

EDUCATION, CULTURE AND SPORT COMMITTEE

Tuesday 5 November 2002
(*Afternoon*)

Session 1

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EDUCATION, CULTURE AND SPORT COMMITTEE

28th 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

Murdo Fraser (Mid Scotland and Fife) (Con)
Marilyn Livingstone (Kirkcaldy) (Lab)
Fiona McLeod (West of Scotland) (SNP)

*attended

WITNESSES

Bob Irvine (Scottish Executive Education Department)
Dr Elaine Murray (Deputy Minister for Tourism, Culture and Sport)

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

Tuesday 5 November 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:03*]

Items in Private

The Convener (Karen Gillon): I call this meeting of the Education, Culture and Sport Committee to order as we are in public session. I remind everyone to ensure that their mobile telephones and pagers are turned off. We have received apologies from Cathy Peattie and I know that Brian Monteith is going to be late.

Item 1 is to ask members to agree to discuss in private items 7 and 8. Item 7 is consideration of the draft report to the Finance Committee on the budget process for 2003-04 and item 8 is consideration of the draft stage 1 report on the Protection of Children (Scotland) Bill. Are members content to discuss both items in private?

Members *indicated agreement.*

Scotland's Museums

The Convener: Item 2 is consideration of issues relating to Scotland's museums. Members will be aware that last week we received a report on Scotland's museums from Mike Russell and Jackie Baillie. The committee agreed to take evidence this week from the Deputy Minister for Tourism, Culture and Sport on the Executive's plans for Scotland's museums. I welcome to the committee Dr Elaine Murray and Bob Irvine, who is head of the sport, the arts and culture division in the Scottish Executive. Do you want to make any comments on the paper that you have seen or on your plans before we move to general questions?

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): I will be very brief. To see members all sitting down at the other end of the table makes me think that they have heard that I have a cold and are keeping as far away as possible.

I welcome the briefing paper and the interesting ideas that Mike Russell and Jackie Baillie have set out. I apologise for my not being Mike Watson, because his being here might have provided more continuity, given that he was at the conference on museums yesterday. However, Bob Irvine was also at the conference and we shall do our best to respond to questions about what came out of it.

On our intentions, we are still in a period of consultation following the national audit, so any future policy direction will be informed by the results of that consultation; however, I cannot at the moment give the committee concrete responses to some questions. We are considering the views of others and will take into consideration the committee's views and the submissions that it makes.

Michael Russell (South of Scotland) (SNP): I attended the final session of the conference yesterday. There was a measure of agreement that the key issues are—not necessarily in order of priority—the lack of a strategic view of what museums should be achieving, which is reflected in the paper that Jackie Baillie and I drew up, and the shortage of resources in the sector. The two matters are almost inextricably linked, because the shortage of resources is also forcing museums to chase any small amounts of money that are available, which is skewing their core purpose. There is a view that the museums sector is not unique, but is part of the wider culture and heritage sector. Links need to be built there, because different parts of the sector suffer from the same problems. Are those the key issues? If so, what current thinking is there about resolving those problems?

Dr Murray: Mike Russell's paper is correct to identify the fact that resources are flagged up as the number 1 issue throughout most of the museums sector and that there is a feeling that there should be change. However, I do not think that there is yet a coherent opinion about how that change can be effected. As the paper says, different models are under consideration and different people have different views. I am aware of concerns about resources and I am sure that I am not treading on anybody's toes by saying that our department is concerned about resources. However, we do not have additional resources within our budget and strategic views about where moneys go are made in a wider context.

Michael Russell: I accept those points, but there is surely a need for the Scottish Executive to take a strategic view of what the museums sector—and, indeed, the culture and heritage sectors—should achieve. As I understand it, that was to some extent the purpose of the national cultural strategy. Three and half years into the first session of the Scottish Parliament, we still do not have any such strategic view. Is it fair that museums are saying that although that might have been acceptable in the first year and problematic in the second year, it has led to genuine crises in funding in the third year? We do not know when the situation will improve, but given the time scales that you are working to, it will not be before the Scottish Parliament elections next year.

Dr Murray: Mike Russell's interpretation is a bit of an exaggeration. One of the reasons that we had the national strategy and the consultation process is that we recognise that there has to be a more strategic view of the way in which the museums sector is supported. We also need to develop a more strategic view of the mechanisms of the culture sector, which will not be done at the end of a session. That is something that needs to be looked at after next May. We need to examine much more holistically whether the structures that support the culture sector in Scotland are the most appropriate ones for a meaningful cultural strategy.

Michael Russell: If I understand you correctly, you are saying that there will be no resolution of the issues until after next May.

Dr Murray: No, I am not saying that.

Michael Russell: In that case, what strategy will you use to persuade people that you know what you will do after next May?

Dr Murray: In spring, we will publish a paper describing our position on the consultation on the museums sector. There is, however, a much wider cultural picture to be considered in terms of supporting mechanisms that are not necessarily in their best configuration. We have to consider the

wider issues about the relationships between different parts of the cultural sector.

Michael Russell: What advice would you give to museums that fear for their collections and fear that they might go bust between now and May?

Dr Murray: What do you mean, "What advice"? I do not know what you mean.

Michael Russell: What advice would you give them? We have heard from the Dundee Heritage Trust and Verdant Works. I have made representations to you about the perilous state of the core collection in the Scottish Maritime Museum, where conservation staff have had to be laid off. What advice would you give to museums that are seeing deterioration in their collections and have genuine doubts about the time between now and May while the process continues?

Dr Murray: We would be forced to advise that there is no additional money in the budget at the moment. We have to be up-front about that. There is no immediate quick financial fix.

