

## EDUCATION IN THE SCOTTISH PARLIAMENT

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### PREAMBLE

This paper follows on from the previous bulletin, which covered the business of the Parliament's Education Committee between August 2005 and January 2006. This bulletin covers committee proceedings during the second half of the 2005–6 parliamentary year (Session 2, February 2006 until June 2006).

The Education Committee had the following members during this period: Ian Smith (Convenor), Wendy Alexander, Rosemary Byrne, Lord James Douglas-Hamilton, Fiona Hyslop, 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 Pupil Motivation and Early Years Inquiries during this period, continued with Stage 1 of the Scottish Schools (Parental Involvement) Bill and spend 4 meetings taking evidence on the Adoption and Children (Scotland) Bill. They considered subordinate legislation covering Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006, Children (Protection at Work) (Scotland) Regulations (2006), draft Joint Inspections (Scotland) Amendment Regulations and a number of negative instruments. Frances Curran MSP presented a Proposed School Meals and Snacks (Scotland) Bill to the committee and they commented on petitions regarding the closure of special schools and school buses. The main areas of the committee business which are addressed in this bulletin relate to the following:

- Completing the Pupil Motivation Inquiry
- Stage 1 and 2 of the Scottish Schools (Parental) Involvement Bill
- Completing the Early Years Inquiry
- Adoption and children (Scotland) Bill

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, including the questioning of expert witnesses. References indicate the relevant committee and business papers that provide full details of the work of the committee.

### PUPIL MOTIVATION INQUIRY

The committee held the **final public participation event of the inquiry at Our Dynamic Earth** on Wednesday 8 February 2006. A **draft report was debated in private** at the committee meeting on 22 March and a response from Scottish Executive noted at their meeting on 28 June 2006.

### SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL STAGE 1 AND 2

The committee considered submitted papers and heard evidence for this bill in December 2005 and January 2006. They agreed, in private, the contents of their report on stage 1 of this Bill at their meeting on the 1 February 2006. A timetable for the consideration of Stage 2 of the Bill was agreed at their meeting on the 8 March 2006 and amendments to the Bill were debated at their meeting on the 29 March 2006. Robert Brown, Deputy Minister for Education was present at this meeting,

supported by officials Deirdre Watt, Neil Ross and Stuart Forbister. The committee spent just over 2 hours debating amendments to sections 1 to 11 in detail. (ED/S2/06) The table below highlights the structure of that debate.

<b>Amendments</b>	<b>Action taken by the Committee</b>
• 32, 33, 34, 35, 36, 37, 38, 47	Agreed to
• 19 and 21	Agreed by division: For 5, Against 2, Abstentions 1
• 1, 11, 17, 30, 48	Disagreed by division: For 4, Against 4, Abstentions 0. Convenor used his casting vote for the status quo.
• 4 and 5	Disagreed by division: for 1, Against 7, Abstentions 0.
• 6, 12, 16,18, 22, 26, 27, 28, 31, 53, 54, 56	Withdrawn by agreement
• 2, 7, 8, 10, 13, 20, 23, 24, 46, 49, 50, 51, 52, 55	Not moved
Sections 3, 4, 5, 7, 10	Agreed to
Sections 1, 2, 8, 9, 11	Agreed to as amended

The Committee completed their deliberation of Stage 2 of the Bill on the 19 April, 2006.

<b>Amendments</b>	<b>Action taken by the Committee</b>
• 39, 40, 41, 42, 43, 45, 57, 58 and 44	Agreed to
• 15 and 25	Disagreed by division: For 3, Against 5, Abstentions 0
• 14	Disagreed by division: For 1, Against 7, Abstentions 0
• 26, 27, 42A, 28 and 29	Not moved
Sections 12, 13, 15, 17, 18, 20, 21, 22, 23 and 24	Agreed to
Sections 14, 16, 19 and the long title	Agreed to as amended

EARLY YEARS INQUIRY

The committee completed evidence for this inquiry on the 1 February 2006.

