

EDUCATION IN THE SCOTTISH PARLIAMENT

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PREAMBLE

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

FEBRUARY - JULY 2013

The Education and Culture Committee had the following members during this period: Stewart Maxwell (Convener), Neil Findlay (Deputy Convener) George Adam, Clare Adamson, Neil Bibby, Colin Beattie, Joan McAlpine, Liam McArthur, Liz Smith. Full records of the Committee meetings, including minutes, official papers and transcripts of proceedings can be found on the Scottish Parliament website at:

<http://www.scottish.parliament.uk/s4/committees/ellc/meetings.htm>

In this period the Committee completed stage 1 of the Post-16 Education (Scotland) Bill and took evidence at stage 2, which they completed at the end of May 2013. They returned to their inquiry into the decision making on whether to take children into care and agreed their approach to the inquiry. During this period they heard evidence from eight panels and published a final report. They considered their approach to the budget and the McCormac Review of Teacher Employment in Scotland in private at meetings in April 2013. In May 2013 they began their work on stage 1 of the Children and Young People (Scotland) Bill and agreed their annual report for the parliamentary year. The Committee closed petitions PE 1391 and PE 1440 and agreed to keep open PE 1395. They considered a range of subordinate legislation concerning children's hearings and negative instruments concerning the transfer and closure of Adam Smith, Langside, Anniesland, James Watt, Kilmarnock and Reid Kerr Colleges. The Committee considered their work programme for the parliamentary year 2013-2014, in private, at their meeting on 11 June 2013. They agreed to include outdoor education, college mergers and out of school care in the plan.

POST-16 EDUCATION (SCOTLAND) BILL

The Committee heard evidence from two panels of witnesses at their meeting on the 5 February 2013. The supporting papers submitted prior to the meeting were submissions from Edinburgh College, LEAD Scotland and UNISON Scotland (EC/S4/13/4/1). They continued to take evidence on stage 1 of the bill at their meeting on 19 February 2013 (EC/S4/13/5/2). The Committee took evidence from the Scottish Funding Council, the Cabinet Secretary and Scottish Government staff at their meeting on the 26 February 2013. The papers for this meeting included written submissions from Professors Ferdinand Von Prondzynski and Russel Griggs (EC/S4/13/6/1), chairs of previous Higher Education (HE) and Further Education (FE) reviews; responses from other Parliamentary Committees to the bill (EC/S4/13/6/2) and a paper to inform the Committee on the issue of widening access to HE (EC/S4/13/6/3). The Committee considered a draft stage 1 report in private at their meeting on 12 March 2013 and agreed to consider a revised report at their next meeting. They agreed changes to the draft at their meeting on 19 March 2013 and agreed a final report for publication. The Committee returned to this bill at their meeting on 7 May 2013 when they took further evidence on the bill and the draft Scottish code of good Higher Education governance (EC/S4/14/3).

Date of Committee	Witnesses
5 February 2013	<ul style="list-style-type: none"> • Mandy Exley, <i>Edinburgh College</i> • Paul Sherrington, <i>Banff and Buchan College</i> • Carol Turnbull, <i>Dumfries and Galloway College</i> • Susan Walsh, <i>Cardonald College</i>
	<ul style="list-style-type: none"> • Chris Greenshields, <i>UNISON Scotland's Further Education Committee</i> • David Bass, <i>Lead Scotland</i>
19 February 2013	<ul style="list-style-type: none"> • David Belsey, <i>The Educational Institute of Scotland</i> • John Henderson, <i>Colleges Scotland</i> • Robin Parker, <i>NUS Scotland</i> • Mary Senior, <i>University and College Union Scotland</i> • Alastair Sim, <i>Universities Scotland</i>
	<ul style="list-style-type: none"> • Marlene McGlynn and Alison More, <i>Skills Development Scotland</i>
	<ul style="list-style-type: none"> • Tony Brian, <i>Glasgow Caledonian University</i> • Stuart Monro, <i>University of Edinburgh</i> • Alan Simpson, <i>University of Stirling</i>
	<ul style="list-style-type: none"> • Ian McKay, <i>Edinburgh College</i>
26 February 2013	<ul style="list-style-type: none"> • Mark Batho, <i>Scottish Funding Council</i>
	<ul style="list-style-type: none"> • Michael Russell, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i> • Michael Cross, Tracey Slaven, Gavin Gray and Ailsa Heine, <i>Scottish Government</i>
7 May 2013	<ul style="list-style-type: none"> • Professor Ferdinand von Prondzynski • Professor Russel Griggs OBE • Robin Parker, <i>NUS Scotland</i> • Mary Senior, <i>University and College Union Scotland</i> • Lord Robert Smith of Kelvin, <i>Steering Group on Scottish Code for Good Higher Education</i>

