

ENTERPRISE AND CULTURE COMMITTEE

Tuesday 5 December 2006

Session 2

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ENTERPRISE AND CULTURE COMMITTEE

28th Meeting 2006, Session 2

CONVENER

*Alex Neil (Central Scotland) (SNP)

DEPUTY CONVENER

*Christine May (Central Fife) (Lab)

COMMITTEE MEMBERS

*Shiona Baird (North East Scotland) (Green)

*Richard Baker (North East Scotland) (Lab)

*Susan Deacon (Edinburgh East and Musselburgh) (Lab)

*Murdo Fraser (Mid Scotland and Fife) (Con)

*Karen Gillon (Clydesdale) (Lab)

*Mr Stewart Maxwell (West of Scotland) (SNP)

*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

COMMITTEE SUBSTITUTES

Mark Ballard (Lothians) (Green)

Donald Gorrie (Central Scotland) (LD)

Fiona Hyslop (Lothians) (SNP)

Margaret Jamieson (Kilmarnock and Loudoun) (Lab)

David McLetchie (Edinburgh Pentlands) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Lizzy Burgess (Scottish Parliament Information Centre)

THE FOLLOWING GAVE EVIDENCE:

Eddy Adams (Eddy Adams Consultants Ltd)

David Cullum (Scottish Parliament Directorate of Clerking and Reporting)

Bill Eadie (Stirling Council)

Robert Marr (Scottish Parliament Directorate of Legal Services)

Professor Alan McGregor (University of Glasgow)

Mr Jamie McGrigor (Highlands and Islands) (Con)

Ken Milroy (Aberdeen Foyer)

Margaret Murphy (Fairbridge Scotland)

Lillias Noble (Communities Scotland)

Charlene O'Connor (Scottish Enterprise)

Dave Petrie (Highlands and Islands) (Con)

Linda Prattis (Jobcentre Plus)

Laurie Russell (Wise Group)

Jim Sweeney (Youthlink Scotland)

CLERK TO THE COMMITTEE

Stephen Imrie

SENIOR ASSISTANT CLERK

Douglas Thornton

ASSISTANT CLERK

Nick Hawthorne

LOCATION

Committee Room 2

Scottish Parliament

Enterprise and Culture Committee

Tuesday 5 December 2006

[THE CONVENER *opened the meeting at 14:01*]

Decision on Taking Business in Private

The Convener (Alex Neil): As it is now nearly 2 minutes past 2, I welcome everybody to the 28th meeting this year of the Enterprise and Culture Committee.

Item 1 is a decision by the committee on whether to take item 5 in private. I take it that committee members are happy to do so.

Members indicated agreement.

“Workforce Plus” and “More Choices, More Chances”

14:02

The Convener: Item 2 is the Scottish Executive’s “Workforce Plus—an Employability Framework for Scotland” and “More Choices, More Chances: A Strategy to Reduce the Proportion of Young People not in Education, Employment or Training in Scotland”. Before we have a round-table discussion, we will have a presentation from Lizzy Burgess, who is a senior research specialist in enterprise and lifelong learning in the Scottish Parliament information centre.

Lizzy Burgess (Scottish Parliament Information Centre): Good afternoon. I will give a short presentation of about 10 minutes on the Scottish Executive’s employability framework and NEET strategy. The presentation will highlight the key points in my research paper, which has been circulated to members and is available on the Scottish Parliament website. Copies of the Scottish Executive documents are also available for everyone to have a look through.

I will start by considering some of the key statistics relating to the labour market in Scotland. I will then provide a quick overview of the Scottish Executive’s policies and finish by examining some of the key issues.

Employability is a term with a number of definitions. It is essentially about an individual’s ability to gain, sustain and be successful in employment. NEET is an acronym that is used to describe people who are not in employment, education or training.

Economic activity is a measure of people who are active in the labour market, and includes people who are employed and who are unemployed. Between July and September 2006, the economic activity rate for people of working age was 79 per cent: 75 per cent were employed and 4 per cent were unemployed. Expressed in figures, 2,474,000 people were in employment and 131,000 people were unemployed.

Unemployment is often measured in two ways. Large-scale surveys use the International Labour Organization definition of unemployment, which refers to people who want a job, are looking for a job and are able to start work. Another way of measuring unemployment is to look at the number of people claiming unemployment-related benefits. In October 2006, 87,800 people were claiming jobseekers allowance. However, some commentators believe that those measures do not accurately represent unemployment levels. The

graph in my presentation shows the employment level, the unemployment level using the ILO definition and the claimant count between 1999 and 2006.

"Economically inactive" refers to people who are neither in employment nor unemployed. Between July and September this year, 21 per cent of people of working age were classified as economically inactive. That group includes people who want a job but who have not sought work in the past four weeks; those who want a job and are seeking work but who are not available to start work; and those who do not want a job. The pie chart shows economic inactivity by reason. Most people classified themselves as long-term sick, looking after family and home, or a student.

As mentioned earlier, NEET is used to describe people who are not in employment, education or training, and is commonly used with reference to young people. In 2005, 36,000 16 to 19-year-olds were NEET, which is 14 per cent of that age group. The chart shows that, of the people who were NEET, 64 per cent were unemployed and 36 per cent were economically inactive.

The two sets of factors that increase the risk of a young person becoming NEET are educational underachievement and disaffection, and family disadvantage and poverty. The groups of young people who are most at risk of becoming NEET are carers; teenage parents; homeless people; people in care or care leavers; people with learning difficulties, disabilities or mental illness; people who misuse drugs or alcohol; and offenders. The proportion of young people who are NEET also varies by area, which suggests that location is a factor.

The Scottish Executive's employability framework and NEET strategy were developed under the wider closing the opportunity gap strategy, the aims of which are:

"To prevent individuals or families from falling into poverty ... provide routes out of poverty for individuals and families; and ... sustain individuals or families in a lifestyle free from poverty."

The closing the opportunity gap strategy has 10 targets. I will focus on the four that relate directly to employability:

"Target A: Reduce the number of workless people dependent on DWP benefits in Glasgow, North & South Lanarkshire, Renfrewshire & Inverclyde, Dundee, and West Dunbartonshire by 2007 and by 2010.

Target B: Reduce the proportion of 16-19 year olds who are not in education training or employment by 2008.

Target C: Public sector and large employers to tackle aspects of in-work poverty ...

Target G: By 2007 ensure that at least 50% of all 'looked after' young people leaving care have entered education, employment or training."

The targets that relate to health support for children in need, educational attainment, community regeneration, and increasing services in remote and disadvantaged areas are also related in some way to employability.

"Workforce Plus—an Employability Framework for Scotland" sets a target of helping just over

"66,000 individuals ... to move from benefits to work"

and aims to do that by 2010. The Executive has focused on the places that are specified in closing the opportunity gap target A and has allocated just over £11 million to them. Despite its focus on the target areas, the intention is for the framework to have an impact throughout Scotland. The workforce plus strategy highlights a range of actions to create

"a coherent employability service for Scotland"

and proposes to do that

"By supporting the establishment of ... local Workforce Plus partnerships ... a National Workforce Plus Partnership ... and ... A Workforce Plus Team".

The Executive document "More Choices, More Chances: A Strategy to Reduce the Proportion of Young People not in Education, Employment or Training in Scotland" presents evidence to suggest that although more than 35,000 young people are NEET, only around 20,000 need additional support to enter the labour market.

"More Choices, More Chances" highlights

"seven NEET hotspot areas (Glasgow, West Dunbartonshire, North Ayrshire, East Ayrshire, Clackmannanshire, Inverclyde and Dundee)"

and sets out five key areas of activity for pre-16s, in which the focus is on improving

"the educational experience of all children";

post-16 opportunities, in which the focus is on improving services for those "who are already NEET"; financial incentives to ensure that learning is "a financially viable option"; support for young people; and joint commitment and action, the aim of which is to ensure clear leadership and joined-up working.

"More Choices, More Chances" proposes to build on national partnerships between the Scottish Executive, businesses and education leaders, such as the Smith group, to support local partnerships and establish a NEET delivery team to deliver policy and practice. Each year for two years, the NEET hotspot areas will each receive £400,000, with other local authority areas each receiving £75,000.

In the final section of my presentation, I will outline some of the key issues surrounding employability and the NEET group. I begin by highlighting some labour market projections. It is

projected that there will be 969,000 job opportunities in Scotland between 2004 and 2014. Scotland's population is getting older, and the share of the population over the age of 65 is projected to increase from 19 per cent in 2004 to 23 per cent in 2024. The number of people of working age is projected to fall by 7 per cent between 2004 and 2031.

It is predicted that employment growth will continue to be strongest in jobs that require higher levels of skills and qualifications. The number of lower-skilled jobs is predicted to decline. Labour market policies mediate between supply and demand—people who are not employed and the availability of jobs, respectively. Some commentators suggest that there has been an over-emphasis on supply-side theories of unemployment and that there should be a shift to looking at demand through promoting relevant employment in high-unemployment areas.

Estimates of the number of young people who are NEET vary depending on the definition that is used and the age group in question. There is not an internationally recognised definition of NEET, which can make it difficult to make comparisons. For example, in Japan, NEET covers people between the ages of 15 and 24. Another problem with the definition of NEET is that it combines a range of groups from the disadvantaged to the more privileged, who are able to make choices about the ways in which they manage their lives. It has been suggested that focusing on NEET draws attention away from people in low-paid and less-skilled jobs. Many young people have jobs that they regard as temporary, which do not provide training or fail to make use of their skills.

On ownership and delivery of the Scottish Executive policies, people who are looking for work and young people who are NEET currently come into contact with a number of agencies and programmes. To put those policies into a European context, the European employment strategy aims to give direction to and ensure the co-ordination of employment policy priorities at a European Union level.

What are the next steps? Today, the committee will hold a round-table discussion on employability and NEETs. At the committee's meeting on 23 January, oral evidence will be taken from Malcolm Chisholm, the Minister for Communities, and Allan Wilson, the Deputy Minister for Enterprise and Lifelong Learning. A paper based on those discussions will then be sent to the Executive for comment.

My presentation has been based on the research paper that I have circulated, which can also be found on the Scottish Parliament's website.

The Convener: Thank you, Lizzy. That was very helpful and informative.

I have a couple of housekeeping matters to deal with. We have received apologies from Jamie Stone MSP, who will be late, and from Billy Clark of the Ferguslie league of action groups, who will not be able to join us due to a family bereavement.

It would probably be best if we began by introducing ourselves, after which I will open up the discussion. The purpose of the discussion is to inform the committee of the views of those around the table on the Executive's employability framework and NEET strategy. We want to know about any particular issues that we should raise with the Executive in the short term and any longer-term issues that should inform our legacy paper for our successor committee after the election in May.

Two years ago, the committee intended to undertake its own inquiry into an employability strategy, but that did not happen for various reasons, the main one being that we were waiting for the Executive's strategy. We felt that, once the Executive had published its strategy, the most appropriate time to hold an inquiry would be when the strategy had been up and running for some time, at which point we would be able to establish how well or otherwise the strategy was doing. We recognise the need to focus on this area, which is a high priority—if not the top priority—for all parties to address. This is, therefore, not an academic discussion to be put on the shelf; it is going to help to set the agenda for the next Parliament and our successor committee. I hope that it will also provide input to the Executive on its strategy.

Let us introduce ourselves, then I will open up the discussion. My name is Alex Neil MSP, and I am the convener of the committee.

14:15

Christine May (Central Fife) (Lab): I am the deputy convener.

Mr Stewart Maxwell (West of Scotland) (SNP): I represent the West of Scotland for the SNP.

Linda Prattis (Jobcentre Plus): I work in external relations at Jobcentre Plus.

Eddy Adams (Eddy Adams Consultants Ltd): I am an independent consultant and I chaired the NEET work stream group.

Dave Petrie (Highlands and Islands) (Con): I represent the Highlands and Islands, and I am vice-convener of the new cross-party group on NEETs.

Jim Sweeney (YouthLink Scotland): I am the chief executive of YouthLink Scotland, which is the national youth work agency.

Ken Milroy (Aberdeen Foyer): I am the chief executive of Aberdeen Foyer.

Professor Alan McGregor (University of Glasgow): I am the director of the training and employment research unit at the University of Glasgow.

Lillias Noble (Communities Scotland): I work for Communities Scotland, where I am in charge of a team called learning connections, which covers community learning and development, policy advice to Malcolm Chisholm, adult literacy and numeracy, and community engagement development matters.

Murdo Fraser (Mid Scotland and Fife) (Con): I am a member of the committee.

Charlene O'Connor (Scottish Enterprise): I am the head of skills and learning at Scottish Enterprise, which covers all the national training programmes, workforce development and Careers Scotland.

Richard Baker (North East Scotland) (Lab): I represent North East Scotland and I am a member of the committee.

Laurie Russell (Wise Group): I am the chief executive of the Wise Group.

Margaret Murphy (Fairbridge in Scotland): I am the manager of Fairbridge in Scotland.

Shiona Baird (North East Scotland) (Green): I represent North East Scotland and I am a member of the committee.

Bill Eadie (Stirling Council): I am the head of support and development and children's services in Stirling Council.

The Convener: The others who are sitting at the table are the official reporters and the committee clerks, who are employed by the Parliament. Stephen Imrie, our clerk, is not here today, so Douglas Thornton, the senior assistant clerk, is standing in for him.

Alan McGregor has many years of experience in the field. What do you think are the key issues that need to be addressed? What are your comments on the Executive's strategy?

Professor McGregor: That is very unfair. You probably know my age better than most people, Alex, as you are about three weeks younger than me.

