

## Education in the Scottish Parliament

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### **PREAMBLE**

This paper follows on from the previous bulletin (Redford 2008), which covered the education and lifelong learning remit of the Parliament's *Education, Lifelong Learning and Culture Committee* between February and September 2008. The following bulletin covers the same remit of the committee from September 2008 to February 2009, during the third session of the Parliament (2007 – 2011).

### **SEPTEMBER 2008 – FEBRUARY 2009**

The *Education, Lifelong Learning and Culture Committee* had the following members during this period: Karen Whitefield (Convenor), Kenneth Gibson (Deputy Convenor), Claire Baker (from 8<sup>th</sup> October 2008), Aileen Campbell, Ken Macintosh, Christina McKelvie, Mary Mulligan (until 1<sup>st</sup> October 2008), Jeremy Purvis (until 2<sup>nd</sup> September 2008), Elizabeth Smith and Margaret Smith (from 10<sup>th</sup> September 2008). Full records of the committee meetings, including minutes, official papers and transcripts of proceedings can be found on the Scottish Parliament website at:

<http://www.scottish.parliament.uk/s3/committees/ellc/meetings.htm>

During this period the committee heard evidence from panels on teacher employment, including that of probationary teachers, social work and the New Horizons University Taskforce. The major area addressed during this time was Stage 1 of the Additional Support for Learning (Scotland) Bill. They considered a wide range of subordinate legislation, in particular that relating to the Provision of School Lunches. Three petitions were responded to: PE1022 on foreign language learning in schools, PE1046 on class sizes, which was concluded, and PE1213 on the support and provision for children with autistic spectrum disorder. Stage 2 of the Budget was given considerable committee time at the start of this period.

### **EMPLOYMENT OF PROBATIONARY TEACHERS**

The committee discussed an approach paper at their meeting on the 2<sup>nd</sup> September and began taking evidence on the 10<sup>th</sup> of September:

<b>Date of Committee</b>	<b>Witnesses</b>
10 September 2008	<ul style="list-style-type: none"> <li>• Brian Cooklin, Schools Leaders Scotland</li> <li>• Tom Hamilton, General Teaching Council for Scotland</li> <li>• Drew Morrice, The Educational Institute for Scotland</li> <li>• Frances Jack, Currie Primary School</li> </ul>

Papers provided to support the discussion at this meeting included a SPICe briefing and written evidence from the School Leaders Scotland, the General Teaching Council for Scotland and The Educational Institute of Scotland (ELLC/S3/08/20/1). The meeting began with a discussion about the response rate to the General Teaching Council for Scotland (GTCS) survey of probationer teachers. Tom Hamilton commented that the survey data did indicate a trend for primary schools over the three surveys, where the number of probationer teachers gaining a permanent post had fallen each year. The committee debated with the panel the various reasons for the lack of employment opportunities for probationer teachers in both sectors, noting the lack of consistency in employment formulas for teachers across Local Authorities. The meeting recognised the variety of issues facing Local Authorities in employing teachers beyond their probationary year but commended the teacher induction scheme in enhancing the quality of teachers coming into the school system. Following the evidence from the first panel of witnesses, the committee agreed to take further evidence from the Convention of Local Authorities (COSLA) and the Cabinet Secretary for Education and Lifelong Learning after the publication of the next GTCS survey of probationer teachers.

#### **TEACHER EMPLOYMENT WORKING GROUP**

The committee returned to the issue of teacher employment in December when they heard evidence from the chair of the Teacher Employment Working Group (TEWG). This group was established by the Cabinet Secretary for Education and Lifelong Learning in June 2008, 'to consider whether any changes needed to be made to teacher workforce planning in Scotland' (ELLC/S3/08/30/2). The group was chaired by Joe Di Paola of COSLA, meeting 4 times between June and October and published a final report on the 30<sup>th</sup> October 2008. A summary of their report along with the 12 recommendations was presented to the committee at their meeting on 10<sup>th</sup> December 2008 (ELLC/S3/08/30/2).