As he welcomed the panel to the meeting on the 5 February 2013, the Convener noted that the first panel included representatives of a range of colleges and hoped that the Committee would hear different perspectives about the challenges the sector faced. The questions began with a discussion about the changes in governance and the impact of the new structures on accountability and autonomy within the regional structures. The members of the panel expressed concern about the proposed standard structure for regional strategic bodies. Mandy Exley commented that, 'the distinctiveness of regions should be recognised; otherwise, why do we have regions?' (Exley, 05.02.13, Col 1915). Liam McArthur then asked about the lack of a framework for performance management, which was identified as an issue in the supporting paper from Edinburgh College (EC/S4/13/4/1). In reply Mandy Exley noted that colleges were discussing this with the Funding Council and suggested that there was a need for a regional approach to accountability across HE and FE. The meeting then moved on to discuss the Government policy focus on 16-19 year olds and the wider role of the colleges in supporting lifelong learning. Carol Turnbull emphasised the importance of flexibility for colleges so they could adjust the places available to suit the needs of different age groups in their areas. Clare Adamson followed this with a question about the relationship between outcome agreements and regional flexibility. In reply Paul Sherrington said that the agreements should present the vision for the region but, because they were also contracts, tended to be 'quite short term in their vision' (Sherrington 05.02.13, Col 1921). The meeting then spent some time considering the relationship between

accountability, autonomy and funding, linked to the implications for individual colleges within the new regional structure. Neil Bibby asked in particular about the impact of the changes on student learning. Paul Sherrington replied that it was the funding cuts which would have most impact on student learning. Liam McArthur turned the discussion back to governance and the role of staff and student representatives on regional boards.

The Convener returned to college governance with the second panel of witnesses on the 5 February 2013 and Liz Smith asked about engagement with staff. Chris Greenshields replied that this was an issue when key decisions were being made. He went on the express support for the changes to governance proposed in the bill but added that for Unison the changes did not address staff representation issues. The Convener then asked further questions about staff representation to which Chris Greenshields replied, 'There are currently two places for staff reps. We are saying that perhaps we should consider those staff reps being trade union reps' (Greenshields 05.02.13, Col 1948). Neil Bibby moved the questions onto the impact of the cuts on provision. David Bass commented that the pace of the cuts had 'had an impact on FE student support and on the opportunities that are available to older disabled learners' (Bass 05.02.13, Col 1951). Chris Greenshields added to that remark 'It is Unison's belief that the colleges are not merging for any educational rationale. Similarly, they are cutting without any educational rationale' (Greenshields 05.02.13, Col 1952). The final series of questions to this panel focused on the impact of regionalisation on local provision and the lack of standard terms and conditions for staff working in the sector.

The Committee took evidence from four panels of witnesses at their meeting on the 19 February 2013. Neil Bibby opened the discussion with the first panel by asking about the role of the proposed regional bodies. John Henderson replied that the relationship between the regional boards and colleges would be key and that he would like to see an outcome agreement in the contract between the two bodies. David Belsey added that the written submission from the EIS (EC/S4/13/4/2) made the point that what was being proposed was, 'not a single, coherent system . . . the bill will create a multilayered system' (Belsey 19.02.13, Col 1974). Liz Smith then asked about governance and John Henderson commented that there was a lack of balance between centralised and local delivery. Alistair Sim supported this and added that autonomy was central 'to the universities ability to deliver social, economic and cultural benefits for Scotland' (Sim 19.02.13, Col 1978). The meeting then discussed the development of the code of governance for FE and HE. The discussions with the first panel ended with a series of questions about widening access and the fees charged to rest of UK (RUK) students in Scotland.

The focus of discussions with the second panel of witnesses on the 19 February 2013 was on the information-sharing provisions in section 15 of the bill. In her opening remarks Alison More described the data sharing hub that was proposed, 'to track and monitor individuals and to ensure that they got the right support at the right time to make a positive transition from learning to work' (More 19.02.13, Col 1996). In response to a series of questions about the database, Marlene McGlynn confirmed that the database would include all young people who left school in a particular year, around 60,000, and would hold those records for six years, a total of 600,000 records. On an annual basis there are 7,000 young people who 'leave school without an opportunity' (McGlynn 19.02.13, Col 2000) and it was those young people that Skills Development Scotland would use the data hub to identify and support.

The questions for the third panel of witnesses on the 19 February 2013 concerned the provisions in the bill on HE governance. Alan Simpson made an opening statement on behalf of the committee of Scottish chairs in HE institutions, and noted that the committee of chairs supported the intentions of the bill but that believed they could be achieved without legislation.

. . . the proposals as drafted, go far beyond the stated intentions and could seriously erode the autonomy of higher education institutions in Scotland. As written, the bill would allow a future minister to specify any principle of

governance or management that he believes is good practice (Simpson 19.02.13, Col 2010).

