EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

AGENDA

20th Meeting, 2009 (Session 3)

Tuesday 23 June 2009

The Committee will meet at 10.00 am in Committee Room 5.

1. **Decision on taking business in private:** The Committee will decide whether to consider its approach to the Public Services Reform (Scotland) Bill in private at item 5 and at future meetings.

2. **Scotland's Commissioner for Children and Young People:** The Committee will take evidence on the Commissioner's annual report for 2008-09 and priorities for 2009-10 from—

   Tam Baillie, Scotland's Commissioner for Children and Young People.

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

   The University of the West of Scotland Order of Council 2009 (SSI 2009/194).

4. **PE1022:** The Committee will consider a Petition by Dr Murray Hill calling on the Scottish Parliament to debate the urgent need to make a step-change in strategy and vigorously promote foreign language learning and intercultural awareness in Scotland’s schools, colleges and universities.

5. **Public Services Reform (Scotland) Bill:** The Committee will consider its approach to the scrutiny of the Bill at Stage 1.

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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. Members agreed to invite the newly appointed Scotland’s Commissioner for Children and Young People (SCCYP), Tam Baillie, to give evidence to the Education, Lifelong Learning and Culture Committee on his priorities for his office on taking up his appointment. This will also provide the Committee with an opportunity to consider the Commissioner’s annual report for 2008-09.

2. This paper introduces this evidence session and sets out the background to the post.

Scotland’s Commissioner for Children and Young People

3. The SCCYP was established by the Commissioner for Children and Young People (Scotland) Act\(^1\), which was passed by the Scottish Parliament on 26 March 2003. The Bill was a committee bill sponsored by the Education, Culture and Sport Committee of the first session.

Appointment

4. Section 2 relates to the appointment of the Commissioner, who is appointed by the Queen on the nomination of the Parliament, for a period of no more than five years. A Commissioner may be reappointed for a second term.

5. Schedule 1 provides more information relating to the post including, in particular, that the post holder is not a servant of the crown and should be independent from the Scottish Parliament and Scottish Government.

6. Members will be aware that Professor Kathleen Marshall was appointed as the first Commissioner in April 2004. Tam Baillie was appointed on 18 May 2009.

7. The Act provides for the Commissioner to appoint staff to assist in carrying out their functions. The SCCYP office currently has 14 employees.

Functions

8. Section 4 of the Act states that the overall function of the Commissioner relates to promoting and safeguarding rights:

(1) The general function of the Commissioner is to promote and safeguard the rights of children and young people.

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(2) In exercising that general function the Commissioner is, in particular, to—

(a) promote awareness and understanding of the rights of children and young people;
(b) keep under review the law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice;
(c) promote best practice by service providers; and
(d) promote, commission, undertake and publish research on matters relating to the rights of children and young people.

9. In addition, section 5 provides that, in undertaking this function, the Commissioner must have regard to any relevant provisions of the UN Convention on the Rights of the Child.

10. Section 6 holds that the Commissioner must “encourage the involvement of children and young people” in promoting the post of Commissioner and encouraging children and young people to participate on projects being undertaken. The Commissioner must also consult organisations working with and for children and young people on the work programme.

11. Section 7 gives the Commissioner the powers to “carry out an investigation 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”. At the conclusion of every investigation, the Commissioner must lay a report before the parliament.

12. Section 10 states that the Commissioner must lay an annual report before the parliament on how they have exercised their functions over the twelve month period. The annual report for 2008-09 will be laid before the Parliament on 19 June 2009 and will be circulated to members in advance of the meeting.

13. The SCCYP defines children and young people as “all children and young people under 18, and all children and young people up to 21 who have been in care or looked after by a local authority, and are living in Scotland”. ²

Review of SPCB Supported Bodies Committee recommendation

14. The Review of SPCB Supported Bodies (RSSB) Committee published its report³ on 21 May 2009. One of the principal recommendations of the report was that the proposed amalgamation of the SCCYP and Scottish Human Rights Commission should not be pursued.

