs to be a bit more explanation.

**Tommy Sheridan:** Surely the final sentence of the paragraph qualifies the assertion.

**Michael Russell:** That is right. We should not get into the nature versus nurture debate. Paragraph 49 takes a reasonable balance between the two views.

**Mr Monteith:** I am happy to leave it alone.

**The Deputy Convener:** Is there anything on paragraphs 50, 51 or 52?

**Jackie Baillie:** I have a point relating to paragraphs 52, 53 or 54 that we need to drop in somewhere. It goes back to Brian Monteith’s earlier point. There was considerable discussion about the number of children in poverty. We had a figure of 80,000 children who are losing out. Today Tommy Sheridan has given us a new figure of 120,000. I indicated that we would like information on the working families tax credit and on the amount that is included for a school meal. We should note the fact that the credit is paid not only for the 38 weeks of the year for which schools sit, but for 52 weeks. It would be useful to have a handle on the number of people in Scotland who are eligible, as the credit represents a different way of providing for school meals. Again, we asked the Executive for the information, so

perhaps someone could stomp their feet to find out what is going on. Brian Monteith is right that the issue was brought out in the evidence and it is missing from this part of the report.

11:45

**Mr Monteith:** It is relevant. We want to weigh it up, but we do not know the hard facts. It is important that we take it into account.

**Michael Russell:** My point is on paragraph 56. I would like the word “necessarily” in the penultimate line to be changed to “automatically”. I do not want to dissent from anything in this report except the final conclusion. However, it would be difficult to sign up to that paragraph as it would appear that I was agreeing with something that I then disagreed with. The word “automatically” would make it easier to sign up to that paragraph.

**The Deputy Convener:** I accept that.

**Tommy Sheridan:** I understand that One Plus has submitted additional information, which I could make available to committee members. Accepting the Scottish Executive’s definitions at all times, in relation to low-income households, One Plus gives a tabular breakdown that shows that some 82,740 children are officially in low-income households but are excluded from the entitlement to free school meals. The submission then shows the number of children who are entitled to free school meals but do not take them and the number of families who are entitled to income support but do not claim it. That comes to an extra 40,000 children, which is where the figure of 123,000 comes from. One Plus estimates that a minimum of 82,000 children are missing out and that as many as 123,000 children from low-income households are missing out. I can make that information available to all members, although I understood that it had been sent to the committee.

**The Deputy Convener:** We do not have it. If it could be made available, we could agree the paragraph.

**Jackie Baillie:** Yes, but I am keen to get the Executive’s information as well, so that we can reach a balanced view.

**Tommy Sheridan:** I asked the Executive for its figures six months ago. I am still waiting.

**Jackie Baillie:** Let us see whether we have more success.

**The Deputy Convener:** We will make the point stamping our feet and shouting loudly to get the information that we need from the Executive.

**Michael Russell:** Not for the first time.

**The Deputy Convener:** That deals with paragraphs 52, 53, 54 and 55. Mike Russell wants to make a change to paragraph 56, which we have

agreed. We move on to equal opportunities and paragraph 57. Do members have any comments on paragraph 57?

**Members indicated disagreement.**

**The Deputy Convener:** Paragraph 58 is on the financial memorandum.

**Michael Russell:** Can we insert something about it not being possible for local authorities to meet the costs without additional assistance? That is an important point, but it is not stated specifically anywhere else in the financial section. The second line should say that local authorities are clear that they could not implement the provisions of the bill without additional help from the Scottish Executive. We do not want implementation to appear to be possible without additional resources.

**Ian Jenkins:** Does that mean that the financial memorandum is not telling the truth? It says:

“The Bill is not expected to give rise to any significant costs for the Scottish Executive.”

However, there will clearly be significant costs.

**Michael Russell:** Ian Jenkins is a member of the Subordinate Legislation Committee and understands such things better than I do.

**Tommy Sheridan:** Members may not be aware that a member’s bill does not fit standing orders if it demands any of our revenue. A member’s bill cannot say that its implementation would cost the Scottish Executive X amount of money. If it did, it would be ruled out of order, as an individual member cannot commit money from the budget. However, the Scottish Executive has said that, if a member’s bill is ever passed, it will not stand in the way of the financial consequences. The financial memorandum is not dishonest; it had to be written in that way to abide by the Parliament’s standing orders. Throughout the process, we have stressed that we do not expect local authorities to pick up the tab.

