EDUCATION CULTURE AND SPORT COMMITTEE

AGENDA

12th Meeting, 2000

Tuesday 28 March 2000

Agenda

The following papers are attached for this meeting

Note by the Clerk on affirmative SSI procedures (Both Agenda item (1))

ED/00/12/1

Note by the Clerk on order of consideration of sections and schedules of a Bill.
Note by the Clerk on Stage 2 of an Executive Bill. (Both Agenda item (2))

ED/00/12/2
ED/00/12/3

Letter of invitation from Scottish Human Services Trust.
Note by the Clerk on invitation to “Imagine Better” conference from Scottish Human Services Trust. (Both Agenda item (4))

ED/00/12/4
ED/00/12/5
EDUCATION CULTURE AND SPORT COMMITTEE

AGENDA

12th Meeting, 2000

Tuesday 28 March 2000

The Committee will meet at 2.00 pm in Committee Room 2

1. **Draft Affirmative Instrument**: The Committee will consider the following draft affirmative instrument—


2. **Standards in Scotland’s Schools etc. Bill (Stage 2 order of consideration)**: The Committee will consider the following motion—

   **Mary Mulligan S1M-684**: That the Education Culture and Sport Committee consider the Bill at Stage 2 in the following order: sections 1 - 12, sections 41 - 51, sections 13 - 40, sections 52 - 57 and that each schedule is considered immediately after the section that introduces it.

3. **Update of Committee Business**: The Committee will be updated on business in its current work programme.

4. **Invitation to conference**: Committee will consider the invitation to the Scottish Human Services Trust Conference on 17 May 2000.

5. **Ethical Standards in Public Life etc. (Scotland) Bill (in private)**: The Committee will consider the Clerk’s draft report at Stage 1 of the Bill.

6. **Special Educational Needs Inquiry (in private)**: The Committee will consider the written evidence and next steps for this inquiry.

Gillian Baxendale
Clerk to the Committee
Room 2.7 Committee Chambers
Ext. 85204
Email gillian.baxendine@scottish.parliament.uk

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EDUCATION CULTURE AND SPORT COMMITTEE

The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 2000

1. The Committee is asked to consider this instrument which is subject to the affirmative procedure. The procedures are in Rule 10.6 of Standing Orders.

Purpose

2. The purpose of this order is set out in the Explanatory Note and in the accompanying Executive Note. In summary, it makes provision in relation to the British Library Board, the Theatres Trust and the National Heritage Memorial Fund, all of which are cross-border public authorities under the Scotland Act 1998. The default position for cross-border public authorities is that a Minister of the Crown is required to consult Scottish Ministers before appointing or removing any member of the body. This Order provides instead for the appointment of members with special knowledge of Scotland and limits the consultation with Scottish Ministers to the appointment of those members.

General procedure

3. The Education Culture and Sport Committee has been allocated lead responsibility for this instrument. Affirmative instruments require the approval of the Parliament and the Executive has lodged the following motion which the Minister will move at the start of the agenda item:


4. A debate will follow which can last no longer than 90 minutes. The Parliament has 40 days to approve instruments of this type. The time limit for this instrument runs until 6th April. If it is not approved within that timescale, the instrument will fall.

Other Committees

5. No other subject committees are involved with this instrument. The Subordinate Legislation Committee considered the technical aspects of the instrument on 14th and 22nd March. Their report will be circulated as soon as it is available.

Gillian Baxendale
Clerk to the Committee

23 March 2000
EDUCATION CULTURE AND SPORT COMMITTEE

Standards in Scotland's Schools etc. Bill : Order of Consideration for Stage 2

1. Rule 9.7.4 of the Standing Orders deals with the order in which the sections and schedules of a Bill are taken during Stage 2 consideration. According to the Rule, if the Parliament makes no decision, the Committee may decide the order.

2. In relation to the Standards in Scotland’s Schools etc. Bill, it has been agreed that the Committee should decide the order. The order proposed in the motion on the agenda has, however, been proposed in discussion with the Executive. The rationale is:
   - to take the key clauses 1-12 on the improvement framework first;
   - then to move to the provisions in sections 41-51 on the GTC and the SJNC, to ensure that the Committee has plenty of time to discuss these provisions;
   - before taking the rest of the Bill in section order ie sections 13-40 and then 52 to 57. Each schedule will be taken immediately after the section which introduces it.

3. The Committee is being invited to agree the order of consideration at this meeting because this determines the order in which the amendments appear in the Marshalled List. The first Marshalled List of amendments must be prepared and printed in advance of the first Stage 2 meeting which will be on Wednesday 5th April.

4. The following motion has been lodged in the Convener’s name and appears in the Business Bulletin and on the agenda for the Committee meeting:

   **S1M-684 Mary Mulligan: Standards in Scotland’s Schools etc. Bill (Stage 2 order of consideration)**—That the Education Culture and Sport Committee consider the Bill at Stage 2 in the following order: sections 1 – 12, sections 41 – 51, sections 13 – 40, sections 52 – 57 and that each schedule is considered immediately after the section that introduces it.

Gillian Baxendine
Clerk to the Committee

23 March 2000
Guidance on Public Bills

1. Comprehensive guidance on proceedings of Bills at Stage 2 can be found in Guidance on Public Bills, copies of which were sent to all MSPs in December. (It is also available from the Document Supply Centre and on the Parliament website, under Parliamentary Procedure.) This note summarises and highlights some of the key issues.

Overview of Stage 2

2. Stage 2 is the line-by-line consideration of the Bill, and includes considering amendments and deciding whether to agree each section and schedule.

3. Any MSP may lodge amendments to the Bill after the end of Stage 1.

4. Before each day of Stage 2, all amendments lodged and not so far disposed of are printed in a Marshalled List in the order in which they are to be taken by the Committee. Each amendment may be moved by the member who lodged it (or any other member) and then debated. At the end of the debate, unless the amendment has been withdrawn, the Convener will put the question on the amendment, and if there is any disagreement the question is voted upon.

5. Stage 2 is completed when all the amendments lodged have been dealt with. The Bill is reprinted at the end of Stage 2 "as amended". The Bill then returns to the Parliament for Stage 3, when further amendments may be made before the Parliament decides whether to pass the Bill.

