



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 28 October 2014

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EDUCATION AND CULTURE COMMITTEE

24th Meeting 2014, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Neil Bibby (West Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

Clare Adamson (Central Scotland) (SNP)

*Jayne Baxter (Mid Scotland and Fife) (Lab)

*Colin Beattie (Midlothian North and Musselburgh) (SNP)

*Gordon MacDonald (Edinburgh Pentlands) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Mary Scanlon (Highlands and Islands) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

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

Joan McAlpine (South Scotland) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Education and Culture Committee

Tuesday 28 October 2014

[The Convener opened the meeting at 10:03]

Scotland's Commissioner for Children and Young People (Annual Report)

The Convener (Stewart Maxwell): Good morning and welcome to the 24th meeting in 2014 of the Education and Culture Committee. Apologies have been received from Clare Adamson. Joan McAlpine is due to be her substitute—I hope that she will be here soon.

I remind all those present that electronic devices should be switched off because they interfere with the broadcasting system.

Today we will hear from Tam Baillie, Scotland's Commissioner for Children and Young People. I welcome Tam to the meeting.

Tam Baillie (Scotland's Commissioner for Children and Young People): Thank you. Good morning.

The Convener: We last heard from you in the context of our scrutiny of the Children and Young People (Scotland) Bill last year, when our discussion focused on children's rights and, of course, the new powers for the commissioner in the bill.

Today, we would like to follow up on that discussion by hearing about the work of your office more generally and about your 2013-14 annual report, which all members have received. Before we start the questioning, I invite you to make some opening remarks.

Tam Baillie: Thank you for the opportunity to speak to you today. I really welcome it because one of my ambitions is for children's rights to be owned right across Scottish society and I see the role of the committee as being very important, because not only do you pass legislation but you have a much wider brief on children's wellbeing and the realisation of children's rights.

I say at the beginning that I am optimistic about where we are going with children's rights in Scotland. I will comment on the Children and Young People (Scotland) Bill, which you know very well, and I will give a view on where I think we are with education and children's rights. I hope that I will have the opportunity to fill you in on

some of the proactive work that I am involved in on domestic abuse and, in particular, on closing the attainment gap, on which I know the committee will do an inquiry later in the year. I also want to tell you a little about developments in the respect campaign in relation to school toilets and another bit of work that we are doing on disability. Finally, if I get the chance, I will raise some overarching issues about things that promote the wellbeing and rights of children and young people and things that hold us back as a society.

That is quite a lot to try to cover.

The Convener: Thank you very much for that. I know that a number of members have questions that cover at least some of those areas.

George Adam (Paisley) (SNP): Good morning, Tam. Your annual report gives quite a lot of detail on your role, what you do on a day-to-day basis and your work in various communities in Scotland, but can you give me three specific improvements that you have made to the lives of children and young people in Scotland?

Tam Baillie: Yes—I can give you more than three.

George Adam: Three is a good start.

Tam Baillie: I want to talk about a culture change in our approach to children and young people. I have spent a lot of time engaging with the education system, and I sense that something is changing quite significantly in relation to children's rights and the curriculum. For example, 40 per cent or more of our local authority schools in Scotland have signed up to the rights respecting schools programme. Education Scotland has continuing professional development training for teachers and has engaged through particular training programmes with 23 local authorities, with more to come. There is also online training. That approach to children and children's rights in the curriculum is significant, but it is under the radar right now.

Allied to that, we have published "7 Golden Rules for Participation", on which we have put a heavy emphasis. The first print run was for about 3,000 copies, but we have now distributed 11,000—we distributed them on demand. That is an indication of professionals' preparedness to engage with children and young people on the basis of listening to their views.

To give some specifics, just after the publication of our annual report, we published "Learning Lessons: Young People's Views on Poverty and Education in Scotland". We employed peer researchers to canvass the views of about 800 youngsters on the impact of poverty on their education and what should be done about it. After the publication of that report, the Government

specifically allocated £1.5 million to follow up on the recommendations about how schools could alleviate some of the impact for children who live in poverty.

Most recently, there has been a lot of disquiet with regard to police stop and search in Scotland—I have been fairly outspoken on that. The police have changed their practice for under-12s, but there is a long way to go on that, because levels of stop and search are still high.

The last example that I will offer up is that I have long spoken out on the need for additional health visitors to make our ambitions on the early years a reality. Thankfully, the Government has announced 500 additional health visitors, which will ensure that some of that core service provision is there.

I do lots of work in partnership. The problem with that is that, the more work I do in partnership and alongside other agencies, the more difficult and challenging it is for those efforts to be directly attributed to me or my office.

I repeat that I want everybody in Scotland to own children's rights and to recognise that they have a responsibility. Through that, more children will be better adjusted and will grow up to be mature adults.

George Adam: A lot of that is in the report, which talks about your constant engagement with young people. I take on board what you say about stop and search and about how the additional health visitors are making a difference in young people's day-to-day lives. However, a lot of the other stuff is just about your engagement with young people. How do you gauge your success and turn that into a plan of action to influence Government policy?

Tam Baillie: Okay, you want me to talk about the Government. I spent a lot of time developing "A Right Blether" into the largest consultation ever. Since then, I have been pressing the Government to be much more ambitious with its consultations with children and young people.

There is some evidence of that in relation to the assistance that we gave the Government with the consultation on its sports strategy, which I do not want to come through me. We very modestly assured the Government that, if it used our contacts, it would get 300 responses. We had to stop at 1,700, which we analysed.

That model or example shows how easy it could be for the Government to think big about listening to the views of and engaging with children and young people in its consultations.

I sense change right now. Ten years ago, you would have had to argue to get the views of children and young people taken on board, but not

nowadays. The question is about how we make that happen in as meaningful and as widespread a way as possible. People accept that we should be engaging with and listening to the views of children and young people because they have a particular and unique perspective. Ten years ago, you would have had to argue really hard for resources to be spent on such engagement, but that is not true now. The issue is how we make sure that we do that as effectively as possible.

George Adam: Would you say that we saw an example of such engagement in the engagement of 16 and 17-year-olds in the political process during the referendum? I personally saw the difference in the tone of the campaign with young people's enthusiasm about the fact that they could participate in the political process.

Tam Baillie: The answer is yes. I cannot claim credit for 16 and 17-year-olds getting the vote, although I supported that strongly from the outset. Everything that happened in the referendum confirmed the maturity that those 16 and 17-year-olds brought to the election process. I say here and now that I hope that votes for 16 and 17-year-olds will be extended to all elections. I know that there are issues with that, but the genie is out of the bottle. Youngsters are positively engaged with the process. I say well done to them, and well done to us as a society for putting our faith in the capacity of 16 and 17-year-olds to engage in the democratic process. We are sowing the seeds for enhanced engagement by that age group. Research from elsewhere shows that the younger people are when they first vote, the more likely they are to continue to vote.

The Convener: You quite rightly pointed to the problem of how to connect directly your work and the outcomes. However, can you give us specific examples of outcomes—we are all trying to be very outcome focused—from the work that your office does? Are there examples of where bullying or the amount of violence being done to young people by other young people has been reduced, or where there has been an increase in rights around sexual exploitation or in the information and knowledge that young people have about the issue? There is a whole range of issues, but can you point to specific figures that give us an example of outcomes that have actually improved the lives of young people?