**Michael Russell:** That must be said specifically.

**Members indicated agreement.**

**The Deputy Convener:** Do members have any comments on paragraphs 59, 60 or 61?

**Members indicated disagreement.**

**The Deputy Convener:** Do members have any comments on paragraph 62?

**Michael Russell:** The capital issue is interesting. We noted the absence of figures and local government arrangements, but no local authority is in any doubt that substantial capital outlay would have to be made. That needs to be noted. That was a common theme in evidence from every local authority.



**Tommy Sheridan:** Would you agree to balance that statement? The expert panel's declared intention is to increase the uptake of school meals.

**Michael Russell:** I am happy to do that. Paragraph 62 starts:

"On capital issues, the Committee recognises that in the absence of figures from local authorities and the range of issues to be addressed that it is not possible to make an accurate assessment of the capital costs involved."

After the first "However" at the start of the next sentence, we could add that "every local authority indicated that there would be a substantial capital cost, although it is fair to note that such a capital cost might well be incurred as a result of implementation of measures from the expert panel when they emerge".

The paragraph would then run on with the existing text:

"The Committee considers that the factors which need to be considered in assessing capital costs are".

**The Deputy Convener:** We move to paragraph 63.

**Ian Jenkins:** Paragraph 63 mentions "savings", which I do not think is a good word in this context. The

"savings which could arise from a reduction in exclusions from school"

cannot be quantified financially. I would use the term "positive effects" instead of "savings".

**Michael Russell:** I believe that I will have to put the last sentence to a division, because I cannot see a way of altering it and, although I do not entirely disagree with it, as it stands it would negate my position. I had thought to add the words "the bill as submitted", but I am not sure that the committee would be happy with that, because that is not the point that is being made.

**The Deputy Convener:** Which paragraph are you talking about?

**Michael Russell:** I am talking about the last sentence of paragraph 64.

**The Deputy Convener:** We are talking about paragraph 63. We will finish dealing with it first.

**Jackie Baillie:** Go back to sleep.

**The Deputy Convener:** We were dealing with the word "savings". Do you have an alternative?

**Ian Jenkins:** "Positive effects", or something like that. "Savings" suggests money, whereas I think that the positive effects would be educational.

**Mr Monteith:** I have a separate point about capital budget costs, but I will go with the point about savings first.

**The Deputy Convener:** Are there any other

views on how that should be dealt with? Can we leave it as it is?

**Ian Jenkins:** I am just asking if the term "positive effects" would do.

**Michael Russell:** Yes.

**Mr Monteith:** One of the issues that was raised with me when I visited schools was the effect on the school day and the length of time that would be required to deliver school meals to all. There are two ways around that. The dinner time break could be extended so that there could be enough sittings to deliver the meals. Alternatively, the dining halls could be extended to hold bigger sittings. Consequently, there would be a cost in school time and educational time, or there would be a financial cost. We have not touched on educational time and that needs to be considered in the context of the whole report. However, we must flag up the point that there could be a cost for schools—even those that have dining halls—that have to undertake additional works in order to cater for the whole school. Many schools do not do that. We need to insert a sentence about that in paragraph 62 or 63.

**Ian Jenkins:** I mentioned that to Cathy Peattie. There would be administrative complications for the school and the way in which staff are used. There are practical implications for the running of the school. I was not going to mention that when we were talking about paragraphs 62 and 63, because they do not seem to be about money. However, I intended to mention it at some point because it must be mentioned. This might be as good a place as any for it to be inserted.

**Mr Monteith:** We could mention it here, or include it as a paragraph somewhere else.

**Tommy Sheridan:** In the interests of balance, I argue that it is an either/or situation. The declared intention of the expert panel is to improve uptake. If uptake is improved, the administrative problems increase. Therefore, any sentence that is inserted must make the point that increased costs could be a consequence anyway. The effect would be more pronounced if the increase in uptake was 100 per cent, but even if uptake goes to 60 per cent, there will be an effect.

**The Deputy Convener:** We move to the section headed "Overall views on the Bill".

**Jackie Baillie:** We still have to deal with paragraph 64.

**The Deputy Convener:** Sorry—I did not do that deliberately.

**Michael Russell:** There is a difficulty with the last sentence of paragraph 64. I propose an alternative, which I would like to put to a division—"The committee accepts that there are many

different way of tackling child poverty. Those must be prioritised in terms of available public resources. Nonetheless, the benefits that could accrue from a properly targeted bill of this nature could be significant." If the alternative is disagreed to, I would like it to be noted as having been offered.

