

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 5 September 2007

Session 3

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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE **3rd Meeting 2007, Session 3**

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Rob Gibson (Highlands and Islands) (SNP)

COMMITTEE MEMBERS

*Aileen Campbell (South of Scotland) (SNP)

*Ken Macintosh (Eastwood) (Lab)

*Christina McKelvie (Central Scotland) (SNP)

*Pauline McNeill (Glasgow Kelvin) (Lab)

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

*Elizabeth Smith (Mid Scotland and Fife) (Con)

COMMITTEE SUBSTITUTES

George Foulkes (Lothians) (Lab)

Hugh O'Donnell (Central Scotland) (LD)

*attended

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Sarah Robertson

ASSISTANT CLERK

Nick Hawthorne

LOCATION

Committee Room 5

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 5 September 2007

[THE CONVENER *opened the meeting at 10:02*]

Subordinate Legislation

Education (Publication and Consultation etc) (Scotland) Amendment Regulations 2007 (SSI 2007/315)

The Convener (Karen Whitefield): Good morning, everyone. I open the Education, Lifelong Learning and Culture Committee's first meeting following the summer recess. I hope that all committee members had a good summer and have returned refreshed and ready for an interesting time on the committee.

The first agenda item is consideration of an item of subordinate legislation: the Education (Publication and Consultation etc) (Scotland) Amendment Regulations 2007. Committee members will remember that the regulations were circulated to them in June, before the recess. I understand that no motions to annul the regulations have been lodged and that the Subordinate Legislation Committee has determined that it did not need to draw them to Parliament's attention. Does the committee agree to make no recommendations in relation to the regulations?

Members *indicated agreement.*

Work Programme

The Convener: The second item on our agenda is our work programme. This is an opportunity for us to reflect on our away day discussions, which, I am sure we all agree, were useful. We have before us a paper that, if agreed to, will be published on the committee's web pages for people to access.

I invite general comments on the paper, and I hope that we will reach agreement on some particular issues. Although we will not agree today to hold any major inquiries, I hope that—in light of our discussions at the away day and this morning—we can agree that the committee should hold a series of context-setting hearings at which stakeholders from across the wide remit of the committee will have an opportunity to engage with us. Those hearings will allow us to set the context for our future deliberations; to investigate matters relating to the budget and finance; to investigate subjects on which we may want to hold inquiries in future; and, if necessary, to hold the Executive to account.

It will be important for the committee to try to innovate and to ensure that we do not go just to the usual suspects and stakeholders but try, whenever possible, to speak to the users of services and to people who might not always engage with the Parliament but who certainly benefit from, or require, the services that we will be considering.

I would like us to reach general agreement on the topics for those hearings. We have a list in front of us that we have already more or less agreed on, but it would be helpful if we could consider our priorities—for example, whether we want to consider further and higher education at the beginning or whether the school-building programme should come first, and where issues such as the Scottish Broadcasting Commission should fit in.

Elizabeth Smith (Mid Scotland and Fife) (Con): As we said at the away day, it is essential that we discuss the governing and finance of higher education. I think that members are more or less agreed on that. The issue should be our number 1 priority, given that a bill on the abolition of the graduate endowment will be coming forward. I hope that other members agree.

Ken Macintosh (Eastwood) (Lab): I agree. Because of the timing, that is the first issue on which we should take evidence.

I fully agree with the list of issues, which covers many of the areas that we discussed before the summer recess and again at our away day. However, I would like to add a couple of issues. The first is that of risk, which I have mentioned

before and by which I mean risk management and the whole issue of risk aversion in the context of child protection.

We will be dealing with a lot of subordinate legislation on child protection. It would be helpful to put that work in context by having a general discussion on where we are with risk management. The convener and other members may know that I am concerned that many individuals and organisations behave in a very risk-averse manner. That is not due to any one particular factor but to the cumulative effect of health and safety legislation, criminal injuries compensation and a blame culture in which someone is always responsible for any accident and is to be sued if possible.

There are many issues to address. There is a feeling that some of the child protection legislation may exacerbate the problem rather than providing a clear path through it for the organisations in the voluntary and statutory sector that have to take decisions on these issues. We could easily have a one-off evidence session, and we could perhaps start with a written paper and some correspondence to explore some of the issues. The committee could have a short working session to discuss them.

A second issue that is not on our list is that of Steiner schools. It is not a pressing issue, but I apologise for not having raised it at the away day. There are several Steiner schools in Scotland, which operate in the independent sector. They are not private schools in the sense that we might think of private schools. If we support a pluralistic education system, there is a strong argument for those schools being part of the state sector. The issue has bubbled away, but I am sure that it is an immediate concern for Steiner parents and pupils. I should point out that there are no Steiner schools in my area. The Executive is not prioritising the issue at the moment, but perhaps the committee could address it as a one-off. We might be able to add something to the debate. I wanted to throw that into the mix.

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD): I fully endorse what the paper on the work programme suggests as the way forward, but we could give priority to two issues early on. The new Administration has progressed two pilot schemes, one of which is a funding scheme for reducing class sizes in primaries 1, 2 and 3 in deprived areas; the other is a school meals scheme. Those pilots are live. I understand that there is no methodology for judging their success and that the Government has advertised for university research to be carried out on that, but I am not clear as to whether proposals have been submitted and agreed with the Executive. It would be valid for the committee to work on those

two areas while the pilots are under way so that it can judge what the on-going work in those areas should be. Members may think that such work would come under the bullet points in our paper, but those are my priorities. The committee must be nimble in its scrutiny role if there is to be a light legislative programme. There are two live pieces of work, which we should scrutinise.

Rob Gibson (Highlands and Islands) (SNP): We should strike a balance in considering educational, lifelong learning and cultural issues. I hope that members recognise that we must progress issues in each of those areas in our work. Vast areas of culture, for example, have never been scrutinised. I may have mentioned previously that, eight years on, no committee of the Scottish Parliament has ever looked at the work of Historic Scotland and its related bodies, such as the Royal Commission on the Ancient and Historical Monuments of Scotland. Those bodies affect the quality of our heritage and culture, and we should try to consider their work at some point in the next year or two. I am not suggesting that the matter is a top priority; rather, I am giving an example of things that are not mentioned in the paper.

We should also try to consider the work of the Scottish Broadcasting Commission at an early stage, as it is going to take evidence. The committee will have strong views on the issues that arise. I hope that we can programme in that work this year. It would be of considerable help to find out what members across the parties in the Parliament think.

I agree with other members that issues relating to the financing of higher education are important, as that financing will affect the quality of the output at the third stage of education.

The running of complex set-ups that have been established by legislation that the Parliament has passed has been talked about. There should be a legislative scrutiny sub-heading in the paper. We could consider measures that have been applied—I think that Ken Macintosh suggested that. We should try to find out whether there are cracks in the pavement. Picking two or three topics in that general area so that we have a bank of topics to follow up would be a good idea. I would be pleased to support such an approach.

10:15

Elizabeth Smith: The curriculum for excellence should be fairly far up our agenda. Many good ideas are emerging, but the teaching profession is a little nervous about how the meat will be put on the bones in different subject areas. Rob Gibson talked about interesting cultural issues. The curriculum for excellence involves such matters,

so work on it would enable us to combine our remits in education and culture.

Pauline McNeill (Glasgow Kelvin) (Lab): There is an awful lot in our remit and the paper sets out many interesting topics that we could discuss further. I agree with nearly everything that members have said. However, we must try to prioritise, to give the convener an idea about the interests on which we want to focus at an early stage.

There is a Steiner school in my constituency. I have written to the Cabinet Secretary for Education and Lifelong Learning to ask for clarity about where Steiner schools fit into the service. Correspondence on such issues would be helpful.

Rob Gibson mentioned the Scottish Broadcasting Commission. Probably one of our first areas of work should be to ascertain the commission's remit and membership. We can discuss where we go from there and whether we should take oral evidence, but as the relevant committee we should make an early bid in that regard. Commissions are important, but the Parliament should always be informed about what is going on as their work develops. The commission should be high up our agenda, not because it is a priority for us per se, but because things are happening now.

I agree with Liz Smith that work on the higher education sector is needed. There are big, topical issues in higher education. In particular, issues to do with university top-up fees should be a priority.

I agree with Jeremy Purvis that we should keep a watching brief on class sizes and pilot projects. We should ask to be briefed regularly on such matters. I think that we have information about how long the pilots will last, but it is our job to monitor how they are going.

As I said during the committee's away day, I have a strong interest in the creative industries, as other members do, although work in that area is perhaps not the committee's highest priority. I am pleased that culture is in this committee's remit, but there is crossover into the enterprise portfolio. I want to press the Minister for Europe, External Affairs and Culture on the interaction between her portfolio and the portfolios of John Swinney and Jim Mather, particularly in relation to the proposed new body, creative Scotland, and the music industry.

Christina McKelvie (Central Scotland) (SNP): There is a lot in the work programme. Our job is to strike a balance between the sectors that are covered by our remit. We should subject our work programme to scrutiny as we go along, to ensure that we are considering all sectors, because the programme could become dominated by

education. It would be a shame if other areas were squeezed out.

Members know from our discussion at the away day that a principal issue for me is that social work seems to get squeezed out. Ken Macintosh mentioned vulnerable groups and child protection. We had the Kerelaw inquiry, and an inquiry is going on into the approach to risk and restraint in another school, in Aberdeen. We need to consider such issues. In the context of the Regulation of Care (Scotland) Act 2001, I would not mind considering how far we have come in ensuring that staff have minimum qualifications. We should consider how quickly progress is being made on ensuring that staff are registered and qualified, and whether local authorities and voluntary organisations need more support or direction.

There are other issues to do with child protection. The 21st century social work review has been examining the future of social work in Scotland, but we need to consider whether we are delivering the right outcomes for young people who are looked after and accommodated. We should go back and examine what we have done in the past. We need to find out what is working and what we might be able to tweak and improve for the future. My bid is therefore to get some social work influence into our work programme.

Aileen Campbell (South of Scotland) (SNP): I agree with most of what has been said, especially what Pauline McNeill said about ensuring that we have a focused agenda. That will help us to scrutinise the budget. I agree with what Ken Macintosh said about risk aversion. We need to hear persuasive arguments in re-examining that huge and important issue. Liz Smith said that examining the curriculum for excellence is a must.

I did not mention it at our away day, but I have a strong interest in global citizenship and how it is being rolled out throughout the country. As one of the issues relating to the curriculum for excellence, I am keen to ascertain whether global citizenship is being taught in a meaningful way and is being well supported.

Ken Macintosh: I want to add a couple of items to the list. It would be helpful to reiterate the order in which I see them proceeding. I think that there is a consensus. We have discussed the issues at length in private. For the record—but without wanting to repeat our discussions—it is worth making a few points. Rob Gibson mentioned post-legislative scrutiny. We are keen to do some work on the Education (Additional Support for Learning) (Scotland) Act 2004 and other legislation at an early stage. However, at the away day, the Executive signalled that it will be doing some work in that area, and we agreed that we would wait for its review to be published.

There is to be an announcement on the skills strategy next week, which might colour some of our decisions. That will link with the governance of further education colleges and higher education institutions, which Liz Smith highlighted. There is no doubt that under the skills strategy and the role that it envisages for colleges, school-college links will be at the forefront of Executive thinking. We should quickly address accountability in the FE sector—that has a bearing on institutions' charitable status. As Liz Smith says, we should also prioritise the financing of the higher education sector generally.

I believe that there will be an announcement on the new Scottish Broadcasting Commission in Parliament next week. I hope that we can find time to invite Blair Jenkins, the head of the commission, to come and speak to us. That would not take too long. We should not delay in finding time for that. I agree with Pauline McNeill that the commission's work will have an impact on the creative industries. If the budget for the creative industries is to move from Scottish Enterprise to the creative side, this is the time to express any views that we have on the matter and to take evidence on it.

Class sizes will be a running issue. The work programme paper refers to

“Issues related to the school estate”.

Much will depend on the spending review, which I think is due to come out in October, and we can add to the debate. There will be issues in every local authority area about how class size targets are met, not just in terms of teacher numbers but in terms of the space that is available in classes. Many authorities will have problems meeting the targets, whatever deadlines are set. I hope that those comments help. I think that they confirm colleagues' comments.

The Convener: I thank Mr Macintosh and all members for their comments—some good points have been made. Many of the issues were discussed at length at our away day. Christina McKelvie and Rob Gibson made the good point that the committee's remit is extremely broad, so we will have to ensure that no part of it is neglected or forgotten. That will present challenges to us, as the committee will be required to act when primary or secondary legislation is before us or when a matter is of greater political importance. The committee will need to reflect on that at times but, in the context of setting our work programme, members' points are valid.

I do not want our deliberations to focus on one part of our remit, especially as the committee has decided to operate slightly differently in this session. We do not want to jump into doing an in-depth inquiry on one issue; we are keener to set our own agenda, to contextualise matters for

future deliberations and to hold shorter sessions to investigate issues with stakeholders from across the committee's remit.

We could all add to the list that is before us, but the challenge for us is not to add to it. We do not want to raise expectations unrealistically among people in civic Scotland that we will do something that will never happen. However, when we can consider the issues that have been raised this morning, we will try to tie them in with our existing workload. The committee will consider secondary legislation on vulnerable adults, so we can consider and take evidence on risk then. If we operate in that way whenever possible, we should have as broad a perspective as possible on all matters.

We have a fair degree of consensus on what we think will be our priorities—the governance and financing of further and higher education, the Scottish Broadcasting Commission, the curriculum for excellence and the school estate. Jeremy Purvis mentioned class sizes and school meals. The committee will consider both those issues in relation to secondary legislation and we can consider them as part of our work programme.

I hope that that discussion allows us to move forward. Now the clerks have the difficult job of drawing up a more detailed work programme for the committee's meetings between now and Christmas and of making approaches so that we can start the process of taking evidence. If necessary, we might want ministers to return to the committee at the end of that process, in the light of the evidence that we hear. The approach is slightly different from that of previous committees.

Do we agree to the work programme that is before us, subject to our discussions this morning?

Members *indicated agreement.*

The Convener: That is great.

Ken Macintosh: I believe that we will not meet for two weeks. Will we discuss the detail of the work programme in two weeks' time or will we give you discretion to start then with the first business?

The Convener: I hope that the committee will give me discretion to get things under way.

Ken Macintosh: That is what I hoped. The discussions have been relatively general, but I do not feel that we need to discuss who will appear before us.

The Convener: I will attempt to be as consensual as possible. I will take forward members' suggestions and circulate information informally. However, it will help to move forward, as otherwise all that we will do is discuss our work programme and have nobody before us. It is time for us to move on and get to work.

Budget Process 2008-09

10:30

The Convener: Agenda item 3 is the budget process, on which our paper provides information. I would be grateful for members' general comments.

As members know, we discussed how the committee would consider the budget. It was agreed after some discussion that we would think about appointing an adviser. The committee can do a couple of things in preparing for the budget, and an adviser would be of some help to us. If we agree to such an appointment, we can set in progress the steps that are necessary to identify a suitable adviser.

We have an obligation to attempt to mainstream finance in all our deliberations as we hold our context-setting hearings over the next few weeks. The Finance Committee in the previous session made that recommendation to committees in its legacy paper. I was glad to see that without having read the Finance Committee's legacy paper the committee was one step ahead at the away day. I am happy to discuss with committee members the paper that is before us, and I seek your agreement to start the process of finding a budget adviser.

Ken Macintosh: Today, we have to approve the specification and ask the Scottish Parliamentary Corporate Body to approve our application for an adviser.

My only query is the wording in the paper. Under "Person specification" it states:

"The individual should be a recognised expert in the field of public finance".

It might be better to say that the individual should have recognised expertise and experience in the area. The stipulation of "a recognised expert" seems to be very limiting. Am I making too subtle a point? The current specification creates a daunting threshold for anyone who is considering applying. They may think, "Am I a recognised expert in public finance? Could I possibly apply for the job?" If the specification states that someone needs to have "recognised expertise", plenty of people who are experts in, for example, education but who also have expertise in public finance could apply.

Likewise, under "Conditions of Appointment", rather than state,

"As an expert in the field",

we could state, "as someone with expertise." It is a small point, but the change is intended to attract applicants rather than put them off.

The Convener: It will no doubt be a challenge for us to find somebody, because there is a small pool and several other subject committees will also be looking for advisers.

A standard spec has been used. I appreciate your suggestion and see no difficulty in altering it. The challenge for the committee is to find the right adviser—someone who has the necessary skills in public finance but who understands the education system and local government, since most of the money that is spent on education is spent through local authorities. In saying that, we also need someone who understands culture, social work, lifelong learning and higher and further education. The role will be a toughie for whoever we appoint.

Pauline McNeill: My experience of the budget process is that most members have an idea about what they want to ask and what subject area they are interested in. We want to know how much money is being spent and how that compares to previous years, but when we get to the budget process it becomes really formal owing to all the technical finance stuff that goes with it, which is why we need an adviser. However, we can do some preparatory work in advance of the budget as part of our work programme. We can establish the Executive's commitment to reducing class sizes and how much it is planning to spend, because the departments will be bidding for what they want to spend, even though the figure will not be nailed down until the outcome of the comprehensive spending review. It is important that when we come to the budget we have a rough idea of what the Executive plans to spend its money on and identify its priorities. We can then follow the process in November.

The Convener: Your point is correct. That is one of the reasons why the Finance Committee wanted all subject committees to be aware of the budget process and to mainstream it into their deliberations and considerations throughout the year, rather than only prior to the process itself. I hope that we will do that on the committee over the next few weeks and continue to do it after the budget process in November and in all our future evidence-taking sessions.

We have agreed that we will start the process of seeking a budget adviser for the committee.

I remind members that there will be no committee meeting next week, but there will be one on 19 September.

Meeting closed at 10:35.

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