² Scotland’s Commissioner for Children and Young People. Available at: http://www.sccyp.org.uk/webpages/about_FAQs.php
15. At the Committee’s meeting on 10 June 2009, members considered the recommendations that relate to the Education, Lifelong Learning and Culture Committee. Recommendation 21 proposes 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).

16. Members agreed that they would follow up on this recommendation by raising it with the Commissioner when he gives evidence to the Committee at this meeting.

Action

17. Members are invited to reflect on the issues raised in this paper during the Commissioner’s evidence session.

18. The following papers are attached:

- Biography for Tam Baillie (taken from the SCCYP web site) at Annex A.
- Written submission provided by the Commissioner at Annex B.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture Committee
Tam Baillie biography

In May 2009, Tam took up the post of Scotland’s Commissioner for Children and Young People. As the Commissioner, Tam’s remit is to promote and safeguard the rights of children and young people in Scotland. Tam has worked as a manager and practitioner with children and young people for 30 years, primarily with young offenders; young people in and leaving care; and young homeless people. Working in Scotland and England and in both the statutory and voluntary sectors, Tam moved into the policy field in order to help address the strategic and structural needs necessary to affect lasting change. He worked as the Director of Policy for Barnardo’s from 2003 and has held the position of Chair of the Scottish Alliance for Children’s Rights.

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4 Scotland's Commissioner for Children and Young People. Available at: http://www.sccyp.org.uk/webpages/about_theteam_single.php?id=30&name=Tam%20Baillie
1. I am privileged and honoured to take up the office of Scotland’s Commissioner for Children and Young People. In doing so, I wish to pay tribute to my predecessor, Kathleen Marshall who did the hard job of establishing the office and who successfully and tirelessly promoted the rights of children in Scotland throughout her term. I hope to continue the positive momentum initiated by Kathleen and the team, and contribute to the improvement of the lives of all children and young people in Scotland.

Introduction

2. I have been a practitioner and manager of services for children, young people and families for 30 years, working primarily with young offenders, young people in and leaving care, and young homeless people. I took up the post of Scotland’s Commissioner for Children and Young People in May 2009.

3. All of my experiences working with children, young people and families have provided me with a mixture of despair when things could and should have been better and inspiration when children and young people have demonstrated amazing resilience and capacity to flourish. I believe every parent wants the best for their child. I want to promote an approach to all children and young people that is characterised by optimism, hope and as valued members of society.

Duties and priorities for action

4. I have specific duties and responsibilities under the Commissioner for Children and Young People (Scotland) Act 2003, in respect of:

   1. Regard to the United Nations Convention on the Rights of the Child (the Convention);
   2. Involving children and young people;
   3. Promoting and safeguarding the rights of children and young people.

Issues of concern

5. There are also general issues of concern that I believe need to be addressed to improve the lives of all our children and young people – these are inequality and our approach to children’s early years.

Oral evidence

6. I will be delighted to provide further details on the duties, priorities for action and issues of concern in my oral evidence on 23 June, and to answer any questions as far as I can at this early stage in my tenure.

Tam Baillie
June 2009
Introduction

1. This paper seeks to inform members’ consideration of the University of the West of Scotland Order of Council 2009 (SSI 2009/194)\textsuperscript{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 \textit{Annexe A}.

**University of the West of Scotland Order of Council 2009 (SSI 2009/194)**

4. The Order makes a number of changes to the University of Paisley (Scotland) Order of Council 1993. The 1993 Order is the principal instrument which sets out the university’s constitution (although the university was subsequently re-named the University of the West of Scotland).

5. Following its merger with Bell College of Technology in 2007, the University reviewed its constitution and governance arrangements and this Order seeks to bring into effect the review’s recommendations. The recommendations are set out in detail in the Executive Note to the instrument.

6. The Executive Note states that there will be no financial effects from the instrument.

7. The Subordinate Legislation Committee considered the instrument at its meeting on 2 June 2009 and determined that it did not need to draw the attention of the Parliament to it.