Tony Brian then spoke in support of the amendments that Universities Scotland had proposed, which he said would make the bill more acceptable to HE institutions. He went on to explain the timeline for the existing consultations on a new code of governance and the way that clashed with the timescale of the bill. Neil Findlay asked about the lack of staff and student representatives on the steering group for the code of governance. In reply Alan Simpson said that the students and staff were involved at institutional level and Tony Brian provided an illustration of the way that had worked in his own institution.

The witness at the final panel of the 19 February 2013 was Ian McKay, chair of the board of Edinburgh College and the Edinburgh regional lead. The Committee asked about both those roles and the particular issues faced in the Edinburgh region.

The meeting on the 26 February 2013 began with a series of questions for Mark Batho, chief executive of the Scottish Funding Council (SFC). Liz Smith began by asking how the proposed bill would impact on widening access and governance. Mark Batho replied that there would be agreements between the SFC and institutions on widening access. He felt that legislation would 'give extra force to what already exists' (Batho 26.02.13, Col 2036). He added that the SFC had a direct interest in governance to ensure the effective use of public money. Neil Findlay asked directly about the concerns of the SFC in relation to the bill. In response Mark Batho said that he had been in discussion with the Government about the lines of accountability in relation to funding. Colin Beattie followed this with a question about the role of the SFC in relation to the code of governance. Mark Batho replied that the role of the SFC with either a voluntary code, or that proposed in the bill, was to ensure that institutions complied with it. The SFC would work with the current code and any future code in the same way. The discussion ended with questions from George Adam about widening access. In reply Mark Batho noted that the bill focused on universities improving their performance in that area and acknowledged that progress had been slow.

The Convener invited the Cabinet Secretary to make an opening statement at the final panel of witnesses on the 26 February 2013. Michael Russell began by describing his vision for the bill but acknowledged that there were different views in relation to the bill.

I put on record my commitment to work with partners, including the Committee, on any differences and suggestions for improvement to produce the best possible piece of legislation that will deliver real benefits for learners (Russell 26.02.13, Col 2055).

Liz Smith then asked a number of questions about the proposed code of governance for HE. In reply Michael Russell acknowledged the difference in the development times for the voluntary code and that proposed in the legislation, and suggested that was an issue that the Committee could return to at stage 2 of the bill. Neil Findlay asked about widening access and the Government officials provided information about the way in which widening access was currently funded. The meeting then moved on to discuss the issue of fees for RUK students. In response to this series of questions the Cabinet Secretary commented that the inclusion of a fee cap in the legislation had been agreed with University Principals. Further questions from the Committee concerned the issue of charitable status for individual colleges in the new regional structure, the relationship between individual colleges and the regional bodies, the role of the data sharing hub and the support of Skills Development Scotland. The meeting concluded with a discussion of the evidence from the Finance Committee, which the Convener acknowledged would directly inform their stage 1 report on the bill. The Committee then moved into a private session to discuss their report on the bill.

The Committee took evidence on bill and the draft Scottish Code of Good Higher Education Governance at their meeting on 7 May 2013. The Convener opened the meeting with the first panel by asking Russel Griggs for his view on the progress of the bill. In reply he said that he thought the bill was 'okay' and went on to note that he would have moved

faster with some of the areas of work, and 'would probably have been less flexible than the bill has been on some of the arrangements for colleges coming together' (Griggs 07.05.13, Col 2311). Neil Findlay asked about regional developments and Russel Griggs replied that his proposed structure of 13 regional boards was simpler than that chosen by the Cabinet Secretary and hoped that there would eventually be a move to a more regional structure. The Convener then turned to the draft code of governance and asked Ferdinand von Prondzynski for his response to it. He replied that, 'on the whole it meets the objectives of a code of governance' (von Prondzynski 07.05.13, Col 2314) but noted that there were still some amendments to be made to it. In answer to further questions from the Committee he noted some of the recommendations made in the review he chaired could only be met by legislation. The meeting then spent some time considering the timing issue in the development of the code of governance and the progress of the bill.

The Committee met with a second panel of witnesses on the 7 May 2013. This meeting opened with a discussion about the way in which the working group had consulted across universities before drafting the code. Colin Beattie then asked a series of questions about differences between the UK code of higher education governance and the draft Scottish code. The meeting ended with a discussion of possible changes to the draft code.

The Committee completed stage 2 of the bill at their meetings on 14, 21 and 28 May 2013, those meetings were attended by Michael Russell, the Cabinet Secretary for Education and Lifelong Learning and Marco Biagi, who had placed amendments to the bill. The Committee voted on the amendments to the bill as follows:

Amendments (14 May 2013)	Action taken by the Committee
12, 7 and 9	Agreed to (without division)
17 and 8	Agreed to (by division)
1,2, 3, 4, 5, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28	Disagreed to (by division)
Amendment 22	Moved and withdrawn
Section 1	Agreed without amendment
Sections 2, 3 and 4	Agreed as amended

Amendments (21 May 2013)	Action taken by the Committee
29, 31, 39, 72, 73, 74, 75, 76, 77, 79, 80, 81, 83, 161, 162, 166 and 167	Agreed to (without division)
82 and 165	Agreed to (by division)
30, 32, 33, 37, 38, 40, 41, 131, 132, 133, 134, 135, 156, 157, 158, 159, 160, 163 and 168	Disagreed to (by division)
34 and 35	Were pre-empted
Sections 5, 6 and 7	Agreed as amended

Amendments (28 May 2013)	Action taken by the Committee
10, 63, 64, 65, 69, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 122, 123, 124, 126, 127, 128, 129, 130, 139, 150, 155, 169, 170, 171, 178, 187, 190, 191, 192	Agreed to (without division)
85, 96, 103, 104, 105, 106, 107, 108, 119, 120, 121, 125, 138, 182, 189, 193	Agreed to (by division)
44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 68, 137, 140, 141, 142, 143, 145, 146, 147, 148, 149, 153, 154, 172, 173, 174, 175, 176, 179, 180, 181, 183, 184, 185, 186, 188, 196	Disagreed to (by division)
62, 66, 67, 70, 194 and 195	Were pre-empted
6, 43, 71, 151, 152, 11, 60 and 61	Were not moved
Sections 9, 13, 16, 17, 18, 19 and the long title	Agreed to without amendment
Sections 8, 10, 11, 12, 14 and 15	Agreed to as amended

INQUIRY INTO DECISION MAKING ON WHETHER TO TAKE CHILDREN INTO CARE

The Committee returned to this in private at their Committee meeting on the 26 February 2013 and agreed to defer consideration of the paper presented by the Clerk to a future meeting. The Committee took further evidence at their meeting on 5 March 2013 and agreed its approach to the inquiry in private. The Committee was provided with a Scottish Parliament Information Centre (SPICe) briefing paper (EC/S4/13/7/2) which summarised the evidence collected. The Committee considered the inquiry in private at their meeting on 5 March 2013 and agreed a timetable and witnesses for oral evidence. They returned to the inquiry at their next meeting on 12 March 2013 and agreed to discuss their draft interim report in private at future meetings. They considered a draft interim report at their meeting on 26 March 2013 and agreed the report for publication. The Committee returned to the inquiry at their meeting on 16 April 2013 when they took oral evidence from a further panel of witnesses. Each of the organisations represented on the 16 April 2013 submitted written evidence for the meeting (EC/S4/13/11/1). The Committee considered a paper from the Clerk, in private, at their meeting on 30 April 2013 and took evidence at their meetings on 7 May 2013 (EC/S4/13/14/1), 14 May 2013, 21 May 2013 (EC/S4/13/16/1) and 28 May 2013 (EC/S4/13/17/1). All of the written evidence submitted for this inquiry is available online at: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/54315.aspx> [accessed 17.09.13].

The Committee returned to the inquiry at their meeting on 25 June 2013 when they took evidence from the Minister for Children and Young People (EC/S4/13/20/1) and then considered, in private, a note from the Clerk (EC/S4/13/20/2) and the themes arising from the evidence heard.

Date of Committee	Witnesses
5 March 2013	<ul style="list-style-type: none"> Claire Burns and Jennifer Davidson, <i>Centre for Excellence for Looked after Children in Scotland (CELCIS)</i> Ann Darlington, <i>Action for Children</i> Malcolm Schaffer, <i>Scottish Children's Reporter Administration</i>
16 April 2013	<ul style="list-style-type: none"> Annette Bruton and Lawrie Davidson, <i>Care Inspectorate</i> Stella Everingham, <i>Association of Directors of Social Work</i> Anna Fowlie, <i>Scottish Social Services Council</i>

7 May 2013	<ul style="list-style-type: none"> • Tam Baillie, <i>Scotland's Commissioner for Children and Young People</i> • Liz Ray, <i>Who Cares? Scotland</i> • Andy Miller, <i>Scottish Consortium for Learning Disability</i>
14 May 2013	<ul style="list-style-type: none"> • Professor Eileen Munro, <i>London School of Economics and Political Science</i> • Professor Brigid Daniel, <i>University of Stirling</i>
21 May 2013	<ul style="list-style-type: none"> • Donald Urquhart, <i>Child Protection Committee</i> • Jo Macpherson, <i>Community Planning Partnership</i> • Jim Carle, <i>Child Health Commissioner's National Group</i> • Hugh McNaughtan, <i>Glasgow Children's Panel</i>
	<ul style="list-style-type: none"> • Carolyn Brown, <i>Association of Scottish Principal Educational Psychologists</i> • Dr Helen Hammond, <i>Paediatrician</i> • Gill Imery, <i>Police Scotland</i>
28 May 2013	<ul style="list-style-type: none"> • Tom McGhee, <i>Scottish Children's Services Coalition</i> • Mark Ballard, <i>Barnardo's Scotland</i> • Barbara Hudson, <i>British Association for Adoption & Fostering</i> • John Stevenson, <i>UNISON</i> • Ruth Stark, <i>Scottish Association of Social Workers</i> • Matt Forde, <i>NSPCC Scotland</i>
25 June 2013	<ul style="list-style-type: none"> • Aileen Campbell, <i>Minister for Children and Young People, Scottish Government</i> • David Blair and Phil Raines, <i>Scottish Government</i>

