

EDUCATION IN THE SCOTTISH PARLIAMENT

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PREAMBLE

This paper follows on from the previous bulletin (Redford 2012), which covered the education remit of the Parliament's Education and Culture Committee between February and June 2012. The following bulletin covers the same remit of the Education and Culture Committee from September 2012 to January 2013.

SEPTEMBER 2012 – JANUARY 2013

The Education and Culture Committee had the following members during this period: Stewart Maxwell (Convener), Neil Findlay (Deputy Convener) George Adam (from 25 September 2012) Clare Adamson, Marco Biagi (to 18 September 2012) Neil Bibby, Joan McAlpine, Liam McArthur, Liz Smith and Jean Urquhart (to 18 September 2012). 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>

In this period the Committee heard evidence in relation to their scrutiny of the 2013-2014 draft budget of the Scottish Government. They began their inquiry into the decision making on whether to take children into care and gathered further evidence on kinship care. They heard evidence on the work of Skills Development Scotland and on teacher education and career-long professional learning following the report of the National Partnership Group to the Cabinet Secretary. They gathered evidence at stage 1 of the Post-16 Education (Scotland) Bill and held a one-off event to hear evidence about the participation in music by children and young people. They returned to three petitions and closed PE1420 on kinship care and PE1409 on training for staff in learning disabilities. They considered and kept open PE 1391 on the provision of teachers in primary 1 and 2 classes. They heard a report on the work of the European Reporter for the Committee and considered a range of subordinate legislation concerning college closures and children's hearings.

The Committee considered their work programme on the 23 October 2012 and agreed to consider the programme in private at future meetings. They returned to their work programme on the 30 October 2012 and agreed topics to take evidence on, and to undertake a series of visits in relation to their inquiry into decision-making on whether to take children into care. The Committee considered their work programme at their meeting on the 27 November (EC/S4/12/31/3). Unusually they held this discussion in public due to concerns over college regionalisation and reform. This followed an issue in the press over the resignation of the Chair of Stow College. After discussion, the Committee agreed by division (For 5, Against 4, Abstentions 0) to take further evidence on college regionalisation in the context of the Post-16 Education (Scotland) Bill.

BUDGET SCRUTINY 2013 - 2014

The Committee agreed its approach to the scrutiny of the Scottish Government's Draft Budget 2013-2014 in private, at their meeting on the 4 September 2012. They took evidence on the draft budget from two witness panels at their meeting on 24 September 2012. The supporting papers for this meeting were written submissions from Professor Jim Gallacher, the EIS, NUS Scotland, UNISON and the University and College Union. The Scottish Funding Council (SFC), although not represented on these panels, also provided evidence for this session (EC/S4/12/24/1). The Committee continued to take evidence on the Draft Budget at the following meeting on the 2 October 2012. The Federation of Small

Businesses, the Scottish Council for Development and Industry, Scotland's Colleges, Skills Development Scotland and Universities Scotland all provided written submissions for this meeting (EC/S4/12/25/1). The supporting paper from the SFC provided for the meeting on the 24 September was re-issued for this meeting. The Committee heard evidence from the Cabinet Secretary at their meeting on the 23 October 2012 and agreed to consider their draft report on the Scottish Government's Draft Budget for 2013-2014 in private at future meetings. The papers provided for the meeting on the 23 October included a summary of draft and final college resource budgets for the years 2011-2012, 2012-2013 and 2013-2014 and a SPICe briefing on the draft budget for Higher Education (EC/S4/12/26/1).

Date of Committee	Witnesses
24 September 2012	• Paul Buchanan, <i>Reid Kerr College</i> • Professor Jim Gallacher, <i>Glasgow Caledonian University</i> • Professor Jeremy Peat, <i>The David Hume Institute</i>
24 September 2012	• David Belsey, <i>Educational Institute of Scotland</i> • Robin Parker, <i>NUS Scotland</i> • Emma Phillips, <i>UNISON</i> • Mary Senior, <i>University and College Union Scotland</i>
2 October 2012	• James Alexander, <i>Scottish Council for Development and Industry</i> • Amy Dalrymple, <i>Scottish Chambers of Commerce</i> • Mary Goodman, <i>Federation of Small Businesses</i>
2 October 2012	• Mark Batho, <i>Scottish Funding Council</i> • Katie Hutton and Danny Logue, <i>Skills Development Scotland</i> • Liz McIntyre, <i>Scotland's Colleges</i> • Alastair Sim, <i>Universities Scotland</i>
23 October 2012	• Michael Russell, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i> • Andrew Scott and Sarah Smith, <i>Skills and Lifelong Learning, Scottish Government</i> • Mike Foulis, <i>Children and Families, Scottish Government</i>