Date of Committee	Witnesses
10 December 2008	<ul style="list-style-type: none"> <li>• Joe Di Paola, COSLA</li> </ul>
17 December 2008	<ul style="list-style-type: none"> <li>• Fiona Hyslop, Cabinet Secretary for Education and Lifelong Learning</li> <li>• Michael Kellet, Teachers Division, Scottish Government</li> </ul>

The discussion with Joe Di Paola began with recognition of the need for COSLA to work closely with Government on a six year projection of statistical evidence on teacher numbers. Margaret Smith then asked about a national staffing formula, which the working group had not recommended, 'given the different sizes, geography, demography and economic circumstances of the 32 unitary authorities in Scotland' (Di Paola, 10.12.08, Col 1784). Ken Macintosh asked about the numbers of teachers currently coming into the system and the number of vacancies. In reply Joe Di Paola said that they had found early information that the expected bulge of teachers retiring had not happened as expected and there was an early indication that many teachers were choosing to stay on to 62 or 63. The group had also considered the difficulties faced by teachers completing their probation year and finding a permanent post. Ken Macintosh was particularly concerned about the mismatch in numbers recruited to teacher training and the posts available; 'it seems daft to recruit into the profession and then disappoint even more teachers at the end of their probationary year' (Macintosh, 10.12.08, Col 1789). The discussion moved on to the poor uptake of the winding down scheme in the Teaching Agreement for the 21<sup>st</sup> Century and early retirement.

At their meeting on the 17<sup>th</sup> December the Cabinet Secretary made an opening statement in which she recognised the 12 recommendations made by TEWG and the progress that was being made towards them. She ended those remarks with the confirmation that, 'we will continue to pursue the recommendations vigorously' (Hyslop, 17.12.08, Col 1803). The following discussion addressed many of the same issues which had been discussed with Joe Di Paola, in particular posts for teachers post probation, early retirement and the use of supply teachers.

### **SOCIAL WORK**

The committee agreed at their meeting on the 18<sup>th</sup> June 2008 (ELLC/S3/08/21/1) to extend their information gathering evidence session to include social work. They agreed an approach to the evidence sessions on the 10<sup>th</sup> September and began taking evidence from witnesses on the 17<sup>th</sup> September.

Date of Committee	Witnesses
17 September 2008	<ul style="list-style-type: none"> <li data-bbox="568 282 1287 349">• Ian Davidson, Workforce and Capacities Division, Scottish Government</li> <li data-bbox="568 371 1287 439">• Andy Bruce, Children, Young People and Social Care Directorate, Scottish Government</li> <li data-bbox="568 461 1287 528">• David Cumming, Social Work Inspection Agency</li> </ul>

Papers provided for the first panel of witnesses included submissions from the Social Care Directorate and the Social Work Inspection Agency (ELLC/S3/08/21/1). The discussion was opened by Ken Macintosh, who welcomed the supporting papers and the progress made; he then asked directly what the outstanding problems were. Ian Davidson first commented on the success of the fast-track induction scheme and then said that while staffing was an issue in some areas, many councils now had more adequate staffing levels. The meeting moved on to discuss the different types of social work qualifications available and the detail of the Inspection service. The convenor raised the issue of attracting staff to work with children and families and the need to consider, 'how our best social workers can be retained to deliver front-line services' (Whitefield, 17.09.08 Col 1429). David Cumming responded, 'that even post the single outcome agreements under the concordat, people told us that they recognise the importance of maintaining front-line services following the removal of ring fencing.' (Cumming, 17.09.08, Col 1430). The meeting moved on to discuss professional development opportunities available for experienced social work staff who lacked formal qualifications and the relationship between legislation and the management structures in local authorities. The discussion ended with a question from Margaret Smith about the structures which link social work with education and health. David Cumming replied that the situation was, 'quite fluid' and used an example of young people remaining in their own schools rather than in residential schools, that 'had to be done in a joint and shared way' (Cumming, 17.09.08, Col 1445).

## ADDITIONAL SUPPORT FOR LEARNING

The committee agreed its approach to Stage 1 of the proposed Education (Additional Support for Learning) (Scotland) Bill in private at their meeting on the 1 October. They began to take evidence from witnesses at their meeting on the 3 December.

Date of Committee	Witnesses
3 December 2008	<ul style="list-style-type: none"> <li>• Robin McKendrick and Susan Gilroy, Support for Learning Division, Scottish Government</li> <li>• Louisa Walls, DELA Division, Scottish Government</li> <li>• Joanne Briggs, Analytical Services Unit - Schools, Scottish Government</li> </ul>
10 December 2008	<ul style="list-style-type: none"> <li>• Jessica M Burns and Lesley Maguire, Additional Support Needs Tribunals for Scotland</li> </ul>
17 December 2008	<ul style="list-style-type: none"> <li>• Lorraine Dilworth, ISEA (Scotland)</li> <li>• Ian Nisbet, Govan Law Centre</li> </ul>
14 January 2009	<ul style="list-style-type: none"> <li>• Dr Ted Jeffries, Argyll and Bute Council</li> <li>• Cameron Munro, City of Glasgow Council</li> <li>• Martin Vallely, City of Edinburgh Council</li> <li>• Bryan Kirkcaldy, ADES</li> </ul>
21 January 2009	<ul style="list-style-type: none"> <li>• Adam Ingram, Minister for Children and Early Years</li> <li>• Robin McKendrick and Susan Gilroy, Support for Learning Division, Scottish Government</li> <li>• Louisa Walls, DELA Division, Scottish Government</li> </ul>