Tam Baillie: I have already given you numerous examples of activities that are taking place in schools right now. We know that some youngsters do remarkably well despite living with trauma, and that some schools do remarkably well despite being in a poor area. We are doing a piece of research right now that is identifying schools that are performing highly against what would be expected in socioeconomic terms.

We know that some of that is about CPD, some is about continuous improvement, some is about the quality of the teaching and some is about leadership skills. It also looks as though some of it is about increased participation in schools. Although I do not want to spike the results of the research, I think that we will be able to demonstrate that all that activity in terms of increased participation in schools is actually improving the outcomes for the children in those schools and that the massive sea change that I am talking about will result in better attainment by those children.

10:15

You know that I have an inquiry service. Lots of individuals seek assistance. Sometimes they get it through advice and information, and sometimes they get it through my engagement with public bodies. For example, some young people had been excluded from a sports club because of a minor argument. The parents contacted us to find out about the right to complain about that. I also gave evidence to the Scottish Parliamentary Corporate Body about a boundary change that would have had a detrimental impact on the care packages of certain youngsters. I got involved and the boundary was shifted as a result of that representation. I could give lots of examples of how we get involved on an individual basis.

Nevertheless, I am looking for systemic change through the office, and that will remain the case. The committee knows about the plans to extend the powers of the commissioner's office, and we are gearing up for that right now.

Mary Scanlon (Highlands and Islands) (Con):

I thought that George Adam asked a very good question and I listened carefully for an answer, but I think that we are still waiting for one. I also thought that the convener's follow-up question was very good.

In response to George Adam's question, Mr Baillie, you talked about cultural change, your engagement with education and the training that Education Scotland is providing. You said that you are working in partnership and that you are pressing Government, but I still have not heard a definite outcome. Education Scotland might well have improved its training anyway—that is part and parcel of what it is about.

You also said that you want everybody to own children's rights. However, the annual report seems to be more about Tam's plan. On page 6, it says:

"T is for Tam Baillie".

On page 12, we are told:

"We make sure children and young people throughout Scotland have an opportunity to talk to Tam".

On page 38, the report says:

"We ensure the office runs smoothly and that Tam's aims are projected to the children".

On page 40, we read a quotation:

"I work in the sector ... I recently became aware ... I believe the Golden Rules ... I would like to request"

and so on. It was difficult to get an answer to the questions from George Adam and the convener, and it seems to me that the report is more about Tam Baillie than it is about children's rights. There are also more than seven photographs of you in the report—I think that one would have been enough.

I have been on the corporate body for three years, as has Liam McArthur, and the questions that are asked there are different from the questions that are asked here. It is easy to measure the work of the Scottish Public Services Ombudsman and the Scottish Information Commissioner, because they get appeals all the time. The work of the Commissioner for Children and Young People is more difficult to measure. That is a challenge, and this committee is responsible for holding you to account for the £1.25 million of taxpayers' money that goes to your office.

I think that the annual report is more about Tam's plan than it is about children's rights. It seems to be about promoting you personally. Perhaps you would like the opportunity—for the third time, in my opinion—to answer George Adam's question, which I thought was reasonable, and the convener's question. I have not heard about anything that can be specifically attributed to your office that would not probably have happened anyway.

Tam Baillie: Okay. I am only the occupant of this role. I get one shot of it, for eight years, and my objective is to make sustainable change. Sustainable change cannot come just through my office—it has to be owned by other organisations. That is why I started by talking about what I perceive to be changes in other organisations.

When I first came into post, children's rights, and training on those rights, did not have a presence in Education Scotland. There was no Children and Young People (Scotland) Bill with sections about duties on ministers and public bodies.

During the early part of my time in post, children's rights had a very weak presence in the Scottish Government, so I am heartened that the Government has increased the number of staff with responsibility for children's rights.

I believe that that change is sustainable in the future, regardless of who is sitting in the children's commissioner chair. If the changes truly had all been driven by my office, that would not be good. Change must be driven through other institutions and bodies in Scotland. That has been my whole approach and strategy, so I make no apology for citing what is happening in other institutions. The people in those institutions will make the difference on children's rights in the longer term, and they will be here long beyond my time in post.

Mary Scanlon: I lectured for 20 years before coming to the Parliament. We were constantly doing additional CPD and looking at what was out there. We were constantly thinking about how we could change and adapt to serve the people whom we were paid to serve. My question is: would the changes have happened anyway or is it because of the children's commissioner that Education Scotland is suddenly speaking about and bringing in training on children's rights?

My second point, which has not been answered, is about "Tam's aims". The children's commissioner's office is not just about you, Mr Baillie, although you may head up the office. The report mentions "Tam's aims" and says that "T is for Tam". The work should be about children's rights, not about self-promotion as the report seems to suggest. Why is the report focused on you rather than on the children?

To go back to the same question for the fourth time, what has happened specifically? I do not think that you can claim credit for the legislation, to be fair, as it was introduced by the Scottish Government. Is there something that you have done that has resulted in a positive outcome for children throughout Scotland?

Tam Baillie: I think that all the things that I have mentioned cover that question, but I will give you another example.

One of the responses from children to "A Right Blether" was that they wanted to be safe and respected in their communities, so we went back to them and asked what would make a difference to whether they felt respected in their communities. As it happened, they highlighted school toilets, so we have been campaigning on that issue. We have been pressing the Government, which has now agreed to produce new guidance that I believe will result in an improved ethos in schools and improved approaches to school toilets. The campaign has captured the attention of the World Health Organization, which has a water and sanitary health—WASH—initiative. The WHO is interested in the developments that are taking place in Scotland in relation to school toilets directly as a result of our campaign.

Mary Scanlon: Are school toilets not the responsibility of local authorities? There are standards in place, and it is the responsibility of councils if those are not being upheld. Do we need you to go in and inspect the toilets in order for children to feel safe?

Tam Baillie: It is all very well to say that it is the responsibility of the education department—of course, it is—but if things are not happening, a light needs to be shone on that area and a response is needed. Thankfully, the Government's response has been that it will take the issue on.

There are a lot of areas of Scottish life in which the responsibilities for children and young people are quite clear but are not being upheld. The area of school toilets is one example in which, in my view, standards are not universally being upheld so we have to shine a light on it. As a result, there has been a positive response and the campaign has captured the attention of the World Health Organization.

Mary Scanlon: We have heard about school toilets, but I have not had a response to the point that I made about the phrase "T is for Tam" and the idea that the report is more about self-promotion given that it refers to "Tam's aims" rather than to children's aims.

Tam Baillie: Children and young people identify with the children's commissioner. Very early in my tenure, I visited schools and it became apparent that the children generally wanted to know who their children's commissioner was. They wanted to know what the person looked like and what engagement they were likely to have with them.

I have made it one of my aims that, in any one year, I will have contact with 5,000 children and young people. That is pretty steep given the number of schools, youth clubs and social care facilities that I will have to visit. That is my commitment because children and young people tend to identify not with an institution—the office of the children's commissioner—but with a person. I have the privilege of being that person for this period of time, and I will give the next person who comes in the advice that they must be a person who is recognised by children and young people.