**Action**

8. The Committee is invited to consider this instrument and decide whether it wishes to bring it to the attention of parliament.
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.
Petition PE1022

Introduction

1. This paper updates members on progress in relation to petition PE1022 and invites the Committee to agree its next steps.

Background

2. Petition PE1022 was lodged on 23 November 2006. The text of the petition is:

    Petition by Dr Murray Hill calling on the Scottish Parliament to debate the urgent need to make a step-change in strategy and vigorously promote foreign language learning and intercultural awareness in Scotland’s schools, colleges and universities.

3. The Committee has considered the petition on a number of occasions. A discussion of previous consideration is outlined in paper ELLC/S3/09/14/2, which was considered on 13 May 2009.

4. At its meeting on 13 May 2009, the Committee considered additional information provided by the petitioner and agreed to write to the Cabinet Secretary to seek the Scottish Government’s views. Copies of the petitioner’s letter, the Committee’s letter to the Cabinet Secretary and her response are attached in Annex A.

Recent developments

5. Members will recall that the Committee wrote to the Cabinet Secretary seeking the Scottish Government’s views on the Scottish Centre for Information on Language Teaching’s (SCILT) position that there is a need to conduct a review of the goals and outcomes of higher education provision for languages in Scotland.

6. In her response, the Cabinet Secretary states that the Scottish Funding Council (SFC) has recently reviewed modern languages provision and is considering new options to develop positive approaches to its provision. The Cabinet Secretary concludes:

   The SFC is therefore continuing to take modern languages forward with stakeholders and universities to ensure that our education system promotes best practice in learning and teaching of modern languages, as well as promoting international education. Against this background, I...
am not persuaded of the need for a review along the lines suggested by the Scottish Centre for Information on Language Training (SCIL T) and endorsed by the petitioner, Dr Hill.

7. Members may wish to be aware that, when informed that the Committee was due to re-consider this issue, the Petitioner advised the clerks that a review of modern languages in higher education has recently been commissioned in England.²

Action

8. The Committee is invited to agree how it wishes to proceed with PE1022.

9. Members will note that the Cabinet Secretary has stated that the Scottish Government is not persuaded that a review of modern language teaching provision is needed.

10. The Committee has taken no evidence on whether there is a need to hold a review of modern language teaching provision in Scotland. If the Committee wished to take this matter forward, it might be appropriate for it to take further evidence to determine whether or not to support the petitioner’s case.

11. However, members should be aware that if the Committee wished to hold its own inquiry, it would need to identify time within its already busy work programme to accommodate this. Currently agreed work programme commitments will occupy the Committee, meeting weekly, until at least summer 2010. In addition, the Committee has generally taken the view that it is not appropriate to become involved in debates arising out of lobbying on behalf of particular subjects or curricular areas and that it is more appropriate to concentrate on a strategic approach to its scrutiny of the Scottish Government.

12. It is proposed, therefore, that the Committee close the petition and undertake to monitor the issue of modern language provision. This could include writing to the Cabinet Secretary on an occasional basis to ask for the latest position on the SFC’s options to develop positive approaches to modern languages provision or include questions on this during a routine evidence session.

Emma Berry
Assistant Clerk
Education, Lifelong Learning and Culture Committee

CORRESPONDENCE FROM DR MURRAY HILL, DATED 1 MAY 2009

I welcome the opportunity to thank the Education Lifelong Learning & Culture Committee of the Scottish Parliament for its continuing efforts with regard to Petition 1022, originally submitted in November 2006.

I am also grateful to have the opportunity to have sight of recent correspondence between Fiona Hyslop, Cabinet Secretary and the Committee in this matter.

It is encouraging to learn that progress continues to be made in support of Curriculum for Excellence and I hope the attempts to raise the status of foreign languages in schools with the introduction of the Scottish Language Baccalaureate meet with success.

