EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

AGENDA

18th Meeting, 2009 (Session 3)

Wednesday 10 June 2009

The Committee will meet at 10.00 am in Committee Room 3.

1. **Subordinate legislation:** The Committee will take evidence on the draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 (SSI 2009/draft) from—

   Adam Ingram MSP, Minister for Children and Early Years, Laurence Sullivan, Senior Principal Legal Officer, and Paul Wilson, Policy Officer, Scottish Government.

2. **Subordinate legislation:** Adam Ingram MSP (Minister for Children and Early Years) to move S3M-04194—

   That the Education, Lifelong Learning and Culture Committee recommends that the draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 (SSI 2009/draft) be approved.

3. **Subordinate legislation:** The Committee will consider the following negative instruments—

   - The Adoptions with a Foreign Element (Scotland) Regulations 2009 (SSI 2009/182);
   - The Education (School Lunches) (Scotland) Regulations 2009 (SSI 2009/178);
   - The St Mary's Music School (Aided Places) (Scotland) Regulations 2009 (SSI 2009/181);
   - The Education (Fees and Awards for EC Nationals and UK Returners) (Scotland) Regulations 2009 (SSI 2009/188); and
   - The Education (Interest on Student Loans) (Scotland) Regulations 2009 (SSI 2009/189).

4. **Review of Scottish Parliamentary Corporate Body supported bodies:** The Committee will consider the recommendations published in the report by the
Review of the SPCB Supported Bodies Committee which relate to the Education, Lifelong Learning and Culture Committee.

5. **Schools (Consultation) (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.
The papers for this meeting are as follows—

**Agenda items 1 and 2**

Paper by the Clerk  
ELLC/S3/09/18/1

**Agenda item 3**

Paper by the Clerk  
ELLC/S3/09/18/2

**Agenda item 4**

Paper by the Clerk  
ELLC/S3/09/18/3
Introduction

1. This paper seeks to inform members’ consideration of the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 (SSI 2009/draft).

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 affirmative procedure and a procedural note on this is attached at Annexe A.

The Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 (SSI 2009/draft)

4. This instrument is part of a number being laid by the Scottish Government to implement the Adoption and Children (Scotland) Act 2007. Members will recall that the Minister for Children and Early Years wrote to the Committee on 22 April 2009 regarding these instruments and this letter is attached at Annexe B. A SPICe briefing was circulated with the papers for the meeting on 20 May 2009.

5. If approved, these Regulations would make a number of provisions relating to the disclosure of information and medical information about natural parents during the adoption process. Part 2 of the Regulations would prescribe under what circumstances, to whom and by what process adoption information would be disclosed. Part 3 of the Regulations would prescribe under what circumstances, to whom and the content of medical information about natural parents that would be disclosed during the adoption process.

6. The Regulations restate existing legislation, to a point, and bring in new provisions regarding giving limited access to adoption information for an adopted person under 16 years of age and for the release of medical information from a natural parent’s GP.

7. The instrument was laid on 18 May 2009. The Education, Lifelong Learning and Culture Committee was designated the lead committee and should report to the Parliament by 22 June 2009.

8. The Subordinate Legislation Committee (SLC) considered the instrument at its meeting on 26 May 2009 and determined that it did not need to draw it to the attention of the Parliament.
Action

9. The Committee is invited to take oral evidence from the Minister for Schools and Early Years and then consider whether it wishes to recommend approval of the motion.

S3M-04194 Adam Ingram (South of Scotland) (Scottish National Party): The Draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009—That the Education, Lifelong Learning and Culture Committee recommends that the draft Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 be approved.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture 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 approval: ‘affirmative instruments’

2. Under Rule 10.6.1, the lead committee “shall decide whether to recommend that the instrument or draft instrument be approved”.

3. The lead committee, by virtue of Rule 10.6.4, must then report to the Parliament on the instrument setting out its recommendations no later than 40 days after the instrument is laid.

Committee recommends approval of an instrument

4. Rule 10.6.5 provides that if the lead committee recommends approval of the instrument, the Parliamentary Bureau must lodge a motion to that effect and schedule time for consideration of the motion by the Parliament. Both the lodging and taking of the Bureau motion can be after the 40 day period has elapsed as the Standing Orders provide no time limit within which these steps must be taken.