We received some evidence on that in the responses to "A Right Blether" when we did some polling about the recognition of the children's commissioner. There was much more recognition of the United Nations Convention on the Rights of the Child and much less recognition—25 per cent—of who the commissioner was. One of my ambitions is that all the children in Scotland will know exactly who their children's commissioner is.

Mary Scanlon: Is it not more important that all the children in Scotland know what their rights are than that they know what your name is?

Tam Baillie: No, absolutely not—they go hand in hand. I have said that I started with the ambition that children's rights should be owned right across the board. I am pleased that the curriculum has developed to allow children to know about the UNCRC. Teachers are confident in dealing with children's rights and will not shy away from the issue. The advice that I was given early on in the responses to "A Right Blether" was, "This won't work—you won't get teachers engaging with children's rights", but that just was not the case.

The Convener: I would like some clarification. I double checked the report, which mentions the "Flushed with success?" campaign on page 19. It states:

"As part of the campaign schools are self-assessing ... taking part in Flushed with Success?"

and that

"Since the launch a total of 32 schools ... have signed up to take part."

Tam Baillie: Yes.

The Convener: That does not seem very many.

Tam Baillie: No, it is not. There are more than 3,000 establishments in Scotland, but those are the schools that are informing what goes into the guidance. It is the guidance from the Government to the local authorities that will make the difference.

The Convener: I can see the importance of the Government's involvement, which clearly will have an impact. However, from the way in which you expressed that in the report, it seemed to me that many more schools were involved. I double checked the numbers and the figure is 32, which seems very low.

Tam Baillie: The scheme involves a low number of schools, but the important thing is the quality of the information that those children and young people give us in providing input to the guidance that will be given to schools.

The Convener: I suppose that my point is about whether 32 schools are a representative sample of 3,000 institutions.

Tam Baillie: We have to get some information. We have previously produced—and in many instances we still produce—guidance that has no reference to the views of children and young people, but there is an opportunity to use the views of the pupils who provide that information. One change that I would like to see is that, when we routinely produce guidance that will impact on children's lives, we involve them in the process.

The Convener: But the figure is 1 per cent.

Tam Baillie: Yes, I know that.

The Convener: Okay. Thank you.

Liam McArthur (Orkney Islands) (LD): Tam Baillie has rightly pointed to the fact that, over a period of time, the understanding, awareness and acceptance of the need for children's rights to be understood and respected has been established, although there will be areas in which that principle is not as well founded as it might be. To ensure that we get beyond just recognition to the delivery of good services and treatment that flows from those rights, are there any areas in which attention needs to be focused? Those areas could be geographical or they may relate to certain groups of children and young people or specific groups of professionals.

You cited the issue of police stop and search, and George Adam drew attention to some of the changes around health visitors, so it is clear that some areas have been identified. Are there other areas about which you have particular concerns and in which you believe a specific job of work must be done to ensure that we move from recognition, understanding and acceptance to actual delivery?

10:30

Tam Baillie: Yes, I have quite a long list of them. I will start with the overarching issues as I see them. The first big issue for me is cutbacks in service. If the Parliament is to do something about how it monitors services for children and young people, it will need to look at budgeting in relation to children and have a clearer idea about how much of our resource is spent on children. The evidence of the 1980s is that children's services suffered disproportionately. From the discourse on the issue and the statements that have been made, I think that people are trying a lot harder not to cut back services, but we simply do not know enough—we do not have the information on that.

The second big issue, which is allied to that, is social justice, which had a good airing during the referendum campaign in relation to the inequality in our country. For me, that inequality has had the most corrosive impact on children's wellbeing and on children's rights. We have masses of evidence telling us that. If you are looking at structural issues, those are the two that I would look at.

The committee is well versed in where some of our failings are. For example, we still have lesser outcomes for children who are looked after despite report after report. We need to keep up the pressure to better serve our looked-after children. Likewise, there needs to be a constant focus on children with disabilities, which is one of my proactive areas. For example, the play facilities that those children get access to are very poor. When we survey children with disabilities and ask them about their school, they tend to be satisfied with their school life. However, when we ask them

about their social life and their life outside school, it is very poor. We are not doing nearly enough on that issue.

You are also well versed in the issue of transitions, particularly for looked-after young people. Despite what is in the Children and Young People (Scotland) Act 2014, we have to be attentive and assertive in order to make sure that we really do make a difference to those youngsters as they move from childhood into adulthood and from child-focused services into adult services. Those are the issues—some of them are structural and some are specific to groups of youngsters.

Liam McArthur: We will come to the specific issue of poverty shortly, but I want to follow up your points on service cuts and poverty, which are obviously not new—they are rehearsed in the report as well. In your opening remarks, you indicated that there are examples of individual schools performing well in areas where poverty is more prevalent than in other areas. There are individuals who are perhaps confounding expectations. Can lessons be drawn from that that will allow us to look at ways in which progress can be made in improving the delivery of children's rights?

Tam Baillie: Absolutely. Every local authority knows the schools that are bucking the trend and, thankfully, some research has been produced by Education Scotland on some of the reasons for that. There is also some research from down south that shows that one of the other reasons for that is the capacity of the school to engage children in the normal running of the school—going a bit beyond school councils. We are testing that out just now and I am hopeful that I will be able to publish information on that before the end of the year, as that would be another behaviour that we could consider developing in order to reduce the attainment gap. We are failing miserably to reduce the attainment gap, and the more that we know about those schools, the better. We know an awful lot about the impact of inequality on children's attainment, but we do not know as much as we should about those schools that are doing remarkably well.

Liam McArthur: There is not really any way of getting round the issue of budgets being more constrained at a national level and a local level. What you have described suggests that some local authorities or service delivery agents are coping better with the situation or are taking decisions that are impacting less adversely on those who are most in need. Are there lessons that we can draw from that, which can be rolled out across different local authorities?

Tam Baillie: Yes. The centres of excellence that are doing remarkably well should be looked

to. That is partly what I am doing to add to the volume of knowledge about the behaviours and approaches that we should promote in our educational establishments—we are talking about schools just now. There is a growing body of evidence about the things that we should be doing, and I want to add to that.

The answer to the question whether I will be responsible for a reduction in the attainment gap is no because that will be the responsibility of those who provide for education. However, I want to add the weight of my office and the knowledge base on that, and I will do what I can on that.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I would like to explore issues around the new powers and the investigations. You have existing powers that are pretty consistent with the new power of general investigation, but you have never used them. I presume that you are resourced to do some investigations already.

I note that, as per the financial memorandum to the Children and Young People (Scotland) Bill, you are looking for additional funding of around £160,000 a year to hire more staff. You have never used the previous powers. The legislation makes it clear that any investigation can be undertaken only if the issue does not come within the remit of any other public body. You have estimated that you will need three further full-time members of staff. How did you work that out? As I said, you have never used the existing powers, and some of the powers that you are getting are similar to or the same as the existing powers. The scope of the additional powers is limited. How did you calculate that three extra bodies are needed?

