The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION AND CULTURE COMMITTEE

Tuesday 28 April 2015

Session 4

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EDUCATION AND CULTURE COMMITTEE
10th Meeting 2015, Session 4

CONVENER

*Stewart Maxwell (West Scotland) (SNP)

DEPUTY CONVENER

*Siobhan McMahon (Central Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
*Colin Beattie (Midlothian North and Musselburgh) (SNP)
*Chic Brodie (South Scotland) (SNP)
*Mark Griffin (Central Scotland) (Lab)
*Gordon MacDonald (Edinburgh Pentlands) (SNP)
*Liam McArthur (Orkney Islands) (LD)
*Mary Scanlon (Highlands and Islands) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Douglas Ansdell (Scottish Government)
Brian Caldwell (St Mirren Football Club)
Stephen Gallacher (St Mirren Football Club)
Graham Main (Electric Theatre Workshop)
Fiona McLeod (Minister for Children and Young People)
Laura Meikle (Scottish Government)
Chris Smith (Scottish Football Association)
Colin Thomson (Scottish Rugby Union)
Ruth Wishart (Creative Learning Plan Strategic Group)
Kit Wyeth (Scottish Government)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education and Culture Committee

Tuesday 28 April 2015

[The Convener opened the meeting at 09:31]

Education (Scotland) Bill: Stage 1

The Convener (Stewart Maxwell): Good morning and welcome to the 10th meeting of the Education and Culture Committee in 2015. I remind all those present that electronic devices should be switched off at all times.

We begin by taking evidence on the Education (Scotland) Bill from Scottish Government officials. This is the first time that we have considered the proposed legislation. The session will allow us to ask a number of factual questions about the bill. We will have a more detailed discussion on the policy intention with the cabinet secretary in June.

Today's session will inform those who have still to make written submissions to the committee about the bill's provisions. We hope that the Education (Scotland) Bill's provisions on attainment will overlap and help with the committee's inquiry into the attainment gap.

I welcome Kit Wyeth, Douglas Ansdell, Laura Meikle and John Paterson from the Scottish Government. Kit Wyeth will kick off with an opening statement.

Kit Wyeth (Scottish Government): Thank you very much, convener. The Education (Scotland) Bill contains a range of measures that are designed to improve the education system in Scotland. The provisions in part 1 of the bill are a key part of the Government's overall approach to tackling inequalities of outcome. In the education context, inequality of outcome is perhaps most clearly demonstrated in the attainment gap, where children and young people from disadvantaged communities perform less well in school.

Specifically, the bill proposes a requirement for education authorities and the Scottish ministers to attach greater significance to narrowing the attainment gap, making it a priority for all. The introduction of reporting duties will ensure increased accountability at the local and national levels.

The new measures will sit alongside a range of existing activity on attainment. The programme for government announced the read, write, count campaign, the introduction of a network of attainment advisers—one in each local authority area—and the Scottish attainment challenge. The challenge is supported by a £100 million fund and is targeted at local authorities that have the biggest concentration of primary school pupils who live in deprived areas.

Ministers have also made clear their commitment to creating a secure future for Gaelic. Part 2 of the bill contains measures that will contribute to that. In particular, the bill will give parents a right to request Gaelic-medium primary education and place a duty on education authorities to assess the request. The bill will also require councils to promote and support Gaelic education and Bòrd na Gàidhlig to prepare guidance on the operation and delivery of Gaelic education in schools.

Part 3 of the bill proposes a number of measures as part of ministers' improvement agenda, including new rights for children under additional support for learning legislation and extending rights that are currently available to parents and young people to children aged 12 and over who have capacity. Other provisions include a requirement that education authorities each appoint a suitably qualified and experienced chief education officer to provide professional advice on the carrying out of education functions, and the introduction of statutory timescales in the section 70 complaints process. That will address a consistent concern that the process under which ministers consider complaints about the failure to carry out education duties is overly lengthy.

There is also a requirement for compulsory registration with the General Teaching Council for Scotland for all teachers in independent and grant-aided schools. That will offer assurance to parents that, irrespective of where their children are educated, the standards and quality of the teaching staff will be regulated by the GTCS.

There are also technical amendments on free school meals and on the entitlement of all children who have a guardian to mandatory early learning and childcare provisions. Neither of those will result in any policy change, but they will offer greater clarity and accuracy.

That is all that I want to say by way of introduction. We are now happy to take any questions from the committee.

The Convener: Thank you very much, Kit. We will go straight to questions, starting with Mark Griffin.

Mark Griffin (Central Scotland) (Lab): I have a number of questions on part 1. First, I would like clarification of a definition in section 1(3), which is about reducing inequalities of outcome

"experienced by pupils which result from socio-economic disadvantage".

What will the definitions of reducing inequalities of outcome and socioeconomic disadvantage be?

Kit Wyeth: Section 3 refers to the statutory guidance that the Government will produce, and a lot of that definitional stuff will be picked up in detail in that. We are talking about inequality of outcome in the education context, and we are looking to use the bill to improve the life chances and outcomes for all our children and young people in all our schools. We are looking not just at exam results but at achievement in its wider sense. That is an integral part of the curriculum for excellence approach.

When we talk about CFE levels, we are talking about not just the knowledge that the children have but their skills and attributes. That is a fundamental part of the broad general education that takes pupils through from primary 1 to secondary 3. It is about giving them the skills, ambition and know-how to succeed in whatever they choose to do once they move beyond school.

Mark Griffin: You spoke about the guidance and regulations that will be issued along with the bill. Is any consultation being done on what the regulations will contain? Specifically, as well as pupils who are disadvantaged for socioeconomic reasons, will the guidance cover issues such as the attainment gap between deaf pupils and hearing pupils? Are you able to give examples of what will be covered in the regulations other than the socioeconomic reasons?

Kit Wyeth: You asked first about consultation. We are conscious that the provisions were included in the bill without wide-ranging consultation in advance of its introduction. We have been discussing part 1 in general with all our key stakeholders, and talking about how we target support for children from disadvantaged communities and more widely. The regulation-making power in section 1 allows us to bring in additional groups of children and young people, and ministers are open minded about using that power on introduction.

No firm decision has been taken on that as yet, but it is exactly the kind of thing that you are talking about. It concerns children who have certain disabilities, looked-after children and children from minority ethnic communities, for instance. There is evidence that children from those groups do not perform as well as others. As I say, ministers are open minded about making regulations for that.

Mark Griffin: What information is being gathered to establish a baseline so that the Government can evaluate the performance of local authorities to see whether the attainment gap has reduced?

Kit Wyeth: The most immediate work on a baseline is being carried out as part of the attainment challenge, and is considering where things lie within the authorities that receive funding under the challenge. Whatever baseline is put in place for the seven authorities concerned, it needs to apply across the country as a whole. Although an immediate focus is given to the funding that is there, the focus needs to be across the country as a whole. That work will be developed over the following weeks and months.

Mark Griffin: How will authorities define whether an inequality has arisen because of socioeconomic disadvantage or for some other reason? I am thinking in particular about whether authorities will be able to decide that an inequality has arisen as a result of a reason that is not covered by the bill. Who makes that call?

Kit Wyeth: That kind of thing would be picked up as part of the reporting requirement under the bill. That concerns how local authorities, and indeed ministers, are looking to focus and target their efforts to narrow the attainment gap.

As regards the current evidence, the programme for international student assessment, the Scottish survey of literacy and numeracy and the other measures of pupil achievement and attainment tend to use the Scottish index of multiple deprivation, which takes account of where children live, including their postcode area, in determining whether or not they are most disadvantaged or less disadvantaged, as the case may be. That is a relatively well-established means of determining where children are from. However, authorities will also want to take account of local circumstances in identifying which children need particular help and support.

Chic Brodie (South Scotland) (SNP): Some of the questions that I wished to ask have already been asked but, on outcomes, I assume that there will be no target setting under this whole objective, and that we will be considering outcomes annually.

Kit Wyeth: Yes, absolutely. The key element is to have outcomes for all children in Scotland. We are moving into a phase of having national qualifications based around curriculum for excellence, and they are already starting to take account of that broader CFE approach around skills and attributes as well as knowledge.

The work on developing the young workforce is an acknowledgement of the fact that some children will not necessarily go down the academic route. There is an opportunity to allow those children to achieve well and to prepare themselves for later life and work, whatever their particular attributes and interests.

Chic Brodie: Okay—I should have said "good morning" earlier, by the way.

I am glad that we will not be driven by targets in this particular area. It is important that we consider the outcomes.

One of the two key elements is achieving consistency across Scotland. Within each local authority area, the appointment of the chief education officer becomes paramount. What skills do you think the chief education officer should have?

Kit Wyeth: The bill provides an opportunity for us to set out in regulations the exact qualifications that a person taking on that role should have. I think that what we need to—

Chic Brodie: I understand that, but my question was to you. What do you think those skills should be?

Kit Wyeth: My answer is that it is not necessarily for me to determine that. We did not consult widely on those provisions before they were put into the bill and our intention is to run a full consultation on the regulations that are provided for in the bill to ensure that stakeholders get the opportunity to feed in and to inform our thinking about what those skills and qualifications should be.

Local authorities will clearly have a key role to play in informing that discussion. After all, the provision is designed to benefit them by ensuring that they have somebody within the organisation who can provide them with the professional advice that they need to carry out their education functions.

09:45

Chic Brodie: But it is important that we achieve consistency and that we do not just look at deprived areas within a local authority area and then find that we have one local authority area that is lagging behind or is way ahead on provision. Following on from the question about the role of the chief education officer, how do you think that we might secure that consistency?

Kit Wyeth: I am not quite sure what you mean—

Chic Brodie: I mean consistency across local authorities. We are talking about outcomes, not targets. A large part of the responsibility for achieving the outcomes will fall on the chief education officer. That is why I asked the question.

Kit Wyeth: The regulations will ensure that the qualifications that are required of chief education officers will be the same across the country. We will be looking for a high standard of appointment across all local authority areas. The bill gives local authorities a bit of flexibility by giving them the opportunity to set out the experience and knowledge that they will be looking for in someone whom they wish to appoint, but the regulations will ensure that the qualifications and skills of the people who hold the post of chief education officer will be of a consistent standard across the country.

Chic Brodie: I have a sequitur to that. Under the bill, local authorities will have to prepare annual development plans that take account of their annual statements of education improvement objectives. I do not know how long it will take them to do that—not too long, I hope. Who will audit or oversee those plans?

Kit Wyeth: The annual statement of improvement objectives comes from the Standards in Scotland's Schools etc Act 2000, which I think has been in place since 2000-01. Statements of improvement objectives generally tend to be local reports that are prepared and dealt with exclusively at local level. The bill proposes that local authorities and ministers will have a broader duty to report every two years. The reports will be published locally then brought together nationally by ministers so that we can see where things are across the piece.

As far as I am aware, not much auditing of the existing reports is being done at this stage. Certainly nothing is being done at the national level; the reports tend to be dealt with at a more local level. We propose a national level to the reporting process in the future.

Chic Brodie: What role will parents have in the oversight of the development plans?

Kit Wyeth: The bill specifically gives parents a role by providing that local authorities should work with them and others in preparing their plans on work to narrow the inequality gap. We also think that, if local authorities publish the reports locally, it will give parents and other people in the local community the opportunity to scrutinise and comment on the work that they are doing.

The Convener: I will go back to some of the points that Mark Griffin pursued on part 1, which is on inequalities of outcome. The bill is designed to reduce inequalities of outcome that result from socioeconomic disadvantage. I am not sure that I know what that means. I know that Mark Griffin asked about that, but I will pursue the issue. How can whoever is responsible for reducing the inequalities of outcome—a local authority, for example—understand whether it is the fact that a pupil is suffering from socioeconomic disadvantage, or some other matter that is nothing to do with socioeconomic disadvantage, that is resulting in inequalities of outcome?

Kit Wyeth: In raising attainment across the country, we are reliant on the professional

judgment of teachers and the excellent work that they do in schools. We would expect a given teacher to understand where a given child was coming from and to understand their needs and circumstances and what additional support they might need to achieve as well as they can. That will not change. That responsibility of teachers will not—

The Convener: I am sorry to interrupt. Perhaps I did not ask the question correctly. You propose to put in legislation a provision that says that we will reduce inequalities of outcome that result from socioeconomic disadvantage. Surely those who are responsible for doing that will have to understand exactly what they are supposed to do and to whom they are supposed to do it. I am still not clear about how that can be done.

If there is a local authority area with multiple postcodes or even a school that has pupils from different family backgrounds who have different socioeconomic advantages and disadvantages and there are various levels of equality of outcome, how will people be able to meet the demands of the bill to reduce the inequalities of outcome for the pupils who are suffering from disadvantage as a result of socioeconomic conditions? How will they know what to do to meet that bit of legislation?

Kit Wyeth: The guidance will offer greater clarity on exactly what we mean by the terms in the bill and exactly how the activity should be targeted. Things such as the index of multiple deprivation indicate where children come from and their socioeconomic background. The results that children achieve in school will continue to be broken down by socioeconomic background as set out in the index of multiple deprivation. That will indicate to us and to local authorities whether they are making progress in respect of the children the bill seeks to target.

The Convener: The difference between my question and your answer is that you are talking at the level of the SIMD and I am talking about an individual pupil. I understand that the overall picture on multiple deprivation may go up and down in various areas that are defined by postcode, but this comes down to individuals in local authorities or individual teachers doing work with individual pupils whom they have identified as suffering from inequalities of outcome because of socioeconomic disadvantage. I am trying to understand what will happen not at the statistical level but at the individual level.

Kit Wyeth: Teachers already work well with individual pupils to seek to raise their achievement. The bill requires local authorities and ministers to have due regard to the issue when they make decisions about education. The key point is that we are not asking schools or local authorities to disregard all other considerations in making decisions; we are asking them to have regard to the issue as part of their work. Individual teachers know their pupils and will, in any event, target support to children depending on their needs and abilities. This is just something else that we ask them to bear in mind when they make decisions about providing support to pupils.

George Adam (Paisley) (SNP): Who have you consulted? There is no published consultation on the attainment measures in the bill, but paragraph 25 of the policy memorandum states that

"there is consensus on the need to work to raise attainment and close the attainment gap."

We have received evidence from parent groups and so on that they are not involved in the process. Have you spoken to national parents organisations, the Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland?

Kit Wyeth: Yes. The provisions in part 1 came as a result of the programme for government, which was launched only towards the end of last year, so we could not run a full consultation on them before the bill was introduced. In the meantime, we have had a number of discussions with COSLA about the provisions and we have spoken to ADES at great length about them. Furthermore, we met the Educational Institute of Scotland and wrote to the other teaching unions so that they were aware of our proposals. We met the national parent forum of Scotland and the Scottish Parent Teacher Council. We wanted to have had at least a discussion with all our key partners about the provisions before the bill came to the Parliament. The full intention is to consult more widely on part 1 as we move forward.

George Adam: Has any of the groups raised concerns about the bill?

Kit Wyeth: In general, there is an understanding that we need to continue to focus efforts on narrowing the attainment gap, and everybody supports that in principle. However, COSLA raised some concerns, because it does not feel that the provisions are particularly necessary. It feels that a lot of good work is going on already and that we should rely more on the existing work, rather than place an additional duty on local authorities.

George Adam: So it is just COSLA. There is nothing unusual about that.

The Convener: Kit Wyeth does not have to respond to that point.

Kit Wyeth: Do not worry, convener—I was not planning to do so.

The Convener: I will ask about the point that George Adam raised. Paragraph 25 of the policy memorandum states that

"there is consensus on the need",

which you just mentioned,

"to work to raise attainment and close the attainment gap."

One of the most critical issues is whether people work to raise attainment for all or to close the gap. The aim may be to do both but, if attainment is raised for all, does that close the gap or does everybody move up while the gap remains the same?

