

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 11 March 2009

Session 3

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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE 8th Meeting 2009, Session 3

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

COMMITTEE MEMBERS

*Claire Baker (Mid Scotland and Fife) (Lab)
*Aileen Campbell (South of Scotland) (SNP)
*Ken Macintosh (Eastwood) (Lab)
*Christina McKelvie (Central Scotland) (SNP)
*Elizabeth Smith (Mid Scotland and Fife) (Con)
Margaret Smith (Edinburgh West) (LD)

COMMITTEE SUBSTITUTES

Ted Brocklebank (Mid Scotland and Fife) (Con)
Bill Kidd (Glasgow) (SNP)
Hugh O'Donnell (Central Scotland) (LD)
Cathy Peattie (Falkirk East) (Lab)

*attended

THE FOLLOWING GAVE EVIDENCE:

Fiona Hyslop (Cabinet Secretary for Education and Lifelong Learning)
Adam Ingram (Minister for Children and Early Years)
Catherine Rainey (Scottish Government Children, Young People and Social Care Directorate)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Nick Hawthorne

LOCATION

Committee Room 5

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 11 March 2009

[THE CONVENER *opened the meeting at 09:30*]

Social Work

The Convener (Karen Whitefield): Good morning, and welcome to the eighth meeting in 2009 of the Education, Lifelong Learning and Culture Committee. We have received apologies from Margaret Smith, who is unable to join us.

Agenda item 1 is our continued consideration of social work matters. Committee members will recall that we previously held an evidence session on the issue with Scottish Government officials and that we had a round-table session on it more recently with stakeholders. This is our final evidence session on social work. I am pleased to welcome Adam Ingram MSP, the Minister for Children and Early Years, who has responsibility for social work matters, and Catherine Rainey, who is the team leader with responsibility for workforce and capacity issues. I understand, minister, that Val Cox is unable to join us; I hope that you will pass on the committee's best wishes for her speedy recovery.

I understand that you would like to make an opening statement.

The Minister for Children and Early Years (Adam Ingram): Thank you very much, convener, and good morning, colleagues. I thank the committee for the opportunity to come here to talk about social work and social care. In particular, I welcome the committee's support for the people who undertake that work, who are often heard of, certainly in the media, only when things go wrong.

Our crucial resource in this often complex and difficult area is the workforce. Along with personalisation of services, a key ambition that we have pursued through "Changing Lives: Report of the 21st Century Social Work Review" and elsewhere is to ensure that we have a confident, competent and valued workforce.

In Scottish local authorities, around 57,000 people are employed in social work services; 64 per cent provide services for adults, while 16.5 per cent provide services for children, 4 per cent provide services for offenders and the rest are administrative or management staff. Vacancies among social workers, which reached a high of 13 per cent in 2003, are down to 7.4 per cent. The number of social workers has increased by some

28 per cent since 2001 to just under 5,000. It is encouraging that the number of social work students is on the increase. The number of undergraduates should rise by around 40 per cent over the next three years to about 500.

Social workers are the people who deal, day in and day out, with dysfunctional families, substance misusers, offenders and people who are vulnerable and need support, care and protection. They do that on our behalf not only for the people whom they support, their local authority, Government and Parliament but for society as a whole. The picture around recruitment and retention is improving, although we recognise that there can be variations in the locations and within particular functions. However, the fact that people are willing to enter the workforce and take on this challenging responsibility is very encouraging.

We have an important role in supporting social workers. We need to be quick to acknowledge the important contribution that they make, but not afraid to challenge where there are problems. Too often, I see media coverage of incidents laced with speculation and inaccuracies. Where things are wrong, the facts should be established and learning should be shared to fix them. Clearly, when people are dealing with delicate and complex personal situations, it is not always possible to respond publicly to allegations about why certain things did or did not happen, and morale can be dented and the reaction can be one of blame.

I have been heartened by the response of parliamentary colleagues across the chamber to the tragic case of Brandon Muir. We are giving the authorities space to have a full review of what happened. I will consider the outcome of that review and any action that may be appropriate, as I have done before when shortcomings have been identified, for example through inspections that are conducted by Her Majesty's Inspectorate of Education.

Those in social work and the social care sector make a real difference to the life chances and life choices of many people in Scotland. Social Work Inspection Agency reports have shown that a high level of spend is not a guarantee of good performance. High morale and confidence flow from leadership, support and clarity of vision and role, and are reflected in performance. As well as being confident, competent practitioners, people need to know that they are valued. I hope that we can all agree on the need to support our social work services not blindly, but constructively and positively.

The Convener: Thank you very much for those comments. The committee would like to question you on a number of areas. I will begin by asking about child protection. In your opening statement,

you touched on the Brandon Muir case. I do not want to stray into the specifics of that case, so I will concentrate on child protection in general. Who in the Scottish Government has ministerial responsibility for child protection matters?

Adam Ingram: I am the Minister for Children and Early Years, so I take day-to-day responsibility for those matters, but I am part of a team, the leader of which is Fiona Hyslop, the Cabinet Secretary for Education and Lifelong Learning. Fiona and I talk about such matters regularly, and she represents the Government's view in Cabinet discussions.

The Convener: This is not a reflection on your abilities, but given that child protection is such a serious issue, do you not think that it would be more appropriate for day-to-day child protection issues to be managed by someone who sits at the Cabinet table, who takes the decisions about where and how resources will be spent, and who can argue that case with Cabinet colleagues?

Adam Ingram: As I indicated, we work as a team. Fiona Hyslop is the team leader. The set-up whereby she can discuss such matters in Cabinet as and when appropriate is perfectly reasonable. She can also speak about them in public as and when appropriate. However, I have day-to-day responsibility for the child protection system. The arrangements are perfectly appropriate.

The Convener: I am sure that you are aware that in the previous Government, the First Minister had responsibility for child protection, but there was a cross-cutting agenda that involved education and health. Does the current Administration take the same view?

Adam Ingram: Over the past week or two, I have made a number of visits to local authorities around the country, in particular to follow up on child protection inspections. Universally, I have been met with an appreciation on the part of the professionals in the field for the support of the First Minister, who has made it very clear where this Government stands on child protection. The issue is right at the top of our priority list.

The Convener: How many children in Scotland live with a parent who is a substance misuser or a drug misuser or who is alcohol dependent?

Adam Ingram: As you know, we do not have 100 per cent accurate figures on that—we are dealing with estimates. Given that drug abuse is an illegal activity, not many people broadcast the fact that they engage in it. It is estimated that between 50,000 and 60,000 children have substance or drug-abusing parents, of whom between 10,000 and 20,000 live with those parents. The figures relating to alcohol dependency are probably higher.

The Convener: Do you agree that we can offer genuine support to the most vulnerable young people and those who are most likely to be the victims of abuse only if we have a much more accurate picture of the scale of the problem?

Adam Ingram: It would certainly be useful to have more accurate figures on the prevalence of such problems, not least because we want to measure the performance of our policies and programmes. We can do that accurately only if we can identify the prevalence levels before and after, to assess the impact of the work that we are doing.