The Deputy Convener opened the meeting on the 5 March 2013 by reminding the Committee that the purpose of the session was to consider the ways in which the Committee could build on work that was being carried out by other organisations. Joan McAlpine first asked about the progress that the Centre for Excellence for Looked after Children in Scotland (CELCIS) was making with the Government's action plan in relation to permanence planning for looked after children. Claire Burns replied that CELCIS had existed since September 2012 and had engaged with 22 local authorities about permanence planning. She said that the team was working on strategic themes related to 'changes at social work practice level with regard to assessment and decision making, children's hearings and court processes' (Burns 05.03.13, Col 2102). In particular, they were working on how to reduce the number of reports required, workforce development for legal services and how to reduce delays in services. She concluded with the following statement:

Another key strategic theme concerns concurrency planning; we are looking to develop local consortia in that regard. Concurrency planning means that children go with prospective foster parents early on—even where there is a chance that they may go home, they go with the carers whom they will stay with (Burns 05.03.13, Col 2102).

Joan McAlpine followed this with a question about evaluation, to which Claire Burns replied that it was likely to take a number of years before the benefits from that work would be seen, but that there was a researcher in CELCIS with responsibility for evaluation. Liz Smith asked about the timescale for involving all local authorities, to which Claire Burns replied that it depended on the needs of the local authorities and that CELCIS was focused on getting local authorities to work together. Neil Bibby then asked about the reports from Action for Children and the University of Stirling on child neglect. Anne Darlington replied that the development of Getting It Right for Every Child (GIRFEC) had focused all the agencies to work from the needs of the child, but agreed with Neil Bibby that there was a need to work on child neglect at a national level. Liam McArthur asked about the role of a baseline 'that triggers intervention' (McArthur 05.03.13, Col 2108). In reply Malcolm Schaffer talked about the way in which the legal system could connect with a baseline.

Such a baseline could provide an objective standard for when intervention was required and should apply - in terms of a test of lack of parental care - in any part of the country (Schaffer 05.03.13, Col 2018).

The Deputy Convener then turned to the issue of delays in decision making. Malcolm Schaffer said that the reporters were initially concentrating on their own decision making processes and how they could reduce delays there. The meeting then discussed the targeting of resources and the particular challenges faced in rural areas. The Convener ended the session by asking what the panel would like the Committee to achieve. In reply Jennifer Davidson said:

The way in which the Committee conducted the inquiry earlier - by bringing partners who work in the sector together to give their feedback in order to reach its findings - was a unique and forward-thinking way to help us to own the issues. Ultimately, the report will not sit on a shelf if it is owned by the people who work with the children and who are ultimately responsible for them (Davidson 05.03.13, Col 2121).

The Committee took further evidence at their meeting on 16 April 2013. The Convener opened the questions by asking about the length of time it took for young people to be taken into care. Annette Bruton replied that often when a particular incident was resolved professional staff took a long term view and decided that the young person did not need to be taken into care. Stella Everingham supported that and added that there was often a sense of optimism in the work of social workers that families would be able to make changes. The Convener noted that this issue had been acknowledged in a number of visits they made as they collected evidence. Anna Fowlie suggested that it would help to change things if timescales were considered from the child or young person's perspective. The Convener replied:

. . . the kind of timescales that we are talking about are not related to a child's perception of time but to actual time. We are talking about four years up to more than 10 years between initial contact from professionals to eventual removal of children from the home (Maxwell 16.04.13, Col 2162).