**Jackie Baillie:** That assumes, of course, that universality is not one of the key principles of the bill. I have a couple of suggestions for amending paragraph 64, before we even start talking about divisions. We are not a terribly divisive committee, but there is an opportunity for that to change. Lines 6 to 8 of paragraph 64 are another example of a sentence that declares something but then does not go anywhere. The sentence states that the committee

"believes that the levels of child poverty are unacceptably high".

I have no problem with that, but it goes on

"and that the Executive must do a lot more to tackle this."

I would delete that part of the sentence, because we do not go on to tell the Executive how to do that. In addition, I would delete the following sentence:

"Resources will also be required for this."

because that is self-evident.

I would substitute the deletions with, "levels of child poverty are unacceptably high, but that the greatest impact will be to target resources at those who are most disadvantaged, given that there has been a linkage"—these words will need to be tidied up—"identified by Tommy Sheridan and the sponsors of the bill between poverty and poor diet. If we focus on that client group in particular, we will have most success in seeing change."

On that basis, I would also change the last sentence of paragraph 64, because one of the things that we were concerned about was that resources would be spread too thinly and would not be targeted specifically. We are back to the argument of whether we are using the money simply to extend a bad service. That is the crux. Therefore, I would delete the words

"and would not like to see resources squeezed by a bill which is not focused specifically on child poverty."

and replace them with, "as resources would be spread thinly and not targeted specifically at the client group identified."

Perhaps other words should be used instead of "client group", children should not be called "client groups."

**Tommy Sheridan:** Unless you are Fergus Chambers.

**Jackie Baillie:** You objected to the word

"consumers", so I am being careful with my language.

**The Deputy Convener:** Is Mike Russell happy with Jackie Baillie's suggestions?

**Michael Russell:** No. The time has come for an exercise in democratic voting. We are talking about all the words after "unacceptably high." My amendment would allow the paragraph to stand as it is up to "required for this." From there on, I would substitute—in the light of Jackie Baillie's observation, I have slightly altered my original wording—the following words: "The committee accepts that there are many different ways of tackling child poverty and that these must be prioritised in terms of available public resources. Nonetheless, the benefits that may accrue from a properly targeted and resourced initiative, building on the general principles of this bill, could be significant."

**Jackie Baillie:** I suggest "properly targeted and resourced initiative"—full stop.

**The Deputy Convener:** Exactly. There should be a full stop at that point.

**Jackie Baillie:** The disagreement is whether universality is a key principle of the bill. I argue that it is. In essence, you are saying that at stage 2 you will amend the bill so that there is no universal provision.

**Michael Russell:** No. I am not saying that.

**Jackie Baillie:** But that is what your proposed change says.

**Michael Russell:** Are you saying that you would accept the wording, "The committee accepts that there are many different ways of tackling child poverty and that these must be priorities in terms of available public resources. Nonetheless, the benefits that may accrue from a properly targeted and resourced initiative could be significant"?

**Jackie Baillie:** Yes.

**The Deputy Convener:** Yes.

**Michael Russell:** Fine. Well, I am happy with that.

**Mr Monteith:** That is not controversial at all.

**The Deputy Convener:** No, it is not. I am fine with that.

**Michael Russell:** So we can substitute that wording for the original wording.

**The Deputy Convener:** Yes.

**Jackie Baillie:** Could you just read that out again, son? I am not wide awake yet.

12:00

**Michael Russell:** Sorry. Do you want me to read out the bits that were in invisible ink, too?

**Jackie Baillie:** Read out the whole thing again, pal.

**The Deputy Convener:** Please read it out again, for the record.

**Michael Russell:** It reads, "The committee also believes that the levels of child poverty are unacceptably high and the Executive must do a lot more to tackle this. Resources will be required for this. The committee accepts that there are many different ways of tackling child poverty and that these must be prioritised in terms of available public resources. Nonetheless, the benefits that may accrue from a properly targeted and resourced initiative could be significant."

**Jackie Baillie:** That is fine, except that we should take out, "and the Executive must do a lot more to tackle this. Resources will be required for this."

**Michael Russell:** Okay. I will accept that.

**Jackie Baillie:** Those aspects are self-evident. Declaratory statements do not help.

**Michael Russell:** Okay.

**Jackie Baillie:** We do not have a division.

**The Deputy Convener:** Not yet.

**Jackie Baillie:** I was so looking forward to it, as well.

**Tommy Sheridan:** Members will deliberate their position on the general principles of the bill in a moment. I would have hoped that the committee would at least discuss the fact that several Executive initiatives to tackle poverty have been universal, such as free personal care for the elderly, central heating and bus passes. Those are universal, and it is from that point of view that the bill's principle of universality comes.

