

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 19 September 2007

Session 3

£5.00

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CONTENTS

Wednesday 19 September 2007

	Col.
FREE SCHOOL MEALS	77
SUBORDINATE LEGISLATION	101
Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2007 (Draft)	101
PETITIONS	104
Children's Services (Special Needs) (PE853).....	104
Rural Schools (Closure) (PE872)	104

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE 4th 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)
Shirley-Anne Somerville (Lothians) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Tam Baillie (Barnardo's Scotland)
Kelly Bayes (Aberlour Child Care Trust)
David Cowan (Scottish Government Schools Directorate)
Paula Evans (Children in Scotland)
Mike Gibson (Scottish Government Schools Directorate)
Laurence Sullivan (Scottish Government Legal Directorate)

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SENIOR ASSISTANT CLERK

Nick Hawthorne

ASSISTANT CLERK

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LOCATION

Committee Room 4

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 19 September 2007

[THE CONVENER opened the meeting at 10:01]

Free School Meals

The Convener (Karen Whitefield): Good morning, everyone, and welcome to the fourth meeting in 2007 of the Education, Lifelong Learning and Culture Committee. I offer apologies from Pauline McNeill, who might join us later. I understand that she plans to resign from the committee due to her new responsibilities in the Labour Party.

The first item on our agenda is the free school meals pilot. I welcome a number of officials from the Scottish Executive. Mike Gibson, deputy director, and David Cowan, policy officer, are from the support for learning division of the schools directorate, and Laurence Sullivan is the senior principal legal officer with the Scottish Government legal directorate. I understand that one of you wishes to make a brief opening statement.

Mike Gibson (Scottish Government Schools Directorate): Thank you. I will introduce where we are with the free school meals trial. The committee will be aware from its background briefing papers that the trial will cover five education authority areas: East Ayrshire, Fife, Scottish Borders, Glasgow and West Dunbartonshire. Members will also be aware that the total current estimated cost of the trial is something like £4.6 million. We expect that the number of primary 1 to primary 3 pupils involved will be just over 37,000, including about 23,000 additional pupils who are not in receipt of free school lunches. As your papers indicate, the trial will run from the end of October until the middle of March, when it will be evaluated. We hope to see a report in summer 2008. Those explanatory comments are probably just enough.

The Convener: I am sure that committee members will have questions for you, but I will start by asking you about the timescale of the pilot. Why did the Executive choose six months as the timescale?

Mike Gibson: The six months cover this financial year—we had funding from April 2007 to March 2008. It is up to ministers to decide whether they want to extend the trial beyond March next year. At the moment, the trial is due to run from October to March.

The Convener: Are you confident that you will be able to evaluate effectively the benefits—particularly the health benefits—or otherwise of the pilot in that period? I am conscious that six months is a pretty short period of time in which to find out whether the pilot improves young people's health. It might well be enough, but it might take slightly longer.

Mike Gibson: Obviously, the longer the trial runs, the more robust the information will be. As regards health improvements, we are looking for changes in behaviour, in children's eating habits and in attitudes to healthy eating. We are also looking for changes in parents' behaviour. Perhaps David Cowan wants to say something about that.

David Cowan (Scottish Government Schools Directorate): The pilot is only for six months but we believe that we can get robust information from it. It will probably give only initial indications of health benefits, but we are also looking for early indications of behavioural change and a change in attitude to healthy food, with people becoming more willing to try different kinds of food. It is fairly well established that if people eat more healthily, that will lead to longer-term health benefits. On that basis, if the pilot indicates that there have been changes in behaviour, we can infer that they would last into the future if the scheme was continued.

The pilot will give good information on process and capacity issues in schools, such as how school kitchens deal with the additional demand. We will also get good information on uptake, and we hope that we will be able to see whether uptake differs between schools that serve deprived areas and schools in other areas.

The Convener: Does not the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 dictate that children in schools will have to make healthier choices because those are what will be on the menu?

David Cowan: We have to look at the bigger picture, but the pilot will operate in the context of the 2007 act. "Hungry for Success" contains the message, and schools are already gearing up to be—or to continue to be—health-promoting schools as of January 2008. The pilot will operate within that context.

Aileen Campbell (South of Scotland) (SNP): When the trial finishes, how will the children feed their input into the evaluation? Will they and their parents be asked directly for their thoughts?

David Cowan: Absolutely, yes. Ipsos MORI, the independent research company, has been appointed to evaluate the trial. We have set out what we want to evaluate in the research specification and we will seek children's views.

Small focus groups will be set up and Ipsos MORI will talk to children to get a feel for their views on the healthy food. We will use focus groups to talk to parents, but we are also considering doing a parental survey across the piece to get information about what is happening at home, to see whether the trial has an impact there as well.

Rob Gibson (Highlands and Islands) (SNP): We are aware that there was a three-year pilot scheme in Kingston upon Hull. Can you tell us anything about the outcomes of that study? Have you taken any of them on board?

David Cowan: We have seen the interim report on the Hull trial; it was fairly brief. When the Hull trial started, there was an initial downturn in uptake of school meals, possibly because it happened at the same time as Jamie Oliver was doing his television programme. Basically, people seemed to think that although the children were getting free meals, those meals were not necessarily healthy. The uptake then went up to 64 per cent—that was the last figure that I saw—once people were educated and communication got out about healthy school meals.

That is about all that we know for sure about Hull at the moment. However, we are paying for Professor Colquhoun and a couple of his colleagues to come to the University of Dundee on 9 October to give a seminar on the outcomes of the Hull study. In November, a big conference in Hull will consider the final report in depth.

Rob Gibson: Given the length of that study and the fact that people began to take on board the messages from the Jamie Oliver programmes, I wonder whether people will notice that the increase in uptake came with education, especially as the food was meant to be both healthy and free. Will we have to wait until November until we find that out?

David Cowan: Yes. The final report has not been published so we will have to wait until November before we get the findings and find out how the pilot went.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Can you confirm that no funding has been committed yet for continuing any form of free school meals in the next financial year?

Mike Gibson: No funding has been committed yet.

Jeremy Purvis: So all the work is being done in this financial year. One of the first areas to be evaluated is health benefits for pupils. How will those be assessed?

Mike Gibson: As my colleague David Cowan said, we are looking for changes in behaviour and attitude over the six-month period. We hope that, if

the trial is successful, the youngsters will indicate in the focus groups towards the end of the pilot that they prefer the healthier food; that the parents who are interviewed will have noticed a change in behaviour; that the youngsters will be more likely to seek healthier food at home; and that teachers will have noticed a difference. We will have baseline data for the schools, so we will know what the uptake of free school meals was before the pilot started and what it is at the end.