If people have particular issues about specific museums, I am happy to take representations. We are happy to discuss the issues and to see whether there are ways in which we can assist. There is not, however, a pot of gold sitting under my table waiting to be dipped into.

Michael Russell: Your advice is that there is no money.

Dr Murray: We have been up-front about the amount of money that is available and there are no substantial additional sums of money.

Michael Russell: Judging by present trends and the evidence in front of us, will we therefore see further attrition of the museums sector between now and next May?

Dr Murray: Yes, if that is what is happening. Apart from the strategic change fund, there are no additional sources of funding within the museums sector for this financial year. I do not believe that anyone has tried to pretend that there are.

Jackie Baillie (Dumbarton) (Lab): I want to pursue the question of resources. An important part of resourcing is to have the strategy in place and I am pleased to hear that it will be in place in the spring—I am assuming that will be in April.

Dr Murray indicated agreement.

Jackie Baillie: It has not escaped people's notice—and it was touched on at the previous committee meeting when we were scrutinising the budget—that substantial resources have been made available at UK level, in relation to which a consequential formula will apply to Scotland. That came on the back of the excellent work that was done in the report "Renaissance of the Regions: A

new vision for England's museums". Although the model might not be transferable to Scotland, there are lessons to be learned.

Can you clarify whether you are saying that there will be no new resources in the new financial year?

Dr Murray: No—I am talking only about this financial year.

Jackie Baillie: There is therefore the prospect that new resources will be attached to the strategy. I am not asking you what will be the level of resources. I am asking whether that might offer some hope to the museums that are desperately struggling.

Dr Murray: We will in future spending rounds obviously be arguing for our portfolio. Issues to do with museums would clearly hold a high priority within our thinking. However, I cannot guarantee that the money we ask for will necessarily be granted.

Jackie Baillie: Forgive me minister, but I want to push you on that point. You have already been through a comprehensive three-year spending review. Those sums should have been identified already. Are you saying that they have not been identified? I am not asking you for numbers because I appreciate that you will not want to give them. I need to be clear on whether the bids have been made and the spending has been identified. It might not be good to suggest that we wait another three years.

Dr Murray: I concede that. Obviously the museums will not be content to wait another three years.

Members will be aware that ministers do not get everything that they ask for in the spending review. Some of our bids were successful and some were not. I hope that the current process will enable us to identify where further investment could best be made. Any bids made on an annual basis or bids made in regard to end-year flexibility would have to be submitted in the light of that knowledge.

14:15

Jackie Baillie: So if museums are in difficulty now, they should approach the Executive for assistance, despite the fact that there might not be lots of pots of money available in this financial year.

Dr Murray: I hope that the picture will arise out of the discussions that have gone on yesterday and throughout the consultation process and, indeed, through the national audit, which also provided a lot of information. We need to make as good a bid as possible. Discussions such as those

that are taking place with partners and other stakeholders are an important part of bidding for additional resources. We need to have that picture and have the appropriate strategic direction.

Jackie Baillie: Local authorities obviously play a key role in resourcing museums. What discussions are you having, or do you intend to have, with the Convention of Scottish Local Authorities in the light of the paucity of funding that is experienced by museums?

My second question relates to Glasgow. I noticed an item in today's press that described the need for a strategy and for resources. The Executive recognised Glasgow's need in the previous financial year by awarding £3 million. Given the importance of the collections and the real contribution that museums that are run by local authorities, particularly in Glasgow, make to the economies of our cities, are you minded to do that again?

Dr Murray: What Jackie Baillie says about local authorities is absolutely correct. One of the problems with local government reorganisation—during which I was a councillor and involved in the sector—was that the previous arrangements under which regional authorities supported much of the cultural sector fell to pieces. It became continually more difficult to get the smaller authorities to buy into the national picture. Unfortunately, all the surveys that have been done since then have shown how local authority funding for the cultural and museums sector has fallen—Jackie Baillie is correct to identify that.

I have not met COSLA representatives, although Mike Watson has. In a couple of weeks' time, we will be involved in a major conference involving local authority partners, which will examine the implementation of the national cultural strategy. The museums and heritage sector will be under consideration, so there will be on-going discussions on those issues in the near future.

Glasgow is to be congratulated on the job that it has done in retaining the quality of its museums and its cultural sector despite the many problems in the city. There are many lessons for other local authorities to learn from that example. I have much sympathy for the position that Glasgow has taken because of the national importance of much that is in its collections. Mike Watson is probably more aware of that than I am, as he represents a Glasgow constituency. We certainly want to continue our discussions with Glasgow City Council on how support can be maintained in the city and the part that Glasgow plays in the national picture.

Glasgow is definitely a national player. To a certain extent, that is true of all the cities. It has always been a gripe of other cities—that are not

funded as are the national galleries and museums in Edinburgh—that they provide important regional resources and, in some cases, national resources. We will be looking at that relationship.

Jackie Baillie: Do I take from that that you are considering the hub-and-spokes approach?

Dr Murray: I think that we will consider that approach. I am not trying to predetermine what will happen in the consultation period, but we have had conversations about that model and it has certainly not been ruled out. We would like to consider it.

Jackie Baillie: May I ask a final question?

The Convener: You have asked two questions.

Jackie Baillie: I asked one question with two parts.

The Convener: I will return to you, as other members want to ask questions.

Jackie Baillie: Okay.

Irene McGugan (North-East Scotland) (SNP): I want to ask about one source of funding that it is alleged is currently available to museums—the strategic change fund. I take it that that fund aims to assist museums to adapt to change. Evidence in the paper by Jackie Baillie and Mike Russell seems to show that museums find the fund difficult to access and that there is a lack of understanding about the precise criteria on which funding can be given. What function does that funding currently fulfil? What benefit is it to museums at this interim stage?

