



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education, Children and Young People Committee

**Wednesday 1 December 2021**

**Session 6**



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**Wednesday 1 December 2021**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>SUBORDINATE LEGISLATION.....</b>	<b>2</b>
Redress for Survivors (Historical Child Abuse in Care) (Payments Materially Affected by Error) (Scotland) Regulations 2021 [Draft] .....	2
<b>CHILDREN AND YOUNG PEOPLE (IMPACT OF COVID).....</b>	<b>9</b>

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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**

**11<sup>th</sup> Meeting 2021, Session 6**

**CONVENER**

\*Stephen Kerr (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

**COMMITTEE MEMBERS**

\*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

\*James Dornan (Glasgow Cathcart) (SNP)

\*Fergus Ewing (Inverness and Nairn) (SNP)

\*Ross Greer (West Scotland) (Green)

\*Michael Marra (North East Scotland) (Lab)

\*Oliver Mundell (Dumfriesshire) (Con)

\*Willie Rennie (North East Fife) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Laura Caven (Convention of Scottish Local Authorities)

Mike Corbett (NASUWT)

Jennifer King (Association of Directors of Education in Scotland)

John Swinney (Deputy First Minister and Cabinet Secretary for Covid Recovery)

Joan Tranent (Social Work Scotland)

**CLERK TO THE COMMITTEE**

Stephen Herbert

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Education, Children and Young People Committee

Wednesday 1 December 2021

*[The Convener opened the meeting at 09:30]*

#### Decision on Taking Business in Private

**The Convener (Stephen Kerr):** Good morning, and welcome to the 11th meeting in 2021 of the Education, Children and Young People Committee.

The first item on our agenda is a decision on taking business in private. Are members content to take item 6 in private?

**Members indicated agreement.**

## Subordinate Legislation

### Redress for Survivors (Historical Child Abuse in Care) (Payments Materially Affected by Error) (Scotland) Regulations 2021 [Draft]

09:30

**The Convener:** Item 2 is evidence from the Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney MSP, and his officials, on the draft regulations. I welcome the Deputy First Minister to the committee. Mr Swinney is accompanied by Lisa McCloy, head of the Scottish Government divisional development and legislation unit; and Claire Montgomery, a solicitor in the Scottish Government legal directorate.

I invite Mr Swinney to speak to the draft regulations.

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** Thank you, convener, and thank you to the committee for inviting me to speak in support of the affirmative instrument that is before you.

Section 97 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 makes provision for the recovery by the Scottish ministers of payments other than redress payments that were made due to a “relevant error”. The payments to which section 97 applies include those made in respect of expert reports, payments made by way of reimbursement of costs and expenses, and legal fees in connection with a redress application or a proposed application.

A “relevant error” can be either an error that occurs when making the payment—for example, an administrative mistake—or an error that ministers consider materially affected the decision to make the payment. That situation may arise in a case where the decision to make the payment was simply wrong, or where that decision was right but the information on which it was based was incorrect or misleading.

The draft regulations provide for reconsiderations of decisions to make the payments mentioned in section 97(2) of the act where an error, as defined in regulation 2, may have been made. The reconsideration is to be conducted by a panel of at least two members of Redress Scotland. Before it takes place, the beneficiary of a payment will be given eight weeks to make written representations to the panel. If the panel finds that the decision was materially affected by error, it must redetermine it on the

basis of how it would have been decided had the error not been made.

We hope that, in practice, the process will rarely be used. It will be invoked only in cases in which there is cause to believe that there has been material human error or it is thought that a decision to make a payment may have been materially affected by error because it was based on misleading or incorrect information.

It is important to note that, when there is an error in making a redress payment, it does not follow that all decisions to make payments linked to it are materially affected by error. For example, legal fees may have been paid to a solicitor in making a redress application for a person who is offered a redress payment. If it later comes to light that the application was fraudulent and no redress payment should have been made, the decision to pay the solicitor's legal fees will not be referred for reconsideration unless it is suspected that the solicitor had also fraudulently claimed the fees.

In the interest of fairness, the draft regulations include a right to review the outcome of a reconsideration process. If a review is requested, it is to be determined by a panel of Redress Scotland that is different from the one that conducted the reconsideration. A person who requests a review is able to provide further information and written representations to the review panel.

As the committee will be aware, the importance of sound processes and fraud prevention measures was considered throughout the development of the 2021 act. That is why we have put in place measures to ensure that appropriate financial recovery is available where payments have been made in error. The draft regulations supplement that work and set out the detail of how potential errors in non-redress payments will be considered.

I seek the committee's support for the draft instrument, which is part of our preparations towards launching the scheme.

I am happy to answer any questions.

**The Convener:** Thank you, Deputy First Minister.

Do members have any questions or comments on the draft regulations?

**Fergus Ewing (Inverness and Nairn) (SNP):** Thank you, and good morning to the Deputy First Minister and his officials.

The opening statement explained that the reason why the regulations set out a process assuming that errors might be made is that there is a recognition that fraudulent applications may be made, which possibility cannot be entirely ruled

out. It is fair to say that every MSP recognises the need for the payments to be made to victims of appalling sexual abuse. That is not in dispute, nor are the provisions that payments to professionals do not require to be repaid in the event that, unwittingly, there has been a fraudulent application.

I will ask the Deputy First Minister a series of questions in that area, and perhaps he can flesh out his answer in correspondence. Has modelling been carried out to try to elicit the quantity of applications that might be in the fraudulent category? Is the threshold for supplying evidence that is sufficient to establish entitlement to trigger a payment perhaps lower than the standard of satisfying the balance of probability test in court? Is the Deputy First Minister satisfied that the threshold is pitched at the right level?

I am afraid that I do not have detail to back this up, but there have been schemes in other parts of the United Kingdom. Has the DFM considered with those Administrations—or have his officials done so—how we can learn from their experience, in order to minimise error and fraud and ensure that we achieve what we all wish to achieve without loss to the public purse through fraudulent applications, given the obvious risks that might give rise to them?

I hope that I have set out the questions clearly. I gave in-principle notice to the DFM that I was planning to raise those issues.

**John Swinney:** Mr Ewing has put to me three substantive questions, all of which are absolutely legitimate.

On the first question, we have not undertaken any modelling of expectations of fraud. We have undertaken modelling of the number of applications that we consider it likely that we will have to deal with in the scheme. That modelling information is enhanced by our experience of the advance payment scheme, which has given us a sense of the likelihood of applications coming forward. Therefore, there has been modelling, which has underpinned the financial memorandum for the scheme. The modelling also influences the discussions and dialogue that we have with providers of care, to whom we are looking to provide financial contributions to the scheme.

We have not carried out modelling of the likely quantity of cases that might be affected by error. The reason is that the instrument is about creating a proper architecture for financial control and giving financial assurance about the operation of the scheme. An entirely new scheme is being created, so we have to ensure that we have the appropriate financial architecture in place. The instrument is one element of that architecture.

Mr Ewing's second point is about the threshold of evidence. During the committee and chamber deliberative processes relating to the act, we discussed the issue extensively. The question is finely balanced, because the redress scheme is available to members of the public who have suffered abuse but who are likely to be unsuccessful in pursuing a claim through the civil courts.

If it is possible for an individual to pursue their claim through the civil courts—and if it is their judgment that the claim is strong and valid—they should do so, and sufficiency of evidence will be a critical factor in that respect. The scheme is predicated on a lower standard of proof than that in the courts, but that standard is still of sufficient credibility to enable a judgment to be made in each case. That has to be accepted in good faith, but, if we find that that is not the case, we will need remedies, and the regulations are therefore appropriate in that respect.

Lastly, we have engaged extensively with a range of schemes across not just the United Kingdom but the world to identify any lessons to be learned from their administration and organisation, and we have taken a lot of that learning into the design of the legislation that the Parliament has considered and passed. The provisions under consideration are our assessment of the legitimate provisions that must be in place to ensure that the scheme is robust and workable.

**The Convener:** Are you satisfied with that, Fergus?

**Fergus Ewing:** Yes. The Deputy First Minister has answered my questions very fairly and along the lines that I expected.

I have one follow-up question, but, again, I am not sure whether the DFM will be able to answer it off the cuff or whether he will have to go away and consider it. I have not researched the 2021 act myself, but am I right in saying that a fraudulent application is not the subject of a specific statutory offence in that legislation but that, where there is proof that such an application has been made, fraud charges could be pursued under common law?

Should we try to deter fraudulent applications by making it clear that the full force of the law will be applied in appropriate cases and to deal with those disgraceful incidents in which people have taken advantage of a Government scheme that is intended for genuine victims and have tried to defraud the state out of the money for those victims? If the DFM has not already discussed the matter with the law officers, will he do so to ensure that we are fully prepared to take action in what I

hope will be the small number of cases where this sort of thing has happened?

