

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Tuesday 23 June 2009

Session 3

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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

20th 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:

Tam Baillie (Scotland's Commissioner for Children and Young People)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Nick Hawthorne

ASSISTANT CLERK

Emma Berry

LOCATION

Committee Room 5

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Tuesday 23 June 2009

[THE CONVENER *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Karen Whitefield): Good morning. I open the 20th meeting in 2009 of the Education, Lifelong Learning and Culture Committee. I give apologies on behalf of Elizabeth Smith, Margaret Smith, Aileen Campbell and Kenneth Gibson, who are all unable to join us this morning, and I welcome Bill Kidd as a Scottish National Party substitute. Thank you for joining the committee at short notice this morning, Mr Kidd. I remind all those present that mobile phones and BlackBerrys should be switched off for the duration of the meeting.

The first agenda item is to decide whether we should consider in private agenda item 5, which is our approach paper on the Public Services Reform (Scotland) Bill. Is the committee content to discuss that paper in private at this and future meetings?

Members *indicated agreement.*

Scotland's Commissioner for Children and Young People

10:01

The Convener: Agenda item 2 is, I think, the most important issue of the meeting for many committee members. I am delighted to welcome Tam Baillie, who was recently appointed as Scotland's Commissioner for Children and Young People. I think that this is Mr Baillie's first public outing since his appointment: I am delighted that he has chosen to come to the Education, Lifelong Learning and Culture Committee for it. I hope that this is the beginning of a constructive dialogue between the commissioner and the committee, which will always put children at the heart of all that we do. I hand over to Mr Baillie to make an opening statement.

Tam Baillie (Scotland's Commissioner for Children and Young People): Thank you. I am delighted to be here. I have been in office for five weeks now, but I chose not to make any public statement during that time because I thought it appropriate that I address Parliament first. I am pleased that I am doing so to the Education, Lifelong Learning and Culture Committee, because I think that what I have to say is relevant to the committee's business. I am more than happy to consider how I will engage with this and other committees.

I previously gave the committee a short written submission. I will probably spend about 15 minutes now laying out my agenda. First, I pay tribute to the work of my predecessor, Kathleen Marshall, who did the hard job of setting up the office. She campaigned tirelessly and successfully on behalf of children and young people, and promoted their rights. That work provides a useful platform for me to come in and build on. I am pleased to come in at this stage.

I bring to the appointment 30 years' experience of working with, and on behalf of, children and young people. I will call on that experience, because it drives me and gives me the desire to do the best I can to improve the lives of children in Scotland. The committee will hear me refer to my experience, but not today—I want to lay out my agenda in terms of three main work areas that I want to pursue and two main issues on which I want to comment.

The first of the three work areas is about the United Nations Convention on the Rights of the Child—UNCRC—which I will refer to as the convention. I have several takes on it, but the main one is that I want to promote better awareness and understanding of it. That is not always easy, because when people hear about

children's rights or the UNCRC they tend to be on the back foot and think that it will highlight areas of deficit and areas where things are not being done as they should be.

I think—in fact, I believe—that many children in Scotland have their children's rights satisfied. They live in loving and caring families and experience high-quality education. When alternative care is provided, they have good experiences in care. Many of our young people are having their rights satisfied by people who might not realise that those rights are enshrined in the UNCRC. Better awareness and understanding of the UNCRC would help to identify what we are doing well and promote better understanding of what we can do better.

That is not to say that children and young people in Scotland do not have significant problems. We know the statistics about teenage pregnancy and about children who live in difficult family circumstances of domestic abuse or drug and alcohol misuse. We must do a lot better with our children who are in care—I will say a wee bit about that later—but the starting point is understanding that we are doing well for many children, most of the time.

The language is quite difficult. I am thoughtful about the language that I use about the convention. Understanding the convention better is a challenge. It needs to be considered as work in progress, but one of my main objectives is for all sectors of society to understand the convention better. I want it to be seen as a friend rather than as a foe. I want people to embrace the convention and to know that they can and should do better with many articles of the convention. That is one main area of activity.

The second area of activity on which I will concentrate is the involvement of children and young people, on which I want to set the bar quite high. That is a main duty and a main way in which I will gain authority on the issues that I talk about when I reflect the experiences of children and young people. I will engage in two main bits of work. First, I will consult and have contact with young people through our education system—our primary, secondary, special and residential schools and secure accommodation. I have not spoken to local authorities about that, but new technology offers opportunities for direct contact between my office and groups of pupils, mediated through teachers. We need teachers on board.