Date of Committee	Witnesses
1 February 2006	<ul style="list-style-type: none"> <li>• Jacquie Roberts and Ronnie Hill, <i>Scottish Commission for the Regulation of Care</i></li> </ul>
	<ul style="list-style-type: none"> <li>• Peter Peacock, <i>Minister for Education and Young People</i></li> </ul>
	<ul style="list-style-type: none"> <li>• Val Cox, Don McGillivray and Penny Curtis, <i>Early Education and Childcare Division, Scottish Executive</i></li> </ul>

The Scottish Commission for the Regulation of Care originally submitted written evidence to the committee in March 2005. (ED/S2/05) The Commission made a supplementary submission in February 2006 to provide an update on the activities of the Commission. This evidence gave figures for the number of services, outlined complaint procedures and inspection outcomes. The paper commented that National Care Standards “are being recognised as providing a major contribution to delivering children centred improvements in the quality of care.” (ED/S2/06/4/3) The discussion with the representatives of the Care Commission focused on the workforce in early years settings. Ronnie Hill acknowledged the strengths of local authorities in relation to staff training and qualifications.

We find that local authorities have an infrastructure that allows them to pay attention to in-service training and development planning. Schools and classes are well used to internal quality assurance mechanisms, which are combined with the presence of highly qualified staff. Local authority nursery schools and classes not only have qualified teachers; they have other staff who generally have child care qualifications. Practically all the local authority services are staffed by individuals who have had training and hold qualifications, such as in teaching. It is important to have staff with a range of qualifications. (Hill, 01.02.06, Col. 3061)

Elaine Murray commented on the evidence from the DTZ Piedad Consulting survey of parents that there is a perception among parents that local authority provision, “is superior to that of other sectors.” (Murray, 01.02.06, Col. 3060) Ronnie Hill then referred to recent research by HMIe which addresses the difference between the sectors, a copy of which would be provided to the committee. Jacquie Roberts made the point that Local Authorities could improve in the total care package they offered. Elaine Murray then asked about the consistency of care and Jacquie Roberts replied:

I think that integrating health care and education in a network of provision that includes outreach services is the best approach. If the child has to move from one form of care provision to another, there is a network of people who know about that child and his or her family, which means that communication is good. (Roberts, 01.02.06, Col. 3062)

Frank MacAveety followed this with a question about the differences between early years partnerships and if there was a need for a national strategy. Jacquie Roberts acknowledged the success of many Local Authority partnerships and supported the idea of a national drive for really good partnerships. Rosemary Byrne then moved the discussion on to universal services versus targeted services. Jacquie Roberts replied that the Commission believed strongly in universal services but also in targeted services for children and families who needed them. Ronnie Hill went on to give examples of good practice, where the provision is “multifaceted” (Hill, 02.02.06, Col. 3073). A question from Lord James Douglas-Hamilton led to a brief discussion

with the panel about the registration and cancellation of child minders, who the commission will be issuing a report on shortly. Jacquie Roberts recommended to the committee, that “child minders be considered to be a part of broader provision so that they, too, receive training and qualifications and can drive up standards in child care and in provision of education and development opportunities for children.” (Roberts, 01.02.06, Col. 3066) Child minders were also referred to in a later question from Adam Ingram about funding streams, which was not responded to as it sat outside the remit of the Care Commission.

The second panel consisted of the Peter Peacock, Minister for Education and Young people. In his opening remarks to the committee Peter Peacock summarized the growth in early years services since 1999. He then went on to identify the low status of workers in the early years services and the flexibility and integration of services as areas for future development.

Better integration of services, with affordable wraparound care, is a matter to which we want to give further attention and which will be developed further in the future. (Peacock, 01.02.06, Col. 3073)

Ian Smith began by asking Peter Peacock about the early years workforce review. Peter Peacock outlined the general areas investigated by the review group and commented that the report would come out in the, “not-too-distant future” (Peacock, 01.02.06, Col. 3075) Lord James Douglas-Hamilton asked the minister about the skills level of the workforce and if each pre-school establishment should be staffed by qualified nursery teachers. In his reply Peter Peacock referred to the whole child care sector and said that the Executive was,

Anxious to have the right qualifications framework for the future. Teachers can bring to a pre-school setting additional benefits to those from the other qualifications that people have. Our guidance to local authorities and others refers to the extra dimension that a teacher can supply. (Peacock, 01.02.06, Col. 3075)

Rosemary Byrne returned to the issue of teachers in Nursery and told the committee that the Educational Institute of Scotland (EIS) was in favour of pre-school teachers and wants their provision to be legislated for. She argued that teachers played an important role in the transition of children through their knowledge of the curriculum. The minister replied that the Executive has given flexibility to Local Authorities to deploy staff in the way that they feel is professionally most appropriate. “I make it clear that we have no desire... (to phase out nursery teachers)” (Peacock, 01.02.06, Col. 3078) Rosemary Bryne went on to discuss learning styles and recognized the need for more research, “before we end up losing teachers from our nurseries.” (Byrne, 01.02.06, Col. 3080)

Kenneth McIntosh asked about the Sure Start programme and if evaluations of that could be used to inform other funding sources. Val Cox informed the committee that no formal evaluatory research had been conducted in Scotland. Two mapping exercises have been carried out which provide some information about perceived changes that people attributed to their experience of Sure Start. “We can say without a doubt that sure start services are highly regarded by the service users.” (Cox, 01.02.06, Col. 3083) The minister commented on the need to join up funding at a local level as much as possible. Elaine Murray and Alan Ingram both raised the issue of support for grandparents who care for young children. The draft report was considered in private after this evidence and a further draft report was considered in private on the 8 March 2006. A third draft report was considered in private, with the Committee Advisors Professor Kathy Sylva and Nicola Rankin, at the committee meeting on 26 April 2006. The final changes to the report were agreed on the 7 June 2006 and the report was published on the 14 June 2006.

ADOPTION AND CHILDREN (SCOTLAND) BILL: STAGE 1

The Adoption and Children (Scotland) Bill was introduced in Parliament on 27 March 2006 and referred to the Education Committee on 28 March 2006. The committee agreed their approach to the Bill in private at their meeting on the 29 March. They then issued a call for written evidence on the general principles of the Adoption and Children (Scotland) Bill to inform their Stage 1 scrutiny of the Bill.

Professor Kenneth Norrie of the University of Strathclyde was appointed as an adviser to assist the scrutiny of the Bill. The Committee took oral evidence on the general principles of the Bill at its meetings on 10 May 2006, 17 May 2006, 24 May 2006, 31 May 2006 and 7 June 2006. The Committee published its Stage 1 report on 29 June 2006.

Adoption and Children (Scotland) Bill: The Committee took evidence at Stage 1 from:

Date of Committee	Witnesses
10 May 2006	<ul style="list-style-type: none"> <li>• Barbara Hudson and Lexy Plumtree, <i>British Association for Adoption and Fostering Scotland</i></li> <li>• Eddie Follan, <i>Children in Scotland</i></li> <li>• Maggie Mellon, <i>Children 1st</i></li> <li>• Tam Baillie, <i>Barnado's Scotland</i></li> <li>• Joan Atherton, <i>Scottish Adoption Advisory Service</i></li> </ul>
17 May 2006	<ul style="list-style-type: none"> <li>• Sue Grant, <i>Family Law Association</i></li> <li>• Morag Wise, <i>Faculty of Advocates</i></li> <li>• Kirstie MacLean, <i>City of Edinburgh Council</i></li> <li>• Margaret Anne McLean and Pat Howell, <i>Glasgow City Council</i></li> <li>• Fiona Lettice, Beth Gibb and Hugo Perks, <i>Adoption UK</i></li> <li>• Kate McDougall and Gary Clapton, <i>Birthlink</i></li> <li>• Bryan Ritchie, Anne Black and Lynne Issacs, <i>The Fostering Network Scotland</i></li> <li>• Marie Hindmarsh, <i>Foster Care Associates</i></li> <li>• Michael Mesarowicz, <i>St Margaret's Children and Family Care Society</i></li> <li>• Stephen Small, <i>St Andrew's Children Society</i></li> <li>• Fergus McMillan and Nico Juetten, <i>LGBT Youth Scotland</i></li> <li>• Ewan Jeffrey, <i>Gay Dads Scotland</i></li> <li>• Sue Robertson, <i>Lesbian Mothers Scotland</i></li> <li>• Rebekah Pratt, <i>Rainbow Families</i></li> <li>• Salah Beltagui, <i>Muslim Association of Britain</i></li> <li>• Fr Daniel Fitzpatrick, <i>Bishops' Conference of Scotland</i></li> <li>• Gordon Macdonald, <i>CARE for Scotland</i></li> <li>• Morag Mylne, <i>Church of Scotland</i></li> <li>• Debbie Wilkie, <i>Scottish Interfaith Council</i></li> <li>• Peter Peacock, <i>Minister for Education and Young People</i></li> <li>• Robert Brown, <i>Depute Minister for Education and Young People</i></li> <li>• Rachel Edgar and Peter Willman, <i>Scottish Executive</i></li> </ul>

The debate during the evidence for this bill concentrated on the detail of legislative changes, information held about adoption, information available to those who were adopted and the proposal that same sex partners should be able to adopt. At the meeting on the 10th of May Lord James Douglas-Hamilton opened the proceedings with a question about access to information and Lexy Plumtree was very clear in her reply:

The tradition in Scotland is that those who have been adopted have reasonable and appropriate access to court and adoption agency records. We hope that that tradition will continue. (Plumtree, 10.05.06, Col. 3193)

Elaine Murray asked about permanence orders, which are a new measure included in the bill and freeing orders. Lexy Plumtree gave practical examples of how the proposed legislation could work and referred to their written submission which highlighted areas of the bill they would like removed or rewritten. (ED/S2/06/11 2) The meeting then considered fostering allowances and Barbara Hudson highlighted the shortage of foster carers across Scotland and the need to have a properly funded service. As there is, “considerable variation in the amount of money that each local authority pays its foster carers,” (Hudson, 10.05.06, Col. 3203) issues of kinship carers were discussed and the gap in the monies proposed in the financial memorandum and the figures quoted by Barbara Hudson. A detailed discussion took place about the law relating to step-parents and adoption. The discussion with representatives of Children First and Barnardo’s Scotland focused on the role of the wider birth family in making decisions about adoption and permanency for children, and the role of fostering.

The meeting on the 17th May was a detailed discussion with the representatives from the Faculty of Advocates and the Family Law Association about the proposed changes to the laws and the effects that these would have on practice. Both representatives were particularly concerned with the difference between permanence and a freeing for adoption order. Morag Wise stated in her introductory remarks that,

The lack of flexibility in the current regime has led to difficulties in practice and to protracted litigation, which could be reduced, if not avoided. (Wise, 1.05.06, Col. 3236)

Later in the discussion Sue Grant expressed the hope that, “permanence orders give children the certainty that they require about who is responsible for what and where their future lies.” (Grant, 17.05.06, Col. 3247) Lord James Douglas-Hamilton asked about the criminal offences introduced by the bill. Morag Wise commented that the Faculty of Advocates questioned the need for several statutory criminal offences to be introduced. It was agreed that the Faculty of Advocates would provide a tabulated document that commented on each section of the bill.

The second group to give evidence on the 17 May were local authority representatives who welcomed the bill and, “largely support the provisions within it.” (MacLean, 17.05.06, Col. 3253) Kirstie Maclean pointed out in her opening remarks that the Adoption (Scotland) Act 1978 had lasted for almost 30 years and that a new approach was warranted. She particularly welcomed that the bill reflected the changes in family life during those 30 years, but went on to regret that although some proposals for fostering are included, the Parliament, “may have missed an opportunity to take on board some of the other aspects of fostering.” (MacLean, 17.05.06, Col. 3253). Pat Howell for the City of Glasgow also welcomed the bill, but was concerned, “That the financial provisions are perhaps not robust enough.” (Howell, 17.05.06, Col. 3255)

Rosemary Bryne opened the discussion by asking about care by relatives. Kirstie Maclean commented on the importance of this group of carers:

Five years ago, 18 looked-after children were placed with relatives; now, more than 200 children are placed with relatives. (MacLean, 17.10.06, Col. 3256)

Lord James Douglas-Hamilton asked about an integrated approach to adoption and fostering which led to a lengthy discussion of collaborative working between Health Boards and working with other local authorities.

