

## EDUCATION IN THE SCOTTISH PARLIAMENT

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### PREAMBLE

This paper follows on from the previous bulletin (Redford, 2006b), which covered the business of the Parliament's Education Committee between February and June 2006. This bulletin covers committee proceedings during the first half of the 2006–07 parliamentary year (Session 1, September 2006 until January 2007).

The Education Committee had the following members during this period: Iain Smith (Convenor), Wendy Alexander (until 29.11.06), Rosemary Byrne, Lord James Douglas Hamilton, Fiona Hyslop, Marilyn Livingstone (from 29.11.06), Adam Ingram, Kenneth Macintosh, Frank MacAveety and Elaine Murray. Full records of the committee meetings, including transcripts of proceedings and all committee papers can be found on the Scottish Parliament website at: [www.scottish.parliament.uk/business/committees/education/index.htm](http://www.scottish.parliament.uk/business/committees/education/index.htm)

The committee completed their work on the Early Years Inquiry, heard evidence for Stage 2 of the Adoption and Care of Children, Stage 1 of The Protection of Vulnerable groups (Scotland) Bill and the Teachers' Agreement Inquiry. They also considered the National Plan for Gaelic, the budget for Education and Young People, 4 petitions, the annual report from Scottish Executive on school closures and transport and for the first time were the receiving committee for the Annual Report from the Children's Commissioner.

The main areas of the committee business which are addressed in this bulletin relate to the following topics:

- Early Years Inquiry
- National Plan for Gaelic
- Adoption and children (Scotland) Bill Stage 2
- Protection of Vulnerable Groups (Scotland) Bill Stage 1
- Teachers' Agreement Inquiry

The bulletin identifies key issues that have arisen during the committee discussions, supported by the relevant committee papers. The substantive and interesting debates are highlighted, in particular the questioning of expert witnesses. References indicate the relevant committee and business papers which provide full details of the work of the committee.

### EARLY YEARS INQUIRY

The evidence gathered for this inquiry was discussed in the previous two bulletins (Redford, 2006a, 2006b). The report (Ed/S2/06/18/8) into early years childcare and education was published on 14 June 2007 and a launch event was held in Edinburgh at the Cowgate Under 5s Centre. 10,000 copies of a summary document were distributed to all stakeholders and interested parties. The committee returned to this topic at their meeting on the 13 September 2007, as a bid had been made for a committee debate about the report. The committee noted the Executive's response (ED/S2/06/18/9) to the paper and agreed to return the subject to the committee if they were not successful in gaining debating time. It was also agreed that the convenor and clerks would seek approval for a reception for early years stakeholders, to be held the evening before the debate.

#### NATIONAL PLAN FOR GAELIC

The committee agreed its approach to the scrutiny of the draft National Plan for Gaelic, in private, at their meeting on the 13 September 2007. The Gaelic Language (Scotland) Act 2005 requires Bòrd na Gàidhlig to consult Parliament when preparing the National Plan for Gaelic. The committee had invited written submissions from Highland Council, Comhairle nan Eilean Siar and Glasgow City Council to contribute to the debate. Comhairle nan Eilean Siar responded to the request with a paper which welcomed the plan in broad details, particularly that it highlighted a key concern, “the association that must exist between efforts to revitalise Gaelic in the home and the status the language has at community and official levels.” (Ed/S2/06/19/1 Annexe B) The committee also had support for their discussions from a SPICe briefing paper on the Gaelic Bill stage 1 (ED/S2/06/19/1Annexe A). They took oral evidence from Bòrd na Gàidhlig at their meeting on 27 September 2007, when Peadar Morgan, Language Planning Manager for Bòrd na Gàidhlig introduced the draft plan to the committee. The committee were concerned to hear how the Bòrd intended to support the plans of Local Authorities in different parts of Scotland, an area that would be covered in the guidance to the National Plan. It was noted that the timescale for the plan would be agreed once the plan was approved by the Minister. The committee agreed to seek approval from the Scottish Parliament Corporate Body (SPCB) to publish the report in Gaelic and considered a draft report on the draft national Plan for Gaelic in private a their meeting on the 24 October 2007.