I have already spoken to some of our national education institutions: they are enthusiastic about the possibilities of direct contact between my office and classes of pupils. Scotland has about 2,700 education institutions. That is a lot of education institutions and a lot of teachers. There is no way I can contact them all, but we will pilot the system in

some local authority areas and we will consider the capacity and the scope for direct contact with groups of pupils.

The other activity to engage with children and young people will involve the many children's organisations and other professions that have contact with children outside school. I will consider how we commission those organisations and consult them about contact on my office's behalf. Seeing how many children and young people we can reach and what contact we can facilitate between them and my office will be a major area of activity. To kick-start that, I intend to hold a national consultation, which I hope will build in some of the building blocks. That consultation will not be a one-off; it will be the start of on-going contact with children and young people. That will be a work priority between now and March 2010. I am reluctant to commit myself to come back in March 2010 to report on that, but we will have made significant progress with the national consultation by that time.

The third aspect is to build on some of the on-going work on what is loosely described as discrimination—areas in which we really have to do a lot better. The office is already involved in looking at moving and handling for disabled children and in work on looked-after children, particularly in relation to their access to play and leisure when they are in care and when they leave care. I will certainly continue with that work.

Other on-going work is on children of prisoners. Tomorrow, Justice Albie Sachs from South Africa is coming to visit. He has been doing innovative work and has been making significant judgments in South Africa that take account of the needs and rights of children of prisoners. I will certainly promote that area of work.

There will be numerous other pieces of work to do as we get feedback from the national consultation and as we demonstrate that we are able to listen to children and young people. The whole discrimination agenda will be built on, partly as a result of the consultation that I intend to carry out.

Those are the main areas of the commission's work. I also want to raise two issues of significant concern, to which we must attend if we are really to achieve the long-term betterment of the lives of children in Scotland: if we do not address them, all our other efforts will be undermined. The first is child poverty and inequality. Significant inroads have been made to reduce the number of children who live in poverty in Scotland and the United Kingdom, although that reduction has not been nearly big enough and has not been accompanied by a reduction in inequality. As long as we live in an unequal Scotland, we will continue to get poor figures on the mental health of children and young

people, on drug and alcohol misuse, on crime levels and on levels of imprisonment. Inequality affects life chances and I will use every possible opportunity to comment on that. I know that the levers of power are partly at Westminster, partly with the Scottish Government and partly with local authorities, but I feel a responsibility to comment and to try to ensure that the creation of a more equal society is higher on the agenda.

The second issue is the attention that has to be paid to early years. I am persuaded by evidence on the link between neurological development, parenting, children's life chances and the resilience that we develop in our children through the early years. I will watch with interest the progress that is made with regard to the implementation of early-years policies in Scotland. The development of early-years services and better support for parents and children in the early years will have generational benefits. We have to move on that, because you get only one shot at nurturing children during the early years, which is why it is critical.

I have taken slightly less than my 15 minutes, which probably means that I have an awful lot more to say. I am happy to answer questions to fill out what the agenda might look like, subject to the qualification that I have only just taken up my post. Those are my initial thoughts. In the past couple of weeks, I have had the opportunity to speak to key organisations and agencies outside the commission office and I am encouraged by some of the feedback that I am getting about the approach that is being taken.

10:15

The Convener: Thank you very much for your opening statement, Mr Baillie. I am sure that the members of the committee want to ask you a number of questions. I will start by getting the controversial question about the role of the children's commissioner out of the way—although you might not think it controversial. We have managed to draw some sort of line in the sand, but it would be wrong to say that there is a universal view in Scotland, or even in the Parliament, that there is no duplication in the work that the office of the children's commissioner and the Scottish Human Rights Commission do. We have had to consider whether the post of children's commissioner should continue to exist; I think that you probably have quite a few supporters in the committee. How will you, as the recently appointed commissioner, tackle that resistance to the need for the post and convince people that the job that you do is worth while?

Tam Baillie: I am pleased that the Parliament reviewed the commissioner's role through the Review of SPCB Supported Bodies Committee

because it strengthens and endorses the office. Serious consideration was given to the relationship between the children's commissioner and the Scottish Human Rights Commission and I am pleased with the recommendation to have separate bodies. That decision was based on the work that my office undertakes and its international reputation, which is endorsed by the presence of Justice Sachs.

There is a unique position for a commissioner and I have just laid out what I consider to be the main areas of work, particularly the need to involve young people at national level. There is no duplication, but I sincerely want other organisations and professionals to engage in that agenda and to realise that much of the work in which they are involved is enshrined in the convention. I do not consider that to be duplication at all. It is my job to ensure that people realise what the convention says and to push the boundaries, because there is much more to the convention than adopting good practice.