However, I also note with regret that previous initiatives regarding the introduction of an integrated, national strategy to promote languages have not been taken forward. The government consultation document published in 2007, A Strategy for Scotland’s Languages, appears meantime to have been abandoned.Similarly, it is my understanding that government funding for Languages Network Scotland, an agency which has promoted the value of foreign language and cultural awareness, has been withdrawn. This is at a time when the Scottish Parliament celebrates 10 years of devolution and when, in the words of a previous First Minister, “our agenda should be global (and) European”.

With particular regard to the situation in Scottish HE, I do not share the Cabinet Secretary’s confidence in the recent SFC report, Modern Languages in Scotland: supply and demand in post school education (2008). The report’s admission that “current data on modern language provision in both sectors are inadequate and need improving” is helpful, but the proposal to “continue to monitor demand and supply of languages provision in Scotland’s colleges and universities” needs to be much more robust.

In particular, with regard to provision, the SFC report focuses on traditionally structured language degree courses and fails to even mention the concept of University Wide Language Programmes (UWLP) which promote flexible, often vocationally-oriented language module provision to a much wider student audience including non-specialists from other disciplines. Nor is any mention whatsoever made in the report of the role which vocationally-oriented languages research might play in contributing to the success of Scotland’s economy.

Much more comprehensive, up-to-date, informed employer comment, both within and outwith Scotland, is required. The questionnaire used in the recent Scottish Government Futureskills Employer Skills Survey (2009), for example, contains only one brief question regarding language training and cannot adequately assess the impact that deficits in foreign languages skills and cultural awareness potentially have for the Scottish economy.
Sadly, the SFC report also fails even to mention the serious decline in take-up rates by Scottish students of Socrates-Erasmus undergraduate exchange programme opportunities (not to mention the impact on take-up of new Erasmus-Mundus postgraduate opportunities for study abroad). Among other things, A Strategy for Scotland’s Languages, sought to encourage mobility. It is a concern, too, that the SFC report does not attempt to consider foreign languages provision in the wider context of ‘internationalisation’ strategies adopted by Scottish universities. The recent report, UK Universities and Europe: Competition and Internationalisation (Middlehurst 2009), warns that “UK universities should be doing more to provide and encourage second-language training in undergraduate degrees”. Another recent report by the European Students’ Union, Bologna with Student Eyes (2009), is critical of the lack of widening participation and student mobility in the context of the Bologna Agreement to create a European Higher Education Area by 2010. (It is worth noting here that the Middlehurst report also notes that Germany poses a “current and future competitive threat” to the UK as the world’s third biggest recruiter of international students after the US and the UK).

The SFC report concludes that “there is no current crisis in modern language provision (my italics) in Scotland” at the same time as HE languages provision appears to be contracting further still, e.g. Strathclyde University was recently reported to be considering a 25% languages staff reduction. Simultaneously, the SFC report concedes that “Scotland currently falls well short of meeting the language aspirations of the Council of Europe”.

The petition PE1022 statement expressed concern that we face being left behind increasingly by fellow European Union citizens and others when competing for jobs. In my view, it is vital that we support new initiatives in Scottish schools to effectively promote foreign language uptake. Equally, however, a coherent strategy and programme to stimulate access to foreign languages in Scottish colleges and universities similar to the Routes into Languages programme currently being rolled out England is required, but none is yet in sight.

Finally, let me note my wholehearted support for SCILT’s original response to petition PE1022 when invited by the ELLCC Committee to comment:

In short, existing policy documents deal principally with the school sector and there is therefore a need for a national strategy adopting a holistic approach in which issues relevant to higher education are addressed. Following a long period of attention to provision in schools, we suggest that there is a need to conduct a review of the goals and outcomes of higher education provision for languages in Scotland, including both degree programmes and IWLPs, in order to establish whether current provision meets the needs and aspirations of actual and potential students, and of employers.

I strongly commend this as a course of action.
Thank you for your letter, dated 22 September 2008, regarding petition PE 1022.

As you may be aware, the Committee considered your response at its meeting on 19 November 2008 and agreed to write to the petitioner, Dr Murray Hill, for further information. The petitioner’s response, dated 1 May 2009, is annexed to this letter.

