The Committee will meet at 3.30pm in Committee Room 1, Committee Chambers.

1. **Item To Be Taken in Private**: The Convener will propose that item 8 on the agenda be taken in private.

2. **Rural Schools**: The Committee will consider a report from Jamie Stone on issues facing rural schools.

3. **Special Educational Needs Inquiry**: The Committee will take evidence from the Deputy Minister for Children and Education, Peter Peacock, MSP.

4. **Special Educational Needs Inquiry**: The Committee will report back on visits to schools undertaken as part of this inquiry.

5. **Roman Remains at Cramond**: The Committee will consider the Scottish Executive’s response to the Committee’s report on the Roman remains at Cramond.

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

7. **Annual Report**: The Committee will discuss a draft annual report.

8. **Special Educational Needs Inquiry**: The Committee will consider initial conclusions from the inquiry.

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

The following papers are attached for this meeting—

Jamie Stone’s report on rural schools (Agenda item 2)
Letter on SEN from Deputy Minister for Children and Education  ED/00/23/2
Paper from Deputy Minister for Children and Education on National SEN Advisory Forum (Both above agenda item 3)  ED/00/23/3
Scottish Executive’s response to report on Roman remains at Cramond  ED/00/23/4
Note by Clerk on Scottish Executive’s response (Both above agenda item 5)  ED/00/23/5
Draft annual report (Agenda item 7)  ED/00/23/6
Committee adviser’s report on issues arising to date in SEN inquiry (Private Paper) (Agenda item 8)

The following paper is attached for information—

Letter from the Equity Group regarding oral evidence session on 21 June 2000
### Education, Culture and Sport Committee

**Meeting – Tuesday 4th July 2000**

### Papers circulated

<table>
<thead>
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<td>Jamie Stone’s report on rural schools</td>
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<td>Letter on SEN from Deputy Minister for Children and Education</td>
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<tr>
<td>Committee adviser’s report on issues arising to date in SEN inquiry</td>
<td>Private Paper</td>
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</table>
Report to the Education, Culture and Sport Committee on the Issues Facing Rural Schools

1. Introduction

1.1 During discussions in March 2000 teachers, councillors and directors of education in Dumfries and Galloway, Borders and Highland identified several key issues currently facing rural schools.

1.2 These issues fell broadly into two categories: those concerning the funding of rural education (section 2) and those concerning pressures on rural teachers (section 3).

1.3 Although rural school closures are not currently under consideration in any of the above Council areas, the issue of closures was also discussed (section 4).

1.4 Finally, teachers, councillors and directors of education described current efforts to address the issues facing rural schools (section 5).

2. Funding Education in Rural Areas

2.1 Teachers, councillors and directors of education expressed concern that the national focus on the needs of urban/central belt schools has led to the neglect of certain funding issues of importance to rural schools.

2.2 Two points of particular concern are the need for funding for capital improvements and the increasing cost of transportation:

- Directors and teachers pointed out the urgent need for refurbishment of rural school buildings, many of which are in a bad state of disrepair or lack sufficient space. Insufficient capital funding was cited as a major problem by directors; in particular, the uncertainty of capital funding from year to year makes it difficult for authorities to plan ahead, and several commented on the need for an expansion of ring-fenced funding for infrastructure.

- The cost of transportation is increasingly becoming an issue for rural education authorities. Transportation accounts for a significant percentage of rural schools’ running costs; in the Highland area, for example, the annual budget for transport is over £7 million out of a total revenue budget of about £116 million. Transportation is especially costly in rural areas because students travel greater distances to school on average and fuel tends to be more expensive.

2.3 Another point of concern is that rural schools may be disadvantaged by the way in which certain national initiative funding is allocated. In particular, areas with many small schools may be hurt by their high ratio of school buildings to pupils if funding is allocated on a per-
pupil basis. One example cited was that of the National Grid for Learning initiative, in which the allocation of funding to provide schools with internet access failed to take into account the fixed costs associated with wiring each school building.

3. Difficulties Attracting Staff, Stress on Head Teachers

3.1 Directors of education reported difficulties staffing schools in rural areas. In particular, directors have had trouble attracting applicants for promoted posts.

3.2 The causes of this shortage of applicants are unknown. One director speculated that it might be due to external economic factors such as lack of suitable employment for applicants' spouses in the area. Another mentioned the lack of facilities in areas outside the central belt for training and retraining teachers. A third reason might be the increasing pressures placed on head teachers in rural schools.

3.3 Stress on head teachers is an especially acute problem in small schools, which often employ teaching head teachers. Balancing teaching with their other duties, including an increased administrative load under Devolved School Management, puts a great deal of pressure on these teachers.

3.4 Education authorities in rural areas are currently in the process of implementing pilot programmes designed to reduce stress on head teachers (see section 5).

4. Rural School Closures

4.1 None of the directors or councillors consulted are currently considering closing schools in their areas. However, all recognised that, given the constant fluctuation of school roles and economic prosperity, this issue may arise in the future.

4.2 In Dumfries and Galloway, for example, the director of education and councillors are in the process of establishing principles, in consultation with school boards, for a future area-by-area review of school provision. Broadly, they have agreed that any future review will have to take into consideration the educational, financial and community aspects of school provision.