Dr Murray: The Executive does not administer the strategic change fund—it is administered by the Scottish Museums Council. Criteria have been developed by the sector itself, so if museums find it difficult to access the fund, they should discuss that with the SMC. I am not saying that I am not interested in hearing from the museums, but there would need to be discussions with SMC about the criteria.

Half a dozen awards have been made. I was disappointed that Verdant Works' bid was unsuccessful in the first round—I am sure that members were, too—but it has been encouraged to apply for the next round. The SMC is working with Verdant Works on that, so the door is not completely shut. The awards to the six museums in the previous round revolved around issues that the paper mentioned in respect of the museums sector's educational function. I made the announcement at Almond Valley Heritage Centre, where there is a strong educational element. It has received money to build capacity. It is doing many things that we believe museums do—and can do even better—in being part of the wider agenda. The paper refers to the need for the museums

sector to be seen as part of the educational and social inclusion agendas. Changes should be considered so that people value their museums more and museums are given a lifelong learning role. I hope that communities will value their museums more than they currently do and that museum capacity will thereby be built.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Mike Russell mentioned possible attrition in the museums sector. Do you agree that the problem with such attrition is that it does not necessarily pay attention to the importance of museums and their order of priorities and that it happens almost by accident? Do you agree that that argues strongly for the proposition that is at the heart of the paper that we need a strategy that prioritises the importance of museums and recognises that they have an individual value that should be acknowledged through funding?

Dr Murray: That is part of what the national audit was about. The development of the strategy is about priorities. I do not know whether Ian Jenkins is referring to the priorities of the museums sector, the priorities of individual collections or the individual functions of museums. Different answers could be given to the question. The national audit and the process that we are discussing are about identifying what is valuable, supporting that and having a strategy. I recognise that there are many problems in the museums sector and we have touched on reasons why those problems have been exacerbated over the years, and particularly problems with local authority support in many areas. However, there are museums that have been set up as independent museums that are not funded by the Scottish Executive. They were set up as independent museums or trusts; risks must have been recognised when they were set up. The Executive has not withdrawn support for them; rather, such support did not exist in the first place.

Ian Jenkins: I understand that, and would like to move on. Do you agree with the director of Kilmartin House Trust, who said:

"The Heritage Lottery Fund has supported and funded the birth of many excellent facilities (Kilmartin House included). However, there is a significant risk in continuing to fund a large number of essentially capital projects without addressing the needs of revenue funding?"

I do not know precisely how it could be done, but would you be able to consider redirection of heritage lottery funding to acknowledge the fact that opening new museums, however desirable that might be, is not sensible if existing good museums are foundering? Would not that money be better used to keep open good, established and really important museums?

Dr Murray: I have visited Kilmartin House, which is an excellent facility. Unfortunately, it is one of the museums that do not receive local authority support. I cannot direct the Heritage Lottery Fund because it is a UK-wide body. However, the issues that Ian Jenkins raises have been recognised. There is not much point in investing huge amounts of capital in creating facilities if they cannot be run. Indeed, some changes in lottery funding have reflected that view; for example, both revenue and capital funding are now awarded.

Moreover, the committee might be aware that the Department of Culture, Media and Sport has initiated a major review of lottery funding, which will—I hope—address some of the issues about the balance between capital funding and on-going revenue support.

Ian Jenkins: The report highlights the fact that some museums have had to do away with their education officers. I have no doubt that you agree that they form a crucial part of the value of any museum, so is there any way in which the education department or your department could recognise the special part that education officers play in the educational and cultural life of the country and in making museums important? Without education officers, some museums simply lie there not doing—and not able to do—what they should be doing.

Dr Murray: It is quite true that education officers do a great job. I agree that the educational importance of museums has not necessarily been recognised in the past. As Ian Jenkins said, education officers can add tremendous value to the educational experience of individuals, school groups and so on. However, I am afraid that I cannot really go on to Cathy Jamieson's patch.

Jackie Baillie: Feel free.

Dr Murray: That would be a bit cheeky of me. However, the issue must be recognised but, again, I cannot immediately identify a source of funding to address it. Indeed, it might well be better to fund education officers through the education system than through the culture and sport division. That said, I cannot disagree with the comments on the value of education officers and the way in which they can enhance the role of museums within the education system.

Ian Jenkins: It would be a shame to appoint culture champions in schools and not make the same people available to museums to let them do their job.

Michael Russell: Exactly.

The Convener: I would like to explore that further, minister. You will be aware of my constituency interest, particularly with regard to

New Lanark. Packages of funding were agreed with Historic Scotland in the past, which allowed revenue funding to support the development of the museum there. The arrangements have now changed and I am exploring that point with the Minister for Tourism, Culture and Sport.

Historic Scotland has opportunities and responsibilities to examine not just the built environment, but how we use that environment to the best interest of Scottish culture. Part of the continuing review of Historic Scotland, which the committee suggested be undertaken, could be a consideration of how the organisation can support the development of the widest possible experience of the built environment, museums and culture in Scotland.

14:30

Dr Murray: I am obviously aware of your constituency interest, convener, and of the fact that funding has been transferred from revenue support to buildings maintenance. Historic Scotland has argued that that was agreed by the trustees.

The Convener: That was under duress.

Dr Murray: I am aware that you are in correspondence with my ministerial colleague on that issue. I am not sure that the issue would be within the current remit of Historic Scotland—

The Convener: Indeed.

Dr Murray: However, we are, as you are aware, actively considering the Education, Culture and Sport Committee's suggestions for a review of Historic Scotland. It might not be Historic Scotland's role to support the development that you describe, but the way in which the organisation interacts with other bodies could help to enhance people's experience of culture.