**The Convener:** We have two experts on hand to answer that question.

**John Swinney:** It is always helpful to have experts to hand, convener.

I would make two points in response to Mr Ewing's question. First, a further instrument that will come to the committee in due course will look at circumstances in which there might be recovery of redress payments. The instrument under consideration does not affect that matter, but the further instrument will deal with recovery of such payments in cases where concerns have been raised. As I have said, that will come before the committee in due course.

Secondly, if it is suspected that an application has been made fraudulently, the matter will be dealt with under common-law powers on the handling of fraud issues. The matter could potentially be referred to Police Scotland for consideration as a criminal offence, in line with common-law powers.

09:45

**Oliver Mundell (Dumfriesshire) (Con):** Will the time that elapses between an error being identified and a payment being made be taken into consideration in deciding whether it had materially affected the claim?

**John Swinney:** That will be the case. The regulations contain a power of discretion as to whether consideration should be given to the response to a potential error that has emerged. In other words, there is no obligation in the regulations to take such a course, but there is provision for consideration of any steps that might be taken in that respect. Of course, the issue that Mr Mundell has raised would be material to such a consideration.

**Oliver Mundell:** That is helpful. For some individuals who might be impacted, it would be distressing for their claims to be revisited for what might, in their mind, be relatively minor errors. I understand that the Scottish Government and Redress Scotland have to satisfy themselves that things have been done properly, but a survivor might have a somewhat higher threshold with regard to errors, given that they would have to re-engage with the process. I simply ask that we be mindful of that.

**John Swinney:** I completely understand Mr Mundell's point, but I can clarify that the regulations that are before the committee relate not to redress payments to survivors but to legal fees and psychology reports and other relevant circumstantial reports where costs might have

been incurred in error. The other instrument that I mentioned in my answer to Mr Ewing will look at the question that Mr Mundell has raised, and we will have an opportunity to air some of these issues again when those regulations come before the committee.

**Oliver Mundell:** Could survivors be contacted under the provisions in the regulations that we are considering today?

**John Swinney:** That is unlikely. I cannot rule it out in all circumstances, but it is more likely that it will be solicitors, psychologists or providers of some form of service who will be in question. However, as Mr Mundell has pointed out, due consideration must be given to the potential impact on survivors of any reawakening or reconsideration of a particular case. Mr Mundell has actively participated in the debates on the redress legislation, but we all know the damage that has been done to survivors and how difficult and challenging they find this process, and I want to assure the committee that I do not view the application of the regulations with any automaticity. We have to exercise the regulations with care, and one of the issues that has to be considered is the very valid point that Mr Mundell has just put to me.

**The Convener:** So, it is unlikely that the process will be activated without consideration being given to trying to claim back some of the compensation moneys that have been paid to survivors.

**John Swinney:** No—in fact, I would say the opposite, convener. It might be that there was an error in the process that requires specific action to be taken in relation to the process, not necessarily to the payment that has been made. However, there could of course be a relationship between the two.

**The Convener:** But this process would be initiated entirely by Redress Scotland.

**John Swinney:** Yes, that is correct.

**The Convener:** And when the forthcoming regulations come before us, we will be able to ask how those powers will be initiated.

**John Swinney:** That is correct. We expect to lay those regulations shortly and will perhaps put them before the committee some time in the new year.

**The Convener:** We look forward to you coming back at that time to discuss those issues, which are probably at the forefront of the minds of the survivors of these historical cases.

As colleagues have no more questions, I thank the Deputy First Minister for his responses to the issues raised by the committee.

We move to agenda item 3. I invite the Deputy First Minister to move motion S6M-01889.

*Motion moved,*

That the Education, Children and Young People Committee recommends that the Redress for Survivors (Historical Child Abuse in Care) (Payments Materially Affected by Error) (Scotland) Regulations 2021 be approved.—[*John Swinney*]

**The Convener:** I see that no member wants to speak, but I am duty bound to ask the Deputy First Minister whether he would like to wind up.

**John Swinney:** I think that I have said all that I need to say this morning, convener.

*Motion agreed to.*

**The Convener:** The committee must now produce a report on the draft instrument. Are members content to delegate responsibility to the deputy convener and me to agree that report on behalf of the committee?

*Members indicated agreement.*

**The Convener:** I thank the Deputy First Minister and his officials for their attendance, and I suspend the meeting briefly to allow them to leave the meeting.

09:50

*Meeting suspended.*



09:54

*On resuming—*

## Children and Young People (Impact of Covid)

**The Convener:** Welcome back. Our next item of business is evidence taking on the overall impact of Covid-19 on children and young people. I welcome Jennifer King, education manager in Dundee City Council's children and families service and chair of additional support needs/children and young people services for the Association of Directors of Education in Scotland; Laura Caven, chief officer in the children and young people team at the Convention of Scottish Local Authorities; Mike Corbett, national official for Scotland at NASUWT; and Joan Tranent, chief social worker at Midlothian Council and deputy chair of the children and families standing committee of Social Work Scotland.

The witnesses are all joining us virtually. A hybrid meeting is always full of interesting challenges. Please feel free to indicate that you wish to speak. As you are not in the room, we will not always be able to see that you want to speak, so feel free to speak up. I thank you all for your time today.

We move to questions, the first of which comes from the deputy convener, Kaukab Stewart.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** A lot of groups were set up to look at the impacts of Covid and how progress could be made. I am thinking, in particular, about the work of the Covid-19 education recovery group—CERG—and how that compared with pre-existing policy groups such as the Scottish education council. Do you feel that CERG was more collaborative? How much influence did, and does, CERG have on key policy decisions?

**Jennifer King (Association of Directors of Education in Scotland):** I will answer as best I can. CERG was set up at a time when we needed to have a particular focus on the response to the pandemic. ADES was actively involved with a range of partners at that time, including groups for those with additional support needs and those who were care experienced.

I cannot make a comparison between CERG and the Scottish education council, but I can say, as a member of one of the CERG sub-groups, that it was a very collaborative experience.

**Kaukab Stewart:** Did CERG have any influence on key Scottish Government policy decisions? Did you feel that it had status and was listened to?

**Jennifer King:** I think that it did. I am speaking from an ADES perspective. The process in relation

to the guidance, which was subsequently updated, was fairly dynamic. That was sometimes challenging, because we had to mediate the guidance from the perspective of how schools and nurseries would implement it. It was a dynamic process, and we had to manage a number of different factors, but I think that CERG had influence.

**Laura Caven (Convention of Scottish Local Authorities):** The education recovery group had a clear role in taking scientific evidence from the advisory sub-group and translating that into practical options that could be taken forward to support learners during the period of school closure and then during the reopening. The group had clear terms of reference and arrangements for reporting to Scottish ministers and COSLA leaders.

The sub-groups and the workstreams under CERG worked effectively to develop guidance in a collaborative way. There was also a benefit from CERG working across the children and families collective leadership group, as it ensured that those two groups, across their shared membership and the organisations on each of them, were able to take a coherent approach to support individuals and families over that period.

10:00

You asked about the difference between the role of CERG and that of existing groups such as the Scottish education council. Like Jennifer King, I do not think that there is a clear answer to that, because the groups have very different purposes and were designed for different circumstances.

One of the benefits of the education recovery group's leadership is the co-chairing arrangement. The group was formerly chaired by the Deputy First Minister and Cabinet Secretary for Education and Skills, as he was then, and it is now chaired by the current Cabinet Secretary for Education and Skills, with COSLA's children and young people spokesperson as the co-chair in both cases. That has allowed for consistent messaging across both spheres of government in a challenging landscape.

The Scottish education council is not chaired in the same way. COSLA had sought to co-chair the education council, but that was not taken forward. That is a little disappointing, given the learning from the pandemic and the need for a whole-system approach to supporting children and young people.

Education—*[Inaudible.]*—through it. That has definitely been enhanced through the learning during the pandemic.

**Kaukab Stewart:** Thank you. I think that I caught most of that.

I will move on to a slightly different issue while I still have my time. I remind everyone of my entry in the register of interests: I am currently an associate member of the NASUWT.

I come to Mike Corbett first. Your written submission states:

“Any strategy”

for effective recovery as we move forward is going to

“require an effective focus on the workforce”.

Can you give us your top three tips on workforce planning and how we can ensure that the education workforce is taken care of as we recover?

**Mike Corbett (NASUWT):** My answer also relates to question 16 in the Scottish Parliament information centre briefing, on the extent to which new approaches are needed.

Reference is often made to other countries and how they do well. One example is the Finnish education system, at the heart of which is respect for teachers. There is much greater respect for teachers in other countries such as Finland, and we need to take a new approach to that with our workforce.

A key element of our proposed new approaches would be to pay our teachers properly. There is plenty around at present about the current pay offer and how it represents a significant real-terms pay cut. That offer has really upset and annoyed a number of teachers, given what they have put in during the pandemic.