Key principles

6. The Standing Orders relating to amendments are based on two guiding principles:

- that every substantive change to the text of a Bill requires an individual amendment to be lodged, moved and agreed to; and
- the “rule of progress”, which is that amendments must be taken and disposed of strictly in an agreed order. This means that once a provision has been considered and the Committee has moved on, it cannot be revisited during Stage 2.
Lodging and printing amendments

7. Amendments may be lodged by MSPs up to 2 sitting days before each day of proceedings. The deadlines for lodging amendments to the Standards in Scotland’s Schools etc. Bill with the clerks will be as follows:

For Tuesday meetings: by 5.30pm on the Friday before.
For Wednesday meetings: by 5.30pm on the Monday before.

8. It may not always be possible however to print amendments submitted after 3pm in the following day’s Business Bulletin.

9. All admissible amendments lodged are published in Section G of the Business Bulletin, wherever possible the following day, and normally in the order in which they would be moved in the Committee. Each amendment is numbered and this number does not change throughout the Stage 2 proceedings.

10. At Stage 2 it is possible to lodge “manuscript amendments” – i.e. amendments lodged with less than the normal two days’ notice. Such amendments may be moved only with the Convener’s agreement.

Marshalled List

11. The day before a Stage 2 meeting, the clerks compile all the amendments received in a Marshalled List. The Marshalled List is published on the day of the Committee meeting but not as part of the Business Bulletin. Copies will be e-mailed to members of the Committee and will also be available from the Document Supply Centre and on the website (under Bills).

Groupings

12. Amendments are grouped according to their subject matter by the Convener in order to avoid repetition in debate, and allow a single debate on an issue raised by a number of amendments. However, each must still be moved and disposed of in the order of the Marshalled List. This may mean that an amendment is debated at the start of a meeting but not formally moved or voted on until much later in the meeting – or at a later meeting. The member who lodged it must therefore ensure that he or she is present not only to debate it, but also to move it when it is reached.

13. Groupings are not published, but are distributed at the Committee meeting.

What will happen at the meeting?

14. The relevant Minister (or junior Minister) will attend every Stage 2 meeting to move Executive amendments and participate in debate on other amendments. However the Minister, like all other MSPs who are not members of the Committee, cannot vote on any amendments.
15. Any MSP who has lodged an amendment has the right to attend the meeting and move and speak to his or her amendment. Other members may participate in the debate on any amendment only if called by the Convener.

16. The Convener begins by calling the first amendment on the Marshalled List. All other MSPs who have proposed amendments in the same group will then be called to speak, and will debate all the amendments in the group. Only the first amendment is formally moved at this point, however. The Minister will also be called to speak, and other MSPs may be called by the Convener.

17. At the end of the debate on each group, the Convener will give the MSP who moved the amendment the opportunity to withdraw it. (An amendment may be withdrawn if, for example, it has become clear during debate that it is flawed, or because the Minister has offered some commitment on the issue raised which satisfies the concerns motivating the amendment.) If the amendment is not withdrawn, the Convener will put the question that the amendment be agreed to. If any member disagrees, there is a vote.

18. If, when an amendment is called, the member who proposed it does not wish to move it, he or she should simply say “not moved” (though any other MSP present may then move it instead). When an amendment which has already been debated as part of an earlier group is called, the MSP moving it should not make a further speech – though a few words of explanation are permitted.

19. As well as disposing of amendments, the Committee is required to decide whether to agree to each section and schedule of the Bill. The Convener puts the question on each section or schedule after any amendments to that section or schedule have been disposed of. There may be a short debate on a section or schedule before the question is put.

20. Any MSP who wishes to oppose the question that a section or schedule be agreed to should lodge an amendment to leave out the section or schedule.

Further Guidance

21. The clerks are happy to give members any further guidance necessary on the contents of this note and the processes involved in Stage 2 consideration, or on the drafting of specific amendments.

David McLaren
Senior Assistant Clerk
23 March 2000
Dear Ms Baxendine

SHS Conference: Imagine Better  17/18 May 2000

I am writing on behalf of SHS to invite one member from each of the following committees:

- Health and Community Care
- Education, Culture and Sport
- Equal Opportunities
- Social Inclusion, Housing and the Voluntary Sector

To attend the SHS conference at Heriot Watt Conference Centre, Edinburgh on Wednesday 17th May and take part in a panel session with the participants at the end of the day.

The conference will attract about 300 participants – a mix of disabled people, families, researchers, service providers, elected members and planners from health, education, social work, housing and the voluntary sector. The first day will involve presentations and workshops on a wide range of topics relevant to the Committees’ work.

If possible, we would like a member of each committee to take part in the full day and then at 5.00pm to:

give their feedback on what they have heard during the day
say something about the work of their committee
answer questions from participants

This session would run to about 6.15pm on the Wednesday evening, followed by a glass of wine. Members would of course be welcome to stay for the second day of the conference on Thursday 18th.

Please let me know if you are able to put this request to committee members, and if you need any further information at this stage. I enclose a conference flyer and SHS newsletter for information.

Yours sincerely

[Signature]

Pete Ritchie
Director

Scottish Charity No. SC022430
With, 
not to

Building a more equal and inclusive Scotland is a difficult long-term challenge. Part of this challenge is reforming the human service system. Most of our parliament’s £15bn budget is spent on health, education, housing and social work services - and the quality of these services has a direct day-to-day impact on the people most at risk of exclusion.

We know that many people in these service systems - whether in the voluntary or statutory sectors - are working hard to make a difference. But deep-rooted change is needed if we want to get the best out of our human services.

Inclusion and empowerment may be our stated goals, but they are not yet the reality. Too often, people are trapped in building-based services, people’s own skills and ideas are discounted, money is locked up in the wrong places, agencies work in parallel or at cross-purposes rather than together.

In this context, the Scottish Executive’s new initiatives have the potential to make a real difference. The ideas are good - but just as importantly, there is a new way of doing things. A genuine dialogue is taking place between national policymakers and the ordinary citizens affected by those policies. There is more openness, and a greater recognition that the people who rely on services are central contributors to the process of change. For example...