Tam Baillie: On the use of the existing powers, you used the word “resourced”. If we look at how the existing powers are framed, my reckoning is that I would need to harness the resources that we currently have to the existing investigatory powers and would not be able to exercise all the other duties that I have under the current legislation. That is the reason why neither I nor my predecessor, Kathleen Marshall, were able to exercise that particular power of investigation. There are examples from elsewhere of how all the office's resources have been drawn into the use of that particular power at the expense of the exercise of duties. That is the reason why the power has not been used.

Colin Beattie: I understand that the power has never been used.

Tam Baillie: Yes, that is right.

Colin Beattie: So no resources from your office have been put behind it.

Tam Baillie: The resources have been put into the exercise of the duties that I currently have, which prompted the questions about the difference that we have made, whether there has been any impact on children and young people and whether we have had any measurable success. I would not have been able to answer any of those questions if we had put all our resources into the existing powers.

Colin Beattie: Are you saying that you have never used the existing powers because, although there were perhaps occasions when you might have productively done so, you did not have the resources?

Tam Baillie: Yes, because the office's resources were servicing my duties to promote and safeguard children's rights, to scrutinise legislation and to try to make a difference to children's lives in Scotland.

I am not sure what level of discussion you want to have on the estimates now. There is a submission to the SPCB and I have previously provided evidence to the committee about the hundreds of cases that, in my estimation, would come the office's way, having to respond to them and needing the capacity to respond to them. We submitted evidence that was based on a comparison with the commissioners' offices in Wales and Northern Ireland, which are the best comparators that we have. We could not use the commissioner's office in England as a comparator because that office does not have any powers of investigation.

Colin Beattie: I am looking at page 6 of your report, where you mention

"a move to new office accommodation in 2014-15."

What are the reasons for the move and what will be the cost?

Tam Baillie: We will get more accommodation for a lower cost. The case for the move was agreed through the Scottish Parliamentary Corporate Body. We will get better, more spacious premises for less money, so the move represents much better value for money, and it has already been agreed.

Colin Beattie: Also on page 6, you state:

"The Corporate Services team has had to react to external demands on the basis of our public body status."

I wonder what that means.

Tam Baillie: As a public body, we have certain additional responsibilities. For instance, we have to respond to the Equality Act 2010. We have to respond to all the responsibilities of a public body even though we are a very small office of one commissioner and 14 staff. We have to respond to freedom of information requests and ensure that

our governance is in line with what would be expected of any other public body.

Colin Beattie: I am looking again at the new powers that you are getting. Can you give an example of the complaints that you believe you will be faced with and that you will proactively look to investigate?

Tam Baillie: Yes. When people are caring for children with disabilities and there is movement or transition of the children from child care services to adult services, they can be bereft of any notion of what services their child will get in future, and there can be no pick-up in terms of complaints. The adult service that they get may be what people usually get, but there can be questions about whether it is suitable for a child who is moving from children's services to adult services. That comes up frequently. There is—

Colin Beattie: That seems more a matter of information and guidance than a ground for investigation.

Tam Baillie: Well, if that is happening to our children with disabilities and there are gaps in service provision—if we spend time and energy trying to provide a good childhood for youngsters but it falls down when they transfer into adulthood—it is more than just a matter of providing advice and guidance. We should shine a light on the situation to try to do something about it.

Colin Beattie: Are there any further powers that would enable you to perform your duties more effectively?

Tam Baillie: I have quite a bit on my plate just now in ensuring that the exercise of the new powers is as effective as the Parliament wants it to be. For now, I have plenty on my agenda in ensuring that I am true to the exercise of those powers.

Colin Beattie: Are you satisfied that, with the additional resources that are apparently coming your way, you will be able to fully maintain your core functions and achieve your strategic objectives? Are you satisfied that there will be no impingement on that?

Tam Baillie: I have made representation about what might be additional pressures on the office. I have to submit an annual budget, so there will be an opportunity to assess whether there are sufficient resources to keep all the operations on the go as well as to exercise the new powers. That will be reviewed, so we will keep a close record of the impact of the new powers on the office.

The new powers will come into play in 2016. I really see myself as laying the ground for somebody else, because my term of office ends in 2017. I have to be mindful that it will be for another

commissioner to come in and make the powers effective beyond the first year.

The Convener: A couple of members want to come in, but I want to clarify a couple of points before I bring them in. You said that, if you had carried out investigations previously, you would have sucked in the whole resources of the office—I think that that is the phrase that you used. Is there not a danger that, going forward, the same thing will happen?

10:45

Tam Baillie: Yes. I have already made representation to the committee and the Government about allocating sufficient resources to the exercise of new powers. I suggest that that has to be kept under review, because in my estimation there may well be a requirement for additional resources over and above those that are allocated in the financial memorandum.

Having said that, we know what was in the budget and the financial memorandum, and I give my absolute commitment to try to make that work.

The Convener: Two questions arise from that. First—just for clarification—what investigations would you have taken on that you were unable to take on because of resources? What things could you not do because of the resource that you had? I am not talking about looking forward to the increase in and changes to your powers. As your powers currently stand, what would you have investigated if you had had more resources?

Tam Baillie: I will go back to the example I gave. Instead of offering advice and guidance to parents who try to cope with children who have disabilities, we would have had an investigation. Remember that an investigation is held in public; it is like a public hearing. That would have been an opportunity for many parents to present their cases about the lack of services for that particular group of children. That would have been quite a big exercise—quite a big undertaking.

The Convener: Maybe I am misunderstanding. Colin Beattie, in his line of questioning, seemed to be saying that what you provided would be more information and advice rather than investigation. I agreed with that line of questioning—that seemed to be what it was like.

People were unsure of what services they would be getting when they moved from child services to adult services. Is it not feasible for your office, with 14 staff, to provide that kind of information, advice and support at the moment?

Tam Baillie: The purpose of an investigation is not just to provide advice and guidance but to seek changes in how we deal with children—in

this instance, those with disabilities—and ensure that they have a proper transition into adulthood.

Advice and guidance is already given now. The committee will be aware that I run an inquiry service. We receive between 300 and 400 inquiries per year. I do not have the capacity to follow up on individual cases, but we give advice and guidance on numerous cases that come to the office. They can involve parents who seek advice regarding housing or their child's schooling, health or rights.

We give that advice and information now. We do not call them investigations—I cannot call them investigations. I do not have the power to carry out individual investigations into those things.

The Convener: What is the difference between the advice and information that you provide now and an investigation? What is the additional benefit?

Tam Baillie: It would be similar to the powers that are exercised by other complaints bodies. We would be able to request papers and get full information, rather than just deal with the parent or the child and listen to their side of the story. We would be able to properly investigate, on the basis of the paperwork that we would have access to.

Mary Scanlon: I have a brief supplementary. How many investigations did you turn down? You mentioned parents of children with disabilities. As a member of Parliament, I would be very concerned if there was a serious, desperate need for an investigation and that your office was unable to deal with it because all your resources—your 14 staff—would have to go into that investigation. Did you discuss turning down investigations into particular needy issues with Government ministers or with the Scottish Parliamentary Corporate Body, of which I was a member prior to joining this committee?

My final question regards looking forward. I have information from the corporate body here. How many cases do you anticipate will be investigated annually in future, with your three new members of staff?

Tam Baillie: It is not a matter of turning down investigations—with people saying that something needs to be investigated and that we need to use our power of investigation.