The Convener: What work has the Scottish Government undertaken in the past 18 months to accurately map the picture?

Adam Ingram: We have a number of work streams, particularly on the health side and in my colleague Fergus Ewing's department, which deal with drug abuse. Work is in progress across Government to try to increase accuracy about the prevalence of such problems.

The Convener: What exactly are you doing?

Adam Ingram: That is what we are doing—we are conducting appropriate research to come up with figures on the prevalence of drug misuse and alcohol abuse in the country.

The Convener: You told me in response to earlier questions that you are the minister with overall responsibility for child protection matters.

Adam Ingram: Yes.

The Convener: Yet you cannot tell me what work the Scottish Government is doing to accurately account for the number of children living with parents who are either substance misusers or alcohol dependent.

Adam Ingram: Work is in progress in the Scottish Government to analyse and produce more accurate prevalence figures, which were what you were asking for.

The Convener: What exactly is that work? You said that Fergus Ewing was doing something and that something was happening in health, but you did not give me the details. As you are the minister with overall responsibility for child protection, I thought that your level of knowledge would have been more detailed.

Adam Ingram: You probably recall that we launched a new approach to our drugs and substance misuse strategy last year, which was published in "The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem". As you will see in that document, a significant review of drugs policy has been undertaken by the Scottish Government and we are developing a new approach. As I said, the work that is being

done includes work to establish the scope and scale of the problem and the prevalence of drugs misuse in our society. I do not know what further detail you are looking for in that regard.

The Convener: Perhaps you might want to write to the committee after today's meeting to tell us exactly when that work began, when it will be completed and what its remit is, so that we know what you are attempting to do.

Catherine Rainey (Scottish Government Children, Young People and Social Care Directorate): A project board has been set up to engage Scottish Government officials, the Convention of Scottish Local Authorities, third sector organisations and those who are particularly involved in child protection. The board is to be the backdrop and driver of the action plan in "The Road to Recovery", which was published last summer. A section in that document is dedicated to children who are affected by substance-misusing families. It focuses initially on drug misusing, but it opens up to consider those who are affected by alcohol misuse.

I cannot say exactly where the work on prevalence figures is at this point, but that is one of the actions that have been kicked off by the project board, along with looking at better understanding where information is held, how it is shared and who knows about where people are. As the minister said, elements of that work are a bit underground, in the sense that it is not always evident that people are in that predicament. There are lots of information sources that can lead people to a better understanding of where children might be living in such circumstances. Parents are not the only source—information can come from schools, health workers and others who witness things that suggest to them there is a problem. A project board is overseeing that area of work, but I cannot tell you what point it has reached.

09:45

The Convener: Would you be willing to provide the committee with an update in writing?

Adam Ingram: Certainly.

The Convener: The e-brief that you issued this week, which tells your constituents in Ayrshire what you have been doing on their behalf, suggested that one way forward might be to get an accurate picture. That strikes me as somewhat odd. If the Government were truly committed to getting the right picture, you might have said that you were doing something about the issue, rather than that getting an accurate picture might be an idea.

Adam Ingram: That is a cheap shot, convener. I do not appreciate such sourcing of material. When

I speak to my constituents, I take a broad-brush approach. Rather than going into detail with them, I indicate what we need to do to address the root causes of the problems in our society. Gathering figures is important, but it is not the fundamental reason for the position in which we find ourselves. That is the issue on which we need to concentrate.

The Convener: Gathering figures may not be the root cause of the problem that we face, but if we have no real understanding of the extent and prevalence of the problem, we cannot commit to it the correct level of resources and attention, so that we can deal with it effectively. That is the point that I am trying to make to you.

Adam Ingram: You are not making it terribly well. We are well aware of the scale of the problem—professionals are dealing with it day in, day out. As I indicated, we are undertaking research that will enable us to gather more accurate information. We recognise the deep-rooted nature and scale of the problem and the impact that it is having on services across the country. It is right at the top of our list of priorities.

The Convener: Those are fine words, but they do nothing to reassure people and demonstrate to them that you are taking real action.

Adam Ingram: I dispute that.

The Convener: If you could evidence the position, you might be able to explain it better.

I move to specific questions about child protection. The previous Government published the document "Hidden Harm—Next Steps: Supporting Children Working with Parents", which included a number of recommendations. One concerned the importance and potential benefit of nurture groups as a means of support for some of Scotland's most vulnerable children. What work has the Government done to evaluate the pilots that were established? Do you have plans to develop them further? My constituency was not included in the pilots, but a number of primary schools in the area that have established nurture services speak highly of them and think that they can help children from dysfunctional and chaotic backgrounds.

Adam Ingram: I am well aware of the good work that nurture groups do. During previous sessions, I helped the Nurture Group Network to make presentations to MSPs and encouraged Peter Peacock to take up the initiative.

The groups have been used effectively in Glasgow. I would encourage local authorities, where appropriate, to use nurture groups as a means of combating problems among children, particularly children from vulnerable backgrounds, who have had a disrupted childhood. When they come to school, they can benefit a great deal from

the nurture group approach. It is not a question of me dictating to local authorities what they should do. However, the nurture group approach is coming into the mainstream in Scotland and is being adopted by a good number of authorities.

The Convener: Because you believe in that approach, I am sure you will agree that it can be quite costly. Does the Scottish Government have any plans to give local authorities the money to develop that type of service?

Adam Ingram: Local authorities have the money to develop that type of service if they choose to do so. As you are well aware, with the ring-fenced money that we have handed over, we have adopted a different approach to the top-down one. Indeed, a large part of the education budget that was previously under the control of ministers has been passed to local authorities. Local authorities have extra leeway to introduce such an approach if it suits their local circumstances.

The Convener: You would have no objection if a local authority thought that it was more appropriate to develop a network of nurture services than to provide free school meals for children in primary 1, 2 and 3.

Adam Ingram: It is not an either/or situation—they can do both.

The Convener: But if local authorities say that they cannot do both, you would have no problem with them using local need as the driver for the delivery of their services.

Adam Ingram: Local authorities have signed up to a commitment, under the concordat with the Scottish Government, that they will deliver certain commitments, including the introduction of free schools meals. They have done that of their own accord. I am afraid that I would not agree with any local authority that turned round now and said, “We can’t do other things because of that.” Local authorities have increased flexibility in their funding, and the two initiatives are certainly not mutually exclusive.

The Convener: Obviously, local authorities such as mine have a slightly different view on that.

My final question is about early and better identification of vulnerable children. I am talking not about working out the scale of the problem, but about the need for earlier and better identification and for timely steps to be taken to support children through the getting it right for every child agenda, which the Government is committed to, and which Fiona Hyslop highlighted in her letter last week to me and committee members, following the Brandon Muir case. What does the Government plan to do on earlier and better identification?

