

Education in the Scottish Parliament

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PREAMBLE

This paper follows on from the previous bulletin (Redford 2013), which covered the education remit of the Parliament's Education and Culture Committee between February and June 2013. The following bulletin covers the same remit of the Education and Culture Committee from September 2013 to January 2014.

FEBRUARY – JULY 2013

The Education and Culture Committee had the following members during this period: Stewart Maxwell (Convener), Neil Findlay (Deputy Convener until 03.09.13), Neil Bibby (Deputy Convener from 10.09.13), George Adam, Clare Adamson, Jayne Baxter (from 10.09.13), Colin Beattie, Joan McAlpine, Liam McArthur and Liz Smith. 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/s4/committees/ellc/meetings.htm>

[accessed 12.03.14]

In this period the substantive work of the committee was concerned with the completion Stage 1 of the Children and Young People (Scotland) Bill and consideration of amendments at Stage 2. They also agreed a report from their inquiry into the decision making on whether to take children into care and a number of negative instruments arising from college closures. They elected Clare Adamson as their European Union Reporter and heard evidence on the Scottish Government draft budget for 2014 – 2015. They held a one-off evidence session on outdoor learning at their meeting on 10 December 2013. They considered their work programme in private at their meeting on 10 December 2013 and agreed to:

- consider at a future meeting an approach paper on the implications of 'Scotland's Future' for education and culture in Scotland;
- seek further information on the issues of outdoor learning, gender segregation in universities and reclassification of colleges;
- consider issues relating to my world of work, cyber-bullying and educational attainment at future meetings;

- request a scoping paper from SPICe on foreign language teaching (EC/S4/13/32/M).

They returned to their work programme, in private, at their meeting on 28 January 2014 and agreed the following actions in relation to their education remit:

- await the outcome of work being carried out by the Early Years Task Force before agreeing its approach to out of school care;
- hold an evidence session on the preparations underway for qualifications under Curriculum for Excellence (EC/S4/14/4/M).

CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL: STAGE 1

The committee returned to their scrutiny of the bill at stage 1 on 3 September 2013 when they heard their second session of evidence. The papers for this meeting included a SPICe summary and analysis of the 106 written submissions received by the committee concerning the bill (EC/S4/13/21/2). The committee took further evidence at their meeting on the 10 September 2013 with supporting papers from each of the organisations represented on the panel (EC/S4/13/22/2). They also requested and received written submissions from Young Scot, the Scottish Youth Parliament and Children's Parliament (EC/S4/13/22/2). They continued to take oral evidence at their meeting on the 17 September 2013 with supporting papers from COSLA, National Day Nurseries Association (Scotland), Barnardo's Scotland, Association of Headteachers and Deputies in Scotland and the Royal College of Nursing Scotland (EC/S4/13/23/2). Each of the organisations providing oral evidence on the 24 September 2013 also submitted written evidence to the committee: Children 1st, Child Poverty Action Group Scotland, Clacks Kinship Carers, the Scottish Kinship Care Alliance and Highland Council (EC/S4/13/24/2). The committee continued to take evidence at stage 1 of the bill at their meeting on 1 October 2013 (EC/S4/13/25/2) and began at this meeting, in private, scrutiny of the evidence heard. They took final evidence at stage 1 of the bill on the 8 October 2013 and agreed to consider their draft reports on the bill in private, at future meetings. The papers for the meeting on 8 October 2013 included reports from other parliamentary committees on the proposed bill (EC/S4/13/26/2) and a supplementary report from UNICEF UK responding to questions asked at the previous meeting on 1 October 2013 (EC/S4/13/26/3). The committee considered a draft Stage 1 report, in private, at their meeting on 5 November and a final version, in private, at their next meeting on 12 November 2013.

Date of Committee	Witnesses
3 September 2013	<ul style="list-style-type: none"> • Mike Burns, <i>Association of Directors of Social Work (ADSW)</i> • Kenneth Norrie, <i>University of Strathclyde</i> • Susan Quinn, the <i>Educational Institute of Scotland (EIS)</i>