Robin McKendrick opened the meeting with an explanation to the committee as to why it was necessary to amend the existing legislation. This was to clarify specific operational aspects of the 2004 Act, 'to provide parents of children with additional support needs, including those with co-ordinated support plans, with the same rights as others to make out-of-area placing requests for their children' (McKendrick, 3.12.08, Col 1719). The legislation also proposed to clarify the jurisdiction of the additional support needs tribunal. At the request of the convener he went on to outline to the committee the response received from consultations about the proposals, the majority of which were favourable. The first questions from the committee concerned the process of making out-of-area

placing requests and the difference between the process for those children with a Co-ordinate Support Plan (CSP) and those without. In response, Louise Walls referred to recent decisions in the Court of Session which cast doubt on the original intention in the 2004 Act and had led to the proposed bill. Other questions concerned the experience of parents with the tribunal and the need for a code of practice which made clear the lines of responsibility for local authorities. Christina KcKelvie asked about the holistic approach to CSPs for Traveller and looked-after children, where there could be conflicts between authorities or between professions within an authority. In reply Robert KcKendrick talked about the way in which the Support for Learning Division was trying to develop good practice to address those issues. Claire Baker asked about the proposed changes to the tribunal system and Kenneth Gibson about legal representation for children and parents. In his reply Robin McKendrick emphasised that the issue was to make the tribunal simpler:

It would not be the best approach to seek to equalise the situation by having solicitors on both sides; instead, we should try to neutralise the situation to make the tribunal work as the rules and procedures envisaged it would. We will return to the issue of the tribunal's operation when we consider the secondary legislation on the tribunal rules and procedures. (McKendrick, 3.12.08, Col 1738)

Aileen Campbell asked about changes to subordinate legislation that might arise from the bill; in answer to which Robin McKendrick stated that it would affect CSP regulations, tribunal rules and procedures. He asked the committee to recognise that there were issues that would go from primary legislation to the secondary legislation and codes of practice. It was likely that stakeholders would identify changes as that process was completed. Aileen Campbell welcomed his reply and added that many people felt that the code of practice, 'did not possess enough teeth' (Campbell, 3.12.08, Col 1745). Robin McKendrick replied that local authorities could provide alternatives but could not ignore the code. The session concluded with a discussion about the way in which the bill addressed the transfer of costs between local authorities. The committee continued in private and considered written evidence from local authorities. They agreed to write to those authorities who had not already submitted written evidence to invite them to do so, and to invite some to present oral evidence.

The committee returned to Stage 1 of the bill on 10<sup>th</sup> December, where the meeting debated in detail the role of the tribunal in relation to children and young people with CSPs, with Jessica M Burns, the President of the Additional Support Needs Tribunals. At their meeting on the 17<sup>th</sup> December the committee heard evidence from Independent Special Advice (Scotland) (ISEA) and the Govan Law Centre, both organisations provided written submissions to support their evidence (ELLC/S3/08/31/2).

The convener opened the discussion on the 17<sup>th</sup> December with a question to the panel about out-of-area placing requests. Ian Nisbet replied immediately that the proposal would reinstate the procedures that were in place prior to the 2004 act. This was supported by Lorraine Dilworth who added that it would give parents of all children equity. Further questions concerned the division of costs for placements between local authorities and the explanation of costs within the code of practice. Christina McKelvie then asked a series of questions about the review of a CSP, particularly when a child moved from one local authority to

another. In her reply Lorraine Dilworth commented on the variability of CPSs across the 32 local authorities, 'some produce excellent CPSs, but others produce one-liners' (Dilworth, 17.12.08, Col 1842). The meeting then returned to the issue of tribunals and the experience of both organisations in supporting parents and children through the system.