- The learning disabilities review which will be published in March reflects a year’s long consultation with people with a learning disability, family members and service providers.
- The carers’ strategy makes £1m million available for practical grassroots service developments. Direct payments will soon become available to people over 65 and to parents of disabled children. Taken together, these two initiatives will lead to a whole new range of flexible family support services, not just respite.
- The new broad-based mental health support group underlines the Executive’s commitment to see mental health as a public health issue, not just a matter of service reform.
- The ‘presumption of inclusion’ which is a key part of the forthcoming Education Bill will encourage local authorities to build inclusiveness into all aspects of the school system, for the benefit of all children, not just those with special educational needs.
- The “Listening to Communities” programme will invest not just in the capacity of community groups and community leaders to engage with government, but in the capacity of government to listen and respond.

What makes these initiatives exciting is not just the investment of new money, welcome though this is, but the sensing of new possibilities.

The Parliament’s committees seem to be enquiring, focused and constructive. MSPs and Ministers come across as genuinely interested in new ideas and the scope for change. Government is far more accessible, both physically in the parliament and through the website.

The old culture of deference and secrecy offered plenty of excuses for people in the field - “They don’t listen”, “nothing will really change”. It still suits some newspapers - gloom and cynicism are easy copy. It still suits some people in the system who are more interested in power than service.

Building the new culture of equality and openness is a challenge for all of us who are used to the old ways. But if we want to see a more inclusive Scotland it is the only path to sustainable change. You can’t do inclusion to people, but you can do it with them.

Pete Ritchie, Director

annual conference

IMAGINE BETTER - towards a Scotland where everyone matters

SHS 2 day conference • WED. 17TH & THURS. 18TH MAY 2000

HERIOT WATT UNIVERSITY, EDINBURGH contact SHS for details and a booking form
NEW STAFF

Since the last newsletter, some new people have come to work at SHS. Vicki Butler, Drew Hunter and Heather Simmons have joined the training team and will be working on a variety of projects including Skills for Inclusion. Jean McEwan will be working on the New Futures project in Fife and other capacity-building projects. Annette McKenna has started working for Allies in Change as the part-time training assistant. Jeremy Weston has joined the research team to work on the study of supported employment for people with high support needs, and Susannah Drury is the new research assistant with the team.

FAMILY FUTURES

We are delighted that the Scottish Executive Education Department has funded this new project for two and a half years.

The aim of the Family Futures project is to develop a national infrastructure of skills and experience in person-centred planning with children and families. Children and young people with special educational needs and their families want to be centrally involved in making decisions about educational and other issues in their life.

The project is a partnership between SHS and seven organisations working directly with children who have special educational needs:
- Nucleus
- SENSE Scotland
- Aberlour Childcare Trust
- NCH
- Barnardo’s (West Lothian Project)
- Fife Council Education Department
- Capability Scotland

The project is supported by Children in Scotland and will link with their information and advice service for families. We will be working with the Minority Ethnic Learning Disability Initiative and other relevant agencies to ensure that children from ethnic minorities are included in the project.

The project involves a combination of:
- Facilitation of person-centred planning between children, families and friends and the range of professionals and agencies involved in their lives
- Training and coaching in facilitation skills for staff of voluntary organisations, school-based staff, interested family members, and young people
- Dissemination through publications and conferences to a wide network of family members, support staff and teachers.

The project will work with preschool, school age children and young people in transition. It will work with disabled children and with children who have special educational needs resulting from emotional or behavioural difficulties.

The partner agencies have appointed Dawn Shield as project manager. Additional training and consultancy resources will be dedicated to the project from within the SHS team. External consultants will be used as required to provide additional expertise in areas such as facilitated communication and assistive technology.
**BETTER FUTURES**

Better Futures is a Fife based project that works with people with severe and enduring mental health difficulties who are interested in options around training, education and employment. It is a partnership project between SHS, Fife Employment Access Trust (FEAT) and Focus Education Service and aims to:

- increase participants' knowledge of opportunities available and means of accessing them
- assist people to develop individual plans and increase their ability and confidence to access provision
- arrange opportunities to experience and access employment, training and education with support

The project has a number of different elements and stages. SHS are responsible for the design and delivery of workshops and information sessions which cover issues such as opportunities and obstacles, routes to employment, building support, crisis planning, stigma and discrimination, benefit implications and interview techniques. Individual advice, support and crisis planning is an integral part of the project and participants are encouraged and supported to develop personal action plans. Participants can work towards accessing work tasters, placements or educational, training or work opportunities reflecting their action plan; alternatively, participants can undertake a work related project. This part of the project will be delivered by FEAT and Focus Education Service.

Better Futures is funded for 2 years by Scottish Enterprise New Futures Fund.

We would like to hear from anyone who is aware of interesting training materials on the above. Please contact Jean McEwan at SHS.

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**DELIBERATE DIVERSITY**

This is a new partnership project funded by the European Commission as part of a measure to combat social exclusion and discrimination through the development of civil dialogue. The project is a partnership between SHS and seven other agencies:

- Two Italian supported employment agencies - Centro Studi in Genoa and AECA in Bologna
- A Dutch service provider - Zuidwester - based in Middleharnis
- A national development agency from Finland - FOUV
- Two local authorities - Scottish Borders Council and South Lanarkshire Council as part of their Better Government for Older People projects
- An organisation of disabled people in Fife - Fife Independent Disability Network

The aim of the project is to generate an informed user perspective on European policy and practice for combating discrimination in employment in relation to disabled people and older people. The project will recruit and support a diverse transnational group of people at risk of discrimination and will work with them to plan, set up and conduct a 4 day citizen’s jury.

The jury is expected to take place in Edinburgh in September 2000. We expect that witnesses will be invited from the European Commission, national governments and parliaments, local authorities, national voluntary organisations, organisations of disabled people and of older people, universities and policy institutes, and service providers. The jury's report will be widely disseminated to relevant organisations throughout Europe.

Organisations and individuals who want to contribute to the work of the jury are invited to contact Robin Burley, Project Manager at SHS.

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**ADVOCACY - A GUIDE FOR COMMISSIONERS**

The Scottish Executive want to encourage wider access to effective independent advocacy.

On their behalf, SHS has been working with a small group of senior staff from health boards, trusts and local authorities to draft national guidelines for health boards and local authorities responsible for planning and commissioning advocacy.