David Cowan: We will look at the outcome of the pilot in the context of the literature and research on healthy eating and children that already exist. A lot of work has already been done. The main focus of the trial is on whether providing free school meals to kids in primary 1 to primary 3 has a bigger impact than just offering healthy meals to everyone. All meals in schools will be healthy, but does it make a difference if we get kids to use the school meal service at an early stage? Will they continue to take school meals? We want to see what effect the pilot has on uptake and to assess the impact of early intervention.

Jeremy Purvis: I acknowledge that. The press release that announced the pilot in July indicated that eating habits and pupils' views would be evaluated, but the first bullet point in the announcement referred to "Health benefits for pupils". You have not explained how those benefits will be assessed. Are there baseline data for the current health of the pupils, so that their health can be reassessed at the end of the pilot?

Mike Gibson: You are seeking evidence of physiological changes. It would be difficult to discern such changes over a six-month period. We know well the health problems that youngsters face, especially obesity. Around 30 per cent of girls and 35 per cent of boys between the ages of two and 15 are either overweight or obese, so we know that that is an issue. However, it would be very difficult to seek changes in weight during a six-month study. As David Cowan said, we are looking for changes in behaviour that will lead eventually, if they are sustained, to changes in health. That is a valid point on which to focus. It would be wrong to suggest that changes in behaviour are not a health benefit. If someone has an obsessive compulsive disorder and their behaviour is maladaptive, it is legitimate to describe a change in their behaviour as a health benefit. If we get some sort of behaviour change from the pilot, it is legitimate for us to say that, if that change is sustained, it is likely to lead to long-term health benefits.

Jeremy Purvis: Your answer is more helpful and more rounded than the information that was given in the press release, which goes on to say that

"the trial means more healthy food will be available for the children who need it most."

How have you defined

“the children who need it most”?

David Cowan: We have selected for inclusion in the pilot local authorities that have areas of deprivation. When we started work on the pilot, we looked at various options, one of which was to trial free school meals in schools that serve deprived areas in different local authorities. In the end, we decided that it would be more useful to get information across the piece. Some of the children involved in the pilot will need free meals more than others. However, this is a public health intervention and we want to see whether it makes a difference across the piece.

10:15

Jeremy Purvis: How will you differentiate between the benefits that arise from the pilot and those that result from the implementation of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007? Surely the pilot is less to do with the quality and availability of food, and more to do with the costs that are associated with the provision of free food. If the food is deemed to be appropriate under the 2007 act, is it not also appropriate for use in the pilot?

Surely the fundamental issue in Hull was the standard of the food that was made available, given the existing legislation. A cost estimate was then made of the benefits that accrued from the pilot. In your previous answers, you sought to demonstrate the healthy benefits of the food that is being made available, but all of that should now be in place, given the implementation of the 2007 act.

David Cowan: The new nutrition regulations will not come into effect until next August. All schools are now implementing hungry for success, which is the baseline, as you know. You are absolutely right to say that the standard of the food is one strand. Basically, as long as children take a school meal, we know that they are getting a healthy meal.

As I said earlier, the idea behind the pilot is to get to pupils early on, to see whether, if we do that, they carry on eating healthily. We suspect that the result will be a greater uptake in pupils taking school meals. When people take their kids to school for the first time and find that free school meals are available, we see no reason why they will not decide that their child will take school meals. We want to see whether early intervention leads to an increase in uptake. If that pans out, more kids will eat school meals, which is the healthy option.

Ken Macintosh (Eastwood) (Lab): Will there be a control study with other authorities? I understand that intra-authority comparisons can

be made in uptake between deprived and relatively prosperous areas in an authority area. I assume that the scheme will be accompanied by an education and awareness programme to encourage people to take up free school meals for their children. I am interested in the difference between this programme and all the other work that goes with hungry for success, which is taking place in other authority areas. Is that difference not the one that needs to be evaluated and assessed?

Mike Gibson: In a sense, we have the perfect control: each school that participates in the trial will act as its own control group. Before we start the study, we will take information from schools, including on the uptake of free school meals in P1 to P3. At the end of the trial, we will be able to look at performance in those schools. It will be relatively straightforward to compare data from the authorities in the pilot with data from other authorities that are in similar circumstances. Certainly, we could do that with the uptake of free school meals in P1 to P3. There is no intention to carry out any qualitative review of authorities other than those that are in the trial. Sufficient data should be available to enable us to evaluate the success or otherwise of the trial.

David Cowan: The authorities that are taking part were selected because they were representative across the piece. Basically, our assumption is that what happens in those authorities is replicated elsewhere.

Ken Macintosh: I can see that—the information will be useful. However, if a clinical trial is being conducted in a medical setting, the very fact that a patient is put on such a trial is enough to improve their outcome. In other words, by paying attention to a patient and putting them through a regular regime, the fact that they improve becomes almost a self-fulfilling prophecy. In the same way, the crucial factor in improving uptake may be participation in the pilot and not the free meal. How do you plan to allow for that?

Following on from Jeremy Purvis's line of questioning, I am interested in the ways in which the success of the pilot will be evaluated, other than through uptake figures. Clearly, uptake figures will give one clear indication of the success of the pilot, but will you use other hard data to that end?

David Cowan: A lot of qualitative information will result from the pilot. We will have to see how much we get out of it. One of the key areas to evaluate will be the impact of the pilot on the home—that is, whether what is done in the pilot translates into impacts beyond the school.

We will obviously have to wait to see what information we get out of the pilot, but we think

that we will be conducting a fairly robust evaluation, which will give us a lot of information. When that is put in the context of the other research literature that exists, it will give us some useful information to go forward with.

Elizabeth Smith (Mid Scotland and Fife) (Con): I have two questions. First, will all 37,000 pupils who are involved in the pilot scheme throughout the five different authorities be questioned about their experience? Secondly, will you evaluate their experience against the experience of some of those who are not involved, so that it is more of a comparative study?

David Cowan: No, we will not question all 37,000. We will have focus groups and the like. We will ask people whether they want to take part, so that everyone who takes part will have volunteered to do so. We will try to do more in-depth case studies in about 10 schools.

Sorry—what was your second question?

Elizabeth Smith: Will you consider questioning any of the pupils who are not involved in the pilot so that you have more comparative evidence about how they feel?

David Cowan: Yes, we have asked Ipsos MORI to talk to children and families who choose not to take up the offer to get involved, to get information on why that is the case.

Mike Gibson: Correct me if I am wrong, but I think that the intention is also to interview some P4 to P7 youngsters in the same schools. Those youngsters will not be part of the trial, so that will give us information about their attitudes to the younger children getting free school meals.