In reply, Annette Bruton noted that the recent practice of introducing an independent reviewer to chair case reviews was providing a different viewpoint and moving cases forward. Stella Everingham added that the new risk-assessment tools in GIRFEC were ensuring that social workers were more focused on timelines. Liz Smith then asked about the need to balance the complexity of individual cases with the requests the Committee had received for 'much more consistency in the decision-making process throughout Scotland' (Smith 16.04.13, Col 2165). In reply, Stella Everingham suggested that, although each local authority had tools that they used in assessment, it might help the national situation if there was more emphasis on workers completing a child protection certificate, which she felt would support greater consistency. The meeting moved on to discuss the training of social workers and the contributions made by other services to assessments. Neil Bibby asked questions about resources and the Convener about the skills of senior social work management, which the panel did not wish to respond to. Joan McAlpine asked about permanency planning and the delays children and young people experienced. Annette Bruton replied that the Care Commission 'saw (a) good and speedier service' (Bruton 16.04.13, Col 2176) where local authorities employed specialist staff for fostering and adoption. Colin Beattie then returned to the issues of training and variable practice, in reply to which Annette Bruton outlined the role of the inspections carried out by the Care Commission.

The meeting on the 7 May 2013 began with a question from the Convener about the way in which professionals responded to partners with learning disabilities in matters concerning their children. In reply, the panel commented that there had been little research done in this area in Scotland but acknowledged that 'the figures for this group are significantly higher'

(Baillie 07.05.13, Col 2290) within the 2% of Scottish children who were in care. Andy Miller then described some of the ways in which parents with learning disabilities were being supported. The panel then considered a question from George Adam about listening to children and young people within the hearing processes. Liz Ray replied that hearings were stressful for children and young people and that it was often difficult for them to speak honestly. Tam Baillie commented:

I am very pleased about the efforts that are being made in the hearings system, but I also do not take the issue lightly. The circumstances are quite difficult and we should do everything that we can to try to get the child's or young person's trust, ensure that we are alongside them and ensure that they have confidence not only to say what they feel and genuinely think but that what they say will be taken account of (Baillie 07.05.13, Col 2294).

Members of the Committee followed this remark with a series of questions about the impact of changes in the hearing system, and then Colin Beattie moved on to the issue of consistency of approach to care between councils. The panel commented on the lack of research and analysis about the work of the hearing system, which Tam Baillie suggested the Committee might like to note in their report. Clare Adamson then asked about the impact of GIRFEC to support cross disciplinary working. In reply Tam Baillie commented on what he termed the 'insufficient' numbers of health visitors who provide the main universal service for young children and suggested that because of that:

. . . we are not picking up on the poor attachment between the parent and the child in too many cases, and there are too many children whose outcomes could be improved and for whom later episodes of their coming into care could be averted (Baillie 07.05.13, Col 2301).

Neil Findlay asked the panel if there was a need for a preventative support service for parents, which would require additional support. In reply the Tam Baillie commented that it would be challenging to consider that because of the increasing numbers of children in care. The meeting then moved on to consider the progress made in interagency working.

The Committee took evidence in relation to neglect and permanence at their next meeting on 14 May 2013. Liz Smith asked the first question of the panel, about the request for consistency from stakeholders. In reply Eileen Munro commented that the focus in decision making should always be on the needs of the child. Brigid Daniel endorsed this reply and added that what was needed was 'consistency of approach and consistency of the principles that underpin practice' (Daniel 14.05.13, Col 2360). Committee members then asked a series of questions about the abilities of social work staff to support families to make changes and the quality of social work training. Liam McArthur followed this with a question about improvements to training in relation to assessment. Brigid Daniel described the GIRFEC assessment model and said:

There is a very good, evidence-based, structured assessment model and we have the components in place, but attention needs to be given to some of the nitty-gritty stuff about how to put things into practice and how to work collectively to do that (Daniel 14.05.13, Col 2367).

The meeting then moved to discuss the ways in which information was currently shared between services and the need for professional development for social workers after their initial qualification.

The Committee took evidence about joint decision making and partnership working at their next meeting on 21 May 2013. The meeting began with a discussion about information sharing and the use of telephone calls to make initial contact between services. Colin Beattie asked about the use of the risk assessment toolkit and common thresholds to trigger support. In reply, Jim Carle noted that a common threshold was difficult to achieve, and the

meeting turned to the need for training across agencies. The meeting then considered the respective roles of educational psychologists and health visitors in assessing needs. The Committee returned to these issues with the second panel of witnesses on the 21 May 2013 and asked for comments about sharing information. In response to this, Gill Imery replied that 'there are challenges with systems that do not speak to one another' (Imery 21.05.13, Col 2446), and Helen Hammond outlined the ways in which GIRFEC was supporting the sharing of information. Colin Beattie asked about the lack of a shared understanding of neglect, which Carolyn Brown suggested was being worked towards through the national risk assessment tool. The meeting ended with a discussion about the national provision of educational psychologists.

The Committee took their further evidence for the inquiry at their meeting on 28 May 2013. The Convener opened the questions by returning to the issue that had prompted the Committee's inquiry: the length of time it took for a young person to be taken into care. Tom McGhee replied first that there should be a focus on early intervention and Mark Ballard said that young people in the system experienced too many delays. This was supported by Barbara Hudson, who said that there was 'a lack of urgency in the system' (Hudson 28.05.13, Col 2509). John Stevenson raised the issue of resources, Ruth Stark the need to address the rights of the child to be with their family, and Matt Forde the issue of support for the family. These initial remarks set the tone of the discussion for the meeting, during which the Committee asked particularly about areas which the panel felt required further resources.