You will note that the petitioner endorses the views of the Scottish Centre for Information on Language Training (SCILT) that—

“there is a need to conduct a review of the goals and outcomes of higher education provision for languages in Scotland, including both degree programmes and Institution Wide Learning Programmes (IWLPs), in order to establish whether current provision meets the needs and aspirations of actual and potential students, and of employers.

The Committee considered the petitioner’s response at its meeting on 13 May 2009 and agreed to write to you to seek the Scottish Government’s views on whether there is a need to conduct such a review.
CORRESPONDENCE FROM THE CABINET SECRETARY FOR EDUCATION AND LIFELONG LEARNING, DATED 28 MAY 2009

As you know, I wrote to you in September 2008 following my earlier consideration of this petition. In my reply, I stated that, although there are challenges in the provision of modern languages in colleges and universities, the Scottish Funding Council (SFC) had recently reviewed modern languages provision and was considering new options to develop positive approaches to the provision of modern languages. I also stated that I was encouraged by the SFC's commitment to continue to monitor the supply and demand for languages in colleges and universities.

Since I wrote, the SFC has been engaging with the various stakeholders, colleges and universities about this issue. One year on from the publication of its report, the SFC is currently reviewing the trends and information on post-school languages in Scotland. Their report has stimulated discussion of the issue and the points raised by the various stakeholders in their engagement with SFC will contribute to the formulation of Scotland's aspirations for languages and planning to deliver these. Although colleges and universities are autonomous in their affairs, the SFC has maintained a dialogue with the Scottish Government throughout this process.

The SFC is therefore continuing to take modern languages forward with stakeholders and universities to ensure that our education system promotes best practice in learning and teaching of modern languages, as well as promoting international education. Against this background, I am not persuaded of the need for a review along the lines suggested by the Scottish Centre for Information on Language Training (SCILT) and endorsed by the petitioner, Dr Hill.

Dr Hill also mentions issues surrounding mobility in his latest correspondence. You may be interested to know that the latest figures we have for participation in Erasmus exchanges for 2007-2008 show a 44% increase on the previous year in outward mobility for Scottish students and a 29% increase for Scottish staff. While we recognise that Scotland has low numbers of students participating in these programmes - at around 1,500 - this represents 13% of those going out from the UK as a whole. Early figures for 2008-09 suggest that this increase will be maintained.

The Scottish Government sees outward mobility as a priority as, among other things, it will help increase the future employability of our students. To support this, we have recently agreed to extend tuition fee support to SAAS supported students taking part in all recognised exchange programmes. Previously, this was only available to students taking part in the Erasmus programme.

We are funding a Students Without Borders project - led by the National Union of Students (NUS) Scotland - to promote mobility and encourage integration of international students in Scotland. We also provide funding for a European Development Officer at NUS Scotland to increase student
participation in outward mobility and general awareness of European issues affecting higher education.

As well as the above, I announced on 27 November 2008 the final specification for the Scottish Science and Language Baccalaureates. Both the Baccalaureates will comprise two Advanced Higher courses, one Higher course and an Interdisciplinary Project, which will comprise 80 hours of study at Advanced Higher level. A Distinction will require A in one Advanced Higher, one other A in any component and at least B in all other components. SQA asked schools interested in being early adopters of the Scottish Science and Language Baccalaureates to submit an expression of interest by the end of January 2009. Thus far over 100 schools and colleges have expressed an interest in offering the award in their initial implementation years. Whilst the response rate has been very positive, we will not know the final numbers opting for the Baccalaureates until candidate entries have been received for the Interdisciplinary Project in December 2009. Universities have welcomed the development of this award and are particularly attracted to the Interdisciplinary Project, which they feel will challenge able pupils and allow them to develop valuable skills, such as problem solving.

I hope that this response makes clear that we are pressing ahead with the work required to address modern language provision in education at all levels, as well as working more generally to stimulate outward mobility.