4.3 Closures of small rural schools become an issue due to a lack of consensus on the educational, financial and community potential of schools under consideration for closing:

- Some councillors' and directors' views are based on the assumption that very small schools, while often serving a valuable function as community centres, do not offer pupils the range and quality of educational opportunity that larger schools can offer; others' views are based on the assumption that the quality of education is at least as good, if not better, in small schools than in large.

- Some feel that the disproportionately high per-pupil spending necessary to maintain very small schools cannot be justified in the context of providing quality education for students across the whole of an authority; others take the view that closing very small schools cannot be justified on financial grounds because the savings made are often short-term and insubstantial.
4.4 The lack of agreement on the basic facts of the educational, social and financial benefits or drawbacks of small schools combines with unclear messages from the Scottish Executive on national school closure policy to compound the controversy over any proposed closure.

5. Pilot Programmes and Ideas for the Future

5.1 Education directors, councillors and teachers described several initiatives already underway to assist in financing and sustaining rural schools and alleviating teacher stress. In addition, they outlined some ideas for future initiatives.

5.2 Programmes already being implemented include:

- The recent introduction of pre-school classes to some rural primary schools, which, aside from the obvious benefit of providing pre-school education to more children, has helped to sustain smaller schools by bringing in additional national funds and encouraging pre-schoolers to stay on as they reach Primary 1 age;

- The use of joint management, which, by assigning one head teacher with solely administrative duties to multiple schools, aims to free other teachers from administrative burdens and facilitate co-ordination between schools;

- The use of other management pilots, which, though not introducing 'super-heading', cluster schools for the purpose of sharing curriculum development and DSM functions.

5.3 Ideas for the future include:

- The increased use of paraprofessionals, information technology and travelling teachers (as opposed to reliance on the model of one full-time, GTC-certified teacher for each classroom) as a way to maintain the financial sustainability of small schools;

- Increased provision of clerical/secretarial support and teaching assistants to help alleviate stress on head teachers;

- Increased community use of some rural schools (e.g. for meeting space or the provision of library, IT or Post Office services) as a benefit to the community, though not necessarily as an effective way of increasing financial sustainability.

6. Priorities for Committee Investigation

6.1 Committee research into the quality of education provided in Scotland’s small rural schools and the feasibility of community use of such schools would provide valuable information to authorities as they review educational provision in the future.

6.2 There is a need for examination of the methods used to allocate national education funds in order to determine the validity of perceptions that allocation methods place rural schools at a disadvantage, and, if necessary, to propose changes to such methods.
6.3 As authority efforts progress in attracting teachers to rural schools and reducing teacher stress, a Committee investigation into the most effective strategies for accomplishing these goals would form a basis for the promotion of such strategies at the national level.

Ellen Van Scoyoc, Intern to Jamie Stone MSP - April 2000
Visit to Moray Council – 1.6.00

While Dumfries & Galloway, Borders and Highland were all visited during March – at the wish of the Committee, and after some slight delay, Moray Council was visited on 1.6.00. The councillors and officials consulted were:

- Alastair Keddie, Chief Executive
- Donald Duncan, Director of Education
- Alistair Farquhar, Education Officer
- Councillor Sandy Keith, Chairman of Education

Issues with implications for rural schools were identified by the Council as being:

- The amount and pace of change in recent years (particularly as applicable to smaller schools) has been a difficulty. Headteachers’ management time and responsibilities have greatly increased – particularly in view of performance measurement and accountability. Best Value and devolution of management/resources combined with the necessity to provide a geographic equality of provision also present challenges.

- ‘Turbulence’ IE turnover or rapid upward and downward in school roles (particularly arising from changeover in RAF personnel – 10% of the UK total) presents the Council with a problem, particularly as regards staffing and management time, both in the core and in the classroom. For obvious reasons turbulence particularly impacts on smaller schools.

- The need to provide headteacher relief in schools with class-committed headteachers is a difficulty for the Council. This, combined with the requirements arising from the changes in the 5-14 curriculum puts strain on budgets.

- The Council’s Inclusion Policy and high cost per pupil in small rural schools have resource implications in both Capital and Revenue costs. The Council is of the opinion that this is insufficiently recognised in the authority’s annual settlement.

- Nursery provision in rural areas – the cost of providing the associated transport on a mandatory basis would be an additional budgetary burden for the Council.

- While Excellence Funding is most welcome, the Council nevertheless encounters difficulty with the ‘three year lump’ nature of the funding. It is for this reason that the authority has had to go down the staff secondments route, as opposed to taking on permanent staff. Budgetary difficulties again arise from this inescapable factor.
By way of constructive suggestion for the future the Council flagged-up the following:

- While DSM is a successful reality for council such as Moray, it might be helpful if the Scottish Executive itself considered following suit in terms of devolving additional powers to determine local spending priorities and budgets to Scotland’s education authorities.

- In terms of ‘clusters’ Moray now has a group of schools operating on a hub and spokes management/co-ordination basis. (One secondary being the hub, and its feeder primaries making up the spokes.) While there may be potential for reviewing management arrangements in a rural schools context, the Council identifies possible legal problem in advancing this model in that present legislation would appear to indicate that each and every school must have its own headteacher. If it did turn out that this hurdle could be got over, then Moray would wish to investigate possible alternative models.

