

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 11 November 2009

Session 3

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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE 30th 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)
Hugh O'Donnell (Central Scotland) (LD)
Cathy Peattie (Falkirk East) (Lab)
Dave Thompson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Des McNulty (Clydebank and Milngavie) (Lab)

THE FOLLOWING GAVE EVIDENCE:

Fiona Hyslop (Cabinet Secretary for Education and Lifelong Learning)
Michael Kellet (Scottish Government Schools Directorate)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Nick Hawthorne

ASSISTANT CLERK

Emma Berry

LOCATION

Committee Room 1

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 11 November 2009

[THE CONVENER *opened the meeting at 10:05*]

School Class Sizes

The Convener (Karen Whitefield): Good morning, everyone. I open the 30th meeting in 2009 of the Education, Lifelong Learning and Culture Committee. I have apologies from Liz Smith, and I welcome Ted Brocklebank as her substitute. We have also been joined by Des McNulty. I understand that the deputy convener, Kenny Gibson, will join us later. He is attending the Health and Sport Committee, which is considering legislation to which he has lodged amendments.

I ask everyone to note that today is remembrance day and that there will be a two-minute silence at 11 am. I will therefore suspend the meeting at about 10:59, or slightly earlier if an appropriate point is found, so that the silence can be observed. There will be an announcement via the Parliament's public address system at 10:55, in advance of the two-minute silence, and again following its completion and observance.

The first item on the agenda is evidence taking on the Government's policy on class sizes. I am pleased to welcome to the committee Fiona Hyslop, the Cabinet Secretary for Education and Lifelong Learning. She is joined this morning by Michael Kellet, who is the deputy director of the teachers division at the Scottish Government.

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I will be happy to answer members' questions, but I thought that it might be helpful if I took a few minutes to outline the Scottish Government's plans in relation to class sizes.

On 23 September, I announced that we would make regulations to limit primary 1 class sizes to 25 from autumn 2010. I stress that it remains our longer-term ambition to reduce P1 to P3 classes to a maximum of 18 and ensure that Scotland's children get the best possible start in life. However, the regulations will be a crucial step in that direction and will ensure that the good progress that has already been made to reduce class sizes is maintained.

Our determination to reduce class sizes is based on our belief that there needs to be a clear focus on educational and other outcomes in securing the

best start for all our children; a recognition that the early years is the best time to lay the foundations for learning through universal provision and through early intervention to address the risks of some failing to secure those outcomes; a recognition that high-quality pupil-teacher interaction is critical to ensuring good-quality early learning; and a commitment to increasing access to teachers in pre-school and to reducing class sizes in early years.

The previous Administration introduced a policy of limiting P1 to P3 class sizes to 25 but failed to protect that position with legislation. Its failure to legislate has left local authorities in the unenviable position of being unable to defend class sizes of 25 against placing requests. Over the summer, my ministerial colleagues and I visited all 32 local authorities to talk about a range of issues, including class sizes. Many of them, including South Lanarkshire, East Renfrewshire and West Lothian—to name but three—expressed frustration about the sheriff court judgments that have been widely reported, which underlined the primacy of the statutory class size maximum of 30 over the policy intention of 25.

We need to sort that out, and we will do so by making regulations, as announced. This will be the first time that the Scottish Parliament will have had the opportunity to scrutinise such legislation, given that the current regulations on a class size maximum of 30 were made at Westminster in 1999 and signed off by Helen Liddell MP.

We will consult on draft regulations later this month, with a view to having regulations in force during April 2010, when the placing request round comes to an end. Our consultation will include taking views on when the statutory limit of 25 should be extended to P2 and P3.

In parallel with our consultation on the proposed regulations, I propose to conduct a review of the current unsatisfactory mixture of class size control mechanisms. At present, class sizes are limited by a range of mechanisms, including regulation, administrative circular and teachers' conditions of service. I have no particular view on which is the most appropriate control mechanism, but I am certain that it does not make sense to have such an assortment of arrangements in place.

I am pleased to announce that David Cameron, the president of the Association of Directors of Education in Scotland and former director of children's services at Stirling Council, will conduct the review. I look forward to the work being concluded before the summer recess next year. I am awaiting input from the Convention of Scottish Local Authorities, but I can confirm that the review will consider what the mechanism for setting limits should be—for example, legislation, administrative circular or teachers' terms and conditions. All

relevant partners will be involved, including the Scottish Government, COSLA, ADES, the Educational Institute of Scotland, the Scottish Secondary Teachers' Association, School Leaders Scotland, the Association of Headteachers and Deputies in Scotland, the General Teaching Council for Scotland, Her Majesty's Inspectorate of Education, the Scottish teacher education committee and the national parents forum.

The review will take evidence from other interests, including on international approaches and perspectives, as appropriate, and will consider the relative merits of class size limits being set nationally and local authorities having powers to determine class size limits, either across the authority or on a school-by-school basis.

I hope that I have set out the thinking behind the letter that I sent to the committee outlining our next steps on regulation for class sizes.

The Convener: Thank you. The Government came to power with a clear policy in relation to class sizes—that classes in primaries 1 to 3 would have no more than 18 children. What work has the Government undertaken and what resources has it invested to achieve that policy commitment?

Fiona Hyslop: In our concordat with local government, we set out clearly that year-on-year progress would be made to reduce class sizes. On page 4 of the concordat, we say that we want to improve

“the learning experience for children and young people by improving the fabric of schools”—

that is the school building issue—

“developing and delivering *A Curriculum for Excellence*”,

our transformational reform of school education to drive up standards of teaching and learning,

“and, as quickly as is possible, reducing class sizes in P1 to P3 to a maximum of 18 and improving early years provision with access to a teacher for every pre-school child.”

We state:

“The provision of additional capital allocation and specific arrangements for local authorities to maintain teacher numbers in the face of falling school rolls will allow significant progress on this policy over the Spending Review period.”

At the time of the local government settlement, we invested sufficient resources to maintain teacher numbers at the 2007 level. The committee has gone over that territory on a number of occasions, not least in its recent scrutiny of the 2010-11 budget. During the recession, the experience of local government has been such that it has not replaced retiring teachers at the rate that we might have anticipated. Local authorities were not required to maintain teacher numbers, but sufficient resources were made available for

them to do so. The convener's question was about resourcing.

It is clear that teacher numbers have not been maintained. There are recent examples from across the country of places where that has been a particular issue. Resources were made available, but we recognise the constraints to which local government is subject, which have caused problems. However, £2 billion has been invested in education—for example, in school buildings—between 2007 and 2012. The level of resources that have been provided to fund a range of education policies, including reducing class sizes, is evident from local government's figures for actual and proposed spending on education in 2008-09 and 2009-10.

The Convener: In your view, what are the specific reasons for the Government's inability to realise its aspiration to reduce class sizes to 18 in primaries 1 to 3? What are the main factors?

10:15

Fiona Hyslop: The challenge that we set in Scotland was to ensure that we improved foundations in literacy and numeracy in particular. We know that getting the foundations right in the early years makes learning much easier later on and avoids remedial issues elsewhere. The reasoning behind that approach is backed up by the student teacher achievement ratio—STAR—project research and the Blatchford English research, which demonstrate its merits. Any Government coming into office must work out how to achieve its aims; we set that out in the concordat with local government.

The previous Administration did not limit class sizes in P1 to 25 within its four-year term of office. A number of issues affect class size reductions. Class sizes would have been reduced at a faster rate if local authorities had maintained teacher numbers at the level at which they were resourced to do so. That is why new regulations must be brought into force. We have managed significant reductions in P1 to P3 classes with more than 25 pupils—the figure went from more than 38 per cent down to 15 per cent, I think. That was quite a significant movement in one year. However, a number of court cases came forward, and the weakness of the policy circular limiting class sizes to 25 in P1 that the previous Administration issued precluded any advance.

The committee will no doubt have time to scrutinise our regulations, which will provide a legal backstop, when they are published. The regulations will only ever be a backstop to prevent further erosion of the progress that has been made.

Progress has been made, particularly in getting P1 class sizes down to 25, but also as a result of the resources that the Administration has made available, which have had significant results in P1 to P3. We have reduced some of the biggest classes, and there are record low class sizes generally in primary schools.

Another problem and difficulty has been parents' creeping awareness that the 25 pupil policy could be overridden by the statutory regulations that the Westminster Government put in place in 1999. Those regulations set the limit at 30 pupils. In our discussions throughout the country over the summer, local authorities requested us to put measures in place. We can extend measures to P2 and P3, but the review that I am implementing to consider the overall structure might determine that we want different ways of securing class size reductions and limits in the future. The aim is to go down to 18 at the appropriate time, when we know that that aim can be adhered to throughout the country.

The Convener: If I heard you right, you initially said that the recession is a major factor in local authorities' inability to meet their class size targets. Is that correct?

Fiona Hyslop: I am saying that local authorities make decisions and that they have not replaced retiring teachers at the rate that they should have replaced them. We know that four of the 32 local authorities are responsible for more than 50 per cent of the reduction in teacher numbers. I refer to the census material from last March. Some 1,000 teachers were not replaced. That represents 1,000 positions that could and should have been used to reduce class sizes in accordance with the concordat.

That takes us to our relationship with local government. People have said that they would like ring fencing to return to local government, but, in our current relationship with it, local government's view is that ring fencing does not exist. The resources are in place, but local authorities have told us time and time again that they face pressures. In 2008, I think, rising fuel costs had an impact and other things bore down on local government budgets. Local authorities have therefore chosen not to replace retiring teachers to reduce class sizes, which has resulted in the most significant halt in the progress that could have been made.

We are also conscious that local authorities see the existing regulations causing more difficulties in the longer term—indeed, they caused difficulties even over the past summer. Obviously, resources are a school-year-to-school-year issue. The lack of new regulations is certainly impeding the progress of some local authorities in reducing class sizes in some schools. We have listened to local

authorities' calls and are responding. That is why I wrote to the committee; obviously, members will want to take evidence from me today on that letter.

The Convener: Okay. So you are responding to local authorities' concerns and the legal challenges that many of them have faced as a result of there being only policy guidance on class sizes, not legislation.

The Government's aspiration is for class sizes of 18, but you intend to introduce a statutory limit of only 25 for primary 1 alone. How will that statutory protection offer real comfort to local authorities if they reduce class sizes to 18 and still face challenges?