In broad terms, the strategy is excellently put together and the documentation is well researched and has a good evidence base. The strategy is good at identifying problems, issues and

mechanisms for going forward. I do not have any particular problem with the NEET strategy. The questions that I have are—as with all strategies—about the effective implementation of the strategy. I am currently working with a small number of localities that are trying to put together their action plans for dealing with the NEET group. What follow are some of the issues that are emerging from that work.

First, it is not always 100 per cent clear who is responsible for the NEET strategy within a locality. Is it the community planning partnership, the local authority education department, Careers Scotland, somebody else or a mixture of those bodies? I am not sure that it is the responsibility of the Executive, although a clearer steer or an underlining of responsibility would help. Lots of things do not happen in economic development in Scotland because no one takes responsibility for them locally. So, my first issue is the need for a clear allocation of responsibility for implementing the strategy.

My second issue relates to the first. As Lizzy Burgess's excellent presentation demonstrated, the young folk are a diverse group. Within that group are young people with many problems and issues who are in contact with a range of different agencies. Who is joining up the work at a local level? If a youngster has issues with homelessness, drug addiction and basic skills, they may be dealing independently with a number of different agencies. How can we join that up more effectively? I am not sure that the process has been properly thought through. It would help if, within a locality, an individual organisation had a clear responsibility for making that happen.

My third issue is that a large number of youngsters are not effectively engaged. What mechanisms exist for creating more effective engagement with those young people and maintaining it, so that we can progress them towards education, employment and training?

My fourth issue is that we need to ensure that, when we get young people to engage, we have a decent offer for them. That is the case in some localities. I heard yesterday about a vocational training programme that Glasgow social work department is running, which has a good quality support mechanism to deal with some of the issues that arise from not being engaged—for example, issues to do with reliability—by providing support and mentoring. However, I am not sure that there are many decent offers around Scotland.

The fifth and final point is about the targets for the NEET group, which were mentioned in the presentation. One of them is on care leavers and is to be introduced in 2007, and another is on reducing the proportion of young people who are

in the NEET group and is to come in in 2008. Those dates are not far away. We need to inject more realism into the target-setting process, because we have an awful lot to do to organise at the local level, which is where all the work will happen. Progress will be slower than politicians and the rest of us would like to think. It is better to have realistic targets that there is a fair chance of meeting than to have targets that are too stretching, as that creates cynicism about them.

I am sorry for going on too long, convener, but that is a start.

The Convener: To put your question back to you, in your experience, which organisations are normally in the best position to take the lead on the issue and to knock heads together locally?

Professor McGregor: Ideally, community planning partnerships would do that, because they bring together the full set of service delivery organisations that have a role. However, the cohesion, integration and authority of community planning partnerships vary throughout Scotland. Ideally, responsibility would lie with community planning partnerships, as they deal with pre and post-school issues and a wide spectrum of services.

The Convener: I think that Lillias Noble wants to come in on that.

Lillias Noble: No; I was just paying attention, but I am happy to say something. Communities Scotland works to support the community planning partnership process and to ensure that people contribute effectively across a range of provision. We agree that the partnerships are variable, as one would expect, given that there are 32 different areas, but where they are working well they are by far our best hope of integrating services that have traditionally not pulled together in the ways that are needed to tackle an intractable problem that we face with young people in Scotland. We are all committed to trying to do something about it.

Community learning and development partnerships feed into community planning, which is where my territory cuts in. There is a lot to be said for the focused work that is beginning to be targeted on young people through community learning and development. Never mind that they are hard to reach; they need to be caught and we need to find attractive programmes, such as the one to which Alan McGregor referred, that will help them to want to work with the adults whose job it is to make the strategy effective. It is tricky to expect the young people in the NEET group to respond to the main march down the middle that works for the bulk of youngsters. We need to think about more specific, creative and individually focused alternatives for those young folk, because the approach will not work otherwise.

Christine May: I found both speakers' comments useful. Yesterday, I was at the annual general meeting of CVS Fife, at which partnership was alternatively defined as the suppression of mutual loathing to attract external funding. I want to throw this question at all the witnesses: to what extent are the partnership working and drive that have been mentioned the suppression of that mutual loathing, mistrust or differing imperatives to achieve the outcome? Can we also talk about the practical difficulties and experience, and about how we might avoid reinventing the wheel? Some of the work that has proved most effective has been the post-NEET or post-event mentoring and support for individuals. That is time consuming and expensive, and the length of time for which it is required varies from individual to individual. Has that work been built into the strategy? If not, how can it be built in and what guarantees can be put in place that the money will not simply keep being spent on the few lucky people who get such support?

Charlene O'Connor: I have a few comments on the earlier conversation and on Christine May's comments. We have all been involved in partnerships over the years, which we could describe on a scale ranging from complete failure to complete success. The strategy gives us a renewed opportunity to revisit the partnerships and to think about how successful they are. We need to look for several common themes. We must acknowledge that we are all pulling in different directions. I would not put it as strongly as saying that we need to bury hostility to make progress, although I understand Christine May's point and I have been in partnerships in which that has been the case. However, in my more recent experience, I have found a real will and desire to make partnerships work.

In my view, there is not a lack of resources or organisational time to deliver and implement strategies to support individuals, but too much time is used in non-productive areas. I pick up on Alan McGregor's point—there is a lack of clarity about where responsibility lies. Community planning partnerships are an option, but unless they have the authority to discharge the responsibility, it is difficult for them to do so.

I was on Christine May's patch yesterday when I visited Thomson House at Lauder College. The outreach centre there deals with the get ready for work programme. I have visited a number of get ready for work training providers and placements to get a sense of what is working and what is not. We evaluated the programme recently. Some parts of it are successful and high performing, but other parts are not performing so well. At Thomson House, I saw an innovative approach to dealing with a set of clients. There is a huge range of issues to deal with, not just in the centre but

when clients are on placements with employers and, more important, in relation to what happens to clients beyond then. There is a successful extended support package.

The evaluation of the get ready for work programme shows that there are still too many question marks over the tracking and longitudinal assessment of the sustainability of that investment in individuals. About 20 per cent of people on the programme have been there before. That means that 80 per cent of them do not come back, which is good, but 20 per cent is a significant number of people. What is happening to them? Are they not sustaining positive progress? Do we need to do more to support them in the workplace when they leave the programme? Are we ensuring that the right number of youngsters progress to the skillseekers programme or to modern apprenticeships, which offer good opportunities?

It is important for us to know and understand what happens to clients when they leave the system, because we need sustainability. It is not just people's initial entry to the labour market that is important. Low-paid, low-skilled workers are more vulnerable, and they fall out of the labour market more quickly, so we need to consider how we enable them to progress to sustainable opportunities.

Richard Baker: My question leads on from Charlene O'Connor's remarks on engagement with people after they have been through training courses. We talked about the ways in which voluntary and public sector organisations can work together to tackle the issue. That is part of the strategy, but I would be interested to hear more about how groups engage with employers, about the initial contact that is made to try to drive people in the NEET group into work, and about continuing engagement. The Smith group was set up at the national level, but what more can be done at the grass roots to engage with employers?

Eddy Adams: I will pick up on a couple of points. On Christine May's question about aftercare, one of the most useful and interesting things in the employability framework is the analysis of how much money goes into employability. An estimated £500 million a year is spent on employability in Scotland and the framework document contains a helpful diagram that tries to show where that money goes. If we assume that there is a pipeline from the point of engagement to the point at which people go into work and are sustained in employment, the current pattern of spending is such that there is a huge spike in the middle, representing the time immediately before people get into work.

Traditionally, our funding mechanisms have rewarded people for crossing the line but we have not cared much about how long people stay on the

other side of that line or what happens to them after the initial period of 12 weeks or whatever. As we all know, we have an environment in which people tend to be recycled around the system. For example, some 20 per cent of young people on the get ready for work programme will go through the programme a second time. We need to tackle more effectively the question of how we can get things to stick better so that outcomes are sustained.

One aspiration with the strategy is to try to smooth out the curve and flatten the spike. That obviously means more work at the front end on engagement, but it also means more work at the back end. One issue that we considered under the NEET work stream is that we cannot offer aftercare as a blanket service to every young person. Not everybody needs it and not everybody wants it. Even when young people with the greatest support needs—young offenders are the classic example—get into work, they often do not want someone from their offending project constantly contacting their employer to check whether everything is going okay. They want to move on. It is more important for them to know how to call on support when appropriate.

14:30

We are at relatively early stages of trying to get smarter in understanding the problems and applying solutions. Underneath that are some of the issues that have already been raised about better longitudinal understanding of the client group. For example, we have no school leaver destinations figures for young people with learning disabilities. We do not know what happens to them after school and they are not included in the data, so we have no baseline on or understanding of how far forward they are moving. There are other NEET sub-groups whose movements we do not know nearly enough about.

Both documents are hugely helpful, but they are just a starting point in what has to be a major culture shift across the country in getting far better use of what are significant resources.

Ken Milroy: I want to pick up a couple of points. I approach the subject from a service provider's point of view. We provide a range of employability and learning services at a local level, including a clear progression route for young people, from early engagement in learning—not necessarily employability—to help them become accustomed to making the life choices that were mentioned in the presentation, through to employer engagement.

Richard Baker asked how we engage employers. We have spoken directly to employers, and we offer two focused programmes. One

relates to the construction industry and is supported through Jobcentre Plus, and in the second we have worked with the oil and gas sector on not the high-level but the low-skilled jobs. There are major skills shortages in the oil and gas sector. There are 40 years left to run, and there are still holes to plug. We have gone directly to employers locally, and that has worked for us.

From a provider's point of view, it has been difficult to manage the clear progression routes that we offer. We are trying to join things up locally, but the procurement arrangements that we have to enter into in tapping into the funding streams are mind blowing. If something smarter could happen with procurement arrangements, that would make it much easier for me to deliver effective services.

Jim Sweeney: I have a few comments. First, we have missed some tricks at the sharp end—the engagement end—as there is little recognition in any of the literature or reports of the role that youth work can play in engaging the young people whom we are talking about. Youth work plays a major role, but it could have an even bigger role in making the first contact with young people on their terms. As careers officers will tell you, young people are often off the radar. An awful lot do not attend school or go to careers interviews, and many have complex needs, so we need to find new and better ways of contacting and keeping in touch with them.

The sad thing is that we know before they leave school that they are going to enter that scenario, so we need to up our game in involving local community learning and development partnerships to get both statutory and voluntary youth work providers more involved in the game.

Some excellent detached youth work is taking place in some parts of the country. Those workers contact the people that the NEET strategy is geared at, but as yet no linkage has been made between that work and the strategy. Including phrases such as “youth work” and “detached youth work” in a revised strategy would give the sector a way in and let community partnerships know what youth work could provide.

There is also a massive difficulty with youth literacies. In collaboration with Communities Scotland, we have done some research that highlights new and innovative ways of getting young people to a level at which they have half a chance of engaging with a college or an employer. It is not even a case of those young people being on the first rung of the ladder; a lot of them are two or three rungs off the ladder, in a sense. There is no quick fix, and if we are really to tackle those who are most in need, we have to start further back. As Eddy Adams said, we need to front-load that work in terms of resource and give it a

reasonable amount of time to succeed. Youth work seems to have been missed off the agenda somewhere along the line.

Dave Petrie: I would like to follow up on what Ken Milroy and Jim Sweeney have said about early engagement. I am a former teacher, and I think that we should be engaging with kids at school a lot earlier. I have experienced some schools that have provided kids with good vocational opportunities, and some that have not. Schools have a major truancy problem at the moment, and a lot of the kids who are truanting are kids who probably have particular skills but who are bored and frustrated with academic activity. If we can get job providers into the schools at the earliest possible stage, and if we can tackle those kids who are just not interested in academia but who would probably be good plumbers and joiners, we can engage them so that they have the momentum when they leave school to get out of the NEET trap.

Linda Prattis: I support what Ken Milroy said about employer engagement. Jobcentre Plus Scotland obviously engages directly with employers, and we have had some of our best successes when we have worked with our partners or providers to engage with employers to fill their vacancies. The biggest barrier that we face is employers' perceptions of people in the NEET group, older workers or people with a disability; employers often have preconceived ideas about or perceptions of what someone can or cannot do. We work closely with employers to overcome those perceptions, providing awareness workshops and then moving on to a pre-recruitment initiative in which the employer is closely involved with candidates, who take part in a pre-recruitment workshop. We decide with the employer what the pre-recruitment workshop will consist of and the employers decide what they want to get out of it. They engage with individuals, participate all the way through the course and then offer job opportunities or work trials at the end of it, so that our customers can go in and see what they can actually do.

Margaret Murphy: Jim Sweeney and I are singing from the same song sheet. Fairbridge Scotland is a youth organisation that works with the hardest-to-reach young people, so we are involved in early intervention with the 13 to 15-year-olds whom Dave Petrie mentioned. The young people with whom we are working are definitely at risk of falling into the NEET group, so we try to intervene in a way that brings them on and gives them more skills, which gives them opportunities that they did not have previously because they were not succeeding in education.

We also work with the 16 to 25-year-olds who are firmly in the NEET group. The youth

organisation approach is an intervention that I would definitely like to be given greater recognition as having something to do with moving young people on in the whole employability continuum. Young people who are not engaging in mainstream opportunities or education need an opportunity to show that they can become plumbers, for example, and that they can try and taste, turn up on time, achieve goals and gain accreditation and work skills. Those are the activities that Fairbridge tries to provide, as a first-step organisation, before moving the young people on to a training organisation or further education. I would like to see an awful lot of investment in the early stages for those young people who will never access mainstream education because they do not have the personal, social, life or work skills to be able to do so. They need support, and that is what Fairbridge tries to offer young people. The successes are good: young people engage and move on.