Adam Ingram: You have seen our plans in the shape of the early years framework that we

published prior to Christmas. There was also a parliamentary debate earlier this year. The early years framework calls for a range of actions to be taken at local authority and community planning partnership level to move towards prevention and early intervention measures, and, over time, away from the sort of system that we have now, which is defined by crisis intervention.

A range of initiatives can be taken. Clearly, the earlier that one intervenes in the case of vulnerable individuals and families, the better, to head off future crises. I am particularly interested in issues around pregnancy and ensuring that mothers attend antenatal services and that they are prepared for taking care of their children once they are born. One of the big problems that we face is the failure of mothers, particularly those who misuse drugs, to keep appointments with antenatal services, so that they are totally unprepared for a child coming into the household. We can make a significant difference in those areas.

The Convener: Is the Government committed to any programme of investment or training, particularly for midwives and health visitors, to help them identify those mothers and to be confident that they are signposting women to the appropriate services and that they are following things up if the women do not take their advice first time round?

Adam Ingram: There is a wide range of training opportunities. I welcome the move to interagency training. In essence, we have an early years workforce with the same vision and values. Those workers can communicate meaningfully with each other across professional boundaries. I saw a good example of that when I visited Renfrewshire yesterday and met a team that was composed of a health visitor, a drugs outreach worker and a social worker who work together effectively to deal with extremely difficult cases. It is about reaching out to the people who are not accessing services in the way that we want them to and encouraging and supporting them to do so. That is vital work and the Government supports it absolutely.

The Convener: If there is no duty to identify these children, is there a possibility that, despite the best efforts of the professionals who are committed to doing the job, some children will fall through the net and will not be picked up early enough? Therefore, in addition to all the commitments and support, might it be appropriate to place a duty on agencies to identify these children when they engage with them?

Adam Ingram: The fundamental *raison d'être* of these services is to identify these children. I do not think that they need to have a duty placed on them to reach out to vulnerable groups. As I said, there are many statutory obligations on service

providers; there are a host of laws and regulations. I do not think that we need any more burdens in that regard. It is more about the practical steps forward and the development of services. We have to break down some of the barriers around organisational culture and the like. That is where we have to make progress.

The Convener: We have been saying that for quite some time, but we still do not make enough progress.

Adam Ingram: We are making progress. I am very encouraged by the getting it right for every child approach, to which people are signing up. Nearly a quarter of local authorities have, off their own bat, followed up on the getting it right for every child pathfinders. The Government is spending something like £2 million a year on that piloting work. We are certainly seeing an increase in momentum throughout the country to move towards integrated children's services in the application of getting it right for every child. We are doing everything in our power to ensure that that trend quickens and that we make progress. I am highly encouraged by the enthusiasm of front-line professionals up and down the country for that agenda and by their commitment to it.

The Convener: Like you, I do not doubt the commitment of front-line workers; I am just not entirely convinced that the level of priority that the issue deserves is being attached to it.

10:00

Kenneth Gibson (Cunninghame North) (SNP): I will follow up briefly on the convener's 10 or 15 minutes of questions. What, if any, detailed figures or methods of assessing and analysing the number of vulnerable children that we have in our society were in place when you came into post?

Adam Ingram: None.

Kenneth Gibson: None. Thank you.

Elizabeth Smith (Mid Scotland and Fife) (Con): Good morning, minister. I would like to turn our attention to qualitative improvements. You rightly stated in your opening address that there is a need to ensure that we value social workers. It came through strongly in an evidence session with key stakeholders that they sometimes feel that they are in a difficult position because of the media whirlwind that surrounds social work, particularly given some of the recent cases to have hit Scotland and south of the border.

Apart from improving university degrees that have a social work basis, what can we do to improve the value of social workers, and to make them feel more wanted and appreciated and better recompensed for what they do?

Adam Ingram: We should not have knee-jerk reactions to situations in which things have gone wrong and immediately blame the professionals who have dealt with difficult cases. We must recognise that the nature of our society has not been determined by the professionals who have to deal with the problems that arise from a highly significant sub-culture, in which drug misuse, alcohol abuse and domestic abuse and violence are endemic. Those professionals are the people on the front line who are trying to prevent the same damage from being done to the next generation.

We need to be much better at recognising the work that social workers do and how they help our communities to be safer and stronger by providing support for families and communities. There are a number of strands to how we do that. In association with other organisations, the Association of Directors of Social Work is launching a public awareness campaign, which we will probably see on our televisions and in our newspapers. More to the point, we need to get it across to the general public that we all have a stake in our communities, so we must all take some sort of responsibility for them, particularly for the children in them.

I was deeply disappointed by the research by Action for Children that preceded some of last week's news, which indicated that although a quarter of adults in this country know of children who are being neglected or who they suspect are being abused, almost half those adults said that they would not do anything about it. Why is that? As a society and as individuals, we need to look at ourselves and realise that it is our responsibility as responsible citizens to address such issues and to report our concerns to authorities.

Elizabeth Smith: Do you agree with the witness who said that one of the difficulties is the contracts culture in local authorities? If short-term help needs to be given to vulnerable families, doing so on a contract basis is sometimes not the most efficient way of going about it. Do you agree that that is a problem?

Adam Ingram: A lot of good creative and innovative work is done by voluntary organisations. One of the obvious frustrations is in their having to renegotiate contracts every two to three years. We need to devise better mechanisms that will allow people to work consistently over the long term without being sidetracked by that problem.

We are considering a different way of working and we are doing work on contracting. Our work also relates to the single outcome agreement process and the community planning process, whereby we are developing partnerships between public agencies as well as between public

agencies and the voluntary sector. There is scope to address the issues that Elizabeth Smith asked about.

Elizabeth Smith: The situation is exactly as you said: some of the voluntary sector's representations have said that although contractors often do good work, the work does not always continue for the time that is required and it does not always target the right problem because of the way in which recompense can be made. When you say that you are reviewing the matter, will you clarify whether you are looking at specific alternatives to contracts?

Adam Ingram: The work is not terribly well-developed yet, but we are looking at a public-social partnership approach between the third sector and local authorities' community planning partnerships. I am not in a position to develop the detail of that for you, but I can certainly follow—

Elizabeth Smith: Without going into the detail, do you see that happening in the context of the concordat with local authorities or would it happen outside that context, thereby allowing more freedom to examine other outcomes?

Adam Ingram: I see it being done in the context of the community planning partnership areas, which would provide guidance to community planning partners on developing such an approach.

Elizabeth Smith: Would that mean continuation of the current funding basis so that local authorities would largely be in charge of funding?

Adam Ingram: We are hoping that the community planning partnerships will progress to using shared budgets and the like in the longer run. That is perhaps ambitious, but it is the direction of travel that we want to take.

Elizabeth Smith: I am pleased to hear it, because that is one way of raising the necessary money. I share the concern of other committee members that short-term help to vulnerable families might get cut by local authorities because it is sometimes not seen as a priority. In the light of the sadness of recent events, a great difficulty for people is that contracting is not always particularly efficient and that is not fair to the people who are working in social services. An alternative approach might ensure just that bit more accountability in the system, which would be very encouraging.