Kit Wyeth: I completely understand your point. Ideally, we want the pupils who are performing at the top to continue to increase their performance but at a slower rate than those at the bottom do. We would like everyone to move up but to have the gap narrowing throughout that process.

Siobhan McMahon (Central Scotland) (Lab): We are taking evidence on the attainment gap as part of our committee inquiry, and something that has come up is that people do not really understand what we are measuring—what is out there. In answering questions earlier, you used the phrase "inequality gap", and the terms seem to be interchangeable, except that they are different things—they mean different things. Do you mean different things, or are you using the words interchangeably?

Kit Wyeth: Do you mean attainment gap and—

Siobhan McMahon: Inequality gap—they are different things to a lot of people.

Kit Wyeth: Yes—I think that they are. I am not sure that I meant to say "inequality gap". I do not think that I am familiar with that phrase.

We are pretty clear about what an attainment gap is, and we are talking about inequalities of outcome. When we talk about that, we are pretty well referring to the same thing—that some pupils perform well and others do less well. We are trying to make sure that everybody does better.

Siobhan McMahon: When the phrase was used, it was in relation to socioeconomic disadvantage, and we understand that there are inequalities there. However, that does not necessarily translate to every pupil's ability to learn and to succeed. When we are taking evidence, we are trying to get it across to people that we are talking about attainment and not where the focus seems to be in part 1 of the bill. Do you agree with that?

Kit Wyeth: Our focus in the bill is very much on raising attainment for everybody and ensuring that those who are in the lowest-performing groups increase at a better rate than everybody else. That is the driving force behind the provisions in part 1.

Liam McArthur (Orkney Islands) (LD): I apologise for being slightly late as a result of transport problems.

To follow up the convener's question about closing the gap and raising attainment for all, we have previously had witnesses who wrestled with the dichotomy that, if we raise attainment for everybody, all that we do is move the gap upwards a notch. From the discussions that you have had with COSLA, ADES and others, is there a feeling that, to close the gap while raising attainment for all, resources and effort need to be targeted more on those who are seen to be underperforming?

Kit Wyeth: Yes. There is a recognition—

Liam McArthur: I am sorry—to follow that up, is that the priority of ministers as well?

Kit Wyeth: The priority is raising attainment for those in the lowest-performing groups—absolutely. It would be wrong to say that there are not aspirations to improve achievement among the highest performers as well, but the focus is very much on those who are in the lower-performing parts of the cohort. That is the reason for initiatives such as the attainment challenge, where—forgive me; I said this in my opening comments—the focus of the £100 million is on the poorest-performing pupils in primary schools.

Liam McArthur: I apologise again, as I did not hear your opening remarks, but I think that one problem with the attainment fund is the focus on areas. That ignores those who may be struggling to attain to their full potential in areas outwith those that have been designated by the SIMD criteria.

Your point about the aspirations of those who are highest performing tends to suggest that those with the sharpest elbows will make the most of the opportunities that arise and that the gap will not decrease but, if anything, is at risk of expanding more widely. What in the bill will help to close the gap, rather than restate the aspirations that, as you fully admit, everybody has had for some time?

Kit Wyeth: The bill is part of the answer, but it is not the complete answer to what we want to do about narrowing the attainment gap. It sits alongside the attainment challenge, raising attainment for all, the read, write, count campaign and the other work that is going on across the piece. The bill is one element of the Government's work on raising attainment and narrowing the attainment gap.

10:00

Mary Scanlon (Highlands and Islands) (Con): I will not go on about this but, in your opening statement, you focused on disadvantaged communities, and the bill talks about outcomes that result from socioeconomic disadvantage. As a member of Parliament for the Highlands and Islands, I can say that such an approach does not work up there, where someone with very low attainment could be living next door to a multimillionaire. My concern is that, because such individuals are not living in a socially disadvantaged area and many of them do not come from disadvantaged families, they could be missed out. I wanted to say that because I was concerned by your opening statement; I will now ask the question that I planned to ask.

George Adam made a point about COSLA. You might have been having discussions with it, but we have a submission from 23 April—less than a week ago—that suggests that it is certainly not happy with what you have brought forward. It says that the duty in part 1 is "unnecessary", that the bill does not "enhance local democracy", that it duplicates existing legislation and that it has not been consulted on. COSLA also asks:

"Why will local authorities have to report to Ministers and not to their communities?"

You can dismiss COSLA if you like, but it says that the bill fundamentally challenges local democracy and asks why there was no consultation on what is now the headline section of the bill.

I know that you said that the proposal was in the programme for government, but I have been here for quite a few years and I know that it is bad legislation that is not consulted on. The situation will lead to a lot of difficulties for the committee, too.

Will you explain the discussions that you have been having with COSLA? You have certainly not persuaded it that you have done a good job by bringing forward this headline section of the bill with no consultation.

Kit Wyeth: First, I will reply briefly to your initial statement. We are conscious that it is not just children from the most socially disadvantaged areas of Scotland who perform less well. That is why section 1 of the bill enables us, through regulation, to extend the bill to other groups of children and young people. As I said, I think that ministers are open minded about using that and, if there is a feeling that we should do that, that is absolutely what we will do.

Mary Scanlon: I hope so. The problem is that the regulations might not come until after next year. We do not know when we will see them.

Kit Wyeth: If the committee were to ask to see the regulations, we could look to bring them forward.

On your other issue, we have met COSLA on a number of occasions. You are correct to say that we have not necessarily persuaded it of the value of the provisions. As I said in response to Mr McArthur, the bill is one element of our work to raise attainment. It is not the solution by itself, but it will bring the issue into focus and enhance its profile. That is a useful part of what we are doing.

The bill provides for local authorities to publish their reports as well as to report to ministers. Our expectation in our discussions with COSLA has been that publishing reports locally is about enhancing local democracy and local accountability. It is about telling people in local authority areas what the local authority is doing to help to narrow the attainment gap. That provides for local accountability as well as accountability to ministers.

This is a new element. We feel that ministers and local authorities should be accountable to Parliament for the work that is being done. That is why we are asking local authorities to provide information to us, so that ministers can include that in what they say to Parliament. That national accountability is quite an important part of the proposal, in addition to the local authority accountability for which the bill provides.

I do not have much more to say on public consultation than I have said already. The provisions came late in the day, and we have undertaken to consult fully on them as we move forward, in advance of stage 2. We will absolutely do that, and COSLA will continue to be very much in the forefront of such discussions.

Mary Scanlon: I sincerely hope so. You can have a wee rest now, because I have a couple of questions on Gaelic.

I assumed that the bill would increase the provision of Gaelic-medium education. There are 11 sections on Gaelic, so I had quite high hopes in that regard. However, it does not create any entitlement to Gaelic-medium education. Instead, it creates a statutory process for assessing parental requests. What is the statutory process for assessing parental requests? Is it just a phone call to say, "Sorry, you are not getting it"? What does it mean? Is the bill intended to increase the provision of Gaelic-medium education? If so, why does it not require local authorities to provide it?

Douglas Ansdell (Scottish Government): Good morning.

Mary Scanlon: Good morning.

Douglas Ansdell: For a moment, I thought I was at the wrong committee meeting, but—

Mary Scanlon: No. We have a wee set of questions for you. You are all right.

Douglas Ansdell: I am happy to respond. There are a few relevant points. Parents have talked about a right to Gaelic-medium education, and you used the word "entitlement". As you point out, the bill clearly sets out a process to be followed after a parental request. If there was a right or an entitlement, a process would need to be followed. If parents had a right to Gaelic-medium education, we would still have to ask, "For how many children? In what area? Can we get a teacher?" As soon as we ask those questions, which are crucial questions for local authorities, we are into a process.

What we are trying to do is to put in the bill a good process—a process that is consistent throughout the country, open and transparent, and timed. None of those things is in place at the moment. We want to have a process that will give parents confidence that their request will be responded to. I do not think that we can avoid process, and—

Mary Scanlon: A process is already in place. The Gaelic school in Inverness is expanding at a rate of knots due to parental demand, and it is obviously happy with that. Surely every parent in Scotland has a right to phone their education authority and say that they would like their child to learn the Gaelic language or to have Gaelic-medium education. Surely there is a process at present.

Douglas Ansdell: Every parent may approach their local authority and request Gaelic-medium education for their child, but there is no consistent process.

Mary Scanlon: Sorry, but can I just ask what is different about the bill? What is a statutory process? Will you explain? I know that it would be consistent, but what is different compared with what happens now?

Douglas Ansdell: I will not identify any areas of the country, but some parents have been knocking on doors for 10 years requesting Gaelic-medium education. The Scottish Parliament information centre briefing on the bill identifies that some parents have been asking for far too long, and it gets to a stage where the children for whom parents have requested Gaelic-medium education have moved on and it is no longer relevant to them.

Mary Scanlon: But there is no guarantee that they will get it.

Douglas Ansdell: There is a guarantee that a certain process must be followed in an open, consistent and timed manner.

Mary Scanlon: But the process could still lead to refusal.

Douglas Ansdell: The process could still lead to refusal if certain considerations are not met—for example, if there are not the numbers or if the local authority cannot secure a teacher.

Mary Scanlon: Okay. Paragraph 30 of the policy memorandum states that the process

"has the potential to lead to a faster rate of growth"

in Gaelic-medium education. Paragraph 31 mentions that local authorities have

"the opportunity to send children to neighbouring areas."

It also states:

"The ways in which these education authorities promote Gaelic is not currently specified."

Are you saying that, if someone applies for their child to receive Gaelic-medium education, there will be a statutory duty on local authorities, if they do not have the resources to provide that, to send children to neighbouring areas? Will there be an obligation on local authorities to meet the parent's demand and ensure that the child goes to a neighbouring local authority in order to learn Gaelic? Is there some guarantee at the end of this?

Douglas Ansdell: That happens already. Young people already go to other local authorities in order to receive Gaelic-medium education. However, sending young people across a border to another local authority will not form part of the duty on local authorities.

Mary Scanlon: I am finding it difficult to understand what is different about the bill. If a parent has to wait 10 years, it will be too late. How will they get their child into Gaelic-medium education or at least learning Gaelic? What will the bill do for a parent who wants their child to get Gaelic-medium education? I just do not see what will be better than at present. I see a process, but I do not see an entitlement or a duty at the end of the day. That is what I am finding difficult.

Douglas Ansdell: We like to think that it is not just a process; it is a good process that entitles parents to submit a request. As soon as they have submitted that request, that triggers a process that has to run through in a certain time. The process will be open and transparent and—

Mary Scanlon: I understand all that, but you said that it can still result in refusal.

Douglas Ansdell: Yes, indeed.

Mary Scanlon: There will be a bit of bureaucracy to show that the due process has been gone through but, at the end of the day, will the bill lead to further demand for and provision of

Gaelic-medium primary education in the 32 local authorities in Scotland?

The Convener: That is your final question, Mary.

Mary Scanlon: Yes. It is just that I have not got the final answer that I am looking for. I am sorry that I have had to ask more supplementary questions, but I am asking them because I do not understand.

The Convener: We will let Douglas Ansdell answer.

Douglas Ansdell: There are two parts to the answer. I am confident that the bill will lead to faster growth in Gaelic-medium education throughout Scotland. I will give just one statistic. At present, we have 93 Gaelic early years groups, for little people aged zero to three, and 58 Gaelic-medium primaries. The parents who have their children in the early years groups have the potential to request a Gaelic-medium primary. We are putting in place a process for that.

Mary Scanlon said that the process could lead to parents being refused.

Mary Scanlon: You said that.

Douglas Ansdell: We said it, but you offered it back to me.

We felt that we had to put a threshold of five young people. There is a reason for that. If the threshold is not met—say, if there are only two or three children—it will be reasonable for the local authority to look at the procedures and say that in its estimation, under the process in the bill, the threshold has not been met and therefore it will not proceed with Gaelic-medium education.

Mary Scanlon: If five people want it, they will get it—

The Convener: Sorry, Mary, but other members want to come in.

Liam McArthur: Mr Ansdell indicated that one reason why a local authority might not be able to respond positively to a request is an inability to recruit teachers. In recent months, the committee has heard evidence about the inability of local authorities to recruit teachers in a number of subject areas and about difficulties with providing materials for science education at primary and secondary level. We are painfully aware of the stresses and strains on education budgets in local authorities right across the country. What effect will the bill have in placing the provision of Gaelic-medium education in the list of priorities that education authorities will wrestle with?

Douglas Ansdell: The bill lists recruiting a teacher as one of the key considerations that a local authority will have to take into account when it assesses a request from parents for Gaelic-medium education—sorry, to be specific, it is Gaelic-medium primary education. The bill does not take any steps to increase the recruitment, training or placing of Gaelic-medium teachers. A range of measures are being taken to increase the numbers of people going into the profession, and those have been fairly successful recently. The number of people going into Gaelic-medium teaching has increased in recent years, which is encouraging. There are still gaps, however. That is probably one of the main obstacles that we are concerned about. Indeed, that will be one of the key areas of concern for local authorities looking at the bill. They will think, "That is all very well, but can we secure a teacher?"

Liam McArthur: The Government already has fairly specific requirements on teacher pupil ratios, and a number of local authorities and the Convention of Scottish Local Authorities have raised concerns about the situation—they see it as a straitjacket that they are being put into. If you apply the provisions in the bill, will you not simply be adding to the difficulties that local authorities have to deal with in meeting all the expectations that are placed on them by Government?

10:15

Douglas Ansdell: I do not think that we are adding to the difficulties, because the process that we are putting in place in the bill will be in local authorities' hands. As they go through the various considerations in the process, it will be for them to look at the important question whether they can secure a teacher. There will be work to do with Bòrd na Gàidhlig about teacher provision in a particular year, but we are putting assessment of the possibility of securing a teacher in local authorities' hands.

Liam McArthur: So it is only a question of whether they can secure a teacher, rather than the priority that they attach to the matter as opposed to the other considerations that they have to deal with, such as providing teachers to cover particular specialisms or providing materials to support teaching provision. The only issue is whether the recruitment of a teacher would be problematic.

Douglas Ansdell: No. There are a number of issues for local authorities, and we have tried to list them in the process.

Liam McArthur: Having listened to the responses that you have given—

The Convener: Liam, this was supposed to be a supplementary question.

Liam McArthur: I will be very brief. My concern is that the bill risks raising expectations unduly among those who have been putting in such

requests for some time. It follows on from an SNP manifesto commitment to

"examine how we can introduce an entitlement to Gaelic medium education".

Is there not a real risk that parents who cross-reference that with what is in the bill and the process that local authorities will have to go through will come away thinking, "Nothing has changed at all. Local authorities will still be able to fob us off, albeit in a tighter timeframe than before"?

Douglas Ansdell: I understand the point. I think that some people will look at things and say, "That's fobbing us off", but local authorities will look at the same issues and say, "These are issues of substance. It is not a question of fobbing people off." There are issues of substance that local authorities have to consider, be it teachers, cost, location or a building to house Gaelic-medium education in.

As you said, the manifesto uses the word "entitlement". We have looked at the matter and consulted on it and we have taken the view that any entitlement still needs an element of process in order to be considered and delivered. What we have tried to do is to deliver a good process that responds to parents' requests.

The Convener: Chic Brodie has a quick supplementary question.

Chic Brodie: I hear what Douglas Ansdell says about process, but I am much more interested in the entitlement that has been referred to. What are we doing to promote the entitlement as opposed to hindering by going through a process?

Douglas Ansdell: There are three principal areas of interest in the part of the bill on Gaelic. One is that parents can submit a request for Gaelic-medium primary education. The next—

Chic Brodie: Forgive me, but we have heard that.

Douglas Ansdell: Yes. I am moving on from that.

Chic Brodie: I want to know what we are doing, with local authorities, to promote the entitlement. At the end of the day, I am interested in the children and the parents who wish to have the service fulfilled, and not in the process of how they get there, although that is important. What are we doing in the bill to promote the entitlement to Gaelic learning in local authorities?