Fiona Hyslop: That is one of the issues on which we will consult. As I said in my opening remarks, we need to consider when the limit should be extended to P2 and P3. It could be argued—the committee may make the argument—that that should be done sooner; local government has told us that it would be prefer the limit to be extended in a more staggered way. The review that I have announced will consider the mechanisms by which class sizes will be limited in the future—by regulation or by teachers' terms and conditions. I have heard some trade unionists argue that secondary teachers' terms and conditions have delivered what they needed to deliver. A well-informed review will establish a consensus in Scotland on the framework that should be provided—through regulation, legislation or terms and conditions—to bring class sizes down to 18. It would be unrealistic just to pass legislation stipulating that there will be class sizes of 18 in 2009, bearing in mind our ambitions and the challenge that we face because of the size of the pupil population. Regulation is part of the answer, but so are the resourcing of local government and local government delivering.

The Convener: If it is unrealistic in 2009, when will it be realistic? When will we have class sizes of 18 in the majority of primary 1, 2 and 3 classes?

Fiona Hyslop: We will have them when local government delivers them.

The Convener: Was Alex Salmond wrong in September 2007 to advise the chamber, in response to a question from Hugh Henry, that we would have class sizes of 18 in all primary 1, 2 and 3 classes in this session?

Fiona Hyslop: In answer to your first question, I indicated that the concordat that we agreed with local government in November 2007 set out how we would deliver the commitment, on which there would be year-on-year progress. Local government, ministers and the First Minister recognise that that is the way in which we are progressing. We have reported regularly on class sizes; I have appeared before the committee

regularly to talk about the issue and the progress that has been made.

The Convener: With all due respect, that was not the question that I asked. I asked whether Alex Salmond misled the Parliament and Hugh Henry when he advised us that the Government's commitment to reduce class sizes to 18 in all primary 1 to 3 classes would be met in this session.

Fiona Hyslop: The First Minister did not mislead Parliament. He was asked whether he was committed to the manifesto pledge on class sizes and said that he was. He was setting out how we would deliver the commitment in November 2007, at the time of a challenging budget. People did not necessarily think that we would be able to deliver it in this session. It was part of the proposals for our local government settlement, which we were approaching differently for the first time. We provided a general settlement to local government and, in return for that, set out in the concordat commitments agreed by local government and ministers on what would be delivered. We were open and straightforward about what we would deliver in that arrangement with local government. That is what we are delivering. We are making year-on-year progress. I have said on a number of occasions that I want progress to be quicker, but I recognise some of the pressures that local government faces.

We are in a time of recession and constraints on public spending. In 2009, there are real pressures not just on public services but across the country; we have seen the unemployment figures that were published today. It would be unrealistic not to recognise that current circumstances are different from those when our manifesto appeared, and even from those in November 2007, when the concordat was agreed.

The Convener: So you see the recession and the current economic circumstances as a key contributor to our inability to make as much progress on reducing class sizes as was anticipated in November 2007.

Fiona Hyslop: It is one factor. However, some local authorities do not agree with the policy. Glasgow City Council is one of those. Some people might argue that we should have central control of local government, but currently we do not have that and must rely on local authorities doing what they have agreed collectively to do.

Unfortunately, Glasgow City Council is one of the councils that, over the period, has not replaced retiring teachers and has reduced teacher numbers considerably. Also, unlike other councils, it is not reducing class sizes. That is one of the challenges, as the committee will be well aware.

There are a number of different factors, of which legislation is one that has caused difficulties for councils. They have said that it might be difficult to move to class sizes of 25 in P1 if they were challenged on that. We are responding to that. The change in economic circumstances is another of the factors that are causing delivery issues, but it is not the only one. The lack of co-operation from some councils is clearly a further factor but, by and large, attempts to reduce class sizes are being made across local government.

North Lanarkshire Council—one of your local authorities, convener—has indicated that it is considering class sizes of 23 for P1. Even though there have been challenges on teacher numbers in that area, the council is trying hard to make that progress. It is also one of the local authorities that has welcomed our proposal to provide a regulatory backstop for classes of 25. Clearly, we will also need a regulatory backstop for whatever the review comes up with as the most appropriate class size control mechanisms for classes of 18—we would need such a backstop for class sizes in secondary schools and other areas.

The Convener: I am glad that you welcome the developments in North Lanarkshire. The council there is trying hard to do the best for the children in its care and who it has a responsibility to educate.

I return to delivery of the Government's policy. You clearly regard the recession as a key factor, although you said that it is not the only factor. Did you give any consideration to Donald Henderson's advice that the policy is undeliverable in this parliamentary session and is, in fact, likely to be undeliverable in the next eight to 10 years?

Fiona Hyslop: Our policy has been developed jointly with local authorities, which are the education authorities. Class sizes can make a difference, but they are clearly not the only factor in education. We recognise the importance of the quality of teaching and learning, which is why the curriculum for excellence is part and parcel of what we are delivering. However, reducing class sizes can deliver that quality.

We always recognised that it would be a challenge to reduce class sizes. We know that, but part of the solution is ensuring that the resources are in place. Maintaining teacher numbers at a time of falling school rolls is a way of putting in place a highly significant resource. We have also ensured that strong capital funding is available to local government.

The challenges to progressing our class size policy were always evident; I am not saying that they were not. That is why we made it clear in the concordat with local government that it would be a

matter of year-on-year progress, which has been the case since November 2007.

The Convener: Cabinet secretary, you just said that we are not replacing retiring teachers. We are clearly not maintaining teacher numbers in Scotland, so the reality is that the policy will not be achieved and the legislative proposals that you are introducing will not guarantee classes of 18 anywhere in Scotland because the only legal guarantee that we might have, if the Parliament agrees to the proposals, is a class size of 25.

Fiona Hyslop: I do not think that, even in my letter, I expressed any view that the legislative proposals would somehow cause class sizes to go down to 18. They are part of the contribution and will provide the legislative backstop for which local authorities have asked. Alan Lafferty from East Renfrewshire Council welcomed the proposed guarantee for class sizes of 25. His council is one of those that are asking for the legislation, and he made it clear that the guarantee would also help its wider steps to reduce class sizes. It is not I, but a local authority education convener, who is saying that.

The Convener: With all due respect, your education manifesto at the previous election made a clear commitment to deliver class sizes of 18, not 25, in P1 to P3. That is the commitment that the Government made and the promise that you made to the people of Scotland. You fought the election on that manifesto and told people that you would deliver that policy. At the moment, we do not have class sizes of 18 for the vast majority of Scotland's children. There has been some progress towards that but, at the rate of progress over the past two years, it will take us 92 years to achieve classes of 18. Your manifesto commitment has been torn to tatters.

10:30

Fiona Hyslop: You can, in your capacity as convener, make that kind of objection. However, having referred to the Alan Lafferty letter of 10 June, it is only fair to quote what he said in that letter:

"For a number of years, we have tried to limit Primary 1 classes to 25. A number of legal challenges citing the East Lothian ruling meant that we have been forced to operate to the legal maximum of 30 in Primary 1 – Primary 3 in a number of our schools. This is not a direct challenge to the Concordat, merely a solution to the pressures we are facing. As discussed at our previous meeting, it would be most helpful for this Council if legislation were amended with respect to class sizes which enabled councils to limit class sizes as they feel appropriate. Whilst this will not allow us to reach the target of 18 in our most popular schools, it would at least allow us to work towards the target."

I referred to that letter, so it is only appropriate that I put it on the record.

I have had several sessions now with this committee on the same subject. I think that we are probably going for a record—never mind record lows in class sizes—in the amount of time that we have spent on the issue. I understand that it is a key area, but we are going over ground that we have been over.

I have told the committee that the figures that you—in your capacity as convener—have cited in your attacks on the Government were published in the March census and are figures for 2008. We are now in 2009 and approaching 2010. You should also be aware—I think that there was a communication to you on this—what the chief statistician for Scotland has said about the census material for November. A couple of weeks ago we were going over the same ground here in the budget discussion, and I said that we were bringing forward the census material. Normally, it is published in March, but that obviously makes it out of kilter with the requirement for teacher training colleges to allocate numbers. We have therefore brought forward that information. The chief statistician originally indicated that it would be published on 17 November. Obviously, he operates independently and, having looked at the quality of the returns from some of our councils, he decided that its publication will be delayed, although I understand that the delay will be only a matter of weeks.

I know that this is territory that we covered in, I think, June last year as well, and I understand that you want to pursue it, but I do not think that, in my numerous appearances in front of the committee, we have been getting to the element that is different since we last discussed teacher numbers. However, I am more than happy to discuss the regulations and the review.

The Convener: I do not think that anybody is in any doubt as to the reason why you are here, cabinet secretary. The reality is that the Government had a flagship policy on class sizes and every committee member at this table has a right to question you on that policy and its delivery. To date, it seems to me that there has been very little progress. Although the legislative proposals that you are coming forward with will be welcomed by local authorities that have rightly been trying very hard to reduce class sizes to 25 in primary 1—which is something that I very much welcome—the reality is that the legislative proposals will do very little to help you achieve the promise that you made to the people of Scotland in your election manifesto.

Fiona Hyslop: Convener, with the greatest of respect, I am more than happy to discuss the challenges and issues around class sizes with the committee, and have come to the committee on numerous occasions to do so, but there is a

danger that we are going over ground that we have gone over before—although the committee is entitled to do that.

On publication of the regulations, I do not know how often you ask for witnesses or, indeed ministers, to come to the committee in advance of regulations' publication. Certainly, ministers have come on a number of occasions to give evidence to the committee when regulations have been published.

The Convener: Absolutely.

Fiona Hyslop: We indicated to you that we want to move quickly on the regulations. No doubt you will come back to me again when you see the regulations, and you can discuss their merits or demerits—in fact, you have already indicated that you do not think that they are worth producing. The committee can take that view, but I can tell you that local councils across the country are telling us—I have quoted the councillor from East Renfrewshire in that regard—that they see regulations as part and parcel of the process. I think that it would be wrong for us just to leave that be. Perhaps the question that you have asked of me could also have been asked of my predecessors Hugh Henry and Peter Peacock when they were promoting their policies for class sizes of 25 in P1. Why did they not regulate in advance of delivering that policy? This kind of legislation is always retrospective.

The Convener: Cabinet secretary, with all due respect, I think that the difference between you and Peter Peacock and Hugh Henry is that they increased teacher numbers in Scotland and put record levels of investment into our schools, but you have not. However, let us move on. A number of members are anxious to get in.

Aileen Campbell (South of Scotland) (SNP): Why do some local authorities, such as Glasgow City Council, which has cut 300 teaching posts in the past 12 months, remain unconvinced about the merits of small class sizes, despite the plethora of information and research that says that it is a policy that is worth pursuing?