Beyond that, there are workload considerations. Workload issues came up in our surveys even before the pandemic as the number 1 concern, and they have been exacerbated by everything that has happened during the pandemic. I appreciate that the Organisation for Economic Co-operation and Development review touched on the fact that teachers in Scotland have more class contact time than teachers in almost any other OECD country. There is a plan to address that and a proposed reduction in class contact time, but there is no timescale for that other than in the Parliament, so we want that to be urgently addressed.

Thirdly, we need a reduction in class sizes as well. The pandemic has shown, if anything, that many pupils need individualised or small group attention in order for them to progress as well as they can. If we genuinely want to ensure that that happens, we need to seriously reduce class sizes in many of our schools.

**Kaukab Stewart:** As a final question, I have a small supplementary. As the witnesses will know, I was a teacher for many years, and I know fine well about workload. The reports of the curriculum for excellence working group on tackling bureaucracy have been available for a while. What are the barriers to implementing the group’s recommendations and making a difference in tackling bureaucracy?

**Mike Corbett:** Commitment is one of those barriers. I was originally on the working group, which started in 2013 and produced a very good report about the drivers of workload and how to tackle them. Sadly, a number of local authorities seemed to simply ignore the first report; that led to a second report in 2015, which reiterated many of the key issues.

If groups or individuals are going to ignore a number of very good recommendations that were agreed at the top level, those recommendations need statutory force or something similar if they are to be taken on board. I know, from my recent meetings with him, that Professor Ken Muir shared my frustration with regard to the work that we did alongside him at that time. Very good reports, with good recommendations, were produced, but unfortunately many did not do enough to take those recommendations forward.

**Kaukab Stewart:** What I am hearing suggests that there seems to be a bit of a disconnect between overarching policy and the way in which it is implemented at local level. It is interesting to know that.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I would like to ask Laura Caven of COSLA a couple of questions about the funds that have been put in for education recovery through Covid and beyond.

There was an £80 million Covid fund running throughout the pandemic up to now. It has now been made permanent, so it will be in the core budget next year. I suggest that that money has been employing throughout Covid, and can employ permanently from April next year, 1,400 teachers and 250 support staff.

There will also be a £65.5 million new release of cash from April next year—again, in the core budget—which can employ 1,000 additional teachers and 500 support staff. Overall, that is 2,400 more teachers and 750 more support staff. I suspect that the demands are such that those staff are very much needed and that schools could always do with more staff—I get that.

However, with regard to the staff who are already in post and those who are likely to be recruited, what is COSLA’s view on how they should be deployed? Should they be deployed generally across the education estate in both

primary and secondary schools? Alternatively, are local authorities looking to target the use of teachers and support staff to address, say, additional support needs or to free up teacher time elsewhere? What is COSLA's sense of how that money has been spent to date? More importantly, how should it be spent in the future?

I have some further questions relating to that, depending on what Laura Caven's thoughts are.

**Laura Caven:** My answer is probably what you would expect. We would expect that to be a local decision based on the needs of individual local authorities, schools and learners, and the set-ups and approaches around them. I cannot necessarily give you a clear answer on that, beyond the fact that local authorities know their areas and the needs in those areas best, so we need to ensure that they have the flexibility to make those decisions.

**Bob Doris:** Thank you, Laura. I anticipated that you would say that, and it sounds eminently reasonable.

Your submission notes that there are already "significant reporting requirements" with the moneys that local authorities get, and that COSLA is concerned about any additional reporting requirements. However, we are Scotland's Education, Children and Young People Committee, and given that there is a significant investment of £145.5 million in addition to the core education budget going to local authorities, we are seeking to understand how that money is deployed.

We get that there is a need for local flexibility. However, do you think that it would be reasonable for COSLA or local authorities to provide reasonable detail on how many primary and secondary school teachers have been employed; how many additional support needs staff have been deployed; the purpose and role of those staff; and what a positive outcome would look like for that spend?

I know that that sounds hugely bureaucratic. I know that schools know their kids best and that local authorities know their local communities best. I get all that. However, at some point, the committee will say to the Scottish Government, "You have put that money in, so what results have you got for it?"

We cannot just scrutinise the Government; we must also shine a light on how local authorities and COSLA view that spend and on what the benefits of it have been through Covid. Perhaps you could say what the benefits of the £80 million that has already been spent during Covid have been, and what you anticipate that the committee could do to measure positive outcomes in the years ahead for that significant additional spend.

**Laura Caven:** Teacher numbers are published each year, I believe—do not hold me to that; I can clarify that in writing—so you will have that information to hand. I believe that the information that you are asking for is broken down there. That will, I hope, help the committee to understand how that spend has been deployed at a local level.

As for the outcomes, a lot of work is being done to understand the wider impacts of Covid and the associated restrictions on children and young people, their learning and their health and wellbeing. Groups such as the children and families collective leadership group are considering outcome frameworks and so on for children and young people.

**Bob Doris:** I will not push further on that, and I know that that was a very detailed question to ask you to respond to at committee, but if COSLA could have a think about that and perhaps give us additional information, that would be genuinely welcome. We are not seeking to be awkward about it, and I get the point that there are still challenges, but we need to follow the money from Government to local authorities and from local authorities to delivery at a local level. Any additional information that you could give would be helpful.

We have Mike Corbett here, and he could give a union perspective. Mike, have there been discussions with union representatives and local authorities or COSLA, given the amount of additional money that is going into the system—quite rightly, as the need is clearly there—about how the money could best be deployed and about ensuring that there are permanent contracts? Has the focus been on additional support needs or on lost learning in secondary schools among pupils who are getting towards exams, for instance? Is it on primary schools? Is it all of the above?

The important thing is to ask what discussions are taking place between local authorities, COSLA and union representatives about the best way to shape and direct that spend.

**Mike Corbett:** The strategy has almost missed a key step. There is often tension between national prescription and local flexibility. There are models that are used in the United States and the Netherlands, where more funding seems to have been committed to doing the research in the first place—whether that has been through questionnaires, diagnostic assessments or whatever—to identify exactly where the funding should be targeted. We think that that step has been missed, and we have not really had that national guidance. It has been left to individual local authorities to decide whether the money should be spent on recruiting permanent teachers, small-group tuition, social and emotional support for kids, improved technology, support for staff or

whatever. In many cases, all those things are absolutely the right thing to do.

Yes, local need should be taken into account. However, we feel that there has not been a properly researched first step to identify the need, or at least to aid local authorities and schools in identifying the need before deciding where the funding should go.

I will give you one example off the cuff. A school recruited a biology teacher it did not need because it felt under pressure to recruit another permanent teacher, as the Government had told the council that it needed to recruit X number of permanent teachers. That kind of thing suggests that we have not quite got the strategy right.

The involvement of trade union reps at local level is patchy, I would say. Some councils and schools do excellent work there but, in others, we are not involved at all.

10:15

**Bob Doris:** I am pleased that Mike Corbett mentioned temporary and permanent teachers. Over the years, one of the issues for local authorities has been the many temporary teachers out there who are not getting permanent contracts. That has also been an ask of unions. It is surely positive that a lot of temporary teachers can have that contractual basis made permanent. I hope that Mr Corbett would welcome that.

The money is being spent in real time. I have absolute sympathy for the idea of an audit of where the greatest needs are and how the money is deployed strategically. I get that, but I also get that the money is being spent in real time, so we have to get it out and use it as quickly as possible. Given that we are spending the money in real time and are still analysing needs in the education sector when it comes to where the money can best be strategically spent, could that be an argument—for clarity, I am not making this argument, but it might follow on from Mr Corbett's point—for some of the new posts to involve temporary contracts, so that a strategic decision is not locked in in still deciding how best to deploy resources? Would that be reasonable?

My preference would always be for permanent, full-time, contracted teachers at the local authority level, who are given that absolute security, but I am conscious that you mentioned locking in decisions on permanent posts when we are perhaps not sure about how best to direct that money. From a union perspective, is there an argument to be made for some of the new money that is coming forward being used initially for temporary or short-term appointments, as we start to audit or assess where the greatest needs for our children are across local authorities?

**Mike Corbett:** Obviously, we would like more permanent teachers to be employed. To make an international comparison, Finland has, proportionately, many more teachers in permanent employment than we do and a bigger teaching workforce. Obviously, we should be moving towards that as part of the broader recovery.

On your specific point about whether there is a role for temporary staffing, such a role could, as I have said, involve additional one-to-one support at end-of-day classes that are taken by existing staff. Other things can be done that might be suitable in an individual school right now, but that would not get away from our overarching desire to have more permanent teachers in post over time.

**The Convener:** I asked a parliamentary question about that in the summertime, and I was told by the Government that one in eight of all our teachers is on a temporary contract. There are people in classrooms doing a job of work right now who do not have the security of a permanent contract. When I quite rightly asked about that in the chamber, the Government minister said that the Government had now sorted that, because the temporary, one-off money in a pot was now part of the core budget. I am really surprised to hear you being so soft on the issue of getting those temporary contracts to become permanent. I am really surprised that the union is not being much harder on that issue.