Committee agrees not to recommend the approval of an instrument

5. Where the lead committee has considered a motion to recommend approval of the instrument and disagreed to it, then the committee should report to the Parliament indicating that it agrees not to recommend approval.

6. The Scottish Government would then have the option either to withdraw the instrument or to ask the Parliamentary Bureau to schedule time in the Chamber for a debate on it.

7. If the Bureau agreed, it would invite the Parliament, by way of a Business Motion, to decide whether to consider the instrument. If the Parliament agreed, the Bureau would schedule Parliamentary time for a debate. If, after debate, the Parliament did not agree to the motion before it, the instrument could not be approved and the Scottish Government would be required to consider whether to withdraw the instrument. Even if it did not formally withdraw, nothing further could be done with the instrument in the absence of parliamentary approval of the instrument.
I wrote to the Committee in October to provide an update on our progress in implementing the Adoption and Children (Scotland) Act 2007 and the Looked After Children Regulations. I thought it would be helpful to provide a final update as we are now starting to lay the Regulations.

The Adoption and Children (Scotland) Act (Commencement Number 3) Order 2009 came into force on 20 April. I intend to lay the following SSIs, starting this week:

- The Adoption Agencies (Scotland) Regulations 2009
- The Adoption Support Services and Allowances (Scotland) Regulations 2009
- The Period to Prepare an Adoption Allowances Scheme (Scotland) Order 2009
- The Adoptions with a Foreign Element (Scotland) Regulations 2009
- The Applications to the Court of Session to Annul Convention Adoptions or Overseas Adoptions (Scotland) Regulations 2009
- The Adoption (Disclosure of Information and Medical Information) (Scotland) Regulations 2009
- The Adoption Supervision Requirement Report (Scotland) Regulations 2009
- The Adoption and Children (Scotland) Act (Commencement Number 4 Transitional and Savings Provisions) Order 2009
- The Adoption and Children (Scotland) Act 2007 (Modification of Enactments) Order 2009
- The Adoption and Children (Scotland) Act 2007 (Modification of Subordinate Legislation) Order 2009
- The Looked After Children (Scotland) Regulations 2009

I intend to commence the legislation on 28 September 2009. Our intention had been to set a commencement date in late June, as soon as possible after the Regulations were approved by Parliament. However, a number of local authorities represented on ADSW's Fostering and Adoption Sub-Group have raised concerns about their capacity to rewrite local policies and procedures in light of the new Regulations and guidance and to deliver training to all those staff involved in time for commencement at the end of June. Likewise, the Chair of the Sheriff Court Rules Adoption Working Group was concerned that there would not be sufficient time to deliver training on the new Sheriff Court Rules to Sheriffs and court staff.

I know that our partners in local government and the voluntary sector are keen to see the legislation implemented as soon as possible so we can start to see the improvements that will have a positive impact on looked after children's lives such as the increased flexibility that the permanence order will provide. I know too that there are same-sex couples who are waiting for the new legislation to be implemented so they can be assessed as foster carers or prospective adopters. I want to see these changes as soon as possible, but I
want to ensure that all the agencies involved, local authorities, voluntary and independent fostering and adoption agencies, the courts, solicitors, the Children's Panel and others, have sufficient time to prepare for implementation of the legislation which is why I decided to commence the legislation in September.

I hope that this information is helpful.
Introduction

1. This paper seeks to inform members’ consideration of the following instruments:
   - The Education (School Lunches) (Scotland) Regulations 2009 (SSI 2009/178);
   - The St Mary’s Music School (Aided Places) (Scotland) Amendment Regulations 2009 (SSI 2009/181);
   - The Adoptions with a Foreign Element (Scotland) Regulations 2009 (SSI 2009/182);
   - The Education (Fees and Awards for EC Nationals and UK Returners) (Scotland) Regulations 2009 (SSI 2009/188); and
   - The Education (Interest on Student Loans) (Scotland) Regulations 2009 (SSI 2009/189).