The Committee took evidence from the Aileen Campbell, Minister for Children and Young People, and Scottish Government officials at their meeting on 25 June 2013. The Convener first asked the Minister about the role of the Government in 'the decision-making process for removing children from the home' (Maxwell 25.06.13, Col 2613). In reply, the Minister focused on the leadership role of the Government through the provision of guidance, and outlined the way in which the legislation from GIRFEC would provide 'national consistency' (Campbell 25.06.13, Col 2613). The questions from the Committee concerned outcomes for children supervised at home, the length of time it took for decisions about care to be made, training for universal services in relation to looked after children, and the outcomes for children returned home. In reply, Aileen Campbell referred to two summit meetings the Government had held to highlight these issues, and the opportunities offered through the positive parenting programme. Neil Findlay asked a series of questions about pathway plans for young care leavers and the lack of practitioner knowledge about the plan. David Blair replied on behalf of the Government and agreed to send the guidance for the pathway plan to the Committee. Neil Findlay then asked about the amount of money spent on 'protecting children' (Findlay 25.06.13, Col 2624). In reply Phil Raines said in reply that it was difficult to define.

There is an argument that almost all children's services protect children in one way or another. Much of the education budget is there to protect children. The issue is complex, because part of the purpose of having GIRFEC approach rooted across many agencies is to ensure that universal services have protecting children as part of their on-going functions and that that is hardwired into what they do as a whole. Therefore, it is difficult to extract the protecting children bit, because that is almost separating out something that they should do as part of their everyday business (Raines 25.06.13, Col 2624).

Neil Findlay replied that 'significant issues' (Findlay 25.06.13, Col 2625) had been highlighted during the inquiry which would require either more funding or a refocusing of funds, and the Committee needed to know what was currently spent in this area. Aileen Campbell replied by listing the funds spent overall on children's services and the early years task force. Neil Bibby asked about the Government's intentions in relation to the data it collected on child neglect. Phil Raines replied that statistics about neglect were collected from the data on the child protection registers. The meeting then moved on to discuss the rights of children and the rights of parents, and the way in which children's panels addressed

those issues. After the evidence from the Minister, the Committee agreed minor changes to their report.

BUDGET

The Committee agreed their approach to the strategy phase of the budget, in private, at their meeting on the 16 April 2013.

CHILDREN AND FAMILIES (UK PARLIAMENT LEGISLATION)

The Committee considered the legislative consent memorandum (LCM(S4)21.1) at their meeting on 16 April 2013. They agreed to request further information from the Scottish Government and to consider the memorandum at a future meeting. They returned to this at their meeting on 7 May (EC/S4/13/14/6) and agreed that they were content with the terms of the memorandum.

McCORMAC REVIEW OF TEACHER EMPLOYMENT IN SCOTLAND

The Committee agreed its approach to the McCormac Review of Teacher Employment in Scotland at their meeting on 23 April 2013. The committee considered a paper from the Clerk, in private, at their next meeting on 30 April 2014.

CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL

The Committee considered their approach to their scrutiny of the bill at stage 1 at their meeting on 7 May 2013 and agreed the draft of a call for written evidence (EC/S4/13/14/5). They returned to the bill at their meeting on 4 June 2013 and on 11 June 2013, when they agreed their approach to their scrutiny of the bill at stage 1 in private. They began hearing oral evidence at their next meeting on 25 June 2013. The supporting papers were a briefing from Save the Children UK and a submission from Together - Scottish Alliance for Children's Rights (EC/S4/13/20/3).

Date of Committee	Witnesses
25 June 2013	<ul style="list-style-type: none">• Elisabeth Campbell, Gordon McNicoll, Scott Wood, Boyd McAdam, Lynn Townsend and Stuart Robb, <i>Scottish Government</i>
	<ul style="list-style-type: none">• Elisabeth Campbell, Ruth Inglis, Susan Bolt, David Blair, and Clare Morley, <i>Scottish Government</i>

The Convener opened the meeting on the 25 June 2013 by outlining the process the Committee had agreed for hearing evidence on stage 1 of the bill. The Committee would take initial evidence from two panels on the 25 June and would hear further evidence at their meetings in September and October 2013. Elisabeth Campbell, the bill team leader for the Government, then made opening remarks to the Committee about the Government's ambitions for the bill.