On the issue of school closures Moray has recently closed three primary schools (Edinvillie, Boharm and Glenrinnes) and an annex at Tomintoul. In addition to stressing that the closures were driven by curricular and social factors – as opposed to financial necessities – the Council made the following points:

- No more closures will be considered during the lifetime of the present administration.

- The delay in the Scottish Executive confirming some of these types of closure decisions can cause operational difficulties. For instance Moray had frozen recruitment since the consultation exercise began in October 1999. (In order to more easily relocate potential closure list staff.)

- The delay in Scottish Executive confirmation also stalled induction processes for pupils leaving closure schools. By way of tackling this point, and the previous one, Moray is of the opinion that Scottish Executive should establish a timeframe for responding to councils.

- Moray considers that the Scottish Executive’s Social Inclusion agenda is closely focussed in the Central Belt. Should the Scottish Executive wish to keep more rural schools open, then it will have to shift that focus.

By way of comment on the definition of ‘rural’ schools in Moray – and also on any changes to the present school closure mechanism that the Scottish Parliament might feel inclined to consider, the Council stressed that:

- Formerly ‘rural’ communities in Moray have evolved into present-day ‘commuting’ communities. Indeed the whole of Moray is now one commuting area. This does not however lessen the need to take account of rural deprivation and its effects.

- If the Scottish Parliament was inclined to ‘tweak’ the present rules governing school closures – then it should avoid impinging on the present powers of Scottish education authorities. Scotland’s councils are democratically elected and it would be helpful if the Scottish Executive’s powers and controls could be lessened.

[Signature]

June 2000
Dear Mary

SPECIAL EDUCATIONAL NEEDS ENQUIRY

I am delighted to confirm that I shall be able to attend your Committee's special educational needs enquiry meeting to be held at 3.30 p.m. on Tuesday 4 July.

Sam Galbraith has already provided the Committee with an overview of what we are doing on special educational needs. Your Committee has also received copies of Improving our Schools: Special Educational Needs - The Programme of Action which was published on 9 May. Officials also gave evidence to the Committee on 30 May.

In view of this, and with your agreement, I do not propose to offer further extended written comment, other than the accompanying Annex A which provides some further information on what the Executive is doing in the area of supporting parents.

I also enclose some papers relating to the work of the National SEN Advisory Forum. These are the Forum's remit, its work programme for the remainder of this year, minutes of its meeting held on 28 March and a copy of a discussion paper on the Records of Needs process which the Forum discussed at its second meeting on 6 June. We shall be holding a special meeting on Records of Needs in September and I would be particularly interested in anything your enquiry report had to say on this issue.

Yours sincerely,

Peter Peacock
Deputy Minister for Children & Education

Victoria Quay
Edinburgh EH6 6QQ

Telephone: 0131-556 8400
scottish.ministers@scotland.gov.uk

Date: 28 June 2000

Mrs Mary Mulligan
Convenor
Education, Culture and Sport Committee
The Scottish Parliament
EDINBURGH
EH99 1SP
You will wish to note also that discussion on future priorities for the Forum will take account of the work of your Committee and its findings.

I look forward to meeting with the Committee on the 4 July.

Yours sincerely,

PETER PEACOCK
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Yours sincerely,

PETER PEACOCK
SCOTTISH EXECUTIVE SUPPORT FOR PARENTS OF CHILDREN WITH SEN

1. ENQUIRE – National Helpline

*Enquire*, a new national SEN information helpline, was officially launched on 1 November 1999 by Sam Galbraith, Minister for Children and Education. Children in Scotland has been awarded £621,000 over 3 years by the Scottish Executive to provide an independent information and advice service for parents, carers and families of children with special educational needs and for children and young people themselves. The service is providing general advice across the whole spectrum of SEN and aims to promote a collaborative approach to the education of children and young people with SEN.

To date the service has:

- Dealt with over 570 callers dealing with a wide range of issues relating to SEN legislation, policy and provision. Approximately 70% are parents. A strategy is currently being devised to encourage greater take up by parents and families from ethnic minority backgrounds.

- Produced a revised *Parents Guide to Special Educational Needs*, in partnership with the Scottish Executive and launched by Sam Galbraith, to provide parents with practical information about the provision of education for their children. The guide takes account of recent developments and updates relevant information and legislation in the field of SEN. To extend access as widely as possible, the revised guide is available in various ethnic languages and on audio-cassette, and will be available shortly on the internet. *Enquire* is currently developing its own web-site.

- Produced three fact sheets on choosing a school, assessment and recording of pupils’ needs and Individualised Educational Programmes (IEPs) and three general SEN bulletins. A further fact sheet on ‘choosing a school’ is currently being produced. Future topic areas will include making an appeal and roles of professionals and others.

- Begun an ongoing programme of development and training events including parents across all local authorities to support local networks providing advice and services.

Further measures include:

- Practical workshops will be held in each local authority throughout Scotland during the next 20 months, with a view to further developing the skills of parent supporters or professionals working with families to enable them to participate in decision making contexts more effectively.

- Development of training materials in the form of a commercially available training pack for those working with parents of children with SEN to help promote more effective decision making. Materials will be used in running the parent workshops detailed above.