Douglas Ansdell: I was just moving on from the process. The bill contains a duty on local authorities to promote and support Gaelic education from three to 18 and a duty on local authorities to promote to parents their right to request Gaelic education, and it will put a duty on local authorities, where Gaelic learner education or Gaelic-medium education is in place, to promote it. The bill also contains a duty on local authorities to support Gaelic education. Those things are in the bill as new duties, and they will be developed further in the guidance that Bòrd na Gàidhlig will prepare as a result of the bill. That will spell out in detail what needs to be done to promote Gaelic throughout Scotland.

The Convener: Thank you very much. We will move on with Siobhan McMahon.

Siobhan McMahon: I have questions about the additional support needs provisions in the bill, particularly on the rights to be extended to children aged 12 to 15.

My first question is about paragraph 51 of the policy memorandum. It explains that extending the right to make placing requests to children could lead to a child attending a school that the parent does not agree with and so cut across the duty of a parent to ensure that their child is educated. Can you explain in more detail what is different about placing requests compared with other rights, which are in the legislation?

Laura Meikle (Scottish Government): During the consultation, concern was raised about the extension of placing requests. At that time we proposed to extend all of the rights, but the consultation response indicated that there was concern, from parents in particular, about placing requests.

The very particular concern is that currently, under the additional support for learning legislation, parents and young people can make a placing request to a nursery, primary school, special school, independent special school or grant-aided school in their own local authority area, in another local authority area or, indeed, in England, Wales or Northern Ireland. If the right was extended to children, it is conceivable that a child could end up in a school that was in a very different part of the country from their family, and that would be disruptive to family life.

As a result of that concern, the decision was taken not to extend that right in the bill, both because of the consultation response and for practical reasons. If we had extended that right, a potential outcome would have been a child being placed in a school far away from the family.

Siobhan McMahon: The policy memorandum says, in relation to that point and to the independent mediation services as well, that a support service is being established. Could you give more details about what that support service would look like and who would be involved in it?

Laura Meikle: Another issue raised by the consultation was that if children's rights were

extended there would require to be support in place for children to be able to use their rights. In response to that, and in developing the proposals that we have brought forward in the bill, we worked out what would have to be done by the child in order to use each of the rights and what the associated process was.

It became apparent that there would be a requirement for four different types of support for children: advice and information, advocacy support, legal advice and representation—if a child was going to take a case to a tribunal, for example—and a fourth part about getting the child's view, independently of others. There have been cases in the past where it has not been possible to get the child's view independently of other parties—either the education authority or the parents—and therefore it has been difficult for the child to influence processes. Therefore, part of the support service will be about getting the child's view, independently of others, to feed into the processes, so that we are clear about what their position is.

Our intention, as indicated in the financial memorandum, is that we will extend the services currently provided by Children in Scotland through enquire, which provides advice and information services. We will try to build those other services into a partnership with Children in Scotland, so that the four services will sit under one organisation. That is in recognition that a child may move between the different services, depending on which rights they are using. We are trying to bring the services together, so that a child can move backwards and forwards depending on the service that they need and so that there is a consistency of approach.

Siobhan McMahon: Thank you for that. You spoke about the process in your answer. Is it a similar process or the same process that currently happens for 16 and 17-year-olds?

Laura Meikle: It is the same process.

Siobhan McMahon: Okay. Finally, why was a test of best interest introduced for young people? What is best interest—how was that defined? Was it consulted on with young people themselves?

Laura Meikle: The best interests part was introduced alongside the change in the definition of capacity that we have brought forward. There were concerns that this group of children and young people—those with additional support needs—might use their rights in a way that would undermine their assessed needs.

As an example, let us suppose that an education authority and a family have asked for a child's needs to be assessed and it has been established that speech and language therapy is required. The child, perhaps quite rightly, could have a disagreement with someone providing services for them—a speech and language therapist, for example. The child could want not to engage with that person any more, and that would be perfectly acceptable, but they could also use their rights to remove completely the support that has been identified as helpful to them.

For that group of children and young people, therefore, it was decided that we would introduce a best interests element. That will allow the parent to appeal the child's use of their rights as a safeguard to ensure that they are being used in their best interests.

You asked what "best interests" means. We will produce guidance specifically on what "capacity" and "best interests" mean and on the assessment of those things. There will be both statutory and non-statutory guidance. We want to set out in statutory guidance the explanation of the legislation, but we also want to produce guidance about practice on some matters that are new to the area.

Siobhan McMahon: Was it consulted on with young people?

Laura Meikle: Sorry—I forgot to answer that. The original consultation was on the principles of whether children and young people should have rights, so that was consulted on, but we have not consulted children and young people on the specific provisions. We have discussed them with a range of stakeholders including the national parent forum of Scotland, ADES, COSLA and others that you would expect, but we have not discussed this aspect with children.

Siobhan McMahon: Do you plan to do that?

Laura Meikle: When we bring forward the guidance and the regulations associated with the bill, we will consult on all of that.

Siobhan McMahon: With young people?

Laura Meikle: Yes. With children.

Siobhan McMahon: Okay. Thank you.

Gordon MacDonald (Edinburgh Pentlands) (SNP): I want to continue the discussion and focus on the practicalities of extending the rights to children aged 12 to 15. You said that it is important that we get the child's view. It absolutely is, but how will their view be taken into account and what weighting will it be given in arriving at any decision?

Laura Meikle: In general?

Gordon MacDonald: Yes. These questions are all in general terms.

Laura Meikle: I was thinking that there would be a specific element in mediation, for example.

The way that the child's view will be taken into account is that, as part of the decision-making process, it will have equal weighting alongside the views of the parent and the education authority—all the people who will be making the decision. That is the intent. We want children to be able to influence the provision that is there for them, so their view will have equal weighting.

Gordon MacDonald: The policy memorandum states that the bill extends rights to children aged 12 to 15 where the education authority considers that they have capacity. How will the education authority assess whether the child has capacity? Who will make the decision that they have the capacity to exercise their rights?

Laura Meikle: As I think I said, we will bring forward guidance on how that assessment will take place. We are aware from our consideration of these matters that a significant amount of information will be available in the child's records and the experience of teachers and the family, who will know the child well from the 11-plus years that they have been part of the system.

There are circumstances in which it will be extremely clear immediately from that information whether the child has capacity. In some circumstances, that will not be immediately apparent, and there are other elements in the bill that will allow assessment to take place. In such cases, those elements will be enabled in order to make a specific assessment—for example, a psychological assessment. For the most part, however, we expect that the education authority—it is the education authority that will be required to make the decision—will use the information on the child that is already available to reach a view.

Gordon MacDonald: You said that the child's view and the parent's view will have equal weighting. If there is disagreement between the child and the parent about the correct way forward, whose view will be paramount?

Laura Meikle: In a circumstance where the child uses their right in a way that the parent disagrees with, the bill contains provision to allow the parent to appeal the capacity decision and the best interests decision. They will be able to ask for a review of the use of the right to ensure that it is in the best interests of the child. Although the two rights sit equally, there is a practical measure as a safeguard for parents to ensure that the child's use of the right is proper and in their best interests.

Gordon MacDonald: Okay. Thank you.

10:30

Liam McArthur: I note that section 19 of the bill proposes to restrict further the powers under the Education (Scotland) Act 1980 to bring complaints to the Scottish ministers about education authorities that fail to undertake statutory education duties, specifically in relation to the Education (Additional Support for Learning) (Scotland) Act 2004. It also sets out that part of the complaints process would fall under statutory regulation provision.

It seems that fairly limited numbers of complaints have been made, so I am struggling to understand what the demand has been to restrict the provisions further and to further set out statutory specification of the process. Can you enlighten us on that point?

Laura Meikle: Yes, absolutely. There have been cases in the past where section 70 complaints, particularly around additional support for learning, have been about matters that are within the remit of the Additional Support Needs Tribunal for Scotland. As such, there have been circumstances in which the Scottish ministers have considered matters for which there is a specific body set up with the expertise to consider those matters. That presents a difficulty in that the Scottish ministers might make one decision on a matter, while the tribunal might have potentially reached a different decision. Decisions from both can be appealed to other legal bodies at a later point.

In order to be crystal clear about who should consider those matters, and to ensure that we make use of the body that is designed for the purpose, we have chosen to restrict section 70 complaints, but only in relation to the matters that can go before the tribunal. Anyone can still bring forward a section 70 complaint related to any of the other additional support for learning rights. The provision covers only complaints around co-ordinated support plans, placing requests and the other rights specified in section 19 of the bill, which we want to go to the body that was established for them. That is why we have brought forward that provision.

On your point about timescales, there have been concerns about the length of time that section 70 complaints were taking to be concluded. There was dissatisfaction, highlighted by parents, with the process and the system. We brought forward proposals to resolve those concerns and we consulted on them, but the consultation was not favourable toward them, so we have tried to address the original concerns by bringing forward timescales to try to reduce the length of time that complaints take to process.

Liam McArthur: What is the likely impact on the number of complaints brought forward of taking ministers out of processes that should be more rightly dealt with by the tribunal?

Laura Meikle: There was one occasion where five complaints on that type of matter were linked together. All the rest have come forward individually, so we do not think that this restriction will create a reduction in the normal running of section 70 complaints. Parents would usually choose the tribunal as a matter of course. A far higher number of complaints around those matters go to the tribunal than become section 70 complaints.

Liam McArthur: Was the reason that the complaints were coming to ministers confusion about the way in which the tribunals worked, or was it people chancing their arm because they did not think that they would get the response from the tribunal that they would get if they went down the ministerial route?

Laura Meikle: No, I believe that it was the belief that the matter was being brought to a minister's attention that was the attraction in those particular cases. It was slightly more complicated than I am setting out for you, because the cases were linked together to try to establish that there was a systemic failure in a particular area.

The Convener: We move on to the sections in the bill on the registration of teachers in independent and grant-aided schools. I understand that the policy intention is to require all teachers working in grant-aided and independent schools to be registered with the General Teaching Council for Scotland. It might have come as a surprise to some people that those teachers were not already required to be registered with the GTCS. However, that aside, the policy memorandum refers to the phasing in of the registration policy. Can you enlighten the committee on how long that would take?

Kit Wyeth: I think that that will be influenced by the numbers involved. We understand that around 730 teachers who are working in independent schools at the moment do not have GTCS registration, and that about two thirds of them are likely to have other qualifications that would enable them to register immediately with the GTCS were the bill's requirement to come into force.

The Convener: There are 730 who are not registered with the GTCS.

Kit Wyeth: Correct.

The Convener: Out of a total of how many?

Kit Wyeth: About 4,000.

The Convener: Right.

Kit Wyeth: We think that just over 200 teachers would need to get a qualification in order to continue to teach in those schools. We expect there to be a period of two years in which those people would seek the qualification that they needed, so the requirement would kick in in a concrete fashion a couple of years after the commencement of the provisions.

The Convener: Of the roughly 730 teachers who are not registered, you expect that 500-plus would get registration automatically as soon as they applied. They have just not applied yet. Is that a fair way of putting it?

Kit Wyeth: Yes.

The Convener: So we are talking about a relatively small number of around 200.

Kit Wyeth: Yes.

The Convener: Do we know the range of qualifications that those individuals have? Are they totally unqualified or do they have some qualifications? What do they teach?

Kit Wyeth: I do not know whether we know the answer to those questions. We can certainly try to find some more information and write to the committee, if that would be helpful.

The Convener: I am curious about the fact that 200-plus individuals are teaching, albeit in independent schools, without qualifications or with qualifications that are not at least equivalent to those that would allow them to be registered almost automatically with the GTCS. I am slightly surprised by that and I wonder what level of qualifications they have. I would be interested in any information that you have on that.

Kit Wyeth: Sure. We will follow up on that.

The Convener: My second question is about the policy memorandum's reference in paragraphs 104 to 106 to discussions that you have had with key stakeholders on the issue of registration. Have there been further discussions since the publication of the policy memorandum? If so, what have they been about and what have they led to? I am thinking about how registration would impact on the ability of independent and grant-aided schools to operate. Are those schools supportive of the proposed changes? Would registration impact particularly on certain schools rather than others, or would the impact be spread evenly across all the schools?

Kit Wyeth: The conversations that we have had predate the publication of the policy memorandum. We have not had any discussions since then. At that time, we spoke to the Scottish Council of Independent Schools, which was supportive in principle of GTCS registration for all the teaching staff. The bill provides for our making amendments through regulations to require registration. In respect of independent schools, those would be affirmative regulations, so there would be full consultation with all the schools and others

affected as part of the process before the regulations were brought forward. The process is therefore on-going, rather than one that has happened already.

The Convener: Is the problem spread evenly across the independent sector, or is it only particular schools that have a lot of unregistered teachers?

Kit Wyeth: I think that, in the main, most of the independent schools that we are aware of already have the vast majority of their teachers GTCS registered or would be able to fulfil that requirement quite quickly. However, there could be a small number of smaller schools that generally will not have a majority of staff with GTCS registration.

The Convener: That is what I was getting at. I wondered whether the registration issue would affect the larger schools or only some of the smaller schools.

Kit Wyeth: I think that it is more likely to impact on the smaller schools.

The Convener: Any update that you can give us on that would be welcome.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I would like to go back to the post of chief education officer and pick up on a couple of earlier comments. Section 20 requires education authorities to appoint a chief education officer with experience and qualifications as set out by the Scottish ministers in regulations. Earlier, in response to a question from Chic Brodie, the comment was made that it will be up to the local authority to decide on experience and qualifications. It seems as though there is a bit of a conflict there.

Kit Wyeth: I apologise if what I said was unclear. Section 20 provides that

"An officer appointed ... must have ... such qualifications as may be prescribed by regulations made by the Scottish Ministers"—

it is clear that ministers set the qualifications—and

"such experience as the authority considers appropriate in relation to the carrying out of the ... function",

so it is a mixture of the two. It is for ministers to set out the qualifications in regulations and for the authority, taking account of that, to also consider the experience that it thinks is appropriate for the person in its local area.

Colin Beattie: Are we looking for the Scottish ministers to lay down the baseline and the local authorities then to add to that according to what they need locally?

Kit Wyeth: Yes. Ministers will set out the qualifications that people must have in order to carry out the role. It will then be for an authority to make an appointment, based on candidates who meet those criteria, according to the experience and skills that the authority feels are particularly appropriate locally. It may be, for example, that candidates come forward who have particular experience of working in an urban area, and if the authority is in an urban area, it might feel that that is most appropriate. It is for the authority to take that into account in determining the appointment.

Colin Beattie: When we talked about the role of the chief education officer, you stated that it is to provide advice. They will not have an operational role but will be there to provide advice, so I presume that they will be a centre of expertise. Who will they give advice to?

Kit Wyeth: The idea is that they will give advice to the council. Education legislation has changed quite a bit in recent years and it is quite a complex landscape. Part of our thinking is that it will be useful for the council to be able to draw on advice from a senior officer who understands that landscape and can provide the advice that the council needs in carrying out the council's education functions.

Colin Beattie: Will the role be independent or will it report to the director of education?

Kit Wyeth: We will not prescribe exactly where within the local authority hierarchy the individual will sit, but they will be within the local authority.

Colin Beattie: I presume that you do not envisage that there will be 32 new appointments of senior staff, at considerable expense. Will local authorities be within their rights to appoint an existing officer into the role?

Kit Wyeth: Absolutely. Most authorities already have people carrying out that kind of director of education role and who will have the qualifications and experience that are envisaged in the bill. Where that is not the case, the bill is trying to plug that gap.

Colin Beattie: What circumstances will trigger the advice that you talked about? Will advice be given if the chief education officer is asked, or will he or she have a statutory right of input?

Kit Wyeth: It will generally be around informing the council around the carrying out of its education functions. It will be part of normal council business to seek advice from those within education, in the same way that advice is sought from those who are involved in social work and other areas of council business.

