EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

AGENDA

17th Meeting, 2009 (Session 3)

Wednesday 3 June 2009

The Committee will meet at 10.00 am in Committee Room 4.

1. **Decision on taking business in private**: The Committee will decide whether its consideration of a draft report on the Schools (Consultation) (Scotland) Bill at future meetings should be taken in private.

2. **Schools (Consultation) (Scotland) Bill**: The Committee will take evidence on the Bill at Stage 1 from—

   Fiona Hyslop MSP, Cabinet Secretary for Education and Lifelong Learning, Colin Reeves, Deputy Director, Schools Division, and Lynn Henni, Schools (Consultation) (Scotland) Bill and Educational Options Team Leader, Schools Division, Scottish Government.

3. **Annual report**: The Committee will consider a draft annual report for the Parliamentary year from 9 May 2008 to 8 May 2009.

4. **Subordinate legislation**: The Committee will consider the following negative instrument—

   The Individual Learning Account (Scotland) Amendment Regulations 2009 (SSI 2009/176).

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The papers for this meeting are as follows—

**Agenda item 2**

Paper by the Clerk

**Agenda item 3**

Paper by the Clerk

**Agenda item 4**

Paper by the clerk
Introduction

1. This paper introduces the fifth and final oral evidence session as part of the Committee’s Stage 1 consideration of the Schools (Consultation) (Scotland) Bill.

2. The first oral evidence session was held at the Committee’s 13th meeting 2009, on Wednesday 6 May 2009. Further information on the evidence sessions is available in paper ELLC/S3/09/13/1.

Oral evidence

3. The fifth oral evidence session will take evidence from Fiona Hyslop MSP, Cabinet Secretary for Education and Lifelong Learning, Colin Reeves, Deputy Director and Lynn Henni, Schools (Consultation) (Scotland) Bill and Educational Options Team Leader, Scottish Government.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture Committee

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The Committee reports to the Parliament as follows—

Introduction

1. Over the parliamentary year between 9 May 2008 and 8 May 2009, the Education, Lifelong Learning and Culture Committee has continued its scrutiny of the Scottish Government. The Committee has been the lead committee for three government bills, scrutinised the 2009-10 budget within its remit, considered UK legislation under a legislative consent memorandum and undertaken a number of evidence sessions. The Committee has also considered a large number of subordinate legislation and a number of petitions.

Inquiries and reports

Budget process 2009 – 10

2. The Committee undertook a number of oral evidence sessions as part of its consideration of Stage 2 of the budget process 2009-10, taking evidence from stakeholders in the further and higher education sector, Skills Development Scotland and concluding with evidence from the Minister for Europe, External Affairs and Culture and the Cabinet Secretary for Education and Lifelong Learning. The Committee also appointed an adviser to assist with its consideration.

Evidence sessions

3. The Committee continued its practice from the previous parliamentary year of holding a number of one-off evidence sessions on key areas within its remit. Over this parliamentary year, the Committee took evidence on the following issues:

- Scottish Broadcasting Commission’s *Platform for success* report;
- Ofcom Scotland’s *Public service broadcasting review*;
- Employment of probationary teachers;
- Social work;
- Scottish Government’s teacher employment working group;
- Joint Future Thinking Taskforce on Universities’ *New horizons* report;
- HMIE *Improving Scottish Education 2005-2008* report and *Annual Report 2007-08*; and
- Offender Learning;
Bills

*Creative Scotland Bill*

4. The Creative Scotland Bill was introduced on 12 March 2008. It proposed the creation of a body, Creative Scotland, to promote the arts, culture and the application of creative skills. The Committee continued its consideration of the Bill at the start of the parliamentary year.

5. The Bill fell at Stage 1 on 18 June 2008, however, when the Parliament voted against the Bill’s Financial Resolution.

*Education (Additional Support for Learning) (Scotland) Bill*

6. The Education (Additional Support for Learning) (Scotland) Bill was introduced on 6 October 2008. It sought to make various provisions relating to the school education of children and young persons with additional support needs.

7. The Committee reported on the Bill at Stage 1 and, following approval of the general principles of the Bill by the Parliament, it returned to the Committee for Stage 2.

*Schools (Consultation) (Scotland) Bill*

8. The Schools (Consultation) (Scotland) Bill was introduced on 2 March 2009. The principal aim of the Bill is to set out consultation procedures that local authorities would follow when considering a number of school-related proposals, including closures. The Bill would also create a statutory duty on local authorities to give consideration to a number of additional factors when proposing closure of a rural school and would provide Scottish Ministers with powers to “call-in” school closure decisions in certain circumstances.