- Establishment of pilot mediation projects in a minimum of four local authorities offering alternatives for conflict resolution and parent support on SEN issues. The 4 authorities are East Dunbartonshire, Glasgow City, South Ayrshire and Stirling.
• A national conference to be held on 11 September 2000 on promoting good practice in inclusion. Parents will be represented.

2. National SEN Advisory Forum

• The Forum includes parents of children with special educational needs.

• The Scottish Executive will be setting up a web-site as part of its support for the new National SEN advisory forum. The web-site will contain news of issues under discussion within the forum and will invite views on these issues from all with an interest in SEN including parents.

3. SEN Innovation Grants Programme

The programme established in 1999, supports and encourages the voluntary and non-statutory sectors to develop best practice and innovative ideas in SEN provision. Grants awarded to date total £5.2 million to 32 organisations and 54 projects across Scotland. A number of projects are specifically aimed at providing advice and support to parents.

Examples of grants awarded include –

AFASIC (action for all speech impaired children) and Dyspraxia Foundation (£71,973 over 2 years) to deliver information pack for parents and programme of events to promote partnerships between all concerned with dyspraxia including website and national seminars

Highlands and Islands Autism Group (£79,711 over 2 years) to provide outreach and co-ordination service for parents of children with autism, dyslexia and dyspraxia in a large geographical area.

PAMIS (Profound Multiple Impairment Service) (£74,977 over 3 years) to develop parent partnership support and help parents support curricular inclusion of these children

Parent to Parent - Tayside (£42,116 over 2 years) a national project to promote good practice for parents of children with autism, dyslexia and dyspraxia and will produce 3 CD ROMS relating to the 3 areas.

RNID (Royal National Institute for the Deaf) (£86,451 over 3 years) to develop new improved methods of counselling and supporting and involving parents and young deaf people

Scottish Society for Autism (£88,010 over 2 years) will work in partnership with and provide support to schools, local authorities, parents and children with autism/asperger syndrome to promote social inclusion and prevent family breakdown.

Voluntary Action Lewis (£61,946 over 2 years) to deliver outreach service for parents and families to combat isolation and exclusion for SEN children in a rural setting.
NATIONAL SEN ADVISORY FORUM

Remit

- To advise Scottish Ministers on the development and implementation of policies to improve standards of provision for special educational needs and their consistent application throughout Scotland;

- To monitor the implications, for provision of special educational needs, of national policies for improving standards and promoting social inclusion in schools;

- To review progress in the development of approaches for the inclusion of children with special educational needs in mainstream provision; and

- To keep Scottish Ministers and other interested parties informed of best practice in provision for special educational needs.
NATIONAL SEN ADVISORY FORUM

ASSESSMENT AND RECORDING

Background

1. The current Records of Needs process attracted criticism from various quarters during the consultation exercise over the Riddell Report. Some criticisms related to how the system was working, (or not working), while others questioned the overall philosophical basis to the current Records of Needs legislation.

2. Criticisms of the operation of the system relate to:

- Variations in recording rates across authorities
- Local authorities ignoring national guidance
- Particular categories of SEN ruled out for Records of Needs, e.g. social, emotional and behavioural difficulties
- Process overly bureaucratic and time consuming
- Educational psychology resources would be better directed to supporting pupils in more effective ways
- Lack of appeal against statement of provision in the Record
- Claims by parents that they are denied information on available options
- Impression that articulate parents more likely to have Records opened for their children

3. The Forum may feel that these criticisms alone are sufficient reason to warrant an examination of local authority assessment and recording procedures. In addition, there are those who argue that the 1980 Records of Needs legislation was a step forward in its day and paved the way for a greater degree of inclusion for pupils with special educational needs in mainstream schools. Today, however, it is argued by some that the time is right to make the more inclusive principle of “entitlement”, within an equal opportunities framework, the basis of a new model of provision rather than one based on an emphasis on “needs”. This position is spelt out in the attached paper, Special Educational Needs legislation: time for a change, which the Association of Scottish Principal Educational Psychologists (ASPEP) has asked to be circulated to members of the Forum.

4. Any changes to the Records of Needs process would require amendments to the legislation. Several amendments to the Standards in Scotland’s Schools Etc Bill have been resisted on the grounds that the Forum will be reviewing the assessment and recording process in detail. Steps are being taken to assist the work of the Forum in this through commissioning the services of an SEN consultant. In the meantime, as an aid to discussion and clarifying the terms of the review, members of the Forum may wish to consider the following questions:
Questions

What are the principles which should underlie special educational needs legislation?

How far does the current Records of Needs system serve to promote an inclusive approach to special educational needs provision?

Has the current Records of Needs legislation outlived its usefulness? Should it be strengthened or replaced?

What are the practical implications of an "entitlement" model as opposed to one based on "needs"?

Does the Record of Needs process undermine ability of a local authority to provide for all children with special educational needs? Or is a Record essential to ensuring effective provision for pupils with greatest needs?

How can parents and children's voices be supported during the assessment process?

How can a local authority be held to account for a failure to make appropriate provision? What would the implications be for extending to parents a right of appeal on provision for pupils with special educational needs?
SPECIAL EDUCATIONAL NEEDS ADVISORY FORUM

IDENTIFIED FORUM PRIORITIES

<table>
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<tr>
<th>Subject area</th>
<th>Tasks</th>
<th>Action</th>
<th>Time scale</th>
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| Legislation – Standards in Scotland's Schools Etc. Bill | To consider “mainstreaming” section for Education Bill | Draft considered at meeting held on 28 March.  
Revised section circulated to Forum on 27 April and approved at Education Committee meeting on 9 May.  
May be further adjustments in light of debate at Committee stage | Stage 3 of Bill scheduled for Wednesday 7 June |
| Records of Needs              | To review assessment and recording arrangements (Records of Needs) | Discuss Forum paper 6/2000 and agree terms of review  
Pupil Support Division to commission consultant | Meeting on 6 June and by correspondence  
June 2000  
Initial report to Forum for November meeting |
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<tr>
<th>Subject area</th>
<th>Tasks</th>
<th>Action</th>
<th>Time scale</th>
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<tbody>
<tr>
<td>Inter-agency working</td>
<td>To identify any legislative and organisational constraints to</td>
<td>Invite CoSLA to expand on their response to Riddell consultation</td>
<td>June meeting</td>
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<td>inter-agency and inter-authority working</td>
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<td>To consider Riddell Report recommendations on planning and to identify</td>
<td>To consider summary of recommendations of all three reports in Forum</td>
<td>Initial discussion at June</td>
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<td></td>
<td>any overlap with Beattie report recommendations and those of Learning</td>
<td>Paper 8/2000 (in preparation)</td>
<td>meeting?</td>
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<td>Disability Review</td>
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<td>Disability anti-discrimination</td>
<td>To consider issues relating to extension of UK Disability Discrimination Act to school education</td>
<td>Examine issues such as local authority planning, rights of appeal, etc.</td>
<td>Depends on when Bill taken forward at UK level.</td>
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<td>legislation</td>
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<td>Specialist qualifications for</td>
<td>To examine qualifications/training issues in respect of teachers</td>
<td>To consider responses to Consultation on the Schools Scotland Code</td>
<td>Consultation exercise runs until end of June – discuss either by correspondence or at November meeting</td>
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<tr>
<td>teachers</td>
<td>working with pupils with special educational needs</td>
<td>PSD to commission evaluation of in-service staff development and training specific grant programme</td>
<td>Initial report to Forum for November meeting?</td>
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<tr>
<td>Views of children and young people</td>
<td>To consider means of allowing the Forum to hear the views of children and young people</td>
<td>Forum to consider areas on which they would wish to hear views</td>
<td>June meeting</td>
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<td>PSD to commission arrangements as necessary</td>
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<td>Subject area</td>
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<td>Children with health problems</td>
<td>Guidance for local authorities on new duty in <em>Standards in Scotland's Schools Etc. Bill</em></td>
<td>Circular and guidance has been commissioned on education of children who are unable to attend school because of ill-health</td>
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<td>Autumn 2000</td>
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<td>Length of school week in special schools</td>
<td>Section 70 complaint - Glencryan School</td>
<td>Decision by Scottish Ministers</td>
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<td>Guidance for local authorities</td>
<td>Guidance to be prepared in consultation with CoSLA</td>
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<td>Autumn 2000</td>
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<td>Speech and language therapy funding; occupation and physiotherapy</td>
<td>Review of current funding issues and supply of speech and language therapy and occupational and physiotherapy services</td>
<td>Joint review with Scottish Executive Health Department</td>
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<td>Educational psychology services</td>
<td>Review of supply and funding of trainee educational psychologists</td>
<td>PSD to discuss with ASPEP and college training providers</td>
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<td>PSD to commission review</td>
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NOTE OF MEETING OF NATIONAL SEN ADVISORY FORUM HELD IN
CONFERENCE ROOM 3, VICTORIA QUAY, 28 MARCH 2000

In attendance:

Members of forum

Ms Jane Arrowsmith
Mrs Jeanette Cochrane
Mr Neil Campbell
Mr Paul Hamill
Mr Jimmy Hawthorn
Ms Ros Hunter
Dr Patricia Jackson
Mr Brian Kirkcaldy
Mr Ian Liddle
Mrs Arlene Mooney
Mr Frank Newall
Mr Bruce Robertson
Mr Bill Sadler
Mr Kevin Tansley
Ms Kay Tisdall
Ms Janice Walker
Mrs Shirley Young

Scottish Executive

Mr Peter Peacock, Deputy Minister for
Children and Education, Chair
Mrs Joan Fraser
Mr David Miller
Mr John Bissett
Dr Mike Gibson, HMI

1. The Minister welcomed all members to the first meeting of the Forum which would be an important mechanism for discussing SEN issues of vital importance to Scottish Ministers. He encouraged all members to freely express their views and opinions and hoped that the Forum would be productive in taking forward a wide range of issues.

2. Members of the Forum and representatives of the Scottish Executive introduced themselves. Apologies for non-attendance had been received from Professor Sheila Riddell and Mrs Jane Ansell.

Item 1: Method of operation

3. The general approach outlined in Forum Paper 2/2000 was endorsed. It was agreed that it would be important for the Forum to tap into local support networks which were already active in the SEN area, particularly in relation to taking the views of children and young people.

4. It was agreed that the Forum would meet twice yearly, in May and November.

5. Members of the Forum were asked to think about a suitable person to be vice-chair of the Forum. A decision on this will be taken at the next meeting.
Item 2: Remit

6. Mr Peacock outlined the remit set out in Forum Paper 3/2000. This was drawn up in very broad terms to allow the Forum to consider a wide range of topics. Although the main emphasis was on school education he considered that the Forum should be free to range into other areas as necessary. It was noted on point 2 of the remit that it was not intended that the Forum would be taking on the Scottish Executive's overall responsibility for monitoring special educational needs provision.

7. The draft remit was agreed.

Item 3: Presumption of mainstream education

8. Mr Peacock outlined Scottish Ministers thinking behind the proposed inclusion in the Standards in Scotland’s Schools, Etc. Bill of a provision establishing a presumption of mainstream education for all children and young people in Scotland. Ministers were keen that schools saw themselves as representative of the whole community they serve and that children with special educational needs should have the opportunity to learn in a mainstream environment alongside their peers. At the same time Ministers were aware of the sensitivities surrounding the education of children with special educational needs and wanted to accommodate concerns where these arose. It was important that the terms of the clause sent the right signals. He invited views on the terms of the draft clause set out in Forum paper 4/2000.

9. Points raised in discussion included the following areas:

- current wording was seen as negative and rather clumsy
- need to ensure that “special school” should not be seen as less valid – yardstick should be what is in best interests of the child
- effect of clause should not be to make it more of a fight for parents to get the appropriate provision for their children
- use of terms such as “efficient education” does not convey spirit of improving quality of provision
- should there be a “right” rather than a “presumption” to mainstream education
- how does clause link to Disability Discrimination Act (DDA)
- need to listen to views of children
- caveats in clause too negative in tone, suggesting inclusion of children with special educational needs seen as too much of a problem
- should a more radical approach be taken to 1980 Education Act
- important that guidance be produced on implications of clause – example of guidance on Children Scotland Act commended

10. In summing up the discussion Mr Peacock thanked members for their contributions. It was agreed that officials would speak again to Solicitors and to the parliamentary drafters with a view to making the clause more positive in tone and to consider the need for qualifications within the draft which met the concerns of parents, while not detracting from the spirit of enhancing opportunities for mainstream education. The Scottish Executive would intend issuing guidance in which some of the issues discussed could be included, for example, the need to ensure an approach consistent with the Children Scotland Act, to
hearing the views of children and young people. Officials would also discuss with Solicitors how the terms of a revised clause would relate to provisions in the DDA and how they related to forthcoming publication of national educational priorities.

11. It was agreed that a revised clause would be circulated to members of the Forum to enable it to be presented at the Committee Stage of scrutiny of the Education Bill.

**Item 4: Priorities**

12. Mr Peacock invited views on the proposed list of priorities set out in Forum Paper 5/2000 as well as suggestions for other areas of concern to Forum members.

13. There was general agreement that the Records of Needs process needed to be examined as a high priority. Other areas highlighted were:

- principles and assumptions underlying definition of SEN – emphasis on school education too narrow an approach - needs to encompass support for learning, youth strategies, etc.
- social inclusion and special needs – need to look at integrated approach
- staff development and training:
  - need to consider continuum of training from initial teacher training to Headship;
  - need to consider training needs of all staff in school, pre-school and home visiting;
  - core training for professionals from health/social work/education working to develop inclusive schools
- include disability awareness training in school curriculum
- provision of educational psychology services
- need for research and guidance in areas such as autism/aspergers

14. It was agreed that a starter paper on Records of Needs would be prepared for the next meeting, together with a further paper on priorities.

**Next meeting**

15. The next meeting would take place towards the end of May. Officials would canvas members for suitable dates.

**SEED**
Pupil Support Division
May 2000
Dear Gillian

REPORT ON ROMAN REMAINS AT CRAMOND

With reference to Mr McLaren's letter of 11 May, I attach the Executive's response to the above report.

Yours sincerely

MISS J MACDOUGALL
Private Secretary
Education Culture and Sport Committee, 5th Report 2000: Response of the Committee to Petition PE9 on Roman Remains at Cramond
Response from the Scottish Executive

1. The following is the response from the Scottish Executive to the Education, Culture and Sport Committee’s 5th Report 2000.

2. The 5th Report 2000 is the Committee’s response to a petition received from Mr R H Guild, in relation to Roman remains at Cramond, in the context of a number of current developments in the area. The report raises concerns about a number of issues, for which separate bodies have responsibility. This response is intended to clarify the role of the Scottish Executive and Historic Scotland, which is an Agency of the Scottish Executive and therefore part of that body, and of the other parties involved. It also responds to the individual recommendations made by the Committee.

3. Most of the issues raised by the petition and commented on in the report are matters for the local authority – the City of Edinburgh Council. In particular the provision, repair and maintenance of roads outside the trunk roads system are the responsibility for the local authority. The Council is also responsible in the first instance for all planning issues, though in areas where there is a scheduled ancient monument or A-listed building, separate scheduled monument consent or listed building consent would require to be sought from Historic Scotland for any proposals which might affect the monument, the building or their setting. Scottish Ministers become involved in planning issues, such as those raised in the report, if there is an appeal against a planning decision; an appeal against an enforcement notice, in the event that the conditions attached to the notice are breached, or if conditions attached to the terms of a planning consent are breached. Ministers are also responsible for scheduling, and are involved the appeals process in connection with scheduled monument consent, and listed building consent. It is therefore not appropriate for Scottish Ministers to comment on such issues since, at some future stage, they may become the subject of dispute and be put before them to determine.

4. It must also be made clear that Historic Scotland does not own any of the sites in Cramond. The Council is the main landowner within the area relevant to the issues covered by the petition, including those which house the Roman remains. The role of Historic Scotland, in this context, is to protect monuments, which are of national importance, by providing them with statutory protection: that is, by scheduling them. At Cramond, that part of the Roman fort and the adjacent civil fort which are not covered by modern developments, have been scheduled. Scheduling protects the site and its contents and makes it a criminal offence for action to be taken in relation to the area without the written permission of Scottish Ministers through scheduled monument consent. Cramond is also designated as an Outstanding Conservation Area, with a number of A listed buildings and a recognisable designed landscape in the grounds of Cramond House. This provides the area with further statutory protection, since listed building consent or conservation area consent would be required for works which would physically affect any built structures covered by these designations.
5. In addition to its role in terms of statutory protection, Historic Scotland's other role, in relation to these issues, is to advise the owners of historic buildings or ancient monuments how best to conserve, manage and interpret them.

6. It should be noted that the Ancient Monuments and Archaeological Areas Act 1979 provides local authorities with the same powers as those held by Scottish Ministers, with the main exception being that the local authorities do not have powers to protect monuments through scheduling. The City of Edinburgh Council owns a significant part of the scheduled area.

7. Comments in response to the recommendations made by the committee, which are set out as bullet points under paragraph 69 of the Report, are as follows:

**Recommendation 1.**
- In the short term, the signage and descriptive information at the site of the Roman fort should be significantly improved and maintained by Edinburgh City Council;

**Response:** The provision of guide information is a matter for Edinburgh City Council, though Historic Scotland can offer advice on such matters.

**Recommendation 2.**
- For the consideration of a medium to long term development proposal, Historic Scotland should initiate a meeting with the five landowners within the site of the scheduled monument to set up a management group that can prepare and consider a number of options for the improved presentation of the Roman remains, including the possibility of a new interpretation centre and the exposure to public view of the Roman bathhouse, and to explore what funding might be required and might be available;

**Response:** Historic Scotland has no direct responsibility for preservation or management of the Roman remains in Cramond. They are owned by City of Edinburgh Council, and it is for that body, and other owners within the site of the scheduled monument, to ensure they are properly conserved. Historic Scotland can advise owners as to how best they may ensure that such monuments are conserved and managed, and would be happy to offer advice to the Council or other body charged with the care of the remains.

**Recommendation 3.**
- Historic Scotland should regularly inform the Education, Culture and Sport Committee of its progress on this matter;

**Response:** Beyond its role in relation to the scheduled monument designation, Historic Scotland has no responsibilities in relation to the Roman remains, since it is not the owner.

**Recommendation 4.**
- The City of Edinburgh Council should consider transferring the ownership of any or all of its share of land within the scheduled monument at Cramond to another public body that might have funds available, if the City is unable to assist in the proper maintenance and presentation of the Roman remains;

**Response:** That is a matter for the City of Edinburgh Council.
Recommendation 5.

- The City of Edinburgh Council, the Management Group and the Moray House campus developers should give urgent consideration to the possibility of a new access road to the Cramond car park following a route down the eastern boundary of the campus site as part of the Moray House campus development in agreement with neighbouring landowners;

Response: This is a matter for the parties mentioned, with lead responsibility lying with the City of Edinburgh Council as the planning authority. The local roads in and around Cramond are solely the responsibility of City of Edinburgh Council as the local roads authority. Scottish Ministers provide the Council annually with a block allocation for capital expenditure on a number of services, including roads and transport, but that is the extent of their control. It is entirely a matter for the Council to decide what priority should be given to a new access road to the Cramond car park, in terms of all the services for which it is responsible, and allocate resources accordingly.

From our enquiries of the Council we understand that it is their intention to build a new access road, approximately 50 metres long, going between the public car park at Cramond and the car park belonging to the local inn. This will be a joint venture between the Council and the local inn with the Council funding the majority of the cost. There is no indication as yet as to when this project will commence.

It is important to note that any proposal for a road which traversed the scheduled area, or were to affect a listed building, would require scheduled monument and might require listed building consent, or if within the conservation area, conservation area consent, in addition to satisfying other planning requirements.

Recommendation 6.

- The new management group should consult and involve the Council for Scottish Archaeology, local amenity groups and local representatives and hold a number of public meetings to discuss their proposals;

Response: It is for local interests, and the city of Edinburgh Council as owner of the site, to establish such a management group, if they wish to do so. Historic Scotland can offer advice on specific issues related to the conservation of ancient monuments and historic buildings, and would be happy to contribute advice to such a group.

Recommendation 7.