Jackie Baillie asked whether that principle is important—it is vital. At the Health and Community Care Committee, the question was asked whether it would be possible to amend the bill at stage 2 so that the principle of universality applied only to primary schools rather than to all schools. It was clarified that that could be the case. Some members would have supported the principle of universality, but only in primary schools, at least to begin with. That would require the bill to reach stage 2, which is why I appeal to the committee to allow the bill to reach that stage.

**Michael Russell:** I have no difficulty with the principle of universality.

**The Deputy Convener:** We will move on. Do members have anything to say on paragraphs 65 or 66?

**Jackie Baillie:** I have a general remark on the section of the report entitled "Overall views on the Bill". We should be clearer about what we are saying at this point, because this section will generate the recommendations. Although I have specific amendments to the paragraphs, I suspect that, in the light of what has been said, the paragraphs will need to be rejigged to give them different emphasis.

We should amend paragraph 66 to read "complex issues of uptake, nutritional standards and child poverty."

**Michael Russell:** If we are taking the section as a whole, I have a comment on paragraph 72. I do not want to play down either side, but it is slightly overstating the matter to say:

"the Committee believes that the approach being taken by the Expert Panel could be more effective than the provisions of the bill."

The paragraph should say that the approach of the expert panel will be of great significance, or of considerable help.

**The Deputy Convener:** Absolutely.

**Tommy Sheridan:** What is Mike Russell's suggestion?

**Michael Russell:** I suggest that paragraph 72 should not refer to the bill. We should say that the expert panel will be of significance, but we should not make any comment to the detriment of the bill.

**Tommy Sheridan:** That is fair.

**The Deputy Convener:** Are there any comments on paragraphs 67 or 68?

**Jackie Baillie:** I have a minor point on paragraph 68. Rather than say

"not only through a school meal",

which is repeating ourselves, the third line should say, "not only with the provision of a school meal".

**Ian Jenkins:** The word "through" before the comma in line 3 is not necessary.

**The Deputy Convener:** Are there any comments on paragraphs 69 or 70?

**Jackie Baillie:** The second-last line in paragraph 70 should read "stay" instead of "say".

**Michael Russell:** The word "necessarily" in paragraph 70 would be better as "automatically".

**Jackie Baillie:** We should also remove "if not impossible" in that paragraph.

**Michael Russell:** Yes. That is daft.

**Ian Jenkins:** We should change "the committee is concerned" to "the committee believes".

**The Deputy Convener:** Are there any

comments on paragraph 71?

**Michael Russell:** In the third line, we should replace “are” with “may be”, because the sentence expresses the committee’s opinion.

**Jackie Baillie:** Can we also deal with the first line of paragraph 72, which Tommy Sheridan mentioned? It should say, “the committee noted the work of the expert panel, as outlined in evidence, and felt that it would make a useful contribution.”

**Tommy Sheridan:** That would be better, given that the committee has not yet seen the work.

**Ian Jenkins:** Can we go back to paragraph 71? It should state, “could limit the amount of money which might otherwise be available” because we do not know that the money is available. We should also replace “are more able to address” with “would be more likely to address”.

**Michael Russell:** I have already suggested that we change that to, “may be more able to address”.

**Ian Jenkins:** Sorry. I missed that.

**The Deputy Convener:** In paragraph 72, we have agreed to replace “has been impressed with” with “has noted”.

**Michael Russell:** In the final sentence of that paragraph we should put, “the committee believes that the approach being taken by the expert panel is likely to be of impact and significance.”

**Ian Jenkins:** Could we say that we would expect the Executive to give positive support to the—

**The Deputy Convener:** That could come under the recommendations.

**Jackie Baillie:** Given that we have not even seen the report yet—

**The Deputy Convener:** What about paragraph 73, which deals with subordinate legislation?

**Jackie Baillie:** I have no comments, as we have not yet received the Subordinate Legislation Committee’s report.

**The Deputy Convener:** We will hold over our discussion on that paragraph, and on paragraphs 74 to 77, until our next meeting.

We come now to the recommendations.

**Tommy Sheridan:** I thank the convener for allowing me to sit through the meeting. I hope that the committee will vote to support the bill.

**Michael Russell:** For Tommy Sheridan to leave the meeting now is like someone leaving a football match at the 89<sup>th</sup> minute.