	<ul style="list-style-type: none"> • John Stevenson, <i>Unison Scotland</i>
10 September 2013	<ul style="list-style-type: none"> • Jackie Brock, <i>Children in Scotland</i> • Alex Cole-Hamilton, <i>Aberlour Child Care Trust</i> • Duncan Dunlop, <i>Who Cares? Scotland</i>
	<ul style="list-style-type: none"> • Clare Simpson, <i>Parenting across Scotland</i> • Lori Summers • Clare Telfer, <i>Save the Children</i> • Caroline Wilson
	<ul style="list-style-type: none"> • Douglas Chapman and Robert Nicol, <i>COSLA</i> • Joan Martlew, <i>University of Strathclyde</i> • Purnima Tanuku, <i>National Day Nurseries Association (Scotland)</i>
	<ul style="list-style-type: none"> • Martin Crew, <i>Barnardo's Scotland</i> • Greg Dempster, <i>Association of Headteachers and Deputies in Scotland</i> • Clare May, <i>Royal College of Nursing Scotland</i> • Jackie Mitchell, <i>Royal College of Midwives Scotland</i>
24 September 2013	<ul style="list-style-type: none"> • May Barker, <i>Clacks Kinship Carers</i> • Alison Gillies, <i>Child Poverty Action Group (Scotland)</i> • Kate Higgins, <i>Children 1st</i> • Anne Swartz, <i>Scottish Kinship Care Alliance</i> • Bill Alexander, <i>Highland Council</i>
1 October 2013	<ul style="list-style-type: none"> • Tam Baillie, <i>Scotland's Commissioner for Children and Young People</i> • Juliet Harris, <i>Together</i> • Alan Miller, <i>Scottish Human Rights Commission</i> • Sam Whyte, <i>UNICEF UK</i>
8 October 2013	<ul style="list-style-type: none"> • Aileen Campbell, <i>Minister for Children and Young People, Scottish Government</i> • David Blair, Phil Raines and Gordon McNicoll, <i>Communities and Education Division, Scottish Government</i>

The Convener welcomed the panel to the meeting on the 3 of September 2013 and began by asking them about the practical implications of the proposed bill. John Stevenson replied that for Unison their concern was about funding, Susan Quinn noted the potential of the joint plans but also the concern of the EIS about resources. Mike Burns (ADSW) said that while the duties outlined in the bill would support getting it right for every child (GIRFEC) he was concerned that the focus was on the plan and not the delivery. Kenneth Norrie welcomed the

aspirations of the bill but questioned if legislation was the most appropriate way to change practice. The committee followed this with a series of questions directed to Kenneth Norrie about the United Nations Convention on the Rights of the Child (UNCRC). In reply he noted the difficulties of introducing articles from UNHRC into Scots law and issues which could arise from the age definition of a child. The meeting then considered the request from various charities and the Commissioner for Children and Young People that a children's rights impact study should be carried out on the implications of the bill. This was welcomed by John Stevenson and Mike Burns. Clare Adamson then asked the panel about the balance between protecting privacy and promoting wellbeing. In reply John Stevenson highlighted the concern of UNISON about the difference in thresholds for each professional, 'and what they think they should share' (Stevenson 03.09.13, Col 2689). Susan Quinn stressed the importance of agreed national practice:

. . . there needs to be a threshold, and it needs to be applied consistently across the country so that a teacher in Shetland will know to share the same kind of information as a teacher in the north-east of Glasgow or in the Scottish Borders (Quinn 03.09.13, Col 2690).

Kenneth Norrie commented that the children and young people were entitled to privacy and confidentiality. He noted that the draft bill contained contradictory terms and that section 27, 'trumps every other piece of legislation from this or any other parliament that provides law for Scotland' (Norrie 03.09.13, Col 2691). In reply to a question from the Convener he said that while the ambiguities in language needed to be addressed, 'The bill is fundamentally sound. It has good aspirations for Government, public services and Scottish society' (Norrie 03.09.13, Col 2692). The meeting then discussed the role of the named person, the implications of that for different professions and the need to combine the child's plan with existing plans.

The committee took evidence from two further panels of witnesses at their meeting on the 10 September 2013. The discussion with the first panel began with a general question from Liam McArthur about children's rights. In reply Alex Cole-Hamilton talked about the need to incorporate the UNCRC into Scots law to provide a rights-based framework for children. Jackie Brock supported that and added that the majority of Children in Scotland members favoured that and a children's rights assessment. The Convener noted their responses and referred to the comments from Kenneth Norrie at the previous meeting. The meeting then considered the level of engagement the Scottish Government had with children and young people and their influence on the development of the bill. Alex Cole-Hamilton said:

. . . we are satisfied that the bill, if passed in its current form, will help to move us on the that journey towards making this country the best place in the world to grow up in (Hamilton 10.09.13, col 2719).