**Mike Corbett:** As I have said, ultimately, we want more permanent contracts than have been offered in the short to medium term.

**The Convener:** Why are you not saying that those people on temporary contracts should be put on permanent contracts now? I think that that is exactly what the Scottish Government expects local authorities to do. As a union, surely the NASUWT should be pushing that.

**Mike Corbett:** We are pushing it, if that is what is required—

**The Convener:** It did not sound very much like that to me. It sounded very weak.

I ask Laura Caven the same question. What is COSLA's position on that? Are the teachers on temporary contracts getting permanent contracts?

**Laura Caven:** I am happy to get back to you in writing on that, because our employers team would have more information on it, rather than our children and young people policy—

**The Convener:** You are in a key role with COSLA, as chief officer in the children and young people team. Do you have any sense of whether there is a move to get those teachers on temporary contracts on to permanent contracts? Is that something that you are aware of?

**Laura Caven:** To be honest, that is something that I would rather follow up in writing because, apart from anything else—

**The Convener:** It is fundamental to the discussion about Covid recovery that those teachers, who have done a fantastic job—we have done a lot of work on the workload that teachers have been bearing—deserve permanent contracts.

I am, quite rightly, being encouraged to be as brief as I have encouraged others to be, so we will go to Stephanie Callaghan.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** Some of my questions follow on from or are connected to what Bob Doris talked about. My first questions are for Mike Corbett.

In previous evidence, we heard that teachers did a lot of really good work in building relationships with pupils while schools were out during the pandemic and that that continued when pupils returned to school. A lot of that has been about pupils' mental health and wellbeing and young people being in the right place to learn. We also heard anecdotal evidence that teachers are starting to feel that they are possibly losing some of that good work and that there is pressure in relation to academic stuff in that there is a lot more focus on literacy and numeracy at primary school and on exams at secondary school. Has that been teachers' experience recently? Do teachers feel that wellbeing and mental health are high enough a priority? Have expectations about pupils' progress changed through the pandemic?

**Mike Corbett:** It is probably worth foregrounding my comments with a little bit of personal information. Up until the October break, I was a teacher on the front line; I took up this post only after the October break. I have therefore been in amongst it for most of the pandemic as well as being an elected lay officer of the union. As a result, I have heard stories from throughout the country about what was happening elsewhere.

What Stephanie Callaghan characterised is probably very accurate. There is no doubt that, during the early part of the pandemic and certainly during both lockdowns, the health and wellbeing of pupils was at the forefront of everyone's mind. I do not think that there is any doubt about that. That also fed into the work that was done when pupils returned after both lockdowns. However, Stephanie Callaghan touched on an increasing concern that there is a sense of our being back to normal now. There is a sense that, as the kids are back in school, we should get back to doing all the things that we did before, some of which are pressurised assessments, especially Scottish Qualifications Authority assessments.

In the past week or so, concerns have begun to be expressed about secondary schools now moving towards prelim or mock exams, which they feel they need to do because they feel that they need to properly prepare pupils for what we are expecting—which is still a full set of exams. However, that undoubtedly puts a lot of pressure back on to pupils and teachers.

Perhaps that is one of the reasons why so many of our members are reporting that they are utterly exhausted. I think that they are trying to maintain and keep good the relationships with the kids who are in front of them, to look after their wellbeing, and to alert anyone to any issues that they see while, at the same time, doing everything that they did before in preparing kids for exams or, in the primary sector, literacy or numeracy assessments. That pressure seems to come from a variety of places. Sometimes it is from within the school, sometimes it is from the local authority, and sometimes it is from the parents and wider society. However, that pressure is there, and it is having an impact on the teachers as well as the pupils, as I have said.

**Stephanie Callaghan:** How could we help to alleviate that? What could we do that would be helpful to our teachers?

**Mike Corbett:** That is where additional staffing is required, so that we have staff on hand to work closely with pupils who are identified as struggling in some way—whether that is academically, in relation to vocational skills, or in their mental health and wellbeing—to help them. That could be on a one-to-one basis or in a small group. We touched on class sizes earlier, and a teacher with 30 kids in front of them cannot realistically do that at the moment.

**Stephanie Callaghan:** My next question is for Laura Caven and Jennifer King. How are families and children and young people being meaningfully included in the decisions about how local authorities, schools and children's services approach recovery? How are we progressing with that? How well is that going? What more can we do?

**Laura Caven:** COSLA has had a lot of engagement at the national level, and local authorities have undertaken individual work with children and families so that they can hear about the impact that Covid has had on them and how they can be best supported as we move into the next phase. One idea that has come through strongly from children and young people is that they reject the catch-up narrative. There is a need to focus on providing the support that they need and want.

This relates to your previous question to Mike Corbett. A number of new services and supports

have been put in place in the past year and a half for children and young people and their families to support their mental health and wellbeing through the children and young people's mental health and wellbeing joint delivery board, which is jointly chaired by COSLA and the Scottish Government. That has enhanced the support that is available locally and has been developed through engagement and consultation with children and young people about what they need.

Jennifer King will probably have more detail about how that has been applied locally. That has certainly been at the forefront of our thinking.

**Jennifer King:** The involvement of parents and families is a process that was initiated during the pandemic. There was a lot of outreach from schools and local authorities to parents and carers, depending on their circumstances.

A lot of work has been done since then. I attended a meeting of parent council chairs in my own local authority area last night. There is ongoing feedback from parent council chairs to local authorities and headteachers about what is happening with the recovery and what parents think of communication, such as updates about forthcoming assessments. There are updates about the implementation of support for children and young people's mental health and wellbeing.

Schools have continued to do regular surveys, although we are mindful that we do not want to overload parents and carers with questions. That feature has evolved. Technology, phone conversations and other means of contact have been used.

When there is a requirement for individual planning, children and young people and their parents are involved in individual review meetings or team around the child meetings. Involvement happens at a number of different levels.

The partnership with our third sector providers, particularly those that represent parents and families, has been critical throughout this period of time. A number of them provide a range of services, including for mental health and wellbeing, for children and young people with additional support needs, and for those who are care experienced. Those providers have been a critical source of support for decision making and planning and of feedback on how families are responding to the support that has been put in place.

**Stephanie Callaghan:** You mentioned ASN. There are high-level working groups with teachers and Scottish Government officials. How well represented is the ASN community on them?

10:30

**Jennifer King:** Can you clarify your question? Do you mean parents or the ASN community in general?

**Stephanie Callaghan:** I am talking about parents, those with specialist knowledge or people with neurodiversity and so on.

**Jennifer King:** From my experience, people who represent a fairly wide range of additional support needs perspectives are involved in policy and decision making. The additional support for learning implementation group has good representation from, for example, the National Parent Forum of Scotland, professional associations, the national autism implementation team, COSLA and ADES, and it is consulted on wider educational matters. I am also the ADES rep on the collective leadership group for children, young people and families, and additional support for learning is a feature with regard to the feedback that is received and the discussions and planning that take place there.

We need to keep ASN at the forefront of things. The current consultation on education reform will be critical, and wider equity must be to the fore in that consultation and any forthcoming decisions in that respect. With regard to representation of ASN in the range of policy groups, I would say that it is fairly well balanced at the moment.

**Stephanie Callaghan:** I do not know whether this is a question for Jennifer King or for another panel member, but what about representation on the national teacher panel and the children and young people's education council?

**Jennifer King:** I am not sure that I can answer that question. I could find out the detail for you, but I do not know it at the moment.

**Stephanie Callaghan:** I do not see anyone else volunteering to respond, so that is perhaps a question for another day. Thank you very much for your input.

**The Convener:** Before I move to a different line of questioning, I want to go back to Bob Doris's questions. As you can tell, I am pretty agitated about temporary contracts for teachers, because, in many cases, we are talking about younger teachers who are starting their careers and need some security of employment so that they can make other decisions about and plan their lives. I therefore ask Jennifer King whether, given the certitude over budgeting that it now has, Dundee City Council is translating some of those temporary contract teachers to permanent contracts.

**Jennifer King:** I do not know that I can give you the exact detail on that question. There is a recruitment process under way at the moment,

and I know that staff on temporary contracts should, under the council's recruitment policy, be considered for any permanent contracts. However, I am not in a position to give you a fuller answer.

**The Convener:** I do not want you to be too specific about numbers and so forth, but, as far as you are aware, is that now happening? Are those contracts being made permanent in Dundee?

**Jennifer King:** That might be the case for some, but I cannot give you the exact details or numbers.

**The Convener:** I will bring in Bob Doris in a minute, but I have to say that he is right. The Scottish Government and Parliament are sanctioning the spending of this money, which is going to Scotland's local authorities. I am all for holding the Scottish Government to account, but at the end of the day, the employer is the local authority. [*Interruption.*] I am getting all kinds of gestures from colleagues who want to come in.

