



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Education, Children and Young People Committee

Wednesday 2 October 2024

Session 6



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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**  
**25<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Sue Webber (Lothian) (Con)

**DEPUTY CONVENER**

Evelyn Tweed (Stirling) (SNP)

**COMMITTEE MEMBERS**

- \*George Adam (Paisley) (SNP)
- Stephanie Callaghan (Uddingston and Bellshill) (SNP)
- \*Pam Duncan-Glancy (Glasgow) (Lab)
- \*Ross Greer (West Scotland) (Green)
- \*Liam Kerr (North East Scotland) (Con)
- \*Bill Kidd (Glasgow Anniesland) (SNP)
- \*John Mason (Glasgow Shettleston) (Ind)
- \*Willie Rennie (North East Fife) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- Jackie Dunbar (Aberdeen Donside) (SNP) (Committee Substitute)
- Megan Farr (Children and Young People's Commissioner Scotland)
- Ken McAra (FDA)
- Sharon McGuigan (Unite)
- Pauline Rodger (Unite)
- Garvin Sealy (Intercultural Youth Scotland)
- Gavin Yates (Connect)

**CLERK TO THE COMMITTEE**

Pauline McIntyre

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

Wednesday 2 October 2024

*[The Convener opened the meeting at 09:04]*

### Education (Scotland) Bill: Stage 1

**The Convener (Sue Webber):** Good morning and welcome to the 25th meeting in 2024 of the Education, Children and Young People Committee.

We have received apologies from Stephanie Callaghan and Evelyn Tweed. Jackie Dunbar joins us again—welcome back, Jackie.

Our first agenda item is an evidence session on the Education (Scotland) Bill at stage 1. We will hear from two panels of witnesses, and I welcome our first panel. We have Gavin Yates, executive director at Connect; Megan Farr, policy officer with the Children and Young People's Commissioner Scotland; and Garvin Sealy, interim executive director for Intercultural Youth Scotland.

We will go straight to questions from members. I have the opportunity to ask the first question.

It is a bit of a generic catch-all question. What are your views on the bill, and how well do the proposed structures meet your expectations, following on from the various reviews and reports of the past few years?

Gavin, you have caught my eye, so I will go to you first. That is how it works.

**Gavin Yates (Connect):** Oh, right. That is a shame.

Obviously, the bill falls into two parts; one is about reform of the Scottish Qualifications Authority, and the other is about the inspections side. We are on record as saying that not all parents are agreed with either. Connect has surveyed our parents extensively.

It is disappointing that the bill has come forward pre-Hayward review. That is a bit of a mistake, in some ways. We had the response from Hayward, but we had a bill in place already. That is the wrong way to go about things, particularly on the qualifications side. In general, we are disappointed. I think that the SQA is also quite disappointed, in some ways, on the qualifications side; I think that it wanted the bill to be more ambitious. Our parents wanted something that would be fair and responsive.

The other point from a parental point of view is that parents are hardly mentioned in the bill at all; it is really scant, which is disappointing. We know from evidence that having parents who are really involved in their children's education is like adding an extra term to the year.

Unfortunately, with many of these framework bills, a lot of it is about saying, "Well, we'll get to the meat of it in due course". That is actually quite disappointing.

On the qualifications side, we accept that there is to be a learner charter, but we do not know what is going to be in that charter. We certainly believe that parents and learners need to be involved in that, but why is there no charter for parents? Why is there no framework for appeals and qualifications? Unfortunately, it seems that parents have been slightly forgotten.

**The Convener:** We will come on to the detail of some of the points that you have mentioned.

**Gavin Yates:** All of that is fixable.

On the inspections side, a lot of the bill is welcome. From the briefing that I have received, I think that it is probably about having more inspections. That is a good thing. We want to see that, because what are inspections actually for? They are to increase public confidence, and you cannot do that unless you are in schools regularly. That is therefore good.

However, again, what process is there for parents to get involved in that? How can parents alert the inspectorate? They cannot. The process at the moment is really simple. If you have a problem, you go to your local authority. The local authority will then cogitate. If that does not come to anything, the problem goes to the Scottish Public Services Ombudsman, which, as we know, has a waiting list of 16 weeks. When that possibility is exhausted, a year might have passed for the parent and the learner, which is disappointing.

We would like to see a whistleblowing process whereby a member of the public or a teacher can go to the inspectorate and say, "Please look at what is going on with teaching and learning in this school."

**The Convener:** Again, we will come to more of those themes as we go on.

I will go to Megan Farr next, and then to Garvin Sealy.

**Megan Farr (Children and Young People's Commissioner Scotland):** When I was preparing for this evidence session, I looked back at what we said in our response to the original consultation on what became the bill, which we submitted to the Scottish Government in November 2021. We did

quite a bit of work with our young advisers in preparing it.

I will read out some of the key points that were stated at the very beginning of our consultation response. The first sentence stated:

“Culture change is the objective. Rather than taking a narrow starting point in which the structure of agencies is reviewed, the conditions required for systemic reform should be the focus.”

Other key points were:

“Changes to national education agencies must improve their direct accountability to the wider community—including children and young people ... Space must be created for children and young people’s ongoing input into curriculum reform”

and

“Children and young people need to be involved in all levels of governance, decision-making and scrutiny in education.”

A real opportunity has been lost, in that the bill does not do that. There is no guaranteed representation of children and young people on the learner interest committee; the formulation means that representation could be by an adult learner. Likewise, representation could be by a representative of learners’ views on other bodies.

You will have seen in our written submission our views on the word “learner”. I will talk about children and young people today, and I may just talk about children, but that reflects the language in the United Nations Convention on the Rights of the Child. We absolutely recognise the importance of SQA qualifications to adults who are studying—adult learners—including 18, 19 and 20-year-olds who are care experienced and can come within our remit. However, their needs are different from those of children and where they are in life is different, and both points of view need to be represented.

The comment that we made about space is about having space that is child friendly. We spoke with our young advisers in 2021 and we spoke to them again over the summer. We were lucky enough to get some of them together, despite the summer holidays, to respond to the call for views. Those were two different groups because, obviously, children move on and most of the young advisers we had in 2021 are now over 18, so we have a new group this year. Both groups spoke about the importance of having a place that was designed for children, that was about children’s views and hearing children’s views. Putting a child into an adult committee does not empower that child, and it does not empower children, however representative that child is, because children are almost conditioned in school to listen to the adults.

We need a space where children are able to express their views freely, and that takes

resource. That is the other thing that is missing—there needs to be resource within these organisations to provide a child-friendly space. There are good examples, including the Audit Commission, which is one that we always talk about, the Care Inspectorate—although its group is slightly older—and the young inclusion ambassadors. There are really good examples of work that is being done to take children’s views and feed them into education.

**The Convener:** Again, we will be digging into the detail and specifics around those things. Do you have anything else to add?

**Megan Farr:** I will just mention His Majesty’s Inspectorate of Education—that is the flipside, actually. We recognise that a lot of good work is being done around HMIE and it would be a shame to see that work delayed because of some of the other issues with the bill.

**The Convener:** Great. As I said, we will pick up on a lot of those things as we go forward. Garvin—over to you now.

**Garvin Sealy (Intercultural Youth Scotland):** Thank you. I share the view of my colleagues. On a fundamental level, education is about training your brain to learn. I think that if the primary focus of many things is about public confidence versus the benefit to the actual learners, challenges can arise.

Scotland has taken the bold step to absorb the UNCRC into legislation, and the learner charter is a brilliant opportunity to demonstrate one way in which it could be realised and make a difference to young people and children. It could engage children in the decision-making process and demonstrate what good governance looks like.

For teachers, parents and adults who have the best interests of young people at heart, it is important to make sure that the people who are supposed to benefit are actually included. In general, when policy making occurs, it is important that it does not have an “about us, without us” focus. If it is about someone, they should be involved in the discussion, and specifically if they are to benefit.

Respondent organisations—including my colleagues here—have gathered and taken the time to provide evidence that is relevant and succinct. It is important to realise the wisdom and experience that that evidence has brought you. However, from my experience of representing black and minoritised young people across Scotland and of talking with teachers and engaging with children on a regular basis, there is not often a sense of why they are in school and what they are there for.

The learner charter could benefit from co-ordinated efforts to engage with young people and children and work better with local authorities and organisations such as those present today, to make sure that it includes them specifically and not by implication. That would allow their voice to be an immediate port of call, and not at the behest of qualifications Scotland, if and when there are concerns.

**The Convener:** Super. Thanks for that. As I said, we will dig into and go into more detail on some of the things that you have talked about at a high level as the questioning evolves over the morning. I will come to Pam Duncan-Glancy next.

**Pam Duncan-Glancy (Glasgow) (Lab):** Thank you, convener. Good morning to the panel members. There have been suggestions throughout the process for this bill that the culture of the SQA needs to be improved when the new body takes over, so can the panel members say what they believe was or is wrong with the culture in the SQA and what good corporate culture would look like instead?

09:15

**Gavin Yates:** The problem with any public service organisation is that there are the facts and there is emotion, which are both really important. For instance, a recent issue that the SQA had was that some of the exam results came out blank. It was a really challenging 90 minutes. To put it into perspective, it is only 90 minutes, but the problem is that the emotion for the children and their parents who had waited for 90 minutes and did know how much longer it would take damaged confidence. The SQA's problem has been that such events have damaged public confidence in the organisation, but its response has sometimes been to say, "Look, we've got this under control; everything's fine."

We have come to the point of having a bill because, in some ways, it is the old Sir Humphrey thing of saying that something must be done, and this is something. However, will it fundamentally change anything? It could do, if the learner charter, which is in the bill, is strong, if parents can be more involved and if the general public can have more confidence.

Crucially, that means that young people need to have confidence in the exam system and in the education system itself. That is a real issue. We recently did a survey with our members. We found that one in three young people could not get their choice of subjects that they wished to study at national 5, and one in five could not get their choices at higher. If you cannot even get the subjects that you want to study—although that is nothing to do with the SQA but is a wider problem

with the education system—it reflects on your examination organisation.

I have very good relationships with the senior leaders at the SQA. I genuinely think that they are fundamentally committed to doing the best job they can, but changing public attitudes is a difficult thing to do, as we all know.

**Megan Farr:** I agree with a lot of what Gavin Yates just said, particularly around public confidence and children and young people's confidence in the SQA.

In reflecting back on the work that colleagues did with the SQA during 2020 and 2021, which I was involved in to an extent, on the issues around the alternatives to exams, I think that a lot of confidence was damaged by how that was handled. It seems like, every year, there is something, and the response to it is a bit too slow—history being the example this year that you have heard about.

That distance between the SQA and children and young people has been a recurring theme right the way through. Our young advisers still felt that way when we spoke to them this year. They felt like there is almost no way that they can feed back to the SQA. They are keen to do it—they want to say what their experiences are, some which are not great. There are young people who have special accommodations who end up having to sit two exams on the same day, which means that they sit for eight hours without a break. If they have an extra hour on a three-hour exam, that ends up being the case, or they might have 15 minutes between exams, or start very early or finish very late. The loads of children who already need special accommodations are then being doubled down on. They feel that there is just no way for them to feed that back. They might tell the school, but they do not feel that the school has a lot of influence. That came through on some of the previous panels.

The situation has improved. In 2020, it felt very much—even to us, let alone to the young people—that the SQA did not really see children and young people as stakeholders. The SQA talked about "the system" and it communicated with the system. It spoke to schools, but it did not speak to children and young people. That has improved—there has been more engagement directly with children and young people.

The SQA has tried some structures. I think that it has fallen into the trap of trying to add children into adult structures, which we touched on in our evidence. However, there has been an attempt, so I think that there is a willingness in the SQA to change. Whether the bill will do it, we very much have our doubts. We do not feel that what is being proposed at the moment, and the lack of

guaranteed influence for children and young people, is in line with the UNCRC.

**The Convener:** Those examples are helpful.

**Garvin Sealy:** It is important from a public standpoint to think about whether this is just a large rebranding exercise. We can think about Facebook going to Meta or Twitter going to X—everyone still calls it by the old name and it is still understood as the old thing. If it is the case that the same people are in the room making the same decisions but it has a different name and maybe a slightly longer policy, it is quite easy to see how the public will feel disengaged or further disenfranchised. That then goes on to young people.

If and when decisions are made, it is important that they are based on evidence and reason rather than historicity and saying, “We have always done it this way.” With that in mind, if and when there are consultations, the message that your opinion matters as a child, teacher, headteacher or parent needs to be there at the start so that we can create the good culture that we want.

What does that good culture look like? First and foremost, it needs transparency. If and when there are questions, legitimate answers should be presented. If and when mistakes happen, they should be dealt with responsibly. It starts from that point, so that individuals realise that, if and when they attain a qualification, it means something, not just to themselves but—hopefully—to future education and employers and to the wider world.

**Pam Duncan-Glancy:** Do the witnesses think that what is proposed is enough to stop something like 2020 happening again?