**Mr Monteith:** He would have missed Ireland’s goal.

**Michael Russell:** Indeed.

**Jackie Baillie:** Our discussion will be recorded in the *Official Report*—members should stop talking about football.

**The Deputy Convener:** Yes. I ask members to behave, please. Let us return to the recommendations.

**Jackie Baillie:** I suggest that, based on the redrafted paragraphs 60 to 70—or whatever—which deal with our overall views on the bill, we should begin the paragraph on our recommendations with a reference to the expert panel. We should also include the specific recommendations that we have teased out on free water and milk—subject to further information—on the removal of stigma, on the use of swipe cards in all schools and on nutritional standards. We should build in the whole-school approach, based on nutrient groups and the need for robust monitoring—which came through clearly in evidence—by an appropriate organisation such as Her Majesty’s Inspectorate of Education. That would neatly tidy up our recommendations into the areas that the expert panel is considering. I would also like us to note that the committee wishes to discuss the conclusions that the expert panel reaches.

I would like the committee to agree what the draft report calls the second possible recommendation:

“On the basis of the above report, the Education, Culture and Sport Committee recommends that the Parliament does not agree the general principles of the Bill.”

Our reason for making that recommendation—aside from the detail that will be outlined in our report—is that one of the principles of the bill is universality, and, collectively, we believe that targeting has most effect.

**Michael Russell:** Without entering into that debate, I said earlier that I have no difficulty with the principle of universality—I have difficulty only with how universality is defined. In the circumstances, I agree entirely with Jackie Baillie, right down to her last point.

I propose that the Education, Culture and Sport Committee should recommend that the Parliament agree the general principles of the bill. If my proposal is rejected, I would like the report to note simply that, on a division, those who support my view—I am told that I can count on Irene McGugan—voted against Jackie Baillie’s recommendation and indicated that they wished the bill to proceed to stage 2. I would also like the report to note that, while those who support my view endorsed the committee’s report, excluding the final majority recommendation, they believed that the flaws in the bill as introduced could be overcome by extensive amendment at stage 2.

**Mr Monteith:** As I took a comfort break when the committee discussed the issue of free milk, I seek clarification on the committee's recommendation on that issue. I am happy to second Jackie Baillie's proposal for the conclusion of our report.

**Jackie Baillie:** I have some credibility—

**Michael Russell:** You used to have some credibility.

**Jackie Baillie:** I suggested that we should make a recommendation about the provision of free milk, subject to further information.

**Mr Monteith:** So we are not recommending—

**Jackie Baillie:** No. We will need to come back to that issue on 11 June. The view of the committee is clear. We want to make a recommendation on the provision of free milk, but we have yet to determine at which age free milk should be targeted. We must discuss that point further.

**The Deputy Convener:** Jackie Baillie highlighted a number of recommendations. I think that the committee is happy to accept all her recommendations, except for the final sentence.

**Michael Russell:** I want to delete the word "not" from "does not agree".

**The Deputy Convener:** I assume that the rest of the committee does not want to delete the word "not".

**Michael Russell:** Can we vote?

**The Deputy Convener:** The man is desperate to vote. I do not want a vote.

**Michael Russell:** We must, for the record.

**Jackie Baillie:** For the record, he is voting on only one word.

**The Deputy Convener:** We will vote on the word "not".

**Martin Verity:** So the committee is voting on Jackie Baillie's suggestion.

**The Deputy Convener:** Yes. We will vote on Jackie Baillie's suggestion that the committee agrees the second recommendation.

#### FOR

Baillie, Jackie (Dumbarton) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
Peattie, Cathy (Falkirk East) (Lab)  
Whitefield, Karen (Airdrie and Shotts) (Lab)

#### AGAINST

McGugan, Irene (North-East Scotland) (SNP)  
Russell, Michael (South of Scotland) (SNP)

**The Deputy Convener:** The result of the division is: For 5, Against 2, Abstentions 0. The

suggestion is therefore agreed to.

**Michael Russell:** I ask that a note be inserted in the report—I am happy for it to be a footnote—that, on a division, my prediction was correct. Michael Russell and Irene McGugan voted against the recommendation. They indicated that they wish the bill to proceed to stage 2 and that, while they endorse the committee's report and accept the final majority recommendation, they believe that the flaws in the bill could be overcome by extensive amendment at stage 2. That reflects matters entirely.

**The Deputy Convener:** Are members agreed?

**Members** *indicated agreement.*

**The Deputy Convener:** Martin Verity and I need to get together to discuss letters to the Executive. We also need information. We will consider the matter next Tuesday.

**Michael Russell:** What other items are on the agenda next Tuesday?

**Martin Verity:** The committee will start to take evidence for its inquiry into the purposes of education.

**The Deputy Convener:** We will also consider the proposal for a committee bill on a commissioner for children and young people.

12:14

*Meeting continued in private until 12:18.*



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