It is very important that those temporary contracts are made permanent, so I ask Laura Caven to do what I did not ask her to do earlier, which is to write to the committee and tell us whether the move from temporary to permanent contracts is happening and the number of teacher vacancies in Scotland over and above the temporary contracts. I think that we would like to know that—in fact, I think that it is fundamental to the committee's role to ensure that every penny that is spent on education delivers the right number of teachers in classrooms with the permanency of contract and security of tenure to allow them to get on with their lives.

I will bring in Bob Doris, and I see that Michael Marra wants to come in, too. I know that this is a very important issue, but please be brief.

**Bob Doris:** I will be brief, convener. Just to be dispassionate about it, I think that the committee wants to analyse the impact of the spend, which is an important issue. One number that I did not give earlier was the £240 million for additional staffing during Covid, and the £145.5 million that I have already mentioned went into a core education funding budget. I am putting that on the record because we have to ensure that when we compare figures from one year to the next we are comparing apples with apples.

Underlying all this, though, is the need for a robust reporting exercise by local authorities on the number of temporary posts that existed—and the areas in which they existed—the year before Covid, through Covid and the first year after Covid in a way that is not bureaucratic—

**The Convener:** It is a fundamental issue, the number of teachers.

**Bob Doris:** Yes, but we need information that allows us to measure the impact and what is actually happening on the ground. In any case, we need something consistent, because all the politicians around this table can pick different figures and use them as they see fit. For me, the important thing is to have a dispassionate, factual and robust reporting exercise on this matter, and I do not feel that we have that just now.

**The Convener:** What the witnesses are hearing are lessons that we learned from Audit Scotland about focusing very much on what happens to the money and what the outcomes are.

**Michael Marra (North East Scotland) (Lab):** I welcome the agreement between you, convener, and Mr Doris that a report should be forthcoming and that we get some information from COSLA. However, I must point out—and I should declare an interest here as a councillor with Dundee City Council—that the cabinet secretary has just cut over £4 million of the council's education budget. As a result, coming back to your question to Jennifer King on whether people are moving to permanent contracts, I have to say that that would be particularly challenging in Dundee, given the size of the direct cut that has been made. It is key that we reflect some of that in this context—

**The Convener:** Transparency is key.

**Michael Marra:** The particular circumstances in the nine local authorities that have had massive cuts to their budgets in the past week really need to be addressed in any report, too.

**The Convener:** These are fundamental issues, and we want to get to the truth of the matter for the sake of Scotland's children and young people.

On that note, I will turn to Joan Tranent. Social Work Scotland's submission to the committee contained some interesting information about child protection that I would like you to address.

I will quote from the submission, so that you know what I am referring to. On the third page, you mention:

"An increase in demand such as child protection referrals and IRDs"—

or initial referral discussions—

"but this is not translated in to an increase in child protection registration and related activity. Referrals were received from police, rather than the previous main referrer of education".

I am concerned about that and about the following comment, that the

"Overall number of children becoming looked after children reduced".

I have one question for you: why did that happen during the pandemic, and what is happening now? I lied—it was two questions.

**Joan Tranent (Social Work Scotland):** What with the two lockdowns, it has been a very challenging time, but I want to reassure the committee that our social workers continue to do their social work duties across the whole of Scotland. They ensured that the most vulnerable were visited at their home, if required; indeed, they actually went into people's houses at times, which was very challenging for everyone.

On child protection referrals and IRDs, it is not unusual for those to come from police. The referrals normally come from education, but that is because children are seen every single day in schools. During lockdown, fewer children were in schools. We had the hubs open for those who were vulnerable—although not all of them chose to attend—and for the essential workforce. Not all children were seen all the time. In order to initiate an interagency referral discussion, people need to see children and to receive information. That information was often coming through police incidents rather than through children coming in and reporting things to their teachers.

I have spoken to colleagues at Social Work Scotland and I know that public protection offices were holding more regular meetings to monitor activity. They were reporting the numbers to the Scottish Government on a weekly basis—and they still do. That includes the number of child protection registrations, how many are deregistered and how many IRDs we have. That information is shared across the whole of Scotland.

From a social work perspective, that was not unusual; it is what we predicted would happen. When you do not see children, you do not get that information. The information comes mainly from children talking to adults. We need others to get that information—it is everyone's responsibility. During lockdown, people were not out and about and sharing information. That is part of the reason why the main referrer became the police rather than education.

That is starting to improve now and children are back in schools again, but I want to highlight the point that Covid is still here and is very much an issue. We are dealing with it every day; we have Covid outbreaks happening every day in schools, across social work centres and so on. We are not back to full capacity, but we are undertaking our public protection duties in managing risk and we are attending to the immediate risks of children and young people who are at risk as quickly as possible.

**The Convener:** When classes were online, teachers were getting an eye into the homes of children, almost. The digital divide became apparent during the first lockdown, and I know that there were efforts to remedy that as we went into

the second, longer lockdown. I am confused about why teachers could not see clearly what was going on in some homes—you can tell. These are professional people: I have the highest respect for our teachers, who understand something about children. Were they not able to detect from the digital interface that there might have been issues that they should have been referring?

**Joan Tranent:** I agree that teachers are hugely professional and are very aware of child protection. However, a child could be sitting in their house with their potential abuser sitting at the table next to them—i.e. a parent. The vast majority of times, for anybody who is being abused, it will be a parent. If they are sitting in the house because they are not at their work because of lockdown, it is really difficult and challenging to identify what the need is. There is also domestic abuse, as was highlighted in a report. People cannot tell us if the abuser is sitting there. We need a really skilled workforce, and we need a disclosure. Physically seeing children will never replace anything else in relation to identifying child protection issues. There was a monitoring system, but that was not an ideal position. Sitting in a classroom gives children much more opportunity to talk and share their experience.

**The Convener:** I will give you a break, but I will come back to you in a moment. Mike Corbett wants to come in.

**Mike Corbett:** On the point about the digital time that we had and the time spent teaching online, the reality of the experience for the vast majority of teachers was that pupils chose not to put cameras on. Therefore, teachers did not often have a view into the household. In all sorts of ways, that obviously made it much more difficult to make a judgment on whether there was an issue that was worth reporting.

**The Convener:** That is a very good point and I appreciate your intervening to make it.

Joan, I wish to turn to another aspect of your evidence, which relates to people who are vulnerable. I am looking at your written evidence at page 32 of our papers, where you describe specific challenges with children in need. You allude to the point that there are groups of young people who could become at risk—which I think is a recognised reality.

What steps are needed at a policy level to give that group of families early intervention support to prevent problems?

10:45

**Joan Tranent:** We all work on the principle of getting it right for every child. We talk constantly about early intervention and prevention, and we



are heartened to hear that funding is coming to widen that support. The Promise also talks about early intervention and prevention. We talk about scaffolding families who might not previously have reached the threshold for social work support.

Diverting resources into early intervention and prevention is like turning round a huge ship, and that is a real challenge when we are still facing a crisis every day. I have been a social worker for about 20 years. It is our statutory duty to manage the crisis, but we need to keep something aside to allow us to get to families earlier.

The Promise has given us permission to scaffold families for longer. There have been times when scaffolding was not popular and it was thought that the state should not intervene if it did not have to. We now recognise that some families will dip in and out of our service. That is fine, as that is what we should be doing.

The Promise offers one way of diverting resources, and I hope that we can build on that so that resources go to truly early intervention and prevention. Poverty is a huge issue that can lead people into crisis. We want to nip that in the bud at the earliest opportunity. That is my ask. I want a real commitment to the journey that we are now on.

**The Convener:** Are you saying that early intervention had gone out of fashion or favour?

**Joan Tranent:** I do not think so. Our submission shows that there is a real challenge at the moment, and referrals are increasing rapidly. We are still in Covid. I keep saying that we must do some analysis of why referrals are happening. I know anecdotally that some referrals are connected to money. People are in crisis. We know that money is coming into local authorities to fund support for those in winter poverty, which leads to increased referrals. We want to separate early intervention and prevention from the real child protection issues. We need funding that ensures that our workforce can manage situations rather than wait for them to escalate.

I would not say that early intervention has gone out of fashion. It is a priority, but a crisis always comes first. We all want to do early intervention and prevention. It is at the forefront of our thinking, but it does not always get the priority that it deserves.

**The Convener:** You are really talking about resource allocation and focusing on priorities.

On page 36 of your evidence, you say:

“Despite the above restrictions, many carers noted that for some children removal of the pressures of managing school resulted in a reducing in stress and anxiety and an increase in engagement with learning via remote routes.”

That is very interesting observation. What lessons should we take from that experience for some children?

**Joan Tranent:** That is an interesting topic, which we have discussed at Social Work Scotland. That observation tended to be true of children with autism spectrum disorder, for whom walking into large schools can sometimes be quite traumatic. There are lots of children there and lots of noise, which heightens their anxiety. Parents reported to us that, for a proportion of children, life was easier and they were able to learn.