The draft guidance is currently out for consultation and was discussed at a series of interagency seminars at the end of January.
CHANGEOVER, OUR PROGRAMME FOR HELPING PEOPLE WHO USE SERVICES, THEIR CARERS AND STAFF TO WORK TOGETHER TO IMPROVE THE QUALITY OF RESIDENTIAL AND DAYS SERVICES, HAS BEEN RUNNING IN VARIOUS LOCATIONS OVER THE LAST YEAR. ONE OF THE ABERDEEN CHANGEOVER TEAMS HAS WRITTEN THE FOLLOWING REPORT WHICH WAS FIRST PUBLISHED BY THE SOCIAL WORK DEPARTMENT IN THE ABERDEEN CITY NEWSLETTER.

Our Changeover Group has 16 members made up of 3 service users, 2 carers and 9 professional staff from Education, Health, Community Development, Economic Development, Voluntary Sector and Social Work.

We had our first three meetings at Choices when we got to know each other, discussed how we planned to work as a team and learned about the history of the Community Placement Team. Our meetings then moved to the Lemon Tree and we have looked at how to deal with change, the 'five accomplishments' and a 'Users' Charter. We have also explored with service users what a week in their lives is like.

Our meetings to date have been lively and challenging with service users and carers being central to the groups functioning and development.

Some of our group's ideas so far include:

- The need for more leisure groups and opportunities to socialise in the wider community.
- Development of a system that would help people find out who else they could carry out activities with.
- More campaigning for jobs and increased rates of therapeutic earnings.
- Need for training on how to make choices.
- More inclusion in the community, more equality and social contact between staff and service users.
- Need for training for employers including disability awareness.

We're looking forward to putting our ideas into practice.

PARTNERS IN POLICYMAKING IS A COURSE DESIGNED TO GIVE PEOPLE WITH DISABILITIES AND PARENTS OF DISABLED CHILDREN THE SKILLS AND KNOWLEDGE THEY NEED TO WORK CONFIDENTLY ALONGSIDE POLICYMAKERS. ONE OF THE PARTNERS GIVES US HER IMPRESSION SO FAR...

In the summer of 1999 I was given information about the Partners in Policymaking course by my daughter's physiotherapist (you see there are some forward thinking professionals out there!). From the initial information I received it appeared that this course was just what I needed to help me clarify my thinking, not only about how I could act more positively on behalf of my own daughter, but also about how our local parents' support group could and should evolve.

I was expecting to go to the course and come back with all the answers about what health, social work, education and housing departments etc. provide for disabled people. However, having attended the first four weekend sessions of the course I have to say that my expectations have been not so much exceeded as confounded, and my preconceptions about many issues (including the content of the course) have been challenged in a very positive way.

This course provides a huge amount (mountains, actually!) of factual information, but more importantly it has made me think. It has made me question my own views and reassess my own values. It has given me insights not only into how 'the system' works (or doesn't work) but also why certain services are delivered in a certain way and what could be better alternatives. Many of the speakers on the course are themselves parents of disabled children and their contributions have been nothing short of awe-inspiring. It is great to hear how ordinary people have challenged 'the system' not only here, but in other countries. It has made me realise that if ordinary parents are willing to take positive action, we can make a huge difference to the way disabled children and adults are treated not only in our own communities but at a national level. This course has given me the confidence to take action locally, and our group is now involved in consultation with our local education and social work departments to improve our children's services in the way that parents want them improved.

Perhaps one of the most important aspects of this course for me has been the close contact with other parents of disabled children from all over Scotland, and with young disabled adults who are attending the course as self advocates. Being able to share experiences and to learn new things together has been a moving and totally invaluable experience for me. I come home from every weekend fired-up with enthusiasm, which I try to share with other parents locally, but 'you have to be there', so my advice to any parent or disabled adult who is frustrated with the way things are and who wants to make a difference, is to book yourself onto the next 'Partners' course.
research

THERE ARE NOW FOUR PEOPLE IN OUR RESEARCH TEAM - SUSANNAH DRURY, CHRIS JONES, KIRSTEN STALKER AND JEREMY WESTON. OUR WORK COMPOSES A NUMBER OF SHORT-TERM STUDIES AND SOME LONGER PIECES OF WORK. THESE INCLUDE

• a two-year, eight month study of supported employment for people with high support needs, funded by the National Lottery Charities Board Health and Social Research programme. This research will involve six sites throughout the UK.

• a study of the implementation of direct payments in Scotland, funded by the Scottish Executive. This research is being carried out in partnership with the Lothian Centre for Integrated Living. It will be published this summer.

• an evaluation of ELCAP’s work to promote inclusive leisure opportunities for older people, with and without learning difficulties. This is funded under the Foundation for Learning Disability GOLD project.

As part of the Scottish Executive review of services to people with learning disabilities, SHS researched the views of people using services and their families. Twenty-five focus groups and six supported one to one interviews were held across Scotland, involving 124 people.

The overall picture was one of social isolation, with many people having few friends outside family or the service system. There was a widespread lack of social and recreational opportunities for all ages. A number of barriers around transport were also identified. While some parents wanted to see more services developed, for example, short breaks and residential care, people with learning disabilities wanted more ordinary opportunities - to exercise choice over their lives, have friends, get out and about more, have a job and in some cases, have their own home. Resource and day centres were widely seen as boring by those attending them. Most people enjoyed the various part-time work opportunities and college attendance arranged through day centres.

Many carers complained about the lack of information available about health and social work services: what information was available was seldom translated into minority languages. Families felt they constantly had to fight for whatever support they received.

Mainstream services which were seen as welcoming difference provided the right kind of support tailored to individual need. Simply placing someone in a mainstream facility and hoping that they will ‘fit in’ didn’t work. A good social worker was seen as one who arranged practical help, provided information, acted a link to other supports, had time to listen and allowed users to remain in control.

Families felt that the needs of brothers and sisters of disabled children were often overlooked.

The full report - 'If You Don't Ask, You Don't Get: Review of services for people with learning disabilities: the views of people who use services and their carers' is available for £5 from The Stationery Office Bookshop, tel: 0870 606 5556.