It is unfortunate that Historic Scotland receives a lot of bad publicity in relation to parts of its remit. The educational content of some visitor centres, which Historic Scotland runs extremely well, is very high and Historic Scotland is very experienced in using heritage in a highly innovative and educational manner.

The Convener: Indeed—if only that could be expanded to those areas of Scotland where Historic Scotland does not have any properties. That could be to the advantage of all those who cannot always make the trips to Edinburgh.

Dr Murray: I was not just thinking of—

The Convener: There are other places, but—

Dr Murray: There is Skara Brae and there are other places.

The Convener: Many outlying areas would

benefit from the kind of experience that Historic Scotland has provided elsewhere. It is clear from the report that a lot of independent museums are looking for support—and not necessarily just financial support. They seek curator support and expertise on how to maintain collections and how to catalogue them. That support is available within the system, but it is not possible to access it. We need to continue to examine that issue.

Dr Murray: We are very interested in looking at that, particularly the support role of the National Museums of Scotland and others. As you have mentioned, support does not necessarily have to be financial; it can be in the form of expertise.

Michael Russell: I would just like to mop up on one point. In response to Jackie Baillie's questions, you talked about the possibility of new moneys becoming available in the new financial year. Could you remind us where such increases are shown in the three-year budget?

Dr Murray: I was speaking about future bids. As you are well aware, those moneys do not exist at present.

Michael Russell: So the actual situation is that, in the three-year plan for that area of your department, no increase is showing.

Dr Murray: We were not successful in achieving an increase for the museums sector. I have said that on many occasions.

Michael Russell: It is important to be absolutely clear about that. As I have said,

"Hope deferred maketh the heart sick."

We know that this is not a question of a budget commencing on 1 April being redrawn; we are talking about bidding within a three-year bidding cycle. Therefore, the possibility of new money not being available on the last day of March but becoming available on the first day of April simply does not arise.

Dr Murray: I do not think that I have claimed that it would. What I have said is that, when we have the results of the current exercise, we will be considering where we need to make bids, from whatever pots of funding happen to be available at the time.

Michael Russell: Do you think that that is the proper response in light of the difficulties that the Scottish museums sector currently faces?

Dr Murray: I do not think that there is any other response that I can make under the current budgetary arrangements.

Michael Russell: With respect, minister, that is not the question that I asked you—although I accept that you are constrained. I asked you whether you thought that your response was the

proper one in light of the well-documented difficulties that the Scottish museums sector currently faces.

Dr Murray: Mr Russell, I would love to have a magic wand that would enable me to provide millions more for the museums sector. Unfortunately, I do not.

Michael Russell: I still do not think that that is an answer, but thank you.

Jackie Baillie: Sorry, minister, but I need to clarify the matter, as I received a different impression from what you said. Last week, we took evidence on the budget. I appreciate the fact that you were not here, but the evidence showed clearly that the level 2 figures for the next three financial years had risen, although there was no detail about how they had risen. Are you saying that there is no additional money for museums?

Dr Murray: No, I am not. Sorry.

Jackie Baillie: That is the point about which we need absolute clarity.

Michael Russell: Absolute clarity.

Jackie Baillie: Mike Russell and I are talking about entirely different things. From April 2003, you will have made your bids as part of the comprehensive spending review and will have an increased budget that will rise year on year. Within that, there could well be money for museums. Is that correct?

Dr Murray: Yes, there is additional money within that. I was trying to say that, in terms of the specific projects relating more widely to the museums sector, we did not achieve as much as we might have achieved. However, I am not saying that there is no additional funding. There is, of course, additional funding.

Jackie Baillie: Is it not the case that, when you get additional funding in your budget, you can prioritise the way in which you spend that money, subject to your achieving the targets to which you have previously agreed?

Dr Murray: We will have to assess where the needs are. That is right.

Jackie Baillie: So you could choose to vire money from one heading to another.

Dr Murray: We could, but we would have to make a decision on where we took the money from.

Jackie Baillie: I have a list of suggestions.

Dr Murray: I was trying to say that the moneys are not external. There is the possibility of making adjustments within the budget. However, that would mean disappointing someone else.

Jackie Baillie: Indeed.

Michael Russell: Convener—

The Convener: One final question, Mr Russell.

Michael Russell: We must be absolutely clear about this and I am not sure that we are. I do not think that Jackie Baillie and I are going in opposite directions; I am being more consensual with Jackie about the issue. Let us talk through the situation as we understand it. There will be no additional resources for the museums sector between now and 31 March.

Dr Murray: What do you mean by “additional”?

Michael Russell: I mean “more than” or “an increase of”.

Dr Murray: There is nothing specifically—

Michael Russell: Let me put it another way. We are looking for new money for Scottish museums.

Dr Murray: Jackie Baillie has clarified that there would have to be readjustments in the Scottish budget.

Michael Russell: You said that you would have to bid for the money.

Dr Murray: Yes, but I was talking about external bids. I am sorry if I am not being clear enough. There is obviously the money that is in the budget at the moment. As Jackie Baillie says, we could make decisions to take money out of certain sectors and put it into others. That possibility exists. There are other moneys, through end-year flexibility, for which we could bid on behalf of the museums sector. We would not necessarily be successful in that bid but, nonetheless, if we could identify areas where moneys from that pot could be used profitably, we could put in bids.

The Convener: Has there been an increase in the year-on-year funding for the museums sector this year?

Bob Irvine (Scottish Executive Education Department): Yes. The strategic change fund rose from £500,000 to £1 million this year and it will rise to £1.5 million next year. There was also an increase in funding for the SMC’s overall programme, although I am not sure of the exact figure. The National Museums of Scotland similarly received an increase in funding in proportion to running costs and other expenses.