What we need to take on board, in consultation with our education colleagues, is the need to look for smaller places where children with ASD can go for education and not be in that heightened state of anxiety. That is easier said than done, but that would be our aim. That is what we are looking at in our collaborative work with education. We heard about that in Midlothian, where there was some good learning. The situation did not work so well for other children, but we need to keep hold of that interesting fact in our future planning for children with ASD.

**Kaukab Stewart:** The Social Work Scotland submission includes the sentence:

“What we do know is that this has been a lengthy and traumatic period of national and worldwide insecurity.”

It is important to highlight that.

The submission also mentions

“parental mental health, domestic abuse, and problematic parental alcohol and substance use.”

With our remit, the committee is trying to be as holistic as possible. Schools have a major part to play in the recovery, but I am interested in the witnesses’ perspectives on a multidisciplinary approach. They have touched on it in relation to early intervention, social work and community support services. There are so many agencies that I am a wee bit concerned that we are not as joined up as we could be. Do the witnesses have any perspectives on that?

**Joan Tranent:** A huge amount is being done collaboratively throughout Scotland to ensure that we do not duplicate work. We have learned lessons from before about everybody doing the same thing, so the children’s services board, or whatever it is called—it is called different things in different local authorities; it is called the GIRFEC board out my way—ensures that we have the third sector, the voluntary sector, education, lifelong learning and employability services, housing services, mental health services and the health service round the table to ensure that we provide a holistic, whole-system approach to supporting families.

If we are going to do early intervention and prevention in its truest form, we need to think of families, not individuals. In the past, we have all been guilty of identifying an individual rather than looking at the whole family system and ensuring that we support the whole family. That is a focus in Social Work Scotland. It is how we are all talking throughout Scotland, so I hope that we will adopt that approach and that we measure our resources in the future by putting them all together to support our communities holistically.

**Kaukab Stewart:** I am reassured by your answer.

**Ross Greer (West Scotland) (Green):** I will go back to the convener's line of questioning about the children and families for whom lockdown provided an opportunity for engagement with education that was not happening before. The Children and Young People's Commissioner Scotland made that point to us a few weeks ago, and I am interested in Joan Tranent's perspective on it. She talks rightly about the need for us to bear that engagement in mind and for social work teams to bear it in mind for their future strategies for schools. However, schools have been back to something approaching normal since August. In-person learning has been the default since that point.

From what Joan Tranent has seen and heard so far, for the children who re-engaged with education—perhaps for the first time in quite some time—through lockdown and remote learning, has learning at local authority or school level been preserved or are we already seeing instances of children who were disengaged pre-pandemic and engaged by the unique circumstances of remote learning starting to disengage again because the adaptations that were made for them have not been continued? Are there good examples of schools, local authorities or social work teams that have managed to continue the link with children for whom it was challenging before March last year?

**Joan Tranent:** I would have to go back to Social Work Scotland to gain more of an overview on that from my colleagues. I can speak from a Midlothian perspective, but I cannot speak for Social Work Scotland about how those children's learning has gone since they have returned to school. Do you want me to give an anecdotal report on Midlothian or would you prefer to have a Scotland-wide perspective, which I could give you in writing?

**Ross Greer:** If I could be a bit cheeky, I will ask for both. That would be great. If you have an anecdote that you could offer us now, we would be interested in it, but a follow-up in writing would be great.

**Joan Tranent:** I have one. One high school springs to mind. Someone at the centre contacted us to highlight what happened with three young people who had really enjoyed their learning during lockdown. Their headteacher has made a small provision at the school to engage the parents and the young people. She is fortunate that she has a school that has capacity to do that. We have family support workers in there as well to get the children back in. That has involved staggering the times that the individuals enter the school, for instance. The parents have said to us that those three young people have really struggled to walk into the high school at the same time as everybody else, especially after lockdown. The school has made minor adjustments that appear to have paid dividends.

However, it is still early days. Although schools are back, they are still impacted every day by Covid, with some classes not taking place, a few members of staff being off, issues with support to kids with additional support needs and so on. That can have a huge impact in relation to whole-class attendance.

I will go back to Social Work Scotland and get something in writing to submit to the committee.

**Ross Greer:** That would be much appreciated. Turning to the broader question, for the past few weeks, the committee has been struggling with how to distinguish between the substantial amount of anecdotal evidence that we have now received and rigorous, verifiable data that is being collected on exactly how the pandemic has affected children, young people and their families—precisely because of the issues that we have just discussed. We know that the pandemic has had negative consequences across the board, although there are unique circumstances in which it has done the opposite. However, it has not inflicted the same level of harm on everyone for whom it has been harmful.

Mike Corbett, you mentioned the US and the Netherlands, where surveys, diagnostic work and so on were done before targeted funds were deployed. I am keen for you to expand a little bit on that. What would the NASUWT like to happen here in terms of further study and further evidence gathering before we deploy additional funds?

**Mike Corbett:** There is a tension there, because people might wonder whether it is too late for such work to be done, but we would argue that it is not. We still need a national steer on the questions to ask so that they are the same across the country. You would then be able to rely on the data that you get and better work out who, where and what you need to target. That consistency has been missing, and certainly it has been the case in other countries.

At the same time, as was touched on earlier, there are kids out there who need help in all sorts of ways right now, and, if we can identify that need locally, we should try to give that help where we can. However, I still think that there is space for taking a more national approach to a survey.

I am heartened by the committee's desire to follow the money, because, in the past, we have been frustrated in trying to track how and where Scottish attainment challenge money and pupil equity fund money is getting spent. Again, there were suggestions that staff and trade unions would be involved in discussions and then, very often, that did not happen. Therefore, I am heartened by and fully support the committee's desire to follow the money, although I appreciate that it might bring an administrative burden and some help might also be needed with that.

**Ross Greer:** The difficulty in tracking PEF money has been a long-running source of frustration in Parliament.

Paragraph 11 of your submission mentions the need for "ongoing system-level evaluation" if we are to verify whether recovery is happening. However, I am conscious that that could easily be done in a way that simply increases the workloads of teachers and support staff in schools and at the local authority level. What would an effective system of on-going evaluation look like? I hesitate to use the phrase "a light-touch system" but you know what I mean by that—a system that will not unnecessarily increase the workload of those who are already overwhelmed.

**Mike Corbett:** You touch on the need for much of that work to be done by people outside of the school but in conjunction with the school. I have some sympathy with local authority colleagues we might ask to do a lot of that work, because they are familiar with the schools, but they have also been overwhelmed with a great deal of work during the pandemic. However, that is where that kind of work would need to be done, again with a steer from Government on what to look for and how to collect that information, before passing it down to local authorities to work with the schools.

However, as you say, there is always a danger in asking people for more and more bureaucracy, because that could take them away from what they want to do, which is to do their best for the kids who are in school in front of them.

11:00

**Ross Greer:** I turn now to Jennifer King, and then Laura Caven, on the same question of gathering data effectively so that we can make targeted and effective interventions. Are there examples of on-going or planned work in this area? Our committee is minded to recommend

that further work be done here, but it would be useful for us to know whether COSLA and ADES have either on-going work or planned work in this area, to identify exactly what the impacts have been. We have had a lot of discussions about the disproportionate impact on children with additional support needs, but that is itself a vast category, because we are talking about more than one in every four young people. It is clear from the discussions that we have just had that there has been a very different impact on children with autism from the impact on those with visual or hearing impairments, for instance. It would be useful to know whether any work is already being done in that area, as that would provide us with the kind of information that we are looking for.

**Jennifer King:** That is a good question. My initial reflection is that the research methodology is vast, so we need to be clear about what questions we are asking and how we arrived at those questions—which always informs research—and then about what the methodology is. A few tools have been mentioned today. Coming from a psychological perspective, as a trained educational psychologist, I would say that the design of the methodology should very much inform what we do.

One example was embedded in the ADES report. We undertook some small-scale research to determine what was happening with the attendance and engagement of young people during the pandemic and as we emerged into the first recovery period. We worked with the children and young people's improvement collaborative—CYPIC—which has facilitated activity across six authorities and a number of schools. That used an improvement methodology.

First, what is the question that you want to answer? Then, what is the methodology that will best answer that question?

As well as that example, other local authorities might undertake collaborative action research with their local universities. Dundee City Council is undertaking collaborative action research in schools in relation to the children who most concern us: the children who we think are most affected at the moment by a range of inequalities. That is on a much larger scale, however.

There are different examples, and we need to do some wider scoping. ADES is in the early stages of undertaking another area of work involving taking a collaborative approach to improvement. The research takes a collaborative inquiry approach to a range of different themes that are emerging for local authorities. We will be in a better position to report on that later next year.