We definitely provide the first step, but the value of such youth work is perhaps underestimated. No stigma is attached to coming to Fairbridge—the young people do not come to us as a drugs agency or an employment agency—but in the youth work that we do the young people learn, by stealth, the skills that they require to move on to the second step.

Laurie Russell: The Wise Group works more with older people outside the labour market, so I have more experience of people in that group. However, for them and for people in the NEET group, the continuum—or pipeline—of support that Eddy Adams mentioned is very similar. I agree that we need to engage more with people who are at one end of that pipeline and work more with those who are at the other end. Let me make just a couple of comments.

First, from the employability assessments that we carry out when people come to the Wise Group, we know that more than 80 per cent have two or more barriers to work—they are usually long-term unemployed and may have been referred by Jobcentre Plus or may be on incapacity benefit. Often, the individuals have complex issues that are not easily resolved. Therefore, when we resolve one problem, for example by helping the person to gain skills, that does not necessarily mean that they will be able to operate successfully in the labour market. By barriers to work, I mean things such as homelessness, health issues, finance issues, alcohol or drug dependency or being an ex-offender.

Secondly, I must express my general frustration with the inability of all our organisations to replicate things that work—I joined the Wise Group fairly recently, so that comment is based on

my experience of other economic and social regeneration organisations. We have a mania for looking for innovation all the time when we should ask ourselves why something that works for Fairbridge cannot be replicated elsewhere. When things work, we need to work out what their essential ingredients are and replicate them, license them and repeat them. Generally speaking, I think that we see many good examples of things that work but, somehow or other, we just seem unable to replicate them.

That links to my third point, which is about the need for partnership, which Christine May mentioned. There is no doubt that we need to work better in partnership. If we can share information and be less protective, I think that we will be more able to replicate successful projects.

Fourthly, we should accept that working with employers is difficult. As my colleague from Jobcentre Plus said, there are good examples of working with employers, but we need to overcome some prejudices. I think that, collectively, we have not put enough effort into that. We do not genuinely listen to what employers want as much as we should. We need to try to fix that. Some of the Wise Group's programmes that target particular sectors are working extremely well. For example, we offer a relatively short-term training course that we developed with the national health service in Glasgow and which has a high success rate of getting people into work and retaining them in work. The NHS is a good employer and, when it gets someone it can work with, it will help the person to progress. We need to do more of that. We need to work with employers in developing programmes that meet the needs both of employers and of the long-term unemployed.

Finally, that example of the NHS shows the need to develop in-post employment support for people. When we did research to follow up on more than 1,000 people who had come through the Wise Group, we found that the principal reason why people fall out of work is that a financial crisis occurs once they are in work and come off benefit. Often, the reason is that local authorities and others come to collect their debts after people come off benefit. People also think that they have lots of money so they go out and buy things without realising how much debt they are getting into. The problem is usually financial, although other problems can also arise. Providing a small amount of help at a key point can be important in keeping people in work. We need to help people build on their skills and on other things that will retain them in work. We also need to help them progress so that they can move away from an entry-level job. Getting in at the minimum wage will not suit everybody, so we need to help them get beyond that relatively quickly so that they can sustain a job.

Shiona Baird: I want to pick up on the points that were made about how school education fails so many pupils when they are in their early teens, which is a critical age in their development. Having visited Fairbridge and seen the work that it does, I think that we are missing a trick when we allow pupils to be excluded. Excluding pupils is so counterproductive.

We hear about the amount of money that is being put into working with excluded pupils. Much more of those funds needs to be put into supporting people who have been excluded or who truant, because we are not addressing the reasons why they have been excluded or truant. We need to focus on prevention. I recognise that this is the Enterprise and Culture Committee, but should we develop partnerships with the Education Committee? To an extent, both committees should focus on the issue.

14:45

My other point applies to the other end of the process—employment. Not enough focus is placed on the supported employment that social enterprises can offer. Much of their ethos is about helping people into work in a supportive and flexible way. Their ethos is about more than profit. They can address some of the issues and take on people who do not know how to turn up for work in the morning. I am a board member of such a company, which tries to get people from open prison and people with mental health problems back into work. We know what the issues are, but we need much more focus on social enterprises, which can provide the flexibility to get people on the stepping-stone.

Bill Eadie: The range of comments around the table shows the complexity of the situation. The partnership arrangements in Stirling Council, where I work, have operated since 2001 through compass for life, which brings together many of the partners that people around the table have talked about—the voluntary sector, the statutory sector, youth justice services and education services. The only way to tackle the problem is to acknowledge that different groups of young people have different needs. If intervention is to be effective, it must start when young people are still at school. The Executive's strategy tries to address that and to encourage partnerships to consider young people from 14 onwards.

Our partnership has identified a few issues of late, some of which have been mentioned. Eddy Adams spoke about keeping in touch with young people. We recognise that we need to share information much more effectively. For example, different organisations that are trying to provide support may find that young people have moved on from a previous address—that is a practical

issue in relation to making contact. We are exploring whether we can use Executive funding to create a single shared information database for young people. Funding for a database through Careers Scotland has been discussed, but much money has been invested in local authorities developing a single customer base throughout Scotland. Current levels of investment need to be investigated, so that the Executive can make the right choice about where to invest in the future to build on what is happening rather than create something new.

A point was made about contact with employer groups. In the past couple of weeks, we have met staff from the Executive's implementation team, and we pleaded for some input from somebody from the Smith group, because we think that we could be more effective at developing links at the employer level. That would mean that, when we provided training for young people, we could gear it up to live job opportunities.

We must realise that young people have individual needs. Young people in rural communities can have a different set of opportunities from young people in cities, so we need to provide more flexible training opportunities that can be individualised and to create one-to-one contacts that will see young people through. We have good examples of young people being captured through the youth justice service, for example. They work their way through alternative curriculum programmes in schools to employment and training opportunities. However, that approach requires a significant investment of time and energy from staff and it requires people to work across all the agencies and to put young people at the centre rather than just thinking about what their individual agency does.

Mr Maxwell: What struck me as I listened to what people were saying was how little things have changed. About 20 years ago, in the late 1980s, I worked for a company that dealt with adults who had numeracy and literacy difficulties and helped the long-term unemployed to get back into work. Two of the fundamental problems that were faced then have come up in today's discussion. Before anyone spoke, I had written down that churn was a problem, by which I meant that people go round and round the system and never get off the merry-go-round. I think that it was Eddy Adams who mentioned the spending spike, whereby the money is always paid at the point at which people have stayed in the same place for 12 weeks. The aim of many organisations is to get past that date.

It is rather disappointing that, 20 years later, we are still discussing the same problems. It struck me then, and it still strikes me now, that after young people have been taken on by an

organisation, have gone on a programme and have done well and been motivated, two things tend to cause problems when they come out and go into employment. I agree that low-paid employment is a financial demotivation after the motivation of courses or pre-employment training. We still have a fundamental problem with the benefit and taxation system, which does not deal with the wall that young people all hit when they go into employment, especially when the employment is low paid.

In addition, when I was a local authority manager for a number of years, I was struck by the fact that the expectations of the young people whom we took on, particularly those who had been unemployed for a long time, were markedly different from the reality of employment. I am not blaming anyone for that, but I think that many courses still do not prepare young people for the reality of employment—the getting up every day and the work that is involved. There is a difference between what employment is actually about and the idealised view of what it is about, and there are still a number of issues that we must tackle. It is unfortunate that similar problems are being experienced today as were being experienced 20 years ago.

The Convener: I have a long list of people who want to come back in.

Eddy Adams: I have a brief point specifically on expectations of, and attitudes to, work. Like Alan McGregor, we are doing work in local areas throughout the country where some of the action planning is being carried out. An interesting point emerged from a workshop in Falkirk a few weeks ago, at which some head teachers discussed the fact that increasing numbers of young people were much less enthusiastic about going on work experience than was the case 10 years or so ago. The head teachers said that when they had come into education, even the young people who were less engaged were always pretty keen to go on work experience because it was seen as a rite of passage and an important part of the whole school experience. The observation was made that not only are young people now less keen to go on work experience, but when they go on it they will often say, “I am not sweeping the floors and making the tea for a week.” It is also the case that pupils’ parents do not want their kids to go on work experience. We had a discussion about what that meant and what work experience was about.

To most of us, work experience is about exposing young people to new experiences, taking them out of their own environment and removing them from their comfort zone. It is not about giving a company cheap labour for a week. Anyone who has had a young person on work experience will know that it is not something that is to be taken on

lightly if it is to be a good experience for both parties.

In some local discussions, people are asking whether schools are using work experience as effectively as they could. We know from recent research by the Executive that by the time young people get to sixth year, 83 per cent of them will have had a part-time job and will have been exposed to the workplace. The young people who do not get that experience are the ones who face the biggest barriers and who are furthest from the labour market. There is a range of reasons why some young people tend not to get access to work experience. They might be more difficult to place or might be worried that they will screw up. There are all sorts of reasons why someone might not get to the front of the queue.

At the moment, those young people are going out to their second or third choice. They are not particularly interested in doing work experience and employers may be reluctant to have them. The youngsters who need the experience more than others do not get it.

The issue of connectedness with education has been raised. A number of activities within education that are not off-site or out of school but are part and parcel of the core curriculum could be re-engineered in some way to target them more effectively at young people who are at risk of becoming NEET—we know who they are long before they turn 16. We must be cleverer at using those activities. Other interventions in schools could support the skills for work programme.

Schools are doing many good things, often in partnership with voluntary organisations such as Fairbridge Scotland and others that are represented around the table. However, I have not been to one area where anyone has a clear map of what all the schools are doing. Some schools are very entrepreneurial and are buying additional resources from the Prince’s Trust and products such as Careers Scotland’s on track programme. Those are good products that work well, but it is all a bit of a mish-mash, as no one knows which school is offering what. When we try to piece together what is happening, even in authorities with only eight secondary schools, no one has the full picture, so it is not easy to get a clear understanding of what works and does not work, and how we can build on measures that we know are effective—the point that Laurie Russell made. We tend to go around in circles.

Professor McGregor: I would like to comment on the issues of employer engagement and sustainability. I am helping to prepare a bid from the Glasgow welfare to work forum to the Department for Work and Pensions, as part of the strategy to reduce worklessness in the city. An employer engagement sub-group is looking at the issue.

One difficulty is that much employment in the private sector is in small and medium-sized enterprises. It is hard for SMEs to engage with this agenda, because having a small workforce makes them more risk averse, more careful about whom they hire and less likely to take someone to whom risk is attached, as they perceive it. They do not really have the human resources systems and department managers to manage such situations, if there are problems. In those circumstances public sector employers must adopt a much more proactive stance. One of the more encouraging developments in the recent past is that a number of local authorities have begun to make commitments in relation to the NEET group. They have set targets for taking people on and putting a certain number of them into specific departments. The health service and our colleges and universities are also major employers and have roles to play in this arena.

We need to remember that we do not know exactly how many of the folk in the NEET group are young people who are seriously disadvantaged. We are talking about a small number of people relative to the adult working-age population. If local authorities and other major public sector employers offered good-quality training places and employment, that contribution could go some way towards making inroads into the problem. We need to set an example to employers more generally.

On sustainability, Eddy Adams is dead right to highlight the spiking of spending in the pre-employment stage. I have written that we do not provide enough aftercare. The best aftercare is provided before people go into work. Laurie Russell mentioned that financial problems are one reason why people do not sustain work. We have just finished an evaluation of Tesco's move into Pollok in Glasgow. It provided a bespoke training programme, with the guarantee of a job. However, at the last minute all sorts of financial problems emerged. They were down to issues such as monthly payment—when people came off benefit, they had to wait three weeks before they got any money. Why do we not anticipate that? Why do we not have systems in place to fix it? Why do we have to wait until someone is in the job and jacks it in after three weeks because they are short of cash and are experiencing all sorts of problems as a result? That is not an aftercare issue—it is a planning issue. Our failure to tackle it is very disappointing.

We have a spike in spending during the pre-employment stage because that is what we ask people to do. As public sector funders we say, "Get folk into a job and we will pay you after they have been there for eight or 13 weeks."

If we were paying more in relation to people who were still employed six months, nine months or a year later—although Laurie Russell might not like that, as it might cause cash-flow problems for the Wise Group and other organisations—employers would be more careful about matching people to appropriate and sustainable opportunities and anticipating the difficulties of re-entering employment. That is the approach that the DWP is examining in relation to Jobcentre Plus contracting in its city strategy. In many ways, you get what you pay for in this world. We have to be a lot smarter in terms of how we contract people to provide these services.

15:00

The Convener: The stuff that I have read recently suggests that the effective marginal rate of taxation for people who are coming off benefit and going into work is still, in some cases, as high as 80 or 90 per cent.

If you go into a minimum wage job and have a personal allowance, you start paying tax at £5,500 or so a year, so if you work full time on the minimum wage, your earnings will be roughly £10,000 a year and you will pay tax on about £4,500 of it. Further, your council tax benefit and most of your housing benefit will be withdrawn. Similarly, you might no longer qualify for free prescriptions, dental care, eye care and so on.

There is a more fundamental issue than cash flow for people who go from weekly payments to monthly payments. At the weekend, Frank Field suggested that one way in which to overcome that issue is to keep people on benefit for their first year in employment: it would make the transition period a lot easier and ensure that, when people come off benefits, they are well into the cycle of employment, the tax system and so on. What do you think about that?

