EDUCATION IN THE SCOTTISH PARLIAMENT

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This paper follows on from the previous bulletin (Priestley, 2005), which covered the business of the Parliament's Education Committee between September 2004 and January 2005. This bulletin covers committee proceedings during the second half of the 2004–5 parliamentary year (Session 2, January until June 2005).

The Education Committee current comprises the following members during this session: Robert Brown (Convener), Wendy Alexander, Rosemary Byrne, James Douglas-Hamilton, Fiona Hyslop, Adam Ingram, Frank McAveety, Kenneth Macintosh, and Elaine Murray. Full records of its meetings, including transcripts of proceedings and Committee papers are found on the accessible and comprehensive Scottish Parliament website at: www.scottish.parliament.uk/business/committees/education/index.htm

The period January–June 2005 has been relatively quiet in comparison to previous periods of committee business. The bulk of the Committee's deliberations during the period related to the following areas:

- Issues of child protection

- Stage Two of the Gaelic language (Scotland) Bill

- The ongoing Pupil Motivation Inquiry

- The drafting of the Additional Support for Learning Code of Practice.

The bulletin focuses in turn on the discussions that have accompanied each of these substantive issues, including the questioning of expert witnesses.

The scope of the bulletin obviously precludes detailed discussion of the issues covered by this important Committee over a period of several months; instead I have identified the key issues, highlighted and exemplified some of the substantive and interesting debates and, where appropriate, pinpointed additional sources of information for researchers who seek to further explore the Committee's business and accompanying papers.

CHILD PROTECTION

Further to Committee discussions covered in the last bulletin (Priestley, 2005), issues of child protection formed some of the business in the latter half of the 2004–5 parliamentary session. For example, at the meeting on 26th January, several witnesses updated the Committee on the work of the Social Work Services Inspectorate. While much of the briefing concerned the new arrangements for inspections of social services, and the difficulties that have been experienced in recruiting social workers, part of this discussion concerned child protection. Concern was expressed about the apparent lack of nationally consistent procedures for dealing with children at risk.

> You have identified clearly that there are people on supervision orders, children at risk and so on. It is clear that those people have been identified as having problems of one sort or another that require suitable interventions, yet page 17 of the SWSI report identifies that in 2003 "half of local authorities were able to give effect to supervision requirements with no condition of residence within 15 working days". I presume that that means that the rest of the local authorities could not do that. The report continues: "Some authorities

were unable to provide information on their performance in relation to this standard." The report also mentions failure to meet standards that have been set for production of reports for courts and panels. You have identified that people need the services, but it appears to be the case that we are not meeting standards by a long chalk (Brown, 26.01.05, Col 2158)

At a subsequent meeting (9th February), the Deputy Minister for Education and Young People was questioned by the committee on the long awaited Protection of Children (Scotland) Act 2003 guidance. One Committee member posed the question of which law (employment or child protection legislation) would take primacy if a disclosure check raised concerns about an individual's suitability to work with children.

> Is the guidance that is being issued only about the need to comply with the law or does it address what should happen when an organisation finds that somebody is inappropriately employed? How do the individual's rights under employment legislation relate to the Protection of Children (Scotland) Act 2003? Obviously, if we find that somebody is inappropriately employed, we do not want a situation in which the organisation—whether it is a voluntary organisation or a local authority—cannot remove them because they are protected by other legislation (Hyslop, 09.02.05, Col 2181).

A SEED official was able to confirm that:

> if it was found that somebody was on the list of people who have been disqualified from working with children, there would be no conflict in law at all. There would be a requirement on the organisation to remove that person from a child care position; the organisation would commit an offence if it did not do so (Verrall, 09.02.05, Col 218).

The Committee returned to the subject of disclosure in its meeting on 20th April, when John Harris of the Central Registered Body in Scotland was questioned regarding the problems that voluntary organisations have with this. Committee discussion revealed that there were continued delays in processing voluntary sector disclosures, and that retrospective disclosure checks on 800,000 adults had yet to start. Resourcing continues to be a problem here; Mr. Harris suggested that even once retrospective checks are concluded, the new procedures will mean the processing of up to 250,000 disclosure applications per year, up from 51,000 at present. This of course raises again the issue that was of such concern during last year's Child Protection Inquiry, namely whether the law on disclosure was too burdensome. According to John Harris:

> The challenge that is faced by society in general and by the legal system in particular is to achieve a principled approach that is designed to meet the need to prevent harm or the risk of harm while not eroding the capacity of people to participate and engage in activities that benefit children. It is important to restate that objective (Harris, 20.04.05, Col 2293).

On a related note, the issue of the Integrated Assessment Framework to facilitate inter-agency information sharing was discussed. Serious concerns were expressed about the lack of apparent progress on this issue.