Adam Ingram: I agree with you up to a point, in so far as that has been the case historically. The funding of early years services, for example, has been sketchy down the years. It is my intention and purpose to raise awareness that prevention through early intervention is the key to tackling the kinds of social problems that are all too evident around us. It is my intention to push

implementation of the early years framework right to the top of the agenda for community planning partners, so that in the future those services get funding that will pay off enormously in the long run by reducing pressure on the health service, on the criminal justice system and the like. We really must take such a leap.

Elizabeth Smith: What is the rough timescale for looking at this alternative of better partnerships?

Adam Ingram: We are currently engaged in that across the Government. The Cabinet Secretary for Finance and Sustainable Growth, John Swinney, is looking at a number of initiatives on the relationship with the third sector. That work is on-going. Perhaps I could write to you with further information.

Elizabeth Smith: It would be helpful to know the timescale.

Christina McKelvie (Central Scotland) (SNP): I want to pick up on a few things that my colleague Liz Smith raised in her questions. I have always been interested in the awareness-raising campaigns that we have had. We recently had the one that reminded us that the child needs us to speak up for them. What does the Government have planned in terms of running further awareness-raising campaigns or funding those that are being run now?

Adam Ingram: We currently fund a national child protection helpline. You might recall the campaign featuring the child in the telephone box, which I thought was extremely effective. We are currently evaluating the campaign and how effective the helpline is. The local child protection committees have funding to raise awareness of where one should go if one has concerns about child protection—they provide local contact numbers and that work is on-going. The ADSW and the national social work services forum are working to raise awareness of social work services across the board. We are pushing forward the agenda in a number of areas.

Christina McKelvie: I think that you are going to speak at an event on 1 April, which I am hosting. I have a personal commitment to the issue, given my professional background.

Liz Smith mentioned the issue of the value of staff training and experience. In my last five years of work before I was elected, I was involved in social work training. We brought front-line staff who worked in children's services and children's units through the fast-track programme to get them to either paraprofessional or professional level. Is the Scottish Government continuing its commitment to that programme? Members of staff who had been at the front line and carried that experience through their training turned out to be

extremely professional and experienced members of staff. I saw great value in that. Will you give us an insight into where you are going with that?

Adam Ingram: Surely. I think the Scottish Government is spending something like £35 million a year on college courses for social workers and social care staff. As you know, social care staff and social workers in particular are required to register with the Scottish Social Services Council. As part of that process, social workers are required to do something like 15 days—90 hours—of training in the three-year period before they are required to re-register. Included in that is five days training on child protection procedures.

10:15

We are developing knowledge, understanding, skills and expertise right across the board on joint working and risk assessment. A major training effort is going on. I mentioned the growing practice of interagency training, which the professionals who are trying to build local teams appreciate very much.

Those are some examples of where we are going.

Catherine Rainey: We have also launched the continuous learning framework, which is about considering what skills professionals need to do different tasks and participate in different teams. They can also plan, or contribute to, their own development through the framework, which we continue to roll out.

I spoke to the committee previously about the learning networks that have been set up, of which we fund four in Scotland. Their role is to work—with local authorities and other partner agencies that are involved in the delivery of front-line services—on the research and the elements of training that might be required, and to put people into communities of learning or action learning sets to enable them to keep themselves up to speed with their peers informally, rather than through a top-down and Government-led arrangement. The networks have just got through their first year, which was about finding their feet and establishing themselves. This year, they will produce much more focused business plans for how they will connect with their local services and help individuals to get the 30 days of post-registration training that they need, or signpost them to training resources on particular matters.

There are a number of different things in the landscape. We hope that that will mean that people connect in many different ways to keep their learning and development up to speed. We are also doing work on a portal for social work services research. We are working with the

Scottish Further and Higher Education Funding Council on how we can involve some universities in that and get them to identify social work as an area that could contribute to their research assessment exercise.

There is a lot of activity going on at different levels. We hope that that keeps the continuing learning and development resources available for front-line workers to tap into.

Christina McKelvie: That is really positive.

Claire Baker (Mid Scotland and Fife) (Lab): I will ask some questions on personalisation. I note that the final meeting of the work group on personalisation is tomorrow and that a paper is due in April. How will that agenda be taken forward?

I was interested in the points that Elizabeth Smith made on the need for social work services to prioritise their resources. There is a clear need for priority to be given to crisis intervention or crisis management. Does that create a tension with the personalisation agenda and restrict the resources that social work departments have to deliver on it?

Adam Ingram: That is part of the changing lives agenda that fits well with our approach of trying to improve outcomes for individuals, families and communities, which involves marshalling resources around the individual and his or her needs and allowing them to determine what kind of service they can acquire for their particular circumstances. It is also in line with other agendas, such as getting it right for every child.

We certainly regard personalisation as the way forward. Perhaps we are not moving as fast as we would like, given Claire Baker's point, but progress is being made.

The number of self-directed support packages that are being put together is growing all the time, but it will take time. I hope that the pace will quicken as understanding of the processes develops and as some of the issues around the commissioning of such packages play out.

Claire Baker: I have another question, which follows on from what you said about the pace at which personalisation is being delivered. At the round-table evidence session that we held, the comment was made that personalisation can mean all things to all people. We reckon that different authorities are moving at different paces. Do you envisage personalisation being heavily locally led, or do you think that service users should have an understanding of what they can expect from personalisation?

Adam Ingram: It is a bit of both. Two or three elements are necessary. First, we need leadership to push the agenda forward. The quality of leadership and management of social work

services at local level is important, but local engagement is necessary, too. For me, another encouraging feature of the changing lives agenda is how practitioners at local level are coming together in local practitioner fora to discuss the way forward that has been set for the service.

A combination of greater awareness and greater engagement at local level is needed. That applies not just to the front-line professionals, but to the leadership and management—they, too, must be fully engaged. I am particularly thankful in that regard for the leadership of Alan Baird, the president of the Association of Directors of Social Work, because he has been extremely proactive in encouraging local practitioner fora and has participated in discussions at that level.

Catherine Rainey: I have a wee bit of information to add on the work of the service development group which is, as Claire Baker said, having its final meeting tomorrow. It is made up of representatives from the voluntary sector, private providers, social work and the inspectorates. Its members have been agonising over the personalisation agenda for the past 18 months or so.

You mentioned that personalisation can mean all things to all people. We have worked hard to distil what it means down to a definition, which we have shared with health, police, justice and others. They agree that the overall approach is about giving people a say in the services that they receive; it is about what is done with them rather than to them. For me, the acid test is often whether the service is one that the people who are offering it would want for themselves or their families. If not, it must be asked why on earth they are giving it to someone else.

Practitioners on the front line have said that the approach that is being adopted in many respects takes them back to why they came into social work. They want to be able to think about how they can work with people without getting into some of the bureaucracy that, for various reasons, has grown up over the years and has led to things being done in a certain way.