**Megan Farr:** I hope that 2020 is something that we do not see again, in lots of ways, not just because of the effect on exams. I do not think that what is proposed is enough, because not enough attention is being paid to children and young people’s rights. It is about having them at the table, listening to their views and having them influence decision making. It is also about seeing them as rights holders, seeing education as fulfilling article 29 of the UNCRC, as well as article 28, and moving away from a concentration on exams as the final output of an education system.

Most children in Scotland still do not go to university, but the vast majority stay on beyond secondary year 4; approximately 14 per cent leave at the end of S4 or before. In total, not quite 40 per cent go to university, so the 60 per cent of young people who do not are doing what are in effect university entrance qualifications in S5 and S6.

Not enough is being done about things such as the proposed Scottish diploma of achievement, which was a really good proposal by Professor

Hayward. None of this will address that problem with having a senior phase that is compatible with curriculum for excellence, which is, generally speaking, a good rights-based approach that meets the needs of all children and young people in Scotland, so that everyone has the same right to education whether they go to university or not. As I say, the majority do not, and we need to recognise that S5 and S6 are also for them.

**Gavin Yates:** Obviously, the committee is looking at this bill, but it is important to look at things in the round, because it is the state of education as a whole that creates confidence in examinations. If the children cannot study the subjects that they wish to study, that causes issues with confidence.

My colleague Megan Farr made some comment moments ago about provision for children with additional support needs to take examinations, and nothing in the bill will change that, but it is fundamentally important. If we want to avoid some of the issues of 2020, we have to get our e-learning to a much higher level than we have at the moment. There was a lot in Hayward that would have driven some reform in that area, which would have been great for children and young people and it would have improved public confidence. Unfortunately, it does not look as though that will make rapid progress in the next 18 months.

**Garvin Sealy:** I share the view of my colleagues and, building on that, when we are thinking about e-learning, making sure that students have both literacy and access to the internet is really important. Particularly when Covid came around, it was clear that there was an expectation of access, but the infrastructure was not there on the learner side and on the educator side. Making sure that there is a wider framework in which people can be educated is also important, and that includes special and additional needs.

**John Mason (Glasgow Shettleston) (Ind):** I will start with Ms Farr, and then I have another question for everybody.

You have said that you are dissatisfied with the current system and how much children are involved, and so on, but you also said that there has been some improvement. Could you explain a bit more about your role in that? Have you been challenging schools and the SQA?

**Megan Farr:** During 2020, my colleagues on the advice and investigation team did a lot of work with the SQA on how it might change its approach and how it might communicate better with children and young people. We continue to engage with the SQA regularly, and the commissioner meets the chief executive of the SQA fairly regularly.

We also supported our young advisers—



**John Mason:** Can you give us a little flavour of that? You used the word “engage”, which can mean quite a lot of things. Do you just sit down and have a friendly chat, or do you really challenge the SQA quite hard? How does it work?

**Megan Farr:** The fact that it was our advice and investigation team and not me means that I think that it was quite challenging for the SQA at times. You will be aware that we also did some media communication; the intention of that was to influence the SQA to hear what we were saying.

We also provided the predecessor to this committee and the Covid-19 Committee with evidence on the impact of what was happening. That was an opportunity for us to play our role in supporting MSPs as human rights guarantors to challenge public authorities.

I noted in the Scottish parliamentary information centre’s briefing that there was a mention of our investigative powers. We did not use those on this occasion, and there are a few reasons for that. First, we use them sparsely and fairly strategically. Secondly, we do not use them when something else is happening that will have the same aim. In this case, the issue of the SQA exams in 2020 was already before the Education and Skills Committee—as it was then—and was already being discussed in Parliament. Our involvement was to provide the rights framework to help the committee in its scrutiny of the SQA on those exams.

We also supported children and young people to speak about how the issue affected them. We were informally involved with a couple of groups of young people who were working in the education system to express their views and we spoke to them about how they might do that and how they might use the rights framework to inform that. We also supported some of our own young advisers to appear in Parliament in 2021 to discuss the impact of the pandemic generally and its impact on exams.

We did a wide range of things, short of using our investigation powers, and we did so to help encourage public scrutiny and scrutiny by Parliament of what happened in 2020 and 2021.

**John Mason:** If the bill goes through as it is at the moment—obviously, it could be amended—will that change your relationship with qualifications Scotland?

**Megan Farr:** Our relationship will continue to be one in which we are a critical friend—as I hope it is with most public bodies. We will challenge the new body on issues when children’s rights are not being respected. However, I hope that we can do so in a way that is challenging but supportive. That is one of the other reasons why we use our formal powers—

**John Mason:** Are you happy enough with the powers that you have and not looking for more powers in relation to this? Would you just like to continue what you have been doing?

**Megan Farr:** We are not seeking any additional powers from the bill. We are not an inspectorate. We do not have a role in formally checking up on public authorities regularly. We are a very small office, so we try to use the staff whom we have as efficiently as possible across the range of our functions. We are not looking for additional powers from the bill in relation to the SQA, HMIE or any other body.

**John Mason:** That is great. My second question is on stakeholder groups. There are quite a lot of different groups. There are interest committees, which colleagues will go into in more detail, as well as advisory bodies. However, if we take the wider term, which is stakeholder groups, can you say anything about your experience of that?

Megan Farr mentioned young people being involved in the education system, but perhaps the other two witnesses could tell us how that has been working until now. Do you think that young people’s voices have been heard? You suggested that parents’ voices have not been heard very much. Is the stakeholder group model, or the advisory group model, good?

**Gavin Yates:** It can be and it cannot be; it depends on the power that the group has. I will be perfectly frank with the committee. Recently, I was working with the Scottish Government, and it was looking to Connect to play a role in supporting those stakeholder groups. There were 16 groups; I think that there should be fewer groups but the remaining ones should actually listen to the people who are on them. Although our relationship with the Scottish Government is positive and very good, we sometimes get caught in a policy cul-de-sac. I would just like to see a little bit less conversation and a little bit more action, please—as somebody once said.

**The Convener:** As long you do not want me breaking into song this week.

09:30

**Garvin Sealy:** It is important to realise that the people who are identified as stakeholders might not have as broad and as deep a catchment as those who feel that something is important to them. With that in mind, it is up to individuals and groups to say, “This is important to us,” or “We think we have a voice here”—and not the other way round. If and when there are concerns, they can be raised, and it is not just a matter of who is in the room. Are they listened to, and is there the power to change? Many people who take the time to speak about things do not just want to be heard;

they want change to happen. If and when there is a challenge, that is fine.

If it is clearly identified now that there are issues and there is no need to rush ahead and say, “Let’s move ahead,” in tackling the problems that we currently have, how can we use that as an opportunity to modify what is here so that we can have a better Scotland today and tomorrow?

**John Mason:** That suggests to me that this is a lot about ethos and attitudes, rather than what is written down in the bill. Would that be fair?

**Garvin Sealy:** Not necessarily. If what is on paper and in policy does not reflect practice, and if it does not direct, the disconnect will be an issue. One of the challenges with many children and young people is that they will easily spot hypocrisy. If they see a bill that does not include them but is somehow about them and is directing their futures and the future of the country—if they do not feel that they or their parents have any input—there will be a loss of confidence, and there will never be the productive culture that we all say we want.

**John Mason:** Ms Farr, you have given us a lot of information and you have referred to some of the articles of the United Nations Convention on the Rights of the Child. You have spoken about how you want children and young people to “participate”—using that word. I looked at article 12 of the convention, and it refers to young people expressing their views, those views “being given due weight” and their “opportunity to be heard”. It does not actually use the word “participate”. How do we get balance there?

**Megan Farr:** The UN Committee on the Rights of the Child issues what are called general comments. If we think about the convention as the law, or the equivalent of an act of Parliament, then the general comments are the guidance. They have the status of statutory guidance and, under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, they are interpretive documents, so courts can use them to help them understand the text of the UNCRC. The Committee on the Rights of the Child’s general comment 12 is the only one where the numbers match: article 12 of the convention and the committee’s general comment 12 cover the same thing. The committee made it clear that the reference is to a right “to participate” and children having their “views heard” and “given due weight”—that is, a right to participate in decision making. That does not mean that the child makes the decision; it is about participating in decision making.

Professor Laura Lundy, who is an expert in the UNCRC and in children’s right to participate in particular, has a simple model that is nice and

easy to remember. First, it is that, in order to have effective participation, there needs to be a space that is child friendly and that is not dominated by adults.

Secondly, children need the opportunity to give their voice, and that means helping and supporting them to communicate. In the case of a child who is involved in something formal, that means giving them some support and building their capacity to represent other children’s views. A trade union will have a representative on a group, and that person will be given training, capacity and some time to talk about what their members might want to express. We need to do the same for children: we cannot just put a child into a structure.

Thirdly, there is the question of the audience and this part of Professor Lundy’s model concerns who is listening to the children. Are the people who are making the decisions listening to children, or is it a participation worker, who does not have the ability to feed into formal structures? Even when children are not in the formal structure, there is a way in which their views can be fed into it, and that allows them to participate.

**John Mason:** Your evidence said that young people are often more comfortable in a group of young people than they are in a mixed group.

**Megan Farr:** Absolutely. That is where the fourth aspect of Professor Lundy’s model comes in—influence.

I spoke to some of the young people who were in some of the formal structures around the Scottish Government and education bodies during the pandemic. I will not identify them—if they want to identify themselves, I am sure that they will. Although the young people were in the room, they felt that they did not have a lot of influence. The room was dominated by the professionals and the civil servants, while they were one young person. Influence is almost the most important thing.

**John Mason:** I am sorry to keep on interrupting you, but is “influence” a word that we could put in legislation? That would be quite difficult, would it not?

**Megan Farr:** No—it is about putting in the structures. What needs to be in legislation is the structures that will—I am searching for the right word here—enable that influence to actually occur. It is about ensuring, for example, that the learner interest committee potentially has a majority of children and young people, or certainly a majority of learners, taking into account representation from adult learners, too.

**John Mason:** Okay. Some of my colleagues may come back on that, but that is fine.

**The Convener:** There is definitely a lot of overlap going on there, John. I have a few committee members who are—

**Megan Farr:** If I may, convener, the question of influence is important.

**The Convener:** It is coming up later on, Ms Farr.

**Megan Farr:** Oh, excellent. Thank you.

**The Convener:** As I was saying, there has been a bit of overlap—I am getting a bit of pressure from other members here. I wonder whether Garvin and Gavin might want to comment on how an organisation might demonstrate how parents' views and children's views are given due weight.

**Gavin Yates:** I will keep it brief, convener. To be honest, there are a lot of strong and well-resourced voices in the education space, such as teachers' trade unions, ADES and COSLA. It is very difficult for a young person or a group of young people, or a small parents' organisation, to try to get their voice heard—it is an asymmetric relationship. If we can do anything with legislation, let us try to ensure that there is a balance in that respect and an opportunity for those less-heard voices to be heard.

**Garvin Sealy:** It is often the case that those with less access to the microphone are the most misrepresented, underutilised and oppressed. It is very easy, in legislation, to make sure that individuals have the opportunity to speak. Any time that you are speaking and are listened to, that is what participation is. It seems that there is a straightforward opportunity here to make things a bit more balanced, so that the benefit to the students, and the clear understanding that the whole exercise is happening for their benefit, is there.

**Bill Kidd (Glasgow Anniesland) (SNP):** I thank the witnesses very much for the breadth of evidence that they have given us already. I will ask a relatively simple question—although the end result may not be simple.

Why is it important that the bill should refer to “children”, rather than “learners”? We know that there are people other than children who learn over the course of their lives. Why should children specifically be targeted?

**Megan Farr:** I think that I am het for that one. As the committee will know, the Scottish Parliament has now incorporated the UNCRC into Scots law. That gives children extra rights and it recognises their particular needs. Children are the largest group of those who undertake SQA qualifications—I found it quite hard to find that statistic, which is interesting—and they will also, inevitably, be the group that is most affected by the issues that come up in terms of sitting national

qualifications. In our view, children are probably the most important stakeholders—there would be no point in the SQA setting exams if there were no children taking them—and their needs and rights need to be taken into account.

As I said earlier, that is absolutely not a failure to recognise that adult learners have important experiences to share. They are often sitting SQA qualifications because they have previously had a bad experience with education, for example, and did not get the qualifications in school that they might have done. Those qualifications can be important for them.

The CYPCS has a statutory obligation to consider the needs of children and care-experienced young people up to the age of 21, so those are our priorities. Children do not necessarily have to be included at the expense of adult learners or of parents, but they need to be included in the processes in a way that encourages them to participate actively rather than in ways that are tokenistic—we used that word in our written response. For example, if an S4 child was parachuted in to sit next to me here to give their views without any support behind them, that would be a tokenistic model. There is a real risk of that happening.

Another important aspect is the diversity of children's experiences and views. When you hear from just one child, they may come from a certain background or may have had certain experiences. They may be very good at representing the experience of others, but they have not experienced that themselves. It is important that there is support to get a diverse range of children's views.