Professor McGregor: You are correct: the financial offer to jobless people could be improved. There is no doubt about that. Secondly, as Laurie Russell has already said, as soon as someone starts work, the various people who are owed money descend. Thirdly, we have a miserable record on housing benefit: there are shocking case studies of people's lives being virtually ruined when they move into work because the local authority screws up their housing benefit, which leaves them with massive debts.

If you speak to a large number of jobless people—which we do as part of our research—you will discover that the killer is not the fact that they think that they will not be that much better off but their fear about what will happen if the job does not work out. They are poor but have a stable income—they get their rent paid and receive various other benefits. If their job does not work

out, how quickly will they get back to a stable income? Will they get back to the same level of benefit that they had before? They are told that they will, but they do not trust the system. Fear is a major factor in people not leaving the benefits system.

Frankly, most people want to work. Thus it has always been, but over a period of years, as a result of a variety of things that have happened with regard to sustained long-term unemployment, we have moved to a different place. We need to improve the financial offer to people who are moving from welfare to work and to give them cast-iron guarantees that, if the job does not work out, their families will not be at risk.

Karen Gillon (Clydesdale) (Lab): What kind of message would that give people who are in a position to go straight into the workforce, without going on benefits first? Might people who are looking at finding a low-wage job and who will have to live on that low wage—which we want to ensure is raised—see an incentive in going on benefits before going into employment? They would be guaranteed a higher income than they would get if they went straight into the workforce.

Professor McGregor: I was not talking about an income guarantee—

Karen Gillon: But the convener was, I think.

The Convener: I was quoting Frank Field.

Karen Gillon: We have to be careful that we do not create a disincentive to work by making it better for people to be on benefits before they go into work. Part of me thinks that, sometimes, our society creates that disincentive.

I worked with a generation of people who had become accustomed to their parents, grandparents, brothers and sisters not working. It has become a way of life. That is the real challenge: how do we make people realise that work is something we do? It is a positive choice. It is something people should seek to do automatically when they leave school. People should not get into the cycle of thinking, "Education disnae matter; mother and father have done all right by not working so I don't need to bother."

The old-fashioned part of me is asking what happened to community education. Who outside the voluntary sector is doing community-based learning? Where is out-of-school work with kids who are truanting being done other than by the voluntary sector? Where is the local authority-based commitment to young people and communities that is about community empowerment and learning? I do not see it happening in my patch. Where are the community-based courses that got young people who had left

school with few qualifications into learning and that gave them the skills and confidence to go into further education?

The Convener: Charlene O'Connor, I will bring you in to answer that.

Charlene O'Connor: We are part of that, through the £22 million get ready for work programme and skillseekers level 2. Some modern apprenticeship provision would also tackle that for our client group.

I am less up to speed with what is happening in the local community beyond Scottish Enterprise's portfolio, but I am sure that my colleagues around the table will be able to help.

The get ready for work programme tries to get young people engaged in quite innovative ways. Since I took up my post I have been reviewing the skills and learning portfolio for Scottish Enterprise and I have seen some excellence. We are in danger of becoming quite negatively focused. There are some absolutely fabulous examples of young people achieving success. I am not saying for a second that everything is joined up effectively: the £22 million is not being used as effectively as it could be. I still have to deal with young people who have problems that are way beyond the capabilities of the get ready for work programme, which then looks like a sticking plaster that is not working.

We need to consider how referral between the various bits of provision happens, including what happens earlier on, so that when young people come on the programme they are on the get ready for work route and not something else.

The youth guarantee question also has to be considered. I hear about pregnant girls being referred to the get ready for work programme because they are guaranteed a training place. How sensible is that? They are on the programme because of the financial incentive, because they have no other options and because that route will give them some financial support. Those are all very important reasons, but the support part is not working particularly well. That is another set of issues that have to be tackled.

One of the things that is coming through loud and clear for me is how effective employer engagement, aftercare and sustainability happen in the local dimension. Alan McGregor made a good point about the SMEs. We think that SMEs will have problems accessing support for MAs, skillseekers or the get ready for work programme. Training suppliers are helping to balance the risk that companies face. They are giving tasters for employers and young people; it works both ways. Not many people will take young people on for purely altruistic reasons—they have a business to run—but they might give a young person work

experience in a minimised risk situation. The company might not end up taking on that individual, but the experience is serious preparation for future work or placements. That kind of work is really important and it can be done, although it is complex.

We need to examine the local connections and see how the referral process is working. We are all investing a lot in our individual parts of the programme, but it has to move seamlessly with the person at the middle of it. We cannot be worrying more about where our funding goes; what is right for the person on the programme is the key to success.

Ken Milroy: One of the services that we operate is supported accommodation for young people. It is a concern that consideration of employability is not part of that service, although we try to offer it. Most of the young people who come to us are on non-work related benefits. We are successful at motivating them and able to move them towards employment.

One of the steps that we always try to take is to look at the skills agenda that was mentioned in today's presentation and work with the local further education college. There are some disincentives, particularly for people in supported accommodation, connected to benefits and the 16-hour rule. We are not getting that right. To help inform the committee's paper to the Executive, I suggest that there need to be good working relationships to produce benefits reform because benefits are not working for the group of young people with whom we deal.

Margaret Murphy: Karen Gillon said that community involvement gives young people the opportunity to learn skills through community or youth work organisations. Our experience of the get ready for work programme is that there is a lack of core programmes that support the ad hoc life skills element for those young people. There is no continuity of contract after young people have followed the programme for some time. That is mainly because of the time limit—the young people have to do the ad hoc life skills part of the programme and get a job within six months. Some of the targets limit organisations that can provide that support, possibly through the get ready for work programme. However, it seems to have fallen by the wayside somewhat.

Lillias Noble: I am sure that Karen Gillon is absolutely right about the invisibility of good-quality work in community learning and development in her area. That is disappointing, but it might be helpful if I tell you what we are trying to do nationally to make such work more visible and to ensure that resources are going in the right direction.

The situation is not perfect everywhere. The heyday was in Sir Kenneth Alexander's day, in 1975, when really good community education work was developed. Perhaps we have lost our visibility in more recent years. However, £120 million a year plus about £10 million or £12 million on the adult literacy side is still going into community learning and development through the grant-aided expenditure that local authorities receive.

Part of our job is to say, "Right, let's have some plans for community learning and development and see what work is meant to be prioritised." We are looking at achievement through learning for young people and adults, building community capacity and trying to make some of that work more visible.

Last year, for the first time in many years, we started trying to gather statistics on a crude and dirty basis, which is better than nothing at all. It was our first attempt and we said, "During this particular week in November, 89,000 youth work opportunities were accessed throughout Scotland." We had another such week this year, but I do not have the statistics for it. The figures are for just one week chosen randomly in one year. Loads of the 89,000 youth work opportunities were delivered by the voluntary sector because that is what their partnerships are all about—they are meant to disburse the resources equitably and fairly throughout the community learning and development partnerships that feed into community planning.

As an ex-teacher, I have great respect for our colleagues in Her Majesty's Inspectorate of Education. When HMIE reported this year on the state of Scottish education, it included for the first time ever reports on what is happening in community learning and development. That was a great step forward for us. The reports contain a lot of interesting stuff about who HMIE spoke to and the kind of deprivation and disadvantage it looked at in its CLD inspections and programmes. HMIE said last year that given the context, the achievements in CLD against the three national priorities were "significant". Significant does not exactly set the heather on fire, but it is a start in raising visibility and ensuring that some of our work begins to cut home. There is more to report, but the minister may wish to say more about it when he comes to speak to the committee. I have given you a wee flavour of what we are trying to do.

15:15

Jim Sweeney: That is all well and good. Over the years, community learning and development has moved on, but the point is that not all young people have access to youth work or to a youth worker's skills by a long chalk. That is particularly

telling with respect to young people not in education, employment or training. Laurie Russell mentioned replicating things that work. I can point to several good examples of where things work—perhaps I will write to the committee about them. Rather than initiatives being sexy for three years and funding then disappearing, we should replicate them. We all have a problem with continuity.

Nine times out of 10 there will be a voluntary contract between a young person and a youth worker. The young person will be empowered. The youth worker is not a parent, police officer, teacher, social worker or person who runs a care home—they will have a different kind of relationship with the young person. Whether Fairbridge, the Prince's Trust or a local authority is providing youth work input, the young person will have more control over the results over time. The work can be very intensive or can be on and off.

I return to the idea that young people not in education, employment or training are not even on the radar. They do not go to school or engage with society in general; indeed, youth workers are among the few people who can regularly get in touch with them. It can take six months to get them to talk back and establish a relationship. We should listen to what those young people tell us. I refer to what Alan McGregor said. Older people will say what prevents them from going into employment and sustaining that employment. We must ask those young people the same questions and try to build their self-esteem so that we break the cycle, which Karen Gillon mentioned, in which families have not worked for three or four generations. We must put confidence and faith in a contact process with those young people; over time, we might then be able to crack the nut. However, there is no quick fix and things will not be cheap.

Karen Gillon: There is an issue that I want to raise later with Charlene O'Connor. The implications of the Scottish Enterprise budget debacle last year are beginning to affect training programmes in my area. The funding is certainly insufficient for the training programmes that are being run.

The Convener: I do not want a discussion about Scottish Enterprise's budget crisis, but I will let Charlene O'Connor reply briefly to Karen Gillon's question.

Charlene O'Connor: I refute the idea that there are implications for the skills budget; that is not true. The skills budget has remained static this year. We have taken contracts down in areas that are not performing for us; I will not continue to work with training suppliers that are delivering zero output. We must ensure that individuals in the NEET client group or any other group have a fair

chance of receiving high-quality provision. There have been slight reductions in some of the 19 to 24 skillseeker level 2 and adult modern apprenticeship programmes because they have not provided the right options for young people or for the employer base. However, the overall budget is probably around 1.7 per cent lower than it was last year.

The Convener: I will not allow the matter to be discussed in detail; we must stay with the thrust of what we were discussing.

Eddy Adams: I will not say what I was going to say because it might continue the dialogue.

I have listened to what has been said about where youth work fits in and to what Charlene O'Connor said about the get ready for work programme. We did the national evaluation for that programme back in June and we have done a lot of local area mapping work as part of the NEET work. Several issues have arisen. One is that "employability" is a weaselly, unhelpful word.

People who work in youth work and addiction services may not think that what they do has anything to do with employability, because they think that employability is about getting folk into jobs. However, we must have a word, and we must ensure that people who have an important role to play in specialist services, particularly in proactively engaging with young people at the front end, see where they fit in. We must also understand where programmes that are run by the enterprise networks fit in.

One issue with get ready for work is that in a sense it started off being all things to all people. As a consequence, it is fair to say that there was confusion about exactly where it sat, what its function was and what it did and did not do. What it offered varied widely throughout the country.

Since the enterprise network introduced a target of 50 per cent positive outcomes, the trend has been towards selecting young people who are more likely to cross the finishing line that we talked about. That is all well and good in that it clarifies the position and solves part of the problem, but it raises questions about what happens to the piece of territory that get ready for work used to occupy in some parts of the country—gaps are now emerging. It is helpful that in the local area discussions on the NEET strategy, each of the 32 local area partnerships are looking at what they have on the ground, how it fits together and where there is duplication. Somebody said that duplication is bad and overlap is good. We want connectedness and we do not want big holes, but equally we do not want everybody to be providing the same thing.

I now come back to money, the spike and the other matters that we talked about at the

beginning of the discussion. In some areas, many providers are bunched up in a little island in the middle, because that is traditionally where a lot of the money has been. There is now less money around for front-end engagement and at the back end. There is not as much for those aspects now as there was in the late 1970s and early 80s. We have not gone full circle, but we are revisiting what bits of the strategy we want to keep and what bits we want to change. There must be an informed local area discussion about what works, what does not work and where the provision fits in. We must also cover the legitimate role of the national programmes and ask where youth work, addiction services and the proactive work that organisations such as the Wise Group do with young offenders and groups that are more at risk, fit in.

The other comment that I will make—I suppose that it is a red light for me—is that it is easy when we talk about young people to get drawn into talking about the groups with the biggest problems. Another issue that came out of the work streams work was that many of the kids who end up being NEET are what we might call quietly disaffected at school. They do not appear on the radar, because they do not have huge issues and do not attract attention to themselves. They go through school almost unnoticed. With a little bit of help and support—massive intervention and investment is not required—they could go a lot further than they currently do. I throw that comment in as a weather warning. We must ensure that we do not overlook that group. Connectedness is fundamental to making the strategy work more effectively.

The Convener: I will take Susan Deacon and Laurie Russell, but then I will have to wind the discussion up because we have other business.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I am conscious that I missed the earlier part of the discussion, but having caught the lion's share of it I am struck that although there has been much informative and helpful discussion of the substance, there have been relatively few references to the Executive's strategy. Unless the first part of the meeting was focused on that I would like to hear more—not least since we will speak to ministers about the issue—from folk about their views on where the Executive is at and to what extent the strategy is fit for purpose and is adding value.

The Convener: The opening gambit was from Alan McGregor, who said that he thought that the strategy was about right. I sensed that nobody violently disagreed, albeit other aspects need to be added.

Susan Deacon: I was looking appealingly in your direction to get a steer as to what happened earlier, so I am grateful for your comments.

That takes me to my other question, which is that having listened to the discussion—I have listened to many other discussions on the subject and people around the table have been involved in many of them—what comes through is the human aspect of the issue and the many practical things that are being done or need to be done. I often find that difficult to equate with the grand strategy document; it can be difficult to make the connections. I know that the Executive's commitment is significant, but we waited a long time for big strategy documents that, to my mind, are quite far removed from the human and practical dimensions that people have shared with us in the discussion.