The question is a good one, and I do not think that there is a simple answer. The emerging

themes that are being focused on, including in the ADES report, relate to children and young people's speech and language needs at an early stage. That might answer a previous question about early intervention. It is a matter of being able to monitor the impact of early intervention approaches on children's speech and language as a means of recovery as well as for children's longer-term wellbeing. That is one example.

Joan Tranent referred to some of the work that is being done on virtual learning. In some small-scale examples across authorities, children and young people are being supported to continue in their virtual learning. On a larger scale, work is taking place with e-Sgoil, for example, which is about scaling up virtual learning so that it becomes more of a universal experience, but without taking away from the advantages of in-person learning in any way.

I hope that that has answered your question in some part.

**Ross Greer:** Absolutely. That was very useful. Thank you. I am conscious of the time but, Laura Caven, is there anything that you would like to add from COSLA's perspective?

**Laura Caven:** Yes. Research for the health and wellbeing census and the parental involvement and engagement census will be carried out at the start of next year, and the results will be published towards the end of the year. The health behaviour in school-aged children study and analysis will also be published next year.

Throughout the pandemic, the engagement of the Children's Parliament, Young Scot, YouthLink Scotland and the Scottish Youth Parliament has been really important. They did some really good work for the report "LockdownLowdown: what young people in Scotland are thinking about COVID-19", in gathering evidence and understanding children and young people's perspectives.

Your question was specifically about the evidence side of things. Some work is on the way, and some has been undertaken, in order to understand that, so that we can move forward.

**The Convener:** I call Oliver Mundell. There he is.

**Oliver Mundell:** Thank you, convener. I was just waiting to appear on the screen.

My question is about the situation in rural Scotland during the pandemic and whether the various witnesses feel that we got the balance right. Even in my constituency, there seemed to be a real mix. In some of the larger towns and settlements, there was lots of support and contact between young people and their schools, but that was not always the case in more rural and remote

communities. Does any witness wish to reflect on that?

**The Convener:** Are you asking anyone in particular?

**Oliver Mundell:** I wonder whether ADES might comment. How high up the priority list was that for directors of education across the country?

**Jennifer King:** As far as ADES is concerned, rural communities were absolutely a priority, because children and young people who live in rural communities have as much need for and entitlement to educational support as those who live in more urban communities. I suppose that there would have been more challenges to the provision of in-person support or access to school for those who might have been eligible for it because of their need or vulnerability. I imagine that transport would have been a barrier.

Equally, some of the learning, such as on virtual learning, for example, has come from our rural communities. Western Isles Council has led for some time on areas around virtual learning.

ADES represents 32 local authorities in Scotland, and the support for children and young people in those communities has been a priority. As I said, some geographical factors will have had an effect, including, perhaps, in making in-person accessibility more challenging, but there have been great lessons to learn from that.

**Oliver Mundell:** Have we got the resourcing balance right? I know that it is hard for you, being most familiar with Dundee, but do you think that the heads of education in the 32 local authorities recognise that the delivery of education, whether during a pandemic or in normal times, has different pressures and costs in rural communities?

**Jennifer King:** There will be some different pressures. I mentioned that there are different considerations for schools that are geographically spread far apart, as they would be in island and other areas, compared with those in a small urban authority, such as the one in which I work. Therefore, I could not speak to the detail of that matter.

Ultimately, it is for the local authority, in consultation with its headteachers, to make the best decisions and monitor the situation as closely as possible. I am sorry, but that is probably the best answer that I can give to your question.

**Oliver Mundell:** That is helpful. Thank you.

**Mike Corbett:** I echo Jennifer's point that much of the excellent work around digital learning was based on work that was already being done in our rural communities, such as in Argyll and Bute, where excellent work was done in advance of the

pandemic. Nevertheless, we have had quite a bit of feedback that there are still issues with hardware, software, connectivity and access to digital learning in some of our rural communities.

I do not want to go back to staffing again, but staffing of schools in rural areas remains a challenge. During the pandemic, in particular, when staff are off sick, it has been very difficult to get in supply teachers to support schools in rural areas. That is another issue that has perhaps had an impact.

**Joan Tranent:** My comment is not about education per se. For Social Work Scotland, holding meetings virtually meant that all 32 local authorities were present. We talked about vulnerable children and their education every single week because, at that point during lockdown, we held weekly meetings. Although there were issues, as there were across the whole of Scotland—including the connectivity issues to which Mike has just alluded—there was lots of support when it came to adopting other methods to ensure that vulnerable children were seen and their needs responded to.

Therefore, from Social Work Scotland's perspective, it did not feel as though the situation was inequitable when we discussed children's needs in those meetings. They were very much a focus of meetings as we went forward.

**The Convener:** Oliver, would you like to continue?

**Oliver Mundell:** I am happy to leave it there. I am aware that the witnesses do not have direct experience of more rural local authorities, but I was keen to raise the issue.

**Willie Rennie (North East Fife) (LD):** My question is about the Morgan review, additional support for learning and needs. On a scale of one to 10, how close are we to meeting the vision of the Morgan review?

**Jennifer King:** It would be hard to quantify that. I have looked again at the progress report in the past week, and in spite of the pandemic, a number of the recommendations are on track, although some have been delayed or postponed. Work has been done with the inclusion ambassadors and the vision has now been set and shared more widely. The work with the General Teaching Council for Scotland in relation to the recommendations on the teacher workforce and professional learning is under way, and the recommendation on pupil support assistance has been taken forward by the national steering group.

11:15

Some work has been done on one of the most critical recommendations, which is the one on

outcome measures, but that now has to be drawn into, or considered in relation to, education reform. The recommendation is about greater visibility and wider recognition of the outcomes that children and young people with additional support needs achieve, which are not always captured in the national performance framework. Although there is a strong need for that aspect of the ASL action plan to be progressed, it would be unwise to progress it without considering it in relation to education reform.

Good progress has been made. If you pinned me down, I would say that the figure that you asked for between one and 10 is over five. With the action plan, progress has been made on many of the nine broad areas that are covered by the recommendations.

**Willie Rennie:** My reading of the situation is that the position is quite stark. The numbers have been increasing in recent years. About a third of children have additional support needs, which is a major proportion of the school population. Waits for diagnosis on a range of needs are now longer. Waits for mental health support from the health service are incredibly long and are getting longer. The number of co-ordinated support plans has gone down in the past eight years. The funding is challenging. Referrals to social work have been difficult. Is the system genuinely coping?

**Jennifer King:** Angela Morgan's ASL review was carried out before some of the progress that has been made. I do not think that the issue can be seen in isolation; it has to be seen alongside the work of the children and young people's mental health and wellbeing programme board. For example, you mentioned waiting times for mental health support and diagnosis. Those areas have to be considered in relation to the programme board's work on neurodevelopmental service specification, on which I think five local authorities will be undertaking pilots. That will inevitably support the shared approach to assessment and intervention. Although diagnosis is absolutely important and is critical for some children and families, we should not wait—and they should not have to wait—for diagnosis before support is put in place. The neurodevelopmental service specification has standards that will support that.

We have to look at the connectedness between the areas that are related to Angela Morgan's report. The issue cannot stand in isolation. Indeed, one of her recommendations was about integrated policy making across councils and their local partnerships. We want that integration to involve a number of areas and not just education and additional support for learning.

You are correct in saying that the number of co-ordinated support plans is lower, but I do not think

that that is a reflection of the planning that takes place for children. Our data suggests that there are still children with individual plans, although they might not all be co-ordinated support plans, so that reduction is not necessarily a reflection of support not being available for children. However, the co-ordinated support plans short-life working group, which reported just yesterday, has made a number of recommendations on increasing awareness of the legal basis for co-ordinated support plans and on how the plans are integrated. We have spoken quite a bit about bureaucracy, and it is important that the planning for co-ordinated support plans is integrated with other aspects of planning. That was another recommendation in the report.

I do not know whether I have addressed all the aspects of your question.

**Willie Rennie:** That is fine. A couple of weeks ago, we heard from the Educational Institute of Scotland, which is concerned about the consequences of the inadequacies in the system and the effects on teachers of what they have to cope with in the classroom. As we move towards mainstreaming, are we providing enough support so that teachers can cope? We know that demand has increased during the pandemic and that it has exacerbated existing issues and challenges. Are we giving enough support to the teachers on the front line who are having to cope with this?

**Jennifer King:** Support for teachers and indeed support staff, who make up a large part of the workforce that supports children with additional support needs, has to be a continuing feature of school and local authority workforce planning. As you rightly pointed out, about a third of children and young people have been identified as having additional support needs, so our approach to supporting teachers and their support staff must be much more universally based.

If a third of children in classrooms have additional support needs—and in some classrooms it might be more—that has to be incorporated into, for example, the organisation and accessibility of classrooms, and it has to be taken into account in long-term planning. I also think that additional support needs must be a core feature of newly qualified teacher induction—

**Willie Rennie:** I am sorry, Jennifer, but I must stop you there. My question is whether teachers are getting enough support now. You have described what needs to happen in structural terms, but are teachers getting the support now? Please answer that briefly, if possible, and then I would like Mike Corbett to respond, too.