I am heartened by the review committee's findings. I know that there is continuing debate but I am more than happy to be held accountable for the work that I do and I hope to lay out as clearly as possible the areas of work in which I will be involved. I want to measure the difference and the impact that I make. I am interested in, and committed to, ensuring that we are able to measure improved outcomes for children and young people. That is difficult to do, but it should not be neglected. Therefore, I am happy to be held accountable for what I do and to convince people that there is a value in having the national office of commissioner, of which Scotland should be proud. We are held in high regard internationally.

The Convener: One of the main planks of your opening statement was the need for better involvement of children and young people. I would be interested to know a little bit more about how you plan to achieve that. When I visit schools and young people in my constituency, I am struck that they often do not know that we have a children's commissioner or what that commissioner does on their behalf. Will one measure of your success be not necessarily how many children in Scotland know who you are but how many know about SCCYP?

Tam Baillie: Yes, it will. We have some small-scale awareness surveys, for which I will take ownership. I want to baseline the awareness of children and young people and to continue to measure it. That is the reason for much of the activity being driven through schools. Our children are at school most of the time and we have an army of teachers who work with them to provide education, part of which I consider to be awareness of the convention. That is a main area

of activity. They cannot have a relationship with me, but they can have a relationship with those who are teaching them, and the content of what they are learning should be set within the tenets of the convention. Awareness of the convention and awareness of the office of the commissioner are both important. However, I need to be given a bit more time to think about how we will achieve that.

As I said, the discussions that I have had with our national educational institutions have been encouraging. I think that we are in the same territory with regard to our desire to bring citizenship and awareness of the UNCRC into the curriculum for excellence. There is plenty of scope in that area, much of it untapped. I hope to capitalise on the structures that already exist in our education system, such as the Scottish schools intranet—glow—which provides a wonderful opportunity to engage with schools. I should point out that when I talk about schools, I am talking about not only primary and secondary schools but special schools, residential schools, secure accommodation and all the other places where young people receive education.

The Convener: We welcome that innovative approach, which should ensure that all schools will be involved, irrespective of their type.

I do not want to tie you down with regard to exactly how you will consult, but will you give some consideration to making the national consultation process a little bit different from previous ones, so that it will appeal to children? Are you thinking of ways in which you can use new technologies to engage with children? Increasingly, they engage with one another in ways that are quite different from the ways in which we older people engage with one another—they are much more into Twitter, Bebo and Facebook than some of the people around this table.

Tam Baillie: The answer to that is yes, but. The “yes” is that we should embrace new technology; the “but” is that we need to find safe ways of doing that.

Using innovative ways of getting to children and young people is where the other branch of activity comes into play. There is only so much that we can do from our office. We need to use the expertise of existing organisations that already have contact with children and young people and are already thinking about innovative ways of contacting them. The opportunities are many and varied. I need to be given time to consider how we can best use those organisations and some of the websites that you mentioned.

I am quite interested in using other media for contacting children and young people, such as radio and—dare I say it—television, but those are

long-term ideas. I need an opportunity to work up an idea of what that would entail. The work is well in hand. That is my priority area for my work between now and March 2010.

The Convener: I am sure that you will come back to the committee to update us on that. We look forward to hearing about it in more detail.

Tam Baillie: I look forward to reporting regularly to the committee.

Bill Kidd (Glasgow) (SNP): As the convener said, certain views have been expressed about the context in which the children’s commissioner operates. Will you set parameters for youth organisations and the cross-cutting organisations that deal with children across health, education and social work or do you see yourself being involved in a much more in-depth way with those organisations, so that the feedback that you get can be used to ensure that those organisations can help children to develop the futures that they want to achieve?

Tam Baillie: There is a bit of two-way traffic. I want to be able to commission organisations to do work on our behalf in terms of contact with children and young people, but there is a separate series of issues that involves what can be done about the problems that are faced. I retain the independence that is necessary to allow me to comment on how well we are doing with children and on where there are opportunities for improved practices across social care, health and education, but I will also take the opportunity to speak about good practice—that is one of my duties.

We have to evaluate models of good practice robustly and to be courageous enough to roll them out on a national basis. Often, we are reluctant to do that because the evidence base is not strong enough or because there is an unwillingness to impose models of operation because of the importance of local decision making, but if we know that something is working and we have evaluated it robustly, there are some brave decisions around national approaches that we could take.

Christina McKelvie (Central Scotland) (SNP): Congratulations on your appointment, Tam. It is nice to have that on the record.

You mentioned the UN Convention on the Rights of the Child, and you will know of my involvement in attempts to have that incorporated into Scots law—we have been trying to tackle the easier legislation first. How does your role complement what we are doing? Could you have a leadership role with regard to that work?