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

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

The Education (School Lunches) (Scotland) Regulations 2009 (SSI 2009/178)

4. These Regulations replace the Education (School Lunches) (Scotland) Regulations 2003. In line with the Scottish Government’s commitment set out in its concordat with COSLA, these Regulations extend the entitlement to free school lunches to pupils whose parents or carers are in receipt of awards of both Child Tax Credit and Working Tax Credit. The 2003 Regulations provide entitlement only to pupils whose parent or carers are in receipt of awards of Child Tax Credit. The entitlement will apply from August 2009.

5. The Executive Note states that the resources to accommodate the extension in the provision of school lunches have already been included in the local government financial settlement.

6. The Minister for Children and Early Years wrote to the Committee regarding this instrument on 6 May 2009. The letter is attached at Annexe B.
7. The Education, Lifelong Learning and Culture Committee has been designated the lead committee on this instrument and must report by 21 June 2009.

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

The St Mary’s Music School (Aided Places) (Scotland) Amendment Regulations 2009 (SSI 2009/181)

9. These Regulations amend the St Mary’s Music School (Aided Places) (Scotland) Regulations 2001 and uprate the qualifying parental income for the aided places scheme at the school in line with the RPI (4.2%). The 2001 Regulations are updated every year in line with RPI.

10. The Executive Note states that the Regulations create no additional cost for the Scottish Government.

11. The Education, Lifelong Learning and Culture Committee has been designated the lead committee on this instrument and must report by 15 June 2009.

12. The SLC considered the instrument at its meeting on 26 May 2009 and determined that it did not need to draw it to the attention of the Parliament.

The Adoptions with a Foreign Element (Scotland) Regulations 2009 (SSI 2009/182)

13. The purpose of this instrument is to set out safeguards and procedures for intercountry adoption. This instrument is part of the number being laid by the Scottish Government to implement the Adoption and Children (Scotland) Act 2007. A SPICe briefing was circulated with the papers for the meeting on 20 May 2009. The 2007 Act modernises the existing legal framework for domestic and intercountry adoptions.

14. The Regulations make provisions for adoptions where children are brought into the UK from overseas and where children are adopted outwith the UK. Further information on how the Regulations apply to adoption is set out in paragraph 6 of the Executive Note.

15. The Executive Note states that the instrument places no financial obligations on the Scottish Government, local authorities or the voluntary sector.

16. The Education, Lifelong Learning and Culture Committee has been designated the lead committee on this instrument and must report by 15 June 2009.

17. The Subordinate Legislation Committee (SLC) considered the instrument at its meeting on 26 May 2009 and determined that it did not need to draw it to the attention of the Parliament.
The Education (Fees and Awards for EC Nationals and UK Returners) (Scotland) Regulations 2009 (SSI 2009/188)

18. These Regulations relate to the eligibility in relation to tuition and other fees and student support when studying in the UK.

19. A number of the Regulations amend the eligibility criteria relating to persons who have previously been settled in, and are returning to, the UK. These persons will now be eligible for home rate fees and student support if they exercised a right of residence elsewhere in the European Economic Area (EEA).

20. Other Regulations amend the eligibility criteria relating to EC nationals. A person who is an EC national (other than a UK national who has not exercised a right of residence elsewhere in the EEA) may be eligible for an allowance in respect of tuition and other fees for which only non UK EC nationals were previously eligible.

21. The Executive Note states that the Regulations shall not have financial implications.

22. The Education, Lifelong Learning and Culture Committee has been designated the lead committee on this instrument and must report by 15 June 2009.

23. The SLC considered the instrument at its meeting on 26 May 2009 and determined that it did not need to draw it to the attention of the Parliament.

The Education (Interest on Student Loans) (Scotland) Regulations 2009 (SSI 2009/189)

24. These Regulations provide that student loans made in accordance with the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 and Education (Student Loans) (Scotland) Regulations 2007 shall not bear interest unless Scottish Ministers make a determination to that effect. Where such a determination is made, the interest rate shall be equivalent to the increase in the RPI.

25. The Executive Note states that the Regulations shall not have financial implications.

26. The Education, Lifelong Learning and Culture Committee has been designated the lead committee on this instrument and must report by 15 June 2009.