Liz Smith then moved the discussion to the role of the named person and the need for flexibility when identifying a named person for each child / young person. The meeting spent some time discussing the concerns from some parent organisations that the role of named person undermined their responsibilities as

parents. Joan McAlpine followed this with a question about information sharing issues and the Convener asked about the rights of parents to access information that is given to the named person from another professional. Jackie Brock replied that parents had the right to view information within health and education but that wider access to information was not a certainty. The discussion then moved on to consider the points made by Kenneth Norrie about section 27 and the panel agreed to consider the section and write to the committee. Colin Beattie then asked a series of questions about children and young people who might have more than one plan. In reply Jackie Brock reiterated the need for the plan and said that it would be helpful if the committee gave guidance as to:

What the whole planning landscape is, both in relation to an individual child and across children's services, and how it can be streamlined and made more effective. At the moment, there is undoubtedly concern [about] additional layers of bureaucracy being placed in the way of meeting a child's full wellbeing needs (Brock 10.09.13, Col 2734).

The second panel of witnesses focused on the implications of the bill in relation to parents. Clare Telfer and Clare Simpson were particularly supportive of the role of the named person in relation to the way that the role had been developed through GIRFEC. In reply to a question from Colin Beattie about possible disputes with parents Clare Simpson emphasised the need for, 'an alternative dispute resolution that allows parents to have advocacy' (Simpson 10.09.13, Col 2747). In response to further questions she suggested that:

It should involve parents having a role in sitting down and talking through the issues on a level playing field with professionals. All families are unique and different, but they are all experts on their child's upbringing (Simpson 10.09.13, Col 2748).

Neil Bibby asked the panel about the proposal to increase the hours of childcare available for 3 and 4 year olds to 600 hours. Claire Telfer welcomed this and said that Save the Children would like the bill to go further and consider the whole childcare system. Caroline Wilson commented that as a parent she welcomed the extra hours and felt that it would support people to get back into work. Lori Summers agreed with that but felt that the provision needed to be more flexible to fit with work commitments. The meeting then moved on to discuss the extension of provision to 2 year olds and the costs and benefits of such provision. The final questions for this panel were about the issue of 'corporate parents' and that role in relation to the parents of looked after children and young people.

The committee took evidence from two further panels at their next meeting on the 17 September 2013. George Adams opened the discussion with a question about the impact of the extension of childcare provision from 475 to 600 hours. The panel was supportive of the proposal but concerned about the development of provision. Robert Nicol noted that local authorities were, 'looking to build on what has already been well established in Scotland' (Nicol 17.09.13, Col 2770). This led to a discussion about parental choice and a request from Purnima Tanuku that funding should follow the child. George Chapman and Robert Nicol responded to that and said that such a change would limit the abilities of local authorities to plan provision. Joan McAlpine then asked about the qualifications

held by early years workers, which led to further questions from Colin Beattie about the cost of nursery provision and the fees charged to parents. The meeting moved on to discuss the extension of childcare provision to some two year olds and the role of the named person. The questions for the second panel began with one from Liz Smith about resources and the role of the named person. Greg Dempster said that there was an ongoing need for resources to fund training. Clare Mayo added that while the Royal College of Nursing welcomed the bill:

The implementation of the provisions in the bill on the named person and the child's plan requires significant funding to enable the named person to form a meaningful relationship with families and children. That also requires time (Mayo 17.09.13, Col 2794).

She went on highlight the lack of trained health visitors to take on the role of named person for the under fives and the lack of recognition of the cost of implementing the legislation. These comments were supported by Jackie Mitchell and linked to the varied roll out of GIRFEC across all 32 community planning partnerships. Liz Smith then returned to her initial question about the role of the named person. In response Greg Dempster said that the Association of Heads and Deputes were not concerned about the role of the named person but they did feel that:

The information-sharing protocols that are put in place and the guidance that accompanies the bill about sharing information with the named person and what the named person does with that information will be very important (Dempster 17.09.13, Col 2797).

Clare Adamson followed this with a question about the range of understanding about what was meant by a child's wellbeing. Members of the panel responded with reference to GIRFEC and the definition of wellbeing through the use of the SHANARRI indicators – safe, healthy, achieving, nurtured, active, respected, responsible and included. The Convener then asked about the sharing of information between professionals and if that information would be shared with parents. In reply Martin Crewe said that it would depend on circumstances. The meeting concluded with a discussion about the number of health visitors required to act as named persons.

The meeting on the 24 September 2013 began with a general question from the Convener about the developments in the role of kinship carers. In reply each member of the panel contributed to a description of the formation of the kinship care alliance in response to changes in legislation in 2007 and 2008. Joan McAlpine began the questions by asking about the proposed kinship care order. The panel made a number of points about lack of parity between different authorities and changes in the way that looked-after-status was used for children in kinship care. Alison Gillies commented:

One of the bill's objectives is to provide better support for kinship carers, but it is a bit difficult to see how that will work as things stand because there is no clear message about the support that will be attached to the new kinship care order (Gillies 24.09.13, Col 2826).