It would be helpful to know whether you are ticking the box and saying that you do not have a problem with the words or the shape of things. In the short time that we have left it would be useful to hear how the rhetoric will be translated into reality. An awful lot of you have talked about building on what has worked and reinventing the wheel, and you have said that we have been here before. I would like to hear about the how as well as the what.

Laurie Russell: That is a good point. The consensus early on was that the strategy is appropriate, well thought through and well constructed. The next stage—delivery—is critical. A theme of the discussion has been that we do not learn from and replicate good practice.

I am concerned about the expectation about numbers. I do not think that enough work has been done on that. In Glasgow in particular, some of the expectations are too far, too quick. We are unlikely to hit the targets on the percentage of people we get back into work within the timescale. Our crude calculation is that we would have to increase what we do by about two and half times to hit the target. It would be very difficult for us all to do that. We can increase what we do year on year, but not on that scale. We need to have a serious think about the numbers.

When we started more than 20 years ago, we invented something called the intermediate labour market. We thought that a group of people outside the labour market needed to do a bit of training, get work experience and understand what the world of work is like while getting paid a wage and receiving support to find work. We thought that during that period, those people should be involved in good quality community projects, starting with construction and housing work and moving on to landscaping and environmental work. At one stage we had 600 places for that kind of work throughout Scotland and the north-east of England, but that number has fallen. A lot of people need that kind of experience, which would not have to last a full year. They need help with

getting a skill, putting it into practice and learning about the world of work.

One of the reasons the number of places has fallen relates to Ken Milroy's point about public procurement. We do not get a penny in core funding from any public agency; we have to seek funding from various contracts. The way public procurement works means that we are in competition with the private sector. I am not arguing against that, because it means that we have to be effective and deliver results in the same way that any organisation should, but no allowance is made for the fact that we are working with the hardest to help group of people. When we carry out an environmental improvement project, it is not with people who have skills—we are trying to give them the skills and teach them about the world of work. We are dealing with people who are on methadone or are causing difficulty for their supervisor.

We are going to have to be much smarter. The jargon for what happens is "mission drift", which means that we will start to drift away from saying that we will work with the hardest to help group, because we have to chase the money to survive. I hope that the city strategy in Glasgow and elsewhere will address that.

We have had a lot of discussions about employability, but we have spent very little time talking about ex-offenders. The Wise Group is involved in a couple of projects, which have not been made public, from which we might learn lessons about work with ex-offenders. Ex-offenders often face more barriers than anyone else, such as prejudice from employers who are not keen to employ them and, depending on the offence, prejudice within some of the organisations that work with them—I have come across a couple of cases of that in the past few weeks. We need to find ways of working with ex-offenders that will involve taking what we have talked about on employability a stage further, by working with the person and their issues.

15:30

The most horrific fact that I have learned in four months in the Wise Group is what happens when someone comes out of prison. The first people who meet them at the prison gate are the drug dealers, and the first place they see is the off licence. There is a vicious circle. If we do not get ex-offenders past those situations, the chances of their going back into the system are much higher. I heard yesterday about a United States project where people are met at the prison gate, as we are doing with life coaches, and brought into a situation where they can be worked with.

My final point is that we must treat ex-offenders

more seriously. They are often the most difficult group to work with, and we sometimes just avoid them.

Christine May: I have one tiny point, which takes me back to where I started on mentoring and support. The problem with most folk is that, like us all, they go home at 5 o'clock in the evening and do not start again until 9 o'clock in the morning. In my experience, mentoring and support is most often needed at 10 o'clock at night, at midnight or at 6 in the morning when someone has to go somewhere but their transport has not arrived. What do they do then? They drop out. Investing more funding in support at the ends of the day could make all the difference.

The Convener: Unfortunately, I have to curtail the debate. I want to draw out some of the threads. If anybody violently disagrees with me and thinks that I have misunderstood their point, please feel free to say so.

We will talk to the minister, but the discussion has presaged work by our successor committee. We have spent roughly an hour and a half on the subject this afternoon, it took the Executive two or three years to develop the NEET strategy and the subject could be debated for much longer, but several threads have come out that are relevant both to the work that the committee will want to do in the immediate future and for our successor committee.

First, I sense that there appears to be general satisfaction with the strategy, but, as Alan McGregor said at the beginning, the key issue is how it is implemented. There seems to be a clear need for clarification and perhaps a decision about which organisations will take the lead. It was suggested that the community partnerships should take the lead at the local strategic level, but the lead in day-to-day delivery also needs to be determined, ideally in each area through the community partnership. There does not necessarily need to be the same pattern throughout the country.

The second major thread was about the £500 million that is spent specifically in this area each year in Scotland and the need to reprofile some of it to provide more of a continuum of support, in particular through earlier intervention and, where appropriate, more resources into aftercare. We picked up the message that the spike that Eddy Adams talked about needs to be evened out, probably on a symmetrical basis, to provide more of a continuum of support.

The third thread was about implementation, specifically the roles of groups such as Fairbridge and Youthlink and of youth development workers from agencies and at a local level. They need to be more involved in the implementation of the

support provided, particularly to younger people. The Foyer is a good example.

The need for continuity was also mentioned, so that we do not do a complete change every time the three-year funding is up. There has to be continuity over a longer period of time, matched with flexibility—I heard that word quite a lot. We heard that we need more flexibility in funding and support.

Laurie Russell made the point two or three times that there is a need to identify and disseminate best practice. Good things are happening; the Fairbridge organisation is a good example. Such best practice could be rolled out or copied elsewhere to the benefit of other areas. There are many other examples of best practice, but Laurie Russell argued that there should be a systematic way of identifying it and having it rolled out and disseminated across the network of people who deal with the problem.

Another thread of the discussion was output funding, whereby agencies are rewarded for getting someone into a job and sustaining them in it for 13 weeks. That is not adequate; we need to look at keeping people in a job for longer. Perhaps the funding should be directed towards achieving longer-term objectives. That ties in with the specific points that Alan McGregor made about the interrelationship between benefits and working income in respect of practical issues such as going from a weekly payment to a monthly payment and the impact of losing some benefits, particularly if someone starts in a relatively low-wage job. A clear thread that came out of the discussion was that we must manage that transition better. We must bear in mind Karen Gillon's point that we do not want, as a consequence of whatever we do, accidentally to reinforce dependency. We must ensure that whatever we do encourages everybody to move from welfare to work and does not leave people feeling as though they need to start off on benefits.

Alan McGregor's point about the fear factor is important. We must address it in any measure of the framework's success.

Charlene O'Connor mentioned that about a fifth of those who participate in Scottish Enterprise programmes are effectively in the revolving door and reappear regularly. We must address how we can reduce that percentage and how to have a more permanent solution.

The final thread that I picked up was the need for substrategies. Laurie Russell emphasised in his last contribution that there may be 20,000 people in the NEET group who, if the jobs exist and the other issues are addressed, should by and large be able to find employment, education or training, but that there is a subset of 15,000 in that

group—the same would apply to the adult group—who have particular issues such as drug use or who are ex-offenders. In addition to the general approach, specialised strategies are required to address the needs of those groups.

I do not know whether members have other threads or disagree with those that I have described, but I think that those are all important points.

Christine May: Perhaps because of the nature of the folk who gave evidence, we have not talked about the other “e” in NEET to any great extent: we have not talked about education, other than peripherally when the benefits issue was raised. We might want to take that issue up with ministers when they are with us.

The Convener: I think that the discussion has been helpful, enlightening and informative. This is not an inquiry; we are merely trying to get a feel for the key issues that have to be addressed. In our discussion with ministers, we will raise most if not all of these issues and no doubt some more. If people have additional information that they think it would be helpful for committee members to receive, please submit it through Douglas Thornton, our clerk, and it will be circulated.

Our main thrust will be to use the evidence to inform our legacy paper. All the parties in the Parliament regard this as a major issue that must be addressed.

Finally, I thank each and every one of you for coming. The group was large, so you might not have got in as often as you would have liked, but we deliberately had a large spread of people so that we would get a wide perspective. If you would like to stay and listen to the rest of the committee proceedings, you are welcome to do so. Personally, I would prefer to go to the dentist. I am only joking, by the way—scrub that from the record.

I will suspend the meeting for five minutes while we reset the table.

15:40

Meeting suspended.

15:48

On resuming—

Petition

National Bird (PE783)

The Convener: I ask the committee to reassemble for item 3, which is consideration of new material in relation to PE783 by James Reynolds, on behalf of *The Scotsman*, calling on the Parliament to support the establishment of the golden eagle as Scotland's national bird.

As members will recall, we have discussed this matter before. Two papers, I think, have been circulated on the subject. I know that everyone will have read them both, but I draw your attention to the shorter paper, paragraph 6 of which sets out three options for the committee's consideration. I take it that everyone has read the written evidence—and I should point out that we are not taking any additional oral evidence on the matter.

Under "Option 1", the paper says:

"in order to determine whether there is a majority cross-party parliamentary support, the Convener could lodge a motion on behalf of the Committee asking the Parliament to support the establishment of the golden eagle as the national bird of Scotland. If that motion gains a majority cross-party support then the Committee would recommend that the Parliamentary Bureau considers debating the motion in the chamber. In addition, in order to determine whether there is widespread public support, the Committee could request that an online question be placed on the Parliament's website, asking 'Do you support the establishment of the golden eagle as the national bird of Scotland? Yes/No.'"

Of course, we are all in favour of referenda.

Christine May: You mean "referendums"—it is a gerund.

The Convener: Under "Option 2", the paper suggests that the committee

"dispense with further consultation within and external to the Parliament and write to the Parliamentary Bureau recommending it schedule time in the Chamber to debate a motion supporting the establishment of the golden eagle as the national bird of Scotland."

Finally, under "Option 3", the paper suggests that we

"take no further action in relation to the petition and write to the petitioner and PPC accordingly."

Do members prefer any of those three options?

Karen Gillon: I have no particular preference for any of three options. I have to say that, although I am not usually the biggest advocate of the Lord Lyon King of Arms, his important evidence raises questions about how we determine what constitutes a national symbol. As none of us—the

committee, the Executive or anyone else—has gone through that process, we should perhaps have a fourth option, which is to send the petition to the Executive and ask it whether it will consider establishing for use in a future parliamentary session criteria for determining national symbols.

Murdo Fraser: I, too, was quite taken with the Lord Lyon's correspondence, particularly his point about the size of sample used in the poll. It is probably unwise for us to rush ahead with this matter without gathering further evidence of public support. As a result, if I had to choose an option, I would probably favour some version of option 1, because we need to establish exactly how widespread public support for this measure is before we take the matter further—for example, to a parliamentary debate.

I was interested in the Lord Lyon's comment that the state of Colorado has a range of different symbols including a state insect, which is the Colorado hairstreak butterfly. Perhaps Scotland's national insect could be the midge. I also see that Colorado has a state fossil; perhaps, convener, you could apply for the job of Scotland's national fossil. [*Laughter.*]

The Convener: That is the last time that I let you in today, Murdo.

Mr Maxwell: I tend to agree with Karen Gillon. I am not wildly keen about any of the suggested options. Any motion that asks Parliament to agree that the golden eagle is a great bird is almost a self-fulfilling prophecy. I simply do not know whether the national symbol should be the golden eagle, another eagle or even another bird entirely. Many options have not been discussed, and it would be a mistake to support option 1 without having carried out more broad-based research on people's views. Moreover, as Karen has pointed out, what are the criteria for establishing a national symbol? As for Murdo Fraser's suggestion, I do not support any move to make the midge the national insect.

The Convener: I certainly hope that you do not support the proposal to make me the national fossil.

Christine May: What a pity—I was just about to mention the national fossil.

I had very clear views on this matter when it first came up. I respect the Lord Lyon's views and, indeed, the other views that we have received. However, despite the publicity that surrounded the committee's discussion of the matter, no one has expressed to me a view one way or the other on whether Scotland should have a national bird. It appears on no one's radar as one of the key issues on which we should be spending committee time, officials' time or parliamentary time.

Without that national view, we are in danger of taking something that—as I have said before—started off as no more than a stunt by a particular newspaper to increase its circulation and elevating to national policy a matter that is way outside any relevance to our constituents. We might as well suggest that we identify a tartan for the bird, put a kilt on it and place it on the top of the Scotsman building. Perhaps *The Scotsman* should seek to generate support by adopting the eagle as its masthead.

My preferred option is option 3, which is to take the petition no further. We have noted the petitioner's comments and the responses that we have received. If a groundswell of opinion develops in the population at large that Scotland could do with a national bird, we can always return to the matter.

Shiona Baird: I totally disagree. VisitScotland's evidence was overwhelming and probably answers Christine May's point. There has been no groundswell of opinion because it is already understood that the golden eagle is one of our iconic birds.

VisitScotland is already using the bird as a symbol and part of its marketing strategy. There is recognition of the importance of wildlife tourism, and we would miss a trick if we did not take on board the petition and identify the golden eagle as the symbol bird for Scotland.

In the interests of democracy, I would have to go for option 1, but we should just go for option 2 and go straight to the Executive, ask it to decide that the golden eagle is our national bird, and let the people of Scotland and the tourist board take it from there.

Mr Maxwell: Shiona Baird answered the point when she said that the golden eagle is "one of" Scotland's iconic birds. That is part of the problem. Because a newspaper has started a petition that says that it should be this bird is not a reason for us to say, "This is the bird." There has not been a proper debate.

My other fear is that we could head down the same road as Colorado and have a national symbol for everything: fish, bird, animal, flower, folk dance, fossil, insect and so on. I am not sure that I want to go down that road.