The Convener: I want to be clear in my mind about what has been said. There has been a year-on-year increase in funding for the museums sector. However, according to the information that we have received, that is not adequate to meet the needs and aspirations of the sector. The same is probably true in every sector of Scottish life. You have said that there is no flexibility in your existing

budgets for this financial year to put more money into the pot to improve the situation, but that there may be flexibility in your existing budgets to move money about, should the review suggest that £X is needed. You have also said that there may be opportunities, through end-year flexibility or if the chancellor makes more moneys available through a future comprehensive spending review, for further moneys to be allocated to the sector. Is that the position that you are outlining?

Dr Murray: Yes, although the latter scenario does not look as likely as it has been in the past. That is a fair summary.

Michael Russell: So the strategic change fund to which Mr Irvine referred is, by the minister’s admission, not controlled by the Scottish Museums Council. Therefore, in terms of fulfilling the strategic objectives, that is perhaps a red herring, by the minister’s admission.

Dr Murray: No, I do not think so. I contest that.

Michael Russell: You cannot have it both ways.

Dr Murray: I contest that.

The Convener: I think that Mr Russell is saying that more money going to the museums sector, regardless of which avenue it went through, would be to the advantage of the sector.

Michael Russell: Yes, except that the report that Jackie Baillie and I produced shows that there must be a strategic view of the way in which that money is allocated, as the possibility of museums simply chasing the cash has caused problems. With respect, the situation is not quite as you put it, convener, although the general view is acceptable.

The Convener: As there are no more questions, I thank the minister for her time. It would be useful for the committee to see the level 3 figures as soon as they are available.

Jackie Baillie: We will return to the issue.

The Convener: Members have copies of the report by Jackie Baillie and Mike Russell. I suggest that we put the matter on the agenda for our meeting in two weeks’ time, when we will draw up our submission to the Executive’s consultation. Members will be able to add points that have arisen out of this afternoon’s evidence or from experiences that they have had over recent days.

Michael Russell: I spoke to Jane Ryder yesterday at the conference. There were one or two points that she wanted to make, concerning factual issues, which we should consider. I am not entirely sure whether she is right or whether we are right. Nonetheless, Jane is going to write to Jackie Baillie and me, and we will circulate that letter when we receive it.

The Convener: Does she have a copy of your report?

Michael Russell: She does. It seems to have been widely read, judging by my experience at yesterday's conference.

Jackie Baillie: Is it widely appreciated?

Michael Russell: Yes, I think that there is a general appreciation of it. However, that could always improve, as we know.

The Convener: Like everything.

Scotland's Languages

The Convener: Item 3 is consideration of a report on Scotland's languages by Irene McGugan. I thank Irene very much for the report, which is a considerable piece of work. It has taken some time to pull together the vast amount of evidence that she has received. I ask Irene to make some introductory comments, after which we can have a general discussion.

Irene McGugan: Thank you, convener. I apologise for the fact that it has taken me so long to prepare the report. I am perhaps redeemed only by the fact that other inquiries were instigated at the same time on which colleagues have not managed to report to the committee either.

Michael Russell: Name them.

Irene McGugan: These delays often make the task more difficult. There has been more interest in Scotland's languages and more developments around them in the past 18 months than there had been previously in my lifetime. That is a good thing, as the issue has risen up the agenda and deserves the committee's attention. However, we have struggled to keep up with the various developments. Given the time scale, the number of developments and the amount of evidence that we have received, I feel that this is an appropriate time to bring the draft report to the committee for members' comments before we begin to finalise it. I am happy to take comments and questions.

Michael Russell: I gave Irene McGugan advance notice of this point, as we share an office. There is an element missing from the report; it is a comparatively small one, but it is extremely important in the context of language policy in Scotland. The report makes no reference to the issue of secure status for languages. A bill providing secure status for Gaelic will be published next week and will, I hope, come to the committee.

The Convener: We will believe it when we see it, Mike.

Michael Russell: For the purposes of the *Official Report*, I record the fact that Jackie Baillie is cheering silently.

Jackie Baillie: No, she is not!

The Convener: Enough of this frivolity.

Michael Russell: There is also an argument for providing secure status for Scots. Of the 36 European minority languages, only three do not have the benefit of some legal protection or secure status. Two of those languages are Gaelic and Scots. Please do not ask me what the other one is, because I have forgotten.

I would like a new section to be added after

paragraph 46 of the report—in the preamble to the sections on the languages themselves—containing some brief information on what secure status is; how the concept has changed since the old arguments for legal status; how parity of esteem, a phrase that is used in the Welsh Language Act 1993, has helped the Welsh language; and how that approach needs to be developed in Scotland.

The Convener: Do other members have any comments?

14:45

Ian Jenkins: I congratulate Irene McGugan on a tremendous piece of work. The amount of time that it has taken her to produce the report and its length mean that we perhaps need more time to consider its implications.

I do not think that the matter of secure status for Gaelic or Scots is a simple one. There is a danger that people may have made up their minds without recognising the difficulties. I accept the rationale behind the paper, which is that Scots and Gaelic are valuable parts of our culture and ought to be supported and protected. I get upset every time I hear people say that schools do not respect and teach Scots or that people are forbidden to speak Scots and all that kind of stuff.

We must have a debate on the issues. Irene McGugan's report is a tremendous starting point. We must have an understanding of what goes on and what is possible. I sometimes worry that proponents of secure status for the Scots language perhaps do not recognise what is possible. There are problems owing to the diversity of the language. Scots is not one language; it is a series of bits and pieces that clearly—when one stands back to consider the matter—form a different kind of language from English. The issue is not simple.