The meeting then discussed the proposals for a £500 start-up grant and transitional support for the first three years of kinship care. Kate Higgins spoke about evidence from responses to Children 1st that kinship carers felt there should be no difference between the support given to either formal/informal kinship carers. Liz Smith asked about the type of support that kinship carers needed beyond the three year period. In reply Alison Gillies referred to research by Farmer and Moyers (2008) which indicated that, 'increasing financial support increases the likelihood of kinship care arrangements succeeding for the child' (Gillies, 24.09.13, Col 2833). The Convener then spent some time asking about the way in which transitional arrangements, at the end of the three year period, were likely to be implemented. George Adam followed this with a series of questions about the way kinship carers received support through the benefits system. In reply Kate Higgins said that there was a need to ensure access to benefits such as free school meals, clothing grants and leisure passes for kinship carers who worked. The evidence from the first panel ended with a discussion of the use of the term 'counselling services' in the bill and recommendation from the panel that it should be replaced. The witness for the second panel on the 24 September was Bill Alexander from Highland Council. Liam McArthur began the questions by asking about the changes in the Council since the implementation of GIRFEC, in particular reductions in child protection registrations. In reply Bill Alexander suggested that the reduction in referrals came from confidence in the system and the supports available for children. He then gave the committee a detailed synopsis of the development of the GIRFEC pathfinder project in Highland and the way the council has since taken forward integrated working. In response to a question about the successes in Highland Council following the development of GIRFEC he said:

I suggest that we have actually done what the bill proposes. Why then does it need to be in legislation? Well, it is not happening elsewhere, is it? GIRFEC was published in 2006. It works. It is evaluated. Yet here we are in 2013 and children in Scotland are still not safe and their wellbeing is not being protected because it is not a fundamental entitlement that children and families can expect in Scotland. If the only way to get it done so that all children get that entitlement is to put it into legislation—even though we have done it without legislation—I accept that we need the legislation (Alexander 24.09.13, Col 2853).

The focus of the evidence discussed at the meeting on 1 October 2013 was on the duties related to UNCRC, the proposed extension to the powers of the Children's Commissioner, the role of the named person and information sharing. Tam Baillie spoke in favour of the incorporation of the UNCRC in to Scots law and was supported by the other members of the panel. The meeting then discussed the way in which the bill would incorporate a duty on ministers to consider children's rights as reflected in UNCRC. Sam Whyte spoke in favour of a 'due regard duty' which he commented had, 'had a transformative impact on the Welsh Government and its approach to children's legislation and policy' (Whyte 01.10.13, Col 2892). Tam Baillie added to this that although this duty was not in the proposed bill it would be useful to consider how to strengthen the expectations on public bodies in stage 2 of the bill. The committee then spent

some time considering what was meant by the incorporation of UNCRC into Scots law and if it was possible. Sam Whyte talked about areas where that was possible within current legislation and noted that without incorporation there were gaps, 'some children will have access only to certain rights in certain settings, and things can get missed' (Whyte 01.10.13, Col 2898). Tam Baillie then spoke in favour of the extension to the powers of the Children's Commissioner to investigate individual complaints and George Adam asked the panel about the connection between information sharing and the named person. In reply Juliet Harris said that there were different opinions about the wording of sections 26 and 27, although there was consensus that the wording itself needed to be changed. Alan Miller supported that and added that, 'more explicit guidance is needed, if not in the bill - which is preferable - then in training' (Miller 01.10.13, Col 2906). Tam Baillie added to this that the committee might like to consider amending the wording of section 26, 'so it has the same intention as the current provision but a much more proportionate impact on people at local level' (Baillie 01.10.13, Col 2908). The meeting ended with a discussion about the relationship between GIRFEC and UNCRC.

The Convener invited the Minister for Children and Young People to make an opening statement at the final session of evidence for stage 1 of the bill on the 8 October 2013. In reply Aileen Campbell talked about the bill as, 'a huge leap ... towards what evidence tells us is the right thing to do for children' (Campbell 08.10.13, Col 2945). Liz Smith opened the questions by asking about the evidence from the Faculty of Advocates that the bill was diluting the legal role of parents. In reply the Minister talked about the importance of the role of the named person and said that the role of parents in a child's life was set out in the Children (Scotland) Act 1995. The Convener then asked about the duties from the UNCRC and how the minister would take them forward through the proposed bill. Aileen Campbell replied:

The duty will child rights proof all the decisions not just of the present Government but of future Governments, so it is not just about ensuring that the present Government does all that it can to reflect the UNCRC; it is also about ensuring that, in the future, all subsequent Governments do that (Campbell 08.10.13, Col 2947).