You want to know when things have been flagged up to the Government. A report was recently produced that flagged up questions about how effectively we interview children with communication difficulties in relation to child protection investigations. I seem to be concentrating on youngsters with disabilities, but that is a big bit of the work. I have already flagged up that issue to the Government. In fact, the

Government needs to consider how we can improve services in that regard.

You are asking for an estimate of the number of cases that would be brought in terms of referrals and complaints. Based on the estimates from Wales and Northern Ireland and the number of children in Scotland, we have estimated that more than 800 complaints would come to the office to be dealt with. Those would not all result in investigations, but we would have to deal with that number of cases.

Mary Scanlon: You spoke about this in response to Colin Beattie. My understanding was that you have a power to investigate prior to the Children and Young People (Scotland) Act 2014 coming in, that you would have carried out investigations but for the fact that you were not fully resourced for doing that, and that carrying out investigations would have sucked in all your resources. I am asking what should have been done that you were not able to do because of the issue of resources.

I am also asking about your anticipated number of cases for the future. If I remember rightly, there would not be 800 investigations in a year.

Tam Baillie: No—not at all.

Mary Scanlon: If I remember correctly, the figure is probably one or two, or perhaps none. Would that be right?

Tam Baillie: That depends what you call an investigation. I am talking about complaints being made to the office that must be assessed, and for which we have to get information. In many instances, we will give advice, information and signposting. An estimate has been provided by the Government of somewhere between one and four resulting investigations. That is part of the reason why I want the matter to be kept under review. I think that there will be a very heavy workload from complaints being made to the office, which will result in the office having to respond to them.

Mary Scanlon: You are not allowed to undertake any

“investigation where that would duplicate the work of any other complaint handling body.”

Those are the Scottish Government's words. Where in Scotland is there not a complaint-handling body that would undertake such investigation, and where a case would have to come to you? Where is that gap? You are not allowed to duplicate.

Tam Baillie: Absolutely. You also have to go back to the definition of what would be a complaint and the basis of a complaint being made to my office. That is determined on the basis of the rights, interests and views of children not being

properly taken into account. There is a lot of scope as regards the number of complaints that would be made.

Mary Scanlon: I am just looking for an answer. I am sorry, but I am not getting one. I am trying quite hard, and I think that I am being quite respectful here. It was a straightforward question.

I repeat:

“the Commissioner may not undertake such an investigation where that would duplicate the work of any other complaint handling body.”

Where in Scotland do we not have a complaint-handling body, where you would be justified in undertaking investigations? Just give me one example.

Tam Baillie: I have already given you one, I think.

Mary Scanlon: Really?

Tam Baillie: I will give you another one. A young person leaves care at the age of 15. There is no continuing care responsibility from the local authority. At 17, they find themselves homeless and without any support. They want to complain about the behaviour of their local authority in the exercising of its duty. The local authority may well have exercised its responsibilities when the young person was at that age, but it is open to question whether that is the kind of outcome that we want and whether the authority's actions took proper account of the child's best interests at that age. That is the kind of situation where a case does not neatly fall into a complaint being made on that basis to any one of our bodies.

Mary Scanlon: I will just leave it, then.

Liam McArthur: I will start by partly answering Colin Beattie's question regarding office space, which is probably more fairly directed to the Scottish Parliamentary Corporate Body. Against an attempt to decrease the budget of the corporate body by about 11 per cent over five years, we have asked all the office-holders and commissioners to consider opportunities for co-locating and sharing back services, among other things. Part of the office move is a reflection of a responsibility and requirement that the corporate body has placed on Tam Baillie and the other office-holders.

The issue of investigation came up during consideration of the Children and Young People (Scotland) Bill. At the time, Mr Baillie, you pointed to a role involving mediation prior to a complaint being made, but what you seem to be talking about now in response to questions from Mary Scanlon, Colin Beattie and the convener is a power to investigate complaints. The examples that you have used seem to fall largely into the

category of the sort of complaint that the ombudsman would ultimately investigate after local avenues had been exhausted.

You point to your role in overseeing rights and the views of children and young people, but that looks like a distinct aspect of the same case that the ombudsman would be required to investigate. I struggle to understand whether there are distinct roles, or whether you would end up having a complaint simultaneously being considered by the ombudsman and by yourself, albeit looking at slightly different aspects of the same case.

Tam Baillie: One of the tasks between now and the setting up of the power is to develop a memorandum of understanding with our existing complaints bodies, including the ombudsperson. In many instances, people will be signposted to other complaint-handling bodies, but we will still have to have resources to be able to assess information and advice and whether it is appropriate to signpost.

Liam McArthur: I want to go back to your earlier points about your role in raising awareness and understanding. It is quite a high-profile role and there has been some success with that work. Is there not a danger that, whatever the memorandum of understanding says, those with a complaint will inevitably have an incentive to come to you and will gravitate towards you rather than pursue the avenues that currently exist?

Tam Baillie: That would be for us to work out with the ombudsperson. I would certainly like to reassure the committee that I am not interested in setting up parallel processes; I do not think that that would be helpful at all. However, having an individual complaint-handling function will attract young people to come to the office, and then it will be up to us to do proper assessments and proper signposting in the cases where it is appropriate.

Liam McArthur: You have drawn on the examples of Wales and Northern Ireland in estimating the likely workload that that may result in. Is there anything from their institutional landscapes of commissioners and other bodies that would give us some confidence that a memorandum of understanding can be applied in a way that makes sense?

Tam Baillie: Yes, one of the main lessons to be learned about that power in Northern Ireland and Wales is that the intervention of the children's commissioner actually prompts a resolution and gets the matter resolved, rather than it having to go to formal complaint. One of the main findings is that it helps children and young people before they have to go through a formal complaints procedure, simply because of the intervention of the commissioner's office.

The Convener: Does that not happen back at the mediation stage?

Tam Baillie: I have never used the word "mediation".

The Convener: Well, whatever you want to call it, Liam McArthur's question to you was on that point. Let us just call it mediation, because that is the word that I have used. We have discussed that point, and now we are talking about a different form of investigation parallel to the ombudsman's. I am just trying to understand what you mean.

Tam Baillie: I have never used the word "mediation". In fact, I think that the Scottish Government has made representation to the committee saying that it does not see the role as one of mediation. However, the evidence is that, when referrals or complaints are made to the commissioner's office and the commissioner's office becomes involved, that prompts people to look at how they can resolve an issue before they need to go through a complaints procedure. In that sense, that could be a good outcome, because there is some resolution before the issue goes to a formal complaints process.

The Convener: I am not saying that it is a bad outcome; I am just trying to understand what the role is. I am now slightly struggling to understand the difference between intervening at that point, whatever we call it, which then prompts a resolution—which on the face of it appears to be a good outcome—and the investigatory role that we have just discussed, which is parallel to that but involves investigating something slightly differently and through memorandums of understanding with the ombudsman.

11:00

Tam Baillie: I was trying to say that I do not think that there should be parallel investigations. The memorandum of understanding should be about separating out the times when the commissioner's office becomes involved and when the ombudsperson becomes involved. I do not think that it would be helpful—

The Convener: Would your investigation be after the ombudsman has completed their investigation?

Tam Baillie: No. If the ombudsperson conducted an investigation, that would be it. I have previously said that I do not foresee the process as being some further adjudication. The ombudsperson has a very clear role, and I see that as being the resolution of the case.

The Convener: Sorry, Tam, but I am genuinely more confused now. Are you saying that, if the ombudsman is dealing with a case, you definitely would not be involved?

Tam Baillie: We have not worked out the detail yet, but that is the basis on which I am going into the discussions.

The Convener: Your understanding is that, if the ombudsman is dealing with a case, you would not be involved. I am sorry, but what cases would you be involved in? The examples that you gave sounded like cases that would go to the ombudsman.

Tam Baillie: Okay—I will give you another case that does not have a clear place to go. One issue that has come into the office involves a youngster with disabilities who, because of their disability, has been asked by the bank for additional safeguards to be in place before it will allow the person to take out a bank account. The inquiry to us is about whether that in any way infringes the young person's rights. There might be a bigger issue about discriminatory behaviour of financial institutions in relation to children and young people. I cannot see that going to the Scottish Public Services Ombudsman.

Liam McArthur: A successful resolution that avoids the need for a complaint would obviously be an objective that everybody shares. However, at the moment, office-holders, including the ombudsman, can intervene only when all local avenues have been exhausted. Your response to the convener suggests that your process would happen prior to a complaint being made and, in that situation, all local avenues would not necessarily have been exhausted.

In the case that you cited, your office could engage with a local authority that had taken an approach to service delivery in relation to the transition to adulthood that did not respect the young person's rights. That suggests that you would have a right of involvement that was not necessarily an investigation and that was not akin to the right of investigation of other office-holders, in particular the ombudsman, because you would not wait for local avenues to be exhausted.

Tam Baillie: That might be the best resolution in the case at that point. The memorandum of understanding will cover that ground, to ensure that we do not deal with something that should rightly go to the ombudsperson in the first instance.

I gave the example of the behaviour of financial institutions. Earlier, I gave an example of parents who felt that young people were being excluded from sporting activity on the basis of what looked like a resolvable dispute. It is not clear that that would go to the ombudsperson, because it does not involve a public body.

A number of areas are just not covered by our current complaints landscape. That is especially true in cases where the rights of children might

have been infringed by bodies that do not provide public services and so are not covered by the Scottish Public Services Ombudsman.

The Convener: I do not want to drag this out, because members have questions on other areas. I will finish with a quick question.

You mentioned financial institutions—

Tam Baillie: A bank, yes.

The Convener: Yes, and you said that your role could be to support the young person with disabilities who might be being discriminated against by the bank. That is an interesting example, but the bank would have no duty to engage with you. You can ask them to do something, but, as you said earlier, although you bring the ability to have an investigation, look at the papers, examine the evidence and so on, a private institution has no duty to engage with you or provide you with those papers or that evidence. Your role in that situation sounds more like a voluntary advocacy role rather than an investigative role.

Tam Baillie: Yes, and there will be a number of issues about infringements of rights in relation to which I would expect the commissioner to get involved. The extent of the involvement will depend on the nature of the complaint and, to some extent, the co-operation of those bodies. I agree with that point.

Gordon MacDonald (Edinburgh Pentlands) (SNP): On page 7 of your report, and in your opening remarks, you said that one in five of our children live in poverty. You also recorded your

“extreme disquiet about the failure to make sufficient progress in reducing the number of our children who live in poverty.”

What do you consider your role to be in helping to tackle child poverty?

Tam Baillie: There is a role for me to the extent that my job is about promoting and safeguarding children's rights. That means that I have a responsibility to highlight issues that I think are impinging on children's rights.

As I said earlier, I believe that there is evidence that demonstrates the negative and corrosive impact of child poverty on children's life chances, which translates to their enjoyment of their rights. Those are the children who have lower attainment levels at school, whose mental health is impacted on by the fact that they are living in poverty and who have their lives shortened by poverty. That is the single most influential factor in whether children in Scotland—all children in Scotland—can enjoy their rights. I support actions that take seriously the reduction of income inequality in Scotland.

Gordon MacDonald: Do you agree that the efforts to deliver on children's rights are being undermined or even negated by child poverty?

Tam Baillie: Yes. That is another way of putting it. The evidence is international—it is not just from Scotland or the United Kingdom but from across the board.

Gordon MacDonald: Your report says that,

“despite our efforts, remedial actions do not counter the destructive impact on children born into families living in poor circumstances. This will continue as long as we live in an unequal society. It must be addressed by governments at all levels. Child poverty is the single most negative factor in too many of our children's lives and the eradication of it is the single most significant influence in the better realisation of their rights.”

Given that welfare, the level of the minimum wage and so on are reserved to Westminster under the devolution settlement, what engagement have you had with the UK Government on those issues?

Tam Baillie: There has been joint engagement on the part of the four children's commissioners. Because the matters are reserved, we have chosen to make joint representations to the UK Government on them. We have published joint reports, which formed the basis of the report to the United Nations Committee on the Rights of the Child, in Geneva, and we had a meeting with Lord Freud prior to the implementation of the welfare cuts, when we focused on the areas that would affect children and young people.

Gordon MacDonald: How do you measure the success of that engagement?

Tam Baillie: This is another one of those situations in which there are various bodies and individuals who want to make their views known on child poverty. We are not a lone voice. It is appropriate that the four children's commissioners have a joint voice in this field.

What I have said concerns the UK Government, but there are things that the Scottish Government and Scottish local government could do to alleviate child poverty. This is the most complicated area of social policy, because the UK Government, the Scottish Government and local government must all point in the same direction and pull in the same direction. Given our constitutional position, that can be quite complicated.

Gordon MacDonald: What changes would you like to take place to tackle the issue?

Tam Baillie: Wage levels are an issue, because half the children who live in poverty are in families in which somebody works. Childcare costs often militate against someone being freed up to go to work. We still have children in Scotland who start

school with lower cognitive ability than others as a result of living in poverty.

There is an urgency around child poverty. I hope that the focus on improvements in early years will help to counteract some of our structural inequality. I believe that there is a will across the board to tackle the issue. If we do not, we will continue to produce some children who have lesser life chances as a result of living in poverty, as I said in the report.

Gordon MacDonald: You have touched on the early years collaborative, which you are a member of. Given that, as you have said, many people in poverty are part of working families, what success is the collaborative likely to have?

Tam Baillie: We can go only so far with the early years collaborative. I have already welcomed the announcement of additional health visitors. I think that the collaborative will result in significant progress. We are much better attuned to issues of good parenting. We know about the impact of good parenting on positive outcomes for children and young people, particularly in the early years.

People are harnessing resources to support families better in the early years. Health visitors will provide regular checks that will pick up on children who are experiencing delays in development, so that we can respond to that quickly. However, unless we live in a society in which there is a much narrower gap between the haves and the have-nots, we will still have families and children who struggle in the circumstances in which they live.

A great deal can be achieved through the endeavours of the early years collaborative, but it is necessary to deal with the overall structural inequality.

Neil Bibby (West Scotland) (Lab): I will stay on the issue of poverty and inequality. One of your reports is entitled “It Always Comes Down to Money”. As we are living in a time of straitened circumstances, what has your office been lobbying the Scottish Government to target its resources on in relation to children living in poverty?

Tam Baillie: The phrase

“It always comes down to money”

came from a parent of a child with disability. It sums up the experiences of such parents, who have a much higher chance of living in poverty.

On Government actions, I have been actively encouraging the Government to consider how we can alleviate some of the costs of childcare and, in particular, how we can alleviate the burden on families with youngsters who are particularly vulnerable. I have mentioned the need for a focus on children and young people who are looked

after, and there certainly should be a focus on families in which there is a parent with disability.

As I said, child poverty is a complex area. There is no one action that will bring us a more equal society. I urge all politicians to focus on how we can become a more equal society.

11:15

Neil Bibby: Free school meals for all pupils in primary 1 to primary 3, regardless of parents' income, will be rolled out. I do not know whether you are aware that Renfrewshire Council provides meals in a non-stigmatised way during school holidays to pupils living in poverty. You said that there is no one way of dealing with poverty, but would you like the Government to take a targeted approach to supporting children living in poverty, or would you like a more universal approach?

Tam Baillie: I would like to see both. We must use our universal resources wisely but we must also have in reserve additional resources for families and children who are in the most difficult circumstances. The roll-out of free school meals should be accompanied by some assessment of the impact that the policy has on children's eating habits and wellbeing, because those measures are universal. We should test whether the roll-out of free school meals is having the impact that the Government desires.

Neil Bibby: You mentioned children with disabilities. A number of education departments across the country are reporting overspends on budgets for additional support needs. You have been critical of local authorities' lack of support. Are you actively lobbying the Scottish Government on additional support needs?

Tam Baillie: I have staff who are involved in working groups on additional support needs to make sure that our legislation is implemented in a way that is faithful to the intention when it was passed. In most instances when we report to the UN committee, the issue is not about not having sufficient legislation but about failed legislation. A good example of that is from additional support for learning. We have ambitious ASL legislation, but we have consistently struggled to implement it to the full extent, and that situation continues. I will continue to press for the ambition in the Education (Additional Support for Learning) (Scotland) Act 2004 when it was passed to be realised.

Jayne Baxter (Mid Scotland and Fife) (Lab): Good morning. As Scotland's Commissioner for Children and Young People, do you have a role in working alongside the children's lobby? I understand that your role is largely about safeguarding and promoting children's rights, but do you have a formal relationship with the active

and organised children's lobby? If so, how does that work in practice?

Tam Baillie: We monitor the UNCRC in Scotland jointly with Together, which is a representative organisation on children's rights. We work with many organisations on how we position ourselves on particular issues.

Although I have a close relationship with those organisations, I am mindful that the office of children's commissioner is unique. I will be very supportive of our children's sector, but our office is not a voluntary organisation; it is the office of the children's commissioner, with particular responsibilities and a particular relationship with Parliament, especially given my responsibility for budgeting. To its credit, Parliament set up the body to be very independent, and I am always mindful of that—I can say things in an independent way.

There is a relationship with the children's lobby, as you put it, but not solely with it, because there is a relationship with local authorities—we are trying to affect hearts and minds, and I have talked at length about that—and with larger bodies that have responsibility for implementing legislation and policy.

Jayne Baxter: It is interesting that you have made a number of references to parents' rights. We often use the phrase "hard to reach", but I prefer to think that some parents are seen as easy to ignore. What is your view on the promotion of parents' rights as a benefit to their children? I am thinking of the rights to additional support, pre-school education, placing requests and religious observance. Parents have rights to a number of things in education but might not be aware of them. If they had greater awareness of those rights, that could have an impact on their children.

Tam Baillie: All those rights are children's rights. We talk a lot about asset-based approaches, but the biggest asset that we have is the parents of our children. Much of the early years provision and support that I have talked about is geared towards assisting parents better in developing a good, attached relationship with their children. That is our best hope for those children becoming the well-adjusted adults of the future that we want them to be.

I have no difficulty in focusing on how parents can, particularly in the earliest years of children's lives, provide better environments and better attached relationships and have a better understanding of and attunement to their children's needs. That is a fundamental requirement to ensure that children have the care, attention, development and nurturing that we expect them to have.

Jayne Baxter: Have you had or would you like the opportunity to articulate that more formally? Have there been occasions when you have had the chance to say that there is an issue with parents' rights or that they need to be promoted more widely?

Tam Baillie: I would tend not to talk in terms of parents' rights. I would put it in terms of the support that we give parents to ensure that they have the best possible chance of rearing their children well. That support is a fundamental building block of producing children who are as well adjusted as they can be. Parents are key to that.

Jayne Baxter: I agree. Let us move on. On page 46 of your annual report—I think that it is the last page—you refer to the work of the European network of ombudspersons for children, or ENOC, of which I understand you are the chair elect. You say that your office

“will coordinate the international work programme focusing on the impact of austerity on children and young people in Europe.”

What will that mean for your office in practice? We have had a lot of discussion this morning about the impact on resources. What will your office do?

Tam Baillie: The conference has just happened. On Friday, an ENOC meeting took place in this very room. The annual conference and general assembly and the co-ordination of the international work programme were funded jointly by the European Union and the Council of Europe, so the financial resources that we had to contribute were very modest.

The outcome has been the production of 32 two-minute films of children in eight European countries depicting what it is like for them to live in poverty. The Council of Europe is keen to assist in developing those films into an educational resource, but it is too early to say what that will involve, because the conference took place only on Friday. It was a great honour to host 100 guests at Our Dynamic Earth and a smaller number at a closed meeting of the network.

Joan McAlpine (South Scotland) (SNP): You talk about the support that you get from Europe. What would be the impact on your organisation if the UK withdrew from Europe after an in/out referendum?

Tam Baillie: I think that there would be significant changes in society in Scotland. I am not sure what you want me to say in response.

Joan McAlpine: You talked about some of the support that you get from Europe and I just wondered if you could talk more specifically about whether there would be a threat to that support if we left Europe.

Tam Baillie: Our office gains a lot from that European network. What has become apparent in the production of international work is that the similarities of children who are living in austerity and poverty across Europe are very much greater than any of the differences. My estimation is that a withdrawal from Europe would have a significant impact on Scottish society and on UK society. Beyond that, we have got lots to do within the confines of where we are at with children and young people in Scotland.

Joan McAlpine: There is also the related issue of the UK Government's attitude to the Human Rights Act 1998. If the landscape changed there, would that have an impact?

Tam Baillie: It would, and we will make representation to the Smith commission on that. The Government has made statements about an intention with regard to human rights legislation that would impact on human rights bodies. Even though there is an opt-out in terms of the Scottish Parliament, there would still be national public bodies in Scotland that would not be covered by human rights legislation if the Human Rights Act 1998 was repealed. We will make representation to the Smith commission on that.

Joan McAlpine: Is there any way of illustrating the possible impact that that might have on individual children? Is it possible to give an example of a negative impact that we should be concerned about?