27. The SLC considered the instrument at its meeting on 26 May 2009 and determined that it did not need to draw it to the attention of the Parliament.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture 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 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.
Further to my letter of 31 March about our plans to introduce regulations to extend entitlement to free school lunches, I am writing to explain the regulations in more detail. As you know, we have a jointly agreed commitment in our Concordat with COSLA to extend entitlement to free school lunches to pupils whose parents or carers are in receipt of both maximum Child Tax Credit (CTC) and maximum Working Tax Credit (WTC) from August 2009, subject to the necessary legislation being passed by Parliament. The Education (School Lunches) (Scotland) Regulations 2009, if approved by the Scottish Parliament, will entitle these pupils to claim free school lunches.

Section 53(3) of the Education (Scotland) Act 1980 gives Scottish Ministers a power to make regulations to provide that entitlement to free school lunches is extended to pupils where that pupil or his or her parent or carer is receiving a particular benefit or allowance or a tax credit or element of a tax credit. The current regulations - The Education (School Meals) (Scotland) Regulations 2003 - provide that section 53(3) shall apply to a pupil who is in receipt of, or whose parent is in receipt of, an award of Child Tax Credit, but not Working Tax Credit, where that person's income is less than the income threshold for Child Tax Credit set through section 7(1)(a) of the Tax Credits Act 2002 (the 2002 Act) (currently £16,040).

The Education (School Lunches) (Scotland) Regulations 2009 will mean that a pupil who is in receipt of, or whose parent is in receipt of, Working Tax Credit (in addition to an award of Child Tax Credit based on an income not exceeding the income threshold) will be entitled to free school lunches (where school lunches are provided) unless the award of Working Tax Credit is based on an annual income which exceeds the amount determined for the purposes of section 7(1)(a) of the 2002 Act.

The amount of Working Tax Credit a person is due is dependent on their income for the tax year. The maximum amount is currently available to those with income below a threshold of £6,420 as established by section 7(1)(a) of the Tax Credits Act 2002. In effect, the new Regulations will mean that, in addition to the current criteria, pupils whose parents are in receipt of an award of both Child Tax Credit and Working Tax Credit that is based on an annual income below £6,420, will be entitled to free school lunches.

Based on 2007/08 figures, the new Regulations will extend entitlement to free school lunches to approximately 44,000 pupils each year.
HMRC has made changes to the way a person who is working and receiving Working Tax Credit receives further benefit on cessation of their employment. Previously, on cessation of their employment, a person would no longer be entitled to receive Working Tax Credit and instead would be entitled to receive other benefits such as Income Support or Jobseeker's Allowance and would therefore be entitled to free school lunches.

The changes made by HMRC mean that, on cessation of employment, a person will now be paid Working Tax Credit for a further 4 weeks instead of Income Support or Jobseeker's Allowance in anticipation of them taking up further employment during that time. Such persons are treated as being engaged in qualifying remunerative work for the purposes of regulation 7D of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002.

The new Regulations will bring the eligibility criteria into line with this change in HMRC working practice. A pupil who is treated, or whose parent is treated, as being engaged in qualifying remunerative work and is in receipt of Working Tax Credit (in addition to an award of Child Tax Credit based on an income not exceeding the income threshold) will now be entitled to free school lunches where school lunches are provided.

Resources to accommodate the additional numbers of pupils who will become entitled to free school lunches as a result of the new Regulations were included in the local government financial settlement. Bringing the eligibility criteria for free school lunches into line with current HMRC working practices will not add any costs for local authorities as the persons affected would have been entitled to free school lunches under the previous HMRC procedure for payment of Working Tax Credit. We wrote to local authorities in March to let them know that we were bringing the Regulations forward and to give them an opportunity to comment. We did not receive any substantive comments on the Regulations.

Following the debate on The Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2008 last autumn, COSLA has been gathering information from Councils regarding any concerns they may have about extending entitlement to free school lunches. We will be discussing this with COSLA with a view to encouraging Councils to learn lessons from the free school lunch trial and each other to support the smooth implementation of these Concordat commitments.