The meeting then discussed the information sharing provisions in the bill and guidance for professionals, which would accompany the bill. Liam McArthur asked the Minister about the wording of section 27, to which she replied that the Government were, 'happy to look at the evidence that the committee has received' (Campbell 08.10.13, Col 2951). The committee members then asked a series of questions about the responsibilities of the named person, to which Phil Raines replied:

The bill makes it clear that the legal responsibility for the named person duties lies with what we call the named person service provider. Therefore, for teachers or what have you in respect of kids in schools, it would lie with the local authority. In the case of health visitors, it would lie with the health service. So it is clear that it is a corporate responsibility (Raines 08.10.13, Col 2956).

That led the committee onto a series of questions about the Finance Committee's report on the bill and in particular concerns that there would not be enough money to support the requirements of the bill. The Minister replied that the funding mechanism was robust but they would listen to the committee and consider the evidence gathered. The meeting then moved on to discuss the extension of child care to two year olds, the needs of care leavers and the funding available to kinship carers.

CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL: STAGE 2

The committee began to take evidence in relation to amendments at Stage 2 of the bill following the publication of their report at Stage 1. At their meeting on 3 December 2013 they took evidence in relation to rural school closures from two panels. For this meeting they received written submissions from Argyll and Bute Council, Association of Directors of Education in Scotland, Comhairle nan Eilean Siar (Western Isles Council) and the Scottish Rural School Network (EC/S4/13/31/1); and a SPICe briefing on the bill and school closures (EC/S4/13/31/2). The committee concluded their work on Stage 2 of the bill at their meetings on the 17 December 2013 and 7, 14 and 21 January 2014. These meetings were attended by other MSPs who had placed amendments to the bill. Aileen Campbell, Minister for Children and Young People attended all the meetings and Michael Russell, the Cabinet Secretary for Education and Lifelong Learning attended the final meeting on 21 January 2014.

Date of Committee	Witnesses
3 December 2013	<ul style="list-style-type: none"> • Cleland Sneddon, <i>Argyll and Bute Council</i> • Leslie Manson, <i>Association of Directors of Education in Scotland</i> • Malcolm Burr, <i>Comhairle nan Eilean Siar/Western Isles Council</i> • Eileen Prior, <i>Scottish Parent Teacher Council</i> • Sandy Longmuir, <i>Scottish Rural Schools Network</i>
3 December 2013	<ul style="list-style-type: none"> • Michael Russell, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i> • Clare Morley and Lorraine Stirling, <i>Scottish Government</i>

The meeting on 3 December 2013 began with a question from Liz Smith about the addition of the phrase 'presumption against closure' to the bill at stage 2. In reply Sandy Longmuir said that it would depend on the policy behind the bill, but also that he did not envisage any problems with it. However both Malcolm Burr and Leslie Manson felt that the addition of the phrase would not necessarily help and did not add much to the 2010 act. The meeting then spent some time considering the way in which the 2010 act had been used in practice by local authorities, concluding with agreement from the panel that 'A clear articulation in

the revised legislation could clarify the position for communities’ (Sneddon 03.12.13, Col 3059) in relation to an independent referral system. Further questions from the committee related to the role of Education Scotland in school closures, the way in which financial information was collated in relation to school closures and the proposal that a council would not be able to revisit a proposal to close a school for five years. The first panel concluded with a discussion about the option of ‘mothballing’ schools until required again.

The second panel on the 3 December 2013 began with a statement from Michael Russell about the reasons for the amendments, which he explained was a response to Government consultation on the presumption against closure of a rural school. In response to a question from Liz Smith the Cabinet Secretary explained the reasoning for including presumption against closure was because, ‘it is the view of the courts that presumption is not present in the legislation’ (Russell 03.12.13, Col 3080). Liz Smith then asked:

Have you changed your mind, as we have, since 2010—when we did not want that word in the act, although now we do— because there has been too much misinterpretation of the existing legislation? (Smith 03.12.13, Col 3082).