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<th>Agree</th>
<th>Disagree</th>
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<td>People with a learning disability are better off being looked after in hospitals than in the community</td>
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<td>People with a learning disability can be good employees</td>
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PUBLIC ATTITUDES TOWARDS PEOPLE WITH A LEARNING DIFFICULTY

SHS was commissioned by Social Work Services Group to produce a report on public attitudes towards people with a learning difficulty, and how these attitudes could be improved. As part of this work we undertook a literature review, commissioned a System 3 poll and held a roundtable discussion and an interactive 'forum theatre' session with people from a range of different backgrounds.

System 3 asked 1000 adults across Scotland eight questions about their attitudes to people with a learning disability as part of their monthly Omnibus poll. The summary table is published here.

The full report is available on the Scottish Executive website at www.scotland.gov.uk/ldsr. Alternatively we can send you a copy at a cost of £4 to cover photocopying and postage.
ALLIES IN CHANGE PROMOTES AND DEVELOPS THE INVOLVEMENT, PARTICIPATION AND INCLUSION OF PEOPLE WITH MENTAL HEALTH PROBLEMS, AND OF FRIENDS AND FAMILIES WHO CARE FOR THEM. IT DRAWS TOGETHER A WIDE RANGE OF PEOPLE AND ORGANISATIONS, AND IS BASED ON PARTNERSHIP AND LEARNING BETWEEN PEOPLE WHO USE AND PEOPLE WHO PROVIDE SERVICES.

The Project Monitoring Group (PMG) oversees the direction and values of the programme. There are 3 people representing each of: service users, carers, voluntary organisations and statutory organisations. Rex Last chairs the PMG.

AN UPDATE
Over 70 people came to the Taster Days for the Personal Development and Education Programme. We received over 90 completed applications, and there is continuing interest in any further courses. 52 people have joined the programme, which is now well underway. Early feedback has been very positive:

"Informative and thought provoking"..."Well thought out. Planning behind the scenes and attention to detail; well above anything I’ve experienced"..."Good, very emotive and powerful stuff brings out the activist in me"..."There was an atmosphere of trust and honesty. I felt comfortable and look forward to the future weekends".

The interest in short courses has been much greater than initially expected. SHS has agreed to put more staff time to this programme. The first courses took place in January in Dundee, Aberdeen, Irvine and Motherwell. The theme was strategies for involving users and carers. We used Michael Kendrick, an international consultant who has 30 years experience of working with statutory organisations and families. The courses were well received and participants found them "one of the best and most interesting I have attended", "full of excellent insight" they commented, "keep up the excellent work".

Short courses on individual planning, monitoring and evaluation, participation, involving young people and partnership working, are all planned throughout 2000. If you would like further details please contact Jo Kennedy at Allies in Change on 0131 538 7717.

The Information Resource was launched in November and is available through the Scottish Development Centre for Mental Health Services (SDC). SDC has also begun work on an audit tool, to assess local arrangements for involving users and carers: this will be available in May 2000.

Allies in Change have produced a pack for service users and carers who are new to meetings and a set of checklists for meetings that involve users and carers. These packs are available through SHS.

Allies in Change is being evaluated by the Consultation and Involvement Trust Scotland. Interim findings will be available over the next few months.

Allies in Change is grant-aided by the Scottish Executive.

exhibition
REBUILDING LIVES
We were recently given the opportunity, and a space in the newly opened Lighthouse gallery, to produce an exhibition as part of the Glasgow 1999 programme. The exhibition theme had to be around architecture which fitted well with our interest in the closure of Lennox Castle Hospital and the rehousing of some of its residents.

Rebuilding Lives was seen by most visitors to the Lighthouse during October because it was well positioned in the circulation space beside the escalator.

We used huge floor plans to illustrate and compare the physical space that people live in when in a hospital with that in their own house, as well as showing the improvement in the quality of people’s lives once they are out in the wider community. We also looked at the history of the institution and discussed why it had happened as well as acknowledging that things are far from perfect now and asking people to consider how we can all become part of a better solution. We spoke to people who have moved out of Lennox and told some of their stories in words and on video.

From the beginning we worked with Alastair Ramage from the Social Work Museum in Glasgow and were also helped by many other individuals and organisations, and we are grateful to them all. They know who they are!

Rebuilding Lives was funded by Glasgow City Council and Glasgow 1999. If you have a suitable space and would like to hire the exhibition contact Julie Barclay at SHS. We are also producing an associated book.
events

SKILLS FOR INCLUSION

Skills for Inclusion is a practical, values based, certificated course for unqualified front line staff providing 'person centred' services to disabled and older people.

It is also open to people who are affected by industrial or technological change and wish to begin a new career in the care sector.

The seven day training runs over 8 weeks linked by 2 practice based group assignments. The course receives funding under Objective 4 of the European Social Fund and is therefore free to participants.

COURSE CONTENT

The aims of the course are to enable participants to:

- understand the roots of social exclusion in our society
- understand the mechanisms and practices which contribute to continued segregation and exclusion
- discuss and understand what social inclusion might mean in the 21st century
- explore the notion of being of service
- develop skills in negotiating the care and support we provide with the person
- develop the skills and capacities required to make inclusion more likely

COURSE DATES in 2000

Edinburgh 16, 17, 18 February, 7, 8, 9 March & 7 April
Falkirk 21, 22, 23 March, 11, 12, 13 April & 8 May
Dundee 21, 22, 23 March, 11, 12, 13 April & 8 May
Aberdeen 29, 30, 31 March, 17, 18, 19 April & 15 May
Glenrothes 3, 4, 5 April, 26, 27, 28 April & 23 May
Glasgow 17, 18, 19 April, 10, 11, 12 May & 6 June

If you would like further details and an information pack about these courses please telephone Heather Simmons or Rachel Sherratt on 0131 558 7717.

"SHS are to be commended for the production of an excellent course which I am sure will help bring about the social inclusion of disabled people."

Peter Brewley, Disability Equality trainer

BEFTER DAYS CONFERENCE

NOVEMBER 1999

Teams of stakeholders from all over Scotland came together for two days to look at what is happening in day services and how things might be improved. One of the contributors was Norah Smith from Woodlands Centre in Dunfermline. We have included her thoughts on the event here.