The Convener opened the meeting on 24 September 2012 by describing the evidence process the Committee was going to follow in order to consider the allocations in the Draft Budget and in particular, 'how spending on further and higher education is contributing to the Scottish Government's overarching purpose?' (Maxwell 24.09.12, Col 1441). The first question was from Neil Findlay, who asked about the overall direction of the Government policy on colleges. In reply, Paul Buchanan said that it gave an emphasis on younger rather than mature students, which in turn led to an emphasis on full-time rather than part-time courses. Jeremy Peat talked about the important role that colleges had in relation to the labour market, 'it can reach parts of the labour market and young folk that other sectors cannot' (Peat 24.09.12, Col 1443). Jim Gallacher commented on the increasing emphasis on 16-19 year olds and questioned if the college sector could provide courses of good quality for them. Neil Bibby followed this with a question about cuts to the sector in the next academic year. The witnesses each commented on the complexity of the issue but were unable to give a figure to the cut as requested. After a further question from Neil Bibby, Jeremy Peat added that the college teaching fund had been reduced for 2013-2014 by 1.5 per cent but that there was an increase in funding in other areas. Mary Scanlon (substitute for Liz Smith) focused her question on the reduction in the teaching grant from 2012-2013 and suggested that it was a cut of 25 per cent. Paul Buchanan responded that if there were

further cuts to teaching budgets it would mean the loss of staff and consequently no classes. Liam McArthur then asked about the Government policy for no compulsory redundancies in the college sector. In reply, Jim Gallacher said that the Government's policy was linked with mergers and collaborations between colleges that 'do not necessarily achieve short-term fixes and are complex and difficult to do' (Gallacher 24.09.12, Col 1448). Further questions from Marco Biagi focused on the quality of provision, the number of courses with no qualification and the lack of destinations for college leavers. Liam McArthur then returned to the issue of provision for those not in the 16-19 age group. In reply to this question Paul Buchanan talked about the wider role of colleges:

We must not lose sight of the fact that more than 50 per cent of college students are over 25, and that the average age is 32. The job that colleges do in the wider economy is extremely valuable, and I do not think that we capture or acknowledge that or even fully understand the role that they play in flexibility and mobility, which will help to generate economic growth in the future (Buchanan 24.9.12, Col 1453).

The discussion about further education (FE) closed with a series of questions about regionalisation and the impact of that policy on provision for learners. This led Jim Gallacher to reiterate the point made by Paul Buchanan that in the process of regionalisation 'we must not lose the things that the colleges have been extremely good at doing, such as providing re-entry routes for older learners' (Gallacher 24.09.12, Col 1455).

The second panel began with a discussion of the impact of the Draft Budget on higher education (HE). Marco Biagi opened the questions by asking about the potential impact of competition for university places between Scottish and rest-of-UK students. Robin Parker replied to this that Scottish places had been protected but that the Government needed to consider who the places were open to. The meeting then spent some time considering the possible tensions that could arise in institutions between Scottish funded places and the fees that rest-of-UK students paid, before turning to the possible impact of the budget on FE. The key points made by the panel in relation to FE concerned the number of places available and a possible reduction in the courses available.

The Committee took evidence from two further panels of witnesses at their next meeting on 2 October 2012. That meeting began with FE and a general question from Neil Bibby about the impact of the cut to college funding on economic recovery. In response, the panel all commented on the complexity of the funding situation and the importance of local college provision to support skills development. James Alexander followed this with a statement about the existing connections between colleges and local businesses, which he felt was an important link that should be supported. Mary Goodman added that for small businesses the provision of part-time courses was important. Liz Smith then asked about the development of soft skills to improve the employability of young people. In reply, Amy Dalrymple commented on the need for young people to be able to identify the skills they had and to then find experience to fill any gaps in their skills. Colin Beattie followed this with a question about the level of business involvement in the colleges. James Alexander replied that there had always been a strong business engagement with local colleges, which he hoped would continue.

The questions to the second panel focused on service delivery in colleges and, 'the impact on the teaching grant and on course, student numbers and jobs' (Neil Bibby 02.10.12, Col 1517). The meeting began with a discussion about the money actually available in the academic year 2013-2014 for the colleges from a financial settlement made by the Government for the financial year 2013-2014. This led Liz McIntyre to comment:

Therein lies the rub—the issue for colleges as we try to plan provision for next year is that we do not yet have clarity on what the budgets might be (McIntyre 02.10.12, Col 1520).

She went on to give a detailed example of the impact on course availability during the transition period of funding arrangements. Katie Hutton then outlined the new college learning provision that Skills Development Scotland was running for the Government, which involved colleges bidding to deliver the provision. Liam McArthur asked about the panel's overall confidence 'in the deliverability of the range of commitments' (McArthur 02.12.12, Col 1521). Mark Batho replied that the confidence in the SFC came from the savings already predicted by college mergers, money which would be 'recycled into the maintenance of places and the delivery of the Government's opportunities for all objectives' (Batho 02.10.12, Col 1523). Joan McAlpine then asked Liz McIntyre about changes in responses from evidence she had given the Committee the previous year. In reply, Liz McIntyre said that it was 'difficult for individuals to match themselves and their individual aspirations to the programmes that are available' (McIntyre 02.10.12, Col 1525). The Committee discussed the fall in the number of students in colleges, which Mark Batho explained as being caused by an overall reduction in short courses taken by large numbers of people. This had led to an overall reduction in student numbers. The meeting then turned to HE and discussed the balance between funded Scottish and EU places and the income for universities from rest-of-UK students.

The Committee returned to their consideration of the Budget at their next meeting on the 23 October, when they heard evidence from the Cabinet Secretary. In his opening statement to the Committee, Michael Russell talked about the prioritisation of services for early years through the change fund and a £20 million fund to support third sector organisations. He then spent some time outlining the aims of the post-16 reform programme and emphasised that he had 'an unshakeable commitment to colleges' (Russell 23.10.12, Col 1550). The Convener opened the questions by asking about the transparency of the Budget process and the difficulty the Committee and the witnesses had working between financial and academic years. In reply, Michael Russell said that he wanted to make the Budget process as clear as possible. Liz Smith followed this with a question about a drop in college funding of 24% in real terms. At the end of the exchange Michael Russell said, 'The figure reflects the published spending review figures. It does not reflect the £67.5 million that has been added in' (Russell 23.10.13, Col 1555). Andrew Scot then gave further information about other money that the Government had given, £6 million for college places and £11 million for student support. Neil Findlay followed this by returning to the difficulty that witnesses and the Committee had with the figures provided.

Surely there is a serious problem in our accountability to the people who elect us to Parliament if we, and indeed the expert witnesses who give evidence to the Committee, cannot explain the budget for our colleges (Findlay 23.10.12, Col 1555).

In reply, the Cabinet Secretary repeated the range of information he had just given about college funding. Neil Bibby asked about reductions in the numbers of staff and students in colleges with a reported waiting list for college places. Michael Russell replied, 'That is simply not true' (Russell 23.10.12, Col 1559) and added that it did not represent the situation accurately. George Adam began his question by offering his support to Michael Russell and asked about the overall vision for colleges. In his reply, the Cabinet Secretary outlined his vision for colleges and said that he was moving to 'consideration of the pedagogy, including the intellectual justification for the rigour of vocational and further education in Scotland' (Russell 23.10.12, Col 1562). The discussion then moved on to consider the merging of different colleges and regional structures for the college system. Neil Findlay followed this with a further series of questions about the difficulty in interpreting the Budget figures for colleges, Clare Adamson asked about the use of college surplus funds, and Joan McAlpine about college links with small businesses. At the close of the session, the Convener added that he would write to the Cabinet Secretary with further questions, which there had not been time to address in the session. A reply to that letter was considered at the Committee meeting on the 6 November 2013, along with further information on the College Transition Fund, and statements from the EIS and Scotland's Colleges in response to the Cabinet

Secretary's evidence to the Committee on the 23 October 2012 (EC/S4/12/28/1). The Committee considered that evidence and a draft report on the Scottish Government's Draft Budget 2013-2014 in private at their meeting on the 6 November 2012. They discussed changes to their draft report and agreed to consider a revised draft, in private, at their next meeting on the 13 November 2012. An extra Committee meeting was held in private on the 14 November 2012 to consider a revised draft report. The Committee voted on changes, which were agreed to (one by division) and the report was agreed for publication.

PARTICIPATION IN MUSIC BY CHILDREN AND YOUNG PEOPLE

The Committee took evidence at their meeting on the 11 September 2012 on the participation in music by children and young people. The supporting papers for this meeting were a SPICe briefing (EC/S4/12/22/2) and a submission from the Educational Institute of Scotland (EIS) (EC/S4/12/22/1). The EIS report included the responses to a Freedom of Information (FOI) request sent to all Scottish local authorities asking for the charges made for instrumental tuition.

Date of Committee	Witnesses
11 September 2012	• Mark Traynor, <i>EIS Instrumental Music Teachers' Network</i> • Fiona Dalgetty, <i>Fèis Rois Ltd</i> • Francis Cummings, <i>Sistema Scotland/ Big Noise Raploch</i>

The Deputy Convener introduced the meeting on the 11 September by explaining that the focus in the discussion was to be on the youth music initiative and charging for school music tuition. He then explained that it was one of a series of evidence-taking sessions about the participation in music by children and young people. Liz Smith opened the questions by asking why there was such a variation in charges for instrumental tuition, from no charge to £340. In reply Mark Traynor blamed the budget situation in local authorities and suggested that instrumental tuition was an easy target. Liz Smith followed this with a question about exemption from charges, to which Mark Traynor replied:

The national picture is varied. There is no national structure for instrumental music. The exempted categories vary across the country but can include those in receipt of free school meals, income support or clothing grants. There is no set formula in place (Traynor 11/09.12 Col 1339).

The meeting then moved on to discuss the expense of music for families where more than one child was learning an instrument. Clare Adamson asked about the situation in relation to Curriculum for Excellence, where the course structure model varied between schools. In reply, Mark Traynor said that there was some evidence that as the curriculum changed, authorities were also changing the timing of exemptions from charges, which used to be available for pupils studying an instrument for Scottish Qualification Authority (SQA) examinations. Marc Biagi followed this with a question to the committee about the legality of local authorities charging for SQA courses. Liam McArthur echoed the concerns expressed by Marc Biagi and suggested that these concerns should be addressed to the Convention of Scottish Local Authorities (COSLA). The meeting then discussed school-based music making as part of the youth music initiative and the provision of instruments for children and young people in schools. Francis Cummings answered a number of questions from the Committee about the Sistema Scotland/Big Noise project which was funded privately. The evidence session ended with a request from the EIS for a national policy on instrumental tuition. The Committee agreed to write to COSLA to request written evidence on the issue.

KINSHIP CARE

The Committee took evidence on kinship care at their meeting on 18 September 2012, this followed a round table evidence session they held on the 17 January 2012 (Redford 2012: 82). After that meeting the Committee wrote to the Scottish Government, the United Kingdom Government and COSLA about the issues raised. The meeting on the 18 September was arranged to discuss the responses received. COSLA declined to attend the meeting and submitted written evidence (EC/S4/12/23/1).

Date of Committee	Witnesses
18 September 2012	- Aileen Campbell, <i>Minister for Children and Young People, Scottish Government</i> - David Blair and Leona Solley, <i>Looked After Children Unit, Scottish Government</i>

The Convener opened the meeting by asking Aileen Campbell to make an opening statement. The Minister then outlined the Scottish Government's vision for children and young people and their ambitions for kinship care. She described the work of the national kinship care service funded by the Government and provided by Children 1st, and suggested that the kinship care order:

... will provide a better platform to help kinship carers to stay in work, or to get into work, and it will mean a fairer and more transparent relationship with the UK benefits system than exists under the current situation for kinship carers of children who are formally looked after. However, some children will need to remain within the care system and, right now, the support for kinship carers varies across Scotland. Support for kinship carers-financial and non-financial-needs to be more consistent, if it is to be fair (Campbell 18.09.12, Col 1384).

The Minister concluded her remarks by adding that the Government recognised that the Looked After Children (Scotland) Regulations 2009 needed to change to provide consistency across the payment of allowances. Neil Bibby asked about the table of information for twenty of the thirty-two local authorities and the allowances that the authorities paid. He noted that only five of the authorities surveyed paid the same allowance rate to kinship and foster carers. In reply, Aileen Campbell acknowledged that the situation varied across the country and welcomed the support that was available in some authorities for kinship carers. Neil Bibby and then Neil Findlay repeatedly asked the Minister 'Do you believe that kinship carers should be paid the same as foster carers?' (Findlay 18.09.12, Col 1388), which she did not answer directly. Liz Smith asked the Minister to request further details from COSLA about the variance in payments between authorities. Liam McArthur returned in his question to the concordat with local authorities which he quoted as "providing allowances for kinship carers of 'looked after children' to treat them on an equivalent basis to foster carers" (McArthur 18.09.12, Col 1390). The Minister replied that a lot of progress had been made and returned to her focus on the parenting role of kinship carers. The meeting then discussed the difficulties kinship carers had in accessing the United Kingdom (UK) benefits system. The meeting closed with a request from the Convener for more information about the kinship care order. In reply, the Minister said that it would be part of the Children and Young People Bill.

The aim is to have kinship carers' role clearly identified and defined in law without the need for the child to have looked-after status ... It will allow kinship carers to be recognised formally in another way through legislation (Campbell 18.09.12, Col 1399).

INQUIRY INTO DECISION MAKING ON WHETHER TO TAKE CHILDREN INTO CARE

The Committee considered its approach to the inquiry in private, at their meeting on 24 September 2012. They agreed to make a series of informal visits and to request further information from the Scottish Government and other bodies. At their meeting on 11 December 2012, the Committee considered notes from the Clerk (EC/S4/12/33/3) about two informal meetings held with the Chairs of Child Protection Committees, and with the People First (Scotland) Parents' Group. They agreed to consider the issues raised at those meetings in the later stages of the inquiry. The Committee completed further fact-finding visits early in January 2013 and took their first session of evidence at their meeting on the 15 January 2013. They received evidence from Government officials at the meeting on the 29 January 2013. The papers for this meeting included a note by the Clerk on the series of fact-finding visits which had taken place (EC/S4/13/3/2). The remit, timetable and evidence for the this inquiry is available at the inquiry website:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/52590.aspx> [accessed 23.02.13].

Date of Committee	Witnesses
15 January 2013	- Bernadette Monaghan, <i>Children's Hearings Scotland</i> - Hugh McNaughtan, <i>Children's Panel Chairmen's Group</i> - Barbara Reid, <i>Children's Hearings</i>
29 January 2013	Kit Wyeth and Tom McNamara, <i>Children's Hearings Team, Scottish Government</i>

The Convener opened the meeting on the 15 January by welcoming the panel and explaining that the purpose of the session was for the Committee to discuss the children's hearing system with the panel. The first subject concerned the consistency of decision making process across Scotland. Clare Adamson asked particularly about cumulative thresholds in relation to neglect and emotional abuse. Hugh McNaughtan replied that it was likely that there would always be differences in thresholds because hearing decisions were made 'on the day in the best interests of the child who is in front of them' (McNaughtan 15.01.13, Col 1771). Clare Adamson then asked about comments from care leavers that panels paid more attention to parents' views than those of young people at hearings. Bernadette Monaghan replied that the new public body Children's Hearings Scotland (CHS) was working with young people to collect that information, which would inform the design and delivery of new training programmes for panel members. Neil Bibby asked about the consistency of decision making and the role of new area support teams in monitoring decision making. In reply, Bernadette Monaghan said that the new teams would replace the existing 30 panel advisory committees and would work to the new national standards, which would be introduced in June 2013. The meeting then discussed the role of parents in hearings, and Barbara Reid acknowledged that at times 'the rights of parents are being pushed slightly further up the agenda than the rights of the child' (Reid 15.01.13, Col 1780). Hugh McNaughtan added that it was something that would be addressed in future through consistent training from CHS. The Convener then asked about the ability of panel chairs and members to challenge statements from parents and professionals in a hearing. Both Hugh McNaughtan and Bernadette Monaghan recognised this as challenging for some panel members, and that training was needed to strengthen the confidence of panel members to ask robust questions. Joan McAlpine asked if panel members were trained in attachment, resilience and child development. Barbara Reid replied that these three areas were addressed throughout the training for panel members. Liam McArthur asked about legal aid to support representation for parents at hearings. In reply, Malcolm Schaffer said that currently legal aid was provided through a panel appointed by the local authority, but that the

new Act would make legal aid available through the Scottish Legal Aid Board. The meeting ended with a discussion about accessibility and support for parents with learning disabilities and the commitment of panel members to the new system.

The Committee heard evidence from Scottish Government officials about the subordinate legislation arising from the Children's Hearings (Scotland) 2011 Act at their meeting on the 29 January 2013. In his opening remarks, Kit Wyeth outlined the changes which were introduced following the 2011 Act. These included the role of national convener, the establishment of CHS, a national children's panel to replace the 32 local authority panels and the introduction of area support teams. He also commented on the discussion at the Committee meeting on the 15 January about the role of panel members and said to the Committee:

It is important to remember that hearings are independent tribunals that are charged with taking decisions in the best interests of children. Since the establishment of the children's hearings system in 1971, the welfare of the child has been the fundamental principle of the operation of the system as a whole. I have never met a panel member who is not totally committed to doing their very best for the most vulnerable children who come before them at hearings (Wyeth 29.01.13, Col 1888).

Liz Smith thanked Kit Wyeth for the overview that he had given the Committee and asked first about the issue of consistency which had been raised with Committee members in their evidence sessions. Tom McNamara replied that it was most important that the best decision was made for each child at a hearing. He added that he had looked back over statistics about decisions making and had found no great variation in the decisions made. Liam McArthur asked about delays to permanency arrangements, and Tom McNamara said that the system was focused on finding a stable permanent placement for each child. Clare Adamson returned to the issue of support for parents with learning disabilities, and Kit Wyeth said that it was now possible for such parents to have state-funded legal support at a hearing. The meeting ended with a discussion of the changes introduced in the 2011 Act that made legal representation available through the Scottish Legal Aid Board.

SKILLS DEVELOPMENT SCOTLAND

The Committee took evidence on Skills Development Scotland (SDS) at their meeting on 27 November 2012. UNISON presented evidence at the meeting and submitted a supporting paper to the committee (EC/S4/12/31/1).

Date of Committee	Witnesses
27 November 2012	- Danny Logue and Malcolm Barron, <i>Skills Development Scotland</i> - Derek Cheyne and James Corry, <i>UNISON Scotland</i>

The Convener began this session by asking Danny Logue to outline the main priorities for SDS. In his reply, Danny Logue listed the careers service, modern apprenticeships, national training programmes, career management skills and local partnerships. The questions from the Committee began with Neil Findlay, who asked for an example of how an employer could access public money to support training for a young employee. The answer from Malcolm Barron was the modern apprenticeship scheme and the employer recruitment incentive. Neil Findlay asked for further details about the modern apprenticeship scheme, and for SDS to provide the Committee with completion information and timescales for the scheme. The meeting then moved on to discuss the role of a careers advisor. James Corry talked about the historical approach to careers support in school and the change to web based provision. Derek Cheyne added to this with information from a recent membership survey:

... the vast majority think that there is an overreliance on web-based services. There are fears that we will place far too much emphasis on those services in the future as opposed to face-to-face services, which our members value as crucial when young people are making decisions about their future (Cheyne 27.11.12, Col 1643).

Neil Findlay then asked about the numbers registering for the new services. In reply, Danny Logue said that there had been up to 18,000 new registrations for the web services in the last few months. This was followed by a discussion about the UNISON survey which SDS has instructed staff not to take part in. James Corry made the point that the research was being carried out by independent researchers, while Danny Logue said that SDS was conducting its own research and evaluation strategy. The discussion then returned to the way that young people accessed careers support in school, and the cost of the world of work website that young people were being encouraged to use. The meeting then considered the funding available through SDS for college places and the new college learning programme. SDS supported 5,800 places in 2012-2013 and was being funded by the Government to support 11,000 places in 2013-2014.

POST-16 EDUCATION (SCOTLAND) BILL

The committee considered its approach to the stage 1 of this Bill in private, at their meeting on 4 December 2012. They took evidence on the Bill at stage 1 from Scottish Government officials at their meeting on 15 January 2013. The supporting papers for this meeting were an overview of college regionalisation plans and an update of higher education governance review (EC/S4/13/1/1). The Committee took further evidence at their meeting on the 22 January 2013. The Universities of Stirling and Strathclyde, the student unions of the Universities of Stirling and St. Andrews and Universities Scotland submitted supporting papers for this session (EC/S4/13/2/3).

Date of Committee	Witnesses
15 January 2013	• Michael Cross, <i>Colleges and Adult Learning Division, Scottish Government</i> • Col Baird, <i>College Governance, Scottish Government</i> • Gavin Gray and Ailsa Heine, <i>Legal Services, Scottish Government</i> • Danielle Hennessy and Tracey Slaven, <i>Higher Education and Learner Support, Scottish Government</i>
22 January 2013	• Professor Gerry McCormac, <i>Stirling University</i> • Professor Sir Jim McDonald, <i>University of Strathclyde</i> • Sir Timothy O'Shea, <i>University of Edinburgh</i> • Professor Seona Reid, <i>Glasgow School of Art</i>
22 January 2013	• Christina Andrews, <i>University of Stirling Students' Union</i> • Freddie Fforde, <i>University of St Andrews Students' Association</i> • Malcolm Moir, <i>University of Strathclyde Students' Association</i> • Garry Quigley, <i>University of the West of Scotland Students' Association</i>

The Convener introduced this first evidence session on the Post-16 Education (Scotland) Bill by explaining that the purpose of the session was 'to get a factual update on what the Bill will mean in practice' (Maxwell 15.01.13, Col 1744). Michael Cross then made an opening statement about the six key areas which the Bill would take forward: college regionalization;

higher education governance; widening access to higher education; new powers for the Scottish Funding Council (SFC) to review fundable further and higher education; power for Ministers to set limits for tuition fees; and data sharing. The first question for the panel concerned university governance which Tracy Slaven explained related to the code of governance being developed in a working group established by the chairs of university courts. The Convener asked about possible sanctions for institutions who did not meet the code of governance, to which Tracey Slaven replied that the Funding Council could 'impact on the future funding of that institution' (Slaven 15.01.13, Col 1749) or, as the Convener asked directly, 'do you mean by that its money could be reduced?' (Maxwell 15.01.13, Col 1749), and Tracey Slaven replied 'Yes' (Slaven 15.01.13, Col 1749). Neil Findlay then asked why the Committee was being asked to scrutinise a code that would not be available until March. This led to a discussion about the role of the code, which would be decided by Ministers. Clare Adamson asked about widening access and George Adam about retention of students. Tracey Slaven replied that the widening access agreement was designed to ensure equity of access to all subject areas, and support retention by making sure that individuals were on courses that best suited them. Liz Smith then asked directly about which parts of the Bill provided additional benefits which universities were not already providing. Tracey Slaven argued that, as progress on widening access had been slow, legislation was needed 'to get the step change we are looking for' (Slaven 15.01.13, Col 1753). The Convener asked again about the implications for institutions which did not comply with the new widening access agreement targets. Tracey Slaven replied that the implications would be future funding from the SFC. Liam McArthur then asked about the risk of imposing penalties on institutions and suggested:

. . . we could end up in a downward spiral in which institutions are punished for not meeting their targets and therefore have fewer resources to meet their targets in future (McArthur 15.01.13, Col 1756).

In reply, Tracey Slaven said that the Government would not want to see penalties imposed, but wanted to see progress. She then explained that the individual agreements about widening access would be drafted in each institution and agreed with the SFC. The meeting then moved to discuss college regionalisation, with the first question from Colin Beattie about the role of the regional strategic bodies in distributing funds. Danielle Hennessy explained that the strategic bodies would have a planning function within which they would decide the distribution of funds. Liam McArthur then asked if the SFC would have a reduced role in deciding the funding for a region in future because the regional bodies would hold that role. Michael Cross replied that he was right, and said that the Funding Council would have a role in relation to the strategic review of provision, but not as part of the disbursement of funds. Liz Smith then asked about the public accountability of the individual colleges in the new system, which Danielle Hennessy said sat within the new hierarchy and the college boards. The meeting then spent some time discussing the appointment system to the regional boards and the extent of Ministerial powers in relation to the boards. Neil Bibby asked about the role of the regional boards in rationalising course provision. In reply Michael Cross said:

The role of the regional strategic body is to conclude a regional outcome agreement with the Scottish Funding Council. We expect it to do that in wider consultation with regional partners including the constituent colleges. Part of its efforts in developing a regional outcome agreement may include some sort of rationalisation where that is in the interest of the learners. However, it is not an effort that the regional strategic team will make in isolation; they will undertake the planning exercise with a range of partners, many of whom will have their own contribution to make to the regional post-16 learning offer (Cross 15.01.13, Col 1763).

The meeting ended with a discussion of data sharing which was included in the Bill to ensure that data was provided in the same way by all institutions to SDS who were working with 16-24 year olds.

The Committee returned to this Bill at their next meeting on the 22 January, when they heard evidence from two panels, the first three University Principals, and the second representatives of student unions or associations. Liz Smith asked the first question of the Principals, what they felt about the development of a Scottish code of governance. In reply, Timothy O'Shea said that the universities were anxious 'that there might be, inadvertently, a reduction in responsible autonomy' (O'Shea 22.01.13, Col 1838). These concerns were echoed by Jim McDonald, and Seona Reid who said,

All universities, whatever their size and nature, support the code of governance wholeheartedly. However, enshrining it in legislation risks it being misused by future Administrations to apply a uniform governance model (Reid 22.01.13, Col 1841).

Neil Findlay asked if there was a need for the Bill. Gerry McCormac replied that the sector did not feel that legislation was needed, which was agreed to by the panel. Neil Findlay then asked 'how can we ensure that the aims are achieved without legislation?' (Findlay 22.01.13, Col 1842). Jim McDonald replied that existing conditions connected to the grant and outcome agreements would ensure that. The meeting then discussed in detail what each institution had achieved in relation to widening access. The Convener then brought the meeting back to the issue of governance and asked how a code of governance would impact on institutions. Timothy O'Shea replied that the concern was what a future Government might do to intervene in their management or governance structures. Gerry McCormac added that the main issue with the new code was that 'Under the bill, Ministers would have control over whether the unspecified code was utilised and might put in place some other code' (McCormac 22.01.13, col 1846). The meeting then returned to widening access and discussed the use of interviews as part of the admission process for students. The final questions to this panel concerned fees and the impact on universities of college regionalisation. In reply each Principal gave examples of the ways in which their University worked with local colleges.

The second panel on the 22 January began their evidence by commenting on the proposal to legislate on university governance. The panel was supportive of the legislation because they felt that 'it would show good practice across the sector' (Quigley 22.01.13, Col 1864). The panel then commented on the widening access programmes at each of their institutions, and the need for institutions to be more ambitious in their approach to the issue, which they felt would be supported by the proposed Bill.

TEACHER EDUCATION AND CAREER-LONG PROFESSIONAL LEARNING

The Committee heard evidence on the outcomes of the report of the National Partnership Group to the Cabinet Secretary at their meeting on the 4 December 2012. Committee members were provided with a SPiCe briefing paper which summarised developments in teacher education and career-long professional learning (EC/S4/12/ 32/1).

Date of Committee	Witnesses
4 December 2012	• Kay Barnett, <i>The Educational Institute of Scotland</i> • Professor Donald Christie, <i>Strathclyde University</i> • Professor Graham Donaldson, <i>Glasgow University</i> • Tony Finn, <i>General Teaching Council for Scotland</i> • Pam Nesbitt, <i>Association of Headteachers & Deputies in Scotland</i>

This evidence session was held following the publication of the report of the National Partnership Group (Scottish Government 2012). The meeting began with responses from the panel to the report, with all witnesses noting the challenges of establishing partnership and meeting the timescales for action. The first question for the panel came from Liz Smith, who asked which was the most important of the policy areas that were under development. In reply, Graham Donaldson said that the focus on career-long learning for teachers was the most important area. Kay Barnett agreed with him, but added that there needed to be mechanisms in place to support teacher development. Liz Smith then turned to the existing teacher education programme and asked if that was 'producing the right skills in our teachers?' (Smith 04.12.12, Col 1693). Donald Christie replied that the most important change was the development of 'the culture and commitment to professional learning' (Christie 04.12.12, Col 1693) which began in initial teacher education. Tony Finn agreed that the change from the provision of professional development to 'professionals taking responsibility for their own learning' (Finn 04.12.12, Col 1694) was key to changes in the profession. The meeting then considered the role of mentoring, and both professional associations identified the need for training in mentoring skills, with Kay Barnett arguing for a structured resource to support specific types of mentoring. Graham Donaldson said that this could be supported by the development of hub schools, but Donald Christie said that other structures should also be considered, such as school clusters working together as learning communities. Colin Beattie asked about the selection process for admission to teacher education programmes and questioned the quality of entrants to the programmes. Donald Christie replied that the quality of entrants was high and entry was competitive. Tony Finn added that the support that was available during teacher education programmes to support literacy and numeracy skills was available for people 'who have done a course in a university in which strength in literacy and numeracy was not a focus' (Finn 04.12.12, Col 1701). Pam Nesbitt followed this by commenting on the need to raise 'the awareness of literacy and numeracy across the curriculum' (Nesbitt 04.12.12, col 1701). Liz Smith then asked about poor literacy skills amongst school leavers, which the panel suggested was a bigger question than could be answered during their session. Clare Adamson asked if improving teacher quality was the best way to improve pupil outcomes. Graham Donaldson answered that there needed to be more emphasis on early education which, with the improvement in teacher quality, 'will raise the bar and close the gap' (Donaldson, 04.12.12, Col 1704). The meeting followed this with a discussion about student placements and partnership developments. Joan McAlpine asked about learning disability courses in the new General Teaching Council guidelines for initial teacher education programmes. Tony Finn replied that the guidelines already covered a wide range of issues. Graham Donaldson said that the evidence he gathered suggested that this was area of practice that teachers felt unprepared for, but that it should be taken forward in induction and as part of career-long learning. The meeting ended with a series of comments from the panel about master's degrees for teachers and direct links with practice.

PETITIONS

The Committee returned to three petitions during this period. They considered petition PE1420 (EC/S4/12/23/3) at their meeting on 18 September 2012, immediately following their evidence session with the Minister for Children and Young People on kinship care. The petition was submitted by Teresa McNally, on behalf of Clacks Kinship Carers and was first considered by the Committee at their meeting on 8 May 2012 (Redford 2012 p.89). The Committee agreed to keep the petition opened because it was relevant to their work on the Children and Young People's Bill. They agreed to write to the Scottish Government and COSLA to request information about kinship care from all local authorities.

They reconsidered Petition PE1391 at their meeting on the 11 December 2012 (EC/S4/12/33/1). This petition was placed by Susan Calcluth-Russell on behalf of Renfrewshire Parent Council Forum (EC/S4/12/33/1) and called on the Scottish Parliament to urge the Scottish Government to make it a legal requirement that qualified teachers teach

children for 25 hours in a normal school week, subject to existing local flexibility of school hours in primary 1 and 2. The Committee agreed to keep the petition open and to write to the Scottish Government about the issues it raised.

They also revisited Petition PE1409 at their meeting on the 11 December 2012. This petition was placed by Linda Whitmore, on behalf of ENABLE Scotland, on training for education staff on learning disabilities and autistic spectrum disorders. The Committee agreed to close the petition and to write to the National Implementation Board and the General Teaching Council for Scotland about the issues it raised.

SUBORDINATE LEGISLATION

The Committee took evidence, debated and approved the following subordinate legislation related to education during this period:

- General Teaching Council for Scotland (Legal Assessor) Rules 2012 (SSI 2012/86)

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

- Individual Learning Account (Scotland) Amendment Regulations 2012 (SSI 2012/172)
- The Jewel and Esk College and Stevenson College Edinburgh (Transfer and Closure) (Scotland) Order 2012 (SSI 2012/238)
- Children's Hearings (Scotland) Act 2011 (Child Protection Emergency Measures) Regulations 2012 (SSI 2012/334)
- Children's Hearings (Scotland) Act 2011 (Rights of Audience of the Principal Reporter) Regulations 2012 (SSI 2012/335)
- Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012 (SSI 2012/336)
- Children's Hearings (Scotland) Act 2011 (Appeals against Dismissal by SCRA) Regulations 2012 (SSI 2012/337)

The Committee considered the following negative instrument at their meeting on the 24 September 2012 (EC/S4/12/24/4) and agreed to request further information from the Scottish Government and to consider the instrument at a future meeting. They returned to the instrument at their meeting on 2 October 2012, when they discussed the Government response to their request (EC/S4/12/25/5s) and agreed to make no recommendation.

- The Elmwood College, Oatridge College and The Barony College (Transfer and Closure) (Scotland) Order 2012 (SSI 2012/237)

EUROPEAN UNION REPORTER (UPDATE)

Neil Bibby, the European Reporter for the Committee, reported to the Committee on a visit to Brussels at the meeting on the 11 December 2012. He provided a brief overview of the meetings he attended and the issues discussed. He noted that European officials were particularly interested in the Post-16 Education (Scotland) Bill, and that there were differences between the Scottish and European direction in this area of education.

REFERENCES

Redford, M. (2012) Education in the Scottish Parliament, *Scottish Educational Review*, 44 (2), pp. 78 - 91
Scottish Government (2012) *Teaching Scotland's Future Partnership Group - Report of the National Partnership Group*. Available at: [tp://www.scotland.gov.uk/Publications/2012/11/7834](http://www.scotland.gov.uk/Publications/2012/11/7834) [accessed 23.02.13]