The Advisors to the Enquiry, Professor Kenneth Norrie and Professor Kathy Sylva, were present for the meeting on the 24 May 2006. The discussion began with Ian Smith asking about the balance of the bill between the rights and interests of the child and those of the natural and adoptive parents. Kate McDougall recognised that, “the bill is in line with the need to support all people who are affected by adoption” (McDougall, 24.05.06, Col. 3289). She felt, however, that it did not do enough for adults who have been affected by adoption in the past. She then outlined the current issues and difficulties for adults in accessing information about their birth parents. Gary Clapton spoke about the large number of Scottish adults who have been affected by adoption and that adoption is “a lifelong process that does not stop until a person dies.” (Clapton, 24.05.06, Col. 3289) The meeting then considered care plans and Fiona Hyslop noted that the evidence kept returning to the point, “that adoption is a process and not a solution or an end result.” (Hyslop, 24.05.06, Col. 3294)

The second panel on the 24 May 2006 included representatives from two fostering organizations, who were concerned about the lack of reference to fostering in the Bill. Bryan Ritchie was:

surprised by the paucity of measures on fostering in the bill, which has 83 sections on adoption, 11 sections on permanency and one section on fostering. I do not conceive that to be a comprehensive review of fostering legislation. (Ritchie, 24.05.06, Col. 3297)

A detailed discussion followed about the numbers of children in foster care and the issues of finding carers for the children of drug-abusing parents. This was followed by a question from Fiona Hyslop about kinship carers. Bryan Ritchie replied that 1,600 children in Scotland were looked after by kinship carers, and expressed concerns about the resourcing and monitoring of that provision.

Further evidence for this enquiry was taken at the meeting on the 31 May from two church based adoption services and then representatives from organizations supporting the proposal to enable same-sex couples to adopt.

The committee considered the Bill in private on 7 June after taking final evidence from representatives of faith groups who expressed considerable concern about the proposal in the Bill to enable same-sex couples to apply to adopt. This was followed with a discussion with Peter Peacock, Robert Brown and officials from the Scottish Executive. The committee raised the issues of language, 3 year care plans and the criminal offences created in the Bill. The committee considered a draft report in private on the 21 June and agreed the Stage 1 report at their meeting on the 28 June 2006.

#### ANNUAL REPORTS 2004–2005

The committee noted the annual reports of executive agencies and non departmental public bodies whose function is relevant to its remit (ED/S2/06/5/2). Any issues arising would be considered for the future work programme of the committee. The reports noted were:

- HM Inspectorate of Education
- Bòrd na Gàidhlig
- Learning and Teaching Scotland
- Scottish Children’s Reporter Administration
- General Teaching Council
- Scottish Qualifications Authority Scotland’s Commissioner for Children and Young People.

#### SUBORDINATE LEGISLATION

The committee noted Subordinate Legislation on the following areas during from February to June 2006:

- The Draft Joint Inspections (Scotland) Amendment Regulations 2006
- The Teachers' Superannuation (Scotland) Amendment Regulations 2006
- The Education (Assisted Places) (Scotland) Amendment Regulations 2006
- The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2006
- The Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2006
- The Children (Protection at Work) (Scotland) Regulations 2006 (SSI 2006/140)
- The Registration of Independent Schools (Scotland) Regulations 2006.

#### PROPOSED SCHOOL MEALS AND SNACKS (SCOTLAND) BILL

This was debated at the meeting on 22 March with Frances Curran MSP, Bill Scott MSP, with Claire Menzies- Smith from the Non- Executive Bills unit. The purpose of the discussion was not to discuss the principles of the bill or the content of the draft; "we are considering only whether consultation on the bill has been sufficient to meet the requirements of standing orders." (Smith, 22.03.06 Col. 3109) Frances Curran outlined the proposed Bill and the extensive consultation that had now taken place.

#### PUBLIC PETITIONS

At their meeting on 1 March 2006 the committee considered Petition PE853, which had first been referred to the committee on the 7 December 2006. (ED/S2/06/5/1 Annex 1) Consideration of the petition was delayed by time committed to the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill and the Scottish Schools (Parental Involvement) Bill. Petition PE853 was raised by the Carronhill Action Team and called upon the Scottish Parliament to urge the Scottish Executive to require detailed consultation with the parents of children affected by the closure or alteration of facilities for children with special needs. The Committee agreed to the Convenor's suggestion to write to the petitioner to ask for his response to Executive's reply to the Public Petitions Committee. The Education Committee would then consider his response at a future meeting. They would also consider the specific issue of services for children with special needs as part of their annual consideration of school closures. Fiona Hyslop, James Douglas-Hamilton, Rosemary Bryne and Elaine Murray all expressed concern about the general situation of special school closures. The meeting of 7th June 2006 considered Petition PE892 School Buses (Safety Measures) and agreed to consider it as part of their annual scrutiny of the implementation of guidance on school transport.