Colin Beattie: What value does the bill add?

Kit Wyeth: As I said, the view that has been taken is that it is important to have somebody within the council who has the qualifications and

experience to provide that advice on the carrying out of education functions.

Colin Beattie: Should councils not already have those skills?

Kit Wyeth: In many cases, they do. We have had a number of discussions about this with ADES, which is supportive of the provision. The point that was made to us is that, in recent times, a number of authorities have tended to rationalise the number of senior managers that they have. For example, directors of children's services are now quite common, as opposed to directors of education. The intention is for advice about education issues to be put on a similar footing to social work, to ensure that the council has a qualified individual within the organisation who is able to provide advice on its education functions.

Colin Beattie: There has been no formal public consultation on the matter, although I know that some stakeholders have been involved and have expressed an opinion. What are the key issues that were raised in the discussions with stakeholders? Why was there no public consultation?

10:45

Kit Wyeth: There has not been full, formal consultation on the provisions at this point because, like the attainment provisions, which we have already discussed, the provisions came up fairly late in the day. ADES is very supportive of the provisions and other stakeholders have generally been supportive of the introduction of the post. COSLA has advised us that it remains to be convinced of the need for the post.

Colin Beattie: The post of chief education officer was abolished back in 1996—it was deemed unnecessary. What has changed that makes it necessary now?

Kit Wyeth: It comes down to the two things that I mentioned. In part, it is about the rationalisation that is taking place in local authorities, given the funding constraints under which they are operating, and the need to ensure that somebody in the council has an education background. The second issue is that there is a complicated landscape around educational legislation and related legislation. We therefore feel that it would benefit local authorities to have professional advice available within the council.

Colin Beattie: I am a little concerned, because we would expect councils already to have such expertise in connection with education. Does the provision imply that some councils are falling short on that and need advice and extra expertise?

Kit Wyeth: Not that we are aware of. The rationale behind the introduction of the post is to formalise the position in the council and to ensure that the advice is available on all occasions, both now and in the future.

The Convener: I am slightly confused, because I think that you have said slightly contradictory things. You said towards the end of your response to Colin Beattie's questions that the provision formalises a process of providing expertise that is already there. However, you said in response to a previous question on whether expertise was there that most authorities have it, which suggests that some of them do not. Which one is it?

Kit Wyeth: We are pretty certain that all local authorities have expertise within the council. It is about formalising that and putting it on a statutory footing.

The Convener: So, they all have it and you are just formalising the process.

Kit Wyeth: Yes.

Liam McArthur: I have a question along the same lines. I share much of Colin Beattie's confusion about what we are seeking to achieve. You suggested that many councils have the expertise and, in response to the convener's question, you suggested that all councils have it but perhaps in a different guise. I am concerned that we appear to be legislating for something where there is not a need. The consoling fact that the Association of Directors of Education in Scotland wants a statutory requirement to have directors of education will surprise nobody. We legislate where we need to, rather than because it makes us feel slightly comforted.

In your responses to Colin Beattie and to the convener, you assured us that all local authorities take the requirement seriously and that, although they may provide the expertise in slightly different ways, they already have access to it. Why are we being asked to put on a statutory footing something that is already being delivered?

Kit Wyeth: I understand what you are saying. I have outlined the rationale behind the provision being in the bill and I have no more to add to that.

The Convener: I am sure that we will come to the policy question when the Cabinet Secretary for Education and Lifelong Learning appears before the committee.

George Adam: Are we not getting a wee bit caught up in structure? I understand what you say about many councils now having a director of children's services. The whole idea is that the expertise is there in local authorities, but that it is a matter of having someone whose sole responsibility is education and who is an expert in education, because the director of children's services does not always have a background in education. Is that not the situation that we are

looking at when we talk about having a chief education officer?

Kit Wyeth: That is absolutely correct and that is part of the rationale behind ensuring that there is a clearly identified individual in the council who has those responsibilities, be it the director of children's services or somebody else.

The Convener: Thank you very much for your attendance. That was our first run at the Education (Scotland) Bill.

I should have said at the start of the meeting that today is the start of the Scottish Qualifications Authority exams for pupils across Scotland. This morning pupils will be sitting the higher drama exam, and some will also be sitting the higher economics exam today. On behalf of the committee, I wish all pupils who are sitting exams today and over the next few weeks the best of luck. I will abuse my position and say good luck to my daughter, who is sitting her higher drama exam this morning. She is in the exam now, so she will not hear this until later. We wish all pupils across Scotland the best of luck at what is always a stressful time for pupils, parents and teachers.

10:49

Meeting suspended.

10:52

On resuming—

Educational Attainment

The Convener: Under item 2, we are looking at the educational attainment gap and, in particular, the role of sport and the arts. It is part of our work on educational attainment at school. We wanted to drill down a little bit in certain areas. Last week, we looked at the construction industry. This week, we are looking at the role of sports and the arts in raising attainment.

We have talked about the attainment gap, about closing it and about what it means. I hope that we will get some more detail on that this morning. Of course, we want to focus not just on examination results but on attainment in its wider sense.

It is fair to say that the academic literature on this area—the impact of sport, the arts and so on on the attainment of pupils—is slightly limited, so I am hoping that we will get some practical examples today from our witnesses. I welcome Brian Caldwell and Stephen Gallacher from St Mirren Football Club. Unfortunately, Donald Gillies is unable to be with us—I thank Chris Smith from the Scottish Football Association for stepping in for him late on. I also welcome Colin Thomson from the Scottish Rugby Union; Graham Main from the Electric Theatre Workshop; and Ruth Wishart, who is a broadcaster and journalist. Thank you all for coming along.

There are two gentlemen from St Mirren Football Club—for any questions that you wish to answer, I ask that just one of you answers. I do not mind which one it is, but you are not getting two bites of the cherry. I am sure that St Mirren fans would love to hear from you—I am thinking of one person in particular—but it would help if just one of you answers each time, given that there are six people on the panel and we want to get through this as quickly as possible. George Adam will start the questions.

George Adam: Good morning, everyone. I wanted us to have this session mainly because I think that sport and the arts can contribute so much. One of the issues that have come up in evidence to us is the fact that we are having difficulty engaging with hard-to-reach children and young people and hard-to-reach parents. We need to get both groups involved in order to push up educational attainment.

I know that all your organisations do various pieces of work on this. Can you give us evidence about some of the young people and parents who you have met through your work who have had positive outcomes, such as following a career path or going into other parts of education?

Stephen Gallacher (St Mirren Football Club): I run a programme called street stuff, which is a partnership between St Mirren and Renfrewshire Council. The programme started off working with young people in harder-to-reach areas, to get them away from youth disorder and antisocial behaviour. As the programme has gone on—we are about six years down the line now—48 per cent of the young people involved in it are staff members. We have taken on the kids who were dropping out of school and causing trouble and made them members of staff to run the programme. It has helped reduce youth disorder and has also given the young people a positive outcome. It also gives the parents the feeling that their kids are doing well. Now that they have somewhere to go, they do not have to say that they do not have a job. The parents see that there is a positive place for the kids to go. We are working away with that programme at the moment.

George Adam: Your new ground, St Mirren park, is in Ferguslie Park, which, as we constantly hear, is the biggest area of deprivation in Scotland. Have you had quite a lot of involvement with the young people in that area to try to help them?

Stephen Gallacher: There are a few examples of that. Every Friday and Saturday night, 50 or 60 kids will turn up between 6 o'clock and 10 o'clock to play football—on both nights. Just the other week, we managed to take 10 kids from that area on their first ever trip out of Ferguslie Park. We took them to London for a week. It was a real culture change. It was their first time on the tube, their first time in the city, their first time out of Paisley. The parents were panicking and asking what they were going to be like. The kids were seeing things up close. It was an exciting time for us, but for the kids the memory of that will last. Those kids turn up at the football club every week and see that there is somewhere for them to go and something else for them to get involved in, which is probably something that they have never had the chance to do before. It is using sport to get kids involved in something positive.

George Adam: A lot of your clubs have a 50:50 split between young men and young women. You have dance classes as well, which cross over. You do a lot on the culture side as well.

Stephen Gallacher: The dance part has really taken off. The University of the West of Scotland came in and spoke to the kids. The kids told us what they wanted to do. Instead of us changing the programme, which we tend to do, the kids said what they wanted. Dance was one of the big things. We have a programme now where the girls are turning up more than the boys. At one of the venues, more than 100 kids turn up every night—60 girls and 40 boys—just to do dance, although we still have the football part of it. That is coming along—it has been more successful—but we are trying to get more of the kids to lead the sessions the way that they like to do it, under the watchful eye of the trained coach.

George Adam: Can I ask the other groups what positive outcomes they have had in working with hard-to-reach young people?

Chris Smith (Scottish Football Association): I am happy to answer that. There is loads of evidence across the board. The programme that I manage is the school of football. I look after five schools in the south-east region, all of which are in difficult areas. Probably one of the most difficult at the moment is Craigroyston high school, where we have a link with Spartans Football Club. A lot of the young boys and girls who take part in our programme attend Spartans on a regular basis. It runs a number of programmes, such as a footie club on a Friday night. It also has young boys and girls working as ambassadors for the club at various venues and events. That is one of the foremost examples. It is not looking so much at what academic qualifications the young people are going to achieve but at what they are going to do outwith football.

Colin Thomson (Scottish Rugby Union): We have several programmes throughout the country, mainly funded by cashback for communities funding. We have 30 schools of rugby operating the length and breadth of Scotland. We also run what were street rugby sessions, which have now morphed into referral programmes.

We found that the street rugby sessions were a bit hit and miss—you had to take the children's word that they were going to be there on a night. We have therefore worked with the campus bobbies, local social work, and the referral teams within schools and education. I circulated a paper to the committee on a typical programme that we ran at Braeview academy and at Craigie high school. We have fifteen such programmes running. They are for children who are at risk of dropping out and who are referred to us by guidance staff or indeed by campus police. The children go through a development programme in which we use rugby to teach wider skills such as teamwork, respect, engagement, communication and life lessons. Similarly to many other programmes that we have heard about, the programme takes them on a journey to qualification, working in rugby, playing and continuing in rugby and continuing beyond that.

11:00

From the point of view of the experiences of the young people involved—and indeed the adults around those young people—we have found that

the programmes have been most successful when we have had a partnership approach between physical education staff, school staff and delivery staff from rugby. Scottish Rugby could give you lots of examples of what it has done, but it is when we take the PE, physical activity and sport—PEPAS—approach that what we do has a maximum return and is more sustainable. That is because education is buying into it and the schools are buying into it. That usually comes from the headteachers.

For example, in Maxwelltown high school in Dumfries, there is a very positive headteacher who spoke at the Parliament when we had the Scottish Rugby parliamentary reception. She talks glowingly about the impact that the rugby programme has had on her children and on her small community in a deprived area in Dumfries. The impact for the children is huge. Attendance, attainment and achievement have gone up and the drift into the local rugby club has gone up as well. Within the past three years, we have taken that school from having one team to having four or five teams.

What I want to put over to the committee is that when we have good partnership working between a sports organisation—or indeed an arts or other organisation—and education, it works. However, it has to work in a sustained way, year in, year out, rather than being an initiative that stops when funding stops or when those leading it move on.

The Convener: Before we move to questions on the arts, Mary Scanlon has a question on rugby.

Mary Scanlon: Colin, am I right in thinking that when you gave evidence to the Health and Sport Committee many years ago on pathways into sport, you spoke about physical literacy?

Colin Thomson: Yes, I could have done.

Mary Scanlon: I think that you might have done and I feel that it fits in here. I just want to ask something about the Scottish Rugby paper, convener. I was very impressed by all the natural benefits of the Scottish Rugby project—I will not read them out. We are looking at attainment for people from disadvantaged areas and communities and I was really pleased about your partnership with the High School of Dundee, because many of the schools in Dundee focus on football rather than rugby. I wonder whether you could also say a word or two about that.

The one thing that I thought was missing from your excellent paper was any word about parents. Did you find that parents got involved? Were they supportive? They are not mentioned at all and I just wondered whether the programme helped bring parents into being supportive towards their kids.

Ideally, I would like to hear about the partnership with the High School of Dundee, physical literacy, which I think is very important to what we are looking at, and parental involvement. The football side might want to respond on that point as well.

Colin Thomson: With physical literacy—I hope that I do not contradict what I said in evidence previously—

Mary Scanlon: I probably would not notice if you did; I just remember the term.

The Convener: We will check, Colin.

Colin Thomson: With physical literacy, it comes back to the idea of sustainability, like anything else—sport, the arts, music. Many stone ago, I was a PE teacher. One of my education philosophies was that if there is a reason for a child to go to school—if they have a purpose—it is pretty easy to educate them. For many people, that purpose could be maths; it could be English; it could be arts or drama; or it could be sport. If a child has a reason to go to school, the other things become easier because they have a purpose when they go to school.

To go back to the issue of physical literacy, the teaching of that has to take the same long-term approach that is taken in the teaching of maths and English. We often have a short snap of activity in sport that tries to lead to something else. If we take the long-term approach to physical literacy that is taken in English from when children learn their ABCs, young people of 15 or 16 will feel physically confident and competent enough to take part in whatever activity they want. However, if they do not have that, they are never going to get it. That is why a longer-term sustained approach to physical literacy is very important. Children with physical literacy feel confident and competent and can enjoy being part of things, especially being part of the community.

Do we have examples from our experience of parents getting involved? Yes, we do. All children have parents and some want to be involved, some do not and some are just not there. I have an example from Glenrothes Rugby Club of a parent getting involved. A child was exposed to street rugby and was then taken down to the rugby club. His dad said that he wanted to see what was happening at the club and the club welcomed him in. He then got a coaching qualification and is now coaching at the club with the youth section, and his son has gone on to play for the senior part of the club.

That is how it happens. The sense of community that sport—in my case, rugby—can give is huge. It can come from physical literacy and parental involvement.

Mary Scanlon: We have heard that parents do not always get involved in their children's education, especially if they had a bad experience when they were at school. My question is really whether a child's involvement in sport, whether football or rugby, is more likely to get parents involved in their children's development.

Colin Thomson: Apart from what happens in our clubs, in many of our schools the teaching workforce is supplemented by parents who want to help—that is a natural by-product. However, we are finding that many of the adults who are now being involved have not experienced school sport themselves, so we have to undertake a huge education process to get them qualified to be able to help the teaching staff. We run an extensive coach education programme that has put 4,500 people through coaching, and the majority of them will be parents.

However, there is a large section of the community whose parents, quite frankly, do not care. We have got to make sure that we cater for them as well by putting in good-quality coaches.

Mary Scanlon: What about the High School of Dundee?

Colin Thomson: It is the rugby playing school in Dundee, and we have been engaging with it on outreach programmes for the wider community to broaden the rugby base. We are having particular success in Harris academy in the west end of Dundee. We are in discussion with the High School of Dundee at the moment because the development officer has recently moved on from there and we are appointing another one. That is part of the wider work that we want to do in Dundee.

Brian Caldwell (St Mirren Football Club): Just to add to that, we have run a programme recently to engage with parents. Football tends to be a male-dominated sport and there was an issue in Ferguslie Park, where we are based, to do with male parents bonding with their children and being able to cook a healthy meal on a budget. We have run a programme a couple of times now that we call the buddy hell kitchen, whereby we got local fathers to come along at 4 o'clock after school to use the kitchen in our hospitality suite. They were taught how to cook a healthy meal on a budget while their children played football or sport inside our airdome; that went on for an hour and then the children spent a second hour with their dads and ate the meal that they had prepared. That helped better bonding between the dads and their children, and the children got health benefits. The hook was that it was quite acceptable for a dad to come to the football stadium, whereas that might not have been the case if they were invited to go to a council or school kitchen, for example. However, for the fathers it became quite sexy, shall I say, to go to the football stadium, and the programme was very successful.

Mary Scanlon: Well done.

George Adam: I ask Graham Main to respond to my original question.

Graham Main (Electric Theatre Workshop): The question about outcomes is quite a difficult concept for us to understand. I acknowledge what Stewart Maxwell said about there probably not being enough work to show us what methods have the most impact.

I think that the biggest impact that we have for young people is to make them feel involved in a community. We deliver a project in schools. Maxwelltown high school is one of our key schools, and we are there for six months, embedded in the curriculum. We run the project across all the schools in Dumfries, and the school partnership is vital to us understanding the needs of the pupils and the community. We give them interdisciplinary learning across performance, but ultimately we are looking to get them involved in a major carnival that includes 4,000 people. To do that, we teach them theatre skills, design skills and acting skills. For us, the impact is often not pupils excelling at a particular discipline but those young people feeling part of a wider community celebration.

The point about parental involvement is also relevant here. We spend six months getting pupils involved and then we have a major celebration, and we also have shows and events that, perhaps, the community could not otherwise afford. We have a task force that goes round and offers free tickets. The relationship between the pupil and the parent is really important. Often, parents tell us that, because their child is involved, they are interested in coming to see the show. There are all sorts of different outcomes.

George Adam: Colin Thomson mentioned leadership in schools, which has come up quite a lot. If the headteacher is not interested in engaging, there tends not to be a crossover of work. How do you feel about that, as organisations that are involved? Could you do more work with local schools and local authorities? Colin Thomson has already given us a couple of examples of where that has worked out, but are there others? Would that access be beneficial for you?

The Convener: Before anybody comes in, I ask you also to give us your views on the original question about the activity of the arts and theatre sector and broadcasting—of which Ruth Wishart has much experience—in making pupils interested in getting involved in education.

Ruth Wishart (Creative Learning Plan Strategic Group): I am here as chair of the

strategic group for the creative learning plan rather than in my professional capacity as a journalist. We have been talking about partnerships. For curriculum for excellence to work as it is structured, it has to concentrate on creativity, in the sense that creativity should be knitted through all parts of the curriculum. It is not just about the expressive arts, important as they are.

I will leave with the committee the report that we have produced. It involved a partnership between us at Creative Scotland, College Development Network, Education Scotland, the GTCS, the Scottish Qualifications Authority, Skills Development Scotland and the Association of Directors of Education in Scotland. In essence, we got together and said that if we mean what we say about creativity, we must, in all our professional capacities, ensure not just that students are introduced to creativity but—this is important—that it is introduced as part of teaching practice.

One of the nice things that has come out of the work is that both the SQA and the GTCS now have qualifications that are specifically about teachers imparting knowledge creatively, or indulging, with their students, in creative activities. However, I know that the committee is interested in evidence of how that works so that this is not just mouth music. The portfolio manager for education and young people at Creative Scotland sent the committee a paper with a bibliography attached; I draw members' attention to one report in particular. It is actually an American report, but it is important because it covers four longitudinal studies. It is called "'The Arts and Achievement in At-Risk Youth: Findings from Four Longitudinal Studies". In essence, "at-risk youth" often meant people from a deprived background. The results were really quite remarkable, because almost half the people from those areas went on to college or university, which was a quantum leap from what you might hitherto have expected.

11:15

You will all know about Sistema in Raploch and Govanhill. There is the aspire Dundee project, which is working with nine schools in the most deprived areas there. We also use the cashback for creativity programme, which has helped us to give access to positive creative experiences for a lot of kids.

The youth arts strategy, "Time to Shine", has just been published. I was interested in what was being said about letting the young people decide the programme. That is really important. We at Creative Scotland have created 11 youth arts hubs around Scotland, which are designed and run by young people according to their agenda.

The Government provides a lot of money every year for the youth music initiative. That is really important, because there is a huge body of evidence about how learning a musical instrument impacts on self-confidence, self-belief and classroom attainment levels. That initiative gives 40,000 kids up to primary 6 every year a guaranteed year of music tuition.

Loads of stuff is going on. We have run several days in which we have involved staff from schools and our friends in the arts sector. As Graham Main knows, there are a huge number of partnerships between major arts organisations—including all our national companies—and schools, which is really quite exciting. I will not bore you with details of all the days that we had, but one of them was at the science centre, because we wanted it to be a fairly sexy environment compared to the classroom. The day was recorded by very young school children on their own laptops, and they made cartoons, films and story books about it. It left us feeling inadequate, to be frank, but it showed how we can use not just creativity per se but creative means of teaching to enthuse young children and get them interested in subjects that might previously have appeared to be dull.

The Convener: Can we go back to George Adam's question now?

George Adam: It was about schools and how you can work with them.

Stephen Gallacher: St Mirren's programme is delivered at night time and it is needs based. We sit down daily with a community safety team and work out where we should be working with young people who are most at risk. It is street work all the way, doing football activities—we manage to get indoors only a small percentage of the time. While we are on the street, we find out the needs of the young person and whether it is a social work case, a police case or whatever, and we pass that on to the relevant people. A lot of the time we find kids below the age of 7 or 8 who have problems and we have to pass that information on.

The community safety team delivers a programme in school called the safe kid programme, which we also deliver at the club and which includes workshops. The kids come to us. We have on occasions asked whether we can take the programme into a school, but when we have asked we have been met with a "no". We are told that we cannot get in because we are not part of what we would call the council establishment. We are a street programme and a third party, so we are on the outside. However, we work with 25,000 attendances every year. If we can get to those kids in the schools earlier to do the job that we do, we could make a bigger impact. We are told that we cannot get in, because we have to be part of a hub—you have to be part of this or part of that.

Tell us how we can do that so that we can get in, because we want to do the job safely and efficiently with the kids as early as possible so that they do not end up going down the route that their older brothers and sisters or their parents have gone down over the years. We are trying to get in quicker and earlier, but at the moment we are being met with a "no." We are trying to get round that.

Graham Main: It has taken us time to build a reputation through the good work that we have done in Dumfries and Galloway, so that teaching staff know that our work is of good quality. I echo what has been said about access to schools. It really depends on the management. In our example, the head teacher really embraces any involvement with the school.

Some of the other work that I do in Dumfries and Galloway is about merging the arts through our hubs. The same thing keeps coming back to us: when we are inside the schools, they tell us that they are dying for activities but never hear about them; meanwhile, back in the arts sector the artists tell us that they cannot get into the schools. We have been trying to combat that. Of course, because our region is quite wee, we can get round it and try things out.

However, for a couple of years now, we have been trying to get access to teachers' in-service training days, only to be told that there is no way we can do that because those days are dedicated to Scottish Qualifications Authority time. That illustrates to us the potential that exists. It would be really advantageous for all sectors if we were able to do community development stuff with teachers and to bring partnerships together when the kids are not there.

Ruth Wishart: We are all familiar with such problems, but I think that there is a way into the schools. Thirty of the 32 local authorities, I think, are part of the creative learning networks, and the job of the person who runs the network in their area is to make marriages of convenience. Because they not only know the arts opportunities out in their communities but have connections with the schools, they are able to broker the kind of relationship that is sometimes difficult to develop from the outside.

Another thing that is worth looking at for all schools is the very useful creativity portal that Creative Scotland has been running for a couple of years now, and which teachers can access to see for themselves what is available and what they might or might not want to dip into.

However, there is resistance, and I understand why it exists. There is the tyranny of the timetable and the need to deliver certain parts of the curriculum, but I also think that quite a lot of teaching staff are still living somewhat in a silo instead of understanding that cross-fertilisation can help attainment in their subjects.

Chris Smith: We are quite fortunate in that all the headteachers with whom the SFA works—certainly the five with whom I have been working closely over the past four or five years—are really supportive of our programme. The fact is that if we are to teach leadership to young people, they need confidence. According to the last piece of research that we conducted, 95 per cent of the pupils with whom we are working said that they feel more confident. If we are to teach pupils to be leaders, we need to give them confidence from a very early age. Little things such as giving secondary 1 and 2 pupils ownership of part of the sessions that we take—say, the warm-up—or giving them little tasks on trips or events are important at that early stage of their development. For us, the key to leadership is to give them confidence at that young age. When they reach S4, S5 and S6, we start to engage them in a little bit of coach education; they might start to work with, for example, the school football team as an assistant to a senior staff member or an employed football coach. Those, for us, are the early steps.

At the moment, I am working with Newbattle high school in Midlothian, and we already have two or three S1 pupils who are volunteering with the local football development officer, Keith Wright, to work on the holiday programmes and Easter camps that he runs. We are talking about 11 or 12-year-old pupils putting their hands up, asking to contact the local football development officer and then going to work with them as an assistant coach at a holiday camp. Of course, they might not have an awful lot to do—they might just be picking up cones, counting numbers or whatever—but to do that and to be given that level of responsibility is an important life lesson for them. Also, as part of Sky Sports living for sport initiative, a number of Newbattle high school pupils who have come through the school football programme have acted as ambassadors for the school.

The Convener: I want to move on, because we have quite a lot—

George Adam: Can I ask one more question, convener?

The Convener: Okay.

George Adam: This question probably covers arts and sport. Is there a case for formalising our sports and arts hubs' engagement with education and attainment and making that part of their remit? After all, you are the people to whom those in education are coming in order to engage the children whom they find difficult to reach. To come back to the St Mirren example, I know that the

sport is used as the hook, but could there be links with UWS and West College Scotland to ensure that the young people who go down that route also have access to education? Could we join everything up and ensure that all the arts and sports hubs feed into the education system?

Stephen Gallacher: To go back to my experience, speaking about the hubs in our area, we are not seen as a sports-based club, although we work for St Mirren Football Club.

George Adam: I watch them; they are not much of a football club. [*Laughter*.]

Stephen Gallacher: I know. You are right—although they did okay at the weekend, George.

The programme that we deliver is a model to engage with young people in order that we can take them on. If you speak to the people who run the hubs, you find that there are a lot of criteria for engagement with the hub. If we want to take a kid from the street and get him fed into a hub that has a sports-based club, we have to ask that kid to pay £X to join that establishment. The kids in the areas where we work cannot afford that. In times of poverty, we cannot ask them to do that, so we need to try to create something ourselves for them, in the hope that maybe one day they will be accepted into the hubs. It is like the situation with education—you either get in or you do not get in; either they want you there or they do not want you there.

For the sake of the young people we are working with, we need to think about this a wee bit better: we need to think about having a bigger hub where everything is in one place. That would be better, because then we could say that although they may not get the full package, the kids will all still get to do a touch of what they want, while the kids who are the "flyers" can be taken down a path within that structure. That sounds to me like a better idea.

Chris Smith: If I understood the question correctly, our programme is for S1 to S3, and the key thing for us is that it is difficult at the moment for us to link into colleges and universities. If there was funding for us to run the programme through the six years of high school, that would be fantastic for us. In fairness, a couple of schools, including Gracemount high school, have taken the programme on board.

George Adam: Spartans FC on the east coast, for example, has made itself like a community education hub to a certain degree. That is what I am talking about.

Chris Smith: The work that Spartans does is fantastic, but a lot of it comes down to external funding and the sponsorship that it manages to raise that allows it to employ staff to engage in that way.

First and foremost, given our resources, what we are doing with the dynamic youth awards and youth achievement awards is massive for us. The pupils who have come into our programme have had roughly 180 sessions a year—180 in S1 and 180 in S2—but the programme has not been recognised as a qualification subject for them. The schools recognise it as a subject; the pupils take part five days a week in S1, S2 and—potentially—S3, but they have not achieved anything for that until this year, since we have started to engage with the dynamic youth awards. Now, all our S1 pupils are going through the awards, which now sit within and are accredited by the SQA. For us, that is key. As I said, we piloted the programme last year, and this is the first year that we have run it across Scotland with S1 pupils. We are hoping to get about 80 per cent of our pupils through some level of qualification from that.

Ruth Wishart: The building blocks of the creative learning plan are partly about people going along a route such as George Adam suggests. It is about removing barriers and making sure that arts organisations understand the need to get involved with education. The youth hubs are part of that: they were set up relatively recently—within the last year—so they post-date some of the previous demarcation lines that we have heard about. I am fairly confident that the links exist and are being built on.

The Convener: I know that everybody wants in. I will go to Chic Brodie first and then move on. I am sure that you can answer some of the points that have been raised earlier in your next answer.

Chic Brodie: Good morning. We all recognise the work that the members of the panel are doing in both sports and the arts. As a South Scotland MSP, I am aware of the work that Graham Main and his team are doing.

As far as I am concerned, there is a dilemma. Sport is not one of the eight curriculum areas, but arts is, so I will concentrate on sport to begin with. How clear do you think it is that current sporting initiatives are leading to improvement in young people's engagement with basic learning and school education? What evidence is there?

Colin Thomson: I do not think that there is much evidence—

Chic Brodie: Before Colin answers: there is another academy in Dundee—Morgan academy.

Colin Thomson: That is absolutely right.

The question was about sport specifically. Physical education, physical activity and sport are in some cases happening in isolation. Physical

education is—correct me if I am wrong—one of the compulsory elements of education.

The Convener: Sport falls within health and wellbeing, but it is not identified as a specific separate individual element within the curriculum. The arts is.

Chic Brodie: Within that, the Scottish Government recognises the positive impact that physical education can have on learning, through health and wellbeing. However, where is the evidence?

11:30

Colin Thomson: You have heard a lot of evidence today that, through the initiatives that are happening, sport makes a difference to people's lives. You will find that in any research database. The Office for Standards in Education, Children's Services and Skills did a report in July on the impact of sport on attainment in England and Wales, and many research studies have been done in Scotland. We could go back to John Pollatschek and Tom Renfrew and the Linwood daily PE scheme in the early 1980s, which I took part in when I was just out of college. PE, physical activity and sport, under health and wellbeing, make a difference.

Chic Brodie: Where is the evidence?

Colin Thomson: As I said, if you go back to the daily PE project in Renfrewshire in the early 1980s, you will see the figures on raising attainment, attendance and behaviour in schools. You have today heard anecdotal evidence of schemes using football and the arts that make a difference to young people's lives.

Chic Brodie: I do not disagree that such schemes have an impact—I hope a beneficial one. I will come back to such schemes, particularly in the arts, in a minute, if I may. However, I am trying to relate them to basic learning and educational attainment. There is no real link, is there?

Colin Thomson: I disagree. There is a huge link. It might be anecdotal, but from my experience—

Chic Brodie: I am sorry, but there is no evidence of the benefits.

Colin Thomson: Ask any primary teacher about the impact on his or her children of their having had a run about for an hour—they come in, sit down and get on with academic study. The evidence is there, if you ask teachers. The problem is that teachers have to deal with what was called earlier the "tyranny of the timetable". I like that expression. On achievement, maybe we need to step back and think about wider achievement and recognise that attainment is about more than just academic success. Curriculum for excellence says that it is a value-laden curriculum; there are many values in sport that correlate to the curriculum and that we have to push forward. The curriculum talks about physically competent and confident children. Sport and the arts can provide that, as we have talked about.

Ruth Wishart: It seems to me to be absolutely clear that there are benefits. Looking at it from the other end of the spyglass, employers say that they want people who are good team players, who can work collaboratively, who are innovative and who are confident. Sport and the arts deliver all those things in spades. So, the evidence—

Chic Brodie: Forgive me, but—

Ruth Wishart: Forgive me—I refer you again to the bunch of links that the portfolio manager at Creative Scotland sent to the committee. I will not go into them all, but they give chapter and verse on how the arts have improved outcomes. Speaking as a person who has dodgy knees because of all my years playing hockey, I absolutely agree that sport delivers those values.

Chic Brodie: Yes. At least in my opinion, the encouragement of parents to balance sport in school with educational attainment has helped.

I want to go back to the expressive arts part of the curriculum. On the features that affect sport and the arts, parental involvement, which we have talked about, is critical. We are looking to narrow the attainment gap for those who come from deprived areas. With the arts and sport, as well as the importance of parental involvement, there are issues of time and finance, along with the danger of creating overarching expectations. To go back to my original questions, are we achieving that balance? I do not decry the initiatives, which I think are great and which involve more people, but I come back to the issue of basic learning and narrowing the attainment gap. Given the features that impact on both sports and the arts, are we achieving the balance?

Graham Main: That is an interesting viewpoint. Schools have the expressive arts curriculum, which is mostly split between music, art and drama, although there is some dance as well. When I go into music classrooms in schools—particularly secondary schools—I am frustrated to see 28 children sitting with headphones on, receiving individual music tuition, because the schools have decided that pupils have to learn that way to pass the course. It is much more effective to use community music models, in which we get young people to come together, away from the classroom setting, and just express themselves.

If children are allowed to be expressive, they have an opportunity to learn. For example, it takes

three classes to create one piece of samba, but children learn skills in creating that piece of music and playing all the different parts. As Ruth Wishart said, it is about discipline, organisation and understanding that you have to practise something to make it okay. After three sessions, you can move on to something else.

The difficulty is that children are still stuck on their keyboards in the classroom. We are trying to energise teachers' approach. Often teachers tell us that our presence in their school is helping to inform their practice. We are an asset and usually when we go in teachers ask whether we can do more—of course, we are restricted in that regard.

I am not decrying music tuition, because it is great: we have some brilliant musicians. However, we need a balance that includes a little bit of individual tuition to reach our talent. I would prefer our cultural offer in schools to be much broader and much more about inclusion.

Ruth Wishart: I think that that is right.

There is a lot of evidence that, however creative teachers may be, teaching is missing a trick by not responding to the way that people learn. Our children learn in wholly different ways from the way that my generation learned. They learn through a series of different platforms, models and so forth.

One thing that stuck in my mind might address the point about attainment. A chap called Derek Robertson, if memory serves, wrote about a class in which there were a couple of kids—with whom I have every sympathy—who were completely bored by maths. The children were mildly addicted to Guitar Hero, which is not something I have on my laptop, and the teacher utilised their interest in that to fire up different mathematical strategies. They did not become mathematical geniuses as a result, but they passed their exams.

There are a lot of areas in which we need to listen to our children and watch them learn. We need to respond to that and not to force feed them information and material in a way that, by and large, is yesterday's news.

Colin Thomson: The question was on closing the attainment gap. There are lots of great examples in the health and wellbeing curriculum, especially in relation to sport—you have heard about some of them today. What we have to do goes back to physical literacy and the need for a long-term, joined-up approach, which has to be more common practice across more schools than it is.

There are a lot of great initiatives out there. There is lots of good progress in PE and on active schools. There are a lot of great examples of how sport can link with education. Where that works with the headteacher, it works. However, there are not enough of those examples, which should be the norm in every school. The challenge is to turn good initiatives and good practice into common practice, with leadership buying into it.

The answer to Chic Brodie's question whether we are further forward on using such activities to reduce the attainment gap is that we are not, because that does not happen as standard practice.

Brian Caldwell: I will talk a wee bit about educational attainment. For a number of years, I have been on to the council about a programme that we run. I felt that there was a real opportunity for the football club to run a programme for children who leave school at Christmas—the winter leavers. The schools do not want them there and the pupils do not want to be there and are a disruptive influence.

Over the past two years, we have been running a programme that involves bringing children to the football club. The hook of sport brings them there, and we give them some football activity. However, on top of that, we do CV building and interview techniques, teach them first aid at work, for which we give them the qualification, and give them health and safety training. They also get coaching certificates. Over two or three months, they come to the football club two days a week and build their CV.

Those kids are probably the hard-to-reach ones that we have been talking about. They could leave school at Christmas and waste four or five months of their life in which they get no qualifications. However, instead they come out with some activities on their CV that make them more job ready, which is of huge benefit to them. The programme is also of benefit to the schools, because the children who are trying to attain educational qualifications are not disrupted by the children who are perhaps not really interested. We hope that the programme acts as a springboard as well as helping those who are left in school five days a week to achieve better qualifications, because they will not be disrupted by the pupils who are not really interested and who leave school at Christmas.

We need to look at the hard-to-reach children, and the issue is how we can use sport as a hook to bring them in, educate them and send them out so that they are better off and—this is the interesting point for me—job ready.

Liam McArthur: My point has been partly picked up in Brian Caldwell's final comment. We have heard that both sport and the arts have an intrinsic value by providing young folks with things to do, with an opportunity to bond with their father or their parents, or with an opportunity to improve

their learning across the curriculum in other ways as they get ready to learn in other environments. However, we have had a challenge with parity of esteem in relation to how academic and vocational qualifications are sometimes viewed.

It strikes me that there is a challenge with raising attainment, which is that we do not necessarily know how to value or give credit for what young people are achieving in the environments that the witnesses are involved in, which the various initiatives are helping to open up. Are there examples that we can look at that can give us a better handle on how we give due value to and credit for young people's achievements, attainment and success, whether that is in the arts or in sport and physical education?

Colin Thomson: I am perhaps going against the grain here, but I am a big fan of the work of Carol Dweck and in particular her book about growth mindsets. We should be focusing on the process, not the outcome. When we talk about attainment, we always talk about the outcome, be it a qualification or something else, and I would far rather that we focused on the process. We have curriculum for excellence and we know what it is trying to achieve, but what is the process for achieving it? Many of the softer skills that we talk about in curriculum for excellence, including children being responsible, safe, healthy, achieving, nurtured, active, respected, responsible and included, come through sport, through the arts and through processes.

Ruth Wishart is quite right. The innovative maths teacher who presents her subject in a different fashion illustrates the things that we need to focus on for attainment to go up. We need to strike a balance with work on the process. I believe that every child has an innate ability to develop and reach certain standards if they are given the right opportunities, the right circumstances and the right process to help them learn. We should be focusing on the process, not necessarily the outcome.

Ruth Wishart: I think that that is correct. Young children have fabulous imaginations, and it sometimes seems that parts of their schooling squeeze that creativity out of them, rather than nourishing it.

There are some small examples of where the GTCS and the SQA are beginning to understand that out-of-school activities—environmental projects, theatrical projects or whatever—can sometimes be used to recognise both staff qualifications and pupil attainment. That is important. Learning does not just happen from 9 to 4; it is holistic—it is about everything that children are exposed to in their own environments.

11:45

Liam McArthur: I am interested in the witnesses' comments. Colin Thomson's argument that it is about the process rather than the outcome seems counterintuitive. Graham Main spoke about the ability to engage with teaching staff through in-service days and so on, but that seems to be inhibited by an undervaluing of what his and other groups are able to deliver through those means, as opposed to the stuff that the SQA sets down, which almost needs to be taken on by rote and upgraded through continuous professional development. We need to take a slightly more nuanced approach to what continuous professional development of teachers' professionalism and skills is all about. I am not sure that we are capturing well enough what you have all been talking about. Clearly, there are great examples going on across the board in Scotland, yet the attainment gap has remained stubbornly wide over successive Administrations and successive initiatives.

Ruth Wishart: I will give you just one sentence in response. There is lots of room for the SQA to loosen its stays a bit more.

The Convener: That is not a good image, to be honest. [*Laughter*.]

Ruth Wishart: Delete it—but take the message.

The Convener: I get the message.

Graham Main: Liam McArthur's point is very well made. Sadly, the only reports that we can draw on—certainly for our sector—are by Arts Council England. Those reports go back to 2000 and, basically, they try to understand the value of inclusion. However, the problem is that it takes such a long time to support attainment; it takes a life-cycle for us to understand the social asset impact on a young person. Maybe we need to think about partnership ways of measuring that impact in sports and in arts and culture, or in any activity.

Recently, my team and I walked into a school that has really low attainment, and the headteacher welcomed us by saying, "Let's get one thing straight: we're not interested in attainment." That was quite an introduction for our team and meant that, really quickly, we stopped suggesting that we could support the school's drama students to get better exam results. The enriching process that the young people got at that school during those six months was probably the best work that we have ever delivered. We worked on skills that could help those young people, asking the teaching staff how we could add to what the young people were learning in the classroom. That was the cycle, and I think that people should be really honest about that and let us do our work in that way.

The other point that I need to make is that most of the organisations that are here today probably have very low capacity—they probably have 2.1 project staff, if that. I do not think that the sector that is delivering the work has the resources to then measure it. The big problem for our sector is that we just do not have the capacity to do that.

Chris Smith: We are talking about achievement, but my experience of working with young people for the past seven years is that achievement means something completely different for every young person I have met.

For example, I sat in a meeting yesterday with a young boy for whom achievement means still being at school over the next six months, given that his behaviour in our programme and in school has been so poor. That will be a massive achievement for him. We will lose the chance to engage with him when he steps out of S2 or S3, because the programme does not continue beyond that, but, for me, it will be an achievement for him to stay in school. I am not looking at attainment; I just want to make sure that he stays in school. If he can do that, that will provide him with a chance to get some form of qualification when he goes into S4, S5 and S6.

I also have pupils in the programme who are very intelligent, so we look to use the programme to try to enthuse them to stay in school and make sure that their attendance is really high. Their achievement then is about what qualification they can get, which we can help them with.

Schools are buying into our programme, and we are starting to roll out an S3 version in a lot of schools. We have a chance now to shape how the S3 programme will look. One example is our work with Craigroyston community high school and Gracemount high school. Both those schools have looked at having an S3 programme that is not just about young people playing football once a day but about how we shape their learning during S3 so that when they step into S4 they are ready straight away to go and sit a national 4 or 5 in PE. We probably would not have presented a lot of those boys and girls at that level, but we can do so because we are getting to work with them at S3 and devising a programme for that. That might be a way for us to close the attainment gap in the long term, certainly for the boys and girls we are working with.

Liam McArthur: Can I just—

The Convener: I will have to stop you there, because a number of members still want to get in and time is against us.

Colin Beattie: I was quite interested in the SFA's evidence. It is mainly about the school of football, but I note that it contains a lot of assertions about the engagement of young people, rather than attainment. Do you have any evidence that the engagement illustrated in your submission, which is about football, extends to other sports or the arts?

Chris Smith: We always ask our pupils to engage with extra-curricular clubs. A young boy or girl who comes into S1 and gets involved in our programme will get football five days a week, but I believe that they have to get involved in other sports and have other aspects to their lives. At that age, children need a general and broad education, because we want them to develop as people.

As a real-life example, I knew of a boy called Daniel who went through our programme at Newbattle high school in S1 and S2. When he went into S3, he wanted to follow his real passion, which was music, and with our full support he stepped out of football completely. He is now completing a music degree at university in Leeds. A lot of cross-curricular work certainly goes on in our programme.

Colin Beattie: That is anecdotal evidence based on your knowledge of individual cases. Have you gathered any statistics, figures or whatever to support the suggestion that young people are engaging more in learning and school-based education, other sports and the arts?

Chris Smith: To be honest, I am probably the wrong man to answer that question; my colleague Donald Gillies, who should have been here today, is far more versed in the evidence. I can speak only from my experience, which is probably a wee bit more localised and comes from working with certain schools, but I think that young people are engaging more with other things. That is because of a number of factors; a lot of it is to do with the staff we have put in place, who work in the schools every day and who work with the rest of the school staff to ensure that those pupils are engaging in other subjects.

Graham Main: Organisations in the cultural sector such as Creative Sparks, which is based in Edinburgh, are definitely gathering evidence from most of Scotland's key venues. That piece of work, which is supported by Creative Scotland, is looking at audience behaviour, and there is evidence that in areas where there is active participation there has been broader engagement with the art forms.

I will provide evidence if need be, but the work that my organisation, which is coming up to its fifth major celebration, has done in Dumfries's deprived communities has had an impact. By matching postcodes, we can see that the audience is starting to buy tickets at a much quicker rate than we had expected. That said, we are making an awful lot of investment in the community to achieve that aim.

Colin Beattie: You are highlighting evidence of participation in the arts rather than evidence that such participation is leading to young people having better engagement with school education and learning in general.

Ruth Wishart: At the risk of repeating myself, I will say that it is clear that young people who engage in the arts at school are, by virtue of the skills that they learn, proving to be much more employable when they leave school. If we were to put the same question to the Confederation of British Industry, say, it would say that the end product—the young people leaving school or university—display enhanced qualities as a result of that engagement.

As Graham Main pointed out, it is easy to measure outcomes for specific events such as the festival of dangerous ideas, but the fact is that very few organisations have the resources to carry out on-going in-depth impact studies, in addition to what they are trying to deliver. All of us here today have spent a lot of time in a lot of places with a lot of young people, and the experiences that I have heard about and the reactions of teachers to the way in which those people have blossomed have been uniformly positive. The problem lies not in trying to find out whether the approach works but in trying to find some methodology of proving to the committee that it works.

Colin Beattie: The difficulty for the committee is that we are always looking for evidence. Without an improvement in engagement, we will not get an improvement in attainment. That is a simple fact. How can we measure this? Where can it be measured? We all feel that participation in sport, the arts and so on is a good thing, and we all have anecdotal evidence that it seems to be a good thing, but we do not have the hard facts.

Chris Smith: Would attendance records at school count as hard facts?

Colin Beattie: They would be part of it.

Chris Smith: Records show that the average attendance in secondary 1 and secondary 2 is around 92 per cent, whereas the average attendance for the school of football sits at around 96 or 97 per cent. That is important for engagement and making sure that the pupils who we work with are at school on a daily basis.

Colin Beattie: Your submission says:

"Attendance at school was on average 4% higher for SoF than non SoF pupils".

That is significant, but it is not a huge figure, is it?

Chris Smith: I would say that 4 per cent of 180 days in the school year is pretty big. I am not a mathematician, but I think that that is a fairly high number of days to miss.

This might be getting into the anecdotal evidence that I talked about earlier but, even if a school's average attendance level is, say, 97 per cent, one or two pupils' attendance rate might be around 60 per cent, because their home life and social environment are poor. The fact that that happens but we still have an average of 96 or 97 per cent paints a bigger picture.

Colin Thomson: The measurement question is valid. How do we measure these things? The impact of the environment, the school, the home and interventions from arts, music and sport are difficult to measure. I would welcome research on that.

We hear all the time that we need to move away from anecdotal evidence to a situation in which we can point to the results. Surely we can go around the schools that have recognised sport and music programmes and do governmental research on the benefits. Are the children who are in poor cultures and environments achieving more than they otherwise would? That might be research that needs to be done.

Ruth Wishart: I am not sure whether we are allowed to ask the committee members questions—

The Convener: You can ask Colin Beattie a question.

Ruth Wishart: I will throw a question back to the committee. What would you find if you could measure what would happen if the programmes were not in place? They are vital lifelines for a lot of young people.

I spend a lot of time in a part of Glasgow where I see kids being dropped off at things such as Saturday morning music schools by parents who are really involved and supportive and all of that, and who have their children's violins over their shoulders and so on. We need to provide something for all the kids who do not have that supportive home environment and who do not have the money to access classes. The youth music initiatives, the youth hubs, the sports clubs and so on keep kids in a positive framework—I will not say on the straight and narrow, because that is ridiculous—and that is at least as important as a piece of paper with their exam results on it.

Colin Beattie: I do not doubt that you are correct. I do not think that anyone around the table would argue anything other than that sport and the arts enhance a pupil's experience and result in a well-turned-out person. However, the issue is the old one of evidence.

Ruth Wishart: Is a well-turned-out person not evidence?

Colin Beattie: How many of them are there?

Graham Main: There is another difficulty. I do not know about the experience of others at the table, but most of the young people with whom we work have a resurrection point—it happens way after they leave school, perhaps when they are 21 or 22—when they come back into the work that we do and are ready to take part. It is as if they have matured. If they had not been introduced to us in S1 or S2, they would not have known that we exist. Giving them a brief introduction to us during their development allows them to come back if they have gone off the straight and narrow. We need to focus on having community resources in place to deliver that.