- The new management group should give strong consideration to the disruption to the natural beauty and amenity of Cramond village if greater tourist traffic has to be routed through the village and to work towards alternative solutions;

Response: Comment in response to recommendation 6 applies. This is a matter for local residents in conjunction with the local authority, but the terms of the listing, scheduling and designation of Cramond as an outstanding conservation area, do provide a measure of statutory protection to the village.
Recommendation 8.
- The conditions attached to the planning consent for the pumping station should be strictly adhered to.

Response: This is a matter for the City of Edinburgh Council as planning authority. It is not appropriate to make further comment on this, because Scottish Ministers might become involved in an appeal against an enforcement notice served by the Council in relation to a failure to comply with these conditions.

For those aspects of the development, which will impact on the scheduled area, Historic Scotland will ensure that the archaeological conditions attached to the scheduled monument consent granted to East of Scotland Water on 24 January 2000 are adhered to.

Recommendation 9.
- Similarly tight conditions should be applied to the Moray House Campus development and that the planning brief be followed by the Council without significant alterations.

Response: Again this is a matter for City of Edinburgh Council, in the first instance, and it would not be appropriate for Ministers to comment lest they become involved in the development either at the planning application stage (should it require to be notified to the Scottish Ministers) or in the event of an appeal (should planning permission be refused or the developer wishes to challenge a condition).

Historic Scotland will consider any application for scheduled monument consent in connection with the proposed development in the normal way.
EDUCATION CULTURE AND SPORT COMMITTEE

Petition PE9: Roman Remains at Cramond

1. Members will recall the petition from Mr Ronald Guild about developments in the Cramond area, and the protection and interpretation of the Roman ruins. The Committee published its report in May, and the Scottish Executive were asked to respond.

2. A copy of the Executive’s response is attached. It helpfully sets out the recommendations of the Committee and their response to each.

3. The Executive have pointed out that the issues which arise in the report are primarily the responsibility of the City Council as the main landowner, the body responsible for maintaining roads outwith the trunk system, and with responsibility for planning issues. Historic Scotland does not have direct responsibility for the preservation or management of the Roman remains at Cramond, nor does it own any of the ground on the site. Its responsibilities extend to the protection and scheduling of ancient monuments.

4. The Report was copied for information to Edinburgh City Council and all the others from whom Mr Monteith took evidence on behalf of the Committee. In hindsight, the Council should have been asked to respond to the Report also.

Recommendation

5. Given that lead responsibility for the issues appears to rest with the Council, it is recommended that their views are sought on the Report, and on the terms of the response from the Executive.

David McLaren
Senior Assistant Clerk
June 2000
1. Attached for the Committee to consider is a draft annual report. The aim of the annual reports is to inform the public and outside bodies of the work of the Committee in an easily accessible form.

2. This follows the format agreed by the Conveners’ Liaison Group. In particular, it has been agreed that:
   - all Committee reports will be published together in a single volume
   - reports should be about 400 words

3. Standing orders (rule 12.9) require each Committee’s report to include “details of its activities during that Parliamentary year” ie in this case from May 1999 when the Parliament was elected to the end of April 2000. Standing orders also require the report to include “details of its meetings and the number of times the committee has met in private”.

4. The Committee is asked to:
   - agree the draft report; or
   - authorise the Convener and the Clerk to make any further amendments required.

Gillian Baxendine
Clerk to the Committee

29 June 2000
EDUCATION CULTURE AND SPORT COMMITTEE


The Education, Culture and Sport Committee has wide remit and its work programme has covered each main area: school education, children, culture and sport.

Two substantial reports have been published on:

- the national arts companies including Scottish Opera and Scottish Ballet. The Committee made a number of recommendations to improve the stewardship of public investment in these companies and recommended the establishment of a Scottish national theatre company.

- the Standards in Scotland's Schools etc. Bill where as lead committee the Committee sought views from many organisations and individuals as well as from three other Parliamentary Committees. The recommendations for improving the Bill were reflected in the 36 Executive and 13 non-Executive amendments subsequently accepted by the Parliament.

The Committee also published 3 reports on subordinate legislation and contributed to the Local Government Committee’s report on the Ethical Standards in Public Life etc. (Scotland) Bill where evidence was heard from the key schools-related organisations concerned with the repeal of Section 2A (section 28).

Inquiries were begun into special educational needs, the state of school buildings and infrastructure, Hampden national football stadium and the case for appointing a Children’s Commissioner. Members were appointed as Reporters to the Committee on issues facing rural schools, sport in schools and the Scottish film industry. These may lead to future inquiries.

Seven public petitions were considered and on one, concerning the Roman remains at Cramond, Edinburgh, a Member was appointed to report in depth. A reporter was also appointed to advise the Committee on appropriate ways of consulting children and young people on Parliamentary business. As a result, research will be commissioned leading to guidance for all Committees on how to involve children and young people in their work. The Committee led in this area by consulting children directly on the Schools Bill, through visits to schools and by hearing from young people in a Committee meeting. A report on our behalf by Childline was also included to reflect young people’s views in the report on the Ethical Standards Bill.

In 25 meetings between June 1999 and April 2000, the Committee heard oral evidence from 39 organisations [or: from 86 witnesses] as well as considering many written submissions. The Committee has met partly in private at eleven meetings, to consider items such as the approach to questioning witnesses, draft Committee reports or the appointment of committee advisers. No meeting has been held wholly in private.

397 words
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