> The slightly depressing point is that, four years on from the Dumfries case, we have not even reached the consultation stage. I presume that that means that we are talking about a decade before the integrated assessment framework system is up and running. in "It's everyone's job to make sure I'm alright" can be actioned, as opposed to consulted on (Alexander, 20.04.05, Col 2285).

The meeting on 2nd March was concerned with the second stage of the Gaelic Language (Scotland) Bill. The table below details the Bill's progress through this stage in Committee.

Amendments	Action taken by the Committee
• 1, 15, 16, 2, 3, 4, 5, 18, 6, 7, 19, 8, 20, 9, 21, 22, 23, 24, 25, 26, 27, 28, 29, 10, 11, 12, 13. Sections 1, schedule 1 and sections 2, 3, 4, 5, 8, 9 were agreed to as amended. Sections 6, 7, 10, 11, 12, schedule 2 and section 13 were agreed to without amendment. The Long Title was agreed to without amendment.	Agreed to on 2nd March 2005
• 14, 30.	Disagreed to on 2nd March 2005
• 35, 36, 31.	Moved and then withdrawn with the Committee's agreement

Most of the proposed amendments were passed without disagreement by the Committee, but two deserve particular mention as they aroused some debate. The first was amendment 14, proposed by Alex Neil MSP. This concerned the wording of the Bill, and proposed replacing the concept of equal 'respect' with that of equal 'validity'. This amendment mirrored many the Committee discussions that occurred at the first stage of the Bill.

> As the minister said in his evidence to the committee at stage 1, the Gaelic language is already, de facto, an official language, in the sense that Government publications and other official publications are very often published in the Gaelic language. It has official recognition, which will be built into the bill. However, the status of the language is a separate issue. The committee has wrestled with the issue; in particular it has wrestled with whether "equal status" should be the phraseology that is used in the bill. The phraseology that was suggested by the bòrd is that Gaelic is a language of "equal validity", because we were advised that equal status could mean that on every occasion that English was used, there would be a requirement to use Gaelic as well. I do not think that anyone is calling for that to happen, but we want to ensure that when the Gaelic language is used, it is used with equal validity with the English language. Members of the committee agreed that as one of the recommendations in their stage 1 report. The purpose of the amendment is to implement the committee's own recommendation (Neil, 02.03.05, Col 2234).

Speaking in defence of the Bill, the Minister, Peter Peacock opposed this view, stating:

> using the phrase "equal validity" in the bill carries a greater risk than that carried by the formulation that I have created of the courts ruling that the bill should result in a right to demand the use of the language in a wider range of circumstances than is intended… All parties agree that we do not want a formulation that could lead to undeliverable expectations in the short to medium term or which would change the priorities to develop the language

to meet a legal interpretation of potential rights that could flow from court interpretations. The courts would normally refer to the normal usage of the phrases "equal validity" and "equal respect" in interpreting such matters. The Oxford English Dictionary definition of "validity" includes, among other things, the "quality of being valid in law; legal authority, force, or strength." In contrast, "respect" means, among other things, to "treat ... with ... esteem, or honour; to feel or show respect for." I invite the committee to consider the two definitions. It is my view that the phrase "equal validity" carries the greater risk of an interpretation that the committee has never sought. Its inclusion in the bill could mean that anything that was said or done in Gaelic could have like legal effect to anything that was said or done in English (Peacock, 02.03.05, Col 2235).

Following some intense discussion, the amendment was rejected on a vote of 6–3.

The second notable proposed amendment was also proposed by Alex Neil. Amendment 30 aimed to give Bòrd na Gàidhlig powers over the reserved issue of Gaelic broadcasting. Several committee members objected to such a provision, including Elaine Murray, who stated:

> I am not sure why the amendment is necessary. Section 1(2)(b) gives the bòrd the facility to advise "public bodies and other persons exercising functions of a public nature". Public service broadcasting is a public service, so the facility that Alex Neil seeks is already in the bill (Murray, 02.03.05, Col 2262).

This amendment was also rejected by a margin of 6-3.

PUPIL MOTIVATION INQUIRY

A major proportion of the Committee's business during the period concerned the Pupil Motivation Inquiry. A number of expert witnesses were questioned, as detailed below.

Several common themes emerged during the committee deliberations. These included the following:

- The central role in schools of confident, skilled and motivated teachers, encouraged by effective CPD.

- The negative implications of teacher isolation (from both colleagues and the wider community).

- The potentially detrimental effect of a culture of assessment-driven learning and target setting on pupil motivation.

- The need for varied teaching that caters for different types of learners.

- Curricular relevance.

- Extra curricular and enrichment activities.

- The school environment.

- The need to reduce bureaucracy.

- The positive influence of effective and inspiring leadership.

- The importance of good relationships between teachers and pupils, based upon respect and dialogue.

- Issues of resourcing, including the thorny question of class sizes.

- The importance of the wider context of learning (i.e. home and local environment) and home-school liaison.

Date of Committee	Witnesses
23rd February 2005	• Ruth Campbell, *SEED* • Lynn Hendry, *Scottish Executive Enterprise*
18th May 2005	**Panel one (teaching unions)** • George MacBride, *EIS* • Victor Topping, *NASUWT* • Mark Challinor, *PAT* • David Eaglesham, *SSTA* **Panel two** • Vicki Aldridge, *Moray House School of Education* • Judith McClure, *St. George's School for Girls* • Bryan McLachlan, *Netherlee Primary School* • Don Ledingham, *Dunbar Grammar School*
1st June 2005	**Panel one** • Una Chrystal, *Right Track* • Gary Daniel, *Fairbridge in Scotland* • Tom McGhee, *Spark of Genius* **Panel two** • Alan Locke, *Renfrewshire Council* • Kelly Bayes, *Aberlour Childcare Trust* • Steve McCreadie, *Aberlour Childcare Trust*
8th June 2005	**Panel one** • Christina Allon, *Careers Scotland* • Margaret Clarke, *LTScotland* **Panel two** • Bill Maxwell, *HMIe* • Alan Stewart, *HMIe* **Panel three** • Peter Peacock, *Minister for Education and Young People* • Philip Rycroft, *SEED* • Ruth Campbell, *SEED* • Laura Joyce, *SEED*

The scope of this bulletin precludes detailed analysis of the evidence that was given to the Committee on this complex issue. However it is worth highlighting some of the more notable instances.

At its meeting on 18th May, the Committee took evidence from representatives of the main teaching unions. Some of this evidence was not well received by the Committee; in particular, members objected to what they saw as a negative view of young people from some of the union representatives, in comparison with the positive tone struck by other teachers interviewed by the Committee later in the same meeting.

> One thing that struck me about the second panel and which made its evidence more enlivening was the fact that the witnesses were much more optimistic about young people. They took a much more positive view of young people, even of those who are difficult. There was determination to assist young people to overcome difficulties, rather than to categorise them (Murray, 18.05.05, Col 2372).

One witness came under particular fire for this. The written submission for the National Association of Schoolmasters Union of Women Teachers (NASUWT) contained the following:

School children often show a lack of respect for authority in society as a whole. Anyone who lives on a large housing estate and sees the attitude of school pupils to the local police will realise this. Gangs of rampaging P7s with alcopops clutched in their little hands are not uncommon. Older teenagers with their bottles of 'wine' are of course more common. Against this background we are trying to motivate pupils in school to work hard do their homework and become interested in their subjects. We are trying to put pupils through courses where they are required to learn work. This is totally alien to a large number of Secondary pupils. A lot of Secondary pupils hate subjects such as Modern Languages or Biology, where 'you need to learn these "mad" words' (Mad seems to be the new 'in' word). There seems to be little of the concept of learning work. There is no motivation to learn work (NASUWT, 2005)

This somewhat negative view of young people was challenged in Committee by Frank McAveety MSP, an ex-teacher, in the following exchange.

Frank McAveety: I am worried that a number of submissions—particularly the NASUWT's submission, some of which I take substantial issue with—express despair about the trends in modern culture. Perhaps Victor Topping could give me a wee sense of how he arrived at his conclusions. Can we get ourselves out of this despair by learning lessons from other countries that might not have the same cultural influences as Scotland?

Victor Topping: Those comments in my submission are personal and arise from incidents that I have observed or have been involved in and incidents that fellow members of the association have reported to me. We have seen groups of teenagers going about at night and primary school kids running about with alcopops. When someone tried to break the windows of my house, I went out to them and threatened to call the police. However, I was told that they would not arrive for 45 minutes. Indeed, the police came 45 minutes later, and they warned me that I should not have gone out, because if the people in question had made a complaint, I would have been charged. Perhaps I should not have put such personal experiences in my submission (McAveety and Topping, 18.05.05, Col 2344).

Later in the same meeting, the Committee took evidence from a different group of teachers, including two headteachers. One of these commented on the potential for streaming to adversely affect motivation.

When we establish a stream, we immediately establish a group of youngsters who are labelled as failures from the start. That may not have an impact on the school at the time, but when those youngsters get into the third and fourth year, they have become a group who are—I will go back on myself—disengaged and who have been labelled. They are a powerful group, and if we allow that to happen it creates a critical mass that grows almost exponentially (Ledingham, 18.05.05, Col 2368).

The meeting of 1st June took evidence from the Aberlour Childcare Trust. As part of their evidence, they described what young people thinks makes a good teacher, and what motivated them to learn.

What did the young people think makes a good teacher? There are no great surprises. They said that a good teacher was someone who listened to them. They also said that a good teacher was a person who made them want to do their best. Other indications of good teachers were people who love being a teacher, who are good at explaining things, who have rules that everyone knows and sticks to and who enjoy young people—young people are sensitive

to when teachers genuinely enjoy teaching and genuinely enjoy being with young people. What motivates young people? There is no great difference from what motivates us — the same factors that motivate us to be here today are largely those that motivate young people. They include rewards and incentives, as well as recognition and praise. It is important to identify young people's interests and strengths and to build from there. It is also important to identify different approaches for different people and to recognise that different people are in different positions at different times. Another factor is having a range of subject areas spanning academic and vocational education. There should also be different ways of learning, as young people learn in different ways and have different learning styles (McCreadie, 01.06.05, Col 2456).

Enabling pupil voice was stated at a subsequent meeting to be important in increasing motivation. Margaret Clarke, representing Learning and Teaching Scotland, believes this to be a vital factor in ensuring that learners are motivated to learn.

Another dimension is brought to that by education for citizenship and the work that is done on pupil voice, such as pupil councils, within schools. The idea is that, right the way through from primary school, young people should have an opportunity to influence what happens at school. That is not to say that they will be the teachers and show that two plus two is no longer four, but they will talk about little things that make a difference, which will help them to participate actively. Such activities are hugely helpful (Clarke, 08.06.05, Col 2486).

It is clear that the sentiments expressed by many of the witnesses are being taken seriously by the Executive. When giving evidence to the Committee later in the same session, the Minister, Peter Peacock, reiterated many of the themes described above.

At present, the main driver that underpins our actions is "ambitious, excellent schools: our agenda for action", a policy document that came out at the back end of last year. The aims that are set out in that document include setting high expectations for the system as a whole and for individual schools, local authorities and pupils; ensuring that we give a higher priority to thinking about and investing in leadership as a key resource in the system; radically reforming the curriculum and giving teachers more flexibility and more choice about what they teach and when; and placing more trust in teachers and head teachers by giving them more professional discretion and more freedom. Another aim is to have more personalisation of learning to try to turn education from a largely production-based system into a personalised one. That will be a huge challenge, but it is necessary if we are to tackle motivation issues and plan kids' learning better (Peacock, 08.06.05, Col 2521).

In an oral presentation to the Committee, Mr. Peacock emphasised the importance of good leadership, of reducing teacher isolation and of the importance of professional autonomy and trust.

It is evident that the Committee will have a difficult task in disentangling the welter of evidence presented from often conflicting viewpoints, and that the forthcoming Committee report will be interesting.

ADDITIONAL SUPPORT FOR LEARNING CODE OF PRACTICE

At meetings on 20th April, 25th May, 1st June and 8th June, the Committee considered the draft Additional Support for Learning Code of Practice. Discussion largely revolved around issues of wording, although more substantive issues were also raised. On 25th May, the Deputy Minister, Euan Robson, was questioned, and

responded to a number of concerns from Committee members. One of these was a worry that the new procedures would be overly bureaucratic. In response, Mr. Robson stated, 'the intention is not to have an overly bureaucratic system—that would be self-defeating' (Robson, 25.05.05, Col 2400).

Further to concerns raised during the passage of the Education (Additional Support for Learning) (Scotland) Bill (see Priestley, 2004), Fiona Hyslop raised the issue of access to additional support for learning.

> One of the fundamental debates during the scrutiny of the bill was about children who will not be eligible for a CSP. Fifty per cent of children who would otherwise have had a record of needs will not have a CSP. The insertion of new section 2A into the bill was very welcome, as was the Executive's response; however, that message is not reflected in the draft code of practice. In the draft code, there are three paragraphs concerning personal learning planning and individualised educational programmes on page 38, whereas there are screeds on co-ordinated support plans. If the message is to go out to practitioners, in particular, it is important that we beef up the code of practice in relation to personal learning planning and individualised educational programmes (Hyslop, 25.05.05, Col 2397)

In response the Deputy Minister agreed to look at strengthening the relevant paragraphs, particularly through reference to guidance on *Assessment is for Learning*.

The Deputy Minister closed the session by reiterating that the code of practice is to be a working document, that will evolve with time:

> we believe that the code is a living, breathing document and that, in the months and years ahead, amendments will need to be made as good practice becomes apparent. If we want a complete revision or significant amendment of the code, the act enables it to come back to the committee, although perhaps that will not happen in this parliamentary session. We have set out the process to get the code published, but we believe that the document will develop in the months and years ahead (Robson, 25.05.05, Col 2414).

The Committee deliberations on this subject are summarised in the official report, found on the Parliament website (Education Committee 2005).

REFERENCES

Education Committee (2005) *8th Report 2005: Additional Support for Learning Code of Practice, online at* www.scottish.parliament.uk/business/committees/education/reports-05/edr05-08.htm
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