I welcome the idea of building a community hub and I wonder whether our future schools should consider that in more detail. I sometimes find it quite galling that we have high-profile arts centres in well-to-do areas but not in our most deprived areas. Why not? The benefits are obvious.

12:00

George Adam: I have a quick question that follows on from what Colin Thomson said. It is a cliché in the west of Scotland that, for someone from a working-class background, rock 'n' roll and football have always been the ways out of poverty. Is this just repackaging everything that has gone on before?

There is not much evidence as such, because this has been going on since time immemorial, although it has worked in some areas. The churches and uniformed youth organisations used to do such work, but now it has been branded slightly differently and we are aiming to get educational attainment or just attainment and career paths in general. Last week, one of the contracting companies brought up the fact that, when surveyors, for example, talk about someone's career path, it is not necessarily academic—they might have gone down the route of a trade.

The Convener: Does anybody disagree with that?

Ruth Wishart: No, although I disagree that we are repackaging an old song. Some of the most successful companies in the world just now—the Googles and the Apples—are full of creative free thinkers, not people with a batch of advanced highers.

Stephen Gallacher: The problem is that we are focusing on education in schools, but a lot of the kids we are working with on the streets at night time have dropped out of school and are not getting an education. They would not know who Carol Dweck is, let alone be able to spell her name. Those kids still need somewhere to go and somebody to trust—somebody they can open up to who is with them all the time and is working with them.

The beauty of the football club in the wider sports industry is that it has a lot of links to other businesses. We are bringing in kids through school-based work experience programmes and linking them in through sport and art—we do photography classes at the pitch side on match days, so they are linking in with the national media.

Businesses then ask to give the kids a chance to go on, even if they do not have qualifications. They trust the links that they have made through the club and take a chance on those young people, which provides them with an opportunity that they would never get by going to the job centre. Their CVs are the same, but we try to change them a wee bit by giving them that real-life experience. That is what the kids need, and we are trying to use the sport side to give them that. That is the value that we are getting, and other guys are getting the same.

Mark Griffin: I have a question about the cashback initiative that goes across the programmes that most of the panel members operate, whether they involve diversionary activities, funding for sports facilities or cashback for creativity. We are talking about addressing the attainment gap and reducing inequality. Is the funding from the cashback for communities initiative targeted properly? Given the renewed focus on tackling inequality and helping the hardest-to-reach young men and women, is spreading cashback funding over the whole of Scotland the right approach or should we be focusing on the same areas as the Government's attainment fund is targeting?

Graham Main: That is an interesting question for us, as our organisation has never received cashback funding, despite having applied for it—but I will leave that for another committee.

I am slightly anxious about what you just said. In our sector, the attainment challenge fund seems to replicate what Creative Scotland is doing with the youth arts hubs. Some of the 11 youth arts hubs are in the areas that the fund covers, and I bet that some of those communities are benefiting from the cashback initiative. We need to be careful that we are not creating a poverty league table and saying, "That's where the poverty exists." In our community, our young people feel an acute sense of poverty, as they are often quite isolated because there is nothing around them for maybe 50 miles. I worry that we are focusing too much on the target zones.

Ruth Wishart: We have to be realistic. Creative Scotland gets £3 million from cashback for

creativity over three years. In a pan-Scotland context, that will be spread pretty thinly.

Stephen Gallacher: The funding base for our programme is that we have to apply to local area committees to receive funding. We managed to receive some cashback money through the Scottish FA for the midnight league programme this year. The money that gets delivered across the whole country does not go a long way, but it gives us a small part of the funding.

I think that the money should go to local areas rather than to national bodies. If it came into the local area, it could be divided up better, instead of people saying, "Let's go into the main pots and see where it all goes from there." If it was fed out locally, it would hit the areas a wee bit better.

Chris Smith: First and foremost, the money from cashback is vital for us. The funding that we get from it is massive. When we were provided with the funding, we thought about where we wanted to spend it, given the inequalities in the areas that the money can be spent in. We have schools of football in the 10 most deprived areas in the Scottish index of multiple deprivation. We set ourselves that target. We thought that we needed to be in those areas.

As regards how we spend the money, the school of football is an S1 and S2 programme in the main. I had a discussion with a headteacher recently about whether the programme should change for his school and become an S4, S5 and S6 programme. The difficulty with that is that we would miss three years of engagement with young pupils. We want to make sure that the difficult pupils that we get in from difficult areas stay in school until S4. If we do not engage with them in S1, S2 and S3, we lose the chance to do that.

I think that we have identified the right areas that work for our programme in local authorities. The schools are starting to see that now and to try to match the investment from cashback with their own investment, to make sure that the programme can continue in S4, S5 and S6.

Stephen Gallacher: What we do is about diversionary activities in harder-to-reach areas. As Chris Smith said, there might be a need to say to partners in the area, "For S1 and S2, we are doing this. Who in the area could do the same thing and work with these harder-to-reach kids to take the programme on to S3 and S4?" In S5 and S6, we are looking to take those kids into employment, because the harder-to-reach kids are the ones that may be missing out. If we are working with young people in the establishment through a partnership approach, that will be better for them and, collectively, it will make the programmes work a lot better. People are faced with the challenge of getting their foot in the door—we are trying to get people to that point.

Colin Thomson: We are grateful for the cashback funding that we have received. With that funding, certain outcomes are set, which we deliver against—there is external evaluation of that. We focus the money back to communities across 32 local authorities. The money is used to work with partner organisations and employ club development officers to put in place 30 schools of rugby and diversionary activities. From that, we use the money and money of our own as a multiplier to get further funds out of local authorities.

That involves a partnership approach, which goes back to one of my earlier points. Things generally work when we have strong partnerships in place, especially when we have leadership in education. We can then bolt everything else on to that plan. Without cashback funding, we would not be in a lot of places.

Stephen Gallacher: It is great to hear about all those things working but, to get back to diversionary activities, I have been running a programme for six years in the Renfrewshire area and I have yet to work at night time with other sports. Is there something that could be brought into the streets at night to give the kids another opportunity outwith school and the education system? For kids who are not getting the opportunity to go to something after school or to be involved in clubs and who do not wish to be pushed in because they cannot afford it, we should have something that is street based. That should be there, but the kids are not getting the chance to do that, because the funding is not getting put into the places where it is needed for the kids on the street at night.

Gordon MacDonald: I am already convinced that sport and the arts have a positive effect on children's wellbeing and on their educational attainment. Whether it is about developing or reinforcing people's skills, making them more confident or improving their self-image, it can only have a positive effect on people's education.

I am keen to learn more, particularly about the arts but also in relation to sport. In my constituency I am fortunate in having WHALE Arts in Wester Hailes, which does a fantastic job within the local community, and the Big Project Edinburgh in the Broomhouse area; people from that project sang at the opening ceremony of the Olympic games.

Wester Hailes and Broomhouse are both areas that I would describe as having challenges. I have seen the benefits of those two projects in my areas. What challenges, apart from the financial ones, do you guys face in rolling out the provision

that you currently have to other areas? What soft skills for young people do you help to improve when you come into an area?

Stephen Gallacher: We face many challenges. One of the first things that I noticed when I went into an area was that it was a case of, "Who are you? Why are you here? Why are you coming to work with me?" We have to build up trust with the kids before they will start to work with us, open up and allow us to realise what their backgrounds are. That takes time. Every four years, a new group comes through and we have to keep working away.

You could throw money at programmes and projects all day, but it would never be enough to fix things. Kids have to trust us, believe in us and understand that we are going to help them. If there is a team of people who are prepared to do that every night, every day of the week on the streets where those kids will be, they will come back to us and they will change. We have proof that they are changing—they are moving into employment, they are doing programmes and they are taking charge. We have to still be there, but they have to understand that we believe in them. They have chaotic lifestyles—they live from day to day and minute to minute. First and foremost, they want to know that there is someone who cares for them. Only then can we start to get the best out of the kids.

The first thing to do is to pick the right person. We could pick a sports coach who was great at putting a drill out all day, but we have to get someone who can understand the kid and what they are going through. If that person can understand what they are going through, they will make a difference to that kid's life and to the community. That is the most important thing that we think can be done through sport. Sport is sexy—it is great for getting young people involved—but if someone does not care about the child, they will never win; they will never make a difference.

Graham Main: When we asked the question about the challenges that people face in Dumfries and Galloway, through our arts hub process, an interesting point emerged, which was that people such as youth arts or youth development workers are very specialist workers, because they embody the roles of youth worker and the artist or the leader in their field. They are quite hard to come by, because they might have a good talent and be able to inspire and motivate young people to take part, but for us the best work often involves our having qualified youth staff with us, which can be costly.

Our sector responded to that question by saying that we need to have a more rounded development pathway for us as practitioners so that when young people present us with problems, we give them the right advice. I deliver face-to-face youth arts work, and I always will. Some of the stuff that comes at us is not about the sport or the art; it is about benefits or what the young person's pal is going through. We have to make sure that the people who deliver such provision across our country are qualified.

As far as the skills that young people learn are concerned—I am sure that my colleagues will talk about the skills that they help young people to learn—it is hugely important for us as a nation to develop their creative thinking skills. When our parents were younger, they knew which job they would go into. There was a pathway or an apprenticeship. Most of the young people between the ages of 25 and 30 whom I work with have already had about 10 or 12 jobs since being at university. We really need to support our young people to be creative thinkers and to be flexible so that when jobs come up when they are older, they will have creative flexibility. That is extremely important, because it will enable them to adapt to situations.

Ruth Wishart: I would say that there are two or three things that we need. Leadership in a school or a club is crucial. We also need the proper professional skills, as Graham Main has just flagged up.

I will give some examples. Dumfries and Galloway seems to be getting a lot of good publicity today. There was an expressive arts teacher in Dumfries and Galloway who managed to persuade her heidie to come off curriculum for a whole week, outwith the pressure that surrounds the exams. The whole school was then able to do a project for that week, so everybody was involved. That is important too because, as with academic schools, everybody is gifted, but they are gifted in different ways. When Scottish Screen was alive, before Creative Scotland came into being, it did a film-making project in Fife; all the kids had buy-in and were part of the project, whether they were sewing the costumes, making the scenery, behind the camera or acting. I am sure that Graham Main finds that happening all the time.

We need enough people who have the skills to make that happen in schools, and we need people in schools to be sufficiently receptive and confident to come out of the tramlines. At Creative Scotland, we have found that one of the shortfalls that we have at present is that there are not enough teachers with the confidence to teach creativity and to teach creatively. That will take time. The curriculum is not that old.

12:15

Colin Thomson: I echo all that has been said. What I am hearing is the importance of good old-fashioned teaching skills and teachers. The good teachers were the ones who spent an awful lot of time with children, and they were usually the ones who got results from children. I am sure that you can all remember teachers who went over and above and spent a lot of time.

We have to accept that, in the chaotic modern world, there are different challenges. We need teachers who are teaching beyond the curriculum—by that, I mean the inspirational people who are working on the streets; they might not be teachers by profession, but they are absolutely teachers in the way that they go about their business. It is about developing people and getting them to spend time with children and make a difference to young people's lives.

The biggest challenge is to get more people out there who can think creatively, and to open up the confines of education to be receptive to that. I go back to my earlier point that, where that happens, it works very well. Where it does not happen, we have the silo mentality—lots of things happen and there are lots of good initiatives, but the culture does not change. What we are looking at here is a change of culture.

Chris Smith: On the softer skills that we have touched on, the big role for us, working with children at the ages that we work with, is to teach them to be confident. That is a skill in itself. Any child who has a level of confidence such that they can stand up and speak in front of a group, speak to an adult and be polite and respectful when they speak to adults has a massive skill. I remember having a conversation with a university lecturer who was doing interviews with pupils who were applying, and it is not what they have on their CV that gets them in. That gets them an interview, but having the confidence to speak and having passion about something that they have been involved in are important. That is a massive soft skill.

Another issue is the time that people spend on programmes and their commitment. That seems to be disappearing quickly in society. I have always been taught that, when you commit to something, you see it through. At present, certainly in football, it seems that you commit to something, and if it does not quite work for you, you step out of it. We have seen that over the past two or three years. We ensure that our young people are aware that, when they step into the programme, they are making a commitment for two years; there will be rough times and challenges in those two years, but they have to see that through. Those softer skills are massive.

Stepping into a new school for the first time is always a challenge. When a teacher finds out that they might lose some of their pupils for a period each week because they are going to play football, that is a challenge. It is always met with, first, a chance to sit down and discuss the impacts of our programme. When we changed to the curriculum for excellence, we had to sit down and go through our programme and look at what expectations and outcomes we would hit through the school football. We had to show that, and we put together a curriculum map to show that we hit the Es and Os across six or seven of the areas. That is massive. That became a challenge, but it is one that has been met. Every time, we seem to manage to turn everybody round.

The other challenge is to engage with the parents. I did not get a chance to touch on that earlier, but the way in which we engage with parents is massive. Because the programme sits in areas of real deprivation, it can be really tough to get parents into school, so we need to look at ways in which we can do that. The first part is that any pupil who comes into our programme has to go through an interview process. The 11-year-old, P7 pupil has to come in with their parents to sit through an interview. It is very informal, but that first step is really important for us. There is then an information night when the pupils are selected for the programme.

We also engage with parents through nutrition evenings during the year and through school reports. We have a presence at every report night in schools, so the parents again have a chance to meet us. We provide them with three or four different opportunities in which we sit down with them and discuss how we think the pupil is doing and how we can engage with them to make them a little bit better.

The Convener: I thank you all for coming along this morning. It has been an interesting session, which has been very helpful for our inquiry into educational attainment in its widest sense. We still have a lot of work to do and we will carry on with our inquiry over the coming weeks and months, but once again I thank you for taking the time to come along. I particularly thank Chris Smith for stepping in at the last minute.

12:20

Meeting suspended.

12:23

On resuming—

Subordinate Legislation

Continuing Care (Scotland) Order 2015 (SSI 2015/158)

Aftercare (Eligible Needs) (Scotland) Order 2015 (SSI 2015/156)

The Convener: We move on to item 3 on our agenda, which is to receive an update from the Scottish Government on issues arising from the Continuing Care (Scotland) Order 2015 and the Aftercare (Eligible Needs) (Scotland) Order 2015. As committee members will remember, we considered those affirmative instruments at our meeting on 24 March this year, when the Minister for Children and Young People committed to providing further information.

I welcome Fiona McLeod, the acting Minister for Children and Young People, and David Blair, who is head of the looked-after children unit at the Scottish Government. I believe that the minister wishes to make a statement.

The Minister for Children and Young People (Fiona McLeod): It is a short statement compared with the last time, convener.

I offered to return to update the committee on the draft guidance on parts 10 and 11 of the Children and Young People (Scotland) Act 2014 and to report on progress towards setting up the expert working group that will consider specific policies on aftercare and return to care. I will be happy to take any questions after this brief statement.

On the consultation on the draft guidance, from January to April this year, there has been a series of meetings, workshops and conferences involving local authorities, the third sector, practitioners, elected members and—perhaps most importantly—care-experienced young people, as we outlined to the committee in March. So far, there have been 22 such events, which have been attended by about 250 people. They will continue over the next few months and will reach a further 200 people. The workshops were jointly facilitated with the Scottish Throughcare & Aftercare Forum.

For our next steps in producing the draft guidance, we will be incorporating feedback from those events. In fact, that is now almost complete. The next step is therefore for both the draft guidance documents to be circulated to key stakeholders ahead of the next series of consultation events, which begin on 7 May.

The draft guidance will be accompanied by a set of companion questions to help focus feedback specifically on content and usefulness. We will of course invite and welcome written and verbal feedback on those questions as a crucial part of us all working together to inform the final phase of the guidance development.