Fiona Hyslop: I cannot speak on behalf of Glasgow City Council. You talk about a reduction of 300 teaching posts in Glasgow in the past year, but I have yet to see the census returns. That document will be out in the next few weeks, but it is an internal document and I cannot comment on it. The indications had been, however, that Glasgow City Council in particular was reducing teaching posts, at a time when we know that class size reductions benefit those in more deprived areas. Some councils have realised that they cannot do everything at once and have focused on areas of deprivation.

When I met South Lanarkshire Council over the summer it indicated that it has made real progress. It is very supportive of the proposal and is concentrating on areas of deprivation. It sees the merits of that, because there are children in those areas who could benefit especially.

We know about deprivation in the City of Glasgow. There are children who would benefit very much from smaller class sizes and from more time and attention from teachers. There are political factors, however, and some councils have said that the policy is not necessarily one that they want to support and are not, therefore, implementing it. The only solution, which is a serious one, is to introduce regulations or legislation, which is why we are having the review. It will help us to see how we can make progress and to see any changes that we might want to make to regulations or legislation, and the form that that might take, for example changes to terms and conditions.

The alternative is to centralise education in that regard, and that stopped with us. When it comes to the leaders of the other political parties, Annabel Goldie, Iain Gray and others spoke last year—Was it last summer?—at the Convention of Scottish Local Authorities and made it clear that they support the new approach and the concordat arrangements with local government. There is a genuine issue about how we deliver the policy. The committee might take the view that it wants more central control, but we are where we are. It is disappointing that Glasgow City Council has made that decision.

There is a further issue. I am sorry if I am repeating myself, because we have been over this ground previously, but the problem with local authorities—whether it is Glasgow, Renfrewshire or North Lanarkshire—reducing teacher numbers is that many of the people entering initial teacher training are in their early 30s and have family responsibilities, and will train at our biggest training institutions, such as Jordanhill. They want to seek work near where they live. We are not in the position that we were 10 or 20 years ago, when younger teachers were coming through who were prepared to up sticks and move to where the jobs were. We know that there have been challenges in recruiting teachers in Aberdeenshire and other areas, which has led to pressures on post-probationers getting jobs.

The resources are there for local government: there has been an increase in budgets. Local authorities report that estimated net revenue education budgets for 2009-10, at Scotland level, are 4.1 per cent higher than those they set for 2008-09. In other words, they plan to spend 4.1 per cent more in 2009-10 than they had planned to spend in 2008-09. Local authorities also indicate

that the net revenue education budgets for 2009-10 at Scotland level were 2.6 per cent higher than the provisional outturn for 2008-09. It is right for the committee to question whether we are putting into local government enough resources for it to put into education. The answer is yes. Are all local authorities putting the same resources into education? The answer is no.

There is an issue about the relationship of education spend to outcomes and performance. In some areas, there is a reduction in volume. Aileen Campbell identified Glasgow in particular. Glasgow alone was responsible for about 25 per cent of the cut in teacher numbers throughout Scotland in one year. The frustration is that we have gone over this ground before and are using the same statistics—the 2008 statistics. I have no way of verifying the statistics that Aileen Campbell mentioned as they are from an internal Glasgow City Council document. The census will give us more robust information for 2009.

At the end of the day, however, local authorities have a relationship with Government in which they agree to do something and we provide resources for them to do it. There is mutual agreement on that. Some have made better progress than others. There are some substantial examples. I just referred to North Lanarkshire, which was previously on 23—that is in the proposals for 2009-10. Some councils have moved very significantly, for example West Lothian, which—again using the 2008 figures—has moved substantially on this agenda.

Throughout Scotland, in one year there was a 10 per cent increase in the number of P1s in classes sizes of 18. That is not an insignificant factor.

Aileen Campbell: All the local authorities signed up to the concordat and its aims, so it is regrettable that some local authorities want, for political reasons, to renege on commitments. Some councils have, regardless of their political make-up, responded very well. For instance, Scottish Borders Council, in the parliamentary region that I represent, has made huge and significant progress. I recognise that it must be frustrating for you that some councils have responded well and others have not.

Fiona Hyslop: We have had discussions with local government during the summer. East Dunbartonshire Council is targeting a maximum class size of 25 for P1, with a maximum of 18 in 11 schools in deprived areas. That council is taking the South Lanarkshire Council route of concentrating reductions in deprived areas. Fife Council has budgeted an additional £400,000 in 2009-10 for class size reduction, and 33 permanent staff have been allocated for the policy. I do not want all councils to be tarred with the

same brush—I would not do that. However, to protect the integrity of the relationship, when there is an agreement, we expect local authorities to deliver, which is not unreasonable. I acknowledge that significant progress is being made in several councils of different political persuasions.

Part of the challenge that we will always come back to, and that the committee has always considered, is about what the relationship should be between national education ministers and local authorities, bearing in mind that they have local accountability for delivery. The committee might want to take a view on that.

Margaret Smith (Edinburgh West) (LD): You have mentioned several times that we have been over this ground again and again. I am sure that that does not mean that you do not consider the issue to be important, because we all do. I suggest that there are two reasons why we go over the issue again and again. The first is that class size reduction is important and many of us believe that it is beneficial for the teaching of Scotland's children. The previous Administration's view was certainly that smaller class sizes are beneficial. Between 1999 and 2007, the proportion of pupils in classes of 18 children or fewer rose from 9 per cent to 12 per cent. Between 2007 and 2008, the proportion rose from 12 per cent to 13 per cent. So a trend was started under the previous Administration and it has continued. The same can be said about class sizes of more than 25. The trend has been in the right direction—downwards. In 1999, the proportion of children in such classes was 46 per cent and in 2007 it was 28 per cent. The figure for 2008 was 23 per cent. So the trends began under the previous Administration.

One reason why we keep coming back to the issue is that we are all committed to reducing class sizes. What you did differently was to make a particular promise in your manifesto, which is the second reason why we keep coming back to the issue. Rather than just say that you would continue to make progress on the issue or that you would continue the trend that the previous lot had begun, you said, "We're going to reduce class sizes to 18 for P1, P2 and P3." However, it is clear that the trend will not deliver that in the lifetime of this Parliament or several Parliaments. The frustration for all of us is the fundamental question: When you made that manifesto promise, did you know that you could not keep it? It is clear that you cannot.

Fiona Hyslop: You are right to talk about the trends, but significant progress has been made in the past few years. For example, the proportion of P1 to P3 pupils in classes of more than 25 reduced from 38 per cent in 2006—the position that we inherited—to 23 per cent in 2008. That is a reduction by 15 per cent in the proportion of

children in the biggest classes. We will not get to class sizes of 18 overnight, so the biggest classes have to be tackled. A reduction by 15 per cent in two years is not an incremental movement.

Another point is that, throughout Scotland, the number of P1 pupils in classes of 18 or fewer rose by 10 per cent between 2007 and 2008. That is not incremental—it is substantial. However, you are right to address the policy intentions and what is delivered.

10:45

The fact is that, when we came into Government, we inherited the tightest settlement since devolution. As a result, our budget in 2010-11 has been cut in real terms, and local government will have to take its share of that. We cannot simply ignore the global situation and think that we can continue with the same intention. Indeed, I do not think that the public would expect us to do that or even consider such an approach to be reasonable.

Another interesting fact is that, when you enter Government, you inherit the previous Administration's budget and some of its proposals. As I have said on a number of occasions, that is what lies behind some of the challenges that we have had to deal with, particularly with regard to revenue spend. For example, next year we will have to find £14 million—and thereafter £16 million—in the national education budget to pay for uncoded commitments on public-private partnership revenue payments. Of course, that will have a significant impact.

If you are asking about our expectations, we wanted year-on-year progress. We agreed that with local government and set it all out in our concordat. The pace of progress has not been as quick as I would have liked, but I believe nevertheless that that pace is gathering. I think that a 10 per cent increase in the number of P1 pupils in classes of 18 is significant, not incremental, as is the reduction from 38 per cent to 23 per cent in two years in the proportion of pupils in classes of 25 or more. Progress is being made, but I accept that accountability will come down to people's assessment of how we and local government are progressing.

Margaret Smith: You are absolutely right to say that when parties come to power they inherit certain things. You inherited figures of 38 per cent for 2006 and 28 per cent for 2007. That was the direction of travel of the previous Administration.

I want to nail this down once and for all. Your manifesto commitment on this issue was clear and, indeed, fairly absolute, and I do not recall a large number of caveats about giving local government the power to do what it liked or the

limits of Government's power to tell local authorities what they had to deliver. I also do not remember anything about giving away to local government some of the powers that you had taken on from the previous Administration to deliver this policy. The people who listened to what you had to say on this issue did not hear any such caveats or anything about limitations on powers or intentions to hand back powers to local government, as a result of which you do not have the levers you might have once had to deliver a fundamental policy commitment; they heard a fairly absolute manifesto commitment to deliver class sizes of 18 in P1, P2 and P3.

Fiona Hyslop: We also did not expect to be in a minority Government. After all, there has not been a minority Government since devolution. Moreover, the leader of the Labour Party at the time said that she did not think that class sizes were important. What would have been the point of a minority Administration trying to introduce proposals to bring down class sizes to the levels that we are seeking when there was no support for such a move? I am pleased to see that on a United Kingdom basis the Liberal Democrat Party is supporting a reduction to 15, but I hope that Margaret Smith will want to speak to Nick Clegg about the challenges of delivering on that, in the event that they have any influence on Government.

As a minority Government, we also need to secure broader support and partnership outwith the Parliament. After all, we know that support in Parliament is not always forthcoming, particularly when certain parties are opposed to reductions in class sizes. As a result, one element of our delivery mechanisms and governance arrangements that we have put in place, but which was not identified in detail as a manifesto proposal, is the concordat with local government. It certainly had to be put in place and it has, in many ways, been successful in developing a new relationship with local government.

Now that we have a minority Government, some things will have to be different, not least the way in which we deliver on our policies. Indeed, sometimes we simply cannot deliver our policies. On a number of occasions, Parliament has blocked our attempts to implement policy; of course, members have a democratic right to do so, even when it leads to controversy such as arose last week. You should not expect a minority Government to deliver everything that it has set out in its manifesto, particularly when others—including the previous leader of the Labour Party, who as I said made it clear that she does not think class sizes are important—have objections to certain policies.

Margaret Smith: We could get into great discussions about who you might have managed to do a deal with in Parliament on this policy. You mentioned the statutory maximums and the fact that a number of local authorities, such as the City of Edinburgh Council—the council in the area that I represent—are frustrated about the impact of court cases and so on. The excepted pupil regulations say that if there is a successful placing request appeal for a primary 1 child, when that child joins the class they do not count towards the class size. There are other exemptions in relation to families moving into areas and special needs provisions. What is your direction of travel with regard to the regulations on excepted pupils? Will we continue to have a situation in which those pupil numbers will not be included in class sizes?