Tam Baillie: The incorporation of the convention into Scots law is a long-term goal, but it is attainable. We must consider the interaction between the UK and Scotland, of course.

I am more than happy to engage in discussion about the steps along the road towards the incorporation of the convention into Scots law, but before we get to that stage there will need to be a common understanding and acceptance of what the convention says. The convention is challenging, but we have signed up to a minimum standard and I would welcome discussions about a plan of action whereby we could strengthen the position of the convention in Scots law. I understand that the Scottish Government is already considering the issue as part of its response to the most recent concluding observations of the UN Committee on the Rights of the Child, and I heartily welcome that.

Christina McKelvie: I, too, welcome the fact that the issue is being considered by Government officials, as I have campaigned on it for a number of years.

You mentioned the interaction between UK and Scottish legislation. I was interested in how closely Kathleen Marshall worked with the other UK commissioners to develop a relationship. How would you develop that relationship, looking at both UK and Scottish legislation, in respect of the children of asylum seekers and children who are detained?

Tam Baillie: By the end of the week I will have met all the UK commissioners: in Northern Ireland, Wales and England. I am keen to discuss our common agendas. I think that we are in a privileged position in that when the commissioners make a joint statement, it is a joint UK statement.

I have yet to engage in discussion about what our common agendas might be—there might well be nuances when it comes to the views of each of the commissioners' offices. That is part of a discussion that has not even been initiated. I need to meet all the commissioners, but I am encouraged by the soundings that I have taken from those whom I have met. One of last year's most powerful pieces of work was the report to the UN, which was a joint report by the four commissioners, so it is clear that there is scope for joint working.

Asylum seekers are one area on which such work needs to be done. I have already been in touch with the UK Border Agency to examine interaction between my office and that agency. I could have mentioned other bits of work—that will be just one part of that agenda. It will be one of the common concerns that I will discuss at a UK level with the other commissioners. There are some developments in Scotland that we await with interest. Let us see how they unfold and whether they result in better treatment of children of asylum seekers in Scotland.

10:30

Christina McKelvie: We have had a brief statement about what the Scottish Government is doing. How do you see yourself working with the Scottish Government to guide, support or challenge what it does with regard to the incorporation of the convention into Scots law?

Tam Baillie: I think that in general—not just on incorporation—the relationship between me and Government will be mixed. There will be areas in which I think that there is good practice and in which I endorse the direction of travel. There will be other areas in which there will be a degree of frustration and impatience because things are not moving quickly enough, and I will be prepared to speak out about that. I will be prepared to comment on areas in which I think that the Government needs to rethink its approach and has not got things right. My agenda is not to lay all that out today, but you can rest assured that when the Government's proposals and its direction of travel are worthy of backing, I will be happy to provide it. Equally, I will be quite prepared to say when I think that improvement is necessary or that policies need to be changed.

Christina McKelvie: There is a lot of common interest between what your office does and what it means to me to be a parliamentarian and what issues I should progress. I am really looking forward to working with you on those issues.

Tam Baillie: Okay. I look forward to working with all the committees. There is a big job of work to be done on the response to the concluding observations of the UN Committee on the Rights of the Child. I am already in regular contact not only with the Government, but with other organisations about how we progress that agenda, which is extremely challenging, although I welcome the challenge.

Ken Macintosh (Eastwood) (Lab): I welcome your appointment and the priorities that you have mentioned, some of which I will come back to. As regards your contact with young people, I can appreciate that schools are the best and most obvious mechanism for reaching a large number of children, but what about reaching the young people who most need your help and our help, those who are in the most challenging circumstances and who are least likely to attend school or to engage with officialdom, if I may refer to you in that way. Do you expect your consultation to address those issues? Do you have any thoughts on how you can reach out to vulnerable children?

Tam Baillie: Absolutely. When I mentioned schools, I meant all education establishments. Some of our most vulnerable children reside in residential accommodation, are taught in special

schools or are in secure accommodation. There are routes in to those children.

A plethora of other organisations are dedicated to and in touch with marginalised groups, such as youngsters with disabilities, youngsters who are disengaged from education and youngsters who have particular needs, such as young people who offend. I want to look at the whole range of organisations. In fact, the Scottish Government has already initiated a scoping exercise on advocacy organisations. That will be very useful for looking at who is in touch with those groups of children and young people who might not readily engage through education. I would not underestimate the reach of the potential contact with children through education, but I agree that that needs to be complemented.

On the other side of the summer, we will weigh up the balance of activity in considering which organisations actually reach those children and young people. That will allow us a bit more involvement than the light touch that will obviously be required in contacting many children and young people through the educational route. Hopefully, we will then get a deeper understanding of the issues that affect those children and young people. A lot of information is already available from the many people who engage in such work, so I have no doubt that people will come knocking on the door to engage with our national consultation exercise. I am very confident of that.

Ken Macintosh: I appreciate that a difficult balance needs to be struck in ensuring that contact is made with the many as well as the few.

I have one final question on that issue. In recent years, a positive development has been the growing number of representative mechanisms for children and young people, such as the Scottish Youth Parliament and pupil councils in schools. Such councils now have a reach that did not really exist a decade ago. However, perhaps because of the rapidity with which children grow up and move on, all those bodies find it difficult to maintain their representative nature and to provide feedback to the young people whom they represent. What are your thoughts on working with those bodies? How do you view that whole development of how young people represent themselves to you and to others?

Tam Baillie: There have been useful developments, but I think that our structures for listening to, and acting on, the views of children and young people are overall rather flimsy. As I see it, the responsibility of my office is not only to promote good practice where that exists but to examine what practices are better at eliciting comment from children and young people so that we can listen to their views and help them to articulate their experiences. I am interested in

having a civic society whose approach to children places much more value on their views. A longer-term objective of all our activity involving children and young people should be to consider what structural changes should be made within some of our settings where we work with and assist children that would allow them better to articulate their views and that would equip us with more confidence to be able to act on those. I hope that I will be able to develop and model some of that practice through the office. However, as a society, Scotland is some way away from being able to say that structures are in place that regularly and routinely seek the views of children and young people and act on them.

Ken Macintosh: I could not agree more.

Let me move on to other issues. Problems such as teenage pregnancy and drug-abusing families—and the child poverty and inequality that underpin many of those issues—are fundamental, so it would be difficult to address Scotland's problems without addressing those. However, I want to ask about a couple of individual issues. On the one hand, there is an issue with the sexualisation of children and the way in which children respond to their own image or other images in the media generally. On the other hand, we also have an issue with what might be described as the risk agenda or the overprotective agenda, which can result in cotton-wool children, who are protected from exposure to making decisions or taking responsibility for their actions. Both those issues—overprotectiveness, and the sexualisation of children at a very young age—are worrying. Are those attitudes or issues that you intend to address?

Tam Baillie: There is a petition before the Parliament on the sexualisation of children and young people. I will be contributing to evidence on that petition—I will express my concerns and consider how things can be tightened up in that respect. You are right that there is a general concern about the sexualisation of children and young people. You need only to look at the media coverage of the issue, which is often juxtaposed with horror stories about youngsters and their behaviour. I want to consider and comment on the media image of children and young people. I am struck by some of the media portrayals of children and young people. How young people feel about themselves may well come through in our consultation.

What was the second issue?

Ken Macintosh: The second issue is risk—what is sometimes called the cotton-wool kids generation.

Tam Baillie: We are struggling to get the balance right between allowing our children to

experience some risk, but not too much. The fear of too much risk has a lot to do with our approach to play, which is overmarked by health and safety concerns and the litigious society in which we live. I will be open to opportunities to comment on that and, in particular, to do something practical about it. We could do worse than start with the question of how much freedom to roam and what play facilities and opportunities we create for our children and young people. How much confidence do we have in them learning through their own means rather than through our constantly trying to direct them?

Ken Macintosh: You mentioned the fact that we live in a litigious society, and we can talk about the compensation culture and the criminalisation of health and safety breaches, which was a big step. I also worry about the Parliament's contribution, through child protection legislation. We take child protection extremely seriously, but much of the discussion takes place against a rather hysterical media background. In that context, it is difficult to ensure that we are making the right decisions in the interests of children. For example, at the moment there is a marked lack of men who work in primary schools and in child social work and so on. That trend has been commented on many times, although I am not sure whether it is getting worse. Can you, or the Parliament, contribute to a culture in which men are allowed to work with young children? Do we need to think about our approach to child protection legislation?

Tam Baillie: A number of things contribute to that problem, not just the child protection agenda. I mentioned health and safety; it is also about how safe people feel about working with children and young people. The issue is under active consideration, particularly with regard to the new rules and regulations on vetting and barring. I do not have an answer right now. There are a lot of checks and balances in there, and we are constantly reminded of children who have fallen through the child protection net. I expect that that will continue to be an issue on which I will comment.

Ken Macintosh: I suppose that it is too much to hope that you have the answer right now.

Tam Baillie: Yes; but it is under active consideration.

Ken Macintosh: We all struggle with that one.

My next question is on another issue that might emerge in your consultation. In my experience, the issue of bullying tends to arise in any survey of young people. I think that I am right in saying that the previous children's commissioner's first survey identified bullying as the number 1 concern of most children. There have been quite positive developments in most schools, but we are making

faltering progress. What can the children's commissioner add to promoting the issue and establishing respect and fairness in all children's lives so that they can develop resilience and self-esteem?

10:45

Tam Baillie: In the first consultation of young people, I think that having things to do was top of the list, but bullying was certainly high up. It consistently comes through as a main issue. You are right that we have some initiatives in Scotland and have made some progress on bullying, which I must take stock of. In fact, I will be speaking to the organisations that are involved in trying to promote anti-bullying practices in schools. I do not have a set agenda for tackling bullying or for adding to what exists, but I expect that type of issue to come through the national consultation. However, I am already engaged in discussion with the respect me campaign about what we are doing about bullying in schools. I need space to get an understanding of where we are with the issue. It comes back to the importance of education in children's lives. Education is one of the main ways of impacting on children and achieving better outcomes for them.

Ken Macintosh: I have a more general question on all the issues. What are your thoughts on social attitudes to children generally in this country? Your opening remarks were positive about the experience of young children growing up in this country—I recognise that view. However, do you think that there are social attitudes that must be challenged? If so, do you see that as your role?

Tam Baillie: Yes. I will make two points in response. First, whatever positive comments I made earlier about children's quality of life, my general objective is to ensure that children are higher up the agenda than they are. My second point is about how we perceive children. There is a difference between the perception of, for example, the tragic cases of Baby P and Brandon Muir—the horror and the sympathy for such children—and the reporting and public image of adolescent children, who may themselves have had damaging experiences in their early years. They may be two sides of the same coin, but the reporting of the adolescents is quite different.

I am interested in how we change that reporting and the value that is accorded to youngsters, particularly when they express troublesome behaviour that may arise from troubled pasts. Rather than home in on or highlight that, we focus on the behaviour that causes concern. I am speaking to some organisations about how we might learn lessons in that regard from some public awareness campaigns, but that work is a bit down the road.

The Convener: Ken Macintosh rightly pointed out that our child protection legislation sometimes creates unnecessary hurdles and burdens for services and perhaps prevents children from doing things. For example, I remember Kathleen Marshall talking about a local authority that would not allow children who lived in care to go out and cycle. Most kids have bikes and will go out on them. We should want children in care to engage in such healthy activity, but the system sometimes lets them down.

The reverse of that is that child protection legislation is there to protect those children, who are also often the most marginalised and the most vulnerable. You picked up on that in your answer to Ken Macintosh. Do we need to have a full-scale review of child protection legislation to establish how effectively it is working and whether it is protecting our children? It seems that intervention often comes at a point of crisis rather than at a much earlier stage, when it could avert the crisis.

Tam Baillie: You started by raising a specific issue about children's treatment in care. To Kathleen Marshall's credit, work has been done on the issue and I understand that there will be new guidance or a new understanding of existing guidance.

I will make a comment on children in care before I move off the subject. I was struck by the observation in the recent report by Her Majesty's chief inspector of prisons that 1 per cent of our children experience care but 50 per cent of those in the prison system, and 80 per cent of those in the prison system who have convictions for violent crime, have experienced care. That is very telling in respect of where we might focus our attention and how we might improve those experiences. I am not saying that it was only their experiences in care that had an impact; their experiences before care also had an impact, because children are in care for particular reasons. If we are looking at long-term outcomes for societal benefit, we must pay more attention to that group of children and young people.

The child protection agenda is under constant review. I am aware that reports are about to come out with regard to tragic incidents and I would prefer to wait until those reports have published their conclusions before I make public comment on the issue, if that is okay.

The Convener: I do not want you to get into the specifics of what might come out today as a consequence of Her Majesty's Inspectorate of Education's inspection of child protection services in Dundee. I want to address the wider question of whether our child protection services are doing what we want them to do and whether we need to have a wider review. Such a review would not go into the specifics of what has or has not gone

wrong in a specific local authority but would ensure that we replicate good practice in all parts of Scotland and would look at where the system might be failing and letting people down and how we could make changes so that it does better.

Tam Baillie: Before I make any such suggestion, I would take soundings from other organisations that are closely involved in the matter. As I said, this area is under active consideration and, in any case, other things are happening in the sphere. It may be that I comment on the matter at a later stage, but I would prefer to wait until we see exactly what comes out.

Claire Baker (Mid Scotland and Fife) (Lab): As you came to your current post from Barnardo's, you will probably be aware of the Fife children's rights service, which I think is unique in Scotland. You previously mentioned the United Nations Convention on the Rights of the Child. Do the benefits of that service mean that it could be a model for the rest of Scotland, so that other children and young people have access to such an independent service?

Tam Baillie: There may well be benefits in having a dedicated children's rights service in many other areas, but it is necessary to strike the right balance, because much of what I have said today is about mainstreaming awareness of, and approaches to, children's rights within our existing services. In the longer term, that will produce a much stronger result in relation to awareness and implementation of children's rights but, in the short term, it might be useful to have such services in each area of Scotland.

There is patchy coverage of many services in Scotland. There might be good examples, such as the one that you mentioned, in one sphere of activity in one area, but there will be good examples in other spheres of activity in other areas. That is why I said earlier that where we have robustly evaluated services, we should be brave enough to extend them. The general approach that I want to take is to have children's rights incorporated into all practices with children and young people. In the short term, we could look at having children's rights services in certain areas, but I think that there is a balance to be maintained.

Claire Baker: In the priorities that you talked about, you mentioned the report on moving and handling and the "Sweet 16?" report on looked-after children. You also said that Westminster, the Scottish Parliament and local authorities have to work together to resolve issues, particularly in relation to inequality. Do you have any views on how the concordat and the move to single outcome agreements are working in that area, particularly with regard to looked-after children?

Do you think that the concordat and single outcome agreements are the best approach?

Tam Baillie: Westminster does not have much of an impact on how we deal with looked-after children in Scotland, other than in relation to poverty, which affects some sectors of our population disproportionately—they will be represented disproportionately in our care population. I have already noted that we have to consider care of children and young people. That is not just about how we care for those who are in care but about how we provide for children who are identified as being vulnerable before they come into care.

It is still early days with regard to the concordat. I will be interested to see whether there is any coalescing of children's issues, given that there are 32 local agreements. I have to say that the history of service provision in Scotland, before the concordat, could have been described as patchy in any case. One of my main objectives will be to ensure that children and young people are consistently high up the agenda, regardless of the relationship between central and local government.

Claire Baker: I know that we are at an early stage of the concordat and single outcome agreements, but are there areas where how they are operating in relation to children and young people needs to be improved?

Tam Baillie: The office has already been involved in some analysis of the single outcome agreements, which can be quite dense documents. I am interested in expenditure on children and young people, which is not always easy to track. I am thinking hard about how we measure whether children and young people are being treated as a higher priority. That might be to do with expenditure, but there might be other aspects, such as whether particular issues for children and young people are even mentioned in the single outcome agreements. The issue in which I was most interested previously was child poverty, which did not get 100 per cent coverage in the single outcome agreements. There is work to do to get an understanding of what is happening locally.

Claire Baker: Ken Macintosh mentioned representative organisations for children and young people, one of which is the Scottish Youth Parliament. You will be aware of concerns at the weekend about the election of British National Party members to the Scottish Youth Parliament. Do you see a role for yourself in working with organisations and challenging views out there? Is there a role for the commissioner in ensuring that young people have an understanding of and respect for other people? Rather than just supporting young people, will you sometimes have

to challenge people's views? Would you rather not get involved in doing that?

11:00

Tam Baillie: I take the same approach to organisations as I take to the Government. I am prepared to comment on good practice and on areas that require more progress. I am also prepared to comment on action and behaviour that I think is inappropriate, in all organisations and professions that deal with children and young people. I take very seriously the authority and responsibility of the office, so I will be measured in what I say in that respect.

The Convener: The committee has no more questions. Do you want to add to what you have said?

Tam Baillie: Yes, I do—as if I have not had enough time. I am enormously optimistic about what can be achieved through the office. I came into this post with considerable hope and I want that to be the approach that we take to children and young people in general. There is much that can be done to make the lives of children and young people in Scotland better. We can do that on a cross-party basis. I will use whatever powers and authority I have to encourage that atmosphere and approach to children and young people.

The Convener: Thank you for coming. I am sure that this is the beginning of a relationship between your office and the committee that will develop during the next few years. We look forward to your returning to give us more detail about the vision that you set out in your first public outing.

11:02

Meeting suspended.

11:15

On resuming—

Subordinate Legislation

University of the West of Scotland Order of Council 2009 (SSI 2009/194)

The Convener: Agenda item 3 is consideration of one Scottish statutory instrument, which seems relatively straightforward. No motion to annual has been lodged, and the Subordinate Legislation Committee has decided that it needs to make no report to Parliament.

As no member has any comment, do we agree that the committee has no recommendation to make in relation to the instrument?

Members *indicated agreement.*

Petition

Foreign Languages Policy (PE1022)

11:16

The Convener: Agenda item 4 is further consideration of PE1022 on foreign language learning. The committee has received a response from the Cabinet Secretary for Education and Lifelong Learning to its most recent correspondence, and the recommendation is that, given our extensive engagement, we close the petition. The committee can of course retain an interest in the subject of the petition and continue to monitor the issues that it raised.

Ken Macintosh: I am pleased that we are considering the petition again. I note the recommendation to close it without doing anything specific thereafter, but I am reluctant to let it go. The petitioner called for an “urgent ... step change” in attitudes to foreign language learning. It is clear that, despite our attempts on several occasions to engage the cabinet secretary, including on the responses that we received from the Scottish funding council and other issues, the Government is showing neither urgency nor a step change in attitude. We have received sympathetic responses from the Government, but nothing that told us that it has grasped the concept that Scotland needs to break its monolingual traditions and become more internationalist in its approach and outlook.

We have given PE1022 a good go. I am aware that the committee does not usually pursue single-issue subjects. We have had petitions on Scottish history and so forth, but it is not in our remit to become a vehicle for such individual issues. Clearly, the cabinet secretary is not interested in making an urgent step change in policy. I sympathise with the petitioner, Dr Murray Hill, but I recognise the need to close the petition. We are getting nowhere, and there is no point in continuing the petition when we are making no progress.

Perhaps we could agree to put something slightly more formal on the agenda of a future meeting than simply to write on an occasional basis to the cabinet secretary and include questions on the subject in routine evidence-taking sessions—doing only that sounds rather dismissive. Perhaps we could agree to something slightly more formal by making a commitment to write to the cabinet secretary on a six monthly or annual basis over the duration of this session of the Parliament—after all, we have only two years left—in which we ask for an update on progress.

The Scottish funding council has said that it will continue to monitor the demand for and supply of languages, so we should at least provide a public airing for the Government's monitoring of the SFC's work on that. I think that something that is slightly more formal would be in order, if that is okay.

Claire Baker: In his last letter to the committee, the petitioner talked about the routes into languages programme that is being rolled out in England. I am not sure about the timescale for the papers that accompany the clerk's note. Have we alerted the cabinet secretary to the scheme in England and drawn to her attention the petitioner's suggestion of a similar scheme for Scotland?

The Convener: I do not think that the scheme has been flagged up to the cabinet secretary.

Elizabeth Smith could not attend today's meeting, but she told me that she wonders whether the committee could take evidence from the cabinet secretary on a wider issue that would provide scope to pursue some of the points about foreign language teaching. It would help the committee to hear from the cabinet secretary about the new qualifications framework and the baccalaureate for foreign languages, to which she has made a commitment. If we heard from her in the autumn, that would give us an opportunity to put some of the issues to bed formally. I say to Mr Macintosh that that might be slightly better than just writing to the cabinet secretary every three or six months until the end of the parliamentary session. We might also obtain something constructive from such evidence.

Is the committee content to ask the cabinet secretary to appear before the committee, at a time in the autumn that suits her, to talk about the qualifications framework, to follow up points that were raised when she made her announcement in the chamber and to talk about the baccalaureate and foreign language teaching?

Ken Macintosh: That sounds slightly more formal. As I said, I was slightly worried that we were just letting the petition go and drift away quietly; what has been suggested is at least a positive way to conclude consideration of the petition.

Rather than just focus on the baccalaureate and the examination system, can we mention the institution-wide learning programme? The petitioner's point is not just about school learning or even advanced or higher study. I do not know whether, like me, other members have received a lot of correspondence about changes in modern language provision at the University of Edinburgh and the University of Strathclyde that have caused much worry. Each institution has defended its course of action, but serious cuts are being made.

The petitioner's point is about not just formal courses of learning but access to language provision for everybody. It is about ensuring that all students at higher institutions have access to a foreign language. When we meet students at any university in the rest of Europe or from any other country in Europe, the fact that virtually all can speak two languages is marked. Our country falls down in that regard. That reflects many things, but we need not accept that situation. That is not about encouraging more students to do a degree in French, German or any other modern language but about allowing all our students access to language provision.

If we invite the cabinet secretary to give evidence, perhaps we could mention that aspect of language provision in our letter, so that she comments on that rather than just on the numbers who are taking up the baccalaureate or who are studying through the Erasmus and Socrates programmes or whatever else. I would be content if we pursued the matter in that way.

The Convener: If the cabinet secretary agrees to give evidence, I am sure that members will have the opportunity to question her extensively on the issue. Do we agree to write to the cabinet secretary?

Members indicated agreement.

The Convener: That is great. That concludes our consideration of PE1022. We will write to advise the petitioner that the petition is now closed and of the final action that the committee will take on it.

This is our last meeting before the summer recess. I hope that we will all have a good summer. I thank everyone who has attended committee meetings in the past few months.

11:25

Meeting continued in private until 11:43.

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