9. In response to its call for evidence, the Committee received 58 written submissions and commenced taking oral evidence on 6 May 2009.

*Subordinate legislation and UK legislation*

10. During the parliamentary year, the Committee considered 38 Scottish Statutory Instruments (SSIs): 14 of those were considered under the affirmative procedure and the remainder under the negative procedure.

11. The Committee also considered a Legislative Consent Memorandum (LCM) on the UK Government’s Apprenticeships, Skills, Children and Learning Bill.

*Petitions*

12. The Committee continued its consideration of four petitions over the parliamentary year, relating to school closures, modern languages, class sizes and Autism Spectrum Disorder.

*Informal meetings/events*

13. A higher education conference organised by Universities Scotland in the Parliament was sponsored by the Committee and opened by the Convener.
14. The Committee also undertook a number of visits to gain further insights into different areas. These included a visit to Donaldson’s school for the deaf, the Scottish National Portrait Gallery, and the Rail Union Learning Centre at Stow College.

15. The Committee also received a number of visitors including delegations from the Victorian State Parliament in Australia and the Northern Ireland Assembly. The Convener made a reciprocal visit to the Northern Ireland Assembly.

Equalities

16. The Committee continued to mainstream equalities issues throughout its work in the parliamentary year. In particular, as part of its scrutiny of the Education (Additional Support for Learning) (Scotland) Bill, the Committee organised an informal roundtable discussion involving a wide range of third sector organisations. It was important to the Committee that this involved as broad a range of witnesses as possible, so it ensured that BSL interpreters were provided to enable a witness with a hearing impairment to attend and play a full part in the discussions. Another witness at the event had a disability which required him to have an assistant sitting next to him at the event and the Committee ensured that this was accommodated. The event was also attended by representatives from the Scottish Traveller Education Programme, Dyslexia Scotland, Quarriers, Enable, the National Deaf Children’s Society Scotland, Sense Scotland, Barnardo’s Scotland, Afasic Scotland, the Special Needs Information Point, Capability Scotland, For Scotland’s Disabled Children and Children in Scotland.

17. The Committee ensured that relevant equalities groups were included in all its calls for evidence. Additionally, the Committee visited the new campus of Donaldson’s school for the deaf to see its new facilities first hand, meet pupils and staff and assist the Committee’s scrutiny of the Education (Additional Support for Learning) (Scotland) Bill.

Meetings

18. During the parliamentary year, the Committee met 33 times. Of these meetings, one was held entirely in private. Fourteen meetings were held partly in private. Meetings were held in private or partly in private in order to consider draft reports and work programme papers. All the Committee’s meetings were held in Edinburgh.
Subordinate legislation

Introduction

1. This paper seeks to inform members’ consideration of the Individual Learning Account (Scotland) Amendment Regulations 2009 (SSI 2009/176)\(^1\).

2. Copies of the SSI, explanatory notes and Executive Note are provided to members in hard copy only.

3. The instrument is subject to the negative procedure and a procedural note on this is attached at Annexe A.

Individual Learning Account (Scotland) Amendment Regulations 2009 (SSI 2009/176)

4. These Regulations amend the Individual Learning Account (Scotland) Regulations 2004 (SSI 2004/83) and are made under powers conferred by sections 1 and 2 of the Education and Training (Scotland) Act 2000.

5. Paragraph 5 of the Executive Note states that the Individual Learning Accounts (ILA) Scotland Scheme was established in 2004 to provide financial support towards the fee costs of a wide range of educational courses. It aims to increase participation in lifelong learning and to assist in upskilling the workforce in Scotland, especially among people on lower incomes.

6. The Executive Note goes on to state that the Scottish Government, following external feedback and in the light of recent economic conditions, has revised the income threshold for eligibility for ILAs from £18,000 (set in 2007) to £22,000. This is to take account of the median gross pay level for the overall working population and reflect the proportion of the working population with qualifications at a particular level within the Scottish Credit and Qualifications Framework (SCQF).

7. The Executive Note also states that any additional expenditure which may be incurred through increased participation will be met by the ILA budget.

8. The Subordinate Legislation Committee considered the instrument at its meeting on 19 May 2009 and determined that it did not need to draw the attention of the Parliament to it.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture Committee

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\(^1\) Office of Public Sector Information, SSI 2009/176:
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 is annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommends 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, excluding recesses of more than 4 days.

6. To date, no motion to annul these instruments have been lodged with the chamber clerks.