The key thing about personalisation is that it is a broad umbrella for an approach that is about getting users and carers engaged in finding solutions, rather than always being seen as the problem. That can bring real benefits by freeing up resources, because the strengths of an individual, their family or their community are examined to see what they can bring to their own care, instead of there being a deficit model in which a situation is viewed as a problem. We do not need to put a person into seven-day residential care if all they need is someone who can be with them for three or four hours a day. Sometimes there is quite a big gap between the basic action that is required and

an extremely expensive alternative that is not what the person needs.

I reiterate what the minister said. There have been some excellent examples of consideration of what users need—they might call it personalisation or just good services. A few years ago, North Lanarkshire Council had big waiting lists for day care centres and it knew that the way things were going, it would never be able to meet that requirement without more bricks and mortar, which it was not in a position to provide. It interviewed all the people on the waiting list to find out what they were after. In reality, day care became a kind of tick list of requirements such as, “I need a meal at lunchtime”, “I want some company”, “I’d like to be able to meet people who like doing certain things” or “I want to get out the house for a couple of hours”. When all that was broken down, the council was able to tell people that they needed not day care but other services that the council could provide. The council made a notional saving on setting up a day-care centre by meeting people’s needs much more directly, whether by getting them into hobby groups or arranging for meals to be provided for them.

It is about being a bit more innovative, rather than having a drop-down list and ticking a box if people present with certain issues. It is about thinking outside the box and working with people to help them develop their own care packages using the other resources that they have. For example, if someone has family support, we do not have to do everything for them. Some of it is about letting people manage their own health, care and support while ensuring that public services are there when necessary.

Claire Baker: The working group has its final meeting tomorrow. The minister said that there has been fairly slow progress in delivering personalisation, although we accept that some authorities are further ahead than others. Is there a timescale for when you would like all authorities to be taking that approach? Will the working group monitor the situation or provide evaluation?

Catherine Rainey: Part of the discussion tomorrow will be about the group’s on-going role in keeping the agenda alive. The group will not necessarily meet formally, other than perhaps on an ad-hoc basis. There will be a discussion about what role the group might take back at the ranch and what role it will have in keeping the issue out there by speaking at seminars or local practitioner fora.

The outcome approach in the outcome agreements drives us down the route of personalisation. If you are looking at the impacts for people in the community, you have to look at how you deliver your services to meet needs. That

starts to get you into the personalisation agenda anyway, whether you call it that or not.

We will continue to work with other departments at Scottish Government level. Shifting the balance of care, the equally well agenda, criminal justice developments in working with families of offenders as well as offenders, and all the parts of the children's agenda play into the personalisation approach. It is about putting the user, carer or individual at the heart of services, and about services working more closely in order to do so. All those policies are aligned. We will continue to work across the piece, including on self-directed support, to ensure that we keep that agenda moving forward.

Claire Baker: At the round-table discussion, it was suggested that the Government should review the national care standards to ensure that they are up-to-date and that they take account of personalisation.

Adam Ingram: We are about to start that process.

Claire Baker: The other issue that came up was around direct payments and how people could be better supported. There is quite a low uptake of direct payments, so that process could be improved.

Adam Ingram: That is part of the process that Catherine Rainey described. It is clear that we need to push that forward. It is very much part of the self-directed support agenda.

Catherine Rainey: Work is going on around self-directed support. There has been research on issues around the uptake of direct payments and what is causing people problems. We will examine that when all the details are available. That sits primarily in the health agenda, so we are working with health officials. They have identified test sites and are checking out various feedback that they have received. One aspect that is being examined is leadership and management issues. Is it the case that self-directed support work—direct payments work—is not being presented properly, so that clients want to take up such support, or do clients feel that they do not have the capacity to run with that? Do they need more support and help? The test sites are being committed to for two years in order to bring together some learning around the issue and—with ad-hoc work—to help paint the picture.

The reality is that although direct payments or self-directed support measures need to be available to all, they are not for everyone—not everyone will necessarily want to take money and devise their own package. Some people will want off-the-shelf services, which still have to be personalised. We need to consider things being presented in a way in which people will have

choices and options, whether or not they take money to buy their own services directly.

10:30

The Convener: Somebody in the room has a BlackBerry or a mobile phone switched on. I remind everyone that all such devices should be switched off for the duration of the meeting because they interfere with the sound system.

Kenneth Gibson: "Changing Lives" recommended improvements to the commissioning of services from the voluntary and private sectors. One of the major themes that came out of our round-table session was the concern that commissioning from the voluntary sector was perhaps not working as well as was envisaged and that it had been driven by procurement regulations rather than partnership working. What steps is the Scottish Government taking to ensure that procurement regulations do not get in the way of the delivery of better care?

Adam Ingram: I refer that question to my colleague Catherine Rainey.

Catherine Rainey: There have been concerns. I give Annie Gunner Logan a name check; I suspect that she was, quite rightly, at the forefront of that discussion. She is concerned that there is a tension between the personalisation approaches that we have talked about and the drive for value for money through the commissioning approaches.

I think that there is confusion in local authorities about European Union regulations and what they must do to comply with them. Last autumn, our procurement people worked with Annie Gunner Logan and others, considered the requirements of the regulations and issued guidance notes to commissioners that indicated that, for care packages, compliance means X, Y and Z, and it is up to them how to go about things. That was helpful and a step in the right direction.

The Government-based joint improvement team has considered revising its guidance on commissioning older people's services to ensure that it does not contain things that might be contrary to the policy direction. The key issue is that we need to get commissioners and people who determine future commissioning strategy to think about what individuals will need instead of taking the historical approach. The JIT has kicked off the process with an internal group meeting; soon, a wider group will help to ensure both that commissioners are working in a way that supports the on-going agenda and that we focus more on outcomes and less on processes and inputs. At the moment, things tend to be put together through focusing on processes and inputs.

The service development group has just completed a look at commissioning for personalisation for papers that it will issue. That group has raised issues that local authorities and those who want to deliver services on behalf of local authorities should consider when they put together specifications, to ensure that those specifications are more future proofed to help move the agenda forward.

Some local authority areas have gone down different routes. Falkirk Council, for example, is considering service level agreements with its providers and not going to a full retendering process every time. Underneath all that, continuity of care must be seen as a quality indicator in the process. Perhaps that has been lost a wee bit as people look for more value for money without defining value widely enough to include what it means for the user.

Kenneth Gibson: Okay. What performance measures have been put in place to ensure integrated working across all policy areas?

Catherine Rainey: SWIA always considers the commissioning process in its inspections. It has developed a self-evaluation guide, which was published in February this year, to help the scrutiny process and the move to taking a lighter touch, with more robust local systems. The guide is based very much on the EQFM model, which considers the impact on users, processes, leadership and management as well as measures of improvement. SWIA recognises that commissioning in particular has been a difficult area and the self-evaluation that it is working on will potentially be published some time over the summer.

Kenneth Gibson: Sorry, but what is the EQFM model? I am not familiar with the jargon in this area, nor am I convinced that all my colleagues are.