I was delighted to be asked to speak at the recent SHS Better Days Conference in Glasgow. I was there to share our experiences over the past year in making changes in day services through our ‘circles’ project and Changeover. Hopefully, the participants found the presentation interesting, informative and got the sense of a true life service struggling to work more inclusively and acknowledging the pitfalls as well as the achievements. It was good (if a bit nerve racking!) to see so many people with a will to look to the future and plan for making changes so that people with learning difficulties can have ‘better days’ as included members of society, as is their right. Apart from the learning, I feel that conferences give the opportunity to make new contacts to share thoughts and experiences and ideas. I was able to chat with various participants on the day and am looking forward to more contact with a few people with whom addresses were swapped. Norah Smith, Fife Council

SUPPORTED LIVING RETREAT

NOVEMBER 1999

For some years John O’Brien has been visiting Scotland and working with organisations across the country. In November we invited people from many of these organisations to come together and discuss supported living. About 60 of us, people who provide services, people who use services and people interested in developing new services got together in Central Hotel Glasgow. We reflected on many questions around supported living: what is it? why is it different from current mainstream service provision? how should it be different? what are the risks? and how are the relationships between people providing and using the service different from other relationships? Most of us felt we benefited from time to reflect on these questions and from time spent discussing the nature of the work in which we are engaged. John facilitated our discussions in a way which encouraged even the most reluctant of us to question our beliefs and values and how we put them into practice when we meet the challenges of supported living.

Although we didn’t come to any final conclusions or find the answers, we reached a deeper level of questioning which will hopefully help us to move forward.

This retreat was part funded by a Scottish Executive Section 9 grant.
LEARNING ABOUT SYSTEMS CHANGE

In December we had the benefit of a visit from Jan Nisbet, director of the Institute on Disability, University of New Hampshire.

Jan was across to speak at the Equity Group conference on inclusive education and to contribute to the Partners in Policymaking course. She was able to stay on for an extra day to run a seminar on the role of her institute in supporting long-term change in services for people with developmental disabilities. This is a summary of her presentation.

John F Kennedy established the Presidents Committee on Mental Retardation in the early 1960s. The Committee's 1967 report was a radical and influential document based explicitly on the principle of normalisation which had at that stage been recently imported from Scandinavia.

In 1970 Congress passed the Developmental Disabilities Act which has continued to provide the underpinning legislative framework over the last 30 years. This Act established three key mechanisms for achieving and sustaining change in services for people with developmental disabilities:

1. Developmental disability councils (one in each State). These bring together stakeholders - policymakers, families, disabled people, service providers - to take an overview of the whole system of services and supports and to initiate systemic change activities to strengthen areas where services and supports are weak.

2. Protection and Advocacy Systems - an office in each State. These offices have the job of protecting people's legal and human rights both by providing direct advocacy and representation and by supporting a wide range of local advocacy initiatives.

3. University Affiliated Programmes (now renamed University Centres for Excellence). There are 60 such centres across the US (one in most states, two in some). These centres have specific functions:
   - To provide interdisciplinary qualifying and post-qualifying training for managers, clinicians and support staff in line with the values of the Act
   - To provide technical assistance to individuals, families and organisations
   - To set up demonstration projects which test new approaches to providing services To undertake research, evaluation and policy analysis
   - To disseminate information

The Institute on Disability is the University Centre for Excellence in New Hampshire. Like all centres, it receives core federal funding of $300,000. It generates an additional $8-10m annually in grants and fees and employs around 50 staff.

The Institute runs a wide range of programmes and has been particularly involved in developing supported employment, pre-school services, supported living, family support, transition for young people and inclusive schooling (see www.iod.unh.edu for further information). The Institute puts a great deal of emphasis on working closely with families and with communities.

The Institute has also built close working links with other institutes of higher education, in particular the universities and colleges which train doctors, lawyers and teachers. A much wider role of people are involved in the Institute's programme of seminars and in-service training, including support staff, care managers, therapists, family aides, psychologists and employers as well as families and disabled people.

SERVICES IN NEW HAMPSHIRE

New Hampshire is a small state with a population of about 1.4m. Although not a high-spending state, it is one of the most progressive in terms of services for people with a learning disability.

Laconia, the State institution, closed in 1991 and there are only a handful of people in any form of large residential services. There is an impressive range of supported living and family support services, organised mainly in localities.

There is an extensive infrastructure of family and consumer involvement and there has been a significant investment in 'self-determination' by people with a learning disability as part of a national demonstration programme.

There are no segregated special schools, and well-developed practice in school inclusion both in primary and high school. There are many innovative supported employment services, with perhaps 30-40% of people with a learning disability in paid employment.

SHS will be working closely with Jan Nisbet and her colleagues at the Institute on Disability over the next two years. If you would like to be kept informed about forthcoming events and exchanges, please get in touch.
EXECUTIVE NOTE

The draft Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 2000

Introduction

The White Paper “Scotland’s Parliament” indicated that, where UK/GB bodies are established on a statutory basis and have a remit which includes responsibility for devolved matters in Scotland, the Scottish Executive would have a right to be consulted on their membership, on any changes to terms of reference and on the exercise of any statutory functions in respect of such bodies. Sections 88 and 89 of the Scotland Act 1998 and Orders in Council under those sections are intended to give effect to that commitment. This Note explains the basis of this, the second draft Order under section 89, and summarises its contents. The first such Order (the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999, S.I. 1999/1747) was made on 22 June 1999. The present draft Order makes provision in relation to certain of the authorities not covered by the first Order.

Background

Section 88 of the Scotland Act confers a power on Her Majesty to designate, by Order in Council, bodies which are to be “cross-border public authorities”. Such an Order may only specify bodies, government departments, offices or office-holders which have mixed functions, some of which relate to devolved matters in Scotland. The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), designating 65 bodies under section 88, was laid before Parliament on 18 May 1999. The three bodies that are the subject of the present draft Order, namely, the British Library Board, the Theatres Trust and the Trustees of the National Heritage Memorial Fund, are amongst those specified in that Order.

