



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 27 September 2023

Session 6



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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE

24th Meeting 2023, Session 6

CONVENER

*Sue Webber (Lothian) (Con)

DEPUTY CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*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)
*Ben Macpherson (Edinburgh Northern and Leith) (SNP)
*Willie Rennie (North East Fife) (LD)
*Michelle Thomson (Falkirk East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jenny Gilruth (Cabinet Secretary for Education and Skills)
Eleanor Passmore (Scottish Government)
Stephen Pathirana (Scottish Government)
Elizabeth Sommerville (Education Scotland)
Alison Taylor (Scottish Government)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 27 September 2023

[The Convener opened the meeting at 09:00]

Pre-Budget Scrutiny and the Scottish Attainment Challenge

The Convener (Sue Webber): Good morning, and welcome to the 24th meeting in 2023 of the Education, Children and Young People Committee. The first item on our agenda this morning is an evidence session on pre-budget scrutiny and the Scottish attainment challenge. I welcome Jenny Gilruth, the Cabinet Secretary for Education and Skills, who is joining us for the first time since her appointment. Congratulations, Jenny, and welcome.

The cabinet secretary is joined by a number of Scottish Government officials. Graeme Logan is director for learning; Alison Taylor is deputy director for improvement, attainment and wellbeing; Eleanor Passmore is a deputy director for early learning and childcare; Stephen Pathirana is director for lifelong learning and skills; and Elizabeth Sommerville is an attainment advisor. I thank you all for joining us.

I invite the cabinet secretary to make an opening statement. Cabinet secretary, you have up to three minutes.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Good morning. I am delighted to be here in my first appearance as cabinet secretary at the Education, Children and Young People Committee. I thank you for the invitation—it is nice to be back, although I am sitting in a different chair from when I was last at the committee.

I look forward very much to working constructively with members of the committee. I have met Opposition leads over the past few months, and I look forward to continued engagement with the committee.

I will start by stating the obvious. Some, although not all, of our schools are closed today as a result of industrial action. Although the workers who are involved are local government employees and it is not an education dispute, it would be remiss of me not to mention the impact that school closures have already had, and continue to have, on education this week. Although I respect the fact that the matter remains

a negotiation between local authorities and unions, I recognise that the people who are involved are continuing negotiations in the hope that a resolution can be found swiftly. Although I am not involved in negotiations, I have been working closely with the Convention of Scottish Local Authorities to ensure that disruption to learning and teaching as a result of industrial action is minimised.

The clear expectation from the Scottish Government and COSLA is that schools will be closed only when it is safe or practicable not to open them. The educational needs of our young people must continue to be met locally, where our schools are closed.

I am grateful to the committee for its inquiry into the Scottish attainment challenge and the comprehensive report that it published in August last year. The Government's response was equally comprehensive, and we share a focus on improving outcomes for children and young people who are experiencing poverty.

Progress is being made. The poverty-related attainment gap remains narrower than it was pre-pandemic for national 5s, highers and advanced highers. We have seen good progress in primary school literacy and numeracy, and a record low gap in respect of positive destinations for school leavers nine months after leaving school.

All of that, along with the ambitious aims that local authorities have set and are setting for the longer term, gives me confidence that our £1 billion investment in the Scottish attainment challenge is having an impact.

At the same time, we all acknowledge the impacts of the pandemic and the current cost of living crisis, which have deepened inequality.

The Government is maintaining our commitment to a relentless focus on closing the poverty-related attainment gap and on working closely with our councils, while recognising their responsibilities.

I understand that the committee would welcome an update on the relationships and behaviour summits. In June, I convened a headteachers task force to consider school exclusions. As I explained in my letter to the committee in August, there are multiple strands to the summits, with events in September, October and November. That ensures engagement with a wide range of stakeholders and enables the summit process to be informed by the evidence from the behaviour in Scottish schools research, which we will publish in November. I chaired the summit in September on recording and monitoring incidents in schools, and I look forward to engaging in future summits. To that end, I will continue to keep the committee updated.

There is much to be positive about in Scottish education. We have the lowest pupil teacher ratio, the highest spend per pupil and the best-paid teachers in the United Kingdom. We continue to celebrate and support free tuition in higher education, and this year's exam results have shown continued progress in closing the poverty-related attainment gap.

There are always opportunities to improve—I accept that—but the way in which we, as politicians, engage with the substantive issues of the day in education is, arguably, not like our engagement with any other policy area in Government. As the committee will know, I was a teacher before I was a politician, and the actions that I take as cabinet secretary will undoubtedly be informed by my experience at the chalkface.

I believe that this committee has one of the most important roles in the Scottish Parliament—not only in holding the Government to account, but in driving the improvements that we need in our education system. That is what will improve outcomes for our young people, so I am committed to working with the committee on that endeavour.

I thank you for having me along this morning, convener. I am happy to take any questions.

The Convener: Thank you, cabinet secretary. I am sure that the committee shares the opinion that we are one of the most important committees in the Parliament.

We move to questions from members, starting with Willie Rennie.

Willie Rennie (North East Fife) (LD): Cabinet secretary, you might not have had the chance to read the front page of the *Daily Record* this morning, but there is a report that £15 million of Redress Scotland funding has been reallocated to address the teachers' pay deal. Victims of historical child abuse will want an assurance that they are not going to lose out on compensation. Can you provide the committee with an update on that?

Jenny Gilruth: I thank Mr Rennie for his question. I have not seen the article in question, but I would be happy to write to the member and the committee with more detail. As I understand it, councils will be able to reprofile their planned £7 million contribution to the redress scheme in 2024-25. They will still have to maintain their agreed overall contribution of £100 million, with the Scottish Government ensuring that sufficient savings are available in the interim. As such, the decision will not have a detrimental impact on operation of the scheme.

Nonetheless, I very much recognise the sentiment and the importance of the member's

question. As I have intimated to the member, I would be more than happy to write to him directly on the matter, or to the committee more broadly, because I recognise the sensitivities in this instance.

The Convener: Thank you for that. I call Pam Duncan-Glancy.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning, cabinet secretary. Congratulations on taking up your post, and welcome. I wish a good morning to the officials, as well.

In a similar vein, regarding the teachers' pay settlement, the Government's reply to the committee last year said:

"We've listened to feedback from headteachers about seeking longer term certainty over PEF so, for the first time, we have managed to secure PEF allocations for four years."

However, the Scottish Government's evidence to the Local Government, Housing and Planning Committee yesterday called that into question. The committee heard that, far from continued certainty, some pupil equity funding will be clawed back to pay for the teachers' deal. Is that the case?

Jenny Gilruth: I thank the member for her question. As she has intimated, the four-year settlement for PEF is hugely important, as it gives headteachers certainty in planning—for example, in hiring staff. It is important to recognise that that additionality has helped us to make progress in closing the poverty-related attainment gap.

In relation to the teachers' settlement deal, it is not my understanding that PEF was reprofiled as part of that arrangement, but I would defer to officials on that, because I was not in post at that time. I have not seen the evidence to which you allude, but, more generally, it is my understanding, as cabinet secretary, that PEF absolutely remains a focus of the Government in terms of the delivery model and will remain on a four-year basis until the end of the cycle.

Pam Duncan-Glancy: My understanding is that approximately £30 million of the money will be reprofiled to go towards the £80 million that the Government said that it would need to find.

Jenny Gilruth: I think that that relates to the local government pay deal as opposed to the teachers' pay deal.

Pam Duncan-Glancy: That is correct. Sorry.

Jenny Gilruth: What I understand from the negotiations as they are currently progressing—again, I put on the record that I am not involved in the negotiations; my interest in the matter is very much in maintaining the continuity of education provision—is that £30 million of resource is going

to be reprofiled from 2024-25 with the local government attainment grant, which was formerly PEF. That will simply align the funding with the academic year as opposed to the financial year in planned spending by schools.

The important point in all this is that there will be no detriment to funding at a school level. I have been clear on that, in terms of my responsibilities. The reprofiling will not impact on the availability of funding at the local level. It has, as I understand it—again, I point out that I am not engaged in the negotiations—been part of the decision making around the current offer that is on the table.

Pam Duncan-Glancy: Thank you. I appreciate that, cabinet secretary. I offer my apologies; you are absolutely correct that it is the local government deal, not the teachers' pay deal.

Nonetheless, there are still concerns locally that that will destabilise some of the plans that headteachers had made this year to use that funding. They have sought reassurance that the funding will, indeed, be given back to that pot. Can the cabinet secretary guarantee that that will be the case?

Jenny Gilruth: I state that headteachers must not have that uncertainty: they must know that the funding will flow in those four-year cycles. As far as I am concerned, in relation to my responsibilities, headteachers should and must have that certainty. The premise behind attaching pupil equity funding to four-yearly funding cycles was about giving certainty—giving headteachers the opportunity to plan and recruit on a non-temporary basis, for example. Any movement away from that would be to the detriment of our young people.

Pam Duncan-Glancy: That is why I am concerned, and it is why local people are concerned, about the movement of the £30 million. I appreciate that it can be—as you described it—reprofiled, but, as you are probably aware, because of funding arrangements being based on the financial year or the academic year, it could look as though there could be movement of funding in that some funding that could be used now might be taken back.

Schools have said that they do not think that it is possible to do that, and they are using their funding in a way that relies on its continuing on the longer-term basis that the Government set out last year. I would appreciate your looking into that and making sure that schools, headteachers and local authorities will not feel any detriment from movement of that funding.