Two local authorities and a representative from ADES attended the meeting of the committee on the 14<sup>th</sup> January 2009. All three representatives submitted supporting papers prior to the meeting (ELLC/S3/09/1/1). The convener again opened the discussion with a direct question about the operation of placing requests. Cameron Munro answered for Glasgow City that they were concerned that any change should be in a child's best interest. Ted Jeffries, for Argyll and Bute Council, was concerned that each local authority was best placed to judge what was in the child's best interests as they made provision, 'for all local children' (Jeffries, 14.01.09, Col 1862). Martin Vallely expressed similar concerns on behalf of the City of Edinburgh that the bill contained a number of problems for local authorities, in relation to their wider duties and responsibilities to all children in the area. The meeting went on to debate the interpretation of 'significant' support needs and the different ways that this had been interpreted by local authorities. The discussion then moved on to advocacy and mediation provision. Ted Jeffries emphasised the importance of it:

A serious onus is on local authorities to find out children's views. That is an emerging skill in Scottish education in personal learning planning and involving children in directing their education. (Jeffries, 14.01.09, Col 1893)

Margaret Smith asked the panel if it was perhaps too early to revise the 2004 Act. Bryan Kirkcaldy responded for ADES that they were interested in making the Act simpler and more family-friendly; Martin Vallely felt that the Government should be taking a wider view across all agencies; Ted Jeffries that legislation should codify existing good practice and Cameron Munro stressed the need for safe-guards for local authorities with the proposed legislation.

Adam Ingram, Minister for Children and Early Years attended the committee meeting on the 21<sup>st</sup> January with Government officials to give further evidence on Stage 1 of the Bill. The Minister opened the meeting with the following remarks:

The bill does not alter the ethos or the fundamental building blocks of the 2004 act, which is aimed at a broad group of children and young people with additional support needs. The bill amends the 2004 act in light of the reports by Her Majesty's Inspectorate of Education, the Court of Session rulings, the annual reports from the president of the additional support needs tribunals for Scotland, stakeholders' views and informed observations in light of practice. (Ingram, 21.01.09, Col 1904)

He went on to describe the way in which the bill would strengthen the rights of children with additional support needs and ensure that the legislation fitted with current education policies. In particular, he outlined proposed amendments concerning tribunals, assessment requests from parents and support for parents through advocacy services. Detailed information about those proposals would be available for the committee to consider at stage 2 of the bill. Members of the committee then asked a number of detailed questions linked to issues raised by earlier panels: the definition of significant, limitations on parental choice, local

authority funding issues, mediation between parents and councils and particular support issues for looked-after children.

The committee considered a draft report on the Education (Additional Support for Learning) (Scotland) Bill in private at their meeting on the 28<sup>th</sup> January, and agreed that all future discussions would be taken in private.

### **NEW HORIZONS: JOINT FUTURE THINKING TASKFORCE ON UNIVERSITIES**

The committee met the following witnesses on the 28th January, to discuss the remit and reports of the Joint Future Thinking Taskforce:

The Joint Future Taskforce was established by the Cabinet Secretary for Education and Lifelong Learning in November 2007. The remit was:

Date of Committee	Witnesses
28 January 2009	<ul style="list-style-type: none"> <li>• Sir Muir Russell, Joint Future thinking Taskforce on Universities</li> <li>• David Caldwell, Universities Scotland</li> <li>• John F McClelland CBE, Scottish Funding Council</li> <li>• Mary Senior, Scottish Trades Union Congress (STUC)</li> </ul>

- how to optimise and shape the contribution which the Scottish university sector can make during the next 20 years to the Scottish economy, to Scottish culture and society, and to the political priorities of the Scottish Government;
- what opportunities can be created and what barriers will need to be overcome to achieve that; and
- what resources will be needed and how they will be provided (ELLC/S3/09/3/1).

The taskforce met seven times and published 4 documents on 17<sup>th</sup> November 2008; presenting their position, next steps, the ways in which the Funding Council would support this and the terms of reference for an advisory group. A SPICe briefing paper was also available for the committee to support their discussion with the panel (ELLC/S3/09/3/1).

The convener opened the questions to the panel by asking why stakeholders: staff, trade unions and students had not been included in the taskforce. Sir Muir Russell replied that the task force had been formed quickly, in response to the spending review and that stakeholders had been consulted. Mary Senior supported the question from the convener and said that there was, ‘a contradiction’ between looking forward for the next 20 years and considering quick focused change without participation from stakeholders (Senior, 28.02.09, Col 1937). Elizabeth Smith followed this with a question about the lack of involvement of business representatives in the taskforce, to which David Caldwell replied that the connections between business and universities in



Scotland were good. John McClelland then spoke about the systems the funding council was creating for knowledge transfer. The convener moved the discussion onto funding and asked how the taskforce would ensure that the Government responded to requests from the sector at the next spending review. Muir Russell gave a detailed reply highlighting the framework created by the taskforce and the ways in which that would support funding requests. Claire Baker was concerned about the overall vision for development, in particular, 'a road map to a vision of Scottish Universities in 20 years' time' (Baker, 28.01.09, Col 1952). Muir Russell and John McClelland replied about the vision and the operational aspects of the 'road map' respectively;

Detailed programmes will unfold in the next few years and will be added to over the years, so that there is a constant element of innovation and progression that will match the aspirations of individual institutions and the sector. (McClelland, 28.01.09, Col 1953)

The committee turned again to the relationship between Universities and business, with a series of questions from Kenneth Gibson about skills development and the use of graduates in business. This was followed by questions from Aileen Campbell about the proposed collaboration with schools in response to *Curriculum for Excellence*, which Muir Russell saw developing over time.

