The Committee will meet at 9.30 am in Room 3

1. **New Members of Committee:** The new members of the Committee will make a declaration of their interests.

2. **Choice of Deputy Convener:** The Committee will choose a Deputy Convener.

3. **National Cultural Strategy:** The Committee will take evidence from the Deputy Minister for Culture and Sport, Rhona Brankin, MSP.

4. **Public Petitions:** The Committee will consider the following petitions—

   PE 114 by Mrs Julia Clarke on the establishment of after school clubs. The Committee will discuss the Scottish Executive’s response to this petition.

   PE 224 by Mr George Reid calling on the Scottish Parliament to redefine the role of the Lord Lyon, King of Arms, in relation to the national flag; to prescribe the exact colours and proportions of the Saltire and to the appropriate ways of flying it; and to encourage the flying of the national flag.

5. **Subordinate Legislation:** The Committee will consider the following negative instrument—

   The Protection of Wrecks (Designation ) (Scotland) Order 2000 (SSI 2000/287)

6. **Update on Committee Business:** The Committee will be updated on business in its current work programme.
The following papers are attached for this meeting—

Note from Clerk on New Members of Committee (Agenda item 1) ED/00/26/1

Note from Clerk on Choice of Deputy Convener (Agenda item 2) ED/00/26/2

Scottish Executive web pages on Scotland's National Cultural Strategy (Agenda item 3) ED/00/26/3

Note by Clerk on PE 114 ED/00/26/4
PE114 by Julia Clarke ED/00/26/5
Scottish Executive response to PE114 ED/00/26/6
( Agenda item 4)

Note by Clerk on PE 224 ED/00/26/7
PE224 by George Reid ED/00/26/8
( Agenda item 4)

Note by Clerk on SSI 2000/287 ED/00/26/9
The Protection of Wrecks (Designation) (Scotland) Order 2000 SSI 2000/287
( Agenda item 5)
### Papers circulated

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New Members of Committee

1. As members will be aware, Karen Gillon and Lewis MacDonald have resigned as members of the Committee.

2. The Parliament, on a motion (S1M-1180), has appointed two new members to the Committee – Johann Lamont and Cathy Jamieson.

3. It has been established as good practice that members should declare any registerable interests relevant to the remit of the Committee at their first Committee meeting (Section 5.3.3 of the Code of Conduct for Members). The Convener will therefore invite both members to declare orally any registerable interests.

Martin Verity
Clerk to the Committee
September 2000
Education, Culture and Sport Committee

20 September 2000

Choice of Deputy Convener

1. As members will be aware, Karen Gillon, Deputy Convener, has resigned from the Committee. The Committee requires therefore to choose a new Deputy Convener.

2. On 16 December 1999, the Parliament decided on a motion (S1M-388), that the Deputy Convener of the Education, Culture and Sport Committee should be a member of the Labour Party. Under Standing Order 12.1.9, when a Deputy Convener ceases to hold office, the Committee must choose a successor from the same Party.

3. The Convener will invite nominations at the meeting, and members will be asked to choose a Deputy Convener.

Martin Verity
Clerk to the Committee
September 2000
EDUCATION CULTURE AND SPORT COMMITTEE

20 September 2000

Petition PE 114: Julia Clarke

1. Members may recall considering this petition on 20 April. The Committee agreed to refer it to the Executive for comments on the petitioner’s proposals and for views on the suggested appointment of a lead Minister.

The Petition

2. The petitioner considers that—

- current policies on child-care, employment, social inclusion and the benefits system should be “joined up” so as to assist women into the workplace by giving them other options for child-care;
- the Parliament should establish a working group to analyse the cost of converting primary schools into after-school care clubs at the end of the school day; and
- the Executive should designate a Minister with lead responsibility for taking forward this policy on completion of a Parliamentary report.

3. The Committee noted that some of the areas mentioned by the petitioner are reserved matters.

Executive’s Response

4. The Executive confirms that changes to the benefits system are indeed reserved matters. It believes that decisions on the expansion and location of out of school care should be taken at a local level, taking account of local circumstances. It considers that Childcare Partnerships should have a pivotal role in assessing the demand for out of school care, and respond to that demand within the resources available. The response goes on to say that Ministers do not have any statutory powers or authority, referring to the School Boards (Scotland) Act 1988 which confers powers on School Boards relating to the control of school premises outside school hours.