Karen Gillon: In the previous parliamentary session there was a petition on what colour the saltire should be, and in this session we have had a petition on what our national bird should be. We should take up the Lord Lyon's suggestion because there is no clear way to establish such things. If the Parliament believes that they are important, we need a clear way of establishing that. A petition in a national newspaper is not the right way to establish a national bird.

I have no strong views on whether it should be the golden eagle, but there should be a clear process by which Scotland could identify and adopt a national symbol. I do not think that the process should be a petition to the Scottish Parliament that is based on a newspaper survey; it should be better than that. If we are not going to do anything about such a process, I suggest that we go for option 3.

Susan Deacon: I was not present at the meeting at which this was discussed initially, which is why I have been unusually quiet. I suspect that it will come as no surprise to colleagues that, based on everything that I have heard and read, I am firmly of the view that we should take no further action.

Shiona Baird: What I said earlier was a slip of the tongue—even Tony Blair is allowed a slip of the tongue. VisitScotland said that the eagle was the bird symbol and that the stag was the animal symbol. That is what I was thinking of.

It is key to this discussion that VisitScotland has already identified the eagle and is using it in promotional material. The precedent has been set. I urge members to consider again going for either option 1 or 2 and taking the petition forward.

The Convener: I am going to choose my words carefully because after the last meeting when this was discussed, one newspaper had said that I had persuaded the committee to take the issue much further, and another, based on exactly the same meeting, said that I had put the kybosh on it. Interpretation can be very wide.

It is not realistic to take this issue through additional parliamentary processes at this stage in the parliamentary session. Frankly, there is no parliamentary time for it. We have many other priorities, not least the bills that are being discussed at stage 3. Even if we wished to, there is no way we could establish a parliamentary debate on the issue between now and the end of March. The sensible options are for us either to take up Karen Gillon's original suggestion that we refer the matter to the Executive for further study, so that it can provide us with a view—presumably after the election—on what is and is not possible, or not to take the petition any further at this stage. I am totally in the hands of the committee; I would not go to the barricades on the matter.

16:00

Christine May: I have made my position perfectly clear.

Karen Gillon: My suggestion did not relate solely to this petition. It was that the Parliament should be clear about how something like what is

proposed could come about in the future and what we would expect from people.

The Convener: I suggest a way forward, although I know that it will not meet with unanimous agreement. Shall we write to the Executive along the lines that Karen Gillon has suggested, to try to establish the proper process and to ask the Executive to take the lead on these matters? In the meantime, we would take no further action in the committee. Our successor committee could decide whether to take further action once the Executive had responded to our request, which would, I suspect, be after the election. Is that a reasonable approach?

Susan Deacon: I am happy to accept that. I support strongly the point that Karen Gillon made about our needing to find out how these things are done. It is profoundly important that, whatever the issue, the individual or the organisation concerned, people should not think that the parliamentary process is always the right vehicle to take matters forward. The Parliament's time is precious, and it is important that we prioritise. We would be performing a wider service if we clarified this and other issues, so that the Executive was involved at an earlier stage in the process and the best mechanisms for agreeing proposals were identified. Full-blown parliamentary procedure is not always necessary.

The Convener: Do we agree, first, to write to the Executive to ask it to clarify the procedures for such decisions or to recommend to the Parliament what those should be in the future, and secondly, to close the petition and to take no further action on it?

Members *indicated agreement.*

Shiona Baird: I do not agree. It is a majority decision, but it is not unanimous.

Scottish Register of Tartans Bill: Stage 1

16:03

The Convener: Item 4 on the agenda is consideration of the Scottish Register of Tartans Bill. I invite Jamie McGrigor and his team to join us at the table. We have received apologies from Mike McElhinney of the Scottish Executive, who is unable to join us today, although we are not entirely sure of the reason for that.

When we last dealt with this matter, an issue was raised concerning the list of people who were categorised as supporting or not supporting the bill. Before we take oral evidence, I will make a statement to clarify the written evidence that we have received. In committee papers for our previous meeting, one submission was categorised as being

"Unsupportive of the creation of the 'keeper'".

Barry Winetrobe, the author of the submission, has asked us to clarify the position: namely, that his submission is not unsupportive of the creation of the keeper per se, but states that the institutional model of the keeper that the bill proposes is not appropriate and that another institutional model should be devised for it.

Members will have seen on the agenda that a representative of the Scottish Executive was due to be here; I have already passed on his apologies. Today the Executive contacted the office of the clerk to the committee to advise that the memorandum was not yet finalised and that it was, therefore, withdrawing its official from today's evidence-taking session. That is the official reason for his absence.

Mr Maxwell: Can you explain that again, convener?

The Convener: Previously we agreed to invite the Scottish Executive to give us its view on the bill. There is no representative of the Executive here because the Executive has not yet finalised its memorandum on the subject.

Murdo Fraser: It is difficult for the committee to consider a draft stage 1 report and deal with matters conclusively until we have heard what the Executive has to say.

The Convener: I was going to suggest that in order to finalise our position, we will have to hear what the Executive's position is after we have heard oral evidence from Jamie McGrigor and his team.

Susan Deacon: When was the committee advised that a representative of the Executive

would not attend the meeting? I apologise if you said when that was and I missed it.

The Convener: This morning.

Susan Deacon: We must complain in the strongest possible terms. There has been a pattern of very late Executive engagement in the consideration of members' bills in general—the Enterprise and Culture Committee has been at the receiving end of that. Such late engagement has caused significant difficulties and has led to debates not being sufficiently informed at an early enough stage. The Executive has, at best, been extremely discourteous in telling a parliamentary committee on the day that it is to hold a meeting that it will not be possible to hear the Executive's views in that meeting.

The Convener: As you said, this is not the first time that this has happened to the committee; members may remember that something similar happened with the St Andrew's Day Bank Holiday (Scotland) Bill, which was not helpful.

I am minded to support what Susan Deacon has suggested we should do. The committee could write to the Executive in the strongest possible terms and say that pulling out of meetings at the last minute is unacceptable. I think that that is what she is suggesting.

Susan Deacon: You have put words into my mouth, convener. However, I am uncomfortable with what has happened. A procedural point should be raised in the appropriate procedural terms. We do not have to use flowery language. We should say that the committee does not regard it as acceptable that it should be notified on the day that a meeting is to take place that an Executive representative will not attend to give the Executive's views. More generally, we should say that it would be good practice and in the best interests of the Parliament if the Executive engaged earlier in debates on members' bills. We have said that before.

The Convener: Do members agree that a letter to that effect should be sent to the Executive?

Members indicated agreement.

The Convener: Susan Deacon can check the letter so that, being the old fossil that I am, I do not include in it language that is too flowery.

I welcome Jamie McGrigor and his team from the non-Executive bills unit, which I will let him introduce. Jamie McGrigor was invited to give evidence because it is only fair that he should have a full opportunity to give his views on the bill, why he introduced it and the rationale behind it. I invite him to make some opening remarks; committee members may then ask questions.

Mr Jamie McGrigor (Highlands and Islands) (Con): Thank you very much, convener. I have brought with me David Cullum from the non-Executive bills unit to answer any technical questions that members may have.

I thank the committee for inviting me to give evidence on the Scottish Register of Tartans Bill. I am glad that the committee is taking evidence on the bill and hope that members will be persuaded by what I say. Members will have read my written submission.

It is unfortunate—but perhaps not surprising—that there is a lack of unanimity among people who operate the current registers. However, I want to make it clear from the start that I do not favour one existing register over another.

The bill seeks to establish a publicly owned and managed national archive of tartans. As well as establishing a current record, it will enable historical records to be accepted and preserved. Information will be secured for the nation and that information will be made accessible to those of us who live in Scotland and to visitors from abroad.

At its meeting on 14 November, the committee decided to invite me to explore a non-legislative route to achieving the objectives in my bill. I assure members that a non-legislative approach has been sought without success for a number of years.

As I explained in my written submission, individuals who own and operate the existing privately run registers have been unable to reach an agreement. Three years ago, a steering group approached me, asking me to facilitate the introduction of a bill. Among others, the steering group consisted of representatives of each of the existing registers and the Lord Lyon. I investigated the matter and suggested a non-legislative solution and attempted to secure agreement from all parties. Over the years, I have continued in my attempts to secure such agreement. However, the nature and tenor of the submissions that the committee has received show that, although the tartan lobby remains deeply divided, the underlying and overarching desire is to secure the status of an authoritative register for Scotland, particularly before that is done by another country, such as Canada.

The roots of tartan are set in Scotland, but its branches go worldwide. From the Lord Lyon's submission, the committee will see that discussions within the tartan industry over the creation of a national register began over five years ago in 2001. Many meetings have been held since that time, but they have not brought about a conclusion. I was invited to pursue a legislative solution simply because the non-legislative approach had failed. Given the disharmony that

exists, it cannot hope to succeed. I also fear that the existing registers are not secure. They are held by small organisations that are owned and operated by individuals. The organisations are dependent on industry funding and support. Like any private company, they are exposed to commercial risk.

Originally, when the Scottish Tartans Authority was founded in 1995, a significant number of weavers provided funding and support to the STA. However, over the years, the number of weavers who are doing that has diminished rapidly. I believe that the number is now down to four or five. The individuals who are maintaining the existing registers are doing so principally because of their interest in tartan. However, who will step in and take over when they retire? Where is the next generation who will share that dedication, preserve this priceless part of our heritage, and safeguard for Scotland the benefits that it brings? That is why we need a bill.

From the submissions, members will see that there is no consensus on the quality of the contents of the existing registers. Each organisation holds the view that its register is the only authoritative one. There are also the views from those outside the industry, such as VisitScotland. In its submission to the committee, VisitScotland said of the registers:

“those that currently exist are incomplete or represent the interests of a specific area.”

It is clear to me—and I hope also to the committee—that the existing registers are neither complete nor consistent in their approach. It is unlikely that the organisations will ever reach agreement. They will slowly diminish in number and the registering of tartan will wither on the vine with the result that the information will be lost to the Scottish people.

For those reasons, the establishment of a national register of tartan that is publicly owned and controlled in Scotland would safeguard the information that is recorded on tartan for the future. Such a register would not be dependent on individuals or sections of the industry for continuance or funding. It would be neither industry-led nor subject to the influences of those in the industry who have a vested interest in the commercial nature of the contents of their register. A publicly owned register would be commercially neutral, safeguarded for the future, and accessible to everyone.

From the submissions, I note that some believe that the STA register should be given official status; a view that I believe stems from the STA and its supporters. Although the STA recognises and promotes the need for a register, it does not fully understand that any keeper who is appointed

or register that is established by the Parliament must be independent and not subject to control by any part of the industry. Anything else cannot be said to be independent. The STA proposal would also result in a continuation of the current parochial squabbling.

One important point to note relates to the committee's discussion at its last meeting on whether the Lord Lyon should be appointed as keeper of the register. Prior to coming to the committee today, I sought legal advice on the matter. I confirm that, if the committee so wishes, it would be within scope and competence to amend the bill to appoint the Lord Lyon as keeper of the register. That proposal has the potential to produce a significant reduction in costs, as well as placing the future of registering tartan into public hands. If the committee was so minded, I would be prepared to facilitate such amendments at stage 2.

Members will have noted that the numerous submissions from local authorities show universal support for the concept of such a register. I urge the committee to examine all the evidence before it and, in particular, to look carefully at the tone and tenor of the submissions that it has received. Members should take a broad view of the benefits to the nation that accrue from tartan. I urge members to think big, to be positive and to have vision.

16:15

Although the bill is a modest little measure, the committee should consider the iconic image of Scotland that tartan represents. It should consider the views of VisitScotland, which calls tartan Scotland's trademark. The VisitScotland submission points out that

“tartan conjures immediate association with the scenery, our culture and heritage”

and it adds value to our tourism industry. Think what tartan means to Scotland's innumerable pipers and pipe bands, the tartan army of football supporters, the rugby supporters, generations of soldiers from Scottish regiments, the Edinburgh tattoo, numerous Highland games, lowland games, fêtes, galas and weddings. When anyone sees tartan, here or abroad, they think of Scotland. Tartan inspires pride.

All submissions except two—the number is down to one if Mr Winetrobe has withdrawn his contradictions—have supported a public register. Therefore, the key issue for the committee is whether it considers that tartan is an important enough icon or emblem for Scotland to spend some parliamentary time and a little money on elevating the status of tartan by enshrining in statute a register that would bring tartan into the public domain. A Scottish register of tartans and a

keeper of that register would protect tartan in perpetuity for future generations.

I repeat what Andrew Cubie said in his submission:

"This Bill has been well prepared with much careful thought and consideration."

"I believe that an official register of tartan would greatly benefit not only the limited number of commercial weavers who call themselves the 'tartan industry', but also the entire Scottish tourist industry and tourist related activities, including genealogy."

If members support my bill, we can start to address that issue and add even more value.

The Convener: I thank Jamie McGrigor for that comprehensive and stimulating introduction. I will let Murdo Fraser ask questions first so that we can see whether he supports public ownership and control.

Karen Gillon: Or even nationalisation.

Murdo Fraser: Thank you for that, convener. I had better think of some questions.

Jamie McGrigor mentioned the possibility that Canada might develop a register of tartans. Will he expand on that? It would seem rather extraordinary for another country to set up a register of tartans.

Mr McGrigor: Funnily enough, that is one of the original reasons why the steering committee asked me to introduce a bill. In his letter to this committee's convener, Brian Wilton of the Scottish Tartans Authority said:

"The lack of any officially accepted repository for the nation's tartan heritage also seems to have stimulated the idea in North America, that if its home country can't be bothered with it, then it's up to the New World to create such a register. Fortunately that train of thought has not yet been translated into reality."