Catherine Rainey: It is the European quality foundation model, which is all about quality organisations and how they look at their approach to services and delivery.

Kenneth Gibson: In my constituency, there are clear tensions in the relationship between the local authority social work department and the health board. I know that there are community health partnerships, community planning partnerships and so on, but there still seems to be an issue about how organisations work together in specific areas. Finance is clearly a major issue because although the organisations are theoretically willing to work with each other, when it comes to deciding who stumps up the money, the co-operation tends not to be as forthcoming as one would wish, shall we say. What role does the Scottish Government have in trying to smooth over such matters?

Indeed, do you feel that you have a role? Do you think that matters are best resolved locally, if possible? My concern is that that is not happening.

Adam Ingram: We want the community planning partnership approach to develop, as I indicated to Elizabeth Smith, although that development is very much in the early stages. I referred to breaking down cross-organisational boundaries in the delivery of services, and particularly in the delivery of child protection services, through building teams and relationships at the local level.

When I talk to professionals who are engaged in such areas, I have found striking the importance of their picking up the phone to speak to a colleague with whom they work on a daily basis. The health service has traditionally organised itself in a particularly hierarchical way, but the key to breaking that down is for people to get out of organisational silos and try to build multiprofessional teams at the local level. The further up we go, of course, the more we find problems such as budget gate keeping, which still have to be addressed.

Kenneth Gibson: Yes. I was on the social work committee of Glasgow City Council from 1995 to 1999, and that issue is as relevant now as it was then, although more than a decade has passed. Some progress has been made, but major issues still exist. There has been much talk about cross-cutting work and so on, but I am not convinced that that happens in the way that it should.

As you will be aware, over many years, there has also been talk of ideas such as shared budgets. I find it difficult to see how we can get delivery at the sharp end if we do not look at shared budgets, for example, in more detail and in more practical ways, because, unfortunately, people tend to dig trenches for themselves. The reason for that is not an unwillingness to work with others—quite the opposite: it is because people who find that their budget is under strain and stress want to ensure that they can deliver what they want to deliver without having what they see as their budget spent elsewhere. In particularly delicate areas, such as elderly care, how can we ensure that we get the delivery on the ground that we want?

Adam Ingram: We have introduced a new dynamic into all that with the advent of the single outcome agreements. I agree that it is early days for any evidence of changed behaviour or cultures. However, I am hopeful that every area of the single outcome agreements will be negotiated and agreed between all the local community planning partners—there is an ownership that means that each agency and partner is for the whole agenda. That might help to break down some of the

barriers about which you spoke, such as the important barriers to sharing budgets.

Catherine Rainey: The interface with health was mentioned. Some 40 community health partnerships have been set up throughout Scotland. They have been configured in slightly different ways in different areas, and some have different management and financial structures. A review of those partnerships is due to report in spring 2010 and the hope is that we can draw some learning from it about how the partnerships have worked on the ground—where there have been successes and how we can use budgets more collaboratively, and whether the partnerships have pooled them formally. We hope that the review will give us some pointers as to which areas could benefit from strengthening.

Aileen Campbell (South of Scotland) (SNP): I would like to shift the focus to leadership. We heard from the round-table witnesses that the “Changing Lives” report talked about leadership at all levels and that we should not concentrate solely on the role of the chief social worker. How do you intend to improve leadership across all levels of social work?

Adam Ingram: One of the major drivers of the changing lives agenda is the need for social work to take a leadership role, given the level of social fragmentation and the other problems that we have. Products in the changing lives programmes include those in the leadership framework, which I hope will help to deal with some of the issues in the profession to which you refer. Leadership is obviously of major importance—it is critical that people take responsibility for pulling people together.

Catherine Rainey: There will be a conference at the end of March on leadership and management as they relate to the framework that the minister mentioned. A range of stakeholders have been invited, and they will talk about the best ways to help roll forward some of the learning and its practical application.

When we talk about leadership at all levels, we mean things such as the opportunity to establish local practitioner fora where people can come together and talk about the issues that affect them as practitioners and how they can help to move them forward in their authority areas. That is an example of the way in which leadership and management can work.

There are other issues about the work of learning networks, which help to support people who can lead in all sorts of areas, not because they are managers, but because they are specialists in a particular area. They can lead because of a particular experience that they have

had when dealing with a certain type of family or circumstance, for example.

When we talk about leadership at all levels, we want to look at that more adaptive leadership approach whereby people step up to the mark when they have something to bring to the table. That does not need to have the term “manager” or “professional leader” attached to it. Such elements contribute to that approach, as well as the work that is being done with the ADSW, which provides professional leadership.

Aileen Campbell: We also heard from witnesses that that quality of leadership was much more prevalent at all levels in other professions, such as nursing. Will other professions’ practice be considered at the conference so that you can adapt and adopt it in social work?

10:45

Catherine Rainey: Very much so. The whole public sector leadership agenda involves a set of commonalities across the piece. We are keen for people to be interchangeable. If someone moves from a health body to a social care body in a local authority, common values and common core areas should exist, so that that is not a relearning exercise. The approach should not differ, whether someone works in a local authority or in the health sector. At the high level, we want a common core and common values.

We are considering experiences elsewhere of people establishing leadership communities. We have talked to the learning networks about their helping to sponsor leadership communities, which might not be exclusively for social workers. To build on the integrated working that we are keen to have, those communities could have a wider scope and bring into play people from other organisations.

Aileen Campbell: Another comment that was made at the round-table session was that leadership courses and development activities were seen as part of progression into management and as career stepping stones, and not so much as being about developing leadership in a team or in the workforce. Will that also be a common theme throughout the conference, if it is to be a place at which you can exchange ideas and take on board different views from the social work workforce?

Adam Ingram: That will certainly be covered at the conference. We mentioned the continuous learning framework, which has been published and which people are adopting. It provides a methodology for social workers to progress their careers. Leadership and how to lead are very much part of that process.

When I launched the framework, I was encouraged by a presentation that was made by a group of people from a council that shall remain nameless. Those people said that they would not have been caught dead doing something like that a few years ago—it would have been a step too far for them. However, through that methodology, they have been encouraged to develop. People will be more self-assertive and their confidence will be built through such a continuous learning approach.

Aileen Campbell: One leader that was identified in social work was the practice teacher. We heard that having too great a workload was one barrier to social workers taking on another student or learning to teach students about their job. However, we also heard that the workload issue was patchy and that providing practice learning was a part of every social worker's duty—it is a part of their job, regardless of their workload. Will you deal with the barriers to practice teaching, to encourage more of it and make it easier for social workers to balance their workload with giving a student a full, rounded and well-done learning experience?

Adam Ingram: In the first instance, organising the optimal arrangements for students is a management task in social work departments. I do not know whether we have other initiatives on the issue.

Catherine Rainey: As Aileen Campbell said, the quality of practice learning placements and people's ability to connect well can be patchy. A group that morphed out of the workforce group is considering workforce issues that go wider than the changing lives agenda. We repopulated the group with people from social services, the health sector, the education sector and the funding council. The group is run by the SSSC, with our involvement. It has had only a preliminary meeting to think about the big issues. One big issue is children's services, but another that was picked up is practice learning, which the group might consider in the round, particularly as the funding council and higher education institutions are represented on it.