Specification as a cross-border public authority applies certain default requirements: see section 88 of the Scotland Act 1998. The normal transfer of functions to the Scottish Ministers under section 53 of the Scotland Act does not apply, so that the Scottish Ministers do not automatically acquire functions in connection with the authority. Similarly, related provisions in sections 118 to 121 of the Act, which translate subordinate legislation procedure and requirements for funding, auditing and reporting to the equivalents for the Scottish Parliament, do not apply. However, section 88 requires Ministers of the Crown to consult the Scottish Ministers before exercising any specific function relating to the appointment or removal of members of the authority, or any function which might affect Scotland otherwise than wholly in relation to reserved matters. Provisions requiring reports relating to the authority to be laid before Parliament are extended so that the reports are also to be laid before the Scottish Parliament.

The default requirements in section 88 can be adjusted by an Order under section 89 such as this one. Under section 89(2) the type of provision which may be made includes conferring or modifying functions relating to a cross-border public authority, and modifying its constitution. Section 89(3) provides that no recommendation shall be made to Her Majesty to make an Order under this section unless the cross-border public authority concerned has been consulted. All of
the authorities affected by this draft Order have been consulted accordingly. By virtue of paragraph 1 of Schedule 7 to the Scotland Act 1998, Orders under section 89 are subject to negative resolution ("Type F") procedure. However, paragraph 3(2)(a) of the Schedule provides that, if the Order makes textual amendments to an Act, it is to be subject to affirmative resolution ("Type A") procedure. This being the case in relation to this draft Order, no recommendation to make the Order is to be made to Her Majesty in Council unless a draft of the instrument has been laid before, and approved by resolution of—

(1) each House of Parliament, and
(2) the Scottish Parliament.

Content of the Order

Broadly, the purpose of this draft Order is to provide that the default requirement as to consultation on appointments (see section 88(2)(a) of the Scotland Act 1998), which would require the appointing Minister of the Crown to consult the Scottish Ministers before making any appointment, shall not apply to the British Library Board, the Theatres Trust and the Trustees of the National Heritage Memorial Fund. Instead, the Minister of the Crown concerned would be required to consult the Scottish Ministers before appointing to the body persons with a knowledge of, or (as the case may be) a connection with, Scotland. Thus, the Order broadly restores the practice informally observed in the making of appointments before devolution took place on 1 July 1999. It does not affect the duty of a Minister of the Crown (see section 88(2)(b)) to consult the Scottish Ministers before exercising any specific function (apart from those connected with appointment etc.) in relation to the cross-border public authority whose exercise might affect Scotland otherwise than wholly in relation to reserved matters.

The main operative provisions, which have the consequences described, are articles 2 to 5. Article 6 makes transitional provision. Details of the effects of the Order in relation to each body are set out in the Annexes to this Guide. Whilst every effort has been made to ensure that the explanations are accurate, only a reading of the Order together with the Scotland Act, other related Orders and the statutes constituting the bodies in question can be guaranteed to provide a complete picture.

SCOTTISH EXECUTIVE SECRETARIAT
DEPARTMENT FOR CULTURE, MEDIA & SPORT

March 2000
1. **Name of body:**

THE BRITISH LIBRARY BOARD

2. **Constituting statute:**

The British Library Act 1972 (c. 54), section 2. The function of appointing members to the Board (other than the member appointed by Her Majesty) has been transferred on a number of occasions. The most recent transfer was from the Lord President of the Council to the Secretary of State. That transfer was effected by article 3(1) of, and Part I of Schedule 1 to, the Transfer of Functions (National Heritage) Order 1992 (S.I. 1992/1311).

3. **Description of activities**

The British Library is the national library of the United Kingdom, consisting of "a comprehensive collection of books, manuscripts, periodicals, films and other recorded matter, whether printed or not": see section 1(1) of the 1972 Act. Along with the care and development of its collection, the Library's activities can be summarised as the provision of—

- reading-room and information services that are of international importance;
- services for the supply of documents to public libraries, higher education and industry;
- public exhibition galleries, an education service, events and outreach.

4. **Functions affected**

By virtue of section 2 of the 1972 Act, the Board consists of a chairman appointed by the Secretary of State and between eight and thirteen other members, of whom one is appointed by Her Majesty and the remainder by the Secretary of State. In practice, Her Majesty would make Her appointment on the advice of the Secretary of State for Culture, Media and Sport. There must be at least one full-time member; otherwise, members may be full- or part-time.

The effect of the default requirements under section 88(2)(a) would be to require the Secretary of State to consult the Scottish Ministers before (amongst other things) appointing any member, or tendering his advice to Her Majesty on Her appointment, but the Order would modify that position. Instead, the Secretary of State would be required to appoint as one of the part-time members a person who appears to him to have special knowledge of Scotland, and to consult the Scottish Ministers before making that appointment.

Article 6 of the draft Order, which makes transitional provision, provides that the Secretary of State is to specify an existing member as the person whose successor will be the first to be appointed under the new arrangements.
Other functions of the Secretary of State under the 1972 Act are—

- to give directions as to the constitution of Advisory Councils which are to provide advice to the Board or any department of the Library on such matters as he or the Board may determine, and to give directions as to the number of members an Advisory Council is to have, and determine (with the approval of the Treasury) fees and allowances for those members (section 2(3) and paragraph 14 of the Schedule);

- to receive (not later than such date as he may determine) a report of the proceedings and activities of the Board in the preceding twelve months, and to lay that report before Parliament (section 4(3));

- to make such payments as the Treasury may approve towards meeting the expenditure of the Board, and (so far as relates to the use and expenditure of sums so paid) to give directions to the Board; to give (with the approval of the Treasury) directions as to the application of other sums received by the Board (e.g. for property disposed of); to give (with the approval of the Treasury) directions as to the form of the Board’s statement of accounts; to receive that statement annually; and to transfer the statement to the Comptroller and Auditor General (section 5);

- under the Schedule, to make (with the approval of the Treasury) certain determinations as to members’ remuneration, allowances, pensions and severance terms, and to lay before Parliament statements as to certain such matters (paragraph 5); to give approvals as to charges for services provided by the Board or for the loan or use of items from the collection (paragraph 11(2)); and to make (with the approval of the Treasury) certain determinations as to the remuneration and allowances of staff (paragraph 12(1)).

As regards these functions, section 88(2)(b) of the Scotland Act 1998 requires the Secretary of State to consult the Scottish Ministers before he exercises, in relation to the Board, any specific function whose exercise might affect Scotland otherwise than wholly in relation to reserved matters. This position would be unaffected by the Order. The effect of section 88(3) of the Scotland Act is that the Secretary of State is to lay before the Scottish Parliament the Board’s report under section 4(3) of the 1972 Act, and any statement of his as to salary and allowances under paragraph 5 of the Schedule to that Act.