## **SUBORDINATE LEGISLATION**

The committee took evidence, debated and approved the following subordinate legislation during this period:

- Individual Learning Account (Scotland) Amendment (No. 2) Regulations 2008 (SSI 2008/204)
- Education (Means Testing) (Scotland) Amendment Regulations 2008 (SSI2008/206)
- Academic Awards and Distinctions (UHI Millennium Institute) (Scotland) Order of Council 2008 (SSI2008/212);
- Education (Assisted Places) (Scotland) Amendment Regulations 2008 (SSI2008/213)
- St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2008 (SSI2008/214)
- Academic Awards and Distinctions (Additional Powers of the University of Aberdeen) Order of Council 2008 (SSI2008/220)
- Teachers' Superannuation (Scotland) Amendment Regulations 2008 (SSI2008/227)
- Adoptions with a Foreign Element (Special Restrictions on Adoptions from Abroad) (Scotland) Regulations 2008 (SSI 2008/303)
- Special Restrictions on Adoptions from Cambodia (Scotland) Order 2008 (SSI 2008/304)
- Special Restrictions on Adoptions from Guatemala (Scotland) Order 2008 (SSI 2008/305)
- Fundable Bodies (Scotland) Order 2008 (SSI 2008/draft)
- Protection of Charities Assets (Exemption) and the Charity Test (Specified Bodies) (Scotland) Order 2008 (SSI 2008/draft)

- Edinburgh Napier University Order of Council 2008 (SSI2008/388)
- Further and Higher Education (Scotland) Act 1992 Modification Order 2009 (SSI2009/draft)

The committee spent considerable time during this period on the Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2008 (SSI 2008/draft).

They agreed their approach to the legislation in private, at their meeting on 1<sup>st</sup> October, this was further discussed on the 8<sup>th</sup> October, and they began hearing evidence from witnesses on the 29<sup>th</sup> October.

<b>Date of Committee</b>	<b>Witnesses</b>
29 <sup>th</sup> October 2008	<ul style="list-style-type: none"> <li>• Lorraine Murray and Chris Martin, Ipsos MORI Scotland</li> </ul>
5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>• Ian Turner, Aberlour Child Care Trust</li> <li>• Tam Baillie, Barnardo's Scotland</li> <li>• John Dickie, Child Poverty Action Group Scotland</li> <li>• Marion Macleod, Children in Scotland</li> </ul>
12 November 2008	<ul style="list-style-type: none"> <li>• Kirsty West, Aberdeen City Council</li> <li>• Robin Gourlay, East Ayrshire Council</li> <li>• Albert Henderson, Inverclyde Council</li> <li>• Lynn Mirley, Scottish Borders Council</li> </ul>
19 November 2008	<ul style="list-style-type: none"> <li>• Adam Ingram, Minister for Children and Early Years</li> <li>• Mike Gibson and David Gibson, Support for Learning Division, Scottish Government</li> <li>• Joanne Briggs, Education Analytical Services Division, Scottish Government</li> </ul>

The committee heard an oral report on the evaluation of the pilot free school lunches for children in primary 1 to primary 3 at the end of their meeting on the 29<sup>th</sup> of October. Lorraine Murray reminded the committee of the remit Ipsos MORI had in evaluating the projects and confirmed that the uptake of school meals had risen in the targeted classes and that children were more willing to try new foods. She discussed the main findings of the report (MacLardie et al., 2008) with the committee, who asked about the quality of the food, differences in costs between local authority areas, the impact on other children in the schools and where the meals were cooked.