The bill will also ensure that children's rights properly influence the design and delivery of policies and services and it will increase the powers of Scotland's Commissioner for Children and Young People. It will improve the way that services support children and families by promoting co-operation between services, and it will strengthen the role of early years support in children's lives by increasing the amount and flexibility of funded early learning and childcare. It will

also ensure better permanence planning for looked-after children by improving support for kinship carers, families and care leavers; extend corporate parenting across the public sector; and put Scotland's national adoption register on a statutory footing (Campbell 25.06.13, Col 2643).

Liz Smith opened the questions by asking about the relationship between the bill and the United Nations Convention on the Rights of the Child (UNCRC). In reply Scott Wood said the Government did not intend to incorporate the Convention in Scots law. Neil Blbby followed this with questions about the role of the named person in relation to a child's right to privacy in UNCRC. Boyd McAdam replied that they felt that the proposals in the bill 'were compliant' (McAdam 25.06.13, Col 2645) with article 8 of the Convention. The Committee then asked about different aspects of GIRFEC which would be made statutory by the bill, and in particular about the expectations in statute for the named person.

The questions for the second panel of witnesses on the 25 June 2013 concerned parts 6 to 13 of the bill: early learning, childcare, looked-after children, children's hearings and schools consultations. The questions from the Committee focused on the reasons for including specific aspects of these practices in the bill.

ANNUAL REPORT

The Committee considered a draft of their annual report for the parliamentary year on 28 May 2013, changes were discussed and the report agreed for publication.

PETITIONS

The Committee returned to petition PE 1391 at their meeting on the 12 March 2013 (EC/S4/13/ 8/1). This petition was placed by Susan Calcluth-Russell on behalf of Renfrewshire Parent Council Forum 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 had kept the petition open at their meeting on 11 December 2013 and wrote to the Cabinet Secretary about the issues it raised. Neil Bibby welcomed the response of the Cabinet Secretary (EC/S4/13/ 8/2) and noted that he stated that there should be 'full and effective consultation with parents before major changes are made to the way in which local authorities deliver education' (Bibby 12.03.13, Col 2130). The Committee agreed that the Cabinet Secretary's letter was helpful and closed the petition.

The Committee considered two petitions at their meeting on 4 June 2013: Petition 1395 by Jan Culik on the provision of targeted funding for lesser taught languages and cultures at Scottish universities, and Petition 1440 by Sharon McCluskie, on behalf of Play Scotland, to include a statutory duty for play in the Children and Young People Bill. They agreed to keep Petition 1395 open, and to write to the Scottish Government and the Scottish Funding Council on issues raised by the petition. They agreed to close Petition 1440, and to consider the issues it raises in the context of scrutiny of the Children and Young People Bill.

SUBORDINATE LEGISLATION

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

- Children's Hearings (Scotland) Act 2011 (Transfer of Children to Scotland – Effect of Orders made in England and Wales or Northern Ireland) Regulations 2013 [draft]
- Public Services Reform (Scotland) Act 2010 Modification Order 2013[draft]
- Children's Hearings (Scotland) Act 2011 (Review of Contact Directions and Definition of Relevant Person) Order 2013 [draft]

- Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 [draft]
- Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013 [draft]
- Children's Hearings (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013 [draft]
- Secure Accommodation (Scotland) Regulations 2013 [draft]
- Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 [draft]
- Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) (Children's Hearings) Order 2013 [draft]
- Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013 [draft]

The Committee took evidence on the following subordinate legislation at their meeting on 26 March 2013 and disagreed the legislation by division:

- Teachers' Superannuation (Scotland) Amendment Regulations 2013 (SSI 2013/71) at their meeting

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

- Looked After Children (Scotland) Amendment Regulations 2013
 - Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2013 (SSI 2013/80)
 - Individual Learning Account (Scotland) Amendment Regulations 2013 (SSI 2013/75)
 - Children's Hearings (Scotland) Act 2011 (Compulsory Supervision Orders etc.: Further Provision) Regulations 2013 (SSI 2013/149)
 - Children's Hearings (Scotland) Act 2011 (Modification of Subordinate Legislation) Order 2013 (SSI 2013/147)
 - Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2013 (SSI 2013/141)
 - Children's Hearing (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013
 - Children's Hearing (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013
1. National Library of Scotland Act 2012 (Consequential Modifications) Order 2013 (SSI 2013/169)
 2. Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2013 (SSI 2013/170)
 3. Requirements for Community Learning and Development (Scotland) Regulations 2013 (SSI 2013/175)
 4. Adam Smith College, Fife (Transfer and Closure) Order 2013 (SSI 2013/179)
 5. Anniesland College and Langside College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/180)
 6. James Watt College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/181)
 7. Kilmarnock College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/182)
 8. Reid Kerr College (Transfer and Closure) (Scotland) Order 2013 (SSI 2013/183)

REFERENCES

Redford, M. (2013) Education in the Scottish Parliament, *Scottish Educational Review*, 45 (1), pp. 94-106