Adult learners also absolutely have a place, but there could be no children at all on the learner interest committee because the bill as currently framed refers to “learners” rather than to “children” and “adult students” or “adult learners” or some other term for adults who are studying SQA courses. There is a risk of falling back into that default that works quite well, which is to have a committee of adults sitting around a table with either one young person or an adult learner.

The learner interest committee is also structured in such a way that, although there cannot be a majority, the biggest group on that committee could be SQA staff.

**Bill Kidd:** Thank you. I can see that Gavin wants to say something.

**Gavin Yates:** I speak from the perspective of parents and carers, who would say that we are the champions of our children and are there to advocate for them and to look after them. We would not be doing that with an adult learner, unless that learner had a learning disability. Many

parents and carers act as champions for their adult children at times, but, in the main, parents and carers focus on school-age children.

**Bill Kidd:** Garvin, do you want to say something?

**Garvin Sealy:** It goes back to the idea of, “nothing about us without us”. If children are not mentioned, whether because of active or passive omission, that creates the opportunity for loopholes to appear and for their needs and concerns to be ignored.

**Bill Kidd:** There is a bit of, “Do as I say; don’t do as I do.” Thank you all very much.

**Ross Greer (West Scotland) (Green):** There has already been quite a bit of discussion about the influence that young people can or cannot have on the structure, so I do not want to cover too much of that ground. I am interested in any suggestions that you might have for specific amendments that could be made to the bill.

Megan Farr, you have already mentioned the difference between someone representing the interests of learners or young people and actually having a requirement for there to be either a learner or, better yet, a young person rather than an adult, on the committee. Would you suggest any other specific amendments to the bill to strengthen the ability for young people in particular to participate and have an influence? I would also like to hear any thoughts that you have about adult learners and, in your case Gavin Yates, about parents and carers.

**Gavin Yates:** Either the learner charter or the learner interest committee should be expanded to include parents and representatives who, as I said, are the champions of their children, or there should be a parents charter. More generally, we probably need a parents charter for education in Scotland, but that is not really in the scope of the bill. That would be the simple thing.

We must ensure that parents have a voice because, day-to-day, they liaise with schools and local education authorities and try to advocate as best they can for their kids.

**Garvin Sealy:** Section 10 of the bill says that

“Qualifications Scotland must consult such persons as it considers appropriate.”

It is very clear that there is a power imbalance because that says, “Here is a power imbalance; here is what we are going to do,” rather than, “What would you like?” or “What place do you hold?” The idea of specifically mentioning groups is important so that it is easier to maintain a balance and so that individuals do not again feel disenfranchised or unable to interact. It is not really up to the qualifications Scotland folks to

decide who they think is important to talk to. It should be the case that the public say, “I have something to say,” so that we can listen, have a discussion and move things forward.

**Ross Greer:** That is a useful point. Understandably, we are paying a lot of attention to who will be on the committee, but any representative structure such as that will have, at best, a handful of people from each group and probably just one young person or learner. That is a point about wider participation and engagement.

**Megan Farr:** I very much hope that it will be more than one young person, because those committees can be very lonely places. Even for an adult, it can be quite a lonely experience to be among the acronyms that Gavin Yates mentioned earlier.

On specific amendments, we have covered the issue of consulting children and young people.

In terms of HMIE, it would be possible for it to retain independence and to have some sort of legislative requirement to involve children and young people. We maintain our independence while having such a requirement.

The bill mentions Gaelic, but there is no equivalent provision for British Sign Language. I suggest a change to recognise BSL as a language in which children also learn.

09:45

There is another change that could potentially be made to the bill. We are not entirely clear from the policy memorandum or the wording of the bill—which seem to be slightly inconsistent—what the definition of “educational establishment” is and whether it is changing. That is important in ensuring that all children and young people are covered. It needs to be clear what the Scottish Government means.

I will be slightly naughty and talk about an amendment that is not on the interest committees. There is an inspection gap around child protection and safeguarding in schools, and a question whether HMIE would cover that.

**The Convener:** We will come to that as well.

**Megan Farr:** Okay, I will hold my fire.

**Ross Greer:** Megan Farr made a point a moment ago—Gavin Yates or Garvin Sealy mentioned it, too, I think—about the fact that qualifications Scotland staff cannot make up a majority on a committee, although they could make up 49 per cent of it. Would you suggest amending the bill to have a lower cap on the proportion of the committee who can be staff of qualifications Scotland?

**Megan Farr:** I will comment only on the learner committee, because that is where our locus is. Some good things were said to this committee by teaching unions previously regarding their views. I think it would be possible for qualifications Scotland staff to get the representation that they need on that group at the same time as ensuring that children and young people can at least be a significant part of it—if not a majority. Preferably, they would be the majority.

I note the potential for such a large proportion of committee members to be, in effect, from inside the system, especially if the individuals on it are there in their role as staff—I realise that you will hear from the SQA staff unions later. Given the structure of how such groups work, when a large number of people are from the organisation its needs start to come first. I would therefore prefer that the number of qualifications Scotland staff be reduced.

**Ross Greer:** Thank you very much. Unless anybody has anything to add, that is all from me.

**Gavin Yates:** I will just add one thing. I was previously talking about asymmetric organisations. I know that this is a massive segue, but on integration joint boards there are eight non-executive directors and eight councillors. Do you think that the councillors will all agree with each other? Of course they will not. We therefore end up with processes where policy is enacted and moved through, sometimes with scant debate. This area is too important, however. Let us not set up a structure to fail in the first place, and let us ensure that all the players who are part of the committee actually have to engage with the issues in order to come to some consensus.

**Willie Rennie (North East Fife) (LD):** This is a devil's advocate's question. Is all this not getting a bit too much? Every representative before us today is arguing for having more than one space on all the different committees. We will end up with a massive organisation that is completely unwieldy, will we not? Megan Farr's solution of having what is almost a separate structure for children in order to ensure that they are listened to in a different forum might be the way of doing it. To lead an organisation with everybody having the absolute representation that they think they deserve is surely a bit too much.

**Gavin Yates:** That is an argument. You could say that 129 MSPs is quite a lot, is it not?

**Willie Rennie:** I would agree.

**Gavin Yates:** Some people would like there to be a lot more.

You make an apposite point, Willie. The last thing we want for children is stasis. Children have waited long enough. Every time there is another

review—with the Hayward review being stuck in the bottom drawer for 16 months, for instance—children pay the price for that. Let us remember that. We are only at school for a very short period of time, so the last thing we want is organisational stasis.

Whether people get heard or not is much more about ethos and leadership; it is not a money and numbers game. The problem for you guys is that it is really difficult to legislate for ethos and leadership—but that is probably what we need.

**Megan Farr:** To follow up on the point about putting children into adult structures, I note that that is almost part of the problem, in that we are kind of trying to put groups into adult structures, rather than thinking about structures from the bottom up. I apologise, but I forget who talked about that in the previous evidence session. The question is how we feed groups into the structures.

As Gavin Yates said, that is about the ethos of the people who are making the decisions, but it is also about making the decisions on the basis of all the information and of having done a child's rights impact assessment, an equality impact assessment and all of that.

The learner interest committee is a really good change, in that it acknowledges learners as being probably the most important stakeholders for the SQA, but it is trying to put children into an adult structure. That definitely could be developed further, which might make the process slightly less top heavy. It is quite a big process already.

I remember being quite shocked by how many staff the SQA has. It is a really big organisation—I think that it is 80 times as big as ours. There is already a lot of noise in there, and there are good cases to make, but I remind the committee that children and young people are predominantly the ones who sit the exams and that, without them, the exams would not be happening. I make a plea that rationalisation cannot happen at the expense of children and young people's participation.

**George Adam (Paisley) (SNP):** To follow on from Willie Rennie's question, I note that we had the teaching unions in last week, and they have a simple solution, which is to take every one of you out of the equation and just put them in there, because they have all the answers. They know what learners want and how the system works, and they think that they are the ones who can do it all. They think that that would simplify the whole process, rather than have this 1940s MGM musical chorus line kind of a committee. What are your thoughts on that?

**Gavin Yates:** Again, it comes back to the idea of asymmetric relationships. I represent an organisation with about nine staff and an annual

turnover of less than a million quid—I do not think that we could pay the Educational Institute for Scotland’s lunch money, to be honest.

However, the thing is that I represent a lot of parents. For every child learner there are about one and a half parents. Parents are a massive constituency. They will decide who wins the next election—be very aware of that—and they deserve to be heard. They are the ones who have to advocate for their children to make sure that they are heard.

Unfortunately, at the moment, for a lot of children the system is not working as well as we want. Every day, I get phone calls from parents across Scotland saying, for example, “My child didn’t have a class teacher this morning and is now in a class of 90 in the dinner hall filling out worksheets.” That is not education or teaching and learning—it is childminding and it is unacceptable. Last week, I had a horrific phone call from a parent whose child had sat in the dinner hall in school for six months and did not go to class, because they were not getting the ASN support that they needed. If we do not believe that parents deserve a voice when they are the champions of their children, then we are, frankly, getting it horrifically wrong.

I say to my colleagues in the EIS—other teaching unions are available—that we want to work in partnership with teachers. We see the value of teachers: education does not work without great teaching and great leadership. We are their supporters, and they should see us—please—as valuable allies.

**Garvin Sealy:** I will build on that answer. We are here to work together. The question builds on what Willie Rennie said. The devil does not need an advocate, and I do not think that we should ever be concerned about whether it is too complicated to do the right thing. The truth is that it is not, because the right thing is important enough to be worth taking time and putting in the effort to get it right.

When I was in a high school yesterday visiting students and teachers, I asked, as someone who predominantly grew up in the US, “What is the point of education here? Why are you teaching these kids? Is the goal to pass the tests or to educate?” The resounding answer from the majority of people whom I interacted with was that it is to pass tests. It is important to discuss the understanding of what is happening and the purpose of it so that students do not feel like a pawn in someone’s larger system, but instead know that they are there for their benefit and not for the accolades for a school, for glory for their parents or anything like that. Working in partnership is certainly possible so that we can make a better future for our young people.

**Megan Farr:** My shortest answer would be that children have a right to participate in decisions. We have passed a law that says that—twice now, but finally last year.

The slightly longer version is that children and young people have their experience of the exams as they happen, and their experience of exams is different from the experience of their teachers. Although they might share that with their teachers, there is a level of filtering in that communication. They have the right to directly tell qualifications Scotland and their schools how they experience their exams and to feed that in, and they have the right to be listened to and for that to be given due weight.

Children and young people are also one of the great sources of innovation: they are ready for the world as it is now. They are aware of what is going on in the world and they will come up with fantastic ideas about how to make education in Scotland more ready for the 21st century. They have a lot to contribute, and they say some really great things that adults do not always think about. They are thoughtful and creative, and we have empowered them. The children who sat national 5 exams this year will be voting in 2026—they, too, are your constituents. They have a lot to contribute, which is the really important reason for them to be part of this.

Children and young people have a different perspective from teachers. They do not carry the baggage of how it has been for the 10, 15 or 30 years since we sat our exams. They know what it is like to sit the exams now, as a student, rather than to supervise or teach to the exams as a teacher. It is a different and really important perspective. That is not to say that education staff—I say that because this includes college lecturers—who deliver SQA exams are not also really important. They also have an important part to play, and the benefit of the way that the learner committee and the practitioner committee have been set up is that it demonstrates the need for that balance.

**George Adam:** Speaking as a parent, and a grandparent now, one of the most important aspects is that you want the best for your children and grandchildren. I might have overegged my initial question a bit, but I was quite struck by the fact that education professionals came in and said:

“teacher voice will ... be cognisant of the interests of learners”.—[*Official Report, Education, Children and Young People Committee*, 25 September 2024; c 35.]

That was the actual quotation. I am more on your side with this. If we take out the political element that Gavin Yates brought up—although, for us, it is important—at the end of the day, parents just want what is best for their children, and children want to be valued and engaged in the process.

Given the massive number of stakeholders, how do we get the process to be constructive and make everybody feel that they are getting something out of it?

**Gavin Yates:** We need to remember that not all teachers are the same and that not all teachers will necessarily believe everything about pedagogy that the union believes. There are differences of opinion. A lot of teachers are also parents, so they are wearing multiple hats. As part of my role, I recently spoke to a teacher who was very disappointed with the qualifications system. He is an English teacher, and he is teaching “The Crucible”, which is one of the greatest works of American literature—it is a beautiful piece of writing. He is teaching his students how to pass their higher exam: they have to go through a convoluted process of writing essays that are written not in normal narrative prose but in a series of sub-stanzas that can be easily marked in order that students can get their higher qualification. What has our education system become, when an educationist who loves brilliant literature is saying that the system sucks the fun out of it? That is how he put it.

Educationists, in terms of trade unions or others, will have a view, and they are entitled to that view. That is great—but many individual teachers might have different views about the future that they want for an exam system.

**Garvin Sealy:** What Gavin Yates said is completely correct. The challenge that many teachers face is that they are concerned about their job security and the ability to further their career, if they voice their opinions. Therefore, it might be the case, depending on the structures in their institutions, that they are not that free to advocate on behalf of students.

10:00

**Liam Kerr (North East Scotland) (Con):** I have a brief question arising from one that Willie Rennie posed earlier. He made an interesting point about the number of people or groups that might end up on committees. That begs a question that I will throw first to Megan Farr and then move along. Is there a solution in which the bill could be amended to create a duty to set up processes so that particular groups will be heard, rather than incorporating those groups in various committees?

**Megan Farr:** The solution for the bill is probably a mix of both. We have legislation that talks about children’s views and about ways of putting together structures that suit children. Part 1 of the Children (Scotland) Act 2020 is a really good example of legislating not only for children’s views to be heard but for those to be heard in the way that the child prefers.

That is possible, but it needs a bit of thought, from us as well as from others, especially about amendments that would change the status of the learner committee. There is scope to have a policy framework that leaves some of that to be done in the setting up, but if we are to support the bill we need a commitment from Government that there will be resources to have broader participation structures—in particular, in the successor to SQA but also in the successor to HMIE and the replacement for Education Scotland.

There is a need for legislation to ensure that children and young people are included in the formal structures, because they might not be, otherwise.

**Gavin Yates:** The political dynamic is more important. In my opinion, we do not want a situation in which there is a dominant or prevailing voice that can just bulldoze everything through. Dissident voices must be heard.

You guys are fantastic at structures. You work with civil servants to invent structures and processes, which is a good thing. If there is a role for teachers on any committee, I would also like to see a role for parents, because we sometimes need to ensure that we have balance and a bit of equity.

**Liam Kerr:** Forgive me, Garvin Sealy; I will come to you with that question.

Gavin Yates, the bill does not specifically mention having parents on the learner committee. Can I presume that you would like that to be explicitly amended?

**Gavin Yates:** There is a minor mention, but I would like that to be absolutely clear in the bill—not only for this iteration but for the future, in order to ensure that parents and carers will always be listened to. That does not have to happen via my organisation—that does not bother me in the slightest. There are other ways to do it. A week ago, I set up the Scottish assembly of parents and carers, which is a lived-experience panel. By last night, we had 250 applicants and will work with at least 100 of them, with membership coming from everywhere from Shetland to Stranraer and beyond. We are trying to get lots of parent voices and we want to synthesise them as much as possible.

The structure is less important than the political dynamic. I am not talking about party politics, but the political dynamic must be balanced.

**Garvin Sealy:** With that in mind, where do the spirit and letter of the law deviate? If you do not legislate specifically when you have the opportunity to do so, that creates the potential for loopholes. If we understand that parents and children are important, why would we not want to

include them? It seems like an easy and straightforward opportunity to make a brilliant and positive change.

**Liam Kerr:** Megan Farr, do you want to come back in?

**Megan Farr:** I will be brief. We have no problem with parents also being involved, because they are important champions of their children's rights. Our calls are not incompatible; they are complementary.

**The Convener:** We will move on to a different angle with questions from Willie Rennie.

**Willie Rennie:** I have three questions about inspections. First, last week, the unions expressed a desire to change the way inspections work, so that they are as much about improvement as they are about crude inspection. Do you have a view on that?

**Gavin Yates:** As I said earlier, from a parent's point of view, the point of inspections is about public confidence and determining whether a school is doing everything that it should be doing to ensure that there is good learning and teaching going on, that the rights of children are being respected and also that the rights of parents are being respected, because, under the Scottish Schools (Parental Involvement) Act 2006, they have a right to be involved in that school.

That is the most important point of inspections. A secondary point is about continual improvement. There is no point in just coming into a school and saying this, that or the other. Some of that is important, but I think that most parents want to see that any issues in a school are not only identified but addressed—that is the crucial thing about inspections.

As part of that, the inspection needs to involve a much more whole-school approach, so it examines not only what is going on in the classroom or in the corridors but what is happening in the community as well. Parents are a key part of that, because we know that children do better where parents are involved. At the moment, inspectors do a really decent job, but their involvement with parents is scant. However, if you want to get into the nitty-gritty of what is actually going on at a school, you should speak to the mums and dads, because they know.

At the moment, the inspectorate is doing a thematic inspection of all local authorities in Scotland. We welcome that; it is good. As part of that, it will look at aspects of parental involvement, which is fantastic. My suggestion was that the inspectors should speak to the parent council chairs, because they are a wonderful and important group of volunteers. However, I think that the parent council chairs might get an hour

with a lay inspector. There is nothing wrong with lay inspectors—they are fantastic people—but we need a deeper involvement.

More than that, there needs to be a way for parents who have concerns about their school to contact the inspectorate directly. I do not mean that there should be a sudden whistle-blowing tour that comes in and rips a school to pieces but, if there is a pattern of concern about an education establishment, surely the inspectorate would want to be cognisant of that, and that should inform its inspection routine.

**Megan Farr:** In your meeting last week, Janie McManus, His Majesty's chief inspector of education for Scotland at Education Scotland, said a lot of reassuring things about the consideration of different models and methodologies and what would work best. I think that the short-notice, one-hit inspections have a significant impact on teaching staff and on the schools, and inevitably that will also have an impact on the child.

There is probably some benefit in moving away from that and into a more collaborative model that involves the whole school community. Gavin Yates makes a good point about parents in that regard, but it is also important to involve a diverse range of children who have different experiences of the school, particularly in secondary school. The pupil council will have a role, but a range of children should be involved, and not necessarily ones picked by the school.

There is potential to explore ways in which children can be involved not just as respondents to an inspection but as part of the inspection team. The Care Inspectorate has done work on that, with groups of slightly older children—but not a lot older—asking some of the questions and informing what the questions are, as well as answering them. There is a big opportunity there, and I got the impression that there is a real willingness in HMIE to explore that.

I touched on this next point earlier, convener, and I hope that this is the right time to bring it in. We have recently been made aware of a potential gap in relation to who inspects child protection and safeguarding in schools—there has been a petition to the Parliament about the issue, too. It may be that the position is not clear, and the bill presents an opportunity to make it absolutely clear. It is a really important function that we need to be sure is happening. The issue has been well rehearsed in the Citizen Participation and Public Petitions Committee and other places, but it is worth raising in this context.

**Willie Rennie:** You are right that there is a gap. I have heard from the General Teaching Council for Scotland and others who have expressed concerns that no one is looking at that issue as a



whole or checking processes from the local authority perspective. Obviously, the GTCS is not really qualified, as it regulates individual members. I agree that the bill could present an opportunity to address that gap.

**Garvin Sealy:** My thoughts about inspections are that everyone knows that an inspection is happening, so they perform well and look busy, putting the happy, positive people forward, as opposed to presenting an authentic version of what is happening that would enable people to see what could be done better.

Inspections should always be done for the benefit of the young people, and my colleagues are right that children and parents should have a role in them.

It is important not only to investigate best practice but to share it, so that schools that are stellar can pass on good practice to places that might not have the resources or legacies that others have.

If and when patterns of concern develop in an area, it is important to ensure that they are investigated and that individuals can speak openly and authentically about culture—teachers should not be afraid of repercussions that might occur because they have mentioned issues of concern. Processes should be anonymised, so that, if children raise concerns, they know that there will not be repercussions that will affect their grades and future standing.

**Willie Rennie:** You have all talked quite naturally about involvement. I was trying to tease out whether there is any tension with the desire of the trade unions to change the method of inspection, because what you want is an understanding that, if there is a problem, it is being dealt with. Is there a tension between you and the unions on that?

**Gavin Yates:** From a parent's perspective, the problem is that, as I have said, parents are not a homogeneous group. Some will like a much more robust approach that involves getting in there and getting things sorted, but I think that they are in the minority. From the surveys that we have conducted in the past, we have found that an accommodation can be made with the views of the trade unions in order to have inspections that are about continual improvement rather than just giving a mark and moving on.

What is absolutely clear, though, is that parents expect any inspection system to involve inspectors returning to the school time and again until any issues that were identified are fixed. I hope that our colleagues from teachers' trade unions would see that continual improvement methodology as sensible.

**Willie Rennie:** The final aspect of all of that is how things are communicated to parents. Not every parent will be actively engaged in the detail of every part of the school, so how are issues communicated in a way that is clear but also protects the institution from being overly criticised by people who do not have the necessary degree and depth of knowledge? How do we make sure that that balance is maintained?

**Gavin Yates:** We have conducted surveys on that in the past, and we know that there needs to be better communication between schools and parents and between local authorities and parents.

Whenever there is an inspection period, there needs to be early communication with parents so that they understand the purpose of the inspection, how it will be carried out and how they can properly get involved. I suggest that the approach needs to be a lot deeper than the current methodologies, which tend to involve people simply filling out a form with questions such as, "Do you agree strongly that this school is good?" I have seen shocking examples of parent surveys that are quite long and unwieldy to fill in but do not get down to the granular detail that we are really interested in, which involves issues such as where improvements could happen and where there is underperformance.

The concerns that parents have will be the same concerns that teachers have. We all want better schools and we all want better quality teaching and learning. We all want the same thing. However, to communicate with parents you have to do it in a multiplicity of ways—it cannot be done simply with a group call or an email. Headteachers need to take on a huge responsibility for ensuring a good level of involvement with their school community.

10:15

**Megan Farr:** I do not think that our position is incompatible with that of the teachers. We probably have a lot of common ground in terms of high-stakes inspections. We certainly would not want to see the sort of thing that has happened in England, where the inspection results in a single-word judgment and the school is put under a lot of stress. There is some stress associated with inspections in Scotland, but perhaps not to the same extent.

The point of inspection is to make sure that every child in Scotland is getting an education that meets the requirements of their right to education under the UNCRC, which involves the development of their personality, talents and mental and physical abilities to their fullest potential. That is what an inspection should be looking at, and the inspection system should be

aimed at determining whether the education system is working for all of the children in all of the schools—is the education that a child receives in a small secondary school in a rural or island community the same as the education that a child will have if they are growing up in the centre of Edinburgh or Glasgow, in terms of the choices that are available and so on? It should not be about whether one school is better than the other; it should be about how a school can improve so that it can better realise children's right to an education.

On communication, issues need to be communicated to the children as well as the parents. Potentially, that needs to be done by HMIE, not the school. That comes back to the issue that was raised earlier in relation to the SQA about everything being done via the school. It is probably worth considering the idea of HMIE coming to the school to communicate directly with children and tell them what the inspectors found at their school—the children could be told that their school is a good school and that they are all clearly very happy there, but that HMIE thought that this or that could be done better. Children have a right to that sort of communication, on their level. We would like that to happen as well.

I do not think that any of what we are suggesting is incompatible with some of the calls that teachers have made. I do not think that I have ever been involved in a bill process in which so many of the witnesses who give evidence to the committee agree with one another on almost everything. That is one of the interesting things about this bill, and it has been quite a surprise.

**Garvin Sealy:** That being said, I concur.

In general, ensuring that parents, teachers and learners are aware of the purpose of the inspection is important. Why is it happening? Have concerns been raised? Is this just a regular part of a rotation? What is being explored? Who will be consulted? How will the results be communicated transparently? Explaining all those things would benefit everyone. It should be an open, easy and hopefully not too challenging process for everyone involved.

One of the particular reasons why you want to communicate to children that something is happening is that they always sense disquiet—they can sense that teachers are a bit flummoxed. Therefore, it is important to ensure that they understand what is going on and that they have done nothing wrong—we all know that, if a child sees their parents fighting, for example, it is easy for them to start to believe that it is their fault and that they have done something wrong. It is important to say, "We are just making sure that we're getting the best education for you guys, so some people are coming into the school." Those

things can be communicated to different groups in as painless and professional a way as possible.

**Jackie Dunbar (Aberdeen Donside) (SNP):** As a former parent council member and local councillor, I know how things can be looked at differently when inspections happen, and that people can be so busy ticking boxes that they forget what the inspection is actually about.

I will move on to the issue of equalities. How well does the support that the national agencies give help the diversity of learners who have protected characteristics? Is enough support in place?

**Megan Farr:** I will not cover everything that we covered in the ASN inquiry. I think that all the issues are well recognised and that the committee's report picked up on the wide range of concerns that everyone has around those issues.

The question comes back to the statistic that I mentioned earlier. We need to recognise that the data about who stays at school is different from what it was 30 or 40 years ago. Now, children stay on beyond S4 almost routinely—only a really low percentage of children do not. Therefore, we need a senior phase that is not just geared towards preparing children for university. At the moment, we have qualifications that effectively funnel people that way, and we do not have the same support for different routes out of education into trades, apprenticeships and college courses, although the situation is improving. Some young people might choose to go out and work, and they might do that for a couple of years before going on to something else afterwards.

When I was at school 30 years ago, you finished school and went to university and the only people in the final year of school were those who were going to university—that is what everyone in that year did—but that is no longer the case. Now, people in S6 will be going on to all sorts of destinations, and we need an education system that recognises that. That will also go some way to recognising the needs of children with various protected characteristics—there is a particular issue around disabled children—who might need to take a different route into work or further education or might just need more time to do so.

We had a system that was supposed to allow more flexibility about which qualifications pupils took in a given year. However, we have slipped back into the rigidity of S4 being the year for doing nat 5s and S5 being the one for highers. Pupils in S6 sometimes end up doing some more random highers that they have not studied before. We therefore have a real problem with a senior phase that is still working on a system that reflects what school was like 40 years ago, and what pupils' destinations were then, when many of them left at

the end of S4. It is great that people are staying on at school, but the qualifications or pathways are not necessarily being given the same level of esteem in the education system for all those children. They absolutely have to be, because otherwise we will be failing to meet that really large group of children's right to an education.

**Gavin Yates:** The greatest concerns that parents have when they come to us through surveys, and, for example, the recent recruitment exercise for the Scottish Assembly of Parents and Carers, are ASN and additional support for learning. Those are the biggest aspects by far, and the ones that exercise parents greatly. That is why so many parents who have children with additional support needs join parent councils to try to improve things in their schools. They give their time to do that as volunteers. Sometimes, they feel that they are hitting a bit of a brick wall, because that fight goes on every day. That is a much wider issue than what is in the bill. Currently, we would say that it is probably the greatest issue that affects Scottish education.

**Garvin Sealy:** It is important to realise that everyone in this room has protected characteristics. The challenge occurs when individuals are discriminated against, which is when such factors can become additional obstacles in the educational journey. We must ensure that teachers have access to the support that they need. Whether it be from the standpoint of the Government and legislation, or that of a charity, we must ensure that they are aware that measures are in place so that, if and when incidents occur in the classroom—or even outside it, on school grounds—they have the resources to deal with them. If people do not have such resources, they need to know where they should go and what is available.

A lot of brilliant people in Scotland are trying both to educate children and to be involved in the whole infrastructure aspect. Much of that could benefit from individuals getting to know each other, different organisations working together, and everyone being clear about being able to say, "Hi, school. We're here to help you. What do you need?" For example, if I were to get a call from a primary school in Fife that was facing challenges, I could be there for it and ask, "What do you need?" The staff would know that everything was confidential and we were there to help, and we could say, "Let's put you on to all the other organisations that can help you." Such partnership working could help to eradicate those challenges.

However, it should also be made clear to pupils that they are in school to train their brains to learn, so that, by the time they get to something that they are really interested in, they can grasp it quickly. We are also here to ensure that we have great

global citizens. We are just a tiny island in the Atlantic that is not really as important as it used to be. With that in mind, people are travelling abroad and others are coming in. Pupils need to know what it is like to deal with the world and how to interact with others who might be different, possibly because they have different characteristics. We need to make it clear to children that, if we start from the standpoint of decency and authenticity, we can see individuals and not their characteristics first. That can make it easier for them to want to interact, and to realise that they are there to learn and everything else is secondary.

**The Convener:** Pam Duncan-Glancy has a supplementary on a specific point.

**Pam Duncan-Glancy:** I want to pick up on the point about the bill making provision for BSL and inclusive communication. Could it be strengthened in that sense?

**Megan Farr:** With the convener's permission, we will share our response with the committee in writing. I do not have the full detail here.

**The Convener:** Thank you. That is helpful.

Gavin, do you have any comments on that?

**Gavin Yates:** Our approach has always been to be as inclusive as possible. We mentioned Gaelic in our response; it was remiss of us not to mention BSL more specifically. If we could correct the record, we would do so.

**The Convener:** Well, you have now done that verbally. Thank you.

Gavin, do you want to add anything?

**Garvin Sealy:** I concur with my colleagues. There was no mention of BSL in the document, but here is a great opportunity to change that.

**The Convener:** That is super. I thank everyone on the panel for their evidence.

I suspend the meeting for 20 minutes to allow our present witnesses to leave and those on our second panel to come in.

10:25

*Meeting suspended.*

10:44

*On resuming—*

**The Convener:** I welcome our second set of witnesses. Ken McAra is an HM inspector of education and the convener of the FDA union's Education Scotland section. Sharon McGuigan is an SQA accreditation manager and a workplace representative from Unite the union. Pauline

Rodger is an SQA understanding standards project manager and a workplace representative—she is also from Unite. Thank you all for joining us.

As with our first panel of witnesses, we will go straight to questions from members. Willie Rennie will kick us off.

**Willie Rennie:** I want to get to the heart of the question about culture and the criticism that exists of the SQA's inability to listen, engage and participate. What is your view on that?

**Sharon McGuigan (Unite):** Do you want to start with us?

**Willie Rennie:** Yes—can do.

**Sharon McGuigan:** Our view of external-facing culture is that there is always room for improvement in how we work with teachers, lecturers, employers and a range of organisations. However, it is also true, and has to be recognised, that staff currently work extremely well and effectively with a wide range of partners and stakeholders when they are undertaking their day-to-day job.

At staff level, we carry out our jobs and roles effectively by having partnership working and a listening attitude in the work that we do, whether that is in the development of national qualifications or higher national qualifications or in the regulation and accreditation sphere. We have to work with a wide range of partners not just in Scotland but across the UK and internationally. The culture of how we work with stakeholders and partners day to day is pretty effective, and customer service surveys evidence that.

However, Unite believes strongly that the decision-making process has to be democratic and collaborative, and that is the sphere in which we could do much better. We have to ensure that those with whom we work feel that they are being worked with and are actually being worked with when it comes to decision making and that their views are—

**Willie Rennie:** It sounds as though you think that the criticism is unfair.

**Sharon McGuigan:** Criticism of staff would certainly be unfair. The staff who work in qualifications development, accreditation and regulation, operations and a range of other parts of the organisation work every day with—

**Willie Rennie:** Why is there such strong criticism? There must be something in it.

**Pauline Rodger (Unite):** I will add to that. We are here as representatives of staff at the SQA, and we are here to reflect their experience and views. A lot of the criticism has been levelled at the SQA as an institution on how it relates to other strategic institutions in the education system. We

listened to the evidence from the Association of Directors of Education in Scotland, School Leaders Scotland and the teaching unions, and it is for those organisations to speak to and give evidence on their experience of working with the SQA.

The day-to-day work that we do is at operational and practical level. Our experience of working with teachers is in, for example, qualifications development—both School Leaders Scotland and ADES attested to this—where we work with practising subject specialists who help us to shape those qualifications. In the setting of exams, we have principal assessors and deputy principal assessors. In the setting of assessments for internal assessment, we have principal verifiers. They are all practising teachers, and they work with other teachers across a variety of schools in coming up with valid and reliable assessments. That is the day-to-day experience.

If you were to speak to the people who have been on our development groups and who have worked on qualifications, or to the people who work on developing exams or who run marking, I think that you would hear about a different individual experience. A lot of the criticism and a lot of the evidence so far has been at a strategic, high level or at an organisational level. As I say, it is for those organisations to speak to how they feel about the culture—how the organisation as a whole relates to them. That is for their evidence.

**Willie Rennie:** So it is the leadership and not the staff.

**Pauline Rodger:** Yes.

**Ken McAra (FDA):** We did not make any submission as far as SQA is concerned. I am here to represent members in Education Scotland, so it would not be appropriate to talk about culture in the SQA.

**Willie Rennie:** That is fair enough. How is the relationship between those who are appointees to support national qualifications and the existing staff managed? Is it a good relationship?

**Pauline Rodger:** It is, and it has to be, because the staff of the organisation could not do what they do without the advice and the input of the subject specialists. It might help if I illustrate that. If we take any qualifications team, it will have a qualifications manager and qualifications officers. They are responsible for managing either the development of an individual qualification or the development of the exams or internal assessment for that year. They have regular meetings and discussions, and there is a whole process that involves other teachers to make sure that the subject specialists are happy with what comes out. None of that would work unless those relationships were good.

The subject specialists are key to ensuring that the content of a qualification or the coverage of a question paper or an internal assessment is valid in relation to the subject that they teach. That is not the job of the qualifications officers and the qualifications managers—their job is to make sure that it is valid and reliable in terms of being a credible assessment.

**Willie Rennie:** So there are no tensions between those two groups.

**Pauline Rodger:** There are not, on a day-to-day working basis. That is not to say that tensions cannot arise in individual circumstances.

It might be helpful to illustrate that I came into the organisation from teaching. I was a philosophy and religious studies teacher and, when there was the review of higher still, I came in on secondment as a development officer, and my focus was on subjects. We got together a development group, which had teachers of those subjects from across the country who had different experiences and were delivering in different centres. There must be robust discussion because, as a teacher—I am not sure whether anybody here has been a teacher—you must have a view of the subject and how best to deliver it to the young people. You might be working in a particular context in a particular school, whereas another colleague on the development group might be working in a completely different context and have a very different view of how philosophy should be taught. Therefore, there has to be robust discussion.

The qualifications team's job is to come to a conclusion on a qualification or assessment so that everyone feels that their view has been heard and that they know why we have not gone with one option and have gone with another, so that everyone is comfortable with that. I cannot say that no one ever disagrees—of course they do—but everyone has to come to an agreement for the sake of learners.

That works well, and I have had great experiences working with people. Not everyone gets everything that they want into a qualification, but we want people to feel at the end of the process that their voice has been heard. If things have not been taken on board, for reasons of validity, reliability or credibility in the qualifications system, everyone should at least understand why that was the case.

**Willie Rennie:** To go back to my first point, which your last comment agreed with, this is about leadership and not about staff. Should the leadership of the SQA remain in place as the leadership of the new qualifications Scotland?

**Pauline Rodger:** That is an interesting question, Mr Rennie.

**Willie Rennie:** That sounds as if you are going to dodge it.

**Pauline Rodger:** We never dodge questions. It is a particularly interesting question for two trade union reps because, as trade unionists, we are in the business of protecting and enhancing people's jobs.

I will give you a truthful answer initially and then expand on that, if you do not mind.

**Willie Rennie:** Okay.

**Pauline Rodger:** You can stop me if I am going off on another track.

**The Convener:** He will.

**Pauline Rodger:** The truth of the matter is that we are here to represent our members, rather than our own voices or those of any individual in the SQA. We are not the voice of the organisation; we are the voice of our members.

The truth of the matter is that we have not surveyed our members on that question and we would not dream of giving an answer to that question without having thoroughly surveyed our members. That being said—

**Willie Rennie:** Why have you not asked them?

**Pauline Rodger:** We have not asked because we have not been asked to ask.

**Willie Rennie:** Will you ask now?

**The Convener:** That is what we need to ask.

**Pauline Rodger:** I am dodging that question.

We respond to our members' wishes. I hope that you appreciate that, Mr Rennie.

**Willie Rennie:** There is leadership, too. You are the leaders of your union.

**Pauline Rodger:** We are representatives of our members.

**Willie Rennie:** You provide leadership, too, and you listen to what people say.

**Pauline Rodger:** Yes.

**Willie Rennie:** You do not always wait to survey members before you express a view.

**Sharon McGuigan:** If there was a survey, what kind of question would we ask?

**Willie Rennie:** It would be just the way I have asked it.

**Sharon McGuigan:** We are subject to a code of conduct in the organisation and are still subject to that while we are sitting here. We would have to ask members about confidence in the organisation's leadership, which would be quite a question to ask. We have a good idea of what our

members think about that subject, without having to go to a vote on it. We have had many conversations with our membership in the months and years since the announcement that we are being replaced. There is a variety of views, but I would say that many of our members believe that it would be difficult to see a change in culture in the new organisation if the leaders of the current organisation transferred to the new one.

As Pauline Rodger said, we are trade unionists in a democratic organisation. We would need to see some demonstration from leadership that there has been a change in the culture and to see that our members feel more listened to and are involved in any decision making. We want to see meaningful consultation in the organisation on a range of policies and procedures that impact on our members. That has been difficult.

We have pushed to be here today. I thank the committee for allowing us to be here and for allowing our staff voice to be heard. That is certainly a first for the committee. We have had to push quite hard for our members' voices to be heard, because they have not been. That is the culture—the staff voice is not being heard.

11:00

**Willie Rennie:** You have answered my question, so I am grateful for that. It sounds as though you think that the leadership should go, unless those changes happen.

**Pauline Rodger:** It is not about what we think; we are here to represent our members. Our members come from across all areas of the SQA and they have varying opinions that depend on their experience of the part of the organisation that they work in. Please do not take that as being the answer.

**Willie Rennie:** I thought that is what it was.

**Sharon McGuigan:** I do think that it is legitimate, however. We have heard evidence from other organisations and representatives who have been in front of the committee and have made it very clear that they do not believe that the same leadership could go into the new organisation, and we have sympathy with that view. It is their view and it is a legitimate view.

**The Convener:** Pam Duncan-Glancy, I know that there was a little bit of overlap there, but can you pick up on that thread?

**Pam Duncan-Glancy:** I can, thank you convener. Good morning to the witnesses and thank you to you all. I want to say up front that I acknowledge how difficult this morning's conversation is, so I thank you for coming. I really appreciate it and I am sure that other members do, too. The staff voice in this is crucial.

We have touched on the point about leadership, but I want to go a step further. I asked the Scottish Government in a written question

“whether there should be reserved space on the new board of Qualifications Scotland for trade union representation in addition to staff representation.”

The Government said that its position was as stated in the bill and that the board would

“consist of one or more members who have knowledge of the interests of the staff of Qualifications Scotland”.—  
[*Written Answers*, 14 August 2024; S6W-28803.]

Pauline Rodger and Sharon McGuigan, how well do you think that the current arrangements, in which a staff representative is on the board of the SQA, ensure that the voice of the staff body is heard? What are your views of the proposed arrangements as set out in the Government's response to my question?

**Pauline Rodger:** Well, the answer to the first part of that question is straightforward and simple: staff members do not feel that the current arrangements work. The current arrangements for staff representation on the board are identical to the arrangements that are being suggested for the board of qualifications Scotland. We have a representative on the board who is there because they have knowledge of the interests of staff, but they do not engage with staff and they do not take feedback from staff, so they have scant knowledge of the interests of staff at the theoretical and experiential level.

We believe that there must be at least one staff representative on the board and that they must be elected by the staff to sit on the board. We also believe that there should be trade union representation on the board, because the trade unions are the legitimate voice of the staff.

There was an interesting response to a question from, I think, the assistant secretary of the EIS talking about teacher representation on the board. She made the good point that it is not enough to have someone on the board who is or has been a teacher, for example. In her words, the person or persons on the board have to be

“representative of the professional associations”—[*Official Report, Education, Children and Young People Committee*, 25 September 2024; c 40.]

and not there to represent their own views. We would have exactly the same view on having a staff representative or representatives on the board. Unite's position is that we need an elected representative from the staff and to have trade union representation, because the trade unions represent staff, who are their members.

**Sharon McGuigan:** To go back to Mr Rennie's point about culture, particularly culture in the organisation, we think that that will be enhanced,

or at least it will start to improve, if the staff voice is able to be heard directly by the board of management and staff can be part of the decision-making process. That is currently not the case. If the Government is really serious about a culture change, an important part of that must be about how the staff voice is listened to and ensuring that they have direct influence on and communication with the people who are making the decisions. As Pauline Rodger stated, the current situation does not allow for that.

If someone says that they are representing staff on the board of management, I really do not know how they have been able to carry out those duties, not having spoken to staff or the trade unions regularly or at all in five years. The staff feel alienated from the board of management in relation to their everyday work and the pressures that they are under. That voice just is not there.

We now have a new chair of the board who is at least beginning to engage with the staff and the trade unions. That is a good start, but it is still not sufficient. We still need to have a direct voice and direct influence at that level.

**Pam Duncan-Glancy:** What is preventing that?

**Pauline Rodger:** There is no engagement with staff by the person who is there to represent and to have knowledge of the interests of staff. If we go back to the same situation with the new organisation, we will still be at square 0, never mind square 1. What is preventing it is a lack of engagement—you cannot represent a body of staff if you are not a member of that body of staff and if you do not at least have regular engagement and consultation to get people's feedback.

**The Convener:** I will pick up on that, if you do not mind, Pam.

Pauline, you have spoken about the staff representative on the board. Is it the individual who is not engaging, or is it due to the function of their role? Is there something that is stopping the representative going out and doing the staff engagement that you are talking about? Do we need legislation in order for that staff representative to the board to be able to carry out surveys and do some of the engagement work that you are talking about? I would like a succinct answer, if you do not mind.

**Pauline Rodger:** Yes, convener. We would not have that view. We would have the view that—

**The Convener:** No, I am asking whether there is anything preventing the staff representative on the board from doing that engagement right now, under the current legislation, or is it the individual who is not doing it?

**Pauline Rodger:** There is nothing stopping it except that, no matter how much of it they do, they will never be properly representative of staff.

**The Convener:** Okay.

**Ross Greer:** Good morning. There is an interesting section in the Unite response that I will pick up on a wee bit. I will quote it so that I am not getting it wrong. You said that the bill, as it currently stands,

“does not recognise the importance of Qualification Regulation in relation to the protection of the learner. There is nothing in the Bill that would strengthen regulation of qualifications in Scotland and this is a missed opportunity.”

In the first instance, can you expand on what you see as being weaknesses in the current regulation system? It sounds like you do not think that the system, as it currently stands, is strong enough, and that the bill has been a missed opportunity. Before we talk about how to strengthen it, it would be helpful for the committee if you could give us a bit of background on why you think that the current system is not delivering as much as it could.

**Sharon McGuigan:** To begin with, there is nothing on regulation in the bill. Accreditation is a function of regulation; it is not regulation in and of itself.

The current qualifications regulation system is purely voluntary, not mandatory. The only aspect of regulation that is mandatory relates to a couple of types of qualifications, one of which is Scottish vocational qualifications or competence-based qualifications that sit within a modern apprenticeship. Other than that, there is no mandatory regulation of other types of qualifications.

The bill's weakness is that it does not address the many hundreds of different qualifications that are publicly funded and delivered across colleges and schools. It is still not telling us what type of regulation system the Government wants. Work is still being done on options around regulation, and none of that is reflected in the bill.

With regard to accreditation, there is not a great deal of change between what we have in the Education (Scotland) Act 1996, which set up the SQA, and the new bill. We are not experts in reading legislation and bills, and they are difficult to read, so my sympathy is with you all, but the only changes that we can see so far are around aspects of the work of the accreditation committee. Apart from that, nothing else has changed.

We have a voluntary system. We also have a system that is not properly resourced and funded to do the job that it is meant to do. In the accreditation team, there are 20 people. From a

human resources level, it is not particularly well resourced and, for 13 years, we have had the same level of funding. That is how much value is currently placed on the regulation of our qualifications system.

We rely pretty heavily on some additional—not many—moneys that come from the awarding arm of the SQA. That is not proper independence. Currently, 20 members of staff work in accreditation and 90 per cent of them are Unite members, so we feel comfortable and confident that the evidence that we have presented on behalf of our colleagues within accreditation and regulation really reflects their views. They feel very disappointed.

When we were told that our organisation was to be replaced, we were also told that there would be opportunities and that we would see changes being made. We clung on to the fact that we might get some opportunities and see something change within regulation and accreditation—whether that is further independence from the awarding body, Government being very clear about the regulation system that it wants in Scotland, or resourcing the work that we currently do, so that we can do it as effectively as possible.

**Ross Greer:** That is really useful. It sounds as though Unite's position is that there are weaknesses in having a voluntary rather than mandatory system. Can you say a little about what those weaknesses are? Is it your position that, in legislation, it should become a mandatory system?

**Sharon McGuigan:** We are not necessarily asking that the system becomes all mandatory. That is a subject for discussion and debate, and a policy position needs to be taken somewhere at some point. It has just not happened yet. The bill is re-establishing the accreditation function within qualifications Scotland, but it has not determined what type of regulation and accreditation system the Government wants.

11:15

**Ross Greer:** I am sorry to cut across you, but on the wider point about engagement with your members and, in particular, the team of 20 that you mentioned, there is a question of consultation on the bill and on the operating model that is being developed for the body. To what extent were your members engaged in relation to the drafting of the bill, and to what extent are they being engaged as we proceed with the development of the operating model? A lot of the organisational arrangements should not be in legislation, because that limits flexibility, but it is essential that your members are consulted on that as well. It does not sound as though that is happening, if I have picked you up correctly.

**Sharon McGuigan:** The level of consultation has been pretty poor, to be honest. Unite reps have had to fight very hard every step of the way to have our voices heard. That has been the case right from the start of the process, when the decision was made to replace the SQA. For example, we wrote to the cabinet secretary to ensure that the jobs of our members and our staff would be secured and to insist on having a seat on the delivery board where the bill would be discussed and decisions would be made. However, the delivery board did not work particularly effectively, because another group was drafting the bill. We would occasionally find out where it had got to with the drafting of the bill.

Therefore, there was not a huge amount of opportunity for us to shape the bill in any way, shape or form, whether in relation to the accreditation function or more widely. If you are asking whether we were involved in lots of meetings to discuss lots of issues, we were, but that is not the same as being in the room where the decisions were made and having some influence on the drafting of the bill, which we did not.

**Ross Greer:** Thank you—that was useful.

**Liam Kerr:** Good morning. I will stick with Ross Greer's interesting line of questioning to Sharon McGuigan. Professor Muir recommended that the accreditation function be split from the awarding function. After initially agreeing with that, the Government reversed its position. As I understand it, the new bill will be very similar to the current regime, in that the accreditation function will be overseen by an accreditation committee, with minor changes being made to that accreditation committee's membership. In your submission, you say that you are concerned about that. Why?

**Sharon McGuigan:** There are a number of reasons for that. Perception is very important in the work that we do. In accreditation, we approve and regulate 35-plus—it might be 36 now—awarding bodies, which offer a range of qualifications across Scotland. They have to feel that, as an accreditation body, we are truly independent from the SQA as an awarding body. We believe that, as members of staff—I am talking about the accreditation team in particular—we work very hard to ensure that there is separation between accreditation and awarding, as far as we can do.

However, perception is really important. It is a hard sell to tell other awarding bodies that you treat them in exactly the same way as you treat the largest national awarding body in Scotland, even though you occupy the same building as that body, you have the same chief executive, and there is a lot of cross-fertilisation between the SQA board and the accreditation committee.



Regardless of how strongly we believe that we treat colleagues in the SQA the same as we treat any other awarding body colleagues in how we look at the quality of the qualifications that they bring to us and the audit activity that we carry out, that is a difficult sell. We think that regulation would have much more impact if there were proper separation. That would mean that we would be able to do more.

**Liam Kerr:** Let me challenge you on that, then—

**Sharon McGuigan:** Okay.

**Liam Kerr:** —because schedule 1 to the bill specifically says that the accreditation committee will be independent, and sections 19 and 20 say that the accreditation committee must produce its own corporate plan and independent report. Also, I think that schedule 1 goes on to say that the majority of the members on the accreditation committee must not be connected to—or staff of—the new qualifications Scotland. Yet you remain unconvinced. Why?

**Sharon McGuigan:** That is because that is no change from what we currently have. Currently, we have an accreditation committee with a majority who are not members or staff of the SQA, but we still have the chief executive sitting on it and a chair who is a member of the SQA board of management. If there is anything in the bill that suggests that that will change, I have to say that I do not see it. As long as the majority of seats on the committee are kept for those external to the body, qualifications Scotland will still be able to cross-fertilise between the two parts of the organisation.

**Liam Kerr:** What would be Unite's solution, then? Is it to amend the bill such that there is a complete split? Perhaps it is something else. Is it to bring in a regulator of the sort that I understand there is in England?

**Sharon McGuigan:** There is no reason why we cannot be the regulator, similar to what currently happens in England, if the legislation—

**Liam Kerr:** Forgive me, Sharon, but are you saying that Unite the union would be the regulator?

**Sharon McGuigan:** No, not Unite the union—the current accreditation team, who have decades of experience of regulation, audit, accreditation and quality assurance of qualifications. That is our day job—it is what we do.

However, as I said in response to another question, we currently have a voluntary situation in Scotland. The question whether it is proper for the legislation to include the mandatory regulation of qualifications in Scotland and to establish a regulator with the powers of an organisation such

as the Office of Qualifications and Examinations Regulation or Qualification Wales has not been addressed. That issue has not been addressed in the bill.

**Liam Kerr:** What do you think, if I may ask? This committee wants to know what it should do. I have put it to you that there are provisions in the bill that seek to preserve or promote independence, but you are uncomfortable with them and have said that the bill does not do that. So, what should we do?

**Sharon McGuigan:** It is really not for Unite the union or, indeed, our members to say exactly what should happen. That is a matter for discussion and debate, and there has to be an evidence-based decision on what will be best in terms of regulation in Scotland. What do we really need? Is it a system in which public money is being spent, but there is no regulation of the quality of the delivery of qualifications to young people and adults who are upskilling or taking qualifications? That is a question and a decision for the Government and the Parliament. What I am saying—and what our members are saying—is that, as currently drafted, the bill will not allow for the proper separation of those functions.

There are two debates here. The first is about where the accreditation body should sit. In other words, should we sit within or outwith the new qualifications body? If we sit within it, could more be done to separate us from or make us more independent of that body? Yes, we think that that could be done. We could have our own board of management and our own governance structures, and we could share human resources, finance and those types of services. Perhaps something could be done on that. Do you need a bill to do that? I am not an expert on how legislation operates, but the bill does not appear to say any more about the proper separation of those functions, nor does it refer to an identity for the qualifications regulator or accreditation body. That identity is very much tied to the identity of the awarding body and staff are concerned about that. Where is our identity?

Also, when it comes to prioritising scant resources, we are very far down that list of priorities in terms of getting the tools that we need to do our job.

**The Convener:** Ross Greer has a question; it will be useful if he asks it now.

**Ross Greer:** Thanks, convener. One of the proposals to resolve the situation is to move the accreditation option into HMIE, because one of the Government's key objections to separating the functions has been the cost of creating a new public body. Ken McAra, would moving the accreditation function into HMIE be a solution, or would that cause other issues? Would we be

resolving one arguable conflict of interests by creating another one?

**Ken McAra:** Potentially, you would be creating another problem. There have been any number of observations that the current set-up within Education Scotland with the inspectorate has created a conflict of interests, with places being inspected where other members of the team have been involved in providing advice and so on. As things are set up, I cannot see that moving accreditation into HMIE would work particularly well. Given the financial situation, it is unlikely that it would be staffed to do that work either. That solution has not been proposed to us, but it is difficult to see how it would work in practice.

**Bill Kidd:** The committee has heard that some teachers—maybe more than just a few—see the inspection process as onerous, largely about accountability and not particularly helpful in all cases. That appears to contradict what Education Scotland says about the inspection process. What is the difference between the perception of inspections and the actual experiences of inspectors of visiting schools?

**Ken McAra:** That is quite a wide-ranging question.

**Bill Kidd:** I am sorry about that.

**Ken McAra:** How long have I got?

I was interested in some of the evidence that was given to the committee last week on that matter, because, from listening to the representatives of the unions, it sounded as though, when an inspection happens, everything changes in a school and people scurry around trying to create things. There is a little bit of that, but, to a certain extent, that tends to be self-inflicted. We do not look for those sorts of things. It is referenced in the SPICe briefing paper that committee members have in front of them that there is no real expectation that a school will provide anything other than a self-evaluation paper that says, “Here’s where we think we’re at.” The rest of the inspection is done through conversation, observation, discussion and so on.

The way that inspection tends to be looked at in the press is about 20 years out of date. A lot of inspection is much more about how you work with people when you are in the schools, and a lot of it has to do with relationships. The managing inspector will build a relationship with the headteacher and then come into the school and do the same with the staff. From then on, a lot of it is more about mentoring than standing with your arms folded holding a clipboard and deciding how well or otherwise things are going.

Inspection tends to be characterised in a particular way, and people are influenced by the

way that things have been south of the border, too. However, the process should be a way of helping schools to realise what is going well and, through conversation, to agree ways forward so that things can actually get better. Therefore, there is more of a mentoring aspect to inspection. Yes, there are evaluations—the issue is certainly under discussion, and, as a union, we do not have a view on that. However, if you speak to people who have been part of the inspection process, you will see that they tend to be nervous beforehand, they become more trusting of things as you go on and, when they see that you respect the context of the school, they understand where you have got to by the end.

What is published is very much a snapshot. The inspection should be something that you are doing with a school, rather than to it. Since I joined the inspectorate 15 years ago, that has very much been the way in which we have operated. The way that inspections are talked about and the way that they actually happen are two separate things.

11:30

**Bill Kidd:** Do you think that negativity makes good press for the media, but not for the education sector? If something that happens that is not the best is reported, that seems to be the only reason for a story. The media never report anything about schools or staff being praised.

**Ken McAra:** I have worked in a local authority where that was certainly the case. The union does not have a particular view on that. When we work with a school where things are not working out particularly well, we are keen to ensure that we also get involved with the local authority and encourage it to think about how it wants to put forward the positives from that inspection to the press and ensure that those are emphasised. You see the same with any news that is reported—you do not tend to get all that many good-news stories; the focus is on the problems.

**Bill Kidd:** I understand that. Can I ask a wee follow-up question?

**The Convener:** Yes. Just watch that you do not encroach on the next theme.

**Bill Kidd:** Of course. Do teachers believe that they benefit from inspections, rather than just being a target of them?

**Ken McAra:** That was part of my previous answer. Before we go into a school, teachers tend to be concerned. When we do a staff briefing, we say, “This is who we are,” let everyone see who the team is and give them a chance to ask questions. They do not tend to ask questions at that point, because what they have heard from other people has caused them to be worried about

things. As the week progresses, we tend to get knocks on the door from people wanting to ask questions. By the end of the week, we have built up a relationship with them, we have seen them in classes, and we have talked to them about what they are doing and asked them why they have decided to do those things. We may also have suggested some things that they might want to consider. Teachers' view of the process is different towards the end of the process from what it is at the start of it.

**George Adam:** Good morning. I will follow on from Bill Kidd's questions about inspections. Do you think that the inspection process should be more prescriptive, or do you believe that it should be more flexible? We have heard different views from different people and different organisations on that. From your description, it is a bit of both: you are there to do a job and you have some flexibility as to how you go about it. However, that is not what we heard from the EIS and some of the other teaching unions. How does the bill relate to that, and do you have any ideas as to how we move forward on it?

**Ken McAra:** As I said, I have worked as an inspector for 15 years, so I remember HMIE, which appointed me and which was amalgamated into Education Scotland in 2011. What has been described about the scope of what can be inspected is not a million miles away from how things used to be. For example, initial teacher education has been mentioned, but inspection of that has never happened, and many people would be interested in getting involved with that. Much of how flexible and how widespread inspections can be will depend on funding and what our workforce will be, and whether that will allow us to do that work. At the moment, we do 250 inspections a year. The majority of those are in primary schools, but quite a few are in secondary schools and some are in special schools. What will be possible depends on how the finances will be configured. There have been many conversations in the past about what might be possible with different models of inspection. We have undertaken a range of different things, but I am not aware that there is a settled view as yet about what the inspectorate will do. We are continuing to do what we have done up until now and, as was observed earlier, we are involved in the thematic inspections of local authorities.

**George Adam:** I can understand how those who work in education can find the situation difficult. Last week, we were told that those who work in teaching find the inspection process to be stressful and a strain. I can understand that because, in my previous working life, I was in corporate sales in the motor industry and when someone from the manufacturer came into the dealership and said that they were there to help,

you never really thought that that was the case—you just had to get by, whatever the process was.

In the real world, how can we get to the stage where everyone feels that they are getting value from the inspection, after issues have been dealt with? Part of the problem that we have with inspections is that people feel similarly to how, in my previous working life, my colleagues and I felt—we all went, "Oh, thank God, that's over and done with."

**Ken McAra:** Part of me thinks that you should be asking HM chief inspector of education that question rather than someone who is here to—

**George Adam:** I am just trying to get everyone's ideas about how we go forward.

**Ken McAra:** We need a conversation—which we have started—about the way in which inspection works best. As I said, there is a multiplicity of different views. You talked earlier about the possibility of having the type of inspections where people just drop in, which is the type that the Care Inspectorate does. I am afraid that there is no fixed view on that. We would welcome further engagement with the people who are involved with that about what would work.

**George Adam:** Nobody likes a mystery shopper.

**Ken McAra:** No, I do not think so. However, I suppose that the benefit of inspectors just appearing is that nobody has had to go through all that stress and strain to do something that somebody has advised them that they need to do before inspectors come in—which, in fact, they do not need to do—and they can therefore just proceed as normal.

**George Adam:** I have a general question for everyone. Do any of the witnesses have a view on the different types of educational establishment that should come under the inspectorate under the bill?

**The Convener:** I note that we were expecting another representative of the FDA today.

**Ken McAra:** Yes—unfortunately, Allan Sampson was unable to make it. He is our national officer, so he has a broader remit than simply education.

In our submission, we expressed our concerns about the situation with regard to the inspection of post-16 establishments. That is an area where responsibility for the inspection does not sit with Education Scotland or, indeed, with the inspectorate that sits within it at the moment. Also, the situation with regard to community learning and development has not been as active as we would like it to be. We need to ensure that we are making the most of the staff that we have.

**The Convener:** Under the bill, the early learning sector will be, to an extent, double inspected, as it will be inspected by the Care Inspectorate and Education Scotland. What are your thoughts on that and what the consequences might be?

**Ken McAra:** It is not an area that I am any sort of expert in, but we have a situation at the moment in which there are still things that have to be ironed out. I can say that both the inspectorate that sits within Education Scotland and the Care Inspectorate work extremely well together. Although we have not got to the stage where we have a finalised version of how they would go about doing things jointly, they work well at the moment when they are both involved in the same inspection in the same place at the same time.

**The Convener:** That is perhaps something for the committee to follow up on.

**Ken McAra:** I think so. If you would like a written submission on that, I can organise one.

**The Convener:** That would be helpful, thank you.

I want to ask about how effective the inspectorate has been in providing system-level feedback to ministers on the inspections. Do you consider that the bill provides sufficient independence to allow the future inspectorate to fulfil its role effectively? There have been discussions about whether the inspectorate should report to ministers or to Parliament and so on.

**Ken McAra:** I will answer the question in reverse order, but please remind me of the first part when I have finished the last part.

There has certainly been a perspective among the general public and in the wider education system that what the inspectorate has been doing while it has been part of Education Scotland has very much been at the direction of ministers and that the relationship has become closer. To an extent, moving slightly back from that will be helpful.

As a union, we have been regularly involved with and have been talking to the Cabinet Secretary for Education and Skills. For whatever reason, during the beginning of the reform period, those meetings were held regularly. Since then, the meetings have become less frequent and, in fact, we have not had one for more than a year. It is difficult for us to understand exactly why that is—why the cabinet secretary is not engaging with us about members and how reform is proceeding. Throughout that, staff have remained focused on supporting educators and improving outcomes for young people.

Can you remind me of the first part of the question?

**The Convener:** I asked about how effective the inspectorate has been—what is going on right now—in providing that system-level feedback to the ministers.

**Ken McAra:** The thematic inspections are helpful on that front. Part of what we used to do got lost a few years ago, and I think that there is general agreement that we need to bring it back. There were officers—I was one—called area lead officers, who were HMIs who were linked to individual local authorities and whose job was to support and challenge them. You were looking at the attainment data and how well inspections were going, but you were also getting involved with councillors and finding out about the direction of travel. That meant that you had relationships with the people in the local authority, but you also had a significant amount of information about how well things were going in individual local authorities. As a body, we were therefore able to be part of the risk assessments that were done with the other scrutiny bodies of how well things were going in a particular authority and able to plan our involvement more generally and more strategically with that individual authority.

When we had those officers in place, we had a much better idea of how well things were going across the nation, and we also had relationships with the directors of education, the conveners of the education committees and so on. To an extent, that has been lost, but there is certainly an appetite to bring it back.

On the basis of our inspections and the thematics, we have some information by way of a national picture, but there are ways in which, as we move forward, we could make that even stronger.

**The Convener:** I know that you heard the evidence of our earlier panel of witnesses. Some of the witnesses suggested that there needs to be some—or better—communication around the inspection process with both pupils and parents. What are your thoughts on that?

**Ken McAra:** We involve parents quite a lot. Could we do more? Probably.

The pupils question is an interesting one. Part of my role is to work with the Care Inspectorate on its joint inspections of children's services, and that is what was being hinted at regarding young inspection volunteers. There are representatives from Education Scotland, the Care Inspectorate, HM Inspectorate of Constabulary in Scotland and Health Improvement Scotland, but there are also young inspection volunteers, who have been care experienced at some point—they might still be—and are in further education. They have training and come along with us. They are part of the engagement week with the local authority, during

which we speak to focus groups and individuals. We tend to find that they ask the most probing questions. Quite often, you see those who are being asked the questions sit back a little bit, because they were not expecting it to be quite so direct.

It is more complicated if we are to do that with school pupils, but it is not necessarily impossible. No doubt it would be possible to pilot something like that. We speak to pupils a lot when we are in schools, but having somebody who is a peer from somewhere else might well be helpful.

**The Convener:** To go back a little bit, does the bill provide sufficient independence to allow the future inspectorate to fulfil its role effectively?

**Ken McAra:** I think that it does. It is helpful that we are separating the curriculum functions from scrutiny. As I said, that makes it seem less like we are marking our own homework.

In large part, the bill reflects the inspectorate's previous role. The concerns that people tend to have about the reform process are not really to do with the bill or with the provisions that are in it; they are more about what it will be like to work for the new inspectorate. That takes us back to previous conversations about culture.

11:45

**John Mason:** To follow on from the convener's line of questioning, there is a proposal for the chief inspector to have an advisory council. I am interested in hearing your views on how that would work, and on the idea that young people, teachers or whoever should be involved with that. Mr McAra, do you have any thoughts on the advisory council? Is that a good thing or a bad thing?

**Ken McAra:** It is a good thing—it is something that we have never really had. Having those who are involved in the inspection process together to advise is helpful. It is not something that we feel that we need to be part of as union representatives. We have a partnership agreement that is based on the fair work principles. We are happy with that. We have other ways in which we can feed in.

**John Mason:** Other unions want to have majority representation on everything, as Mr Adam was pointing out earlier.

**Ken McAra:** We have a range of ways in which we get involved with our management and with our members. We have a regular forum in which to express the views of our members, and we get together on a regular basis. We also have other ways in which we can contact strategic directors, the chief executive officer and so on, to raise issues with them. Therefore, as far as the advisory council is concerned, we are not seeing a need for

us to be on that. However, I am aware that that may well be different for the SQA.

**John Mason:** Do you have views as to who should be on the advisory council, or are you relaxed about that?

**Ken McAra:** I am relaxed about that.

**John Mason:** Does Unite have a view?

**Pauline Rodger:** We do not have a view on HMIE's governance arrangements, because we do not have the depth of knowledge of those structures to be able to comment meaningfully.

**John Mason:** In principle, you would not ask for a strong union voice on every body; you would just ask for that on the ones that you know about.

**Pauline Rodger:** No. In principle, we would ask for a strong union voice on every body. Ken McAra is the expert on how the organisation works. As he mentioned, the FDA has in place things other than a representative on the advisory council that satisfy its members, so I just have to accept that. Obviously, neither of us has intimate knowledge of that.

**John Mason:** It strikes me that we could end up with quite a mixed picture if we had a majority of EIS representatives in some places and no union representatives elsewhere, with Unite somewhere in the middle, but we can be relaxed about that, can we?

**Sharon McGuigan:** It depends on the nature of the agency, how it operates, the internal structures and what it does. Does it make sense for the EIS, for example, to have a representative on the board of management at the new qualifications Scotland? Absolutely. It is important that, if there are one or two teacher representatives on the new board, they are representative of teachers and they are not an individual who has been selected simply because they are a teacher. It is about being able to represent the voice of teachers, whether they are college lecturers or others. It would be the Educational Institute of Scotland Further Education Lecturers Association—EIS-FELA—I assume. We must ensure that there is proper representation and representatives on those boards. Otherwise, you are just getting a group of individuals giving their own perspective on things.

**John Mason:** I will move on to the process of moving into the new structures. I have picked up from the evidence that staff have been unsettled by the lengthy period of change and the uncertainty as to where they fit in and so on. Can you give us any update about where we are in that transition process? Are staff feeling any more comfortable and relaxed about it? Are they clearer about what will happen, or do we have to get the bill through first before we can really answer that?

I go to Ms Rodger first, but I put that to all of the witnesses.

**Pauline Rodger:** How are staff and our members feeling? As Willie Rennie has said, there are a variety of views on various other matters, but it is safe to say that none of our members believes that the bill as it stands will achieve the country's aspirations for it. The primary reason for that is nothing to do with leadership or culture—it is to do with finance. None of our members believes that there will be sufficient resource and finance to transform—I have forgotten what we are called—qualifications Scotland. I was going to say Education Scotland—I am really sorry.

**John Mason:** If staff are already a bit uneasy, does this just make them feel more uneasy, because they think that things are not going to get any better?

**Pauline Rodger:** Absolutely, and I can expand on that. Sharon McGuigan has already mentioned the fact that staff have been living under a cloud of uncertainty for three and a half years now. The staff are highly professional and highly dedicated, and they get their heads down and get on with the job; however, they do not know what the future holds for them. As a union, we managed to get reassurances—they were not automatically given to us—that there would be no compulsory redundancies, but that does not tell anyone in the organisation what their roles are going to be. Are they going to have a job that they want? What are the structures going to be? We have been living under that cloud for three and a half years now.

**John Mason:** That would suggest that you want things to get decided as soon as possible.

**Pauline Rodger:** We would have loved clarity on that. However, as the committee will be aware, the Scottish Government has written to all public sector bodies, saying that, unless they are facing dire circumstances or are in dire need, there has to be a recruitment freeze. That has had a huge impact on staff in recent months, resulting in a further drop in morale.

**John Mason:** If nobody new is coming in, does that not give the staff some reassurance that their present jobs are quite safe?

**Pauline Rodger:** Oh, no—I can describe to you the impact of that. It has nothing to do with no one new coming in—it is about no one who leaves being replaced, which is a completely different thing.

I can give you three examples, although there are more. A reform team was set up—you were asking about progress in that respect—and people in the organisation were seconded to it to focus wholly on working across the organisation, to look at things such as structures and to work on culture

and what people were expected to do. Those people were, as I have said, seconded into those posts; their posts were ultimately backfilled, because they were day-job posts and the work that they had been doing was still going on. Some posts were backfilled externally, because we do not have a never-ending pool of staff. However, there was no funding to carry on the team's work; they were all on seconded contracts, which are obviously not permanent contracts, so when they were disbanded, they went back to doing their good work and back to their substantive posts. However, you then had a domino effect and, unfortunately, the people at the end of that domino rally ended up with no jobs.

**John Mason:** Can you clarify that for me? A reform team was set up, but nothing much was happening, so in effect it is not there any more.

**Pauline Rodger:** Oh, no—there was plenty happening. We are supposed to be getting reformed, so there should be something happening. However, there has been no funding from the Scottish Government to keep that team going. Therefore, we cannot run it.

**John Mason:** So the reform team is not happening.

**Pauline Rodger:** The reform team does not exist any more, so any reform activity has to be absorbed by other staff who already have full-time day jobs and cannot be seconded out to focus on that other work.

**John Mason:** So it is extra to people's normal work.

**Pauline Rodger:** Absolutely.

I can give you another example—and I am sure that this speaks to the culture issue. SQA has—since, I think, the CFE review—seconded practising teachers into roles called subject implementation managers. Initially, those roles were made permanent, but subsequently, because of the finance cloud that we can all see looming over us, they were recruited in on temporary contracts, which were extended. The whole focus of their role was directly engaging with and supporting teachers and lecturers who are delivering the qualifications. That was their whole focus.

**John Mason:** Sorry—I do not want to rush you, but the convener is going to jump on my head.

**The Convener:** I need you to get to the point, please.

**Pauline Rodger:** Those who were on a temporary contract are now no longer in the organisation, so that work is not going ahead. Finally, there is a team that works in true partnership directly with colleges on innovative

ways of developing qualifications, helping to reform them as they go. It is a team of 13 people who have those temporary contracts, which were due to be renewed at the end of December. However, they were told last week that the contracts will not be renewed, and some members of that team will have no job by the end of December.

**John Mason:** That is helpful.

**Pauline Rodger:** That is why we believe—

**John Mason:** Sorry—I have to stop you. That gives us ammunition. We can raise that with the minister and so on, so that is very helpful. If you want to follow up, send us more stuff afterwards. Do you have anything to add, Ms McGuigan?

**Sharon McGuigan:** I think that we would want to send you that information. The morale in the organisation is really low because we are juggling a whole range of things. There is business as usual, because we still need to deliver everything that we are meant to deliver. We have had reform going on for three and a half years, and staff have not really been fully and properly engaged in that—for example, we have had no meaningful consultation on what jobs and structures might look like. We are just not there yet. We have had no conversations about what the structure of the new organisation might look like, and there are still no conversations about that.

**John Mason:** Presumably, that cannot really happen until the bill is through.

**Sharon McGuigan:** Can it not? Decisions are already being made about bringing fixed-term contracts to an end and moving around responsibilities in some areas. All that has been done without any consultation with the trade unions. That has an impact. People see what is currently being done in the organisation: jobs are being lost, and the reform work that we all believe in and want to engage in has been withdrawn. The whole organisation reform and restructure is still to happen, and our members are really concerned about the impact on them, future jobs and how they will be treated in the organisation.

**John Mason:** That is helpful. I just wanted to get a feel of how things are going.

**Sharon McGuigan:** It is not good.

**John Mason:** I get it. Mr McAra, do you have anything to add on that?

**Ken McAra:** There is a lot that is similar at Education Scotland. There has been three and a half years of very little information, despite our regularly asking for it. We have had meetings from time to time with the Scottish Government reform unit and asked for milestones, at least, regarding what was going to happen and when. It was

agreed that that would be a good idea. We have had something approaching that in the past couple of weeks, but with very little detail.

Part of the problem is that the inspectorate will become separate, so people there have a reasonable idea of what that will look like, but people in the rest of Education Scotland, who we also represent, are less clear about their job. We have a no compulsory redundancies agreement, but that is as far as it goes. They are wondering whether their current job will remain, how it will look, who they will be working with and so on. That kind of uncertainty is making people particularly anxious.

As I said, it has gone on for three and a half years, and we have another year or so—at least—of that to go before things conclude. It has been very difficult for people and, as Sharon McGuigan has said, all the while they have to keep on with the day job.

**John Mason:** You have given us a good picture of that, so we have got the message.

**Liam Kerr:** I have a quick question on something that Pauline Rodger said to John Mason. The committee is considering the bill and trying to make sure that it does what the Government wishes it to do. In response to John Mason, you said that there is not enough finance. If you have quantified that there is not enough, logically you would have gone on to say what would be enough. Can Unite the union tell us how much extra is needed to make this work?

12:00

**Pauline Rodger:** There needs to be funding for people to work on reform. We had funding for people to work on reform, but we do not have it any more. With the best will in the world, people who are doing very busy day jobs cannot dedicate their time to bringing about meaningful reform and bringing staff in for that.

**Liam Kerr:** Forgive for talking over you. I understand that, but I am looking for a figure so that the committee can look at it and say that that is what we need to make the legislation work.

**Pauline Rodger:** We have not seen the books, I am afraid, so we cannot say. There has to be sufficient funding for the staff who will need to implement the reform. I know that Willie Rennie talked about culture, which has been a very big theme. You cannot change a culture when people are beleaguered, because they are not only doing their day job but doing other jobs that should be funded and that should be there to support teachers and lecturers. I am sorry, but nobody has opened the books to us.

**Jackie Dunbar:** Good morning to the witnesses. Could you give us some insight on how much focus your organisations are putting on looking at the needs of our diverse learners and ensuring that they are met? What is happening within your organisations and among your members? What are they doing to reflect that that is happening?

**Pauline Rodger:** I can tell you some of that, but I ask my SQA colleagues to forgive me for not having in-depth knowledge across the entire organisation. A lot of work is being done to make sure that all the material that we have on our website is fully accessible to learners who might want to use it, and to other people who might have an interest, such as parents, teachers and lecturers. A lot of work is being done in the organisation in that area that is designed to support not just learners but others. It will help learners who might have difficulty accessing things in a normal fashion.

I do not have in-depth knowledge of this, but we also have a dedicated area within operations that works every year with schools to put in place special arrangements for learners who cannot access their qualifications through simply writing on pen and paper. I am talking about people who might need a scribe or electronic papers, or to do their stuff online. A lot of work goes on in that area for those who take the qualifications themselves.

In the development of qualifications, how the qualifications are structured must be thought about and deliberated on, so that artificial barriers are not put in place that will exclude those who might have special educational needs. That is built into and embedded in the process.

There was something else, but it has escaped me; I am sorry.

**Sharon McGuigan:** What we do in accreditation in the development of qualifications and national occupational standards is to ensure accessibility from the start. We have regulatory principles in place that allow us to question awarding bodies about their accessibility and equal opportunity arrangements and so on.

**Jackie Dunbar:** Do members do that on a day-to-day basis? Do they have the ability to feed that back?

**Sharon McGuigan:** We operate on a system of audit reports and centre visit reports, which are publicly available. We can continue to have conversations with any awarding body that has an issue around equal opportunities and accessibility arrangements. We have a number of regulations around what they must do in that area, and if an awarding body fails to meet those, conditions are placed on that body.

**Jackie Dunbar:** Would you say that the focus on being able to do that is quite high in your organisation?

**Sharon McGuigan:** It is pretty high in the organisation, and probably more so in the past couple of years. It has always been high, but it had to get better. We are making moves towards really making a difference in that area and being much more aware of what is happening.

It also comes down to the training of staff. Staff need development and training. Staff always need to be on top of these things. Sadly, with the current financial cuts, staff development is a bit low on the priority list, but we need to keep on top of these things. We need to learn, know and understand so that we can, we hope, support change.

**Ken McAra:** It is very much a part of what we naturally do. When we are out in schools, we are looking at meeting learning needs and at inclusion, equality and wellbeing. Every single inspector is involved in looking at those things—we are keeping an eye open for those. We ask teachers about them and we look for ways in which they are differentiating what is happening in the classroom.

I am part of what is called the “special team”, because we look at the special sector as well as the mainstream sector. We are involved with training of colleagues on a whole range of different things in that area, so that, when it comes to looking at things such as alternative communications devices, their understanding and skill levels are where they need to be.

Internally, we are also thinking about accessibility, health and safety, and wellbeing for colleagues, and we have people who sit on our committee for that. They look at things such as the safety of workers who are on their own somewhere else in the country, safe travel arrangements and any special arrangements that people require to help them to do their work.

**Jackie Dunbar:** Is there anything that you would like to see coming forward that would help in that regard?

**Ken McAra:** I do not know that there is anything that needs to be specified in legislation.

**The Convener:** I thank the witnesses for their evidence this morning. That concludes the public part of our proceedings.

12:08

*Meeting continued in private until 12:30.*



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