Irene McGugan: Ian Jenkins is right to remind us of the remit of the inquiry. It is geared towards investigating the way in which education and cultural policy could impact on the future of Scotland's languages. That is why the report makes so many references to schools and the education system. It was difficult to produce recommendations or conclusions that included not only Scotland's indigenous languages but the community languages—indeed, all the languages that we speak in Scotland.

I accept that the issue of secure status is quite difficult. I will try to find a form of words that will be acceptable to committee members. I put forward two conclusions. The first is on an eventual languages policy and the second is on work that must be done to provide exactly what Ian Jenkins seeks, which is much more information about the

languages, their role, their current status and their future. We do not have as much information as we need to develop the languages policy, but the work that must be done would build on a lot of what is in the report and would lead towards a languages policy as its eventual outcome.

Ian Jenkins: I am happy about that.

Jackie Baillie: I endorse what Irene McGugan has just said. There are issues about secure status, particularly across the range of languages that are covered in the report. The first step is clearly to obtain the evidence that is required to devise a robust languages policy. Depending on the form of words that Irene McGugan uses and how we recognise the desires of some people elsewhere, I am happy to support the broad thrust of the report.

The Convener: I suggest that we put the report on the committee's agenda for 26 November. In the meantime, we should write to the Equal Opportunities Committee, because there is an issue about translation. It would be helpful for the committee to have the report translated into some of the community languages, but there is confusion as to which of the languages it should be translated into and where we should start and finish. Given the fact that the Parliament has an Equal Opportunities Committee, it is right and proper that we ask that committee for its advice on the most appropriate way forward.

If members are happy with that approach, I thank Irene McGugan for her report, to which we will have an opportunity to give further consideration in three weeks' time. Do members agree to the course of action that has been suggested?

Members indicated agreement.

Petitions

Cramond (Roman Remains) (PE9)

The Convener: Agenda item 4 concerns the petition about the Roman remains at Cramond. Members will be aware that Mike Russell undertook to arrange a meeting—which I also attended—with the petitioner, Mr Guild, and the Lord Provost of Edinburgh, Eric Milligan. The meeting was helpful. The Lord Provost agreed to visit the site, along with Mike Russell, the petitioner and me, to consider how things can be improved.

I have also received a letter from Margaret Smith, who is the constituency MSP. She has indicated her interest in the issue, which also concerns Historic Scotland. It would be useful for me to write to Historic Scotland to ask what role it will play in the site's development. Given our useful working relationship with Historic Scotland, I am sure that it will respond to our letter quickly. Margaret Smith would like to attend the visit, so it is only right and proper that, as for school visits, we invite parties with list members for the Lothians to send a representative, rather than have 20 representatives marching about the site.

Michael Russell: As the constituency member will be invited and the convener and I will be present, it will be possible to have all the parties represented by the addition of a single member. We need not go wider than that, as the visit will involve not only the Lord Provost and Mr Guild—who is, if I may use a term of the Roman legions, the standard bearer for the issue—but a number of council officials. Were we to add others to the group, our stamping over the site might well destroy it. As Mr Monteith wrote the first report on the petition, perhaps we should ask him to join us as the Conservative member.

The Convener: Okay. If Brian Monteith is not available, we will suggest that another Conservative member from the Lothians be invited.

Michael Russell: Absolutely.

The Convener: Are members happy with that approach?

Jackie Baillie: Delighted.

The Convener: Jackie Baillie could come along too if she liked.

Jackie Baillie: That is okay.

Michael Russell: Is there a date for the visit?

The Convener: It will take place in early December—on 10 December, I think.

Health Education (Guidelines) (PE427)

The Convener: Item 5 is consideration of petition PE427, on health education guidelines. In their papers, members should have the letter that I received from Learning and Teaching Scotland. I also received a further letter from the minister, which I believe has been circulated to members by e-mail—it came very late—but hard copies can also be made available if members wish. Do members have any comments on the letters?

Michael Russell: It is becoming fairly clear that, in the light of the evidence that the petitioners have given us, the committee's sympathy is largely with the petitioners about the need for a review, although perhaps not in other senses. However, the minister and Learning and Teaching Scotland seem unable to recognise that fact in the language that they use about reviews. I found the letter from Learning and Teaching Scotland to be lengthy and, frankly, inconsequential, because it did not lead us anywhere.

As it is fairly clear that we will not get the review for which the petitioners have asked, I think that the committee should put on record its disappointment. Without signing up to some of the things that the petitioners have said, we should, in the light of the materials, sign up to the central issue about the need for a review. The balance of the evidence—the balance of the advantage for Scotland's children—lies on the side of the petitioners. I am sorry that the Executive and Learning and Teaching Scotland cannot see that.

Jackie Baillie: I have read the letter carefully. The three questions that we posed were in the penultimate paragraph of the convener's letter. They were:

"whether or not a review will take place ... what the timetable for such a review will be and whether it will take into account the objections to some of the materials".

The three questions were buried away in the letter, but I felt that they were answered. LTS acknowledges, albeit obtusely, that a review will be conducted, which will conclude in 2004-05. If we take on board the need to consult stakeholders, teachers and a variety of others, including parents, it is legitimate to suggest that that timetable is appropriate. It is not possible to conduct such reviews in a matter of months.

The consultation will consider circular 2/2001. The petitioners made the point that the teaching materials seem to contradict the provisions of that circular. I seem to recall a reference, although I cannot find it at the moment, to the fact that LTS would take into account the views that were expressed to the Education, Culture and Sport Committee. Indeed, LTS would be foolish not to do so.

Although petition PE427 raised a number of other issues, we have always been clear that we want to proceed on the basis of ensuring that a review is undertaken. We may have different views on the time scale for such a review, but it is clear that one will take place. Given the range of stakeholders that should be involved in the consultation, it is difficult to argue that a shorter time scale would be more appropriate.