Fiona Hyslop: That is a very important question. A number of different cases have related to that issue. There will be a consultation on the regulations, of which excepted pupils and how they are treated will be a part, before the committee takes its time to consider them. It is important to acknowledge that about 86 per cent of placing requests are successful in Scotland, particularly in primary, and especially in P1.

If you want to ensure that local schools are available for local pupils, you have to ensure that that is protected. We know that some schools in Edinburgh are overcrowded. Parents of pupils in those schools are also concerned, because they do not necessarily want their school to be overcrowded. It works both ways.

I am very familiar with a court case in West Lothian in relation to secondary education, where some parents were trying to stop overcrowding and others wanted to ensure that their children could access the school.

We have to strike a balance. The important thing is to recognise that, for a variety of family reasons, people might move into a catchment area during the course of a year. There has to be some flexibility so that we do not turn our face against those people. Currently, there is provision for local authorities to maintain numbers for people moving into an area.

When I was in the Opposition, I was involved in considering whether schools could bank places over a period of years. The provisions were that provision and space for people moving in had to be made within one year. One of the ideas to help overcrowded schools in particular was that if, in one year, there were fewer P7 pupils, the school could save some places over the piece for a subsequent bulge year. That is a commonsense way of looking at it.

There are pros and cons around excepted pupils. There is anecdotal evidence about parents

moving into different school catchment areas during the school year and assuming that their children will automatically get places. Of course, because of adherence to the placing requests legislation, a number of pupils from outside the catchment area might already have places. We are also hearing anecdotally that people might say, "These pupils should leave, so that I can get in." I am sure that any right-minded person would think that that was inappropriate, but that is the challenge that some schools have to face, regardless of our policy on class sizes of 18—although it would certainly become more severe. We have to tackle the problem in the here and now, with the class size of 25.

If Margaret Smith has anything to tell us about her experience in Edinburgh of excepted pupils, she should let us know. We will ensure that in the consultation on the regulations we ask the questions that might be most pertinent. I would hope that we would cover them anyway, but it is helpful to be informed by the direct experience of constituency MSPs.

Ken Macintosh (Eastwood) (Lab): The mechanism by which the Government has promised to reduce class sizes is by maintaining teacher numbers, but the most recent census shows that teacher numbers have fallen by more than 1,000. Is it still official Government policy to maintain teacher numbers? If so, what are you doing about it?

Fiona Hyslop: We set out in our manifesto that we would be able to resource the aim to reduce class sizes. The mechanism by which that could be done was to put sufficient resources into local government to maintain teacher numbers, which is exactly what we did. The Convention of Scottish Local Authorities accepts that that resource was in the settlement for the spending review period.

It was not until the March census was published that it was quite clear that a number of local authorities were not maintaining teacher numbers: four out of 32 local authorities are responsible for more than 50 per cent of the reduction. We know the financial problems that Aberdeen City Council inherited. Renfrewshire Council has also inherited financial problems and, similar to Glasgow City Council, it has a decreasing population, which puts challenges on schools. I have told the committee previously that we are seeing quite a dramatic reduction in the population in the west of Scotland generally and in younger people in particular, while the population in the east is increasing. The other council is North Lanarkshire Council. To be fair to it, some of its figures are accounted for by the fact that, in the previous year, it took on a large number of probationers, which had inflated its previous year's figures. Renfrewshire Council, Aberdeen City Council and North Lanarkshire

Council are all setting out proposals to reduce class sizes. The difference with Glasgow City Council—[*Interruption.*]

The Convener: You can finish your answer, then I will suspend the meeting.

Fiona Hyslop: Teacher numbers will have an impact. The picture has been variable across the piece. Some local authorities have maintained teacher numbers. We also know about the issue of retiring teachers making decisions about when they retire. I know that we covered that issue at the meeting in June, convener.

The Convener: I suspend the meeting until after the two-minute silence.

10:56

Meeting suspended.

11:02

On resuming—

The Convener: I reconvene the meeting and thank everyone for their co-operation in observing the two minutes of silence. Ken Macintosh, do you want to continue with your line of questioning?

Ken Macintosh: My last question was about whether it is still the Government's policy to maintain teacher numbers. I believe that the cabinet secretary was saying that the Government's policy is to provide local authorities with the resources to maintain teacher numbers. What is the Government doing about the fact that teacher numbers are not being maintained and have fallen?

Fiona Hyslop: As part of our relationship with local government, we have regular meetings in which we tackle some of the challenges that we are both facing. It is a two-way process between the local authorities and us so that we can meet the concordat arrangements. The last meeting was only yesterday.

We discuss issues such as maintaining teacher numbers. Local government is saying to us that it can make progress on reducing class sizes despite the fact that teacher numbers are reducing. Teacher pupil ratios are improving, and we have record low class sizes, despite the fact that we have seen quite a significant reduction in teacher numbers. As I indicated at our previous meeting on the budget, we inherited the workforce planning system, and although it is robust, there have been some issues and challenges. Not the least of those was the out-of-kilter relationship between the time of the publication of the census and teacher numbers, which we have changed.

Last week, I had a useful meeting with vice principals, deans of faculty, the GTC, Universities

Scotland and COSLA. We addressed some of the issues about how we manage the reduction in teacher numbers in the future. Although falling school rolls, particularly in the west of Scotland, provide the opportunity to reduce class sizes, the good news is that the census shows that Scotland's population is starting to increase. That is one of our economic strategy's targets. We need to ensure that, in the future, we have the teaching capacity to deal with that.

The GTC reminded us that 28 per cent of teachers—I think that that was the figure—are over 55. That will have a significant impact in the future. Although we are in the frustrating situation of losing teachers and not being able to reduce class sizes at the pace that we would like, there is a long-term danger that we will not have the required teacher numbers. It is a balancing act. As one of the university representatives pointed out, this is not an exact science. If it was, we would not be here.

In March, when we found out that the four big local authorities were responsible for 50 per cent of the reduction of 1,000 teachers, we automatically reduced the number of students going into initial teacher training this autumn by 500, and we are in negotiations about the future. The autumn 2009 figures—we are discussing the 2008 figures at the moment—that were coming out next week have had to be put back so that they are robust enough for us to make the decisions that we need to make.

You asked what action we are taking—those are the actions that we are taking.

Ken Macintosh: So, to summarise, you have had a series of meetings and you have reduced the teacher training intake.

In 2007, you put money into employing 300 additional teachers. Did you think about pursuing that policy again? How did you monitor how that money was spent? Was it spent on employing additional teachers?

Fiona Hyslop: The school term operates from summer to summer, and one of my first actions as a minister in 2007 was to increase the baseline funding for local government for an additional 300 teachers. This year, we have also provided additional resource for 100 extra teachers to help with curriculum for excellence. Local authorities tell us how they are deploying those teachers, and they are using more experienced teachers to help to support some of the important and reflective learning that is being done to improve teaching standards under the curriculum for excellence. The resource for the extra 100 teachers is being used to employ post-probationers to backfill some of the empty positions going forward.

Again, if you want us to micromanage local government, the committee can recommend that, but we have ended ring fencing and come to an agreement with local authorities about what they will deliver. For example, we discussed the 100 teachers for curriculum for excellence extensively with local government and COSLA to decide how they could be deployed. All the political leaders are involved and meet regularly, and much agreement and many proposals come from those meetings. The committee might take the view that ring fencing is needed to enforce how the money is spent, but that is not the current view of the Scottish Government.

Ken Macintosh: It is more a question of what the Scottish Government's view is. Money went into the baseline for an additional 300 teachers, and you said that this year there is money for an additional 100 teachers, but the evidence is clear that that money is not being used on additional teachers. What does the Government do in that situation?

Fiona Hyslop: Those are not new positions. The reduction of 1,000 teachers that we identified in the census did not happen because of redundancies or cutting posts; it was because teachers who retired were not replaced. It is easier for councils to do that when their budgets are under pressure. In recent weeks, we have seen some of the efforts that councils are making, whether in education, social work or across the piece, and staff are their biggest cost. Local authorities are facing reductions, and the major party in the Westminster Government is talking about the public spending cuts that it wants to introduce. Whether those cuts are savage or not, local authorities are asking what that will mean for their budgets. That is the reality of what we are facing.

Sometimes it is easier for local authorities to decide not to replace retiring teachers than to make people redundant. That is the hard choice that they have to make. Not replacing a retiring teacher might be an easier choice in political terms and operationally. We are working with local authorities and reminding them that we still need to reduce class sizes, but our 2010-11 budgets might mean that the pace of some of the improvements will not be as fast as we would like. However, we cannot have a real-terms cut in the Scottish budget in 2010-11—of which local government must take its share—and not see consequences. That is the reality of the recession and its consequences, which could never have been foreseen in 2006 or 2007.

Ken Macintosh: I appreciate the cabinet secretary's response, but I think that all committee members know that many teacher posts were lost because posts were not filled when teachers

retired. However, that was not what I asked about. In 2007, extra money was added to local authority baseline funding specifically for the commitment to employ 300 additional teachers. This year, extra money has been given for 100 additional teaching posts. However, those additional teachers have not been employed.

Fiona Hyslop: I suggest that the committee might want to address that issue to COSLA and local government representatives. Previous questions from committee members have challenged me on whether we put in enough money to resource the policy. The answer is that yes, we put additional cash resources into maintaining teacher numbers. On top of that, as has been identified, we have put other resources into teaching. If the question is whether the SNP Government has put money into employing teachers, the answer is most definitely yes. The question that you are pursuing is whether local government has used that money in the way that was intended. Clearly, although we know that that has happened with the additional 100 teachers, that has not happened over the piece in all local authorities. However, I am not responsible for each and every local authority employer. I know that COSLA representatives have previously offered to give evidence to the committee, so members might want to pursue that with them.

Ken Macintosh: I agree with your description of what has happened, but my question was about none of the points that you have put to me. My question is this: what does the Government do when the money that it gives to local authorities does not go to where it was intended? We know that that has happened, so what do you do about it?

Fiona Hyslop: Part of the answer is to discuss with local authorities whether they can improve and to come up with mechanisms to ensure that they do. The Government has different tools that it can use—

Ken Macintosh: What tool do you use?