Clearly, the more connection there is between employers and the HEIs, and the greater the understanding of what is required, the easier it is for local management to sort out timing, workloads and everything else. We might be able to do some practical things to support that, but, as the minister said, the decisions are ultimately for management in local authorities. Some social workers I have spoken to are keen to take on that role where possible. There is no lack of willingness, as long as the space can be created to let practice learning work well.

Ken Macintosh (Eastwood) (Lab): As has been said, concerns were raised in our evidence session last month about the clash between procurement regulations and the personalisation agenda, and about partnership working. From Ms Rainey's earlier answers, I got the impression that local authorities are trying to manage the tensions, but what is the Government doing about procurement regulations, which are Government documents?

Adam Ingram: I do not know precisely what we are doing in that regard, or whether Catherine Rainey can help, but I can come back to you with some detail.

Ken Macintosh: I am not expecting chapter and verse. I would expect local authorities to respond to those concerns, but I hope that the Government can, too. If the Government is giving out two signals—one on procurement and one on personalisation—and if local authorities are being dominated by one rather than the other, the Government could address that.

Claire Baker asked about direct payments earlier. Do we need to drive the uptake of direct payments upwards?

Adam Ingram: Yes, but the question is how to do that.

Ken Macintosh: Stephen Smellie from Unison told us that Unison had carried out a survey, on a range of issues, with the Scottish Personal Assistant Employers Network. He also said that he had sought a discussion with the civil service and the Government, but that no one had picked up the phone.

Adam Ingram: Oh dear.

Ken Macintosh: Research in this area has been carried out by people who are directly involved in it. It seems that, rather than just leaving things to local authorities, the Government could take a lead. It should be a national initiative.

Catherine Rainey: There was a timing issue—well, as a civil servant, I would say that. An inquiry came in, moved around, and then settled. Work will be taken forward. Colleagues in health, in particular, have the remit for self-directed support, and they have been working with SPAEN. They have been considering the research and will bring in elements of their own research. A project board will oversee the work. I hope that that addresses Stephen Smellie's concern. We have picked up on the issue; the problem was simply one of fitting it in with the work that was going to be done on self-directed support.

The issue of personal assistants is a big one. Many people tend to use their self-directed support to pay for personal assistants, but people also feel less able in that area, and personal

assistants, too, can feel uncomfortable. That will be a key aspect of the work that is being taken forward.

Ken Macintosh: That is great.

My final question is not about the professional social work workforce but about the care workforce. In evidence, we heard that the biggest concerns of all have been to do with carers' pay and conditions and with the churn in the workforce because of pay and conditions.

I was hoping that the differential in pay and conditions between private providers, voluntary sector providers and local authority providers had been narrowed, but we were told last month that although the differential is being narrowed, it is being narrowed downwards. In other words, I got the impression that, rather than improving pay and conditions, the retendering exercises were driving down local authority provider and voluntary sector provider pay and conditions. Is the Government taking a line on that?

Adam Ingram: Matters of pay and conditions are for those who are contracting—clearly, that does not include the Government. However, what you say concerns me. I want the rewards for and the status of the social care workforce to rise. One impetus for that is the registration requirements that we are pushing forward with most sections of the social care workforce through the SSSC. Post-registration training, and all the rest of it, goes along with that. Enhancing the skills and qualifications of a workforce should lead to an increase in the rewards for and the status of that workforce in due course. The problem is of long standing and we perhaps need to address it more systematically. I hope that putting these issues higher up the priority list for community planning partners and local agencies will help. I am afraid that I do not have any easy answers on that front.

Ken Macintosh: I agree that we are talking about long-standing problems and difficulties. One issue that was raised with us was that if the training and qualifications of the workforce, particularly in private providers, are improved, the workers leave and join the local authority providers, because the pay is better and they get better pensions and so on. Is there a forum that is used to address or discuss that, or to keep it on the agenda? I believe that there is a body that negotiates care home payments, although I am not sure whether the Government is part of that. I know that that is not to do with staff pay and conditions, but, rather, the rate that is paid to care home providers. There is still a differential between the local authority rates and the rates of voluntary and private providers. Is the Government part of that forum? Is there an alternative body on which the Government sits, along with the private

and voluntary sector providers, to discuss pay and conditions?

Adam Ingram: I cannot think of one.

Catherine Rainey: I know that colleagues in the health area are particularly involved in the care home regulations and related issues, but I do not know whether they sit on bodies to discuss the issues that you are talking about. I would need to check whether there is full Government engagement or just oversight. Obviously, work is done with the Scottish Commission for the Regulation of Care, which provides evidence on what it finds, which is picked up by colleagues. I would need to check whether there is a formal forum on which the Government sits to talk about these things.

Ken Macintosh: The body that negotiates care home rates is made up of COSLA and care home providers, not the Government.

Catherine Rainey: I believe so.

Ken Macintosh: You might sit on it as observers—or perhaps not even that—but that is it.

Catherine Rainey: I would need to check.

Adam Ingram: I do not think so.

The Convener: That concludes our questions today. Thank you very much for your attendance. The committee looks forward to receiving in due course the written information that you have said that you will provide.

10:59

Meeting suspended.

11:03

On resuming—

Apprenticeships, Skills, Children and Learning Bill

The Convener: I reconvene the meeting. The second item on the agenda is an evidence-taking session on a legislative consent motion on the UK Apprenticeships, Skills, Children and Learning Bill.

I am pleased to welcome to the meeting Fiona Hyslop, the Cabinet Secretary for Education and Lifelong Learning; Laura Barjonas, team leader, higher education and learner support division; and Dr Audrey MacDougall, head of the lifelong learning analytical services unit.

I believe that the cabinet secretary would like to make an opening statement.

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): Thank you, convener. I am grateful for this opportunity to speak in support of the legislative consent memorandum for the Apprenticeships, Skills, Children and Learning Bill, which was introduced at Westminster on 5 February 2009 and the majority of which applies only to England.

Among other things, the bill seeks to introduce the right for employees to request time off for training. After a consultation in Scotland, in which the clear majority of respondents supported the same right, I wrote to John Denham, Secretary of State for Innovation, Universities and Skills to request that it be extended to employees in Scotland. The right will be modelled on the existing right to request flexible working and will be introduced by amending the Employment Rights Act 1996. As that matter is reserved, it does not require an LCM.

Helping individuals and Scotland's businesses during the current economic downturn lies at the heart of our economic recovery programme, and training that brings benefits to both individuals and businesses will ensure that Scottish businesses survive the downturn better and can thrive when the economy improves. The Government is committed to ensuring that all Scots have the opportunity to achieve their full potential, but we know that, although the majority of employees receive training, 35 per cent of employees received none in the previous 12 months.