Note: the functions referred to have been transferred between Ministers of the Crown on a number of occasions, most recently by the Transfer of Functions (National Heritage) Order 1992 (S.I. 1992/1311) which transferred functions under the 1972 Act from the Lord President of the Council to the Secretary of State. The Treasury’s functions under paragraphs 5, 12 and 14 of the Schedule were transferred from the Minister for the Civil Service by the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
ANNEXE 2

1. **Name of body**

THE THEATRES TRUST

2. **Constituting statute**

The Theatres Trust Act 1976 (c. 27), as amended and extended to Scotland by the Theatres Trust (Scotland) Act 1978 (c. 24).

3. **Description of activities**

The Theatres Trust was established by the 1976 Act "to promote the better protection of theatres for the benefit of the nation." Local planning authorities are required to consult the Trust over any planning application affecting land on which there is a theatre, and there is a similar requirement in relation to orders under the Transport and Works Act 1992. The Trust's work extends also to such matters as advising grant-giving bodies (including National Lottery distributors) on theatre buildings, and helping theatre management and preservation bodies. It does not give advice to Ministers, but is regarded as an advisory non-departmental public body.

4. **Functions affected**

The Theatres Trust has fifteen trustees appointed by the Secretary of State under paragraph 1 of the Schedule to the 1976 Act. In making such appointments, the Secretary of State is to have regard to the desirability of securing the services of persons with knowledge and experience of the interests listed in paragraph 2 (e.g. the ownership of theatres; the production of, or employment in or in connection with, plays; local government; planning; commercial matters).

The effect of the default requirements under section 88 would be to require the Secretary of State to consult the Scottish Ministers before (amongst other things) appointing any trustee, but the draft Order would modify that position by requiring the Secretary of State to appoint as one of the trustees a person who appears to him to have special knowledge of Scotland, and to consult the Scottish Ministers before making that appointment. This does not affect the operation of paragraph 2 of the Schedule to the 1976 Act, and such consultation is additional to that already required in connection with the interests mentioned in paragraph 2: see paragraph 4 of that Schedule as amended by article 3(2) of the draft Order.

Article 6 of the draft Order, which makes transitional provision, provides that the Secretary of State is to specify an existing trustee as the person whose successor will be the first to be appointed under the new arrangements.
ANNEXE 3

1. *Name of body*

THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND

2. *Constituting statute*

The National Heritage Act 1980 (c. 17).

3. *Description of activities*

The Trustees administer the National Heritage Memorial Fund which is able to give financial assistance to a wide range of bodies such as the National Trust, building preservation trusts, museums and charities. Their powers are set out mainly in sections 3 and 3A of the 1980 Act (as amended by the National Heritage Act 1997 (c.14)). Those powers are exercisable in relation to "things of any kind" of (for example) scenic, historic, archaeological, architectural artistic or scientific interest, and may be used (for instance) to assist with securing the preservation or enhancement of such things; encouraging their study of, and the dissemination of information about them; securing or improving access to them; encouraging their enjoyment; and encouraging the skills needed to preserve or enhance them. They must be satisfied that any project they support is of importance to the national heritage. They may also give financial assistance towards exhibitions, archives etc. The Trustees also distribute Lottery proceeds for similar purposes. The Trustees have a UK-wide remit.

4. *Functions affected*

Section 1(2) of the 1980 Act was amended by section 36 of, and paragraph 1 of Schedule 4 to, the National Lottery etc. Act 1993 (c. 39), increasing the number of trustees from ten to fourteen (not including the chairman). They are appointed by the Prime Minister. They must include persons having knowledge or experience relevant to the purposes of the National Heritage Memorial Fund and who are connected (by residence or otherwise) with England, Scotland, Wales and Northern Ireland respectively.

The Order would require the Prime Minister to consult the Scottish Ministers before appointing the chairman, and before appointing any other member on the ground that he or she is connected with Scotland. Also, paragraph 3 of Schedule 1 to the Act specifies certain limited grounds on which a trustee may be removed from office. Accordingly, the draft Order also provides that, before the Prime Minister exercises his power to terminate the appointment of a trustee on the grounds of that trustee's conduct (see paragraph 3(4)(d)), he must consult the Scottish Ministers in any case where he was required to consult them in respect of the appointment of the trustee in question.

The functions of the Secretary of State under the 1980 Act in connection with the Trustees are—

- to pay into the National Heritage Memorial Fund such sums as he may determine (section 2);
• to apply any sums he may receive from the Fund (instead of paying them into the Consolidated Fund as he would normally be required to do) (section 3(8));

• to allow (if appropriate) the retention for a certain period by the Trustees of property acquired by them, or gifts received by them (sections 4(3) and 5(3));

• to receive the Trustees' annual report and lay it before Parliament; to give (with the approval of the Treasury) directions as to the form of the Trustees' accounts; and to receive such accounts and send copies to the Comptroller and Auditor General (section 7);

• to determine the quorum of meetings of the Trustees and their committees, in default of provision being made for that purpose by the Trustees themselves (paragraph 7(4) of Schedule 1).

As regards these functions, section 88(2)(b) of the Scotland Act 1998 requires the Secretary of State to consult the Scottish Ministers before he exercises, in relation to the Trustees, any specific function whose exercise might affect Scotland otherwise than wholly in relation to reserved matters. This position is unaffected by the Order. The effect of section 88(3) of the Scotland Act is that the Secretary of State is to lay the Trustees' report under section 7 before the Scottish Parliament as well as before the UK Parliament.
1. The Committee has been invited to nominate a Member to attend this conference at Heriot Watt Conference Centre, Edinburgh, on 17th May. Similar invitations have been sent to the Health, Equal Opportunities and Social Inclusion Committees.

2. Copies of the letter, conference flyer and SHS newsletter are attached. The newsletter suggests that SHS’s work has a good deal of relevance to the Committee's special educational needs inquiry.

3. The Committee is asked to consider whether it wants to nominate a Member to attend.

Gillian Baxendine
Clerk to the Committee

23 March 2000