Fiona Hyslop: Currently, our tool is the concordat with local government and the monitoring and delivery of that. We could use other tools, one of which is regulation. The previous Administration did not use regulation to reduce class sizes to no more than 25 in P1 to P7. There are still challenges in delivering that policy, which was not fully delivered under the previous Administration. There are other ways of doing things. However, if you are trying to get me to say that I will go and shout at different local authorities, you should know that that is not my style—

Ken Macintosh: I am genuinely asking what you can do in that case, which must be very frustrating. I genuinely want to know what happens

when, having given money to local authorities for 300 additional teachers, you find that the money was not spent as intended. You have now given additional money for another 100 teachers, which might or might not be spent as intended. I am just trying to get a feel for what you do in that situation.

Fiona Hyslop: We first need to know what is happening. That is why we brought forward the census. The reduction in teacher numbers was not known until March last year—

Ken Macintosh: We now know that the money is not going on teaching posts.

Fiona Hyslop: There must be a two-way process. If local authorities want a relationship with national Government in which there is mutual trust and respect and working in partnership, they must also deliver their part. The issue is one of the most severe challenges. I am reluctant to tar all local authorities with what has been the experience with a few, but the situation is undoubtedly starting to put strain on the relationship.

Ken Macintosh: Let me move on—I am sorry to have hogged the questioning—to the issue of retirement. The teacher employment working group made the specific recommendation that

“There should be a review of means of early release including teacher winding down arrangements.”

Has that happened? What progress can you report on that?

Fiona Hyslop: As I indicated when I gave evidence on the draft budget, I raised the issue of early retirement schemes proactively with a number of local authorities that I spoke to over the summer. Some early retirement schemes have already been put in place, and we know that others are being announced, but some challenges exist.

From our perspective, the benefit of an early retirement scheme is that it can release posts to allow post-probationers to gain employment. However—this follows on from your previous question—we would need a guarantee that any scheme that was supported by national Government would involve one person being employed for every one who leaves on early retirement. We are looking at that challenge just now.

From the council perspective, the scheme provides an opportunity. It could be a cost-effective method of employing teachers, certainly for a couple of years, because the new teachers who come in might be at a lower salary scale point than those who leave. However, I do not think that the winding-down provision, which was certainly in the initial report and also in the agreement, has been used as effectively as it could have been. It

could certainly free up opportunities for new staff to come in and help with the curriculum for excellence, or for new posts.

If you are asking whether the Government might want to look at the scheme, we would have to have guarantees that any early retirement would create job opportunities for the unemployed or underemployed post-probationers who are struggling at the moment.

11:15

Ken Macintosh: I am trying to get at what the Government is doing. There is a recommendation that there should be a review. Has that review taken place? Is it taking place? What is the Government's role?

Fiona Hyslop: We are actively discussing those issues, but I hope you will appreciate that I am not in a position to give the committee any details at this stage.

Ken Macintosh: I have one final question. I draw the minister's attention to the fact that, under the existing winding-down arrangements, teachers usually have to work for 25 years. A number of senior women teachers will not have 25 years' service because of various interruptions to their careers. Can that be taken into account?

Fiona Hyslop: Yes, it can be, and it should be. A generation of women have been penalised in a variety of areas, including national insurance, because of their working responsibilities. I hope that, in this day and age, we all recognise that women with working responsibilities have to be treated with equity. The point is particularly well made and we will ensure that it is taken into account.

Claire Baker (Mid Scotland and Fife) (Lab): I want to return to the issue of teacher training in a bit more detail. We all recognise that the success in achieving smaller class sizes is largely based on falling pupil numbers. However, over the next few years, we expect an increase in pupil numbers, albeit that it could be just a blip over the next six or eight years. Does the cabinet secretary recognise that there is an issue about ensuring that we have enough teacher capacity in the future?

The Scottish Government cut the number of teacher training places by 500 last year, as has previously been discussed, and there is a reduction in the number of teacher training places this year. The cabinet secretary said that the non-replacement of retiring teachers is one of the main reasons for the reduction in teacher training numbers. Is that the primary reason or are there others? The reduction in teacher training numbers seems to run counter to the class size pledge.

Fiona Hyslop: It is a difficult area to balance, because it is not an exact science. I confess that, in opposition, I gave ministers a hard time about the out-of-kilter issues and the need to get the right balance. The trend of teachers not securing permanent employment, particularly at primary level, is not something that has just happened. It has been exacerbated in recent years, particularly because the local authorities that I mentioned have not replaced retiring teachers, but it has happened over a period of time.

Part of what we have to look at is managing workforce planning over a period. In the 1970s, there was an expansion of numbers in a variety of areas—not just teachers, but social workers, police and others—and those people are about to retire. The management of that is critical. It would not be responsible for us to continue to train teachers in the same numbers—we were increasing the numbers to help with the class size policy—if that resulted in post-probation teachers' being unemployed or underemployed.

The statistics show that the number of teachers who are claiming jobseekers allowance in Scotland is still lower than the numbers in England and Wales and Northern Ireland, but we are still not in a satisfactory position. The correct thing to do is to reduce the intake. When we have the next census information, we will know the figures for 2010-11.

You are right to say that we must maintain capacity, because the large number of teachers who are over 55 and are about to retire will need to be replaced just to maintain a steady state. We must ensure that we keep up the capacity of the teacher education institutions, which is why I convened a meeting of the deans of faculty, the principals and the Scottish Further and Higher Education Funding Council. I have already secured agreement from Universities Scotland—because it is universities across Scotland, not just the institutions that are responsible for teacher education, that will bear the burden of responding to any changes that we make—to halt the expansion in teacher training numbers but to maintain capacity.

Some creative thinking is being done on what we might want to do to use the existing capacity, which I would want to do anyway. I am in favour of a national, cradle-to-grave education system that combines better working among schools, colleges and universities, and that involves radical thinking about how we can improve standards. We need closer relationships, but we must also look at how we use some of the capacity in our teacher training institutions to support local authorities. We are in the early days of exploring that, but we are planning now to ensure that we maintain capacity

for 2010-11. You are quite right to identify that that could be a challenge in future years.

Claire Baker: It must be hugely frustrating for you to have to cut the number of teacher training places in response to the 1,000 drop that we have seen in teacher numbers. You have indicated that the Government feels that it gave local authorities enough funding to maintain teacher numbers, so the argument seems to be that the Government cannot be held responsible for the inability of local government to do that. However, the impact of that has been a reduction in the number of teacher training places. Is that a choice that you wanted to make, or have you been forced to make it? Do you see the contradiction?

Fiona Hyslop: The situation is not ideal, but we must play with what we have. I am trying to do that in a responsible way, so that we have a system that brings everyone together, including the local government employers, who, if capacity is not maintained, will have problems in a few years' time. One might say that they have caused those problems by not maintaining teacher numbers to the extent that we might have expected. I have explained the understandable pressures that they are under. My responsibility is to work across the system to ensure that it is stable and that we have capacity in the future.

We must also remember that some of the post-probationers who are unemployed now were recruited to teacher training institutions a number of years ago. People who have done a four-year BEd followed by a post-probationary year will have gone into the system about five or six years ago. We are looking to target the one-year postgraduate course. We did that in March and we are looking to do the same for 2010-11. That is an easier way of quickly affecting the numbers. I hope the fact that the reduction in the number of students doing the four-year BEd, which is a degree that I think has strength, is smaller will help to counter the concerns about capacity and the number of teachers that will be needed in, say, four years' time, when we know that those teachers who are over 55 will have retired. Maintaining capacity in the four-year BEd will allow us to manage that process.

Some teacher training institutions will have a view on whether the one-year postgraduate course should bear the whole burden of the reduction in places or the majority of it, and what the balance between the number of one-year postgrads and four-year BEd students should be. We are having discussions about that now. It is important that we do that so that the institutions can plan for 2010-11 and everyone knows where they are. That is one reason why we are bringing forward the census material. People are working very hard on that. Information on the system that

we inherited was published in March, but we recognised that to ensure proper forward planning, to maintain continuity, to ensure that everyone knew where they were and could share the burden, to provide a robust system for the future and to retain capacity, the right thing to do was to have those discussions at as early a date as possible. The budget has not passed through Parliament yet, but we are already planning to ensure that we can cope with it, deliver what is needed and keep workforce planning in some kind of order so that we will still have a strong system in several years' time, which is the point that you asked about.

Claire Baker: Given that, as Ken Macintosh outlined, the Government provided funding for 300 additional teachers, another response to the situation would have been to give local authorities more money so that they could employ more teachers. That would have been an alternative to cutting the number of teacher training places.

Fiona Hyslop: That is what we did.

Claire Baker: I do not want to go over old ground, but part of the problem is the effectiveness of the concordat in delivering the class size pledge, and in ensuring that we have enough teachers to deliver the pledge in the long term. One option might have been to put more money into the system to allow local authorities to employ more teachers. We have already identified as a problem the Government's claim that it has provided enough money to maintain teacher numbers. I know that you have concerns about other funding arrangements, cabinet secretary, but the current arrangement is leading to more problems—or as many problems as solutions—in relation to cuts in teacher training places.

Fiona Hyslop: There are issues, but, at the end of the day, local authorities, rather than national Government, are the employers. We provided the resources, but as part of the broad settlement: we did not say, "You will spend the money on X, Y and Z." We have an outcome-based approach to government in general, which is a much wider issue.

Christina McKelvie (Central Scotland) (SNP): One thing that is evident from examining the class size legislation is the hotch-potch of different class sizes across primary and secondary levels. You mentioned that you commissioned David Cameron of ADES to lead a review of all class sizes. Can you give us more detail on that review, and on how it will be taken forward?

Fiona Hyslop: We are still getting feedback from COSLA on the remit for the review. You are probably familiar with the background, which involves a mixture of mechanisms to control class sizes. There is the circular for P1, and the

regulation for P1 to P3—which Helen Liddell signed off—to set class sizes at 30. P4 to P7 class sizes are set at 33, composite classes at 25, and S1 and S2 classes at 33, under teachers' terms and conditions. A circular in 2007 set S1 and S2 maths and English class sizes at 20; it is probably open to the same type of challenges and concerns as the circular that sets the P1 class size at 25. S3 tests are set at 30, and practical classes are set at 20, under teachers' terms and conditions.

A stable position has developed, and we are not saying that we should change the actual numbers, as that would involve broader negotiations and discussions. However, there is a point about the discontinuity between all those elements. I will not stray too far into other areas, but in the area of employment law in relation to headteachers, some of the legal agreements between trade unions and employers can be strong and sometimes trump the regulations. There have been various experiences so far with regard to whether that is right or wrong, and there is a question around whether that is the best way in which to operate.

One argument, which the Conservatives might make, is that we should allow local schools to set the limits; it can be argued that headteachers should have the power to do that. Local authorities have argued that they would like their powers, policy and decisions in relation to class sizes in their areas to be accepted by the courts. However, if we want to ensure that there is equity throughout Scotland, the arguments around having a national system arise.