Date of Committee	Witnesses
27 September 2006	<ul style="list-style-type: none"><li>Allan Campbell and Peadar Morgan, Bòrd na Gàidhlig</li></ul>

ADOPTION AND CARE OF CHILDREN (SCOTLAND) BILL

The committee returned to Stage 2 of the Adoption and Care of Children (Scotland) Bill on the 27 September 2007 and agreed to change the order of discussion due to the number of amendments. They began this process on the 4 October 2007 when the Deputy Minister for Children and Young People, Robert Brown introduced a large group of amendments, the first group of which made changes to ensure that services would be provided holistically through a single adoption support service, “which more accurately reflects current practice” (Brown, 24.10.07, Col. 3497). The amendments discussed covered the issues of the integration of assessment and therapeutic support, independent advocacy and counseling services for children. The Minister assured the committee that once the composite structure of the bill was agreed, he wanted, “to be sure that people will not lose any rights that they had; that the new structure will work in practice,” (Brown, 24.20.07, Col. 3523).

Amendments	Action taken by the Committee
<ul style="list-style-type: none"> <li>8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 22, 23, 148, 25, 149, 27, 28, 31, 34, 150, 151, 51, 52, 53, 152, 54, 56, 57, 58, 59, 60, 61, 153, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 154, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 141, 142, 155, 156, 157, 127, 128 and 129</li> </ul>	Agreed to (without division)
<ul style="list-style-type: none"> <li>16, 146, 168, 21 and 26</li> </ul>	Withdrawn with the agreement of the Committee
<ul style="list-style-type: none"> <li>166, 13, 147, 161, 167, 24, 148A, 169, 170, 171, 162, 29, 30, 32, 33, 172, 49 and 50</li> </ul>	Not moved
<ul style="list-style-type: none"> <li>Sections 1, 2, 4, 5, 6, 50, 51, 52, 53, 54, 55, 56, 57, 58, schedule 1 and section 79</li> </ul>	Agreed to as amended.
<ul style="list-style-type: none"> <li>Sections 3 and 59</li> </ul>	Agreed to without amendment.

The committee returned to the Bill on the 1 November 2007 when The Deputy Minister for Education and Young People, his officials, Paul Martin MSP and Michael McMahon MSP were in attendance. The committee considered each amendment in detail and agreed to them as recorded in the table below. A number of the amendments concerned the wording within specific sections of the bill and what committee members saw as possible ‘loopholes’ within the legislation. Throughout the discussion the committee reflected the concerns of a number of children’s organisations and were particularly concerned that the wishes of the children involved would be fully acknowledged throughout the adoption process. The amendment proposed by Paul Martin and Michael McMahon, 287, concerned the possible effect on religious based adoption services in relation to same sex couple adoption. A number of committee members spoke in response to the amendments and all referred back to the considerable time discussing the issue during stage 1 of the Bill. After lengthy discussion the amendment was not moved.

Amendments	Action taken by the Committee
<ul style="list-style-type: none"> <li>• 35, 206, 207, 208, 180, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 42, 229, 230, 231, 232, 233, 234, 43, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 259, 260, 295, 297, 261, 262 and 263</li> </ul>	Agreed to (without division).
<ul style="list-style-type: none"> <li>• 255 (For 6, Against 2, Abstentions 1)</li> </ul>	
<ul style="list-style-type: none"> <li>• 296 (For 6, Against 3, Abstentions 0)</li> </ul>	Agreed to (by division).
<ul style="list-style-type: none"> <li>• 163 (For 3, Against 6, Abstentions 0)</li> </ul>	
<ul style="list-style-type: none"> <li>• 185 (For 4, Against 5, Abstentions 0)</li> </ul>	
<ul style="list-style-type: none"> <li>• 36 (For 3, Against 5, Abstentions 1)</li> </ul>	
<ul style="list-style-type: none"> <li>• 1 (For 1, Against 8, Abstentions 0)</li> </ul>	Disagreed to (by division)
<ul style="list-style-type: none"> <li>• 184, 287, 288, 190, 39, 291, 292 and 300</li> </ul>	Withdrawn with the agreement of the Committee.
<ul style="list-style-type: none"> <li>• 179, 173, 158, 164, 165, 181, 174, 37, 289, 290, 40, 191, 45, 308, 293, 2, 3, 294, 175, 298, 176, 264 and 299</li> </ul>	Not moved.
<ul style="list-style-type: none"> <li>• Amendment 44 was pre-empted.</li> </ul>	
<ul style="list-style-type: none"> <li>• Sections 9, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31, 32, 33 and 34.</li> </ul>	Agreed to as amended.
<ul style="list-style-type: none"> <li>• Sections 16, 17, 29, 35 and 36</li> </ul>	Agreed to without amendment.