I hope that the committee feels reassured about the level of discussion and consultation that has been undertaken—and which continues—towards framing the documents in a way that makes them worthy of more detailed and targeted discussion during the next phase of the consultation.

On the matter of the expert working group, I am happy to confirm that we have sent out invitations. The working group will look at describing additional cohorts of young people who could be made eligible for aftercare under the ministerial powers in section 66 of the 2014 act. That is in addition to the return to care commitment that was made by Aileen Campbell when the bill was going through the Parliament.

I can confirm that a wide range of key stakeholders, including local authority children and family and housing teams, third sector organisations including the continuing care coalition members, the centre for excellence for looked after children in Scotland—CELCIS—COSLA, the Scottish Throughcare & Aftercare Forum, and Social Work Scotland have been invited to be members of the working group. Subject to diaries, availability and capacity within those organisations, I hope that the working group will meet for the first time in May to agree the terms of reference and the membership of a wider consultative group to support the working group in the work that it will be doing.

I am asking the working group to support the Scottish Government in mapping the resource and operational requirements of any proposed extension of aftercare eligibility and to help us describe a brand-new policy on return to care. As you will appreciate, and as we discussed in March, developing those policies will be a massive undertaking, as they require flexibility and consideration of capacity in the system and of the current financial climate.

I will task the working group with reporting to me—or to whoever is the minister—by the end of this year, but I will expect it to inform me if that is an unrealistic timetable, given the enormity of the task that we are undertaking. The committee is aware that the timeframe was set out by the Scottish ministers on 14 January 2014. The minister at the time announced

"a number of measures to support care leavers over the next 10 to 12 years."—[*Official Report*, *Education and Culture Committee*, 14 January 2014; c 3319.]

Therefore, we will work with the working group, which as I said will, we hope, meet in May. We will task the group with setting a framework and reporting by the end of the year, but I want it to tell me if that is unrealistic. Finally, I must remind committee members that we want to put the plan in place over the next 10 to 12 years.

I am sure that we are all aiming for the same positive outcomes for our care leavers, and I look forward to continuing productive and collaborative working on the issues with stakeholders, with young people and with the committee.

The Convener: Thank you very much for that update, minister. The committee clearly had some concerns on 24 March about some of the evidence that we received then and some of the comments that we received from outside organisations, particularly from members of the continuing care coalition.

We will now have questions from members, beginning with Liam McArthur.

Liam McArthur: Good afternoon, minister. Towards the end of your opening comments, you referred to the fact that you want members of the working group to advise you in early course if they feel that the timeframe that they are asked to work to is unrealistic.

You will recall from our previous exchange that there were concerns that local authorities have put up obstacles that they believe exist to delivering what we thought as a committee and Parliament we had helped to put in place in the passage of the 2014 act.

Can you be a bit clearer about the hurdle that those who suggest that the proposed timeframe is unrealistic would have to get over for you to be persuaded that putting in place or coming forward with firm proposals for extending the coverage of the provisions by the end of the year is not to be achieved?

12:30

Fiona McLeod: I am not aware of anybody saying that the timescale is unrealistic, but I am very aware of the huge task that we will ask the working group to take on.

I just want to put a marker down now: I do not want to say to the working group that it must have completed everything by the end of the year if, in trying to meet an end-of-the-year timetable, it does not take the time and care to ensure that the timescale is realistic and deliverable and that everybody has the capacity to do what we want to do. It should also be remembered that that is within the timeframe of extending eligibility over a 10 to 12-year period, as the minister and Parliament accepted last year.

Liam McArthur: I think that we would all accept that it will always be more important to get it right rather than necessarily get it done by a particular deadline, but we recognise that there will be different opinions in the working group. Therefore, I would not want the message from you as the minister and the Government to the working group to be that you expect the timetable to be very stretching and that what you are asking is possibly undeliverable by the end of the year so that those who would quite happily put things off for a bit longer feel emboldened to make that case. There will be those on the group who are very keen to keep everybody's feet to the fire in delivering that extension of eligibility.

Fiona McLeod: Absolutely—and that is not the message that I am sending out. I listed all the different organisations that will be part of the working group. It is a very balanced group that will work as a group, which is what I want to see.

Liam McArthur: I will move on to my other questions.

Obviously, during the exchanges at our meeting in March, reference was made to the non-statutory guidance. It came as something of a surprise that that had not been shared with members of the coalition for continuing care at that stage. I think that you gave an undertaking at that committee meeting at the end of March that that would be remedied and rectified as a matter of urgency.

I was therefore slightly confused and a bit concerned to note what was said in Mark Ballard's email to committee members last night. He welcomed the establishment of the working group and the invitation to form part of it among others, but he said:

> "we hope that the first meeting of this group will also give us an opportunity to view and discuss the non-statutory guidance that was also mentioned by the Minister at the Education and Culture Committee meeting on the 24th March."

Following our exchange on 24 March, I rather assumed that that non-statutory guidance would have been passed on to members of the coalition and others within the week—certainly before the end of that month—but that does not appear to have been the case.

Fiona McLeod: We seem to be conflating two issues. From January to April this year, there have been 22 events, including workshops, conferences and one-to-ones with organisations. The next event will be on 7 May. Each of those events has been part of the process of producing the draft guidance. Therefore, it is live guidance and it is an iterative process. For the next meeting, on 7 May, the latest iteration of the draft guidance will go out to everybody.

Liam McArthur: My recollection is that the first iteration or draft of that guidance was produced around September last year; I may be wrong, but it was produced around that time. However, Mark Ballard, on behalf of the coalition, suggested that it is looking forward to

"an opportunity to view and discuss the non-statutory guidance that was ... mentioned by the Minister at the ... meeting".

That suggests to me that, although the coalition may be part of the iterative process, it clearly has not been presented with the latest iteration during the course of the many meetings that you suggest have taken place.

Fiona McLeod: There have been 22 events over a couple of months, and everything that we have learned at each event has been fed in. The latest iteration of the draft guidance, which will go out to everyone who is going to the meeting on 7 May, was being worked on even up to this weekend, when I was yet again reading through it, asking questions and making comments.

This is very much a live process, and everyone has been involved all along the line. In fact, I have just scanned a piece of paper that I have with me, and I see dates in March and April as we work towards the meeting on 7 May.

Liam McArthur: You are saying that the latest iteration of the guidance will have been presented to participants at those meetings to allow them to feed in comments and suggest amendments.

Fiona McLeod: Yes.

Liam McArthur: So the next meeting will not be the first time that they will have seen the raft of non-statutory guidance that was referred to at the 24 March meeting.

Fiona McLeod: Every time we have these meetings, the guidance comes back, and then we send it out again.

I am not necessarily talking about the full draft guidance, but in the latest meetings people have raised questions, have thought of other ideas and have wondered whether their suggestions can be put in the mix for the next meeting. We have been getting CELCIS to go through all the feedback that we have received from each of the meetings to inform the questions that we ask at the next meeting but, after four months of work and all the questions that have been received, those participating in the 7 May meeting will get the latest iteration of the draft guidance and its many pages beforehand.

Liam McArthur: I apologise for labouring this point, but the question is not just whether people have been informed of the issues that they and other stakeholders have raised at the meetings but whether, since 24 March, they have been provided with a copy of the latest consolidated non-statutory guidance in a single format—even if that version is not the final one—which will be subject to the working group's consideration in due course.

Fiona McLeod: What I was looking at over the weekend was the final, many-paged version of the draft guidance that will be sent out for the 7 May meeting. We did not produce that document for each of the meetings; instead, we set out questions to feed into what went into the final version.

Liam McArthur: I have to say that I find that slightly disappointing. My expectation from the meeting at the end of March was that the non-statutory guidance that had been produced around September of last year would be presented to not just the coalition but perhaps other stakeholders to inform their input into the discussions and meetings.

Although I very much welcome those meetings and discussions, you are asking a series of questions of people who will not have had the benefit of seeing where the guidance stands at a certain point, even if the expectation is that it might either change radically or not change greatly before it is finally agreed. I think that that is against the spirit of what I understood to be the undertaking that you gave when you appeared before us in March.

Fiona McLeod: The timetable for the 22 events held between January and March was already in place; those meetings started in January and continued through February and March and into April. When we are in an iterative process in which we have different meetings that include practitioners, providing authorities and everyone else, there is no point at which we can produce a whole set of guidance and say, "This is what has been decided in all the meetings." What we are doing throughout that process is saying, "These are the questions that have been raised in the meetings." The process leads towards what I was looking at over the weekend—the draft guidance, which is based on what we have been working on for more than six months now. That is what we will be looking at on 7 May.

Liam McArthur: But people need to have sight of where the guidance stands at any one time. Yes, they will be able to respond to the questions that are asked but—as you will know yourself, minister—they can question only the information that is in front of them. They cannot question information that is not in front of them. Only by looking at the non-statutory guidance as it stands, even if it is only in draft form, can someone answer the questions that have been asked of them and comment on those matters that, for

whatever reason, they have not been asked about but on which they might have very strong views.

Fiona McLeod: When the invites go out to each of the meetings, it is clear what the meeting is for. There is an opportunity to learn from what has gone on at previous meetings and for people to prepare their own thoughts to feed in, so that their input into that meeting on that particular date feeds forward into the next meetings.

The way that we are doing this is very much based on the way that we worked in the run-up to the Children and Young People (Scotland) Act 2014—we went out and consulted with and involved as many people as possible. My understanding from the back benches was that the way that the Children and Young People (Scotland) Bill came to Parliament was one of the best examples of working as much as possible with all stakeholders to inform what was finally printed in the bill.

That is what we have done in this process as well: it is the process by which we are now producing the guidelines, based on the experience that we have gained from preparing guidelines over many years. It is not being done in a vacuum; it is part of a live process that has been working for many years, in which everybody comes together, works together and feeds forward constantly.

Liam McArthur: You will be aware that, when we were discussing the issue last time, on 24 March, what the 2014 act said and what was proposed and then agreed to in the orders were not seen to be in alignment. Actually seeing the detail of what the non-statutory guidance says is therefore vitally important.

The process leading up to the introduction of the bill and the consideration of that bill was seen as fairly exemplary. There were opportunities for us, in consultation with the continuing care coalition and others, to make amendments and changes, but we had the full text in front of us—we were able to comment not only on things that the ministers wanted our views on, but on any issues that we thought were relevant.

What I cannot understand is how you can have this consultation process going on unless the stakeholders have a copy of the consolidated non-statutory guidance. I am sure that the meetings are very valuable, but you will get answers only to the questions that you ask, rather than comments from the stakeholders on the breadth of issues that may arise through the non-statutory guidance.

Fiona McLeod: I do not think that that is an accurate representation of what is happening. The guidance that we are working on comes from a history of guidance in this area. When the sectors come together at all these 22-odd events, they arrive very well informed about what they want to see the guidance becoming. The stakeholders have already used guidance on support for these care leavers—guidance that we already have and which those stakeholders contributed towards producing.

I am not going to apologise for the way in which we have carried out the process. It has really involved everybody—all stakeholders—and given them every opportunity possible. I was out at Who Cares? Scotland last week, and none of these concerns was raised with me. We had a very strong discussion about where we can go forward, based on experience of where we have been, where we are now and where we want to get to.

The Convener: To be fair, minister, you are accurate about the process that led up to the 2014 act—everybody on this committee and others outside Parliament felt that. The problem that we faced as a committee was that the evidence that we received from your officials on 24 March was somewhat confusing. That has left us with some doubts, and I would like some clarity.

You talk about a process that started in January and is on-going. On 24 March, your official said that it had been on-going since last autumn and would conclude by the end of April—I presume that that is not going to happen now. You said that everybody has been involved and there have been all these meetings.

The organisations that Liam McArthur and others referred to on 24 March took quite a different view about their involvement—or lack of involvement. The concern that the committee expressed on 24 March was, to be absolutely blunt about it, led by the confusion that was established in the minds of the committee members by your officials.

That left us with some questions about why organisations had not been involved, why there was a consultation but they were not included, what was going on with the statutory guidance and so on. That is why we asked you to come and give us an update—to clear up some of those questions. I think that it is entirely reasonable that we try to nail down some of the questions that were raised by the evidence on 24 March.

Can we be clear? Is the consultation that you are talking about, which started in January and is continuing, different from the consultation that your official Carolyn Younie talked about, which started last autumn, or is it the same consultation?

12:45

Fiona McLeod: It is in phases. Phase 1, from October to December 2014, was the public consultation on the draft orders that the committee

looked at and agreed to when I was last here, in March. The consultation on that—and what we learned from it—fed into phase 2, which was the 22 events from January to April. I have a list of all the events and who was at them. I am happy to send a copy of that to the committee if that would reassure you.

The Convener: That would be helpful.

Fiona McLeod: There were 22 events with 250 people.

The Convener: We absolutely believe you. We are just trying to clarify the position because there was some confusion on 24 March. Thank you for that.

Mary Scanlon: I share the concerns of the convener and Liam McArthur, and I have two fairly short questions.

You have said several times that you had 22 events between January and today. That is pretty well an average of five per month. I would have thought that you would be making considerable progress, but in your opening statement you talked about more detailed, targeted discussions and about the enormity of the task. I thought that we would be making some progress and coming to some agreement. You then said that you would report by the end of the year, and I think that you used the word "unrealistic". You also mentioned implementation over 10 to 12 years.

What are the main problems? There must be a few stumbling blocks. You have had 22 events attended by every man and his dog who is involved in the area, you are coming forward with different questions, you are feeding into this, and you have phase 1, phase 2 and phase 3. What is the main stumbling block? Why is it going to take until the end of the year or maybe even longer?

What can we expect by the end of the year? Is it possible that this could even be extended beyond the next Scottish Parliament election, when this committee will have totally changed? I will certainly not be here. What are the stumbling blocks? Obviously, no member of this committee is party to the discussions. I was not on the committee when it took evidence on the Children and Young People (Scotland) Bill—it was my colleague Liz Smith who was here—but what is the big problem? What is the reason for the confusion between officials and the Government? Why have you had 22 events, with a whole load more planned? What is the stumbling block? What is it that cannot be agreed on?

Fiona McLeod: We are conflating two different things. It is the guidance that we have had 22 events on, with 200-odd people. The end of the year is a target that we have set for the expert working group. The guidance is about implementing the statutory instruments that the committee and the Parliament agreed to in March. The expert working group is looking at whether we can extend continuing care and aftercare to an extra cohort of care leavers. Those are two completely different things.

Mary Scanlon: So what is the problem? Why do you need so many more meetings and delays?

Fiona McLeod: No—there are two things. We are working on the draft guidance to support the statutory instruments that were agreed to in March. That is what the 22 events have been about, and we will continue to work on that so that we get the guidance to support the statutory instruments for continuing care and aftercare for young people who are in care and can continue to be in care from their 16th birthday onwards, and who will perhaps be eligible up to their 26th birthday. That is the guidance to go with the statutory instruments.

The expert working group, which we hope will be able to come back with at least firm ideas by the end of the year, if that is realistic, is going to look at extending continuing care to extra cohorts of young people—not just those we have already agreed, who will get continuing care and aftercare after their 16th birthday. There are two completely different issues.

Mary Scanlon: Is the end of the year realistic?

Fiona McLeod: I said in my statement that I hope that that is realistic, but I do not want to put pressure on the expert working group to come forward with ideas about which extra cohorts of young people we could extend continuing care and aftercare to. I do not want the group to come back with that unless it is realistic that there is capacity in the sector to do it, that we can do it in the current financial climate and that it will fit within the commitment, which the minister gave more than a year ago, that extending the cohorts is a 10 to 12-year process.

The Convener: As there are no further questions, I thank you for coming along and giving us the update, minister. No doubt we will follow the process with interest. I thank you once again for your commitment to come back to the committee and keep us informed and for coming along today.

Meeting closed at 12:50.

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