Jenny Gilruth: Yes. Pam Duncan-Glancy has raised a really important point. Obviously, negotiations are on-going and I am not involved in them, but I am very clear that there must not be

detriment to schools, which the member alluded to in relation to those negotiations. The funding was promised on a four-year cycle. It must come to schools and directly to headteachers, who have the power to make a difference in their school setting.

In relation to my responsibilities as Cabinet Secretary for Education and Skills, I reassure Pam Duncan-Glancy that longer-term planning in relation to the funding is vital, and it is why PEF is making a difference right now in our schools. There not being detriment to the levels of funding that are available at school level is absolutely imperative, in my view.

Pam Duncan-Glancy: Does that include in this financial year?

Jenny Gilruth: Including in this financial year? Absolutely.

Pam Duncan-Glancy: Thank you.

You also mentioned the additionality that is attached to PEF—you said that schools and local authorities had considered that PEF was additional spending. The report on how that funding has been used was published late last night. There is very little in it about the detail that was asked for on additionality. Are you aware of any local circumstances in which PEF is being used to backfill current core costs?

Jenny Gilruth: Obviously, I shared with the committee—it would have been late last night—the most up-to-date report that we have on that. When PEF was first introduced and sat more generally as a programme, it was meant to be additional to the system. As time has progressed, the system has evolved and, to be blunt, we are living through very challenging financial times, so there is, within our school system, probably now a degree of reliance on that funding structure. We need to be cognisant of that. At the start, PEF was meant to bring additionality, and I think that it still brings a level of additionality. However, I think that our schools depend on it now and that any movement away from it in the future would be very challenging.

One of the biggest privileges in my job as cabinet secretary is that, pretty much weekly, I go into schools where I see the impact that that spend is having. If you speak to any headteacher—as, I am sure, you all do in your constituencies—they will tell you that the funding is making a real difference where it matters in our schools. It empowers our headteachers and allows additionality to be brought in through additional staff members or people from external organisations—for example, third sector organisations that provide mental health support to our young people. We need to be very clear that the additionality that PEF and SAC originally

provided have become intrinsic to our school offer, and I am very keen that we protect that additionality in the system.

Pam Duncan-Glancy: Thank you.

Liam Kerr (North East Scotland) (Con): Good morning. I have a couple of questions on pupil equity funding. It seems that you are absolutely right that PEF is making a significant difference, but the amount is £130 million—give or take some—which is the same as last year. Had the amount increased with inflation, it would be about £145 million. What does the Government think will be the practical impact of what is, in effect, a reduction in funding, and how will you ensure that local authorities are sufficiently resourced, given that £15 million shortfall?

Jenny Gilruth: The education budget, like every budget in the Scottish Government, is not immune to the impacts of inflationary pressures. We need to be mindful of that.

We increased investment in the SAC programme from £750 million during the last parliamentary year to £1 billion during the course of this parliamentary year. In relation to the question that Pam Duncan-Glancy asked about four-year funding cycles, it is important to give headteachers certainty and to allow them to plan in relation to staffing. Knowing that there will be £520 million of pupil equity funding over four years gives them that certainty.

The additionality that we bring is also shown in the fact that, in Scotland, we spend more per pupil than any other part of the United Kingdom. Our spending per pupil was around £1,300—18 per cent—higher than in other parts of the UK.

09:15

We have also had to absorb some of the financial pressures that have surrounded the teachers' pay deal. I think that the deal was the right thing to do, but I am mindful of its impact across the budget and on other parts of the Scottish Government.

We have the lowest pupil teacher ratio in the UK, and we have a good and strong story to tell about investment from the Government, but I acknowledge the impact that inflation has had in relation to erosion of spending power in the education and skills portfolio.

More broadly, across the Scottish Government there is less money to go round than there was previously. I am not going to make political points about that this morning, because it is important that we talk about the detail of educational outcomes, but we should be mindful that external factors relating to inflationary pressures are having

an impact on funding for all cabinet secretaries and on how we have to cut the cake.

Liam Kerr: Respectfully, I say that I am not sure that that answered my question, which was about how a £15 million shortfall does not follow through and have an impact.

By all means, we can come back to that, but I will stick with the topic of PEF. It is allocated at school level, based on the number of children who it is estimated take free school meals. Concerns have been raised with me about what will happen when universal free school meals are brought in. How will PEF be calculated then?

Jenny Gilruth: I will come back to the work on free school meals, because it is important, given that we are moving to universality in primary schools.

In relation to your first point, we know that we have been increasing our local government spend. Local authorities spent about £6.9 billion on education in Scotland. We need to be mindful of the responsibilities of local authorities in relation to education spend in addition to what is ring fenced from the Scottish Government. In comparison, the amount is relatively small. We have increased spending on education; there was a real-terms increase of 7.2 per cent in 2020-21.

It will be challenging to calculate PEF when free school meals become universal. That will involve us working with Social Security Scotland and His Majesty's Revenue and Customs. I will bring in Alison Taylor on that, because officials are currently working on the calculation, which will be challenging as we move forward and away from the measure that we currently use. We recognise that universality will necessitate use of a different measure.

Alison Taylor (Scottish Government): On allocation of PEF, the fact that we have published the amounts for the four years of the session of Parliament means that the amounts are determined. We have made estimates for the remainder of the programme's life cycle, as it is defined at the moment. It is a very challenging change to make and, as the cabinet secretary said, we are working on it with our colleagues for whatever comes next.

We have been able to use a different formula for the portion of funding that goes to local authorities, which is the formula for children living in low-income families, but that does not take us down to the level of granularity that we can apply at school level. The key thing with PEF is that the allocations to 2026 have been published, so schools have certainty now about what they will get.

Liam Kerr: I understand. I will just press that point. Cabinet secretary, more philosophically, do you think that eligibility for free school meals is the best measure on which to decide levels of need in a school and area? Perhaps there is a better way that you might move to.

Jenny Gilruth: That is the measure that we have used for allocations for a number of years. We have, in the past, used it in relation to eligibility for other things as well. In the future, given that we are moving towards universality at primary school level, we will have to consider a different model. Universality necessitates a shift away from it. I am not going to argue about whether it is the best way to measure it. It is the measure that we have used, but we will have to use a different one in the future. The approach will look different because of the universal approach in primary schools.

The Convener: I have a couple of questions that need to be asked, and I will ask both at the same time. What is the Government's assessment of progress in closing the attainment gap since the pandemic? During the pandemic, attendance was a challenge, and getting those pupils back into school continues to be a challenge. That is a critical point in addressing the attainment gap. So, cabinet secretary, what we are doing to improve pupil attendance?

Jenny Gilruth: The convener raises important points on closing the attainment gap and attendance, an issue that has concerned me since my appointment at the end of March. We have seen a narrowing of the gap since 2019; the most recent exam results from this academic year show that. It is important that we compare this academic year with 2019 as the closest possible barometer of comparison, given that, during the pandemic, the Scottish Qualifications Authority removed the normal course requirements for qualifications and replaced them with a different measure, using teacher judgment, which I know the committee will be familiar with. Our closest barometer of measurement is 2019, and the comparison shows that we are making progress in closing the gap in relation to exam results.

The achievement of curriculum for excellence levels data on literacy and numeracy in primary 7 showed last December the biggest amount of progress that we have seen since records began. The most up-to-date data on ACEL for primary 7 will be published in December, and the committee will want to look closely at that—as I certainly will.

On issues surrounding attendance more broadly, I receive fortnightly updates on the national picture of attendance, and they concern me. Members will have heard me say in the chamber that certain year groups seem to have challenges in relation to their school attendance. It appears to me that those are the year groups that

went through a transitional period in their education during the pandemic. Whether that was, for example, pupils in primary 7 or those in secondary 3, there are gaps in attendance in certain year groups.

To that end, I have asked Education Scotland to look at the issue in more depth and provide me with further advice, which will be forthcoming later in the month. I would be happy to share that advice and any recommendations with the committee, recognising that managing attendance is a matter for local authorities. I know that some local authorities use their PEF to improve attendance and attainment, for which it can be a valuable tool, but, aside from that, local authorities have a responsibility in relation to attendance.

I was very worried after some of my school visits, because I heard about care-experienced young people not attending school because of their experiences during the pandemic. It concerns me that those young people are not attending and that, as a result, their educational needs might not be being met.

We need to be mindful—as, I know, the committee is—of the impacts of the pandemic on schools. Those impacts did not just disappear after the last lockdown. They changed behaviour, the way in which our young people interact with the education system and the way in which parents engage with teachers. We need to be mindful of that and sensitive to it, particularly in relation to attendance.

As the cabinet secretary, I am fearful that a cohort of young people have had their education disrupted by Covid and by industrial action. We need to engage those young people fully in their education to improve their outcomes, which is why improving attendance is key.

The Convener: I was trying to get at what is happening to target those young people. Last night, there was a Colleges Scotland event. Edinburgh College talked about the programme that it is doing with East Lothian Council in partnership with Preston Lodge high school and Ross high school—I think that I got the second high school right; I am sorry if it is not right—whereby young people from S1 and S2 come to Edinburgh College in an attempt to re-engage them and excite them about learning again. I was trying to tease out whether more such activities are going on across the country and whether you are looking to accelerate them.

Jenny Gilruth: Absolutely, convener. I am being reminded that Liz Sommerville from Education Scotland is here. I will bring in Liz, who is working on the deep dive that Education Scotland is preparing. The work on engaging the college sector in our schools, to which you allude,

is fundamental to providing different pathways for young people and getting them to re-engage with the education system if there has been disengagement due to the pandemic and an impact on attendance.

Elizabeth Sommerville (Education Scotland):

It is always a pleasure to come to Parliament and talk about the successes of the attainment challenge, so I thank you for giving me the opportunity to do that.

We are undertaking a deep dive on attendance. It will be a short, sharp piece of work—we are undertaking it in a short period—but that is on purpose, because we know that we cannot wait. If we need to review it in a few months' time and add to it as more data becomes available, we will.

During that deep dive, we hope to get to the root of the barriers and challenges that children face in being able and wanting to come to school. We will also consider what the impact of the pandemic has been on that and look ahead at what effective strategies are being used elsewhere. In a minute, I will give you some examples of how people are using their PEF to improve attendance in their schools and have an impact with that. In the other parts of the deep dive, we will look to provide advice on the strategies and interventions that can be put in place to support children to come back to school and prevent them from disengaging from school in the first place.

A lot of people are talking about attendance at the moment. For me, attendance is not a noun but a verb; it is something that you do. Attendance is often a symptom of what else is happening in children's lives, whether that is disengagement from the curriculum or disengagement from being able to turn up at school because they have pulls coming from home. We need to understand all those factors so that we know how best to support our learners. Ultimately, it is an inclusion issue, because we need our children to feel included in school and to remove the barriers so that they can attend.

The last point that we will consider is data. We will examine what data is available, what data local authorities are using and how they are using it to support them to drive improved attendance.

Although we will consider attendance, we also have to consider engagement, because, if we do not get engagement right for our learners, they will vote with their feet. With regard to that, we have a couple of examples of successes to talk you through. We are seeing successes across the country.

Those of you who are in the area will know that the Forth Valley and West Lothian regional improvement collaborative has spent a significant amount of its funding on addressing attendance

within schools in the region. That was a massive piece of work, and there is a lot in it that we will be able to share and highlight for other local authorities to use.

To take a specific example, one high school in Perth and Kinross—Kinross high—is using its PEF to employ pupil care and welfare officers. After putting those people in post, the school is seeing differences: from a yearly average of 88 per cent attendance, the learners concerned are jumping up to 93 per cent. We know that anything less than 90 per cent attendance impacts a pupil's attainment, so that piece of work is moving those learners to a place where they can maximise their attainment, which is a nice story.

There are also examples from Edinburgh. Craigmoynton community high school has been putting in place what it calls attendance champion interventions. It sounds like an exciting piece of work. We have ended up with 77 per cent of young people who were targeted improving their attendance.

There is a lot going on in the system. We are almost finding out what will work by trial and error, because we have never been in this situation before. It is important that people do the analysis of what will work and how we scale it up. A lot of people are trying small tests of change to know exactly what will work.

However, ultimately, we can put in place as many interventions as we want with regard to attainment but the children have to be in the building. We all know that our objective has to be to get children in the building. As you described, convener, that might not be the school building. We might need to think about it differently. However, the question is how we engage our children in learning so that they can attain.

The Convener: It is good to know that some innovative thinking is going on. We look forward to seeing the results of that deep dive.

Pam Duncan-Glancy has what I hope will be a brief supplementary.

Pam Duncan-Glancy: I do. The evidence does not support the Government's claim that the poverty-related attainment gap was narrowing before the pandemic. Indeed, the trend in national 5s and highers from 2016 to 2019 was that the gap was increasing, and it is now wider than it was in 2016. Can the cabinet secretary explain that, and will she fulfil the commitment to close the gap by 2026?

09:30

Jenny Gilruth: I do not agree with what Ms Duncan-Glancy has just intimated. The gap for national 5s and highers is narrower than it was in

2019. That is our closest barometer of measurement. If the suggestion is that we compare this year's results with those in 2022, I do not accept that, because the course qualification requirements for 2022 do not match up to the course qualification requirements today.

Pam Duncan-Glancy: It was the three years previous to 2019 that I quoted figures on.

Jenny Gilruth: We can selectively choose a year that we want to, I suppose; that would be the answer to Ms Duncan-Glancy's question. My closest measure here is 2019, but even 2019 and the three years prior to that do not compare to 2023, because our young people have lived through a pandemic. I am not sure that I would accept the suggestion that their outcomes in relation to their academic attainment should be measured bluntly against that.

More generally, we need to be very careful in how we frame some of this, because our young people lived through a pandemic and were out of school for such a long time. We have just heard about issues with attendance. Some young people are not engaging. For many of them, getting them to engage in formal education will be very challenging.

I know that we will come on to talk about behaviour, but I see that as part of the wider challenge in relation to attainment. Do I think that we need to keep going in relation to closing the gap? Absolutely, but we also need to be mindful of that shift in the context. It is not just about Covid; it is also about the cost of living crisis and things getting much harder for families than they were previously—in the three years that Ms Duncan-Glancy spoke about, for example. Inflationary pressures were not where they are now at that time, and it is really important that we all take cognisance of that in relation to the targets that we have set.

We absolutely need to close the poverty-related attainment gap, but we need to be mindful of the new normal that the pandemic has created and that the economic conditions have necessitated in recent years. That is having an impact on our young people before they even enter the school gates, never mind when they are sitting their exams.

Pam Duncan-Glancy: Would you accept that the gap was increasing between 2016 and 2019?

Jenny Gilruth: I do not have the details in front of me.

The Convener: Okay. Thank you. That is fine, cabinet secretary. I want to pick up on something that is a bit more of a chicken-and-egg thing—it is back on attendance. If attendance is such a critical point for attainment and closing the gap, should

other interventions perhaps be of less importance than focusing in on attendance? Does the cabinet secretary want to respond, or perhaps Elizabeth Sommerville? Do you know what I am trying to ask?

Jenny Gilruth: Is the question about whether we should almost prioritise attendance over other interventions?

The Convener: Perhaps, yes.

Jenny Gilruth: I will probably bring in Elizabeth. In my experience, it depends on the individual child, their context and their circumstances, so having a blanket national approach to attendance can be challenging. We need to recognise—I took notes as Elizabeth was speaking—that the data that I am presented with each fortnight shows variation at the local authority level. We need to be mindful that there is not one static national picture. In certain local authorities and in certain groups of children, attendance will be higher than it is elsewhere. Poverty has an impact on attendance. Therefore, I do not think that we could narrowly say, "Let's just focus on attendance." We need a renewed focus on attendance, though, because there are cohorts of young people who are not engaging with the education system in the way that they should be.

The Convener: Does Elizabeth Sommerville want to add anything, or has the cabinet secretary covered it?

Elizabeth Sommerville: Going back to the idea that attendance is not a noun, we will not fix the gap by looking only at attendance. We have to look at children's readiness to learn: are they able to come into the building and be ready to learn? We have to look at our children's identities as learners: do they feel that they are succeeding? That is where PEF comes in, because it allows us to supplement and accelerate their progress, so that they feel they are included and involved in school and that they belong in school.

All of those interventions allow our children to feel that they belong and lead us to give them some autonomy, so that they feel that they have some control over school and some belief in themselves—some agency. If we can deliver those three things by using our PEF and focusing in on accelerating their learning and giving them the support that they need, that will encourage our learners to walk back in the door and be more involved.

The Convener: Thank you. That was really helpful. We just needed to bottom out what was being said about attendance, so I appreciate that contribution.

Michelle Thomson (Falkirk East) (SNP): Good morning, panel. Thank you for attending. I want to

start with a quick question about the Verity house agreement. We know that some broad principles have been established, but, critically, we still need to work out the principles, never mind the details, of any fiscal framework.

Therefore, my question is, what consideration have you given to how the Verity house agreement will change your approach to setting the budget, giving advice to local authorities about budget setting and, indeed, policy making in terms of funding, ring fenced or otherwise?

Jenny Gilruth: There are a number of things to unpack in that question. I think that the Verity house agreement sets out a new way of working between local authorities and the Scottish Government, and there are many positives that we can take from that. I would say that it is an iterative process. At the current time, we are working through what an accountability framework will look like in terms of measuring progress. One of the points that I made in response to the convener's question about attendance was on local variation, and I am keen that we look at local variation in relation to attainment, for example. We should look at local accountability and how that can be better advocated for, given that, as the cabinet secretary, I do not run our schools at a local authority level—that is the responsibility of councils.

Scottish attainment challenge funding is very much targeted funding, as is other funding within the portfolio, and that has to remain the case. That will continue through the course of discussions around the framework.

In terms of ring fencing more broadly, I accept that local authorities have certain statutory duties that they need to fulfil, but how they do that and their overall level of resource is, in the main, the responsibility of local authorities, and I do not think that the Verity house agreement will interrupt that—in fact, if anything, it will seek to empower councils further. It is, though, also important to say that only 7 per cent of funding provided in 2023-24 is actually formally ring fenced in relation to education, and that represents a relatively small percentage of councils' overall spend on education. That is why I think that the Verity house agreement is important in resetting the relationship between Government and local authorities but also with regard to recognising local accountability within that process.

Michelle Thomson: I hear what you are saying and I accept all of that. You talk about accountability on both sides, and I think that the principles are clear. However, the budget for 2023-24 will be published fairly soon, in December, and local authorities will be asking what specifically it will mean for them in the following year. Have you managed to have any discussions yet with the

Cabinet Secretary for Finance about what the interim measures will be? I acknowledge that you said that it will be an iterative process, and I am thinking specifically about local authorities that might wish to, for example, revert to using the more flexible pupil teacher ratio instead of going by the number of teachers and that will, therefore, be making specific budgetary plans based on that, because that is a longer-term issue. I am trying to flesh out how far they will be able to make those decisions straight after the budget, as I am not clear about that.

Jenny Gilruth: The responsibilities for some of that rest with the Cabinet Secretary for Finance, and I do not want to speak on her behalf. However, the outcome of the current review of ring fencing will be taken into account and confirmed as part of the Scottish Government—*[Interruption.]*

You ask whether I have engaged with the Cabinet Secretary for Finance on the issue. Yes, I have, at numerous points during the recess period and more recently, in relation to how this will work. My officials and I are keen to build in an assurance and accountability framework that will protect education spend to some extent, because we need to recognise that, although education is delivered at a local level, there are pockets of education spend that are ring fenced by Government, for what I think are good reasons.

You allude to the issue of the pupil teacher ratio, which I think was raised in the committee's meeting last week. Members will forgive me if I am incorrect on this, but, as officials and I have confirmed, we have not moved away from the pupil teacher ratio—there has not been a change in relation to that. In relation to teacher numbers, we can—

The Convener: I am sorry to interrupt, cabinet secretary, but there are members who want to ask specifically about teacher numbers, so it would be helpful if you could leave your comments on that issue until then.

Jenny Gilruth: Okay. I will leave it there. I have some views on the issue.

The Convener: You did well not to be upstaged when you were interrupted by a member sneezing.

Bill Kidd (Glasgow Anniesland) (SNP): I had to draw attention to myself somehow.

The Convener: I know that you were in mid-flow, cabinet secretary, but I did not want to get on to the subject of teacher numbers at the moment.

Jenny Gilruth: If members want to ask about that later, I will pause there.

Michelle Thomson: I accept your point, convener. I raised the pupil teacher ratio more as

an example than as a specific point. I accept that it will be dealt with later.

The Convener: Helpfully, my deputy convener, Ruth Maguire, will address the issue of teacher numbers next.

Ruth Maguire (Cunninghame South) (SNP): Good morning, cabinet secretary and panel. It is nice to have you with us. As you will see, the committee has been exploring the policy of maintaining and increasing teacher numbers. Last week's panel gave us some views on that, and members will have heard views from their local authorities, too, but I would like to hear your reflections on two points.

First, this is obviously an input measure. Are such measures the best way of looking at outcomes for children and families? Secondly, I would like to talk about the issue of fairness. What about those local authorities that protected their education budget and have falling pupil rolls? It would be helpful to hear your views on the issue of inputs and outcomes first.

Jenny Gilruth: First, I will focus on the broader suggestion that I think the committee heard last week in relation to falling pupil rolls and how we plan appropriately for the workforce of the future. We have already committed to a teacher audit in that space to look at planning for the future and how we ensure that we have the right number of teachers for the vacancies that we have. That audit must also take cognisance of the manifesto commitment to reducing class contact time, and we need to be mindful that delivering that will require more teachers in the system.

More broadly, I would query with local authorities the view that having fewer teachers in our schools would be good for our young people's outcomes. I do not agree with that.

Ruth Maguire: On that specific point, we have heard examples of areas other than teachers where the education budget can be spent. I am not questioning the value of teachers at all; I am just reflecting on the conversation that we have had about attendance and the suggestion that attendance officers, for example, might be helpful to the vulnerable children and families whom we are trying to help. Indeed, what about speech and language therapists? That is another issue that has come to the fore as a result of the pandemic.

Jenny Gilruth: I do not detract from what has been said, because that sort of partnership working has undoubtedly been key to some of our work on closing the poverty-related attainment gap. However, the same is true of good-quality learning and teaching, and we really need to be mindful of not undermining the role of the teacher in closing that gap.

The previous cabinet secretary committed to protecting teacher numbers with an additional £145 million—and then last December's teacher census showed that national teacher numbers had fallen. This December, the committee will be watching closely, as I will, to see what that additional £145 million of investment from the Government has delivered with regard to teacher numbers. I would be reluctant to move away from the current model, for reasons that might be obvious to the committee.

Ruth Maguire: I have a further question about fairness. You might have one local authority with a falling pupil roll that has protected its teacher numbers and another with a rising roll that is having to maintain them. I know that we have the highest pupil teacher ratio, and that is an important measure, but—I am sure that committee members will not mind my using this example—in my local authority area, the pupil roll is falling and the authority is having to maintain teacher numbers. It is, I guess, a difficult issue for people to get their heads around.

Jenny Gilruth: Yes, but that is why the teacher audit is the answer. It will give us the granular data at national level that we will need to plan for, say, the reduction in teacher class contact time, which I think is really important. We will need additional teachers in the system to deliver on that commitment, and we need to be mindful of what that will look like.

I am concerned by some of the evidence that the committee has heard on teacher numbers, because we could get to a position where it might be suggested that, if I just let go, everything would be okay. I go back to the position of the previous cabinet secretary last December. That was not the case then, and I would really worry about our moving away from that model.

However, the member has made an important point. In my experience, the number of teachers in a school is usually calculated on the basis of the population and the number of pupils in the school. If your school roll is increasing, you might, say, gain a depute, but those calculations are made at the local authority level.

I do not think that there are extra teachers floating around in the system, if that is what last week's panel was suggesting. What I have seen from my experience in schools is that any additionality in the system is used to close the poverty-related attainment gap. As the member alluded to, that might come not in the form of classroom teachers, but in the form of attendance officers, health and wellbeing support or whatever.

I go back to the point that the audit of where we are nationally will give us a granular picture. There were some recent press reports—I am not looking

at Mr Rennie—about the number of classes with more than 30 pupils, but my current pupil teacher ratio is extremely low. We need to look at how class sizes work at a local authority level, given that we have more teachers in the system now. I am sorry if I have presupposed your question, Mr Rennie.

09:45

Ruth Maguire: I am being upstaged by Willie Rennie when he is not even asking questions. [Laughter.] I have a final question on that issue. You have spoken about the benefits of protecting teacher numbers. What assessment do you make of the risks of seeking to control teacher numbers? I am thinking about local variation in accountability.

Jenny Gilruth: There are inherent risks, but I go back to Shirley-Anne Somerville's experience last December—the Government provided an extra £145 million, but there were fewer teachers to show for it. Trust is not a one-way street. When the Government provides that additionality, we will look to recoup it if it is not invested in teachers. Fundamentally, that is because we believe that good-quality learning and teaching is what makes the difference in closing the poverty-related attainment gap.

I would like us to go back, in our parliamentary debates and more broadly in Scottish education, to our conversation about good-quality pedagogy and how it can make a difference in our schools. That is the silver bullet in all of this, but some of the recent discussion about closing the gap has moved us away from that. We need to go back to talking about the role of the teacher, the importance of good-quality learning and teaching and how that can raise attainment for all and close the gap.

The Convener: You mentioned briefly in your response to my colleague Ruth Maguire that you will look to recoup investment. We asked your predecessor about the mechanism for that and how it might manifest itself. Do you have any thoughts on that?

Jenny Gilruth: On the practicalities of my recouping it?

The Convener: Yes.

Jenny Gilruth: No, convener, but I am aware that that power is at my disposal. I would defer to my officials on precisely how we would go about doing that work. The mechanism has existed previously. However, it is not one that I would want to enact. Going back to Ms Maguire's line of questioning, I add that I do not want to be in that position; I want to be able to trust our local

authorities to deliver at that level, where our schools are run.

Going back to Ms Thomson's point about the new deal and the Verity house agreement, I note that that is where we should be. If additionality is provided by central Government but it is not used for teacher numbers, the question that I have is what it is being used for. That would be challenging for me to defend as cabinet secretary. There are risks on both sides.

Liam Kerr: Just to be clear, will there be a negative consequence for councils if teacher numbers do not increase?

Jenny Gilruth: Could Mr Kerr explain what he means by "negative consequence"?

Liam Kerr: That is the question. If you say to councils, "You have to increase your teacher numbers," and then, for whatever reason, they are unable to do so or do not do so, will consequences arise?

Jenny Gilruth: As Shirley-Anne Somerville set out last year, we would look at that on a case-by-case basis. I recognise that, right now, although we are talking about teacher numbers in the round, it is much easier to recruit teachers in Edinburgh than in the Highlands and Islands, for example. We need to be mindful of that and of subject variation, and we need to look at the issue on a case-by-case basis.

Liam Kerr: On that exact point, some would argue that the focus on teacher numbers is a very blunt instrument. To focus on the numbers, the committee heard last week that there are 300 fewer maths teachers and 300 fewer English teachers than there were in 2008. That masks the reality of what is happening on the ground. What are you doing to recognise that? Is there a more sophisticated way than the raw numbers to approach that?

Jenny Gilruth: The member makes an important point. There are undoubtedly challenges in subject specialism in secondary. As he knows, because he has asked me many written parliamentary questions on the topic, there are geographical challenges in getting subject specialists to go to certain parts of the country. As the committee is probably aware, we have a waiver scheme whereby, if you tick the box, as I did many moons ago, you are given a golden handshake by the Government to go and teach in any part of Scotland. I am keen to work with the strategic board for teacher education on how we can better encourage people to take up that scheme.

However, I recognise that the Government is investing in our teachers and their education. There are no tuition fees in Scotland for four

years, and studying for a postgraduate qualification will not have any tuition fees attached to it. The probationary year is funded directly by central Government. That amounts to quite a lot of investment by the Government. Would it not be preferable for us to look again at how we can guarantee a level of employment for new teachers who are coming through the system? As part of that, we could look at geographical variation. It would also be a way of addressing Mr Kerr's point about subject specialism, which is, as he said, a challenge in certain areas.

The Convener: We move to questions from Ross Greer.

Ross Greer (West Scotland) (Green): I have a couple of questions about the tracking of spending on additional support needs. The context is probably the Verity house agreement, so I would like to briefly return to that. You described the process as an iterative one—in other words, the fiscal framework will not be fully brought in for the coming budget, which makes sense. However, I want to probe further on that. Is it expected that all those arrangements will be in place by the end of the parliamentary session or by the time of the next council elections in 2027, or is there not a fixed timescale for that because the process will evolve on the basis of the relationship?

Jenny Gilruth: It is probably the latter—I think that it will evolve. We need to rework the relationship with local authorities. We need to get to a place where we can trust each other. I accept that that is a two-way street and that, in the past, that relationship has not necessarily been in the best of spaces.

Despite what I said in my commentary around teacher numbers, we have had very good working relationships with local authorities over the past four weeks. The committee will be aware of the challenges that we have faced in relation to the presence of RAAC—reinforced autoclaved aerated concrete—in the school estate. COSLA has worked very closely with our local authority partners on that issue at pace and with urgency, and I thank it for its endeavours on that. Although the work on that issue was not part of the Verity house agreement, it is representative of a new approach to local government working with the Scottish Government. I currently meet COSLA weekly. As well as RAAC, we discuss matters such as the industrial action that is taking place this week. That has been a positive process.

To answer Mr Greer's question, there is no end date for the process as far as I am concerned, although I am mindful of the fact that budgetary responsibility sits with another cabinet secretary, who might have a different view on that, given her interests. However, we are currently looking at how we can explore with COSLA that approach to

governance and assurance in terms of accountability. That is our focus. There is no end date for the process per se, but we all recognise that, in the longer term, we want to get to a better funding situation that does not involve us recouping money or directing blocks of funding to local government but, instead, means that we are able to trust authorities to spend money in whichever way they see fit and in a way that meets the needs of their young people.

Ross Greer: Thank you. I have a specific question on additional support needs spending. If you do not have the relevant information to hand, I will understand. However, there is a wider point that I want to make. I put this question to the local authority officials last week.

The local financial returns for 15 of the 32 councils record nil spends on additional support needs outside special schools—in other words, on ASN in primary and secondary settings. Obviously, those authorities are spending money on that; every local authority spends substantial amounts on ASN in primary and secondary settings. The question is how we track that spend. The committee will endeavour to find out why some local authorities record their spending in that way and why others provide more detailed information on their ASN spending.

I take your point that the Government has put in substantial investment, the vast majority of which is not ring fenced. However, the Government has a specific interest in improving outcomes for young people with additional support needs. How do we track the impact of that spend, particularly when it is hard to track how much spend there is in the first place?

Jenny Gilruth: Mr Greer highlights a really important point, which is to do with local variance in how things are recorded. I know that the committee will have taken an interest in the work that His Majesty's Inspectorate of Education has carried out on how we measure incidents related to bullying and the disparate approaches that are used around the country in relation to how that data is gathered.

It is important to remember that, as the committee will know, more than a third of our pupils in mainstream education have an identified additional support need. Given that most of our young people will be in the mainstream, the question that arises is how local authorities are gathering that data. I would be keen to work with the committee on that, if that would be helpful, because I think that we need to develop a national approach to how that is measured and tracked.

I have been taking such matters forward with SAGRABIS in relation to behaviour. I think that I have written to the committee about that, but I will

explain that SAGRABIS is the group that brings together the Scottish Government, COSLA and wider partners on the issues surrounding behaviour. At that meeting, COSLA's clear ask was that we look to have a more standardised approach to measuring bullying incidents in schools. A more standardised approach to measuring ASN spend and how that information is gathered at local authority level would also be very helpful.

I go back to Michelle Thomson's point about the Verity house agreement and local accountability. Having that data at our fingertips would be helpful in measuring ASN spend and the outcomes that that additional spend is delivering for young people with additional support needs.

Ross Greer: How do we strike the right balance and resolve the tension between what we have all signed up for with regard to focusing much more on outcomes rather than inputs and the reality that significant importance will always be placed on the amount of money that we put into the system? Inevitably, there will be political debates about where that money is prioritised. In this case, the outcomes for young people who have diagnosed additional support needs are the most important thing for us to measure. However, we can still tell quite a lot from looking at the amount of money that we are putting into the system and where it is going, and then tracking that against the outcomes.

How does the Government balance those things in areas such as ASN, particularly given the inconsistency in the data? Ultimately, you cannot set a budget based on outcomes; the budget needs to explain how much money will go to X, Y and Z.

Jenny Gilruth: It is really challenging. Every young person with additional support needs is unique, so the measurement of inputting X and expecting Y as an outcome cannot really be used. We need to be mindful of that. These are people. We all have different needs as adults, and our young people are exactly the same.

I go back to your question about the measurement and the tension with local authorities on that issue. To me, this is an opportunity for us to better evidence how the funding that we provide at a national level can drive improvements at the local authority level. We have heard from Education Scotland about some of the partnership work that it is engaged in in relation to attendance and different things that work, and I have certainly seen fantastic examples of how provision for additional support needs is working in mainstream settings, but also in special school settings.

I do not have a direct answer to the member's point—I will be frank about that. However, I want to explore the issue more fully with COSLA in the context of the Verity house agreement, recognising the need for transparency about spend, but also the member's point about outcomes for these young people. They will not necessarily be binary things that we can measure, because they will depend on the individual young person. That can be difficult to grasp in the heat of political debates. We should all recognise that, given that more than a third of our young people in schools have an additional support need, they are part of the mainstream. We have a different approach to education in Scotland now, but I think that we sometimes miss that in the mix.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Good morning. The Government is putting in a lot of additional resource to support our young people through these challenging times, whether that is the PEF allocation, which we spoke about earlier, the Scottish child payment or free school meals.

In last week's evidence session, it was stated that, despite the significant amount of additional resource that has gone into providing free school meals, the funding going to local authorities for that policy has not kept pace with inflation. What are the Government's thoughts on that?

Jenny Gilruth: Undoubtedly, inflationary pressures are having an impact on our budget, as I alluded to in my answer to Mr Kerr. Mr Kerr did not think that it was an answer, but I attempted to provide a response. Our money is not going as far as it used to, and I think that members around the table accept that.

Scotland has more generous free school meal provision than any other part of the UK. The next phase of that is expansion to primaries 6 and 7, starting with children whose families receive the Scottish child payment. Inflationary pressures are being felt in relation to decisions taken elsewhere. I am not going to make political points, but we are doing everything that we can to mitigate those pressures. As the member will know, free school meals provision is a manifesto commitment. Quite aside from that, it is the right thing to do.

In my view, the policy will help to improve attainment and how children engage in the education system. Some evidence suggests that it can even help to stymie childhood obesity.

There are lots of good reasons why we should invest in free school meals. Rising food costs are impacting families across Scotland. We provide £169 million a year to support universal free school meal provision in primaries 1 to 5, as well as for the roll-out for primary 6 pupils to those who are eligible in secondary 6. We continue to support

that policy. It will be challenging, but there is a commitment to deliver it and I assure the committee that we are working towards it.

10:00

Ben Macpherson: You talked about the wide-ranging potential positive impact of free school meals. On how we consider the policy in future, does the Government plan to evaluate the educational and wellbeing effects or, indeed, the impact on child poverty? Is there an intention to evaluate the impact of the universality of the free school meal provision?

Jenny Gilruth: I am keen that we undertake work on that. I might bring Alison Taylor in on the point. We were discussing the issue recently.

Some evidence from elsewhere in the UK—from down south, actually—exists on the topic. It is helpful and shows that, if you invest in universality, it helps not only to close the gap but to raise attainment for all. I have personal experience of how stigmatising it can be for young people to access free school meals when they are in school. That is an important point in relation to universality for our primary school children, which I certainly support.

I will bring in Alison Taylor on how we intend to evaluate the policy, because the member raises an important point.

Alison Taylor: We are very aware of the need to evaluate what impact the expansion of free school meals has on wellbeing and learning, as well as its social impacts.

Some evidence exists, as the cabinet secretary mentioned, but it is limited. There is a bit from down south and a bit from other countries, but it is not necessarily directly applicable to our environment.

We are in an effective planning process with our partners at COSLA and in individual councils. We are working through the practical implications of expansion for them, taking into account the significant changes in costs that we have all experienced in the past year or two. That process of planning will return a lot more evidence to us in the next month or two. At that point, we will be much better placed to move our thinking on to the next phase that you describe, Mr Macpherson: the point at which we start planning how we evaluate the impact on the ground. However, this stage, the planning phase, is a step back from that. It is more about the practicalities.

Jenny Gilruth: For the committee's awareness, I highlight that the practicalities include our looking to build school kitchens. The Government is providing huge capital investment. When I was first appointed, I did not appreciate the fact that a

number of our schools do not have the capital provision in their school estate to deliver free school meals, so we need to put that in place, which takes time.

Ben Macpherson: Indeed, those additional facilities could enable community groups to do other things in the wider community that would help to impact poverty, learning and the wider common good.

For the sake of clarity, are you saying that the evaluation will consider the educational impact, the impact on child poverty and the impact on physical health in the round?

Jenny Gilruth: We need to complete the evaluation once we have completed the roll-out to primary 7. I do not want to prejudge at committee whether it will deliver on all your expectations, Mr Macpherson. I would be supportive of what you suggest, but I do not want us to decide before we have rolled out the full programme how we will evaluate it. However, you are right.

The point on childhood obesity is interesting. As Alison Taylor mentioned, there is limited evidence on that, but there is some evidence that free school meals can help to reduce childhood obesity, which is an additional challenge. It is important for us to consider more broadly that the investment is not just an educational one but a health investment.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): We can all agree that hungry kids are not best placed to learn. However, is there evidence that universality increases uptake among the children who need free school meals the most?

I do not know whether that is a question for you, cabinet secretary, or Alison Taylor.

Jenny Gilruth: I might bring in Alison Taylor on that. As she said, there is limited evidence from down south and other parts of the world. However, the principle of universality is an important one. In my response to Mr Macpherson, I talked about how, certainly when I was teaching, stigmatisation could be attached to those who were in receipt of free school meals. Universality removes that, but I do not know whether we have further international evidence on that.

Alison Taylor: Not really. It is generally accepted that it has a beneficial effect in exactly the way that the cabinet secretary has described. We see some fluctuation in take-up over time, and it would be fair to make the pretty obvious observation that it is also very much influenced by the wider economic environment. As families experience pressures on their budgets, uptake tends to increase. We have seen some evidence of that.

Willie Rennie: When Humza Yousaf was a candidate to be First Minister, earlier this year, he told an SNP leadership hustings event about the private, voluntary and independent early learning and childcare sector. He said:

“I made it very clear, having engaged with the PVI sector, that we have to have an equitable funding formula.”

He went on to say that

“we have to nail down that fair funding formula, because they tell me that, if we don’t, a number of those in the sector will shut down, and we can’t have that.”

What progress has been made on that fair funding formula?

Jenny Gilruth: Obviously, the Government has some really ambitious targets in relation to expanding our childcare provision. The PVI sector will be critical to that. We will not be able to do it with local authorities alone. We also need to be mindful of the role of childminders in that respect.

We published a financial sustainability check in the summer, and we have committed in the programme for government to giving the funding to enable workers who are delivering ELC in the private and third sectors to be paid at least £12 an hour from April next year. We are also committed to a pilot to look at how we can grow the childminding workforce in rural and urban communities by a further 1,000.

More broadly, Mr Rennie speaks to a number of challenges in relation to ELC. I will bring in Eleanor Passmore on how we have been moving that agenda forward. It will take substantial additional investment from the Government and, as I mentioned, it will require the PVI sector to be a huge part of that, recognising that local authorities will not be able to do it on their own.

Eleanor Passmore (Scottish Government): Mr Rennie touched on closures. I assure the committee that that is something that we, in the Scottish Government, keep a very close eye on. We have not seen a significant spike in closures nationally, so we are not seeing a major trend there. Obviously, there will be local issues, which local authorities will deal with.

In terms of the funding formula and the funding model that are in place for ELC, as the cabinet secretary set out, a number of announcements have been made recently to strengthen how we implement that funding arrangement—notably, through sustainable rates. The rate has risen by around 50 per cent since the implementation of the 1,140 hours expansion began. There is recognition that further improvements could be made, which is why we have undertaken a joint review with COSLA around the process for setting sustainable rates. That is now being considered by ministers and we expect to publish it shortly.

As the cabinet secretary also set out, we are reviewing that again in light of the commitment to pay a wage of £12 an hour, which will be implemented through the rates review process and will be a significant part of how we ensure that we are supporting the sector in terms of its financial sustainability and, crucially, staffing. There are a number of strands of work in train around that.

Willie Rennie: There is no doubt that a wage of £12 an hour will help, but the main problem is at the experienced staff level. The nurseries are able to attract staff, but they cannot keep them when they are experienced because they go on to other jobs in other sectors. My concern is about the quality of provision. It is not just about care; it is about education, so quality is an issue.

You are right that not that many nurseries have closed, but they are limiting their capacity. I have lots of constituents who are struggling to get a place anywhere for children younger than three or four. A real problem with capacity is developing, but the issue is primarily to do with retaining experienced staff. I just hope that that is understood and that you will address that when it comes to the budget for next year. Is that the plan?

Jenny Gilruth: We will need to address that. The retention of staff in the PVI sector is important. As you alluded to, Mr Rennie, the First Minister spoke about that a lot during the recent leadership contest that took place in my party, but it is also central to his vision and his approach to Government that we expand childcare, because he recognises that that is about not only providing childcare but growing a wellbeing economy and, often, about freeing up mums to go back to work. We need to recognise the wider impacts.

The member made a point in relation to the budget, and we will need to look at how we can retain staff in the PVI sector, because—as I said in my opening response to Mr Rennie—those staff are crucial to delivering the expansion of ELC; we cannot do it without them.

I do not know whether Eleanor Passmore has anything to add specifically in relation to experienced staff.

Eleanor Passmore: We plan to look carefully at—this is also in response to an Audit Scotland report—long-term workforce planning, which will consider carefully current recruitment and retention issues and what we will require to deliver the ambitious commitments that were set out in the programme for government.

Mr Rennie touched briefly on capacity issues. We consider that carefully in relation to the Care Inspectorate data that is published. There will be further data published this autumn as part of its early learning and childcare statistics report. We

do not have particular concerns about capacity—the delivery of 1,140 hours has been effectively implemented. What we have seen is a slight reduction in the number of PVI providers, but we are seeing a trend in terms of larger providers in operation. There is change in the sector, but we are confident that we have the capacity in place to deliver the 1,140-hour offer nationally.

Willie Rennie: I wish that I had your confidence, but that is not what I am hearing, which is that the sector is really struggling with the differentials. I will leave it at that.

I am keen to understand the timescales for the roll-out of further provision that the cabinet secretary referred to. Can you tell us more about how that is progressing?

Eleanor Passmore: In relation to the wage of £12 an hour, which is a very important first step—

Willie Rennie: I mean the wraparound stuff and the provision for younger age groups. I am keen to know how that is progressing.

Eleanor Passmore: That will be from April next year. I do not know whether the cabinet secretary wants to say anything about the Verity house agreement process ahead of the budget, which will be critical when setting those timescales.

Jenny Gilruth: Absolutely, and that is part of the on-going discussions that we are having with COSLA about the iterative process that I mentioned in response to Ross Greer. Currently, the funding is ring fenced, so we are engaging with COSLA on that.

On wraparound childcare services, we have the four pilots in Glasgow, Dundee, Clackmannanshire and Inverclyde. It is also important to say that we are investing additional funding, including a £2 million fund in partnership with the Scottish Football Association, to deliver funded after-school and holiday clubs for children and their families. That is being targeted toward our six priority family types—the committee will be aware of Shirley-Anne Somerville's work in social justice. It is important that we have a cross-portfolio approach to recognise responsibilities in education, because that can help us to reach our targets on child poverty in other parts of Government.

I heard the concern that Mr Rennie expressed, and I will take that concern—and my own—to our engagement with COSLA in relation to the Verity house agreement process and how we can ensure that we meet the targets that the First Minister has set.

Willie Rennie: I have one final question. The programme for government says that there will be a digital service that will lay the foundations to transform the childcare system in the longer term. What on earth does that mean?

Jenny Gilruth: In essence, it is about making it easier for parents to access childcare digitally so that they can look at the availability for childcare on our digital system and find what is available in their area.

Willie Rennie: Is it a booking system?

Jenny Gilruth: A booking system? I am not sure that that will be the unique selling point that I give it.

Eleanor Passmore: The aspiration is to start from where parents are and have somewhere that families can find and access childcare in the first instance, and then book it and manage it. We talk about blended provision, which might mean different hours across different types of provision or different types of provider. For example, in school-age childcare, we are looking at activity providers as well as the classic after-school club provision. It would allow much greater flexibility and accessibility for parents.

Providers currently have the SEEMiS programme that specifically relates to funded ELC improvement, but that measure is about looking at what scope there is to be more ambitious and to do something quite different that would allow providers to manage demand and plan for and deliver their services in an innovative way.

Jenny Gilruth: The system will be very much separate from SEEMiS, which can be quite clunky.

Willie Rennie: It sounds like a booking system. Anyway, we will move on.

10:15

The Convener: We have had a lot of questions in the past around cross-border issues—I was going to say placements; I am getting it mixed up with our consideration of the Children (Care and Justice) (Scotland) Bill.

Families do not always live and work within the same local authority boundaries, and they are currently constrained as to where they can get provision. Will this system allow a family, if they live in Edinburgh and work in Fife, to book their childcare in Fife?

Jenny Gilruth: I think that it absolutely should allow them to do that. I point out, however, that that goes back to the Verity house agreement, and COSLA has a clear role to play in that regard. Of course, provision should be accessible to parents where they need it at the current time. Those boundaries, or borders, should not preclude parents from accessing childcare where they need it, and I recognise some of the challenges in that regard at present. That is why the engagement with COSLA on the issue as part of the Verity house agreement is hugely important.

The Convener: I am very pleased with your direct response there.

Ross Greer, do you have some supplementaries in this area?

Ross Greer: Yes. Thank you, convener.

A vast amount of funding has gone into expanding early years provision. Notwithstanding the challenges that have been highlighted, the direction of travel has been broadly positive.

However, one significant area of concern for me is childcare and nursery provision in colleges. The issue is similar to the convener's point about working and living across local authority boundaries. For a lot of parents, particularly those whom we really want to see in college, for whom we want to break down those access barriers, having childcare provision on the college campus that they are attending is essential to enabling them to access further education, but we are, pretty continuously, seeing a loss of college nursery facilities.

The most recent one that has been flagged up to me is at New College Lanarkshire's Cumbernauld campus, although there is a bit of ambiguity around whether that facility will be closed just for six months before a new operator reopens it. Regardless, the overall trend has been a loss of capacity in that regard, whereas we have seen a significant expansion of provision elsewhere.

Has the Government discussed that directly both with colleges themselves and with the local authorities in which they operate?

Jenny Gilruth: As cabinet secretary, I have not discussed that with colleges. I suspect that Mr Dey has, as Minister for Higher and Further Education.

Mr Greer raises an important point about the accessibility of childcare and where that provision exists. If that is a bar to how people engage with their education or it prevents their engagement with it because there are no childcare facilities, that would really concern me.

I do not want to comment on the specifics of individual colleges making decisions about their estate—that is for them. More generally, however, the issue is challenging. I would be keen to pick that up with Mr Dey, although I think that he has been pursuing the matter with the college sector.

At this point, I will bring in Stephen Pathirana.

Stephen Pathirana (Scottish Government): In short, if we think about the college sector as a whole, and all the different estates everywhere, such provision will not exist in every location—there is not a policy whereby colleges are obliged to provide it.

Some colleges on some sites might provide childcare, as much with their staff as with students in mind. In the current challenging financial context, they are looking at the cost of running those facilities, and—as you will see—they are making different decisions.

Again, I do not have details, but I know that they will be engaging locally with the local authorities around the decisions that they are making, and often looking for alternative solutions or alternative providers to come into play.

Jenny Gilruth: If Mr Greer would like to write to Mr Dey—I am now issuing him homework—or to me directly, I will ensure that we get him a response on that issue. I would be keen to hear a bit more about the detail of that specific instance and about the picture nationally and how that is playing out, as I recognise the concerns.

Ross Greer: That would be helpful. Thank you.

The Convener: As a committee, we keep a close eye on colleges. Stephanie Callaghan has a brief supplementary on that issue, too.

Stephanie Callaghan: To go back to the expansion of early learning and wraparound school care, can you say anything about plans to include childminders in that process?

Jenny Gilruth: I think that there are plans to include childminders in the process. As I intimated in my response to Mr Rennie, childminders are crucial to delivering our expansion of childcare. Much as we cannot do that without the PVI sector, childminders are essential in certain parts of Scotland—for example, in more rural locations—where families might not have access to the same provision from the local authority or the PVI sector. My understanding is that childminders will be included, unless Eleanor Passmore is going to correct me on that point.

Eleanor Passmore: That is absolutely right—they are already part of the funded offer. In recognition of the fact that there have been challenges around recruitment and retention in the PVI sector, the First Minister announced that we will be scaling up some innovative pilots that we have carried out in remote and rural areas to seek to recruit at least 1,000 more childminders over the current session of Parliament. We recognise that childminding is a high-quality, valued provision that is flexible across the age ranges, so it is as important for the new offer for those aged zero to three as it is for school-age children.

Stephanie Callaghan: Thank you. It was really helpful to get that on the record.

The Convener: That was super. We move to questions from Michelle Thomson.

Michelle Thomson: Thank you, convener.

It is me again, cabinet secretary. In the evidence session that the committee had on 17 May, which I appreciate was a while ago, the minister for HE and further education, Graeme Dey, confirmed that work was being done on potential savings from the Scottish Funding Council's administration costs. I have just a quick question: do you have any update on progress on that? If savings have been identified, are they coming from elsewhere in the portfolio? Can you give us further information on that?

Jenny Gilruth: The current economic environment is very challenging, as I intimated in my earlier responses to Mr Kerr and Ms Thomson. It is fair to say that the flat-cash settlement for 2023-24 has posed a number of challenges to institutions, and I will continue to work with the SFC and the sector to support the strategic change that we need.

I might bring in Stephen Pathirana to talk about the progress that has been made with the SFC. However, if it would be helpful to the committee, in advance of conversations and evidence sessions on the budget, I would be more than happy to provide written evidence in that respect as a supplement to some of the evidence that you might receive.

Stephen Pathirana: I am sorry, Ms Thomson—I did not catch the first part of the question.

Michelle Thomson: After Mr Dey's indication that he would be looking for administrative savings from the Scottish Funding Council, can you tell us what substantive progress has been made on that thus far? In other words, what sums are you going to put on the table, and where will they come from? Failing that, you could just write back to the committee.

Stephen Pathirana: That work is on-going, but we are not at the point of being able to expose where things have got to. A lot of it is about understanding how best to ensure that the money flowing through SFC to colleges and universities makes the maximum amount of impact and about removing complexity from the system. The clearest example of work that is on-going in that space is the work that SFC is doing with the Scottish Government and Colleges Scotland on finding further flexibilities to give the college sector the ability to manage some of its current challenges.

Michelle Thomson: Just to finish this off, can you tell us what timescales you are working to?

Stephen Pathirana: The intention is to work through this in a way that allows us to think about actions, though not for the current academic year. Under its funding structure, SFC sets everything out at the start, because colleges and universities need certainty about the flow of funding and how

things are going to happen if they are going to be able to plan. As a result, everything that we do will be in the context of planning for the next academic financial year—if you follow me.

Jenny Gilruth: I am happy to write to the committee—or to ask Mr Dey to do so—in answer to Ms Thomson's question and to share with you a bit more about the progress that has been made as well as the specifics that have been raised.

Michelle Thomson: I will move on. Given the increasing talk about the Scottish education exchange programme—and again this is a general question—what sense do you have of the budgetary requirements in that respect? Moreover, with the considerable financial challenges that I agree we face at the moment, how will the money for that be found in what is a very constrained environment?

Jenny Gilruth: I am not going to pretend to the committee that it will not be challenging—things are extremely challenging just now with regard to where we are and the education budget more broadly. However, I think that, in the light of Brexit and the fact that Erasmus does not exist for us any more, our commitment to undertaking this work is really important, as it could provide our young people with the opportunities that they have thus far been deprived of.

I am currently working across Government to see how we might be able to provide financial support to that end. On 5 September, we committed through the PFG to launching the programme, and we will build on an initial test approach that we are developing and delivering this year. However, I should make it clear for the committee's understanding that the programme will not be able to replicate the full benefits of Erasmus; it will be much smaller in scale. That said, we should be ambitious about the outcomes that it will deliver.

As for the member's question about the budgetary challenges, I will continue to engage with Mr Dey to that end. It is really important that we deliver on this outcome, because I worry about the cohort of young people who have been deprived of such opportunities.

Michelle Thomson: I agree. Thank you.

Liam Kerr: On a related point, the programme for government mentions the

“development of a new funding model for post-school education provision”,

which will include improving parity of financial support for flexible and part-time study. What progress has been made on that? What timescales are you working to, and what is the impact on the budget?

Jenny Gilruth: The member has asked a really important question, and it is not one that we can necessarily divorce from wider education reform issues. As the committee will be aware, I intimated in my statement in June that I would come back to the chamber in the autumn to provide an update to that end.

We are, as I suggested in my response to Ms Thomson, facing a really challenging economic backdrop. From my perspective, this is not about taking money out of the system but about ensuring that we get the best outcomes from the £3 billion that we invest annually. Currently, we are in the very early stages of looking at how we might approach the development of a new funding model. As I have suggested, I might be able to say more in my update on education reform that I will give to the chamber later this year, because the two things are connected. However, we will work very closely with stakeholders to understand any issues that might arise, and the opportunity to look more broadly at how we ensure that funding follows the learner should be welcome.

Liam Kerr: I understand your answer, but I wonder whether you can clarify something. Given that the programme for government is very recent, one would have thought that, before such an announcement was made, some budgetary provision would have been made—a ballpark figure, at least. Was that not done?

Jenny Gilruth: It is not my understanding that there is new money in the education budget to look at how this will work. We need to look at what we are currently spending, which is significant, and ensure that that funding works more effectively for our young people.

Liam Kerr: Indeed. Last December, £46 million of resource funding was promised to colleges and universities, but the money was withdrawn to fund other aspects of the education portfolio. Is there any intention to bring that £46 million back? In any event, what will happen to the college and university projects that it was intended to resource?

Jenny Gilruth: As I have said to the committee on a number of occasions now, the Government is currently operating in a very challenging financial climate. Part of the reason for that is the number of public sector pay deals that we have settled; we have done that in the right space, but it costs money. We have to balance our books; after all, we cannot borrow money as a Government might usually do.

The £46 million represents a relatively small fraction—just over 2 per cent—of the nearly £2 billion that we provide to the SFC. That funding was, as the member has alluded to, meant to support strategic change in the sectors; however,

it was not part of the core funding for colleges and universities that the SFC had already announced in April 2023, and I am not aware of any projects having been adversely affected as a result, given that this was transition funding that was meant to support the work more broadly.

Liam Kerr: I presume, though, that if, as you have said, it was designed for strategic change, that change, which was clearly felt to be necessary, cannot go ahead if the resource is not there.

Jenny Gilruth: We will need to look at how we support that strategic change going forward.

Liam Kerr: I am very grateful.

The Convener: Pam Duncan-Glancy, did you want to come in on this briefly?

Pam Duncan-Glancy: I appreciate that, convener.

With regard to this strategic change, I heard that colleges were considering using the funding to offer voluntary redundancy packages, if necessary. In the absence of that, some colleges have now pursued compulsory redundancies. What is the cabinet secretary's response to that?

Jenny Gilruth: The Scottish Government does not support a compulsory redundancy policy, and that is the view that we take across our executive agencies. Colleges, however, do not sit in that space. The suggestion that that money might have been used to protect a voluntary redundancy policy was not something that came across my desk and was certainly not part of the consideration of how we were going to use it.

The funding is being used to support the teachers' pay deal. I think that members will be aware of that—they will have heard Mr Dey say so earlier this year—and we need to recognise that funding for that pay deal had to come from somewhere in the education budget. The education secretary prior to my appointment made that message very clear.

I am not familiar with the point that the member makes about voluntary redundancies. I recognise that there are challenges in the sector with regard to redundancies and industrial action, and we need to work with the sector. I have engaged with the trade unions on that and with College Employers Scotland.

Stephen Pathirana might wish to say more on transition funding per se. My understanding is that it was to be transition funding and that it was not predicated on staff employment.

10:30

Stephen Pathirana: You are absolutely correct, cabinet secretary.

The Convener: Thank you for that validation, Stephen.

Bill Kidd: I apologise to everyone for being so excited earlier that I burst into a sneeze. I might do so again, because this question has actually already been asked, and so I will try to introduce a wee bit extra to it. What assessment has the Scottish Government made of the impact on the college sector of financial flexibilities for 2023-24? Are there any specific elements to that?

Jenny Gilruth: Last academic year, the SFC introduced a tolerance of 2 per cent in college credit targets. This year, it has introduced new flexibilities. I will continue to engage with the SFC, as will Mr Dey, in relation to the assessment of those flexibilities and how those allow our colleges to become more sustainable in the longer term, which is the challenge.

Bill Kidd: Thank you for that. Therefore, on the basis of what was asked earlier, with regard to ensuring that colleges do not go down the road of compulsory redundancies and suchlike, will those flexibilities help to avoid that situation?

Jenny Gilruth: I might bring in Stephen Pathirana on that. I am not sure that the flexibilities would be ring fenced for that specific purpose.

Stephen Pathirana: The flexibilities are not in place with that intent at all. Given the way that colleges' budgets work, the vast majority of their money flows through the credit funding model that SFC operates, which is attached to students' getting qualifications and attending college. The intention of the flexibilities was to give the management in colleges greater ability to be creative in how they deliver services to students to the best effect, as opposed to having their hands tied by having to do things in particular ways.

Bill Kidd: That makes sense. Thank you very much.

The Convener: On the flexible workforce development fund, I am aware that one of the key Government policies is economic growth with a focus on upskilling and reskilling the workforce across our business community. However, through my conversations with Edinburgh College, in my area, I am aware that it has yet to be notified of its allocation of the flexible workforce development fund for this year. That is becoming more common. I hope that we might get some sense that that fund is not going to be withdrawn or reduced but continued, because it is key to promoting economic growth and supporting our small and medium-sized enterprises across the country. Can you comment on that?

Jenny Gilruth: That is an important point, and I very much recognise the challenge and the opportunity that the flexible workforce development fund has provided. We reduced the allocation in 2022-23 and no final decision has been made on the fund. We are working to confirm the final position shortly, and I will be happy to provide the committee with an update. Obviously, that is part of budgetary negotiations, which have, as I have said on a number of occasions today, been very challenging. There is significant pressure, not just in education and schools but right across Scottish Government and our agency budget.

However, I appreciate the convener's point about the uncertainty that that has caused for colleges and employers. We are working really hard with our partners to confirm the position as quickly as possible. I apologise that I cannot be more direct with you today, because those discussions are on-going as part of the budgetary negotiations.

The Convener: Thank you. I will look forward to getting more detail on that as soon as possible.

Jenny Gilruth: I will be happy to provide that.

The Convener: We will move back to Willie Rennie for the next questions. We are going round the houses today, as you can see.

Willie Rennie: When Mike Russell was Cabinet Secretary for Education and Lifelong Learning, he said:

"This party believes there is no place for compulsory redundancies in Scotland's colleges."

Therefore, I am confused by your earlier statement. Why are you saying that, since the college sector got close to Government—since Mike Russell was in office—it has been excluded from the no compulsory redundancies policy?

Jenny Gilruth: Going back to Mike Russell's time, I am fairly certain that he was cabinet secretary in 2014, which was when we reclassified the FE sector. The status of the college sector is unlike that of our executive agencies and therefore the policy of having no compulsory redundancies does not apply in the same way that it would have done previously.

Willie Rennie: Yes, but you have a choice. You have said that you are not in favour of having compulsory redundancies. At the time of the Office for National Statistics reclassification, you could have determined that the policy applied to the college sector as well. Why did you not do so?

Jenny Gilruth: In 2014?

Willie Rennie: I understand the technical explanation—we have heard that before—but, at that time, you could have made a decision to apply

the policy of having no compulsory redundancies to the college sector, but you did not. I am wondering why you excluded colleges from it.

Jenny Gilruth: I was not in post in 2014.

Willie Rennie: I know that you were not.

Jenny Gilruth: I do not think that I could compel colleges to do that.

My own view, and that of the Scottish Government, is that there should not be any compulsory redundancies. To that end, Mr Dey has been engaging closely with the SFC on the issue, on promoting fair work principles and on adhering to our commitment to apply grant conditionality, which was set out in the Bute house agreement. In our engagement with the SFC and with the college sector directly we have been clear about our expectations on redundancies.

I recognise that a number of challenges exist here but, as far as I am aware, I cannot unpick the ONS reclassification, which predates my time in office by nearly 10 years.

Stephen Pathirana: The cabinet secretary is absolutely right. The degree to which ministers can decide which policy extends to a body is linked to its nature.

Willie Rennie: So, when Mike Russell was cabinet secretary, he could have applied that rule. Is that right?

Stephen Pathirana: I do not think that he could have applied it in the context of the way in which the classification has been determined by the ONS.

Willie Rennie: This is part of a trend. I have spoken to college staff several times, and they feel quite aggrieved. You intervened in the teachers' pay dispute, but you refuse to intervene now. Why are you again drawing a distinction between cases where you intervene and others where you do not? What is the rationale for that?

Jenny Gilruth: This situation is different. The way in which teachers are paid is different from how those in our college sector are paid. The Scottish Negotiating Committee for Teachers has a key role to play in the tripartite arrangements on teachers' pay. The college sector has always been different. If Mr Rennie's argument is that we should establish an SNCT approach to the college sector, I would like to hear it. There would be real challenges in doing so.

The challenges in the college sector predate my time in office and go back a number of years. It is important that we work with our trade union partners on establishing positive working relationships. I recently met representatives of the Educational Institute of Scotland and I have also met those from College Employers Scotland. I

know that Mr Dey continues to engage with our trade unions.

I recognise the concern here, but it is important that we get to a settlement. That is a matter for College Employers Scotland to deliver on; it is not for ministers to intervene in.

Willie Rennie: I agree that we need to reach a settlement. The situation has gone on for years, and the foundations are weak. Can you imagine how the staff feel, though? Not only will you not apply the no compulsory redundancies policy—

Jenny Gilruth: I cannot apply the—

Willie Rennie: Just let me finish my sentence. You will not impose that, you will not intervene in the pay dispute when you have done so in other areas, and then you take £26 million away from the college sector in order to pay the teachers whose pay dispute you intervened in. Do you not understand why college staff feel pretty furious about what has gone on?

Jenny Gilruth: I can understand what Mr Rennie has outlined, but I do not agree with it. He has suggested that I can enforce in our college sector the policy of having no compulsory redundancies. That power is not currently at my disposal.

I hear the concern that has been expressed on the broader matter of transition funding. As Ms Somerville will have done when she was before the committee—she might have also done so in the chamber—I ask Mr Rennie to say where else in the Scottish Government's budget that funding should have come from. At the time, it was made clear to the teaching unions that it would have to come from the education budget; that was part of the settlement that was agreed with our teachers. The suggestion is that we should find additional money for college lecturers. From where in the education budget should I take that funding?

Willie Rennie: I am not in government—you are.

Jenny Gilruth: Precisely.

Willie Rennie: You see the numbers. If you want me to be in government, I will be.

The issue here is that the college sector is not being treated particularly well on several different levels. You must accept that those are not good conditions for resolving an industrial dispute.

Jenny Gilruth: The role of Government in the college sector is entirely different from its role in the school sector. I do not accept Mr Rennie's comparison between the two. We do not get involved in operational decisions that are for our colleges to make, because they are independent.

I hear what Mr Rennie has outlined and intimated, and I agree that challenges undoubtedly exist, but to compare the colleges situation with the one that we recently faced in our schools is not fair.

The Convener: I never offer this up, because we are never normally in this position. Do members have any other questions on the Scottish attainment challenge? There we go—no member wishes to ask questions.

I thank the cabinet secretary for her time. I suspend the meeting briefly to allow the cabinet secretary and her officials to leave.

10:40

Meeting suspended.

10:42

On resuming—

Subordinate Legislation

Teachers' Superannuation and Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2023 (SSI 2023/190)

The Convener: Welcome back. We move to the second item on our agenda, which is consideration of two pieces of subordinate legislation.

The first is the Teachers' Superannuation and Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2023, which amends the Teachers' Superannuation (Scotland) Regulations 2005 and the Teachers' Pension Scheme (Scotland) (No 2) Regulations 2014 to introduce, for independent schools, a phased withdrawal from the Scottish teachers' pension scheme. The instrument is being considered under the negative procedure.

No member wishes to comment. Is the committee agreed that it does not wish to make any recommendation in relation to the instrument?

Members indicated agreement.

Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (SSI 2023/241)

The Convener: The second instrument is the Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023. It implements a remedy to the reforms of the Scottish teachers pension scheme under the Public Service Pensions and Judicial Offices Act 2022 and mitigates the impact of the roll-back of the legacy scheme to allow members to choose their personal benefits for the period between 1 April 2015 and 3 March 2022.

This instrument is also being considered under the negative procedure. It has been made with the consent of the Treasury.

No member wishes to comment. Is the committee agreed that it does not wish to make any recommendation in relation to the instrument?

Members indicated agreement.

The Convener: That concludes the public part of our meeting. The committee will now move into private session to consider our final agenda item.

10:44

Meeting continued in private until 11:25.

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