**Education, Culture and Sport Committee**

**Meeting – Tuesday 14 June 2000**

**Papers circulated**

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EDUCATION, CULTURE AND SPORT COMMITTEE

AGENDA

20th Meeting, 2000 (Session 1)

Wednesday 14 June 2000

The Committee will meet at 9.30 am in Committee Room 2.

1. **Care Standards Bill:** The Committee will discuss a memorandum from the Scottish Executive on the Care Standards Bill. The Minister for Children and Education will attend for this item.

2. **Special Educational Needs Inquiry:** The Committee will take evidence from representatives of—

   - Capability Scotland
   - Craighalbert Centre
   - Donaldson’s College

and from—

   - Councillor Danny McCafferty, COSLA

3. **Mike Tyson and National Football Stadium:** The Committee will discuss the written response from the Scottish Football Association regarding the staging of the fight at the National Football Stadium.

4. **Negative Instrument:** The Committee will consider the following negative instrument—

   - The Children (Protection at Work) (Scotland) Regulations 2000 (SSI 2000/149)

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

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

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The following papers are attached for this meeting—

Scottish Executive’s Memorandum on Care Standards Bill (Agenda item 1) ED/00/20/1

Note from Committee SEN adviser on oral evidence (Private Paper) (Agenda item 2)

Note from Committee SEN adviser on inclusion (Private Paper) (Agenda item 2)

Scottish Football Association letter on staging of Mike Tyson fight at National Football Stadium (Agenda item 3) ED/00/20/2

The Children (Protection at Work) (Scotland) Regulations 2000 (SSI 2000/149) (Agenda item 4)

Executive Note on SSI 2000/149 (Agenda item 4) ED/00/20/3

The following papers are issued for information—

Document from Socialist Educational Association Scotland on funding of Scottish Council for Research in Education
CARE STANDARDS BILL

I enclose for the Committee’s consideration a Memorandum concerning a power being taken in the Care Standards Bill in the UK Parliament to vary functions in relation to Central Council for Education and Training in Social Work, which is a cross-border public authority. I understand that this is to be considered by the Committee on Wednesday 14 June and I am happy to make myself available to answer any questions on the Memorandum.

I have set out below the terms of a Motion which the Executive intends to lodge in the Scottish Parliament, but which will not be considered until the Committee has had an opportunity to consider the Memorandum. The draft Motion is as follows:-

"That the Parliament endorses the principle of a power to make an Order in Council to vary the functions of the Central Council for Education and Training in Social Work (CCETSW), a cross-border public authority, as set out in the Care Standards Bill and agrees that the relevant provision to achieve this end in the Bill should be considered by the UK Parliament"

SAM GALBRAITH
MEMORANDUM

CARE STANDARDS BILL

Background

The Care Standards Bill which will have its Second Reading in the House of Commons on 18 May introduces measures to regulate social care, the social care workforce and its training. The Bill provides a power to make an Order in Council to vary the functions of the Central Council for Education and Training in Social Work (CCETSW), a cross-border public authority, if it ceases to operate in part of the UK.

Content of the Bill

The Bill makes provision to establish a national Care Standards Commission in England and make provision for the regulation, registration and training of social workers and certain other categories of social care workers. It will establish a General Social Care Council in England and a Care Council for Wales. It will make provision for the protection of children and vulnerable adults. These matters all concern England and Wales only.

The Bill also contains provisions relating to the Central Council for Education and Training in Social Work (CCETSW) which regulates and promotes the education and training of social workers throughout the UK. It is specified as a cross-border public authority under the Scotland Act 1998. Ministerial functions relating to appointment or removal of members, or which affects Scotland, are exercised by the Secretary of State for Health after consultation with the Scottish Ministers. It has 4 statutory functions conferred on it by section 10 of the Health and Social Services and Social Security Adjudication Act 1983 (“the 1983 Act”).

- the promotion and development of training;
- the regulation of training programmes;
- the awarding of qualifications; and
- the funding of students undertaking training.

The Proposal

Clause 66 of the Bill provides that CCETSW shall cease to exercise in England and in Wales the functions which were conferred on it by or under section 10 of the 1983 Act. It also provides a power for an Order in Council to be made in consequence of CCETSW ceasing to have functions in England and Wales or in any other part of the UK (as could be provided for in relation to Scotland by an Act of the Scottish Parliament). This power will allow for the transfer of CCETSW’s staff and property and for amendments to the parts of the 1983 Act which set out the constitution of CCETSW. It is expected that, once CCETSW ceases to act in England and Wales, Ministerial functions would be transferred in their entirety to the Scottish Ministers and the Northern Ireland authorities.