The Committee held a final day of debate on the 8 November 2007 which was attended by the Deputy Minister for Education and Young People, Robert Brown and two support staff Peter Willman and Rona Carson. The committee worked through a substantial number of amendments, agreeing most without division.

Amendments	Action taken by the Committee
<ul style="list-style-type: none"> <li>265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 192, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 281, 326, 130, 327, 282, 196, 328, 329, 330, 331, 332, 333, 374, 198, 283, 284, 334, 335, 336, 199, 337, 338, 339, 200, 201, 202, 340, 285, 341, 203, 342, 343, 344, 345, 204, 346, 347, 132, 348, 349, 350, 205, 351, 352, 376, 353, 377, 134, 136, 354, 355, 379, 380, 381, 382, 303, 304, 137, 383, 139, 286, 140, 160, 306, 307, 356, 183, 385, 384, 357, 358, 386, 359, 360, 361, 362, 363, 364 and 145</li> </ul>	Agreed to (without division)
<ul style="list-style-type: none"> <li>322A (For 3, Against 5, Abstentions 1)</li> </ul>	
<ul style="list-style-type: none"> <li>368 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)</li> </ul>	
<ul style="list-style-type: none"> <li>189 (For 4, Against 5, Abstentions 0)</li> </ul>	
<ul style="list-style-type: none"> <li>387 (For 4, Against 5, Abstentions 0)</li> </ul>	Agreed to (by division).
<ul style="list-style-type: none"> <li>47, 309, 366, 193, 194, 195, 369, 197, 131, 133, 135, 182, 7, 378 and 138</li> </ul>	Withdrawn with the agreement of the Committee.
<ul style="list-style-type: none"> <li>46, 48, 310, 311, 301, 312, 159, 302, 177, 367, 370, 371, 372, 373, 375, 186, 187, 188, 4, 6, 365, 178 and 305</li> </ul>	Not moved.
<ul style="list-style-type: none"> <li>Sections 37, 38, 40, 46, 66, 76, 77, 80, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 97, 98, 100, 103, 106, 109, 111, schedule 2, schedule 3 and the long title</li> </ul>	Agreed to as amended.
<ul style="list-style-type: none"> <li>Sections 39, 41, 42, 43, 44, 45, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 78, 81, 82, 83, 95, 96, 99, 101, 102, 104, 105, 107, 108, 110, 112 and 113</li> </ul>	Agreed to without amendment.

#### PROTECTION OF VULNERABLE GROUPS (SCOTLAND) BILL

The legislation proposed in The Protection of Vulnerable Groups (Scotland) Bill followed the recommendations of the Bichard Inquiry in England. A SPICe briefing paper (ED/S2/06/24/8) and a substantial number of written papers were submitted in connection with the Bill. The committee heard 3 days of oral evidence from a wide range of statutory and voluntary organisations. Their approach to Stage 1 of the Bill was agreed on the 24 October and the committee began to hear oral evidence at their meeting on 15 November 2007. The evidence began with a submission from The Association of Chief Police Officers in Scotland (ACPOS) about the Bichard National Working Group (Ed/S2/06/24/1). The discussion with statutory bodies focussed on the proposed system of two lists, one for those working with children and one for those working with vulnerable adults. The two list system was identified as a problem by many of those giving evidence to the committee. The Nursing and Midwifery Council (ED/S2/06/24/6) proposed that feel that the bill should be strengthened so that individuals who want to work with identified groups must apply to the scheme. The focus of the committee discussion with all panels was on the impact of the bill on volunteers, the cost of implementing the measures and the connections between this legislation and the existing Protection of Children (Scotland) Act 2003 (POCSA). Committee members expressed considerable concern about the need for consistency with the legislation in England, Wales and Northern Ireland, while recognising that the existing legislation in Scotland was more recent than that in the rest of the United Kingdom. On the 22 November 2006 the committee heard evidence from three further panels. This began with a round-table discussion with representatives from voluntary sector organisations. Judith Gillespie, in her opening remarks for the Scottish Parent Teacher Council provided a clear focus for the subsequent discussion:

The focus of the legislation has become incredibly wide. The fact that it aims to have something like 25 per cent of the adult population and a third of the working population police checked is indicative of that width. It is driving people who would volunteer on a casual basis out of the system (Gillespie, 22.11.06, Col. 3748).

The committee heard detailed accounts from a wide range of organizations about the reduction in the number of volunteers and following the POCSA and their concern that the impact of the proposed legislation concerning vulnerable groups will be even greater, leading to a reduction in volunteers and a greater administrative burdens on the organizations themselves. During the discussion Wendy Alexander summed up the issues facing the committee:

“The committee has a choice to make about what to recommend – in fact, Scotland, collectively, has a choice to make. This is the third bill on child protection and how to deal with stranger danger that we have been asked to pass in less than five years. Either we say that we will try to get this third bill right... or we say that the way to proceed is to commence fully the provisions of POCSA and use it to make the suggested improvements (Alexander, 22.11.06, Col. 3756).

The second panel of witnesses represented statutory organisations, which mainly welcomed the proposed bill, although considerable concern was expressed about the detail which would follow in secondary legislation but could not be discussed at this point. This point was echoed by Wendy Alexander who quoted from the Faculty of Advocates’ written submission, “the number and range of matters left to Ministers means that it is difficult to provide any conclusive advice as to whether or not the Bill will be effective” (Alexander, 22.11.06, Col. 3778).

The discussion with the third panel of witnesses focused on part 3 of the Bill

concern about the proportionality of the proposed legislation. Maggie Mellon for Children 1st argued that:

“The dangers in Scotland that result from poor nutrition, poor housing, threats from traffic, alcohol, illness and the effects of poverty are not being tackled. We must consider proportionality in that context and where the concern for children lies” (Mellon, 22.11.06, Col. 3795).

This was supported by Kathleen Marshall, Children’s Commissioner who made the point children had a right to protection, “but they also had a right to develop, to access leisure and recreation and to form relationships” (Marshall, 22.11.06, Col. 3796). All members of this panel recommended the removal of part 3 of the bill.

The committee heard from three further panels of witnesses at their meeting on the 29 November 2006. At the beginning of the meeting Elaine Murray summed up the evidence heard at the previous panels:

“We have had diverging evidence from different sectors about parts 1 and 2. Generally speaking, the statutory sector is very much in favour of the bill, while the voluntary sector is pretty concerned about the potential financial and time effects on its operations” (Murray, 29.11.06, Col. 3814).

The committee discussed with the first panel concerns over the difficulties for the 16 to 18 age group and adult status with the proposed legislation. The witnesses from the Scottish Child Law centre were concerned with the wording of the Bill and the difficulty for all in understanding it, “We are solicitors with a fair bit of experience, but we cannot decide what the bill means” (Macfarlane, 29.11.06, Col. 3824). In answer to a question from Frank McAveety about part 3 Katy Macfarlane, Scottish Child Law Centre, made the important point that the responses to part 3 were different between the voluntary and statutory sector because, “the statutory sector is coming from an adult’s perspective and the bulk of the voluntary sector... is coming from a child’s rights perspective” (Macfarlane, 29.11.06, Col. 3825).

The second panel consisted of Brian Gorman, manager of Disclosure Scotland, where the discussions addressed information sharing with England and Wales and Northern Ireland and multiple checks for individuals through different organizations. The final panel on the 29th November consisted of Robert Brown, The Deputy Minister for Education and Young People and executive officials from the Education Department. The Deputy Minister gave lengthy opening remarks outlining the history of the bill and the ways in which the Executive would address the concerns raised during the oral evidence taken by the committee.

“The bill is all about further protecting Scotland’s children and vulnerable people. It is also about ensuring that the vetting and barring and information-sharing systems are efficient, robust, sustainable and a considerable improvement on the current arrangements” (Brown, 29.11.06, Col. 3846).

The meeting then considered the costs of implementation in detail. The committee returned to the Bill on the 13 December when they considered their draft Stage 1 report in private. Various changes were agreed to, and the Committee considered a revised draft at their meeting on 19 December, when they agreed their Stage 1 report subject to certain changes. At their meeting on the 24 January 2007 they agreed their approach to Stage 2 of the Bill.

Date of Committee	Witnesses
15 November 2006	<ul style="list-style-type: none"> <li>• Tom Halpin, Association of Chief Police Officers in Scotland</li> <li>• Andrew Gosling, Lothian and Borders Police</li> <li>• Lynn Townsend, Association of Directors of Education</li> <li>• Alex Davidson, Association of Directors of Social Work</li> <li>• Anna Fowlie, Convention of Scottish Local Authorities</li> <li>• John Anderson, General Teaching Council</li> <li>• Una Lane, General Medical Council</li> <li>• Carole Wikinson and Val Murray, Scottish Social Services Council</li> <li>• Christina McKenzie, Nursing and Midwifery Council</li> <li>• George MacBride, Educational Institute of Scotland</li> <li>• David Watson and Steven Smellie, UNISON</li> </ul>
22 November 2006 (round table format)	<ul style="list-style-type: none"> <li>• David Williams, Quarriers</li> <li>• David Little, Scottish Association of Local Sports Councils</li> <li>• Lucy McTernan, Scottish Council For Voluntary Organisations</li> <li>• Judith Gillespie, Scottish Parent Teacher Council</li> <li>• Jim Duffy, Scottish Council of the Scout Association</li> <li>• Kelly Donaldson, Voluntary Arts Scotland</li> <li>• George Thomson, Volunteer Development Scotland</li> <li>• Norman Dunning, ENABLE</li> <li>• Michael Hankinson, Princes Trust</li> <li>• John Harris, Central Registered Bodies Scotland</li> <li>• Joe McIvor, Youth Scotland</li> <li>• Donald Mackenzie and Jim Murray, Dundee City Council</li> <li>• Andrea Batchelor, South Lanarkshire Council</li> <li>• Allan Gunning, NHS Ayrshire and Arran</li> <li>• Dr Helen Hammond, NHS Lothian</li> <li>• Professor Kathleen Marshall, Scotland's Commissioner for Children and Young People</li> <li>• Maggie Mellon, Children 1st</li> <li>• Dr Jonathan Sher, Children in Scotland</li> <li>• Heather Coady, Scottish Women's Aid</li> </ul>
29 November 2006	<ul style="list-style-type: none"> <li>• Alison Reid and Katy Macfarlane, Scottish Child Law Centre</li> <li>• Brian Gorman, Disclosure Scotland</li> <li>• Robert Brown MSP, Deputy Minister for Education and Young People</li> <li>• Dr Claire Monaghan, Children and Families Division, Scottish Executive</li> <li>• Andrew Mott, Maggie Tierney and Liz Sadler, Justice Department, Scottish Executive</li> </ul>

## BUDGET

The committee agreed its approach to scrutiny of the Scottish Executive's draft budget for 2007–2008 at their meeting on 27 September. They took evidence from the Minister for Education and Young People and his officials at their meeting on 24 October 2006. The discussion was supported by papers from the Association of Directors of Education in Scotland (ADES) (ED/S2/06/21), the Association of Directors of Social Work (ADSW) (ED/S2/06/21/2a) and a SPICe briefing (ED/S2/06/21/3). The paper submitted on behalf of ADES “strongly endorses and enthusiastically supports the objectives of the draft budget for education and young people, “but pointed out that they “remain concerned,” that expenditure will continue to exceed funding (ED/S2/06/21/1). They requested explicit reference in the budget to curriculum review and that school estate management needed greater levels of investment (ED/S2/06/21/3). ADSW submitted the report by Professor Arthur Midwinter on the assessment of spending need 2007–2011 for Children's Social Work Services (ED/S2/06/21/2a). They particularly drew the attention of the committee to the gap between provision and local authority expenditure in core services because of the growth in numbers of looked after children. The SPICe briefing

highlighted minor changes to the spending plans made in the last financial year and made the point that the budget for Education and Young People had increased at a faster rate 80.7% than the overall budget 17.1% over the course of this Parliament (2003–2007) (ED/S2/06/21/3).

In his opening remarks to the meeting on the 24 October 2006 Peter Peacock made the point that few actual changes had been made in the budget process since last year and that most of those were transfers of funds from the Education department's budget to the National Priorities action fund. Fiona Hyslop opened the discussion by asking the Minister about the core funding level's for children's services, and asked in particular if the Executive would consider a separate funding stream for child protection. The minister was, “hesitant” to create such a stream, but agreed to consider it (Peacock, 24.10.06, Col. 3533). Rosemary Bryne followed with a further question about child protection and the issues of staffing raised in the evidence the committee had heard. The Minister replied with the information that there were 25% more social workers in local authorities in 2006 than there were in 2001. He highlighted the forthcoming Changing Lives Report which, would have “challenges for everyone in social work – for local authorities and for Government” (Peacock, 24.10.06, Col. 3535). Further questions concerned the actual budgeting process, the school building programme and time-released efficiency savings. Adam Ingram asked about cuts in school funding within local authorities and if the target of 3,500 additional support staff in schools had been met. The minister replied that as far as he was aware all but a handful of authorities had met that impact of the McCrone settlement. Fiona Hyslop followed this with a question about the provision of 400 PE specialists and the place of that spending in the proposed budget. Peter Peacock agreed to come back to the committee with specific figures, “but there will be 1,000 visiting specialists within the 53,000, of whom 400 will be PE specialists and 600 will be other types of specialist – in science, arts, music or whatever” (Peacock, 24.10.06, Col.3546). Kenneth Macintosh asked about funding through the Additional Support for Learning (Scotland) Bill for pupils educated outwith their own authorities. Robert Brown agreed to meet Kenneth Macintosh and other committee members to discuss similar matters. The meeting concluded with a discussion about the funding for Co-ordinated Support Plans, which Peter Peacock referred back to the budgeting decisions made by local authorities. In closing the meeting the convener welcomed the additional information provided but highlighted that it was still not always possible to follow the budget information. The committee considered their draft report to the Finance Committee in private on the 8 November 2006.

Date of Committee	Witnesses
24 October 2006	<ul style="list-style-type: none"> <li>• Peter Peacock, Minister for Education and Young People</li> <li>• Robert Brown, Deputy Minister for Education and Young People</li> <li>• Liz Lewis, Schools Group, Scottish Executive</li> <li>• Colin MacLean, Children, Young People and Social Care Group, Scottish Executive</li> <li>• Joe Brown, Business Management, Scottish Executive</li> </ul>

#### TEACHERS' AGREEMENT INQUIRY

The committee agreed its approach to the Teachers' Agreement Inquiry at their meeting on 19 December 2006 and took oral evidence at their meetings on 17 and 24 January 2007. Graham Donaldson, Her Majesty's Chief Inspector for Education opened the discussion with the following statement:

“that we recognise very much that this is a report on work in progress. We are dealing with a complex agreement that addresses many different aspects of the work of schools in Scotland and which was phased in over a five-year period. Our inspection covered the full period, but only towards the end of it did we begin to see the agreement's full impact” (Donaldson, 17.01.07, Col. 3909).

The committee asked detailed questions about the impact of the new promotion structure on learning and teaching, the impact of job sizing, the development of the role of Chartered Teachers and leadership capacity in schools. The discussion with the second panel of witnesses, representatives from The Convention of Local authorities focused on the development of local negotiating committees and support from COSLA for the review of the Chartered Teacher scheme. The discussion with the witnesses attending the meeting on the 24 January 2007 was wide ranging discussion and covered changes in the role of headteachers, probationers, recruitment to teaching. The union representatives talked of a “unified profession” (Roy, 24.01.07, Col. 3953). Ken Macintosh asked about the development of collegiality in schools, to which Charles McAteer replied, “collegiality is at the nub of McCrone implementation... If we can crack that problem, we will move a long way towards even greater professionalisation of the profession” (McAteer, 24.10.07, Col. 3956). In the third panel of witnesses, Robert Black, the Auditor General for Scotland introduced his report, which “was deliberately called a mid-term report” (Black, 24.01.07, Col. 3977). He outlined the structure of the report and drew the committee's attention to two areas: that the Executive needs to ensure the adoption of good practice across all local authorities and the agreement has improved morale across the teaching profession. The discussion with the committee concerned qualitative measures which the Executive could introduce to further assess the success of the implementation of the agreement.

Date of Committee	Witnesses
17 January 2007	<ul style="list-style-type: none"> <li>• Graham Donaldson and Douglas Cairns, HM Inspectorate of Education</li> <li>• Councillor Charlie Gray, Councillor Andrew Anderson, Bruce Robertson, Terry Lanagan and Anna Fowlie, Convention of Scottish Local Authorities.</li> </ul>
24 January 2007 roundtable format	<ul style="list-style-type: none"> <li>• Greg Dempster and Tom Burnett, Association of Headteachers and Deputes in Scotland</li> <li>• George MacBride and Ronnie Smith, Educational Institute of Scotland</li> <li>• Charlie McAteer and Lindsay Roy, Headteachers' Association of Scotland</li> <li>• Bill Cook and Jane Peckham, National Association of Schoolmasters Union of Women Teachers</li> <li>• Susan Leslie and Jim O'Neill, Professional Association of Teachers for Scotland, Professional Association of Teachers</li> <li>• David Eaglesham, Scottish Secondary Teachers' Association</li> <li>• Robert Black and Antony Clark, Audit Scotland</li> <li>• Hugh Henry MSP, Minister for Education and Young People</li> <li>• Liz Lewis and Donald Henderson, Scottish Executive.</li> </ul>

#### PETITIONS

The committee considered 3 petitions at their meeting on 13 September 2006:

The Rural Schools (Closure) (PE872) was considered for a second time by the committee on the 13 September 2006. This petition was brought by Alexander Longmuir on behalf of the Arbirlot Parents Group, calling on the Parliament to introduce a legislative presumption against the closure of rural schools (ED/S2/06/18/A). The committee had considered the petition at its meeting on 14 December 2005 and agreed to continue the petition (ED/S3/18/3). Since the initial petition the group has developed into the Scottish Rural Schools Network (Ed/S2/06/18/3 Annexe C) with members from across Scotland. The Convener suggested that the petitioner was, "not really looking for a presumption against closure but an umpire or some form of arbitration process" (Smith, 13.09.06, Col. 3414). Alexander Longmuir agreed, "we want a mechanism to be put in place that will give us some protection" (Longmuir, 13.09.06, Col. 3415). The Minister noted in his response to the petition that a Convention of Local Authority (COSLA) working group had been established to develop good practice guidelines for consultation on school closures (Ed/S2/06/18/3). The committee agreed to keep the petition open pending the publication of COSLA's good practice guide. It was also agreed that the Convener would write to Audit Scotland and HMIE to ask for comments on the Minister's response to the petition.

Children's Services (Special Needs) Petition PE853: The Committee had previously considered this petition at its meeting on 1 March 2006 and agreed to seek the views of the Petitioner on the Scottish Executive's response. This petition was presented by Ken Venters, on behalf of the Carronhill Action Team, which was set up in response to the proposed closure of Carronhill School in Stonehaven, which provides education for pupils with additional support needs (ED/S2/18/2 Annexe E). The petition asked for legislation requiring all proposals

relating to the closure or alteration of facilities and services for children with special needs to be referred to the Executive (ED/S2/06/18/A). The response from the Minister was that existing legislation covered the closure of special needs schools. The petitioner felt that new legislation was needed because, “special needs requirements will grow” (Venters, 13.09.06, Col. 3425). As with petition PE872 the committee agreed to keep the petition open until the COSLA good practice guide was published and had been considered by the Committee. The Convener would write to COSLA and ask if issues that affect special schools were to be included in its good practice guide.

School Buses (Safety Measures) Petition PE892: The Committee first considered this petition at their meeting on 26 October 2005, and again on 7 June 2006 when they agreed to ask the petitioner to give evidence. Before Ronnie Beatty addressed his petition the Convener reminded the committee that some issues relating to the subject were not within the powers of the Scottish Parliament, including road traffic regulations although they do have influence over the code of guidance on school transport, “which — we hope — COSLA is to produce” (Smith, 13.09.06, Col. 3435). The petition called for amendments to The Education (Scotland) Act 1980 to set down minimum safety standards for school bus provision in particular seat belt provision and supervision. The committee agreed to close the petition at their meeting on 27 September 2006.

Petition PE957: The Committee held evidence from Phyllis French for her petition which urged a review of the strategy Building Our Future: Scotland’s School Estate to ensure that new schools are built in a safe and secure environment and not, for example, on functional flood plains (ED/S2/06/18/5 Annexe B). The Convener reminded the petitioner that the Parliament has no formal function in the planning process. The committee agreed (by division: For 5, Against 0, Abstentions 3) to close the petition.

A fourth petition was considered at their meeting on 13th December 2006:

PE825 by Ms Alana Watson, on the provision of lockers in schools. It was agreed to ask the Scottish Parliament Information centre to prepare a briefing paper and to invite the petitioner to give evidence in the new year.

#### ANNUAL REPORTS

Professor Kathleen Marshall, Scotland’s Commissioner for Children and Young People’s presented her Annual Report to the committee on the 13 December 2006. The commissioner welcomed the opportunity to report to committee and used the occasion to give the committee an overview of her activities. James Douglas Hamilton asked about the research commissioned for young people leaving care and the use of facilities in schools outside teaching hours. Marilyn Livingstone about the two- year action plan and child protection and Fiona Hyslop about the most effective way for the committee to work with the Commissioner in future. There were also questions on activities for young people and detached youth work followed from Ken Macintosh and Rosemary Bryrne.

#### SCHOOL CLOSURES

The Minister presented an update on school closures at the meeting on 13 September 2006. This was supported by a SPICe briefing paper (ED/S2/06/18/6 Annexe A) which summarised previous briefings on school closures, the legislative framework and related Scottish Executive policy. In providing the information Peter Peacock stressed, “the importance of there being genuine consultations and decision making on the detail and merits of each individual case” (ED/S2/06/18/6 Annexe A).

#### SCHOOL TRANSPORT

The committee noted an update from the Minister at their meeting on 13 September 2006 and agreed to return to the matter when more information was available from COSLA.

#### SUBORDINATE LEGISLATION

At their meeting on the 27 September 2006 the committee considered a negative instrument relating to the Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2006 (SSI 2006/453). They made no recommendation in relation to the instrument and approved the draft Social Work Inspections (Scotland) Regulations 2006. On the 17 January 2007 the committee considered a negative instrument, the Teachers' Superannuation (Scotland) Amendment (No. 2) Regulations 2006 (SSI 2006/605) and agreed to make no recommendation in relation to the instrument.

#### LEGACY PAPER

The committee considered this in private on 19 December 2006 and agreed to produce a legacy paper for their successor committee in the next Parliament.

#### REFERENCES

- Redford, M. (2006a) Education in the Scottish Parliament, *Scottish Educational Review*, 38 (2), 224–232.
- Redford, M. (2006b) Education in the Scottish Parliament, *Scottish Educational Review*, 38 (1), 110–120.