The right to request time off to train means that all employees will have a statutory right to a meaningful discussion on training with their employers. I have proactively secured this right for employees in Scotland and will continue to work closely with the UK Government to develop

guidance for employers and employees to support the introduction of the right in 2010.

We would like two areas of the bill to be applied to matters that are devolved to the Scottish Government. First, we wish to ensure that, with the abolition of the Learning and Skills Council in England, the Scottish ministers retain their current authority over career development loans.

The Learning and Skills Council—which will be replaced by two new bodies: the skills funding agency and the young people's funding agency—currently manages career development loans throughout the UK. The Scottish ministers have the authority to instruct the council on the administration of CDLs in Scotland if we wish to shape such loans to particular Scottish circumstances. Given that, under the UK bill, the skills funding agency will assume responsibility for managing the career development loan scheme, we wish to retain the authority to instruct the new agency on CDL arrangements as they affect Scottish learners.

Today, I will announce an expansion of the CDL scheme in Scotland in line with similar changes proposed in England. The maximum loan available will increase from £8,000 to £10,000, and students will be able to use it to cover up to 100 per cent of their course fees compared with 80 per cent at present.

Secondly, the Scottish ministers wish to retain the ability to request the extension to Scotland of services developed through the managing information across partners programme. Under the UK bill, the skills funding agency and the young people's funding agency will both be allowed to extend services on data sharing on learners to Scotland at the request of the Scottish ministers.

To ensure that we can effectively measure and monitor outcomes, the Government is committed to developing a shared intelligence network across all relevant Scottish education bodies, including Skills Development Scotland, the Scottish Further and Higher Education Funding Council and the Scottish Qualifications Authority. Work is already under way, and we are exploring better ways of sharing learner information in Scotland and ways of providing learners with a comprehensive record of their achievements. Given that learners and qualifications cross geographical boundaries within the UK, we will also need to agree a process for cross-border flows. At this stage, it might be beneficial for learners in Scotland and elsewhere in the UK if the Scottish ministers can extend to Scotland certain services or components of such services.

I hope the committee will support our view that that the LCM is necessary, as it will ensure that Scottish learners benefit from an expanded career

development loan scheme and that the Scottish ministers retain the ability to shape the scheme to suit the needs of Scotland. Moreover, ensuring that learners' achievements and other relevant information can be recognised across the UK might reduce bureaucracy and open up more opportunities for individuals across the UK.

I am aware that I have mentioned a plethora of different agencies and organisations, but I hope that members see the sense in the proposals.

Elizabeth Smith: I understand that there has been a bit of debate in the House of Commons on the definition of apprenticeships in clauses 1 to 38 of the bill. Can you assure us that that definition will not impact on any definition that we might formulate in Scotland?

Fiona Hyslop: Remember that skills policy is devolved to Scotland, so the clauses about skills in the UK bill refer only to England and definitions on apprenticeships in Scotland are governed by Scottish bodies. We retain control of definitions and the approval of any new ones—for example, the life sciences one that is due shortly. Control over that definition will be retained in Scotland; the majority of the bill applies only to England.

Elizabeth Smith: I think that I am right in saying that in England and Wales the bill is for 16 to 18-year-olds. Would that apply in Scotland?

Fiona Hyslop: One of the main proposals in the bill is to extend compulsory education to 18, but that applies only to England. Indeed, the same proposal for Scotland has been rejected by this Government, and we have put forward our programme for 16+ learning choices, which is already in place, whereas compulsory education to the age of 18 in England will not come in for a number of years. That part of the bill, like most of it, applies only to England—very little applies to Scotland.

The points of reference for this debate are the points to which I referred earlier, which are very technical.

Elizabeth Smith: Is that a categorical assurance that neither the definition nor the age range would have any implications whatever for Scotland?

Fiona Hyslop: Yes.

Ken Macintosh: Do you see any merit in adopting the statutory right to apprenticeships? Did you consider that option?

Fiona Hyslop: There is obviously a different experience of apprenticeships in England and Scotland. Scotland is far ahead in the number of apprenticeships and we have far better completion rates. There can be a right to an apprenticeship, but it might be a false promise to guarantee an

apprenticeship unless you can guarantee the job that goes with it. The issue is whether, through legislation, you can make it compulsory for employers to take on employees. That is not necessarily what is in the measures proposed in England, where people can do apprenticeships without having a job.

There are some concerns about the quality of English apprenticeships compared with Scottish ones—that perhaps relates to what Ms Smith asked about. It is important to maintain the quality of our apprenticeships: we have better completion rates and we must retain them. The right to request time off to train is in a UK bill because it is an employment rather than a skills issue.

Ken Macintosh: I accept the cabinet secretary's answer, but I am not sure that I entirely follow the logic, given that we train all our teachers but do not guarantee them a job.

The Convener: That concludes our questions to the cabinet secretary. Thank you for your attendance. The committee will be suspended briefly to allow the cabinet secretary and her officials to leave.

11:12

Meeting suspended.

11:13

On resuming—

The Convener: Item 3 on the agenda is the legislative consent memorandum. I should point out that I previously referred to it as a motion—I want to correct my inaccuracy.

The committee is now required to report to the Parliament on the LCM. Such a report would usually include any comments on the merits of the policy, justification for the LCM mechanism being used, any comment on the draft motion and a clear recommendation to the Parliament on whether to give consent. However, the committee need not make such a recommendation if it decides that it is not appropriate. Do members wish to make any points about the committee's report to the Parliament on the LCM?

Ken Macintosh: In the interests of committee unity, I will restrict myself to saying that we should agree to it.

The Convener: I am grateful to you for so carefully considering the interests of committee unity on this occasion.

Do we agree that it is appropriate that we report to the Parliament to indicate our support for the LCM?

Members indicated agreement.

Subordinate Legislation

**Protection of Children (Scotland) Act 2003
(The Meaning of Disqualified from
Working with Children: Corresponding
Disqualifications in Northern Ireland)
Order 2009 (SSI 2009/39)**

**Police Act 1997 (Criminal Records)
(Scotland) Amendment Regulations 2009
(SSI 2009/40)**

11:15

The Convener: Item 4 on the agenda is consideration of subordinate legislation in the form of two negative Scottish statutory instruments. Do members have any comments on either instrument?

There have been no motions to annul, and the Subordinate Legislation Committee determined that it did not need to report the instruments to the Parliament. Since members have indicated that they have no comments, do we agree that the committee has no recommendation to make on SSI 2009/39 and SSI 2009/40?

Members indicated agreement.

Decision on Taking Business in Private

11:16

The Convener: We now move to item 5 on the agenda. Members will be aware that we have agreed to review our work programme at our next meeting. I seek the committee's agreement to that meeting being conducted in private. I stress that, although the meeting will be in private, the work programme will be published and fully accessible for any member of the public who has an interest in it. Is that agreed?

Members indicated agreement.

The Convener: That concludes this meeting of the Education, Lifelong Learning and Culture Committee. Our next meeting is on 18 March 2009.

Meeting closed at 11:16.

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