Tam Baillie: The level of debate just now is much more about our approach to human rights and children's rights. I perceive a very different conversation taking place in the Scottish Parliament and Scottish society than that which is taking place in Westminster, which I perceive to be much more hostile to human rights and children's rights. I would be concerned if Westminster's actions had some repercussions in Scotland. As I said at the beginning, I am hopeful for the direction of travel of children's rights in Scotland and I certainly would not want us to be affected by any rollback or any other actions that were taken at Westminster that would have a negative impact on that direction of travel. As I said, the repeal of the Human Rights Act 1998 would have that negative impact.

Liam McArthur: I am sure that Joan McAlpine did not mean to mislead but, as I understand it, the position on the Human Rights Act 1998 that she describes is that of the Conservative Party rather than that of the UK Government. I am sure that Tam Baillie—[Laughter.]

Well, it is an important point.

Tam Baillie: I stand corrected.

Liam McArthur: Thank you. Would that my colleague on the committee would do likewise. The debate at Westminster finds as many fierce advocates and defenders of the Human Rights Act 1998 as it does those who, for their own bizarre reasons, wish to undermine it.

The Convener: You do not have to answer that. It was more of a statement than a question.

Tam Baillie: That is fine, and I stand corrected.

The Convener: I have two points to finish off with. In your strategic plan for 2012 to 2016, there were four strategic aims. One was about the efficiency, effectiveness and fitness for purpose of the office. Taking those three points into account, do you think that you have achieved those aims during this period of the plan? Does your office provide value for money?

Tam Baillie: I have already given some examples of that. For example, we are looking at getting much better value for money with our accommodation. On the overall impact of the office, we are part of that movement towards a better approach to children's rights. So the answer is yes, I think that it is value for money.

11:30

The Convener: Maybe it is my fault because of the way that I worded the question, but I did not really mean how much the office rent is. What I meant was value for money in terms of the impact of your office—the office of commissioner.

Tam Baillie: We have already made comparisons with Northern Ireland and Wales. We are a smaller office serving larger communities of children than the offices in those jurisdictions, so I believe that already you have good value for money in the presence of the office, and I relate that to the progress that I believe has been made in Scotland with regard to children's rights.

The Convener: Okay. Mary Scanlon has a question. I ask her to make it short.

Mary Scanlon: Thank you, convener. I appreciate that.

In reading the 47 pages, I was looking at what you have done in the past year to justify value for money and an effective office. Out of those 47 pages, I could find only one paragraph on the plans for 2014-15, which states:

"the Commissioner intends to build on ... the website".

That does not seem very much. We are scrutinising what has been done, but I was also looking for some gems of plans for the future, and I got one paragraph on the website. The commissioner might take this opportunity to—

The Convener: Let us give him an opportunity to respond.

Tam Baillie: We are halfway through the year. I have already given you detail of the activity through the European network of ombudspersons for children and of the international work programme that we have been co-ordinating.

We have produced—and I have covered some of it here—the "Learning Lessons" report on children and poverty, and we are about to produce a report that looks at the characteristics of high-performing schools.

We are about to pick up on the domestic abuse agenda. We published a report last year that highlighted the tendencies of courts with regard to whether they grant contact with alleged perpetrators, and I am now committed to looking at how we can improve the way that the views of children and young people are taken into account and at how courts can be given greater confidence about those views.

On campaigning, I have given you some of the detail on the school toilets work, and I am giving notice about continuing to shine a light—and campaign, if you like—on changes to stop and search.

With regard to disability, there is a whole workstream to continually try to keep the focus on the impact of service cuts on children and young people.

The Convener: Thank you.

I have a final question on a different issue. You have mentioned disability a number of times, and rightly so. Do you effectively test the material that you publish for its accessibility to people with disabilities?

Tam Baillie: Yes. One of the key responsibilities of the office under the Equality Act 2010 is to ensure that materials are as accessible as possible. We have been doing some work on the website and we are about to commission a piece of work to ensure that our communications are as accessible as possible.

The Convener: I have to be honest and say that I do not think that the annual report is a particularly accessible document. I am not sure that purple on purple with small-sized text would be particularly accessible to somebody with a difficulty with their sight, for example. That is just one example, but other pages are similar, with blue on blue. You can correct me if I am wrong, but it does not look as if the report has been properly tested for people who have difficulty with their sight to be able to read it.

Tam Baillie: Okay. I will take note for next year.

The Convener: Thank you for coming along today and for your evidence, which has been welcome. The committee had a quick discussion before we met today and we think that it would be a valuable piece of work to bring you along each year to discuss the annual report. We have not done that regularly in the past, but the committee is keen that we do that. I think that both you and we gain an awful lot from this kind of meeting.

Tam Baillie: I have already said that I welcome the opportunity, and I will welcome it in future years as well. Thank you.

The Convener: Thank you for your attendance this morning.

Subordinate Legislation

Teachers' Pension Scheme (Scotland) Regulations 2014 (SSI 2014/217)

11:34

The Convener: Our next item of business is to consider the Teachers' Pension Scheme (Scotland) Regulations 2014.

As members will see from the papers, the Scottish Government has indicated its intention to revoke the instrument and replace it with a corrected version. That move is in response to the concerns that the Delegated Powers and Law Reform Committee highlighted in its report on the instrument.

The process of finalising a replacement instrument has already begun. All the corrections have now been made and a revised instrument will be signed by the relevant Scottish Government minister this week. Following that, the instrument will be issued to Her Majesty's Treasury for its consideration and signature. The Government expects the revocation date to be 1 January 2015.

However, we are being asked to consider the instrument that is before us today. Two parts—parts 1 and 2—of the instrument come into force on 1 December. Part 1 is interpretative, and no changes are being made to part 2. That means that, on 1 January, an identical part 2 will replace the provision that will by then be in force.

Do members wish to make any comments on the instrument?

Mary Scanlon: Yes. I went back to the evidence session on 18 March, when I asked questions on which I would be very grateful for clarification. I will put them on the record, if I may.

First, in 2011, the Auditor General for Scotland suggested that, where there are differences among schemes in contribution rates and levels of benefits, there should be

“a clear statement of the aims and objectives”.

I would find that helpful.

Secondly, I asked whether the scheme is affordable. In 2011, there was a £240 million deficit in it. The cabinet secretary responded:

“A review and valuation is due later this year.”

Obviously, I would welcome that, looking forward.

Thirdly, the cabinet secretary said that the Government would be able to answer my question about whether we are continuing with a £240 million deficit

“only once we had an actuarial valuation of the scheme over the long term”.—[*Official Report, Education and Culture Committee*, 18 March 2014; c 3795.]

Obviously, that is a considerable amount, given that it has to be taken from other budgets. How far do the increased contributions go towards addressing that deficit?

Finally, given that I was talking about figures in 2011, it would be helpful if we could get an update.

The Convener: Okay—thank you. I note that there is a policy note that refers to the financial effects of the instrument and says that it is

“In line with the reform of public sector pensions”.

However, I take on board the points that Mary Scanlon has made.

Obviously, this is a negative instrument, but would the committee be happy for me to write to the cabinet secretary to raise the questions that Mary Scanlon has raised?

Members indicated agreement.

The Convener: Okay. We will do that.

As there are no other points, given that the Scottish Government intends to correct the instrument, does the committee agree to make no recommendation to the Parliament on it?

Members indicated agreement.

The Convener: Thank you very much. That concludes our business for today.

Meeting closed at 11:38.

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