It will be possible for a future Act of the Scottish Parliament to provide for the replacement of CCETSW in Scotland, if so desired.
Using the Care Standards Bill to provide a power to vary functions in relation to CCETSW will ensure that an orderly approach can be adopted in the abolition of CCETSW.

Recommendation

This memorandum seeks the consent of the Parliament to the inclusion of the Order-making power relating to CCETSW in clause 66 of the Care Standards Bill.

SCOTTISH EXECUTIVE EDUCATION DEPARTMENT
May 2000
The Scottish Football Association
6 PARK GARDENS GLASGOW G3 7YY TEL. 0141-332 7559

Mary Mulligan, MSP,
Convenor,
Education, Sport and Culture Committee,
Scottish Parliament,
George IV Bridge,
Edinburgh, EH99 1SP.

Dear Ms. Mulligan,

I refer to your fax of 24th May and take note of the motion agreed by your committee in connection with the decision to stage the Mike Tyson fight at Hampden Park in Glasgow.

The management of the affairs of the National Stadium are now undertaken by Hampden Park Ltd. The SFA gave a commitment in the protracted negotiations regarding the rescue package for Hampden that it would set up a subsidiary company to manage and market the stadium in accordance with modern management practice. The decision to stage the fight was an operational decision for the Directors of the company and there are no plans for this decision to be reconsidered. A report to this effect has been made to the Office Bearers of the Association.

The Association espouses many good causes outwith football itself. You may have noticed that on Monday, 22nd May at Hampden Park, the SFA hosted the Scottish launch of the "Show Racism the Red Card" campaign which includes a poster of the Scotland International squad. We are also providing Hampden Park - with no stadium hire costs - as a venue for a major Pentecostal gathering in June of up to 40,000 people. And, of course, in our own sport of football, we have a strict disciplinary code and have run many Fair Play campaigns. To suggest that the Association does not play an active role in public life by sending out positive messages, particularly to young people, is to be blind to the wide range of our community and sports promotion activities.

The concerns of certain sections of the community regarding Mike Tyson were certainly considered prior to any decision being reached on whether Hampden might stage the fight. The view was taken, however, that if the political and public authorities thought it fit to grant the appropriate licences, then an opportunity to stage such a major sports event should not be declined. That view has not altered.

Yours sincerely,

DAVID TAYLOR
CHIEF EXECUTIVE.

Departmental Direct Lines - ALL 0141-353-

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Patron: Her Majesty The Queen
EXECUTIVE NOTE

The Children (Protection at Work) (Scotland) Regulations 2000 (S.I. 2000/149)

The above instrument was made in exercise of the powers conferred by and for the purposes of section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objectives

The main purpose of this instrument is to amend the Children and Young Persons (Scotland) Act 1937 to remove the current provision whereby local authority byelaws on child employment may allow children between the ages of 10 - 12 to undertake light work in agriculture or horticulture if supervised by their parents. This will not preclude children from helping out on family farms.

This amendment will allow the United Kingdom to ratify Convention 138 of the International Labour Organisation on child labour, which limits such light work to those of at least 13 years of age. In order to make consistent provision for the UK, equivalent regulations¹ have been laid for England and Wales.

The instrument makes for two other minor amendments to the 1937 Act. The first concerns the authorisation of children taking part in street trading. Here a requirement is introduced for byelaws to contain provisions determining the hours, days and places at which children may take part in street trading. (Under existing legislation, only children aged 14 or over may take part in street trading and then only if employed and supervised by their parents). The second relates to section 33 of the 1937 Act and ensures that only persons aged at least 16 who are also over compulsory school age may take part in dangerous performances.

Consultation

In line with the requirements of the International Labour Organisation, the Confederation of British Industry and the Trades Union Congress, as the main organisations representing employers and employees respectively, were consulted on the intention to amend existing legislation in this way. Both organisations were in agreement with this intention.

Financial Effects

The instrument has no financial effects on the Scottish Executive or local authorities.

Scottish Executive Education Department
19 May 2000

¹ The Children (Protection at Work) Regulations 2000 (S.I. 2000/1333)