Ian Jenkins: I agree with Jackie Baillie. I admit that the first time that I read the letter from LTS, I thought that the time scale of 2004-05 sounded an awfully long way away. When I realise that we are only a month or so away from 2003, it does not seem to be as long away as it sounds.

Michael Russell: It is two years.

Ian Jenkins: I acknowledge that there is a debate about the time scale, but I agree broadly with Jackie Baillie's position. Personally, I am sorry that the review could not be conducted a wee bit more quickly, but if that is the time scale that LTS works to in conducting general reviews, as it has outlined in its letter, we should accept the review in the spirit in which it was offered.

I am less worried about the situation that is troubling the petitioners than other members are. I have always believed in the professionalism of teachers. I believe that the unsuitable materials will never be used, except in very odd circumstances that can be addressed by school rules, parental influence and the guidance that has been issued. For that reason, I am not too upset about the slight delay in the timing of the review, although I regret it.

The Convener: Do other members have comments to make? They do not. I sense that we are not reaching a consensus.

Michael Russell: No.

The Convener: There is an issue about circular 2/2001 and the time scale for the review. The circular was issued and yet it appears that no consideration was given to the circular when the list of materials was drawn up. I remain concerned about that.

Although I agreed with the abolition of clause 28, my support was based on the content of circular 2/2001. That circular reassured a wide spectrum of people in Scotland, including Scottish parents, that their concerns would be taken on board in the drawing up of the materials that would be placed in schools.

It is clear from evidence that we have received that some of the materials on the list do not comply with circular 2/2001. I find it disappointing that the response to that concern will not be made before 2004-05.

I understand that consultation has to take place, but what is the point of having circulars and guidance if an organisation such as LTS does not adhere to them? When evidence is provided that LTS is in contravention of the circular, surely it could act more swiftly to remove certain materials from a list that it has issued? The process is not difficult if the evidence has been provided.

My concern is not about reviewing the time scale for a review—it is important that everybody is allowed to contribute to the review. However, if a piece of material is clearly contrary to the circular, why cannot LTS simply remove it from the list in a timely fashion?

15:00

Irene McGugan: A compromise would be to remove the material temporarily, pending the outcome of the review.

Michael Russell: One way to consider the matter is to ask whether there is any indication in Learning and Teaching Scotland's response that the concerns of the petitioners or of this committee have moved the review forward a millisecond. The answer from the letter is no; the review would have taken place anyway, and it will take place at precisely the time that had been talked about. In other words, the petition and the views of the committee have not influenced the process, so the first question that we addressed has been answered in the negative, except in so far as there are normal reviews anyway.

On the question whether the petition and the views of the committee will be considered, it would have been gratuitously offensive to say that they would not be, but there is no indication to say that they will bear heavily—or even mildly—on the thinking. In those circumstances, Karen Gillon has described the situation correctly. We have a situation in which, despite the balance of argument and of the evidence that we have received, we find that the petitioners' views, not in their entirety, but in substantial measure—and they are views with which I agree—are not getting an adequate response from the Executive or from Learning and Teaching Scotland.

I do not know whether we can square that circle. If some members are content with the time scale, we must accept that that is that, and that the petitioners have lost this one, which is immensely regrettable. However, the committee could be much stronger and say to Learning and Teaching Scotland, "Okay, you are having the review. We are now asking you to bring the review forward."

The Convener: Are there any other views?

Jackie Baillie: I do not think that the petitioners have lost this one, because there has been a

substantial airing of the views and concerns, despite the fact that we have differences of opinion on some of the detail. If you are asking people—not in a hurried way, as it is suggested happened before—to consult, to develop new materials and to have them in schools in 2004-05, that will take time.

I cannot tell from Learning and Teaching Scotland's letter whether the review is a general review, but the minister's letter suggests that there might be a general review on the basis of the health-promoting schools unit and the need to evaluate its work and spread it further. The most that we could ask to be shaved off the time scale is three months or so. My recollection is that it is not one piece of material on the list that is inappropriate, but a number of pieces of material. That would mean taking a substantial amount off the list and replacing it with something that is considered more appropriate for teachers in a rush. That is what got us here in the first place.

The Convener: But having said that, the debate around circular 2/2001 was important.

Jackie Baillie: Indeed.

The Convener: And it was about whether materials are viewed as inappropriate with regard to the circular. I read the *Official Report* of the committee—I was not here, because I was on maternity leave—and, given the evidence, there was a consensus that some of the materials were contrary to circular 2/2001. If that is the case, why cannot Learning and Teaching Scotland remove those materials from the list? That is what I cannot get my head round. What is so difficult about that? What is the point of having the circular if the materials that are recommended are contrary to the circular? Either the circular is useless or the list of materials is useless, but the circle cannot be squared between the two.

Jackie Baillie: Learning and Teaching Scotland responded to the specific questions that you asked in your letter. You are introducing another question. By all means, if it is your view that we should write to LTS again, that is fine, but you need to be clear about what material you are asking it to remove from the list.

The Convener: With all due respect, in my letter I said that the committee

"was concerned that the list of materials attached to the Guide for Teachers and Managers does not fit with the principles in Circular 2/2001."

Learning and Teaching Scotland has not responded to say whether it believes that the materials fit the principles. I am upset that that organisation did not answer our three specific questions, but in my dealings with members of the public, I do not deal only with the last three questions in the letter, but the letter's whole

content. We said that there were specific issues about the materials. LTS has not addressed those issues and there is some merit in asking—specifically in relation to circular 2/2001—whether any other mechanisms outwith the review process can be used to re-examine those materials.