Michael Russell replied that he was not the Cabinet Secretary who took that legislation through and added that what was intended in that act had not been achieved and that was why the Government wanted to introduce the amendment. The meeting then discussed appointments to the independent review body and the possibility of local authorities appealing on points of law to the Sheriff Court. Clare Adamson asked about the specific duty being placed on Education Scotland to advise on school closures. In reply Michael Russell said that Education Scotland would give advice, ‘ but will not be involved in writing any individual educational benefit statements’ (Russell 03.12.13, Col 3088). The meeting then debated the length of the timescale before a council could return to a proposed school closure. In his final statement to the meeting the Cabinet Secretary said, ‘school closures are always going to be difficult and contentious. However, I am an optimist and believe that it is possible for agreement to be reached’ (Russell 03.12.13, 3097).

Amendments (17 December 2013: Day 1)	Action taken by the committee
87, 88, 89, 90, 91, 171, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110	Agreed to (without division)
119,190,191,120, 192, 121, 194, 195, 123,196, 124, 125, 197,198, 199, 200, 201, 202, 1,2, 3, 4, 5, 165, 166, 167, 203, 204, 205, 52, 206, 207, 208, 209, 211, 212, 213, 214, 215, 169, 170, 217, 218, 172, 220, 174, 175, 176, 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 127, 233, 128, 235 and 237	Disagreed to (by division)

216	Moved and withdrawn
93, 122, 126, 210, 168, 53, 173, 219, 54, 55, 56, 234 and 236	Not moved
Section 2, schedule 1 and sections 4, 5, 6, 8, 11, 13 and 18	Agreed to without amendment
Sections 1, 3, 7, 9, 10, 12, 14, 15, 16 and 17	Agreed as amended
237	Disposed

Amendments (7 January 2014: Day 2)	Action taken by the committee
129, 130, 131, 132, 133, 134, 135, 138, 146, 147, 111, 148, 112, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 163, 164, 292, 293, 294, 113, 295, 296, 114, 297, 298 and 299	Agreed to (without division)
136, 137, 139, 140, 141, 142 and 143, 144 and 145 <i>en bloc</i>	Agreed to (by division)
6, 177, 178, 238, 15, 58, 16, 19, 20, 21, 179, 22, 62, 180, 182, 239, 240, 241, 242, 65, 316, 336, 317, 183, 244, 318, 319, 320, 300, 247, 249	Disagreed to (by division)
45	Moved and withdrawn
8, 9, 10, 11, 12, 13, 14, 17, 18, 59, 60, 61, 23, 24, 25, 26, 27, 28, 63, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 181, 40, 41, 42, 43, 44, 243, 321, 46, 322, 245, 323, 324, 246, 325, 326, 47, 248, 250 and 251	Not moved
Sections 20 and 25	Agreed to without amendment
Sections 19, 21, 22, 23, 24, 26, 27, 28, 29 and 30, schedule 2 and sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41	Agreed to as amended

Amendments (14 January 2014: Day 3)	Action taken by the committee
301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 115, 116, 348, 349, 350, 351, 352, 353, 390, 354A, 354, 391, 355, 356, 392, 393, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378 and	Agreed to (without division)

379	
337, 48, 84, 338, 85, 86, 339, 340, 327, 341, 342, 343, 344, 345, 346, 395, 184, 396, 398, 399, 400, 401, 402 and 404	Disagreed to (by division)
332	Moved and withdrawn
185, 334, 186, 335 and 397	Pre-empted
Sections 42, 43, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56 and 59	Agreed to without amendment
Section 50, schedule 3 and sections 51, 52, 57, 58, 60, 61, 62, 63, 64, 65, 66 and 67	Agreed to as amended

Amendments (21 January 2014: Day 4)	Action taken by the committee
380, 405, 407, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 381, 382, 383, 384, 385, 386, 424, 425, 426, 387, 427, 428, 429, 430, 431, 432, 117, 311, 313, 314, 315, 388, 389 and 118.	Agreed to (without division)
406, 408 and 409	Agreed to (by division)
254, 255, 82 and 256	Disagreed to (by division)
433, 434 and 435	Withdrawn
408A, 409A, 436, 437 and 438	Not moved
74,76,78, 79, 80 and the long title	Agreed to without amendment
68, 69, 70, 71, 73, 75, schedule 4 and section 77	Agreed as amended

The committee returned to the bill at their meeting on 28 January 2014 when they considered written responses to the committee arising from a written submission made to the committee by Argyll and Bute Council for the meeting on 3 December 2013. The committee considered the matter in detail and agreed the following points for the minute of the committee:

The Committee—

- noted the written and oral evidence received on school closures including comments made during the stage 2 meeting on 21 January;
- considered it was adequately informed to consider the amendments, which were designed to avoid any recurrence of problems which had happened and provide clarity and transparency;
- agreed that the evidence from Argyll and Bute Council concerning its processes around school closures did not influence the approach members took on stage 2 amendments;

- agreed that deliberately misleading a parliamentary committee was a serious matter;
- agreed to take no further action in respect of the written evidence submitted by Argyll and Bute Council;
- agreed to bring this minute to the attention of all relevant parties;
- agreed to publish a redacted version of the correspondence received, taking into account relevant data protection legislation, along with the clerk's covering paper (EC/S4/14/4/M: 2).

The redacted version of the correspondence received in relation to the above matter is available at:

http://www.scottish.parliament.uk/S4_EducationandCultureCommittee/Meeting%20Papers/EC_Agenda_20140128_republished.pdf [accessed 12.03.14]

INQUIRY INTO DECISION MAKING ON WHETHER TO TAKE CHILDREN INTO CARE

The committee returned to this in private at their committee meeting on the 3 September 2013 when they considered a draft report. Various changes were agreed to and they returned to a revised draft at their next meeting on 10 September 2013. Further changes were made at their meeting on 17 September 2013 and the final text agreed for publication.

OUTDOOR LEARNING

The committee took evidence at one-off session on outdoor learning at their meeting on 10 December 2013. Each member of the panel submitted a written report for the meeting (EC/S4/13/32/1) and submissions were also received from the Cairngorms National Park Authority, Museums Galleries Scotland, National Trust for Scotland, The Outward Bound Trust and the Scottish Council of Independent Schools (EC/S4/13/32/2).

Date of Committee	Witnesses
10 December 2013	<ul style="list-style-type: none"> • Christine Anderson, <i>Beeslack Community High School</i> • Nigel Marshall, <i>Scottish Advisory Panel for Outdoor Education</i> • Dave Spence, <i>Scottish Outdoor Education Centres</i> • Professor Peter Higgins, <i>University of Edinburgh</i>

The meeting began with a question from Liz Smith for Nigel Marshall about the difference between the terms outdoor education and outdoor learning. In reply Nigel Marshall argued that the activities of both were related and that

children and young people should move from outdoor learning in their local area to outdoor education, 'to do adventurous activities' (Marshall 10.12.13, Col 3109). Christine Anderson commented on the need for a, 'cohesive system' (Anderson 10.12.13, Col 3110), which led Liz Smith to ask the panel what the barriers to development were. In reply Peter Higgins said:

I find that there is no reluctance. It is much more a case of asking whether the incoming trainee teachers have the mindset to walk out of the classroom door. By doing that, they develop an understanding that will lead to outdoor residential centre provision and experiences of that kind for their students (Higgins, 10.12.13, Col 3112).

The committee then discussed the role of outdoor learning in other curricular areas and the opportunities for children and young people to experience other environments. This led to a series of questions for Peter Higgins about qualifications in outdoor learning and to Christine Anderson about the range of experience and qualifications school staff might have in relation to outdoor learning or education. Colin Beattie then asked about the range of provision in schools. In reply to this Dave Spence talked about the range of interest teachers had in outdoor education, and Christine Anderson about young people meeting instructors and working with people other than teaching staff. Neil Bibby then moved the discussion onto costs, which the panel recognised was a particular issue in relation to residential provision. Peter Higgins argued that there should be no charges for outdoor learning, as it was part of the curriculum. The evidence from the panel concluded with a discussion about current provision through outdoor learning centres and the lack of resources to develop outdoor provision.

DRAFT BUDGET SCRUTINY

The committee agreed its approach in private, to the scrutiny of the Scottish Government's Draft Budget 2014- 15 at their meeting on the 10 September 2013. The focus of their scrutiny was on the funding of the Government's youth employability commitments and how the policy focus on young people had impacted on lifelong learning. They returned to the draft budget on the 24 September 2013 when they took oral evidence from Professor Jim Gallacher, NUS Scotland and Unison Scotland (EC/S4/13/24/2). The committee took further evidence at their next meeting on 1 October 2013 from Colleges Scotland, the Scottish Funding Council and Skills Development Scotland (EC/S4/13/25/4). They reviewed the evidence heard, in private, at the same meeting. The committee took final evidence on the draft budget at their next meeting on 8 October 2013, when they also consider a supplementary paper from Lucy Hunter (EC/S4/13/26) following an article she had written for The Scotsman newspaper. The committee considered a draft report on the budget, in private, at their next meeting on the 29 October 2013. They returned to a revised report at their meeting on the 5 November 2013, also in private, when after a number of changes the report was agreed for publication.

Date of Committee	Witnesses
24 September 2013	<ul style="list-style-type: none"> • Professor Jim Gallacher, <i>Glasgow Caledonian University</i> • Gordon Maloney, <i>NUS Scotland</i> • Shirley Sephton, <i>UNISON Scotland</i> • Ken Wimbor, <i>EIS</i>
1 October 2013	<ul style="list-style-type: none"> • John Henderson, <i>Colleges Scotland</i> • Laurence Howells, <i>Scottish Funding Council</i> • Gordon McGuinness, <i>Skills Development Scotland</i>
8 October 2013	<ul style="list-style-type: none"> • Michael Russell, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i> • Mike Foulis, Andrew Scott and Fiona Robertson, <i>Scottish Government</i>

The evidence on the 24 September 2013 began with a question from Liam McArthur about the implications for older and adult learners. In reply Jim Gallacher highlighted the gradual move from part-time work-related provision to full-time college programmes, and suggested that there needed to be both. In response to a series of questions about employability and training both Gordon Maloney and Jim Gallacher suggested that the committee would need to wait for the publication of the Wood report on youth employment. Clare Adamson then asked about the range of employability initiatives and if they met the needs of harder to reach groups of young people. In reply Ken Wimbor supported the suggestion from Ian Wood that school-college partnerships were key to addressing those needs. The meeting concluded with a discussion about the impact of the loss of teaching staff in colleges, due to the regionalisation of college provision.

The meeting on the 1 October 2013 began with a general question from the Convener about the progress made on the Government's youth employability commitments. In reply Gordon McGuinness outlined the work Skills Development Scotland carried out with local authorities to get young people into work. Laurence Howells discussed the impact of the outcome agreements negotiated with colleges. The panel were then asked about the impact of cuts to education maintenance allowances and the rise in the number of young people not in employment, education or training. In response Gordon McGuinness said that the numbers varied in relation to the performance of the labour market. His remark was supported by Laurence Howells who suggested that reasonable progress had been made in challenging circumstances. The Convener followed this with a question about poorer outcomes for young women. Gordon McGuinness replied that it was difficult to follow through that statistic at local level. The meeting ended with a discussion about modern apprenticeships and the recommendations in the interim report of the Wood committee.

The final session of evidence on the 8 October 2013 began with an opening statement from Michael Russell, the Cabinet Secretary for Education and Lifelong Learning. In his opening statement he talked about the work the Government had been doing to close the attainment gap, the extension of child care from 470 to 600 hours per child, an increase in funding for colleges, the continued commitment to free higher education and increasing youth employment. The committee began by asking about the initiatives introduced to develop youth employment opportunities and related college provision. Neil Bibby then asked a number of questions about college funding, to which Michael Russell replied, 'was a substantial improvement on earlier plans' (Russell 08.10.13, Col 2989). Liam McArthur then asked about funding for students in higher education, which the Cabinet Secretary argued was, 'the best funding package in these islands' (Russell 08.10.13, Col 2996).

EUROPEAN UNION REPORTER

The committee agreed to appoint Clare Adamson as its European Union Reporter at their meeting on the 17 September 2013.

PETITIONS

The committee returned to petition PE 1395 by Jan Culik on the provision of targeted funding for lesser taught languages and cultures at Scottish universities at their meeting on 10 September 2013 when they agreed to defer further consideration of the petition until their meeting on the 17 September 2013. At that meeting they noted the response from the Cabinet Secretary (EC/S4/13/23/3) that universities have been asked to address modern language provision in their Outcomes Agreements for 2014 - 15 onwards. It was agreed to close the petition and to write to the Scottish Government about the wider issue of the teaching of foreign languages, and to add that issue to their work programme.

SUBORDINATE LEGISLATION

The committee considered and made no recommendations in relation to the following negative instruments during this period:

- Angus College (Transfer and Closure) (Scotland) Order 2013 SSI 2013/267
- Banff and Buchan College of Further Education (Transfer and Closure) (Scotland) Order 2013 SSI 2013/268
- Cumbernauld College (Transfer and Closure) (Scotland) Order 2013 SSI 2013/269

- John Wheatley College and Stow College (Transfer and Closure) (Scotland) Order 2013 SSI 2013/270
- Fundable Bodies (Scotland) Order 2013 (SSI 2013/319)

- Colleges of Further Education (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/354)

REFERENCES

Farmer, E. R. G. and Moyers, S. (2008) *Kinship Care: Fostering Effective Family and Friends Placements*, London, Jessica Kingsley

Redford, M. (2013) Education in the Scottish Parliament, *Scottish Educational Review*, 45 (2), 78 – 90.