5. The Executive says it will consider whether it needs to reinforce the message to local authorities that they should encourage School Boards to make school premises widely available to the local community during non-school hours.

6. Finally, the Executive confirms that the Minister for Children and Education is the lead Minister for after-school care.

Recommendation
7. In view of the response from the Executive, it is suggested that the Committee asks the Executive to reinforce the message to local authorities that they should encourage School Boards to make school premises available to the local community during non-school hours.

8. It is further suggested, that the Clerk informs the petitioner of the outcome of the Committee’s consideration, and copies her all relevant correspondence.

David McLaren
Senior Assistant Clerk
September 2000
MEMORANDUM FROM THE SCOTTISH EXECUTIVE EDUCATION DEPARTMENT

Purpose

1. As requested by the Education, Culture and Sport Committee, to comment on the petitioner’s proposal that Executive Ministers should require all primary schools to make their premises available for out of school activity.

Preliminary Remarks

2. The petitioner surveys a broad range of child and family issues; but these are not fully integrated with the central issue of out of school care. The introduction focuses on children under the age of 5 whilst the subsequent text concentrates exclusively on services for older children. The introduction also raises issues which are not within the competence of the Scottish Parliament, notably the benefits system and employment policy.

UK Policy context

3. The UK Government has a comprehensive set of policies in place to support mothers and to help parents balance the demands of work with their caring role. Details of these and related Executive measures are annexed.

After School Care Clubs

4. The Executive wants to see growth in out-of-school care, where parents need it. There are currently over 600 clubs, mainly parent-led, throughout Scotland. The Programme for Government commits the Executive to the creation of some 50,000 new out-of-school places (supporting around 100,000 children) by 2003. This expansion will be achieved through the New Opportunities Fund (NOF). Over £25 million of NOF funding, much of which will be directed to disadvantaged areas, is being complemented by £13.75 million of Executive funding to local authorities in 2000-2001 to support the Childcare Strategy, over half of which is directed at childcare projects, including out of school care clubs.

5. Clubs need good premises. The Executive have responded to the need for more and better childcare infrastructure by announcing that a further £2million will be made available to local authorities this year and next to improve the childcare infrastructure in their areas – this could include out of school care. Local Childcare Partnerships will be fully involved in decisions about the use of this funding.

6. The availability of premises is one of a range of factors affecting the expansion of out-of-school care. Quality and staffing are also key. The new Scottish Commission for the Regulation of Care will ensure consistent minimum standards of good quality care across Scotland; and Ministers will in due course set National Care Standards for a range of social services, including all aspects of childcare. The Executive are also addressing childcare
workforce issues: we will shortly be publishing an Action Plan for the training and development of workers in early education, childcare and playwork and backing these measures with around £4 million of additional investment over this year and next.

7. We believe that decisions on the expansion and location of out of school care should be taken at local level, taking account of all local circumstances. Locally based Childcare Partnerships should have a pivotal role in assessing the demand for out of school care and in taking appropriate action, using all available resources, to respond to the demand. We reject the notion that Ministers should have a coercive role in relation to the use of school premises.

8. Moreover, Ministers do not have the relevant powers or authority. Section 14 (1) of the School Boards (Scotland) Act 1988 confers on School Boards the responsibility for controlling the use of school premises outside school hours. This is subject to any direction by the education authority, and to the authority’s powers to fix charges, unless these powers have been delegated to the School Board. The School Board is also required to encourage the use of school premises by members of the community in which the school is situated.

9. The Scottish Office has encouraged education authorities likewise to encourage School Boards to make school premises widely available to the local community during non-school hours. We will consider whether we need to reinforce this message.