The committee returned to this draft legislation on the 5<sup>th</sup> November when they heard evidence from the Aberlour Child Care Trust, Barnardo's, Child Poverty Action Group and Children in Scotland. All four organisations submitted papers prior to the meeting (ELLC/S3/08/26/1). The discussion opened with a question from the convener about possible long term health benefits for Scotland's children. In reply, John Dickie recognised that there was not time in the nine month pilot to evaluate longer term benefits, but felt, 'there is now consensus on the role of the school in improving children's diet and ensuring that they eat healthily during the school day' (Dickie, 5.11.08, Col 1616). Tam Baillie added that the research from Hull had shown that school meals were only part of a child's eating habits, if the programme was rolled out there was a need for continuing research to consider longer term impact on child health. The committee then discussed the need for a healthy eating measure to be available for preschool children and cost of resourcing such provision. Marion Macleod made the point that provision was needed preschool and in primaries 1 to 3, supporting that with evidence from other European countries. The meeting moved on to discuss the wider impact of that on families who live in poverty and the need for universal provision.

We know that children who grow up in poverty are less likely to do well at school. Too often they feel that school is not for them. That has a lot to do with how they are made to feel at school. Lunch is the one element in the school day that is means tested. Very early on, when children are four or five, their families are means tested for them to participate in what is now recognised, as a result of the success of hungry for success and the 2007 act, as a core part of the school day. Removing the means test has increased take-up among those who are already entitled to free school meals, increased access to healthy meals for those who were not entitled but are living in poverty, and—we will need to monitor this—it is likely to improve health outcomes for children across the board. (Dickie, 5.11.09, Col 1626)

The meeting then turned to the funding of the initiative through the concordat with COSLA and a question from Ken Macintosh that more than 20 local authorities, 'have stated in different ways that they have not been given sufficient funding for the policy' (Macintosh, 5.11.08, Col 1629). John Dickie replied that analysis of the evidence presented to the committee had shown:

...that only three authorities were against the policy and would not commit to it, one was against the policy but did not say that it would not implement the provision, and four welcomed the policy but raised funding concerns. (Dickie, 5.11.08, Col 1629)

He went on to make the point that local authorities did not say they could not afford or would not provide free school meals just that financial concerns exist and to deliver the initiative they would need to, 'juggle budgets' ( Dickie, 5.11.08, Col 1630). Marion Macleod added that the Aberlour Child Care Trust were disappointed that the provision of school meals had become controversial and there was a need to recognise the possible long term impact on other budgets of the measure. The meeting returned to data available from the 2 year pilot in Hull, with Tam Baillie pointing out the free school meals should be part of complimentary policies to improve the links between schools and families. Claire Baker asked about relative costs of targeted versus universal provision, to which Tam Baillie replied that universal provision was about the public health agenda.

The discussion closed with Marion Macleod pointing out the benefits of universal provision with, 'the added value of the impact on other aspects of children's educational and community experience' (Macleod, 5.11.08, Col 1643).

The committee met a panel of local authority witnesses at their meeting on the 12<sup>th</sup> November. Each authority represented on this panel had provided written submissions which outlined their provision under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (ELLC/S3/08/27/1). The discussion with the panel focused on finance and the different ways in which each council was planning to meet the costs of the provision.

The final panel of witnesses appeared before the committee on the 19<sup>th</sup> November. The discussion with this panel began with a question from the convener about what the order would oblige local authorities to do if implemented. Adam Ingram replied that the order would, 'enable councils to disapply the need to charge for school meals' (Ingram, 19.11.08, Col 1675). The convener was concerned that the order placed no obligation on local authorities to provide school meals to children in primaries 1 to 3. In his reply Adam Ingram referred to the concordat agreement between the Government and local authorities. Members of the committee asked a number of further questions about local authority finances and then returned to the issue of long-term evaluation. Aileen Campbell asked about future measures to monitor the impact of the provision of school lunches. Adam Ingram replied that the growing up in Scotland study would be used to identify trends over a longer period of time. Ken Macintosh asked about the numbers of children living in poverty who would benefit from the measure, figures which the Government representatives were unable to extract from the total number of children entitled to free meals. Further debate concerned the various costs of implementing the order and the provision for that within the concordat agreement between local authorities and the Government. The minister then moved the motion S3M-2765 Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order. The committee members raised a number of points which the minister responded to regarding universal provision, tackling poverty and the difficulties for local authorities in funding the provision. The committee did not agree the motion and in the following division, voted: 'For 3, Against 2 and Abstentions 3' (Whitefield, 5.11.8, Col 1710).

## **PETITIONS**

The committee returned to PE1022 on the promotion of foreign language learning and intercultural awareness in Scotland's schools, colleges and universities at their meeting on the 2<sup>nd</sup> September, following the publication of the Scottish Funding Council report into modern languages in Scotland. They agreed to write to the Cabinet Secretary for Education and Lifelong Learning, asking for the Scottish Government's views on what the next steps would be. This correspondence (ELLC/S3/08/28/2) was discussed at their meeting on the 19<sup>th</sup> November. At this meeting they agreed to keep the petition open and to write to the petitioner, with copies of the correspondence, to seek his views on the responses received from the Scottish Government.