As we discussed earlier, the regulations often act as a backstop to progress, rather than driving it; they are just there for protection. There are pros and cons to regulation. The automatic assumption is that legislating for something is the best way of dealing with it, because it provides the power of legislation, but that does not always work in practice. As a Government, we do not have power over employment issues in that area, so we will need to examine the employment law. International comparisons will be helpful in finding out how other countries deal with the issue and which lessons we can learn from them. Those are the areas that we will examine.

Christina McKelvie: You mentioned South Lanarkshire: my colleagues in that area are proud to be taking forward reductions in some of the deprived areas. You also mentioned the approach that West Lothian is taking. It compares well with Glasgow, which, although it gets—as we mentioned—a greater share of resources per head of population than any local authority in the British mainland, is reducing teacher numbers.

I met some Glasgow councillors yesterday, and they said that capacity had been reduced by almost 500 teachers during the past few years. In

the review, and in your discussions with trade unions about the challenges that they face, how will you use the West Lothian approach as an example of best practice?

11:30

Fiona Hyslop: Using the example of how different local authorities have delivered a reduction in class sizes would not necessarily inform the decision on the best way of regulating class sizes. For example, in a comparison between West Lothian and Glasgow, the difference is the political decision making by the politicians rather than the legal requirement or the regulations. International comparisons, and examples of what works well, are probably more useful.

An issue that could be addressed more locally, council by council, is the extent to which trade unions and councils can identify, from their work on local negotiation committees, best practice within the existing terms and conditions. I am sorry, but I do not necessarily think that comparing and contrasting in the way that you suggest would help inform the approach that should be taken. What would inform it would probably be the relationship between different employers and the trade unions, and the extent to which they have to use the mechanisms that exist.

The most useful areas to look at are probably areas of pressure such as East Renfrewshire, because it is clear that not only recently but over the years it has faced challenges in regulating class sizes, particularly in the early years. We must be careful not to look at only primary classes. Margaret Smith explained, correctly, why that is the focus, but the review will also look at all the other areas and at secondary provision.

By and large, the circular for S1 and S2 in English and maths has been delivered consistently, although it took a challenge before it was fully delivered. Members may remember that the previous Administration amended the circular—I supported it in doing that—so that local authorities were allowed to have an average class size of 20 for S1 and S2, which meant that some local authorities that wanted to could have classes of 10 for children who needed support with English and maths in S1 and S2. The consequence of that was that some of the more able pupils could be in classes of 30, but it allowed more flexibility. There was disagreement at the time because some of the teaching unions, in particular, did not like that approach but, by and large, it has survived intact, and there is the saying, “If it ain’t broke, why fix it?” I suspect that that is another issue that the review will want to consider.

Practical experience from different parts of the country will be considered, but I would not want a particular local authority to be singled out. What is needed is an approach that analyses what we can do nationally, unless the review comes to the conclusion that local authorities should control things themselves. As matters progress, I suspect that the committee will have a view on the issue. Obviously, once the committee has taken evidence and considered the regulations to limit class sizes in P1, it might want to come to a view to inform the decision. That would be helpful.

With reference to Margaret Smith’s experience, the recent experiences in Edinburgh are not only about what we do for P1; there will be experiences across the piece. The committee might want to contribute its thinking on what would be preferable; it should certainly take an active interest in the matter.

Des McNulty (Clydebank and Milngavie)
(Lab): Since taking up my new responsibilities, I have been contacted by a number of post-probationary teachers, newly qualified teachers and even people who are currently on teacher training courses, who are worried about their employment prospects. They have shared their stories of lives being put on hold and explained the amount of effort that they are making to try to get work without having any success. Some of them are making choices about moving out of the profession, or perhaps moving elsewhere in the world. As the Cabinet Secretary for Education and Lifelong Learning, what are you doing to help those people into their chosen career and what prospects can you hold out to them of the current situation, which is dire and desperate, being remedied?

Fiona Hyslop: We have a very good system of having a probationary year, which is very unusual in any profession or any walk of life. It allows newly qualified teachers to gain a year of employment as part of their experience. It is challenging to anticipate that all teachers will always get jobs and there is the issue of whether it is the role of Government to guarantee 100 per cent of jobs for one particular group of people—whether it is nurses, teachers, doctors or whoever.

Nevertheless, we have a responsibility to resource local government to employ teachers—we have already explored that in a number of questions—and to ensure that we are training the right number of teachers. In March, when we realised that there would be a reduction in the number of teaching positions, we very quickly reduced by 500 the number of students who would begin studying in the autumn in order to relieve the pressure on those who would be seeking jobs by ensuring that there would be less competition in future years. Because that had to be done at such

short notice, we maintained the institutions' income stream, which meant that that they could use the spare capacity to help with continuing professional development.

Teacher unemployment in Scotland has not reached the levels that it has reached in Wales, Northern Ireland and England. However, it is still a challenge for individual families. We are living with the consequences of having the majority of the large teacher training institutions in the central belt. Many older people are moving from other professions and are deciding to go into teaching later in life; that is welcome, but they are less likely to travel to different areas, which is a problem. We have ensured that positions are advertised across all local authorities, and I understand—I will correct this if I am wrong—that the GTC recently won an award for its web design, whereby all probationers are informed of all vacant positions throughout the country.

Over the past few months, we have invested another £4 million in 100 teachers to help with the curriculum for excellence, which has provided job opportunities for post-probationers. We are also engaging with the teacher training institutions, the GTC, the Scottish funding council, Universities Scotland and all the universities to identify how we can support teacher capacity in the future. Can we guarantee a job for every post-probationer? No, we cannot. However, I am not sure that taxpayers would expect us to do that for those individuals.

In addition, there are issues around CPD and the need to ensure that post-probationers who are either unemployed or not working as many hours as they want in supply teaching can keep up their professional development. We are actively looking into that area. Some of the other areas that we are addressing are mentioned in the teacher employment working group recommendations. There are a number of those recommendations and they are being acted on.

The situation was not ideal by any means and was not anticipated. However, since we got the census material last March, we have moved swiftly to support post-probationers in employment.

Des McNulty: Headteachers tell me that people who are currently leaving the colleges of education and the current post-probationary teachers are some of the best teachers that we have ever had in Scotland. It is a tragedy that so many of those people cannot find employment and that some are considering moving out of the profession. That is a tragedy for those individuals, but losing those people's skills will also have serious long-term consequences for Scottish education. As a matter of urgency, you should reconsider what we can do to deal with the problem.

You said that the issue was recognised in March and that you acted on the information that was contained in the census. Has the problem not been developing over a much longer period than that? You made class sizes your flagship policy, and it was intended to be the driver in the system. People might have had a reasonable expectation that new teaching posts would be created on the back of that policy, but you have not willed the means for that to happen. Do you not accept personal responsibility for the fact that many young teachers are unable to find work on your watch?

Fiona Hyslop: Councillor Steven Purcell might usefully have a discussion with you as to why, in a short period, Glasgow City Council has not provided new teaching positions—despite being funded by the national Government to do so—but has reduced the number of such positions by, according to Aileen Campbell, 300 in the past year. Your remarks might more usefully be deployed to Steven Purcell. You might ask him why Glasgow City Council, in whose area the biggest teaching institutions are situated and which could be benefiting many children through having smaller class sizes, has reduced its number of teaching positions.

Des McNulty: With respect, I understand that, compared with other authorities, Glasgow City Council does not have high numbers of children in primary classes. Why do you keep buffeting Glasgow when, in reality, your policy is directed towards what is happening in other authorities?

Fiona Hyslop: Four local authorities are responsible for more than 50 per cent of the reduction of 1,000: Aberdeen City Council, Renfrewshire Council, North Lanarkshire Council and Glasgow City Council. I have explained the situation in all those authorities. Whereas Aberdeen City Council, Renfrewshire Council and North Lanarkshire Council are making progress on reducing class sizes, Glasgow City Council is not.

You asked why I did not provide funding for new teaching posts. In our manifesto, we set out that we would resource teacher numbers at the 2007 level. In a period of falling school rolls, that should have enabled progress to be made on reducing class sizes, which has happened.

You asked whether I should have funded new teaching posts. A number of members have raised that issue. As they are aware, I invested £9 million of baseline funding to fund 300 more teachers. This year we provided £4 million for 100 new teachers, to help with the curriculum for excellence.

You asked whether we have invested resources in teaching posts. Clearly, the answer is yes, but I face restrictions—a fact that is reflected in

questions from a number of members. In several areas, resources have not been as effective as they might have been. The fact that the reduction is concentrated in four local authorities is causing acute difficulty. When older people come into teaching, they are less able to move to different parts of the country. The reduction in the number of teaching positions is concentrated in Glasgow, North Lanarkshire and Renfrewshire, but older teachers who have trained at Jordanhill face challenges in moving elsewhere. Argyll and Bute Council has told me about problems that it has encountered when recruiting in certain subject areas.

You asked about the actions I have taken. We knew about the issues that were raised by the March census. We established the teacher employment working group in June 2008, a year after I came into post. I had questioned the workforce planning regime in Scotland for a number of years, but the group reported that the system that we have is better than that in the rest of the UK. You are right to say that that does not help individuals who cannot find employment.

You asked about what we are doing to help post-probationers. As I said to Ken Macintosh, we are using early retirement and wind-down as opportunities to bring in talented new teachers. We are working on a range of measures.

Des McNulty: I wrote down what you said, which was that you were increasing numbers in teacher training to deal with the class size problem. You had a workforce planning framework that involved bringing increasing numbers through the teacher training system to meet your core policy objective. We are hearing that you will not take forward that objective in the terms in which it was set. You say that you are making progress in some areas, which I accept, but you have not done what you said you were going to do and there is apparently little prospect of your doing it in the foreseeable future. Many people who are in colleges of education or are newly qualified and seeking work are suffering as a consequence of your policy failure. You said that you would reduce class sizes to 18 and increase numbers in the system to achieve that. All the people concerned seem to have been left high and dry by the Government.

11:45

Fiona Hyslop: In 2006-07, the last year of the previous Administration, the total intake for initial teacher training courses was 4,334. In 2007-08, it was 3,771; that figure was also set, in part, by the previous Administration. In 2008-09, for which I was responsible, the figure rose from 3,771 to 3,927, which is an increase of about 150. Given that Glasgow alone has reduced teaching

positions by 300 in one year, I think that the accusation that I am personally responsible for the situation that you describe, due to my increase of teacher training positions by a mere 150, is false.

It is correct to say that we have increased teacher training numbers, but perhaps not by the numbers that you are anticipating that we had. Have we corrected that as quickly as possible? Yes, we have. We are taking a variety of steps to try to help those very talented people who are seeking jobs. There are different ways of doing that. The point is to get the shoulder to the wheel. I think that people expect us to do that responsibly and in collaboration with all the players. That is what we were doing when we set up the teacher employment working group in June 2008, and it is what I was doing when I had meetings with various players in Parliament last week.

Des McNulty: We need to convey to people in that situation what their future will be and what the prospects are. We must do whatever we can to rescue the future of those teachers, on their behalf and on behalf of the future education profession in Scotland.

Fiona Hyslop: Absolutely. As you know, recommendation 11 of the teacher employment working group suggested that probationers' understanding of the systems needed to be better managed to ensure that there was no unrealistic expectation of immediate local permanent employment. That has formed part of the talks to new probationers.

Kenneth Gibson (Cunninghame North) (SNP): As in many professions, for many decades there has been no guarantee of employment for teachers. However, in what areas—geographic and subject—do there continue to be shortages? I know that the Scottish Government has increased the bounty from £6,000 to £8,000 to encourage people to move from the central belt to rural areas. Is the Scottish Government targeting specific groups of teachers in order to get more of them to move to areas where there are continuing shortages?

Fiona Hyslop: Certain areas, such as Highland, Aberdeenshire and Dumfries and Galloway, have faced challenges in recruiting teachers. In Dumfries and Galloway, they have found that some probationers whom they were expecting have had second thoughts and not turned up.

When people go to those areas, they tend to find that they have a wonderful quality of life and then decide to stay there. Part of our effort to get people to go to those areas must be selling the message of how good the experience is. That is a difficulty, however, if someone has a partner who has a job and cannot move. That is why the reality

of the changing demographic of teachers has to be reflected.

In terms of subject areas, home economics, maths and Gaelic seem to be a problem. Those difficulties are not new, and I know that the previous Administration had quite a successful campaign to encourage people from other professions to become maths teachers.

Home economics raises interesting issues, as we must address age and gender profiles in that regard. The curriculum for excellence contains an expansion in the areas of food and nutrition and health and wellbeing, which increases the need for those teachers. Furthermore, food and drink is one of the key sectors in the Government's economic strategy. There is a growing interest in that area among boys as well as girls. We need to think long and hard about how we deal with that challenge.

With regard to Gaelic, we are doing a variety of things to improve teacher numbers. There are teachers who have Gaelic but do not teach in the medium of Gaelic. That is a specific challenge.

Selling the quality of life in rural areas is important because, often, we are trying to attract not only a teacher but that teacher's family. When I was in Skye in the summer, I was told about rural housing issues, which I know that colleagues in other committees are examining. It might be that work could be done with housing associations on issues such as protected housing.

Work is being done to attract not only teachers but people in general to rural areas.

Kenneth Gibson: Rural housing is a particular issue. On the island of Arran, in my constituency, a number of homes used to be tied to the schools. However, under the right to buy, almost all of those have disappeared, and we are now in a situation in which some people who got those properties when they were teaching are now renting them out while living elsewhere on the island. The number of available houses has declined significantly.

Will the Scottish Government emphasise the work that is being done to attract people to rural areas a wee bit more, given the forthcoming change in council housing legislation? Will there be more emphasis on providing housing in rural areas not only for teachers but for other key workers? Arran high school, for example, often has difficulties in attracting teachers. Teachers go to Arran and love it, but they simply cannot afford housing on the island. Will the Scottish Government consider that matter further?

Fiona Hyslop: That is a good suggestion, but I will need to discuss it with my colleague Alex Neil. Highland Council raised that issue when I was in Skye; it was also raised during my recent visit to

Acharacle, where there is a brand new school with fantastic energy efficiency and so on. The old school was going to be turned into housing and people were trying to find a way of using some provision to protect that housing for teachers at the school. The community expected increasing numbers of pupils and therefore wanted to attract teachers.

I would not like to give members a definitive answer about what we can do, but the issue has been raised with me, and I am raising it with my housing colleagues. We will ensure that we take it forward.

Kenneth Gibson: I raised the matter with my local authority more than a year ago, but there does not seem to have been much progress. Perhaps the Scottish Government could get involved in the discussions via COSLA. That would be helpful.

An old adage is that you can take a horse to water, but you cannot make it drink. What can you do if the Scottish Government makes money available to local authorities to reduce class sizes but local authorities do not reduce them? What can you do if they do not respond to positive discussions?

Fiona Hyslop: I think that that is the point that Ken Macintosh made. In our current relationship with local government, class size reductions are delivered through the concordat, and there is monitoring through regular meetings with John Swinney and me. We express our frustrations when things are not happening and local authorities express their frustrations to us: there is a two-way relationship. They would like us to do things that we are not necessarily delivering to them. Perhaps that is where we must tie down things far more firmly.

What I have said raises the question whether ring fencing is the most appropriate way forward, although everybody says that they do not want to go back to it. Regulation is one approach, but, as I have said, it tends to be a backstop and about what already exists. We can certainly issue circulars, for example. However, significant progress is being made by a number of local authorities, and I would not want our discussions about the problems of a few local authorities to undermine the good work that is taking place with a number of others.

Kenneth Gibson: In recent months, Glasgow City Council has publicly stated that it does not believe that reducing class sizes improves attainment levels. It is clear that it is the local authority that spends the lowest proportion of its budget on education and that it has the poorest attainment level. It recently parted company with its head of education. What discussions are you

having with that local authority and other local authorities that say that class sizes are not as important as the Scottish Government, the EIS and other organisations say they are?

Fiona Hyslop: I had quite an early discussion with Glasgow City Council, as it was obviously one of the most problematic councils. The official whom I met then is no longer in post and, to be fair, the education convener had been in post for only a few weeks.

There have certainly been on-going discussions with Glasgow City Council. We are trying to persuade it that providing focus in areas of deprivation, of which it has a number, would make a big difference not only to attainment but to overall achievement. There are huge challenges, and I know that the committee has concerns about child protection issues. Smaller class sizes help nurturing, which is one of the big challenges that the council particularly needs to face.

Glasgow City Council is such a big local authority that what it decides to do can, as we have heard, influence teacher training numbers. One local authority can single-handedly have a major impact on those numbers. We will persevere and have positive discussions with Glasgow City Council about the way forward, but there is still a challenge. Its behaviour can cause difficulties for the local authorities that are delivering, and that causes tension in relationships.

Kenneth Gibson: You—

The Convener: I am sorry to interrupt, Mr Gibson; I will allow you back in to ask your final question.

The cabinet secretary has been here for nearly two hours and has been patient with us, but we are beginning to stray into areas that have been extensively covered by her and the committee. I ask Mr Gibson to make his final question relevant and fresh. I know that he could not be with us for the entire meeting because he was at another committee, but I say to all members that any final questions to the cabinet secretary must be on new subjects and should relate to class sizes.

Kenneth Gibson: Thank you, convener. My question is on class sizes in 2007-08. Glasgow City Council had a surplus of £15.3 million, yet it rejected a move by the SNP group to allocate £2.5 million to reduce class sizes in schools in the most deprived areas of the city. Can that ideological opposition to reducing class sizes in the most deprived areas be overcome, or will it exist for the duration of the current session of Parliament?

Fiona Hyslop: That is hard to judge. I do not want to get into the ins and outs of the finances of particular councils, and I will try not to repeat

myself because I know that the convener wants to avoid that. South Lanarkshire Council found money in its budget to make progress in some areas of deprivation. When I went to visit the council this summer, it was heartening to hear that the progress and improvement could be seen. Teachers were saying that children in those areas were improving and that they wanted to do more.

Much of the discussion has been about enforcement, but it is not a case of enforcement. The policy has merits in itself—it improves children's literacy and numeracy outcomes and their learning. That improvement in itself will prove to councils the merits of the measure and persuade them to adopt it—we are into the art of persuasion. I spoke to a headteacher from Kilmarnock who said that she has seen for herself the benefits and the difference that smaller class sizes have made for her children. At the end of the day, the reason why we are reducing class sizes is that we want to improve the foundations for learning. That is what should persuade councils to want to do it, rather than enforcement by national Government.

Aileen Campbell: My supplementary question is inspired by Des McNulty's questions, although unfortunately he is not here to listen. The cabinet secretary mentioned CPD for post-probationers, which seems to be a new development. Has such support for post-probationers not existed in the past?

Fiona Hyslop: As I said, we are in discussions with a whole load of the players that are involved. Obviously, the issue involves local authorities as the employers, the universities and a number of other players. I cannot give full details on the measure, but we are conscious that we have responsibilities to ensure that the excellent new teachers that come through are kept in teaching.

Not all jobs appear in September. Every year, in July, August and September, I hear the same thing about teachers who cannot get jobs, but the GTC survey then proves that people get jobs during the year. Unfortunately, not all jobs come on stream conveniently in August and teachers pick up jobs as the year progresses. It is important that, in the intervening time, we help to provide professional support. When we have the details of that, I will be more than happy to share them with the committee.

Ted Brocklebank (Mid Scotland and Fife) (Con): I will not go further into the nuts and bolts of the numbers game. To an extent, the issue seems to be developing into a political spat between the SNP and Labour. I will not intrude into their private grief.

What evidence has been gathered on parental choice in relation to pupil numbers in Scotland's

schools? To what extent have parents' views been taken into account?

Fiona Hyslop: I am not sure whether Ted Brocklebank is aware of this, but the committee has dealt with a petition on reducing class sizes in schools, which was one of the biggest petitions that the Parliament has ever received—I think that it was the second biggest. Parents know the merits of smaller class sizes. The research evidence shows that the most benefit is in the earlier years, which is why the class size reduction policy has been focused on P1 to P3. Parents want it.

There are other parents who want parental choice, which is an issue that a number of members think is important. At present, parental choice is by and large accommodated—I quoted the figure of 86 per cent. However, a balance must be struck between the rights of parents to choose which school they want their child to go to and the rights of parents to have their child educated in the way that most benefits them. Many parents would prefer smaller classes. We know that class size reduction has the biggest impact in areas of deprivation, which is why we have suggested that, at times of difficulty because of the economic climate, local authorities might want to focus their attention on that.

12:00

Ted Brocklebank: Thank you for that answer, which is useful to me as a substitute member of the committee.

The other point that I want to raise with you is again just for information. I often get confused by the numbers game. In my part of the world—north-east Fife—where we have some of the biggest schools in Scotland, we are told that the numbers are going down. That is one of the local authority's arguments against building a new secondary school in the area. However, on a number of occasions this morning, I heard it said that numbers at primary level are likely to increase by 6 per cent in the next five or six years. Primary school kids, presumably, will eventually become secondary school kids. I also heard that Scotland's population is increasing and that the situation in the east of Scotland is different from that in the west, in that more kids are coming through in the east. How does all that add up to the argument that we hear in my part of the world, that school rolls are going down?

Fiona Hyslop: You have just explained the complexity of the matter. There are different pressures at different times. The current birth rate is an issue. Obviously, children born now will not come into primary for another five years, but we

have to preserve capacity. That relates to Claire Baker's point.

There is a demographic difference between the east and the west. Also, if you look at the school rolls for the S5s who took exams in the summer of 2009, you will find that the population went down by about 0.8 per cent. The number of highers that people took went up by 3 and 4 per cent, which shows that we have a robust system, but the pattern varies across the country. For example, we are seeing reductions in the number of pupils in secondaries in places such as Glasgow and Renfrewshire, but for good reasons. I will give an example from the Lothians, with which I am familiar. House prices in Edinburgh meant that many people left the city, so there was a severe fall in the school rolls and spare capacity in schools. Young families who wanted to buy houses moved out of the city to Midlothian and West Lothian, where we ended up with overcrowding. Housing, therefore, also has an impact.

Every local authority has to plan its own provision. Some of that planning will involve political discussions and political decision making, but some of it will be about the demographics that the local authority has to deal with. In Fife, for example, the population is growing, again as a consequence of commuting into Edinburgh. People are commuting for longer distances and longer times than they did previously, so there are big burdens—certainly over the water in the south of the county—that have to be managed. Local authorities have to look at the dynamics in their areas.

That shows the complexity of the matter. There is no single, overall view. One of the teacher employment working group's recommendations—I think that it was number 1—was better reconciliation between local and national Government in relation to population projections. The situation that I inherited was that workforce planning tended to be based on population information from the census, which does not take into account all the variables that I have mentioned. As a consequence of the teacher employment working group, not only have ministers spoken to councils, officials have followed that up with one-to-one meetings to give us a better understanding of the reality of the changes. Even in a single area, the position can change.

I cannot give you the details on north-east Fife, but I hope that I have reflected some of the complexities that we have to deal with. I hope that better local and national reconciliation will lead to a better, more finely tuned system, but it is not an exact science.

Ted Brocklebank: Clearly, you cannot decide on such matters. It has to be the local authority that does that. However, you are absolutely right. The population around Dunfermline is soaring, as is the population in my part of Fife, yet the SNP-led Fife Council is still saying that the numbers will go down in the next 10 years. From what you said, it seems that they are actually going up.

Fiona Hyslop: I can give you national information, but you will understand that I do not have the information on Fife. Between 1996 and 2009, pupil numbers fell by 17 per cent. That is a big reduction. Between 2010 and 2018, the number of primary pupils is expected to increase by 6 per cent—that is the figure that you quoted—before starting to decline again. There will be regional variations because of various dynamics such as employment and housing. As I explained, even within an area such as Lothians, there can be quite a big difference between one area and another because of, for example, house prices. That is why we have to establish national intelligence.

I know that we are in difficult times for the construction industry and house building, but at some point we will come through the recession and into economic recovery, and one of the biggest challenges will be forecasting where and how much house building there will be and ensuring that the schools in different areas will be ready in time. Since the teacher employment working group was set up in 2008, there has been an improved effort to reconcile national and local government planning. In a sense, that flies in the face of the different relationship that we now have with local government, but we are not micromanaging in the way that some people might suggest that we need to. We must, however, be far better informed and intelligent about what is happening in different parts of the country, so that the system is far better tuned.

The Convener: I will allow one final question from Margaret Smith, but it must be short. Mr Gibson covered deprivation, but she wants to ask a question on the subject. I hope that the cabinet secretary can be equally brief in her answer.

Margaret Smith: I was going to set out a scenario that was similar to that which Ted Brocklebank set out regarding the complexities of different populations, even within the same city. The figures show that we have an issue with class sizes in our biggest cities.

When you came before the committee in June 2008, you said—as you have said today—that the evidence points to the fact that early years education is very significant, which is why the focus is on class-size reductions in those years. That is also why you think that deprived areas should be targeted first. For obvious reasons I

share that perspective, both as a national spokesperson and as a constituency member.

What measures is the Scottish Government taking in deprived areas, and how is it ensuring that those measures are followed through by councils? What progress has been made in reducing class sizes in the most deprived areas of Scotland? We have talked about the difficulties of what you call micromanaging, although some of us might call it the delivery of your policy on class sizes. Despite the scenario that you have painted—that reducing numbers might allow councils to reduce class sizes—do you accept that, partly because of the economics of the situation and partly because of population shifts and so on that happen in various parts of the country, particularly in cities, for some councils a falling school roll will mean a reduction in the amount of money that they get through the funding mechanism, which will mean that they have to consider closing schools rather than reducing class sizes, whether or not that is in deprived areas?

Fiona Hyslop: That is a crucial question and I must be careful about what I say, as it is related to constituency issues.

Margaret Smith: I do not wish to take you in that direction, cabinet secretary. We might want smaller populations to lead to smaller class sizes and a targeting of deprived areas but, because of parental choice, population shifts or whatever, it is often in the areas in which we want that focus that the difficulties arise. The funding follows the child, and if the child goes somewhere else, the funding will go somewhere else.

Fiona Hyslop: At the end of the day, local authorities are responsible and must make those decisions—and they do. Local authorities have told me that, although they might not be able to go as fast as we want them to go, they can concentrate on areas of deprivation. I have said that that is agreeable to us. We are still working with 2008 figures, and the progress that I can talk to you about is that which we have been told about by councils. Fife Council, for example, is using its 33 permanent staff to take forward the policy. East Dunbartonshire Council is targeting class sizes of 25 in P1, but of 18 in 11 deprived schools. It achieved that in five of those 11 schools in 2008-09 and will achieve that in eight of those 11 schools in 2009-10. In the other three schools, there are classes of 21, 19 and 19. You could say that those are not classes of 18 pupils; nonetheless, that is a significant difference from what they were before.

The issue, therefore, becomes the decisions that are made by local authorities. It should not be a matter of either reducing class sizes or rationalising the school estate. As the committee

knows from its work on the Schools (Consultation) Scotland Bill, it is never an easy decision for local authorities to close schools. We are trying to improve the situation.

I genuinely think that public spending challenges will become more and more challenging, so we should argue the case for smaller class sizes in deprived areas with colleagues across the political spectrum and with the local authorities that make the decisions. The matter should not necessarily be party political but, at the end of the day, it will come down to political decisions made by the councils. They are accountable for those decisions.

You are correct to highlight an increasing tension that might mean that the capacity for reducing class sizes would be used to reduce the numbers of schools. That is nothing to do with our powers as a Government or the changes that we have made; school provision is, and will continue to be, the responsibility of local authorities.

Margaret Smith: The frustration for families comes from hearing the big political rhetoric from us all but seeing what happens closer to home. To help achieve better national and local reconciliation of the realities on the ground, might the Government re-examine the funding mechanisms, which seem to follow pupil numbers? Could those mechanisms be finessed in any way? I am simply asking whether you might consider re-examining them. Can you foresee any set of circumstances in which they would need to be finessed?

Fiona Hyslop: I know that the committee has raised concerns about the funding for rural schools. I addressed those concerns with my colleague John Swinney and asked him to consider giving a funding benefit to rurality in the local government settlement. He replied that he is not looking to change that.

Currently, the funding mechanisms benefit deprived areas, but tend to allocate funding council by council. Glasgow understandably has such a large allocation partly because of its degree of deprivation. Your suggestion, which I will pass on to local government colleagues, is that there should be a premium on individual deprived schools within a council area as opposed to the formula being based on deprivation within the council area as a whole and the council being able to distribute the resulting funding.

Margaret Smith: It was not a suggestion; it was more a question. I am open minded on the matter. There might be a benefit to considering it because there is such complexity within each local authority area, especially within cities.

Fiona Hyslop: Poverty and affluence are cheek by jowl.

Margaret Smith: That is my experience.

Fiona Hyslop: Okay. It is not a proposal, but it is worth considering. There would be pros and cons, which you have acknowledged. We will take the idea back to our local government colleagues.

The Convener: It may be worth thinking about whether the review that you plan to undertake could consider some of those issues in the course of its evidence taking on class sizes.

I thank you for attending, cabinet secretary. That concludes our questions to you today.

The committee will suspend briefly to allow Ms Hyslop and her officials to leave.

12:13

Meeting suspended.

12:13

On resuming—

Subordinate Legislation

Protection of Vulnerable Groups (Scotland) Act 2007 (Transitory Provisions in Consequence of the Safeguarding Vulnerable Groups Act 2006) (No 2) Order 2009 (SSI 2009/337)

The Convener: Our second agenda item is consideration of subordinate legislation that relates to the protection of vulnerable groups. Although no motions to annul the order have been lodged, the Subordinate Legislation Committee determined that it needed to draw the order to the Parliament's attention on a number of grounds. First, the form or meaning of articles 3 and 4, which provide for modification of the Police Act 1997 and the Protection of Children (Scotland) Act 2003, could have been made clearer.

Secondly, the Subordinate Legislation Committee considers that the intended effect of article 2, which provides for the order being of temporary effect, could have been made clearer. That is because there appears to be a fundamental inconsistency between the proposition that the legal effect of the entire order is temporary and article 6, which provides for the revocation of the Protection of Vulnerable Groups (Scotland) Act 2007 (Transitory Provisions in Consequence of the Safeguarding Vulnerable Groups Act 2006) Order 2009 (SSI 2009/4) and which is assumed to be intended to be permanent.

Finally, the Subordinate Legislation Committee notes that it finds the Government's explanation for the breach of the 21-day rule to be satisfactory.

If members have no comments to make on the order, does the committee agree that it has no recommendations to make?

Members indicated agreement.

Appointment of Adviser

12:16

The Convener: The third agenda item concerns the appointment of an adviser for our consideration of the proposed children's hearings (Scotland) bill. Members will recall that, as part of its work programme discussion last week, the committee considered the possibility of appointing an adviser to assist it with its likely scrutiny of the proposed bill early next year. The clerks have drafted a paper that asks the committee to agree formally whether it wishes to seek to appoint an adviser. The paper also contains a draft remit and person specification for the role, which the committee is also asked to agree.

Are members content to go ahead and seek to appoint an adviser?

Members indicated agreement.

The Convener: That brings the public part of our meeting to a conclusion. The committee will move into private session.

12:16

Meeting continued in private until 13:50.

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