After school learning

10. Good quality care is developmental as well as recreational. Some voluntary clubs provide study support and others use a wide programme of activities to support pupils’ acquisition of core skills. Many schools also provide study support (without charge) at their own hand, geared to raising pupils’ motivation, self-esteem and attainment. The NOF funds out of school learning activities linked to schools’ overall provision and aims. £23.6 million is available in Scotland over three years for this initiative. At least half of all secondary schools, at least a quarter of all primary schools and at least half of all special schools are to be involved by 2001. Through the Executive’s Excellence Fund, grant support totalling £27 million over three years is allocated to local authorities to enable them to extend the coverage of NOF support to all secondary schools.

Lead Minister

11. The Minister for Children and Education is the lead Minister for after school care.
Examples of UK Government & Scottish Executive measures to support mothers & families

1. The following list is not exhaustive; measures include:

   - 18 weeks’ maternity leave (increased from 14 weeks)
   - entitlement to additional maternity leave for employees who have at least one year’s service with their employer
   - entitlement to 13 weeks’ unpaid parental leave in specified circumstances;
   - entitlement to unpaid time off work to deal with emergency situations involving a dependant

2. The Secretary of State for Trade and Industry also recently announced a review to help working parents which will look at how the Government can build on the new rights to parental leave and improved access to paid maternity leave.

3. The Working Families Tax Credit (WFTC) is part of a programme of tax and benefit reform to help working parents. The childcare tax credit part of this can meet up to 70% of childcare costs and offers a route into affordable childcare for many parents.

4. Changes to the WFTC announced by Gordon Brown in March makes it easier for women to go back to work. There is an extra £4.35 a week for the under 16 child credit in the WFTC.

5. There will be a new Children’s Tax Credit from April 2001 replacing the married couple’s allowance.

6. Within the competence of the Scottish Parliament, the Executive has introduced a £8 million package focusing on the childcare needs of students. Part of that package committed £6 million over 2 years to help students in the Further Education sector with childcare costs.

7. Also, Social Inclusion Partnerships (SIPs) are tackling social exclusion in Scotland’s most disadvantaged communities. Many of them have included childcare facilities and provision in their programme of activity.

8. The Scottish Executive has identified £42million over three years for Sure Start Scotland. This initiative targets support at families with very young children (0 to 3) living in disadvantaged communities.
The Public Petitions Committee referred this petition to the Committee for its consideration on 26 June 2000. The Public Petitions Committee has suggested that the Education, Culture and Sport Committee may wish to take a view on the issues raised although the Public Petitions Committee had agreed that that the subject of the petition is a reserved matter. It is also understood that the Lord Lyon and the Scottish Ministers have already made their views known to the petitioner.

The Petition

2. The petitioner calls for the Scottish Parliament to redefine the role of the Lord Lyon, King of Arms, in relation to the national flag; to prescribe the exact colours and proportions of the of the Saltire and to the appropriate ways of flying it; and to encourage the flying of the national flag. On the 17 August the petitioner supplied details of how a number of countries specify the colours and dimensions of their flags and the protocols governing their use.

3. The Committee is invited to consider the above petition
1. The Protection of Wrecks (Designation) (Scotland) Order 2000 (SSI 2000/287), was laid on 18 August 2000, and is subject to negative procedure. It came into force on 19 August 2000, and will remain in force, unless it is annulled by the Parliament within 40 days of being laid before the Parliament, i.e. until 27 October 2000.

2. The Order identifies a site in the Sound of Mull, which is thought to be the site of a vessel of historical and archaeological importance. In view of this, an area of 250 metres round the site has been designated as a restricted area, in order to protect the site from unauthorised interference.

3. The Education, Culture and Sport Committee is the lead committee for this Order, and should report to the Parliament by 23 October 2000. There are no other committees to report to this Committee. The Minister responsible is Rhona Brankin, Deputy Minister for Culture and Sport.

4. A copy of the SSI, an explanatory note which is not part of the Order, and a separate Executive Note are attached.

5. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The Order is not subject to amendment.

6. A procedural note is attached.

Martin Verity
Clerk to the Committee
Procedural Note

Standing Orders
1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the ‘lead committee’), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’
2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid.

6. To date, no motion to annul SSI 2000/287 has been lodged with the chamber clerks.

Proceedings in the committee
7. This committee is invited to discuss the SSI. Members will then be asked whether the committee wishes to make any recommendation in its report to the Parliament.