**Jennifer King:** Yes. There is always more that we could do, but, from my perspective and that of the ADES members whom I represent, the work is

continuous and a part of the day-to-day experience of what we do.

**Willie Rennie:** What is your perspective, Mike?

**Mike Corbett:** I would echo many of the concerns that you expressed. Pre-pandemic, we were already saying that there was too much pressure with regard to the mainstream agenda and not enough support, whether for nurture units or the other types of individualised or small-group support that are often needed. It was already an issue, but the pandemic has undoubtedly made things worse.

My notes remind me that I should always mention the Morgan review when the Organisation for Economic Co-operation and Development review comes up, because our fear is that Morgan has been buried and half forgotten. Its recommendations need to be implemented. At the moment, however, much more resource needs to be devoted to supporting pupils with additional support needs.

**Willie Rennie:** I have a final question for you. On a scale of one to 10, where are we with the Morgan review?

**Mike Corbett:** I do not want to give a glib answer to that question—

**Willie Rennie:** Go on.

**Mike Corbett:** —but much, much more needs to be done, and not enough is being done right.

**The Convener:** It does not sound as though the number is much above five.

**Willie Rennie:** It does not, convener. Four, perhaps.

**The Convener:** Did you say four?

**Willie Rennie:** A glib four.

**The Convener:** The next question will be from Michael Marra.

**Michael Marra:** I thank everyone for their evidence so far. The panel will be pleased to learn that their evidence chimes with the evidence that we have received in recent weeks about the lack of an overall analysis of need in Scotland. We have heard about that loud and clear, not just in your answers to colleagues' questions today but also in your written evidence. In that context, I want to ask you about changes to the Scottish attainment challenge, which is, as has been mentioned, one of the key sources of resource that councils have been drawing on for provision.

You will be aware that the challenge was reformed last week. The announcement detailed £35.5 million of year-on-year cuts to the funding, including £17 million from PEF, and it set out the reallocation of £43 million from the nine most

deprived authorities to be spread across the 32 local authorities. It means savage, eye-watering cuts for the nine original Scottish attainment challenge authorities. Will the reforms be beneficial or damaging to the recovery of education for the most deprived pupils in the most deprived communities in Scotland? I ask our colleague from COSLA to answer that first.

**Laura Caven:** With regard to the announcement on the Scottish attainment challenge, we are working closely with the Scottish Government on next steps and on how we might work collaboratively through the Scottish Education Council and local partnerships to close the attainment gap. It is important that we avoid a top-down approach to setting expectations and ambitions, as well as excess bureaucracy and reporting, but some of the key principles with regard to accountability are important to ensure that we have system-wide delivery.

We need to recognise the specific contribution that education makes to reducing the impact of poverty while, at the same time, acknowledging that the ways in which we tackle poverty are not simply located in schools. As a result, through our work to develop the next tackling poverty plan, we will take a wider view of the matter instead of simply looking at schools as the answer to addressing some of the system-wide issues.

**Michael Marra:** I am not sure that that was an answer to my question. I asked about the impact on the most deprived children in the most deprived communities in Scotland, which are set to have their budgets significantly cut as a result of the new agreed formula. Will that improve outcomes or will it just make it more challenging for those nine authorities to cope?

**Laura Caven:** The answer to your question is not straightforward, because we cannot look at that in isolation from the wider perspective that we are taking on how local authorities and their partners are working to support children and families who are experiencing poverty and deprivation. It is one part of the picture, but we need to look at the matter holistically and ensure that we have adequate support from a range of services that are adequately funded. We cannot simply look at one small part of the issue, although I understand that it is not seen as small. As I said, it is one part of the picture.

**Michael Marra:** Okay. I turn to Jennifer King from Dundee City Council. Earlier in the meeting, I declared an interest as an elected member of that council, and I am aware from speaking to officers that Dundee is potentially looking at upwards of £4 million of cuts to Scottish attainment challenge funding. What adjustments are you looking at in the department to cope with those cuts?

**Jennifer King:** We are looking at the funding tapering over the next few years. I imagine that our initial considerations on the matter will be the same as those of other authorities. The fact is that attainment challenge funding has allowed us to test and build on interventions that have had an impact.

As you will probably be aware, some work has been done in nurseries in Dundee on children's speech and language development, and we are working with the Robert Owen centre for educational change. Those capacity-building measures have had an impact in various areas and have allowed us to build skills in the wider workforce, but those are the areas that we would have to consider in our forward planning. It would be unrealistic to expect that we will not have some challenging decisions to make, but we have to look at where there has been learning in order to enable us to build things on a wider scale.

Following on from Laura Caven's point, I note that we have to look at the issue in connection with other sources of funding. Obviously, we do not know what will happen in the longer term in that respect. For example, much of the approach that is being taken to community mental health and wellbeing focuses on families and children and young people aged from five right up to 25, in the case of care-experienced young people, and that involves working more closely with our community providers who work with and support those in education.

The issue has to be looked at very widely, and any decisions will have to be taken in collaboration with our other local authority partners and indeed our colleagues and partners in the national health service.

**Michael Marra:** As a native Dundonian, you will appreciate my concern about the situation that you describe, with the good work that has happened in recent years being under threat, and its having to be re-evaluated with regard to whether we can afford it, at a time when need is increasing.

What do the other two panellists think about the revision in the areas of highest deprivation? Can we meet the need if we are cutting resource in that way?

11:30

**Joan Tranent:** I am a social worker by trade, not an educationist, although we are part of the education directorate. Moreover, I am not in one of the nine attainment challenge authorities. When budgets are cut, the impact is felt across the board. However, as my colleagues have suggested, this is a multifaceted issue, and, at this time more than ever, we need to continue to pull together in order to find a solution to the issue. No

one wants to hear such things, but, as has been evidenced throughout the pandemic, collaborative working is at the forefront of everything that we do. I hope that we can continue with that approach and find solutions that minimise any impact on families.

**Mike Corbett:** I understand the rationale behind trying to aid families and schools in areas outside the nine local authorities where the most poverty has been identified, but taking the money away from those nine most deprived authorities in order to do that will inevitably have some negative impact on them.

**Michael Marra:** I have asked a lot of questions about ventilation. This might seem to be a jump in my questioning, but it is one of the key issues when it comes to ensuring that there can be continuous education in our schools. I believe that our NASUWT colleague has done some survey work or has spoken to his members about it, and I wonder whether he can give us some feedback on that. Mike, what is your understanding of the current situation with ventilation in schools? Do your colleagues deem it to be adequate?

**Mike Corbett:** A commitment was made to purchase CO<sub>2</sub> monitors across the country. We have had patchy feedback on that, but I can give you an example. In one local authority, not only have monitors been installed in every teaching area, but they are linked to wi-fi and are monitored constantly by local health and safety officers. If they feel that air quality is poor, they will take immediate action. A number of other authorities—perhaps half—have bought mobile monitors that are in classrooms for only some of the time. There are also issues about their installation, with some being too near windows, et cetera. There is a real issue with the quality of the data that some local authorities are gathering.

Now that there is another new variant, our members are more anxious than ever that their classrooms should have good ventilation and good air quality. There are certainly some areas where we do not think that we can say that.

**Michael Marra:** The Scottish Government's commitment was that monitors would be in 100 per cent of classrooms. Has that happened?

**Mike Corbett:** We were told that there would be access to a monitor in 100 per cent of classrooms, but if we are talking about a mobile monitor that is in a classroom or teaching area only briefly and is then taken round the rest of the school, I do not see how that gives us reasonable data to act on.

**The Convener:** James Dornan will be our final questioner.

**James Dornan (Glasgow Cathcart) (SNP):** I was not going to come in at this stage, but, further

to Michael Marra's questions, I think that we should clarify that there is X amount of money to go round and that poverty is to be found not just in cities such as Glasgow or Dundee but in council areas and constituencies right across the country. It is only right that we target those who are in need on the basis not of geography but of that need.

Is it not also true that COSLA, through the Labour leader of Inverclyde Council, Stephen McCabe, who is COSLA's children and young people spokesperson, has welcomed the new funding allocation? It just seems fairer. Michael Marra rightly defends his constituents, but he can do that in the chamber. Here, we are meant to be looking at what is best for children across the country, not just those in the constituencies or cities that we represent.

**The Convener:** That was more of a rhetorical contribution than a question. I think that Michael Marra has made his feelings on the matter clear.

I thank our witnesses—Jennifer King, Laura Caven, Mike Corbett and Joan Tranent—for their time, for the evidence that they have presented and for being so willing to say their piece. After all, we depend on that.

The public part of the meeting is at an end. I ask members to reconvene on Microsoft Teams to allow us to consider our final agenda items in private.

11:35

*Meeting continued in private until 12:05.*



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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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