Ian Jenkins: That is what I was going to ask. I have reservations about the mechanisms for who decides which pieces of material should come out. That might reopen a dispute that does not need to be reopened, because I do not think that the list will be abused anyway. I understand what people are thinking and I would be reluctant to split the committee, but I worry that, as always, things are not simple. I do not think that we can say that if those three pieces of material are removed, we will be satisfied. That would get us into another big debate in which people who do not want such subjects to be dealt with in schools could gain succour.

The Convener: I do not want to give such people that opportunity. However, the point of the petition was that people believed that some materials in the list contravened circular 2/2001. For me as an elected member, circular 2/2001 was an important part of the parliamentary process and has been crucial in how I conduct myself during business in the chamber. If LTS is not now adhering to that circular, I would be concerned and that would reflect on how I vote in the chamber in the future. That is an important issue for members; if we are not given full information, that is also important.

Schools have an appropriate and important role in the teaching of sex education and all the other issues related to the list of materials, and I would not give succour to anyone who suggested otherwise. However, there is an issue about the circular and it would be helpful from my perspective and that of other members to get some clarification on whether mechanisms other than the review process could be used. LTS may come back to us in a few weeks, and we could find ourselves in the same position, in which we must accept that the review will be in 2004-05. However, if other mechanisms exist, I would like to know about them and I would like them to be explored.

Michael Russell: There seems to be a possibility of coming together on the issue and going back to LTS. However, I remind members that the petition has been a long-term petition in the committee. The petitioners are probably now buying season tickets or vouchers to attend our meetings. We need a resolution and although it will be immensely regrettable if there is inflexibility on the part of the Executive and LTS, there is nothing the committee can do about that. If it is possible to push the issue further with LTS, I will

support that in order to try to pin that organisation down a bit more.

The point about the circular is important. In the context of my strong and constant advocacy of the repeal of section 2A, I quoted during debates advice from Stonewall, the gay lobbying organisation, to the effect that it is important to have alternatives in place in which people have confidence. It goes against everybody's interests if people do not have confidence in the alternatives. The petitioners made it clear to us the first time they gave evidence that they were arguing not against sex education in schools, but against materials that they thought did not match the contents of the circular. I think that the balance of evidence is probably in their favour.

The Convener: I suggest that I write again to Learning and Teaching Scotland—unless anyone has strong objections—to ask whether there are any other mechanisms for the review of materials in relation to circular 2/2001.

Michael Russell: Will you also ask about the time scale?

The Convener: Yes. I will circulate the letter to members before I send it to enable them to suggest helpful amendments. That will be our last bite at the petition.

Jackie Baillie: I suggest a slightly different approach. People might have been disappointed about the time scale, but they accepted that it could be considered to be an appropriate time scale for review. The convener asked whether a mechanism existed for withdrawing materials in the light of their apparent contradiction of circular 2/2001, and I would be comfortable with such phraseology. However, I do not think that we can ask whether other mechanisms for review exist. If the letter uses the terms that I suggest, I will be comfortable with it.

The Convener: That is the specific question that I wish to ask. I do not want to go into other issues. That is the issue that the petition raises and the question that needs to be asked. Are members comfortable with that?

Members indicated agreement.

Steiner Waldorf Education (PE457)

The Convener: Agenda item 6 is on petition PE457, which is from Ms Dorothy Baird and calls on the Parliament to take the necessary steps to bring Steiner Waldorf education into the publicly funded sector as a matter of priority. Members have a copy of the petition. I am interested in their initial comments.

Michael Russell: Members can take a position on the matter. The position that my colleague

Irene McGugan and I take on behalf of the SNP is that Steiner Waldorf education is a good thing and we accept the argument for the proposed practice, which is common in other parts of the world and in the European Union. I made that clear at our education policy launch in August this year.

If members do not think that the proposal is a good thing, they can say so easily, but it is not in the committee's competence to do anything about it, particularly at this stage in the session.

The Convener: Should we note the petition?

Jackie Baillie: I suggest that we note the petition. The national debate on education and the committee's parallel purposes-of-education inquiry provided two opportunities for the petitioners to make their points about the value or otherwise of such education. Those are more appropriate forums at which to consider the matter, at which we consider the future of education as a whole, rather than as separate parts.

The Convener: Do members agree to note the petition?

Members indicated agreement.

Ian Jenkins: I have said on the record that Steiner Waldorf education has great value, particularly in the early years—in kindergarten. I am interested in how the ideas behind such education can be given a fair wind in the state system.

Our papers ask whether Steiner Waldorf people could work within the national priorities and the state system structures. As Jackie Baillie says, such discussions might be better conducted in the national debate on education, our purposes-of-education inquiry and the follow-up to that. With those comments, I agree that we should note the petition.

Irene McGugan: The arguments that the Executive and the Convention of Scottish Local Authorities made for not supporting the petition display flawed logic.

The Convener: We can debate the petition's merits or demerits, but I caution members that we have said that we are noting the petition. If we debate the demerits or otherwise of responses to the petition, we will have to hold a wider debate. I do not think that members want to do that.

Irene McGugan: Actually, Ian Jenkins mentioned the point that I intended to make. He referred to the concern that Steiner Waldorf schools could not accommodate the national framework for education and the national priorities.

Michael Russell: Irene McGugan disputes that assertion.

Irene McGugan: Exactly.

The Convener: I accept that. We will note the petition. I suggest that we refer the petitioners to the Executive's national debate on education and encourage them to continue to be involved in it as fully as possible.

Michael Russell: We should refer the petitioners to our inquiry, for which I believe they gave evidence.

The Convener: Are members content with the proposal?

Members *indicated agreement.*

15:14

Meeting continued in private until 15:44.

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