They returned to PE1046 on school class sizes at the same meeting in September and agreed to conclude their consideration of the petition but also

that further work on class sizes would be timetabled into their deliberations during September and October.

The committee considered Petition PE1213 (ELLC/S3/09/2/3) at their meeting on the 21 January 2009. This petition, presented by Annette Masson, concerned the assessment, diagnosis and support available for children with autistic spectrum disorder in the education system. The Committee agreed to defer further consideration of this petition until it had completed its scrutiny of the Education (Additional Support for Learning) (Scotland) Bill.

## BUDGET

The committee agreed their approach to the Stage 2 of their scrutiny of the Scottish Government's Draft Budget for 2009 – 2010, in private, on the 10<sup>th</sup> September. As part of that scrutiny they took evidence from three panels of witnesses:

Date of Committee	Witnesses
24 September 2008	<ul style="list-style-type: none"> <li>• Professor Anton Muscatelli, Universities Scotland</li> <li>• Howard McKenzie, Association of Scotland's Colleges</li> <li>• Mark Batho and Laurence Howells, Scottish Funding Council</li> </ul>
1 October 2008	<ul style="list-style-type: none"> <li>• Damien Yates, Marie Burns and Linda Ellison, Skills Development Scotland</li> </ul>
29 October 2008	<ul style="list-style-type: none"> <li>• Fiona Hyslop, Cabinet Secretary for Education and Lifelong Learning</li> <li>• Sarah Smith, Children, Young People and Social Care, Scottish Government</li> <li>• Andrew Scott, Lifelong Learning, Scottish Government</li> <li>• Colin MacLean, Schools, Scottish Government</li> </ul>

Papers provided prior to the meeting on the 24<sup>th</sup> September included a SPICe briefing on the draft budget (SB09-49) and submissions from Universities Scotland and the Association of Scotland's Colleges (ELLC/S3/08/22/2). Margaret Smith opened the discussion with a question about formula funding and the ability of institutions to generate income from other sources. Mark Batho talked about the need for agreed structures so that institutions could plan, along with the challenge of raising resources from other areas. Professor Muscatelli supported those remarks and added that some universities drew only 30 to 35 percent of their turnover from the Scottish Funding Council (SFC), because they were more research intensive and drew income from UK research councils. Howard McKenzie commented that Colleges were also funded through a funding formula, which had given the further education sector stability. Elizabeth Smith

asked about the proportion of Gross Domestic Product (GDP) spent on education. Professor Muscatelli responded that Scotland spent below average on education and this was stated in the Universities Scotland written submission as a challenge to Government: 'that by not later than 2028 Scotland should be in the top OECD quartile for proportion of GDP invested in higher education' (ELLC/S3/08/22/2). The meeting moved on to debate the challenges facing the sector and the need for 'significant discussion between the Government, funding council and the sector,' (Batho, 24.09.08, Col 1483). They discussed in detail the comparison in funding and the participation rate of young people in higher or further education across OECD countries. Howard McKenzie pointed out the importance of the college sector in Scotland, with the colleges delivering 25 per cent of all higher education. Mark Batho asked the panel to remember the demographic changes taking place:

70 percent of the workforce of 2020 are already in work, so if we are going to increase the skills levels of Scotland by 2020 we must educate many people who are already in the workforce. (Batho. 24.09.08, Col 1492)

The meeting concluded with a discussion about the different approaches being taken by institutions to cope with the impact of the banking crisis on themselves and student numbers.

The committee took further evidence at their meeting on the 1<sup>st</sup> October from representatives of Skills Development Scotland (SDS). SDS provided the committee with a written submission (ELLC/S3/08/23/1) which outlined the creation of SDS from 4 previous organisations and the role it has in promoting change. Initial questions for this panel concerned the transition costs of creating SDS, moving on to the challenge of responding to economic demand for skills in the current economic climate. Elizabeth Smith asked what could be done on the links between schools, colleges and universities, 'to improve the skills base' (Smith, 1.10.09, Col 1506). In answer to which Damien Yates talked about change in the system to make connections better and that, 'the big challenge on schools is in the 16-plus learning opportunities and more choices, more chances agenda' (Yeates, 1.10.09, Col 1507). Christina McKelvie followed this with a question about parity of esteem between academic and vocational qualifications. Marie Burns replied that they were working closely with the funding council to look at academic and vocational routes in different sectors, for example at the progression from modern apprenticeships to degrees. Damien Yeates added to that the importance of the Scottish credit and qualifications framework (SCQF) which provided the opportunity for accredited prior learning:

The terrific thing for Scotland is that we have all the bits of the jigsaw; we now need a big push to put things into practice. There is a big challenge for the SCQF and us with employers. It is fine for us to say that we think we have the framework they need that will address their problems, but do they recruit on the basis of qualifications? Does the framework really matter? Are qualifications a first step to recruiting people? How do we bring the SCQF to life so that it is viewed as a valuable tool for employers in understanding the investment that they are making in their employees? (Yeates, 1.10.09, Col 1510)

The meeting then discussed the multiple barriers facing some young people in completing qualifications and the need to support older workers. Kenneth Gibson

asked, 'How do you marry those two groups and ensure equality of delivery throughout Scotland for both?' (Gibson, 1.10.09, Col 1513). Damien Yeates acknowledged the need for development in the support for older workers, one of the three groups the SDS needed to target, the other two being young people and low-skilled workers. The discussion moved on to the role of the Trade Unions in such developments and the funding for training in colleges facilitated through Trade Unions. Ken Macintosh then asked a number of questions about the SDS budget and the percentage costs spent in each area. He was particularly concerned to discover where the budget cut of £5 million would hit services. As the organisation was only in the process of planning for the next financial year Damien Yeates was unable to answer the question directly.

The committee continued to take evidence on the draft budget at their next meeting on the 29<sup>th</sup> October which was attended by the Cabinet Secretary for Education and Lifelong Learning along with key directors from the Scottish Government. Fiona Hyslop began her remarks by outlining the movement of resources between budget lines; for example transferring £700,000 of the research budget to the educational analytical services budget and, '£7 million to the Scottish funding council for the environment directorate to fund the Scottish Agricultural College, following the college's addition as a fundable body from 1 August 2008' (Hyslop, 29.10.09, Col 1551). The convener began the questions by asking about the 2 per cent efficiency savings and possible cuts to front-line services. Fiona Hyslop pointed out the 13.1 per cent increase in funding for local government but added:

Although the education and children's services budgets have increased, there might be issues around how effectively they have been used in some councils. However, that is not my responsibility; it is the responsibility of the democratically accountable local councils. (Hyslop, 29.10.09, Col 1553)

The committee moved from general issues to questions about funding for Universities, the access barriers to higher education and the percentage of GDP spent on education. Members asked the Cabinet Secretary about issues discussed with previous panels, in particular modern apprenticeships and the funding of the SDS. Kenneth Gibson raised the issues identified by Damien Yeates of different organisations challenging each other and 'working smarter' (Yeates, 1.10.09, Col 1518). In answer to which Fiona Hyslop talked about the development of the strategic forum and close alignment between SDS and the Scottish funding council. Ken Macintosh then returned to the issue of local authority funding and the specifics of money available to reduce class sizes and fund the proposed free school meals policy:

Surely the policies are costed - you must have some costings. You have identified £30 million for school meals. Can you give any figure for reducing class sizes, one of your flagship policies? (Macintosh, 29.10.08, Col 1591)

The Cabinet Secretary replied, 'The fact that we have put sufficient resources into the local government settlement . . .' (Hyslop, 29.10.08, Col 1591). Ken Macintosh replied:

Local government might have agreed, but the Education, Lifelong Learning and Culture Committee is trying to hold you to account for the decisions that you negotiated with local government. We are trying to work out on what basis they were

agreed and to find out your calculations and costings, but you are unable to give us that information. You have given us the £30 million figure for school meals, but you are unable to give us any other figures. Your flagship policy of reducing class sizes has no figure attached to it. Surely you must accept that there is an element of frustration for the committee. (Macintosh, 29.10.08, Col 1592)

The Cabinet Secretary referred Ken Macintosh to the *Local Government and Communities Committee*, which had scrutinised the settlement with local government. The meeting ended with further questions from Ken Macintosh about the 2 per cent efficiency savings and the impact of that on front-line services. The committee considered a draft report, in private, at their meeting on 5<sup>th</sup> November and returned to it at their meeting on 12<sup>th</sup> November, when various changes were agreed (one by division).

## REFERENCES

- MacLardie, J., Martin, C, Murray, L. and Sewel, K (2008) *Evaluation of the Free School Meals Trial for P1 to P3 Pupils*, Edinburgh, Scottish Government
- Redford, M. (2008) Education in the Scottish Parliament, *Scottish Educational Review*, Vol. 40, No. 2, pp 101 - 112