We intend to introduce The Education (School Lunches) (Scotland) Regulations 2009 to the Scottish Parliament during the week of 11 May which, if approved by the Parliament, will come into effect on 3 August 2009.

Given the consensual view that emerged in support of these Regulations during the debate on free school lunches last autumn, I hope that you and the Committee will support them.
Education, Lifelong Learning and Culture Committee

18th Meeting, 2009 (Session 3), Wednesday, 10 June 2009

Review of Scottish Parliamentary Corporate Body Supported Bodies

Background

1. The Review of SPCB Supported Bodies Committee was established by the Scottish Parliament on 13 November 2008. The remit of the Committee is:

   “To consider and report on whether alterations should be made to the terms and conditions of the office-holders and the structure of the bodies supported by the SPCB; to consider how any proposals, including the addition of any new functions, for future arrangements should be taken forward, including by way of a Committee Bill, and to make recommendations accordingly.”

2. The Committee wrote on 25 November 2008 to invite the Education, Lifelong Learning and Culture Committee to respond to its consultation. The Committee agreed to respond in relation to the Commissioner for Children and Young People in Scotland (SCCYP).

3. The Committee agreed its response on 21 January 2009. A copy of the Committee’s response is attached at Annexe A.

4. The Committee published its report\(^1\) on 21 May 2009. The Convener of the Committee wrote to the Education, Lifelong Learning and Culture Committee to bring members’ attention to its recommendations. The Convener’s letter is attached at Annexe B.

5. It is understood that a committee bill is likely to be required to give effect to the conclusions and recommendations of the inquiry.

6. Subject to the agreement of the Parliament, it is intended that there will be a debate on the Committee’s report before the summer recess.

Review of SPCB Supported Bodies Committee report

7. Recommendation 12 states that “the Scottish Parliamentary Corporate Body supported bodies should be subject to committee monitoring and scrutiny on the exercise of their functions on at least an annual basis” (paragraph 131).

8. Members will be aware that the Committee already holds annual evidence sessions with the SCCYP. The next session is scheduled for the meeting on 23 June 2009.

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\(^1\) Scottish Parliament. Review of SPCB supported bodies Committee. 1st Report 2009 (Session 3) (SPP 266)
9. Recommendation 21 states that “the Education, Lifelong Learning and Culture Committee look at whether there are any overlaps in the work undertaken by the Commissioner for Children and Young People in Scotland and the work undertaken by children’s organisations” (paragraph 280).

10. The Committee may wish consider how best to take forward the recommendations of the RSSB Committee’s report.

**Scotland’s Commissioner for Children and Young People**

11. The post of Children’s Commissioner was established by the Parliament, under the Commissioner for Children and Young People (Scotland) Act 2002, to promote and safeguard the rights of children and young people. The Commissioner is required, in carrying out their functions under the Act, to have regard to any relevant provisions of the United Nations Convention on the Rights of the Child.

12. The Commissioner has powers to carry out investigations into whether, by what means and to what extent, a service provider has regard to the rights, interests and views of children and young people in making decisions or taking actions that affect those children and young people. In carrying out such investigations, the Commissioner has powers to require any person to give evidence or produce relevant documents.

13. Reports of investigations, annual reports and other reports made by the Commissioner are required, under the Act, to be laid before the Scottish Parliament.

**Children’s organisations**

14. There is a wide range of organisations involved in different aspects of working with children and young people. All the organisations that made submissions to the RSSB are, in a general sense, voluntary organisations. Their governance arrangements vary, although most have a board of directors and charitable status. Voluntary organisations of this type are normally accountable to their board of directors. Funding arrangements also vary between different organisations. Some organisations are funded largely by membership subscription (typically local authority membership), while others are funded through a mixture of funding streams including, in some cases, direct funding from the Scottish Government. None of these organisations is accountable to the Parliament. Although the work carried out by these organisations falls within the remit of the Education, Lifelong Learning and Culture Committee, the Committee has no powers to bring about changes in their functions, areas of responsibility or governance arrangements.