In places such as Canada where there is a big interest in tartan, people cannot understand why we do not have a Scottish register. They are likely to set up a register in Ottawa. That would mean that Scotland would no longer be the Mecca for tartan.

Murdo Fraser: I want to try to address the point that Karen Gillon made about nationalisation. It seems to me that the proposed function would not be very different from that of the Patent Office, which exists to regulate intellectual property rights and acts as a policeman for intellectual property. I suppose that my concern about the proposal is that an additional cost—albeit modest in comparison with a great many other costs that have been approved by the Parliament—would be placed on the public purse. Therefore, I was interested to hear about the possibility that the Lord Lyon could perform the duty of keeper at substantially lower cost. Has Jamie McGrigor been

in communication with the Lord Lyon's office about that? What is the Lord Lyon's view on the proposal?

Mr McGrigor: I will ask David Cullum to explain the technical points about how easy it would be to do that.

The Lord Lyon's original view was that his office was not capable of looking after the register, but that was his view before I told him that it might be possible to legislate to bring that under the bill. He told me this afternoon that he would not be averse to the suggestion and that it might be an acceptable route.

Of course, that would reduce considerably the cost of renting an office. The cost of the keeper is based on a one to two-day week. The Lord Lyon does a three-day week but, in his court, he has people with great expertise on different matters who are paid nothing—I believe that some of them are paid £20 a year. The proposal might add modern significance to the Court of the Lord Lyon.

David Cullum (Scottish Parliament Directorate of Clerking and Reporting): Rob Marr, who is on my left, should really answer. The advice that we have received is that it would be within the Parliament's legislative competence to give the Lord Lyon the function. We have examined the statutes that create the Lord Lyon's position. Several amendments to the bill would be required to achieve that, but it would not be technically difficult.

One question is who the sponsoring body should be—answering that might deal with some of Barry Winetrobe's concerns. As the Lord Lyon is funded through the Executive, one question might be whether he should be funded partly through the Executive and partly through the Scottish Parliamentary Corporate Body. Those matters will need to be considered. Several amendments would be required, but they are perfectly doable.

Karen Gillon: What is the point of the bill, Jamie? What would it protect? According to the evidence that we have received, it would not protect tartan. People would still be able to make a tartan and call it a tartan.

Mr McGrigor: The point is to elevate the status of tartan, which has for some reason been thought of as cheap and perhaps tacky. The point is to make more of the fact that tartan is one of our main symbols and emblems.

Karen Gillon: Do you suggest that the bill would take tartan out of the hands of ordinary people by making it expensive?

Mr McGrigor: On the contrary. The bill would put tartan into the hands of ordinary people. It would give tartan to the people of Scotland instead of keeping it in the hands of a private group.

Karen Gillon: How would the bill give tartan to Scottish people? People in Scotland wear tartan all the time. You were right to mention the tartan army, which often wears what you describe as cheap and tacky tartan. Do you suggest that those people should not be able to wear that cheap and tacky tartan and that they should have to go to one of your friends in the weaving industry to buy expensive tartan?

Mr McGrigor: No—absolutely not.

Karen Gillon: So what is the point of the bill? I do not get it.

Mr McGrigor: If you do not mind my saying so, you are deliberately not getting it.

Karen Gillon: I am not deliberately not getting it.

Mr McGrigor: If you read my submission—

Karen Gillon: I have read it.

Mr McGrigor: If you read my submission, you would know why the bill is important. VisitScotland's evidence says that it is extremely valuable to the tourism industry. Did you read that?

Karen Gillon: The submission does not say that. It says that there is no evidence to suggest that it

"will attract additional visitors to Scotland, or add significantly to tourism revenues."

Mr McGrigor: The submission talks about helping tourism, and tourism that relates to genealogy and preserving our culture and history.

Karen Gillon: The submission says:

"Therefore, we can see the merits behind the creation of such a register, but we do not have any evidence that the register will attract additional visitors to Scotland, or add significantly to tourism revenues."

Mr McGrigor: VisitScotland says that because it has not conducted a survey. If it did so, it would almost undoubtedly find evidence. Surveys that have been done abroad have found that people from foreign countries buy large quantities of tartan when they come to Scotland. It is one of the highest-value goods that they purchase.

Karen Gillon: I am trying to get at what the bill would add. People who come to Scotland already buy large quantities of tartan. Scottish football fans already wear it and people already use it for weddings. We already get tartans for every special occasion or tartans being commissioned by football teams. What would the bill do?

Mr McGrigor: It would show that Scotland, which has been able to look after some of its own icons properly since devolution, cares about this incredible calling card. VisitScotland declares that

there is merit in the bill; so do all the councils, Andrew Cubie and Keith Lumsden.

Karen Gillon: Where is the evidence that Scotland could not care less about tartan and needs to spend £140,000 in year 1 and £100,000 in every other year to safeguard the rights of particular private individuals?

Mr McGrigor: It is not to safeguard any private individuals at all; it is to safeguard the value of what the majority of Scots regard as their greatest emblem.

Karen Gillon: I do not understand how having a register would safeguard tartan. Tartan has been around for hundreds of years, is used throughout the world and is thought of as an iconic emblem of Scotland. I do not understand how creating a register would do more than that.

Mr McGrigor: It would, because it would put tartan in the public domain instead of the private domain. It is unusual for a Conservative to want to do that, but tartan is Scotland's most vital emblem. People abroad see tartan and think of Scotland and Scots. Most nations would give their eye teeth to have that kind of brand. Without the bill, we are leaving tartan in the hands of one or two private individuals who run registers, who told me that they could not agree and that they wanted a statutory register. They asked me to make a register in the public domain, which is all that I am doing, and to give it back to the people.

Karen Gillon: They cannot agree so we have to pay for it.

Mr McGrigor: No.

Karen Gillon: Yes.

Mr McGrigor: They cannot agree, so they might wither on the vine and we might end up with no register of something that is priceless to Scotland's heritage.

The Convener: I need to give other members a chance, Karen.

Shiona Baird: My understanding is that the main issue is having a register. The bill is about registering tartans and keeping the register in the national domain so that it is not held by two private companies. It is about maintaining a well-documented database of all the tartans. As a MacKenzie—now a Baird—I can see the need for that from how our tartans have changed. We have ancient, hunting and modern tartans; it gets extremely confusing.

Mr McGrigor: It does get confusing.

Shiona Baird: The essence of what you are trying to do in the bill is to establish one register in the public domain to which everybody can refer—the definitive register.

Mr McGrigor: You could not have put it better. It would not be compulsory to register anything, but the register would be authoritative and definitive. People would be able to say, "This is the Scottish register," instead of having to go to two or three different registers, all of which have different ideas about what is what. That is why the organisations came to me in the first place. They know that they cannot agree, but tartan is too valuable to Scotland to be allowed to wither on the vine. We need it kept in history for Scotland.

Shiona Baird: My concern, which is based on evidence that we have received, including what you have said today, is about the divisions between the two holders of the current registers.

Mr McGrigor: There are four, actually.

Shiona Baird: There seem to be two main ones.

Mr McGrigor: The Scottish Tartans Authority and the Scottish Tartans World Register.

Shiona Baird: My concern is that those two organisations hold a huge historical information base that they would not be willing to divulge for use in the proposed new national register. If we could get those organisations to buy into the idea of establishing a national register, I would be more confident in supporting your bill. It concerns me that you might establish a register but not have the historical information base that would be vital to it.

16:30

Mr McGrigor: Those are good points. Keith Lumsden of the STWR and James Scarlett—who owns the official Scottish Tartan Society register, which is the basis of the STA one—have both said that they would be more than happy to make the information available for a new register. The third register that I know of is held by the Lord Lyon King of Arms. It contains only about 100 tartans, but he would be perfectly happy to make the register available to the public. The only register outstanding, therefore, is that of the Scottish Tartans Authority.

We have tried to explain to the STA again and again that we cannot legislate for one private register to be the official register. A member's bill cannot do that. The STA would like to be the official register and for that to be enshrined in legislation, but that is impossible. David Cullum might want to expand on that point.

The Convener: Can you not just nationalise the authority?

Shiona Baird: The STA has obviously put a lot of revenue into devising its register, and it has a huge interest in the work that it has already done. It is a private company, so you can understand

that it will not be willing to hand over its work without there being some sort of compensation. Can we offer the STA anything to encourage it to buy into the national register?

Mr McGrigor: The STA has come to me to say that we need a national register, but the point that it makes is that it wants to be that national register. We cannot legislate for that. We can legislate for a register and a keeper, but we cannot legislate for the STA to be those things.

When we cast around for people to help out with the register, I imagine that the STA will almost certainly be involved, because it has such expertise. However, I cannot put that in legislation. Have I answered your question?

Shiona Baird: Yes, you have.

Mr McGrigor: Much of the STA's knowledge is already contained in the other registers. It is important to note that the proposed national register would enhance the STA's work in promoting tartan and in promoting the work of the weavers who are the STA's sponsors. The register would increase people's turnover and be good for Scottish business. I think that everybody accepts that.

The STA started in 1995—as a result of the previous register collapsing 10 years earlier—and it is perhaps anxious to retain control. The STA has said to me again and again that it has nothing against the bill. However, it is worried about the memorandum because the memorandum does not say that the STA will be the national register.

Mr Maxwell: You just said that the register would be good for Scottish business. I am thinking of a point that Karen Gillon made earlier and I am struggling to understand how you can make such a statement. What is your evidence? I can understand why we would want to have such a register but, if it is not compulsory to register a tartan, the register will inevitably be incomplete. We are not talking about copyrighting tartans, so there will be no protection and people will be able to do whatever they like—here, in Canada, or anywhere else. How would the register help Scottish business?

Mr McGrigor: As I have said, the register would elevate the status of tartan. We are not trying to rewrite history. The tartans that are there already will be held in an archive. We are not going to prevent anyone from producing what Karen Gillon referred to as cheap and tacky tartans. They are welcome to do that if they want.

Karen Gillon: You suggested that they were cheap and tacky.

Mr McGrigor: I did not suggest that. I said that I had heard that there are some elements within tartan that some people seem to make cheap and

tacky. I think that that is wrong for Scotland. Tartan is our chief emblem, and it is held up as such.

Mr Maxwell: I accept that, but—

Mr McGrigor: I am coming back to your point about business. I think that the bill will encourage business and will encourage people to have more kilts made. It will encourage people's interest in tartan, and we might well end up having a proper museum of tartan as a spin-off, which would be very useful for the capital, the Highlands or wherever such a museum might be put. I can envisage all sorts of business emanating from this tiny bill, and I think that people in other countries can, too. They are wondering why Scotland does not go ahead and admit that it has something really good and make the best of it.

Mr Maxwell: I accept most of what you say about tartan being an emblem of Scotland and it being the sort of thing that we should promote and use to promote Scottish business. I struggle, however, when it comes to how the establishment of a register would grow Scottish business. If a register was established, that would not stop Canadian or Chinese manufacturers of tartan scarves making them, for example. Nothing would change for business, I would say.

Mr McGrigor: You suggest that nothing would change if we had a register, but it would. With respect, it would have to. If the register was in the public domain, it would keep the cultural element and history of tartan for our nation in a way that private registers may not do—and there is a lot of danger that they will not do. I do not know whether anybody in this room feels that tartan is not important to Scotland; 95 per cent of the people to whom I have spoken about my bill have said that tartan is a very important thing for Scotland. The Scottish Parliament can and should take these measures to elevate our greatest icon and enshrine it in statute.

Andrew Cubie states:

"Existing registers, however, are commercial and the essence of this Bill is that tartan registration should be in the public domain. So this is the fundamental issue that the Enterprise and Culture Committee needs to consider. Tartan registration (and this register is intended only to be an archive and a record of tartans and not authoritative on the multitude of other tartan related issues) should not remain exposed to private commercial risk."

Mr Maxwell: I think that we are mixing up two things. I do not think that anybody would disagree—I certainly do not—about the importance of tartan. It is a fundamental thing, which is extremely useful. Most countries would give their proverbial right arm to have such a recognised national emblem.

Mr McGrigor: Do you not think that most countries would have a register?

Mr Maxwell: There is no disagreement about that. I absolutely agree. However, I do not see how the argument follows. If we were trying to set up a copyrighted register that protected tartans, and if it was compulsory for all tartans to be included on that register, I could see how that would protect tartans, which would have a status that they do not have now. If registration was compulsory, the register would be completely authoritative, with nothing missing. However, the proposed register would do none of those things, but would just be a big list of all the tartans that exist. I am not trying to underplay it, but that is what it seems to be. The tartans on the register would simply be those that had been registered by people who wished to register them. Tartans that had been made by those who did not wish to register them would not be included.

Robert Marr (Scottish Parliament Directorate of Legal Services): There would be no element of compulsion to the register, as has rightly been noted. Registering a tartan would not create any new right on it that did not exist before, nor would it take away any right that existed prior to registration. It would simply record the fact that the tartan exists. In time, as the number of applications grew, the register would become a more comprehensive record of the tartans that exist. It certainly would not and could not create any new rights that did not exist previously.

Mr Maxwell: I think that we are now clear on that, but it has been a point of some confusion. If someone in the street were to be asked whether a register was a good idea, they would say yes, but they would assume that there was some additional protection. That has been part of the problem.

I have a final question on a separate issue. Jamie McGrigor's comments about the Lord Lyon King of Arms being willing to take on the register were useful. A number of us had problems with the keeper being a separate institution—a new body with an office and so on. Do you have a definitive revised estimate for what the register would cost if it were done by the Lord Lyon?

David Cullum: The simple answer is no but, looking at the financial memorandum, it is clear that there would be an immediate reduction of £37,000.

The Convener: Is that per year?

David Cullum: No, that is in the set-up costs. The recruitment costs, which are £17,000, would not apply, and we would not need separate rental costs, which are £20,000. There would be an instant saving of £37,000, and there might be other savings from sharing equipment, for example.

Mr Maxwell: So would the intention be to pay the Lord Lyon the £20,000 annually?

David Cullum: That would have to be discussed.

Susan Deacon: Given that the Executive is not here to speak for itself, can I ask Jamie McGrigor to attempt to speak for it?

Mr McGrigor: For whom?

Susan Deacon: The Executive. Well, perhaps not to speak for it, but can you give us any insight into the contact that you or those who have worked with you on the bill have had with the Executive? Either at the more advanced stage, or—this is my main interest—at earlier stages, were there discussions about how best to proceed?

Mr McGrigor: I have spoken to various members of the Executive about it, including Margaret Curran and Allan Wilson, but the Executive comes and goes every three or four years.

Susan Deacon: Before I get ticked off, I should make it clear that it would not be fair to ask you about the views that the Executive has expressed—that is for the Executive to tell us directly. However, I am interested in any discussions that have taken place about vehicles to achieve the objective of a register of tartans. As an individual MSP, you have had discussions with individual ministers, but have any of the bodies that you have worked with had a meeting with the Executive to discuss the idea?

The Convener: You mean formal meetings, as opposed to informal chats.

Susan Deacon: Yes—what communication has there been?

Mr McGrigor: We have had many meetings with the committee that I told you about, and I believe that, after one of those meetings, the STA asked the Executive whether it could legislate for a register that would be controlled by the STA. It was told that that would not happen. I also believe that, at an earlier stage, the STA tried to introduce a bill of its own. Is that right, David?

David Cullum: My first involvement was when the STA sent me a draft bill, which was probably in the nature of a private rather than public bill. When it started up, the STA received Executive funding to help it establish its registers. My understanding—it is no more than that—is that it has made approaches for funding from time to time but is not currently in receipt of any.

Susan Deacon: What about national agencies? I am thinking, for example, about Scottish textiles and VisitScotland. What meetings have taken

place with them to discuss ways of achieving progress?

Mr McGrigor: I put out the usual consultation and went through all the steps that one has to go through to introduce a member's bill. A lot of the groups that have been mentioned were written to, and VisitScotland made a submission that was supportive of the idea.

16:45

Susan Deacon: VisitScotland's submission was discussed earlier in respect of Karen Gillon's questions. The submission from Scottish textiles states:

"we support the proposal to have a single authoritative register but do not consider that it is necessary to create a new register to achieve this."

Why have the bodies that are engaged in the important work of not just protecting but developing tartan in the future not been around the table?

Mr McGrigor: Which bodies?

Susan Deacon: The national bodies, such as Scottish textiles and VisitScotland. You told us today that the only way to resolve the matter—this is a key issue that several members of the committee raised when we discussed the bill at a previous meeting—is through an act of the Scottish Parliament.

Mr McGrigor: Through a piece of legislation.

Susan Deacon: Yes—a piece of legislation. An act of the Scottish Parliament, ultimately. You also told us that the main reason why we need an act is that it has not been possible to reach a voluntary agreement. I am trying to establish what steps have been taken—by the Executive or agencies acting on its behalf, or by the STA or others acting at its behest—to broker a voluntary agreement and resolve the matter without the need for an act of the Scottish Parliament.

Mr McGrigor: I now understand what you are asking me. All that I can say is that the discussions have been going on since 2001. There are minutes of every single meeting. I was not called in until 2003, but the earlier meetings involved many members of the industry and all the people who have registers. They went down all sorts of routes to try to find a non-legislative route, but they could not agree. That is why, finally, they came to me and asked whether we could legislate to create a Scottish register of tartans in the public domain, so that the history of tartan and everything that it means to Scotland is kept for our history and for the Scottish people. The private registers might not wither on the vine, but generally, in the nature of things, private things do.

That happened to the previous register 10 years ago.

Susan Deacon: In the interest of time, I will move on, but I note that, when we get information from the Executive, it would be useful to find out whether an impartial national body or arm of government has attempted to broker an agreement.

The consultation document contains a definition of tartan, but the bill contains a different definition. Given that we are dealing with legislation, it strikes me that there is potential for our using a substantial amount of parliamentary time—rather than a little parliamentary time, to use the phrase that you used earlier—debating the definition of tartan. If I read the documents correctly, there has been a substantial shift in the definition between the consultation document and the bill. What assurance can you give us that, if the bill proceeded, there would not ensue a lengthy debate in and around the Parliament on the definition of tartan?

David Cullum: I have been in the middle of the later attempts to define tartan. The submissions to the committee and to Jamie McGrigor's consultation refer to hundreds of years of dispute over the definition of tartan. You are right to say that the definition in the consultation is different from the definition in the bill. That reflects some of the responses that Jamie received to his consultation, but it also reflects input from the legal team and draftsmen. The definition in the bill has the specific purpose of enabling a starting point for registration. The policy instructions that we were given were that the definition should be as open as it could be, so that there were no restrictions on who could design or register a tartan. The definition was to be as inclusive as it could be.

On the point about the coming together of the registers, from my limited involvement in meetings with the committee but also from having read the submissions to the consultation and to this committee, it is clear that there is no unanimity on the part of the main holders of the registers—indeed, we are as far from that as it is possible to be. There is also a lot of criticism of one register by other people. Every register is subject to criticism and nothing is given a definitive or iconic status at the moment. That means that it might not be the best policy simply to add to an existing register. In the long term, the bill will facilitate the ability to bring together what is out there, if that is what people want to happen. If they do not want that to happen, they will have to soldier on with their existing registers. However, two of the big registers have made an offer to Jamie McGrigor to migrate their material to a keeper under the bill.

Susan Deacon: I apologise for interrupting you, but I would like you to clarify something that you

said that seems to be counter to the process of legislation. You say that the bill will provide a vehicle for people to do this if they want it to happen. I am genuinely struggling with the idea of why we would need the force of legislation to facilitate voluntary agreement.

Mr McGrigor: Because the very people who are divided have asked that there should be a register in the public domain.

Susan Deacon: Are there any international or United Kingdom examples—particularly if they involve legislation—of this type of approach to protecting something that, like tartan, is of national significance?

David Cullum: I would point you to the Registers of Scotland. The register of sasines and the land register, with which everyone is familiar, developed as voluntary registers. Way back in time, there was no requirement to register one's land. However, as the situation has developed, it has become normal custom and practice. There are registers of things such as testamentary documents, which are preserved as historical records for the nation. It is possible to go down to Meadowbank House and have all sorts of documents preserved. That resource has developed over time and the legal profession, in particular, uses it as a repository for safety. It has also become quite a well-used record for genealogists and other researchers. That brings in quite a lot of trade—certainly, the public annual reports of the Registers of Scotland refer to that. That is the best example that we can come up with at this stage.

Karen Gillon: Given that you are talking about creating a kind of archive, what discussions have taken place with the National Museums of Scotland or the National Library of Scotland, which I would think are places where we would store information that is relevant to the history of the country? You talked about a museum of tartan, which could, obviously, be part of the National Museums. I would be much more happy with that sort of suggestion than I would be with the idea of having a register that has been driven by private interests.

Mr McGrigor: I agree with what you say. The museum is frightfully important. I do not know whether members have visited the Kelvingrove Art Gallery and Museum, which has the most beautiful new section on tartan. However, it does not have a register that says what the tartans are. We are talking about a possible 6,000 tartans out there. Given the complications, a museum must get the historical facts correct, but we cannot just expect a museum to do that on its own.

Karen Gillon: But I—

The Convener: Sorry, Karen. I need to give Christine May a shot.

Christine May: Jamie McGrigor has suggested that the keepers of the various registers recognise the importance of the records that they have for the history of Scotland. Is it fair to say, however, that they are not prepared to subdue their mutual loathing—or, indeed, their commercial self-interest—in order to bring the registers together voluntarily for the good of Scotland? That seems to be what we are talking about.

Mr McGrigor: Two of them are prepared to do that and one is not.

Christine May: So, two are prepared to do that voluntarily, without any legislation—is that correct?

David Cullum: It is not quite as straightforward as that. The two big registers will not hand their records over to each other. Mr Scarlett refers to having control of half of what is in the STA. He will not hand that over to the STWR either. Therefore, neither of them will ever have an authoritative record. They both keep records in a different way, as well. There is no consistency between them.

Christine May: I suggest that this is in the nature of a playground squabble. I question these people's commitment to Scotland's history and heritage if that is the attitude that they continue to take towards their registers. I have problems with the idea of creating a law to solve what it should be possible to solve through negotiation and discussion.

Mr McGrigor: I absolutely take on board what you say. Since 2001, we have had negotiation and discussion. The longer I have been involved with the issue, the more I have realised that the best answer would be to have a public register. Preservation is the key—preservation of the cultural heritage element of tartan and the history of the different tartans. There are many different tartans and they are very important to Scotland's history but, unless we have a public register, the tartans will be lost.

You are quite right that it is a playground squabble. However, these people are very passionate. They could answer far better than I can some of the questions that have been put to me about the importance of having a register.

The Convener: Can I just clarify two or three things? Two of the three organisations would make their registers available to any register that was created by a bill. Is that correct?

Mr McGrigor: It appears so.

The Convener: Am I correct in saying that the third organisation would not make its information available?

Mr McGrigor: It is worried about losing control of its register. I would have thought that, if a bill was passed, it would make its information available. An enormous amount of what is in its register is in the other registers anyway.

The Convener: But there is no commitment or guarantee that it would make that information available.

Mr McGrigor: No.

The Convener: And there is no compulsion in the bill to make it do so.

Mr McGrigor: No. There is no compulsion to make anyone hand anything over.

The Convener: Okay. Are the two—possibly, three—organisations that would hand over their information to the register that would be created by the bill looking for financial compensation?

Mr McGrigor: Financial compensation was mentioned but not, funnily enough, by them. It was mentioned in Falkirk Council's very supportive submission. Falkirk Council said that it would be more than happy to give a home to the register, but it also said that, if there was some difficulty, the matter could perhaps be sorted out by compensation. That is the only time that I have heard compensation mentioned.

17:00

The Convener: To rephrase the question, have the two organisations that have said that they would make their information available to a register that was set up as a result of a bill definitely given a commitment that they would do so free of charge?

Mr McGrigor: No, they have not given such a commitment, but James Scarlett said at the end of his submission that he could make available the information that he holds "under suitable conditions", although he has not yet been asked to do so. Keith Lumsden has made it clear that the STWR would be prepared to hand over its information, as well. Quite apart from that, there are certain valuable pieces of tartan memorabilia that they are longing to give to some kind of Scottish heritage register.

The Convener: Is there a definition of "under suitable conditions"?

Mr McGrigor: What do you mean?

The Convener: You just said that one of the organisations would be prepared to hand over its information free of charge "under suitable conditions".

Mr McGrigor: There is no such definition. You have got James Scarlett's submission, in which he

talks about making available the information that he holds “under suitable conditions”.

The Convener: But there is no definition of what that means. It could mean that James Scarlett would not provide his information unless all three organisations handed over their information.

Mr McGrigor: No. I do not think that he would be at all concerned about whether all three of them had to hand over their information. That is not a big worry as regards the creation of a national register.

The Convener: Karen Gillon can ask a final question, if it is quick.

Karen Gillon: It is a technical question. Could the bill be amended to say that an archive should be held in the National Museums of Scotland?

David Cullum: I do not think that there would be any difficulty with incorporating that as part of the bill. Interestingly, the STA used to send a copy of its records to the National Museums every year, but it stopped doing that a number of years ago.

The Convener: Our time has been exhausted. I thank Jamie McGrigor and his team for giving us additional evidence today, which has been illuminating.

Mr McGrigor: Thank you. I thank members for their questions, which were useful.

If the Executive comes up with a response, I presume that our team would be allowed to respond to the Executive and to have the last word.

The Convener: No, today’s meeting is your opportunity to have the last word. If we allowed that, the committee would have to meet in perpetuity because the Executive might want to respond to your response to its response. The answer to that is a very firm no. The system does not work like that.

Mr McGrigor: I am told that the member in charge of a bill always goes last.

The Convener: It was intended that that would happen today, but the Executive has not taken up its opportunity to appear before us, so the committee is free to conclude its report, if it so decides. That is what we will consider under item 5. If the committee decides to postpone consideration of its report so that we can take oral evidence from the Executive—which we had hoped to do today—as a member of the Parliament, you will have the opportunity to question the Executive. If you wanted to add—

Mr Maxwell: I have to agree with Jamie McGrigor.

The Convener: I have not finished. As a member, Jamie McGrigor would have the right to question the Executive and I would then give him the opportunity to respond to the Executive’s evidence.

Mr McGrigor: Thank you for that.

The Convener: I clarify that it is up to the committee—not me—to decide whether it wants to give the Executive another opportunity to come in front of us. I understand that, given that it has already had such an opportunity, we are not obliged to do so. If the committee does not give the Executive another chance, or it does and the Executive decides not to take up the offer, as far as I am concerned, in such circumstances you would have had the last word.

Mr McGrigor: I do not know what the rules are, but I am sure that that is right.

The Convener: I think that it is fair.

I ask for the gallery to be cleared so that we can move into private session for item 5.

17:04

Meeting continued in private until 17:11.

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