Elizabeth Smith: Do you have any idea roughly how many children will be consulted in total?

David Cowan: I do not have those figures at the moment. We are still working out the details with the research company.

Mike Gibson: We can tell you later, if you want to know that.

Christina McKelvie (Central Scotland) (SNP): I will ask about the Kingston upon Hull project. Stigma is one of the main issues in relation to the uptake of free school meals: children do not go for free school meals because of the stigma attached to them and perhaps because of peer pressure in school. Is there any evidence from the Kingston upon Hull project about how attitudes changed?

David Cowan: Unfortunately, we will not know that until November, when the report on the outcomes of the Kingston upon Hull project is published. I do not know what impact the project had on stigma.

Christina McKelvie: Have you built into your plans an analysis of whether the stigma dissipates?

David Cowan: We will be able to make inferences from the uptake figures. We are looking to identify uptake among those who are already entitled to free school meals versus uptake among those who are not. We know that a lot of kids who are entitled to free school meals do not take them. We want to establish whether there is an impact and to see how it pans out.

Mike Gibson: We can ask those who do not take the free school meal why they are not taking it and try to establish whether there is a stigma issue.

The Convener: A number of members want to come in—they are all on my list.

My question follows on from Christina McKelvie's point. Will the socioeconomic background of young people who do not take up the opportunity of a free meal also be assessed and evaluated to establish whether they are from a low-income family or a slightly more affluent family?

David Cowan: Yes, we hope to get a picture of that. We are looking at the areas that the school serves, whether pupils are entitled to school meals and so on. We are trying to get a snapshot picture to see whether those factors make a difference.

Jeremy Purvis: I noticed from the information that we have been given about the Hull experience that there was an initial drop in uptake and then an increase in uptake. Do you know over what period of time that took place?

David Cowan: No—not off the top of my head. The biggest drop took place in the first six months, but I do not know how long it took for the figures to come back up.

Jeremy Purvis: We are now looking at a six-month pilot in Scotland. Given that the equivalent period showed only one element of the change in the fluctuation within Hull, the pilot could give a very distorted picture of pupils' views, parents' views and uptake. Can you confirm that?

Mike Gibson: I understand your point. As David Cowan said earlier, special circumstances at the time of the Hull trial might have led to that dip. Obviously, we cannot predict whether the same dip will happen in our own trial.

Jeremy Purvis: I note from the information that we have received that the level to which the uptake in the Hull trial fell before it began to increase was within the current range of uptake in the local authority areas where the pilot is being introduced. Have you set any indicative targets for what you might hope or expect to be the increase in uptake in those local authority areas?

David Cowan: We have not set such a target. In a sense, any outcome that we get will be an

outcome for the trial alone. We expect and hope that uptake will increase significantly, where possible, but we will have to wait and see. Of course, that outcome in itself will inform how we move forward. We have estimated an 85 per cent uptake, but we did so purely to cost the pilot in each area.

Jeremy Purvis: So you hope that in my area—the Borders—school meal uptake, which currently stands at 33 per cent, will increase to 85 per cent.

David Cowan: No. I have talked to the co-ordinator down there, who was slightly alarmed that we were setting a target that was a ceiling. That is not the case. We recognise that the uptake of school meals in the Borders is low; indeed, that is partly why it has been selected for the trial. We want to find out whether uptake is low because, for example, the area is rural. We estimated an 85 per cent uptake across the piece in order to formulate some costings that could be agreed with the authorities that are taking part in the trial. It would be really intriguing if uptake in the Borders jumped to 85 per cent, but I would be very surprised if that happened.

Jeremy Purvis: What would be the cost of rolling out the trial nationally?

Mike Gibson: We have estimated that, if free school meals were rolled out to all primary 1 to primary 3 pupils, it would cost roughly from £30 million to meet the bottom-line 70 per cent uptake to £46 million for 100 per cent uptake.

Jeremy Purvis: Would that be the annual cost?

Mike Gibson: Yes.

Rob Gibson: What was the budget for each school meal per child in Hull, and what will be the budgeted amount for each child in the authorities included in the trial in Scotland?

Mike Gibson: I cannot answer the question about the Hull trial.

David Cowan: We do not know those figures, but on your second question—

The Convener: I believe that the figures are in the SPICe briefing.

Mike Gibson: We can give you the costs per authority. For example, the cost in East Ayrshire is £2.18.

Do you want me to go through all the figures?

Rob Gibson: I see them now; I must have missed them on my first reading. However, it would be useful to find out whether what was on offer in Hull is in any way comparable with what will be on offer in the trial in Scotland.

David Cowan: In general, we still spend more on school meals in Scotland than is spent in Hull.

Rob Gibson: Indeed.

David Cowan: We have not looked at the unit cost per se for each meal, although we can get that information from local authorities if you want. Instead, we have based our costings on the average cost per meal as reported to us by the local authorities. In East Ayrshire, the cost, which includes ingredients, preparation time, facilities and so on, is £2.18; in Fife, £2.21; in Glasgow, £1.55; in the Scottish Borders, £2.19; and in West Dunbartonshire, £2.51.

Rob Gibson: Could we get breakdowns of those costs and of the costs of the Hull experiment? It would be useful to compare the average costs.

Mike Gibson: You already have the figures for Scotland in the SPICe briefing, and we can certainly try to get you the Hull figures. *[Interruption.]* Do you not have the figures for the average cost per meal in Scotland?

Rob Gibson: I do not think so.

David Cowan: I believe that the figures are contained in an answer to a parliamentary question. I am sure that we can get that information to the committee.

Mike Gibson: We can give you the average costs in each of the five authorities, if that is what you are looking for, and we will try to get you the average costs in the Hull project.

Rob Gibson: That information will be a benchmark for our trial.

10:30

Ken Macintosh: I want to ask about alternatives. The key point is that you are piloting a policy. We will all be interested to see the outcomes of that pilot, but we have also to consider whether the alternatives would provide similar, or better, outcomes. What other information do you have? I am sure that you are aware of the successful East Renfrewshire Council programme of providing free school meals during the school holidays, which has produced fantastic outcomes in relation to uptake and behaviour, including behaviour at home. Is there similar, robust information on the impact and cost of such programmes compared with the programme that you are piloting? Will such comparative information be available at the end of the pilot?

Mike Gibson: I think that the answer is no. I do not think that we have detailed information about authority initiatives. We tend to ask for national data, but we do not get specific data, even for breakfast clubs, for example.

David Cowan: There is a strong commitment to considering the various things that can be done. I

am aware of the East Renfrewshire programme; a couple of other places have tried similar programmes. We could consider such a programme as part of the wider policy. The pilot initiative is on providing free meals for primary 1 to primary 3 pupils in schools, but that does not mean that we will not consider other measures.

Ken Macintosh: We all hope that free school meals will have a beneficial impact. I take it that there are no plans to introduce a pilot to extend free school meals to children whose families receive tax credits, for example, as a comparator programme under an alternative policy.

David Cowan: That is one of the options that we considered. We considered running a pilot in selected schools throughout the country; in schools in a few authority areas; in schools in only one authority area; or in schools in the most deprived areas. Having considered those options, we decided on the pilot that we are discussing today.

Aileen Campbell: You talked about comparing the pilot with the pilot in Hull. Do you plan to consider international examples, such as the approach in Scandinavia, where free school meals have been offered? Finland, Norway and Sweden have a history of offering such a service. Are you going to liaise with officials in those countries?

David Cowan: We have not discussed liaising with officials, but we are considering the research that is available. We have considered research on what is happening in Scandinavia and we will have another look at it when we get the results of the pilot, to see whether other approaches can inform our decisions.

Mike Gibson: Are you suggesting that we visit those countries?

Aileen Campbell: I do not know about that. You could e-mail the officials.

The Convener: It might be more appropriate for you to consider whether there is a degree of compulsion in some of those countries and how choice is factored in. I understand that in some of the Scandinavian countries, one meal a day is provided. When the former Communities Committee considered the Schools (Health Promotion and Nutrition) (Scotland) Bill in the previous session, the children who gave evidence said that the element of choice was important.

Rob Gibson: On that point, what about how the food tastes? It might well be healthy, but it could be much less interesting to eat. We are talking about choice, but what the food tastes like is probably more important than anything else if we are to get children interested in food. Is there any provision to ensure that the meals on offer are made from produce that tastes good?

Mike Gibson: I hope the answer to that is yes, but the children will not be slow in telling us what they think of the food that they get, and I expect that they will be asked about its taste throughout the trial. We will be able to see sample menus, although those will not tell us what the food tastes like. However, we will certainly ask the children what they think of the food. It would be difficult to prevent them from telling us what they think.

David Cowan: All schools are now implementing hungry for success. Although some schools probably go further than others, there is a base standard. As of next August, there will also be a legal standard. The schools are meeting the standards. I had a school meal last week, and it was delicious.

Mike Gibson: You would say that.

Jeremy Purvis: I am glad to hear that.

I want to be clear that, as things stand, there are few objective criteria against which the Government can measure the results of the pilot and either accept or reject them and then decide whether to make it a national programme. No policy decision has been taken that the pilot is a precursor to rolling out the programme nationally if a number of criteria are met. Some of the principal work will be done through focus groups that will be run by a polling organisation, rather than by basing policy decisions on objective criteria.

The Convener: I remind members that some of their questions might stray into policy areas. It might be more appropriate to put such questions to ministers, unless the officials want to add anything.

David Cowan: Ipsos MORI is not just a polling organisation; it is a research organisation. We undertook a robust tendering process to award the contract and that organisation made the best bid. We expect to get some useful information from it.

We did not set any formal objectives because we wanted to look at the report of the results and then take decisions based on what we see in it.

The Convener: Members have no further questions for you at the moment. Thank you for your attendance this morning.

10:38

Meeting suspended.

10:39

On resuming—

The Convener: I welcome our second panel of witnesses. We are joined by Tam Baillie, assistant director of policy at Barnardo's Scotland; Kelly Bayes, head of policy and communications at the

Aberlour Child Care Trust; and Paula Evans, policy and parliamentary information officer for Children in Scotland. Thank you very much for joining us this morning and for supplying us with your written statements in advance of the meeting. I have been made aware that you would prefer not to make opening statements, so we can move straight to questions.

Do you think that a six-month pilot study is long enough to evaluate whether or not the provision of free school meals brings lasting health improvements for Scotland's children and young people?

Kelly Bayes (Aberlour Child Care Trust): We have concerns about the length of the pilot for a number of reasons. First, it might have been wise to wait for the Kingston upon Hull report to be published before embarking on a pilot here in Scotland, given all the lessons that could be learned from a three-year pilot project. The scheme in Hull had to close because of the cost.

Committee members have raised some of the same questions that we have raised about how to evaluate a six-month project. How can health benefits be evaluated from a six-month period? There are so many other factors that can affect attitudes and behaviour that it would be difficult to judge whether a pilot had made a significant difference in that regard over such a short period.

We would also ask what complementary education is being sent home. As Mike Gibson mentioned earlier, there is an issue around the attitudes of parents and differences being made at home. Unless a concerted effort is made to educate and inform, I am not sure how much impact the pilot will have on behaviour in the home.

Tam Baillie (Barnardo's Scotland): The matter that I was going to raise has already been picked up. It will need a pilot of longer than six months to measure adequately and appropriately any health benefits and to gauge the impact of the scheme. Although we welcome any extension of free school meal provision and although we recognise the potential longer-term health benefits, there is some doubt about whether the Government can effectively measure what those health impacts might be. The public health agenda lies behind only one of the objectives of the provision of free school meals. Our organisation and others are interested in the anti-poverty benefits of the provision of free school meals. Taken from that angle, other approaches might be adopted to extend eligibility for free school meals.

Paula Evans (Children in Scotland): I reiterate what has been said. I emphasise, however, that behaviour and culture are complicated things to change and are not just about health and nutrition.

Behaviour and culture are also determined by schools, as well as by parents and the family environment. To make a change within six months simply by tackling the cost of meals, when other relevant factors include the eating environment, the child's preferences, parental support and the type of food that is served, seems not to address the issues and not to be enough time to gauge any long-term impact on children and their health.

The Convener: As children's charities, are you concerned that the timescale for the pilot means that it might not produce the outcomes that would give the new Administration confidence enough to roll the project out? Your organisations have made the case that the provision of school meals should be improved, particularly for children from the poorest backgrounds and from families just above the poverty line but, if the project is not rolled out, it might mean that those children will not get the help that they require.

10:45

Tam Baillie: I have two points to make in response to that. First, we in Scotland do not face a standing start. A great deal of good work has been done through the hungry for success initiative and the implementation of policies that encourage healthier eating in our schools. That gives us good information on registration for and uptake of free school meals. Although the previous Scottish Executive commissioned research that came up with variations in registration for free school meals, there has been no research on variations in uptake. We can learn a great deal by making comparisons between local authorities and between schools in the same local authority area—certain schools have higher levels of uptake than others. It would be worth while putting energy into such comparisons, and we urge the new Government to examine the reasons for some of those differences.

Paula Evans: My concern about that was raised by Jeremy Purvis. In Hull, there was a drop in uptake in the first six months. My concern with the pilot is that in the six months for which it runs we might see the negative impact of unlearning behaviour by children and families as regards food and health promotion in schools, which could produce negative outputs that might not lead to more positive policies in the future.

Tam Baillie: I add that we witnessed a dip in uptake with hungry for success, so we have experience in Scotland of such an impact. If that happens during the six months of the free school meals pilot, it is questionable what interpretation of that it would be reasonable to make because, as well as the Hull experience, we already have our own experience of such an effect.

Elizabeth Smith: What measures would be helpful in supporting such pilots outside the school environment, in the home?

Paula Evans: Children in Scotland's position is that it is too late to begin in the P1 to P3 years. If we want to achieve behavioural change and to engage with parents in the home, we must consider the provision of food, nutrition and health promotion in the early years. I made that point in relation to the Schools (Health Promotion and Nutrition) (Scotland) Bill, which is now an act. The older the child gets, the more difficult it is to engage with the parent through the school environment, as can be seen in the transition from primary school to secondary school. We should take the opportunity to be a little more innovative and to ask ourselves what we need to do to change behaviour. I believe that the answer is to extend our work into the early years and to look more constructively at that sector.

Rob Gibson: I am interested in the comments that have been made about the school environment in which children eat and in ideas such as having teachers eat with pupils. That happened in the school in which I was a teacher, where various attempts were made to make school meals more attractive. Should such measures be suggested for the Government to try in the pilot so that, even in a short period, we can help to get the best outcomes by identifying how the quality of provision affects children's desire to take up school meals?

Kelly Bayes: It will be interesting to see whether the pilot creates a difference in the culture within schools and in how the facilities are used. Many schools—especially secondary schools, but also primary schools—do not have dining facilities that allow all the children to eat at the same time. It is very much a case of in and out, often as fast as possible because the next group of pupils is coming in. There is a cultural significance to eating and the social skills around mealtimes are crucial for children, particularly younger children. Many of the families whom we work with in Aberlour do not sit and eat together. Many families have lost that habit or have never had it. We work with parents to address that. We tell them that meals are family events and social occasions, which are good for social skills and for health. Schools are not dealing with that issue, so I will be interested to find out whether the pilot changes habits in schools and whether that has an impact. Control and comparison groups will be crucial because so many other factors will come into play.

Rob Gibson: Do you think that there should be a minimum standard? Or perhaps Mr Baillie wants to comment on the original question.

Tam Baillie: Our approach in schools deals with the culture. In our submission, we suggest that

teachers should eat alongside pupils, which is based on our experience of running a school where there is a lot of engagement between the teachers and pupils. When Her Majesty's Inspectorate of Education examined how hungry for success was being implemented, it noted positive engagements between pupils and teachers in some schools. It also recommended that there should be a partnership with parents.

The issue is not just the provision of free school meals, but the culture that we create around them. Dining rooms are very important. We know that we have a mixed school estate in terms of capacity, and attention will need to be paid to that if we want genuinely to increase the uptake of school meals generally and free school meals as part of that.

Paula Evans: Six months is a short time to see such a change in schools. It is not just a question of the socialisation of the actual eating; it is about the health promotion as well. Children often have to rush through their food to enjoy the break that comes in their lunch hour—doing sports, taking part in choirs or wind bands, and so on. If we want children to take up school meals, we have to allow them the opportunity to do those other activities alongside that. They will not choose to sit at a dining table rather than playing football in the yard.

Rob Gibson: Do you want the conditions and quality of the environment in which the experiment is conducted to be noted, and should ministers be asked to ensure that that is covered in the guidelines for the running of the pilot scheme?

Tam Baillie: Not just for the pilot. We already have hungry for success—a programme that seeks to improve the environment in which youngsters eat their meals. Free school meals are part of that. To answer the question, I would say that the environment is an important point to note and it may be different among local authorities or individual schools.

Jeremy Purvis: I noticed the differential in uptake when considering the Hull experience. As I said to the previous panel, from the information that we received from the Scottish Executive pupil census "School Meals in Scotland 2007", we can see that the differential is within range in the pilot local authorities. The lowest is Scottish Borders Council area, with a 33 per cent school meal uptake in primary schools, and the highest is Glasgow City Council, with a 57 per cent uptake. That is almost within the range.

This has been mentioned in submissions, but I want to refer to it on the record. The Child Poverty Action Group in Scotland has estimated that it would cost £73 million to provide free school meals to all primary school children, while officials from the Scottish Government have indicated that it would cost between about £30 million to more

than £45 million. Would that money be properly spent? You argued for a more targeted response using the available funding. Could you expand on your views on that?

Tam Baillie: The Government made two manifesto commitments: one was to pilot free school meals in primaries 1 to 3, and the second was to increase by 40,000 the number of children who are eligible for free school meals. The second commitment remains outstanding, and it might be difficult to fulfil. Technically, the easiest way to increase eligibility is through working tax credit, but there is not an easy threshold to use other than maximum working tax credit, which would take in many more than 40,000. Having conducted the pilot, the Government will have to take certain policy decisions to address the issue of increasing eligibility.

As I said in my opening statement, one of the main issues that we have to address is that in Scotland 25 per cent of children live in poverty yet only 19 per cent qualify for free school meals. That gap has to be addressed, and it will remain outstanding regardless of what happens with the free school meals pilot.

Kelly Bayes: It would be nice if we could afford universal free school meals, but the cost of that must be taken into account. In reality, we must address the gap that Tam Baillie spoke about: a significant number of children who live in poverty are not entitled to free school meals. We live with scarce resources so we must look at issues in the round. The poverty gap is one issue; culture, facilities and the nutritional value of food are others. We want serious consideration to be given to making the best use of the funding in order to maximise the effect for those children who need it the most.

Paula Evans: We all take nuanced positions on the issue. Children in Scotland's position is that much depends on the policy objective of the pilot. If health promotion is the objective, a universal approach for P1 to P3 is appropriate. If it is to be a poverty-alleviating measure, a targeted approach might be more appropriate. It should not be a case of either/or; it should be both/and. Specifically, if the focus is on culture change and children's eating habits in the earliest years of education—I reiterate that the focus should be on pre-school as well as primary—a universal approach is best to get the desired outcome.

Kelly Bayes: Although I do not disagree with Paula Evans, we need to bear in mind that the vast majority of children who live in poverty are also among those people who have the poorest health outcomes. Poverty and ill health go hand in hand; we need to address poverty because it affects health.

Ken Macintosh: On that theme, although the pilot might be limited by its time span and other factors, there is no doubt that it will produce some helpful information and help us to assess the impact of free school meals on children in P1 to P3. A number of us are concerned about alternative approaches, which the pilot will not be able to address. Given that we will debate the relevant subordinate legislation at next week's meeting, is there anything that we can do with the pilot that will provide us with more helpful information about alternative approaches or improve the information available from it? In other words, putting aside the policy direction, can we use the pilot to improve its impact or the information that will be available at the end of it?

Tam Baillie: Uptake is everything and there are gaps in both eligibility and uptake. It would be helpful to know which children are benefiting from any increased uptake if that is one of the pilot's outcomes. Although we have already cast doubt on whether there will be an impact on uptake, if there is, it would be helpful to know whether it reaches those children who are in most genuine need. As I stated earlier, that is one of the objectives of taking that approach in the pilot.

I do not know whether finding out which children are benefiting would cause problems in how the Government goes about evaluating the pilot, but some of the youngsters who are deepest in poverty do not receive the benefits that the system tries to make available. It would be illuminating to know that information.

Kelly Bayes: It would also be useful to compare uptake in other parts of Scotland to see where there is high uptake and what factors contribute to it.

Paula Evans: I would like the pilot not only to engage with parents about their opinions, but to contain a measure that tries to address, engage with and encourage them to look at nutrition and health promotion in their children's lunch boxes. Although free school meals are on offer, people opt out of systems and the lunch boxes that parents provide are not necessarily nutritious. I would like there to be active engagement with parents to find out whether there is a change in their behaviour as well as their children's.

11:00

Ken Macintosh: That should be happening across the board anyway. Are you saying that, as part of the free school meals trial, work should be done on improving the packed lunches of those who do not take up free school meals?

Paula Evans: Yes, but that is not all that I am saying. Parents need to be engaged with on the free school meals that are being provided and on

nutritional uptake. A positive attitude to free school meals and meals in school must be promoted, as opposed to people trusting only in their provision for their child. There must be an active rather than a passive approach. Parents should not simply be asked what their views are at the beginning and the end of the process. A much more active approach must be taken.

Ken Macintosh: I return to the point that Tam Baillie made about the hard data on the children who will be involved in the pilot. We are talking about thousands of children. Would it be possible to have information on their socioeconomic backgrounds?

Tam Baillie: I recognise the methodological difficulties that are involved, but the approach is to target all pupils in primaries 1 to 3 in the pilot areas, which begs the question who will actually benefit, particularly if the stated policy objective is to reach those who are most in need. We need to know whether benefits are reaching those children.

Ken Macintosh: There will be in-depth studies of 10 schools under the pilot scheme. Would it be possible to provide such analysis of pupils in those schools? I do not know whether that would be too expensive. Would that be helpful?

Kelly Bayes: It would be better than nothing.

Tam Baillie: My intuitive answer is that that would be helpful, although that could create a headache for the people who conduct the research. However, such information would be useful. It sounds as if we are asking for a lot from a six-month pilot, but I repeat: if we are trying to get to those children who are most in need and have often missed out, it is important to know whether the pilot scheme is reaching them.

Elizabeth Smith: I would like to push you a little further on that. I have been struck by the fact that all three of you have said that the problem is a pre-school problem. Are there specific measures that we or the Scottish Government should address to help to alleviate nutrition problems before they even arise in nursery schools or primary schools?

Paula Evans: The pre-school sector is complex and addressing such matters is difficult, but we need to apply to the pre-school sector the hungry for success model that a working group applied to schools, and to consider the changes that are needed and the sector's potential to address the issues and to be a little bit brave and a little bit innovative in the area. We should not simply hold up our hands and say, "It's complicated and therefore we're not going to do it." Considering the work of the hungry for success short-life expert working group would be a good starting point.

Tam Baillie: We agree. Research tells us that there can be behavioural and cultural changes in eating habits at an early stage for children and young people. In fact, during the passage of the most recent legislation, the previous Government backed off from giving the pre-school sector the same statutory responsibility that it gave elsewhere because of that sector's complexities. Instead, it chose to issue guidance. We think that that guidance could and should be strengthened, and we would welcome the committee reconsidering it if there is an opportunity to do so. Certainly, if the public health agenda is being pitched at, it makes sense to consider what is happening prior to children coming to school.

Kelly Bayes: I agree. We have early years services and we work closely with parents on healthy eating from the day that a child is born—we work on parents' own diets and the future diets of their children. I agree that we must address the problem of extending provision into the nursery sector, because the crucial time for children is probably between the ages of nought and three, when eating habits begin.

Elizabeth Smith: The point was made that society is changing all the time and that life is a rush nowadays. Schools are changing. What was said was right. I go through dining rooms extremely quickly. Those changes are making things even more difficult.

My question was about what specific measures we can take to help families from all backgrounds and income groups to see sitting down together as a family as a cultural and social experience, rather than as simply part of the day that they rush through so that everyone can be packed off to do something else. If I pick you up correctly, behavioural problems sometimes arise from a lack of security for children in the circumstances, whereas if they sit down with their family, that can help many of their behavioural issues. A similar point is true of schools, too.

Tam Baillie: I have two comments. One is that a group of experts considered the implementation of hungry for success in schools and it would be positive to have a similar process for early years. The second point is that the Government is committed to an early years strategy. I hope that the kind of partnerships that exist in supporting parents in the job of parenting will be part of that. I would stop short at legislating for families to have meals together, but we must find measures that encourage family togetherness, if that is the best way of putting the idea, and allow parents to parent their children better.

Aileen Campbell: We have touched on the stigma that is attached to free school meals. What recommendations can you make on how we could reduce that stigma if free school meals were extended, but were not universal?

Kelly Bayes: My experience and knowledge of that issue is limited, but I understand from our work that local authorities address the issue differently, whether through swipe cards or other ways of allowing children to access meals. We must consider the alternatives and examine what already happens in local authorities throughout Scotland. Some authorities are addressing the issue successfully. In our submission, we state that we must examine the approaches that authorities are developing and how those are making a difference. In the Falkirk area, the stigma seems to have been addressed successfully in some schools through a swipe card system.

Tam Baillie: Stigma is reported as being a factor for children and young people and parents. However, encouraging information came back from the HMIE report on the issue, which recommended that we extend anonymous systems and gave useful examples of how schools have ensured that such systems work. One of the report's main findings was that most pupils are not aware of who is in receipt of free school meals. I am not saying that the system is perfect but, to return to what I said earlier, we can learn lessons from good practice and the cross-fertilisation of good practice, so that we reduce an issue that is real, but which may not be a complete barrier to targeting youngsters who should be in receipt of free school meals.

Paula Evans: I agree with the comments on the structural ways in which we can address the stigma issue. The issue must be addressed and we must learn from the local authorities that are addressing it well and consider whether those approaches are applicable to other local authorities that are not dealing with the issue so well. However, ultimately, the stigma issue is about values and bullying—poverty is seen as something to be ashamed of. I do not know whether society can address that, because it is embedded in our culture. So although local authorities need to address the structural issues as well as they can, there is a values debate to be had in schools about school culture, bullying and how children respect one another.

Aileen Campbell: What are your thoughts on encouraging parents to get rid of that attitude? Often, the issue might not be that children are facing bullying, but that the parents do not want to admit that their kid has to take free school meals.

Paula Evans: We are all agreed that one way in which to address that is by linking the entitlement to benefits, which would provide a much easier way of accessing free school meals and a much less obvious way of accepting help.

Aileen Campbell: Do you have any ideas about best practice or the policies that encourage uptake of free school meals?

Paula Evans: Again, the issue for parents is how to catch children at an early age and help them to understand the value of eating together and good nutrition. It is about food not just for food's sake, but as a learning experience.

We know of innovative practices in the pre-school sector under which parents are invited into school to help their children make bread in the morning. Given the balance that parents have to strike between their work and child-care commitments, we have to be innovative. There are things that we can do, but we need to make a commitment to doing them.

Jeremy Purvis: You may have seen the interim findings of the Hull eat well do well initiative on the Hull Council website. On reading the document, I was interested to note the finding that there was much less of a distinction in the views of the 6,500 children who completed a pupil questionnaire this year—whether eligible for free school meals or not—than in the previous year. The findings state that

“using ‘eligibility’ and ‘non-eligibility’ as factors in the analysis of the impact of the EWDW programme may not be a useful strategy for future evaluation methods.”

What is your view? Also, when the pilot was announced in July, the Scottish Government said that

“the trial means more healthy food will be available for the children who need it most.”

My question for the previous panel was: would that be the result? What is your view?

Kelly Bayes: I will take the last point first. Certainly, in my mind, the question is whether the provision of free school meals makes a difference to the food that is made available. There should be no difference: good food should be made available to all children, whether the meal is provided free, or not. There is a question mark over the point.

Your first point was about eligibility and non-eligibility. In the Scottish Borders Council area it is interesting to note that uptake of school meals is only 33 per cent. We need to look not only at eligibility, but uptake. We can extend eligibility, but if the Government's aim is to increase uptake of school meals, we have to look at the meals on offer, how they are offered, and why uptake is low, whether meals are free or not. That said, we need to extend eligibility. If more children are entitled to free school meals, then there is a greater chance that more children will take them up.

Tam Baillie: I spoke earlier about the children who are most in need of free school meals—those who live in poverty. A pilot that is aimed at P1 to P3 children will capture some very poor families, because a disproportionate number of families with young children live in poverty. However, we

must continue to attend to the commitment to increase by 40,000 the number of children who benefit from free school meals. In whatever way we increase eligibility, we must address directly those families who live in poverty. There is still that gap between the 25 per cent of our youngsters who live in poverty and the 19 per cent of them who qualify for free school meals. We need to address that gap.

Paula Evans: Obviously, the gap exists across the board and it needs to be addressed not only in terms of primary but secondary school children. I return to the fact that we are talking not only about whether school meals are free or healthy but about encouraging uptake and experience. For the P1 to P3 age group, the issue is how to make school meals an enjoyable experience—something that they want to do together. What is important is not only how to target provision at those who need it most; the socialising element of eating together is also important. We need to make the experience of eating school meals enjoyable for all. If we do so, we will create a culture in which a child's enjoyment of eating school meals will continue throughout their schooling.

11:15

Ken Macintosh: One of my concerns about the pilot is that yet again it frames our discussion. We end up talking about free school meals as the dominant issue rather than all the other issues that you have mentioned: poverty, behaviour, the culture of eating and so on. Are you aware of other studies that we could draw on to inform us as the pilot continues or when it concludes? I mentioned that local authorities, such as East Renfrewshire Council, run out-of-school-hours schemes. East Renfrewshire Council has provided a school holidays meals scheme, which has produced dramatic results in respect of helping those at whom it is targeted. Huge lessons could be learned from it as a good use of public money but I am not sure whether those lessons are being heard, never mind learned.

Are you aware of other such schemes, policy developments or information that we can draw on to help the debate?

Tam Baillie: You have mentioned the very scheme that you could draw on. Other local authorities in Scotland also try to make some sort of provision for school holidays. We know from our own experience and research that parents, particularly parents whose children are in receipt of free school meals, often dread school holidays because of the extra financial burden that falls on them. It is complicated to provide for free school meals. It may be done through local authority provision or through benefit provision, although

that is a reserved power, which brings its own issues with it. If we are looking at the provision of free school meals as a measure to alleviate poverty, we must take into consideration what happens to those families during school holidays. We can confirm that many families suffer disproportionately during school holiday periods because of the withdrawal of that benefit.

Kelly Bayes: To be honest, I do not know of any such schemes, but as you say there is a need for what is already being done to be evaluated and studied, because we are not learning the lessons. I do not know how well known the East Renfrewshire scheme is. The families that we work with throughout Scotland have mixed experiences in different local authorities—there are some good, economical free school meals and other much more expensive ones. Some local authorities have breakfast clubs and others do not and so on. From what we see, we think that provision is mixed throughout Scotland. We work from Moray down to Dumfries and Galloway. You are right to suggest that we must evaluate schemes and learn lessons from them.

Paula Evans: In some schools, especially in the earlier years, food is not only about what is put on the table for the lunch hour; it is about growing the food, farming and the whole process from the school grounds to the plate. The shame about the school holidays is that often those processes, which began during the school term, are not seen through by the children. There is a lot of capacity to involve not only the child but the parent in that education, which is wider than the nutritional element about what is on a plate.

I agree with Tam Baillie that we need to look more stringently at the provision of free school meals during the holidays.

The Convener: That concludes the committee's questions. Thank you very much for your attendance. We will now have a short comfort break.

11:18

Meeting suspended.

11:27

On resuming—

Subordinate Legislation

Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2007 (Draft)

The Convener: Item 2 is subordinate legislation. The draft order is accompanied by a cover note, which has been prepared by the clerks, and a briefing paper from the Scottish Parliament information centre. Adam Ingram will move the motion on the order, and members will have an opportunity to take part in a debate on it, at our next meeting, on 26 September.

Today we will take evidence from Scottish Government officials, to whom we can put any questions that we have. I remind committee members that the officials are here to give evidence on the draft order only, not on the policy issues surrounding the free school meals pilot project, which we discussed earlier.

Welcome back to the committee, gentlemen. I will kick off with a simple question. Why have you chosen to use an affirmative order in this instance, particularly with regard to the promotion of well-being? What alternatives did you consider?

Mike Gibson: I defer to my colleague from the legal department.

Laurence Sullivan (Scottish Government Legal Directorate): School lunches are provided for under section 53 of the Education (Scotland) Act 1980 and councils must act under that section whenever they provide school lunches. Section 53 specifies that school lunches must be charged for except in the case of children who are eligible for free school lunches, which is always linked to the receipt of benefit or a tax allowance under section 53 or regulations made under it. That provision was an obstacle in the way of councils running free school meals pilot schemes. This order under section 57 of the Local Government in Scotland Act 2003 disapplies section 53 of the 1980 act for a temporary period for the five councils that are involved in the pilot, so that they may properly and legally run the pilot schemes.

11:30

The Convener: Did you consider any alternative mechanisms?

Laurence Sullivan: We looked at section 53 of the Education (Scotland) Act 1980 to see whether it contained an appropriate power. However, that section refers clearly to children whose parents are in receipt of benefit or other tax allowances; it

does not provide for a wider group of children, such as all children in primaries 1 to 3 in certain council areas. We came to the view that the appropriate vires did not exist in section 53 and that disappling it, through an order under section 57 of the Local Government in Scotland Act 2003, was the way to go.

Jeremy Purvis: What would be the financial implication if the order applied to all councils in Scotland?

Mike Gibson: That goes back to the question on increasing entitlement to all children in primaries 1 to 3 that we answered earlier. The cost would be over six months, as distinct from over a year. It would cost £15 million to £23 million.

Jeremy Purvis: If Parliament considered the timeframe of the pilot to be too short, what would be the implications of the order ceasing to take effect on 30 June 2009, rather than 30 June next year?

Mike Gibson: Do you mean the financial implications?

Jeremy Purvis: I know that research has been commissioned to assess the pilot. What would the financial implications be?

David Cowan: Are you asking what the financial implications would be if the pilot in the five areas was extended to 2009?

Jeremy Purvis: Yes.

David Cowan: There would obviously be implications for providing funding for the school meals to each authority. There would also be implications for the on-going research; we would have to either retender to extend the research or extend the existing contract.

Mike Gibson: The cost would be roughly £9.2 million. The £4.6 million cost for the five authorities for six months would double if the pilot ran for a year.

The Convener: Do the officials want to make any additional points? The minister will appear before the committee next week.

Mike Gibson: I do not think so. We answered the policy questions earlier this morning. This is an opportunity for the committee to ask our legal expert about the section 57 order.

The Convener: Mr Purvis has a final question, which I hope relates to the legal aspects of the order, rather than the policy aspects.

Jeremy Purvis: It does. There would be no scope in the order to extend eligibility for free meals beyond pupils in primaries 1 to 3 in the council areas that have been selected.

Laurence Sullivan: The power to change free school meal provision entitlement in relation to benefits and tax allowance exists in section 53 of the Education (Scotland) Act 1980. The negative procedure would be used for making any regulation under that section. This order comes under the affirmative procedure, so it needs the consent of Parliament. As with all statutory instruments, Parliament cannot amend the order; it can either accept or reject it in its entirety. The order does not make any provision for extending entitlement in relation to benefits or tax allowance, because the power to do so exists elsewhere. The order comes under the Local Government in Scotland Act 2003 and removes an obstacle from councils, to allow them to use their general power to advance well-being to do things for the benefit of people in their area.

Jeremy Purvis: So, the disapplication of section 53 of the 1980 act is the general scope of the order. There would have to be a second instrument to extend eligibility to different categories of pupils.

Laurence Sullivan: If it was ever intended to change who is eligible for free school meals across the board, there would need to be a set of regulations under section 53 of the 1980 act. Subsequent orders could be made under section 57 of the 2003 act to disapply the obstacle in relation to different councils or nationally, under this power.

Jeremy Purvis: Subsequent orders “under this power”?

Laurence Sullivan: Yes. There is a general power under the Local Government in Scotland Act 2003 to amend or disapply any legislation that prevents a council from using its power to advance well-being.

Jeremy Purvis: So after the order before us is passed, subsequent legislation would be needed to disapply the provisions for certain categories of pupils.

Laurence Sullivan: Yes, if it was decided that that was the policy.

Jeremy Purvis: But that would be the process.

Laurence Sullivan: Yes.

The Convener: That concludes our questions to you this morning. Thank you very much for your attendance at the meeting and for returning for item 2.

11:36

Meeting suspended.

11:36

On resuming—

Petitions

Children’s Services (Special Needs) (PE853)

Rural Schools (Closure) (PE872)

The Convener: Item 3 is consideration of two petitions, PE853 and PE872, which relate to the closure of rural and special needs schools. The petitions, together with some accompanying papers, have been circulated to committee members.

Members will be aware that, although the petitions have only recently been brought to the attention of the Education, Lifelong Learning and Culture Committee, they were considered by our predecessor committee. It is important that we attempt to bring some closure to the people who brought the issues before the Parliament, particularly as there seems to have been some movement on the matter. That was indicated by the First Minister in his statement to the Parliament on 5 September. He said:

“On rural schools, it remains our position that there should be a legislative presumption against their closure”.—[*Official Report*, 5 September 2007; c 1366.]

I am also aware that an MSP is introducing a member’s bill on the matter.

The committee may consider whether to write to Fiona Hyslop to seek clarification on the timescale for the consultation on the proposed legislation. We could also ask whether it is the Government’s intention to introduce its own bill. Will it instead support Murdo Fraser’s member’s bill? Depending on the minister’s response, we could then advise the petitioners of the position. Do members feel that that is an appropriate course of action for the committee to take?

Members indicated agreement.

Elizabeth Smith: I am happy to agree to that. It is encouraging that both the First Minister and the Cabinet Secretary for Education and Lifelong Learning have recognised the importance of the issue. Rural schools have no future if we do not provide some guarantee of the security of their position. However, it would be helpful to get clarification about the timescale.

The Convener: I will write to Fiona Hyslop on behalf of the committee, asking for some further information. That will be brought to the committee once the cabinet secretary responds.

I remind members that we will be meeting next week, on 26 September. We have invited a

number of people representing the skills sector to come and give evidence. We are waiting to hear whether the minister intends to attend our meeting. I hope that she will accept the committee's invitation.

Meeting closed at 11:40.

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