**Taking forward the recommendations of the RSSB**

15. The Committee may wish to note that the functions and powers of the Children’s Commissioner, as set out in the 2002 Act, in respect of investigations, do not overlap with any other organisation.
16. It is arguable that some aspects of the functions of the Children’s Commissioner that relate to the promotion of children’s rights may also be carried out, to some extent, by other organisations. However, it is difficult to see how the Commissioner’s investigatory functions could be separated from his promotion functions, even if it were desirable to do so.

17. Members will be aware that the newly appointed Commissioner is due to give evidence to the Committee at its meeting on 23 June. At that meeting, members could, if they wished, ask the Commissioner for his views on whether there is any overlap between his role and that of the children’s organisations.

18. It is, however, difficult to see how the Committee could investigate the functions of children’s organisations with regard to any possible overlap with the Children’s Commissioner. As noted above, none of these organisations is accountable to the Parliament. Moreover, any meaningful examination of voluntary sector organisations would probably require a full scale inquiry. No plans for such an inquiry currently exist in the Committee’s work programme. While, the Committee could, of course, agree to hold such an inquiry, it would not be possible, given the already agreed work commitments and legislation likely to come to the Committee, to hold it before late 2010 or beyond.

19. Arguably, it may not be the best use of the Committee’s limited resources to hold this type of inquiry, particularly as the Committee has no powers to require voluntary sector organisations to make any changes to their functions that it might recommend. It may, therefore, be more appropriate to ask the Scottish Government to consider holding a review of the children’s services landscape with a view to determining whether the mixture of different organisations active in the children’s services and rights field is appropriate for Scotland’s needs today and over the next few years. The Scottish Government is, arguably, in a better position to carry out such a review than the Committee, as it provides significant levels of funding for many organisations in the field and also commands much higher levels of research capability.

20. The Committee may wish to consider these points and agree its position. It would be helpful if it were possible to reach agreement at this meeting in order to ensure that the Committee’s position is able to be made clear at or before the forthcoming chamber debate.

Karen Whitefield
Convener
Education, Lifelong Learning and Culture Committee
RESPONSE TO THE REVIEW OF SPCB SUPPORTED BODIES COMMITTEE FROM THE EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Background

1. The Education, Lifelong Learning and Culture Committee considered the consultation published by the Review of SPCB Supported Bodies Committee (RSSB) at its meetings on 14 and 21 January 2009.

2. One of the SPCB supported bodies is Scotland’s Commissioner for Children and Young People in Scotland (hereafter “the Children’s Commissioner”), and the scrutiny of that body falls within the remit of the Education, Lifelong Learning and Culture Committee.

3. The Committee therefore considered the general terms and conditions, and the structure of the Children’s Commissioner.

4. The Committee notes the SPCB’s proposal to merge the current posts of Children’s Commissioner and Scottish Human Rights Commissioner.

5. The Committee agreed that the timetable set out by the RSSB did not allow it to take any evidence on the SPCB proposals in relation to the Children’s Commissioner. The Committee considers, therefore, that it is not at present in a position to offer any comment on the proposals.

6. The Committee, however, agreed unanimously that, should the RSSB decide to support the SPCB proposals to merge the posts of Children’s Commissioner and Human Rights Commissioner, the Education, Lifelong Learning and Culture Committee would wish to have an opportunity to consult stakeholders and take evidence before arriving at a view on whether or not to endorse the proposals.
CORRESPONDENCE FROM THE CONVENER OF THE REVIEW OF SPCB SUPPORTED BODIES COMMITTEE TO THE CONVENER OF THE EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

You may be aware that the Review of SPCB Supported Bodies Committee published its report on 21 May 2009. The proposal for a Committee Bill contained in the report is due to be debated by Parliament mid June 2009.

The RSSB Committee wrote to all the Parliament’s Committees in November 2008, given their role of scrutinising the work of the various commissioners and ombudsman, to seek views for inclusion in the inquiry.

As part of its report the Committee considered the role of committees in providing monitoring and public scrutiny of the SPCB supported bodies in the exercise of their functions. In relation to that role I would like to draw your attention to the recommendation at paragraph 131 of the report.

The Review of SPCB Supported Bodies 1st Report (Session 3) (SP Paper 266) can be found on our website at: