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AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 20 March 2024

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EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE
10th Meeting 2024, 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)

Clair Henderson (Scottish Government)

Stuart McMillan (Greenock and Inverclyde) (SNP) (Committee Substitute)

Laura Meikle (Scottish Government)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 20 March 2024

[The Convener opened the meeting at 09:30]

Additional Support for Learning Inquiry

The Convener (Sue Webber): Good morning, and welcome to the 10th meeting in 2024 of the Education, Children and Young People Committee. We have received apologies from Stephanie Callaghan, and Stuart McMillan will be attending in her place. Stuart will join us slightly later.

The main item on our agenda is the committee's fifth and final evidence session for its additional support for learning inquiry, which is considering how the Education (Additional Support for Learning) (Scotland) Act 2004 has been implemented and how it is working in practice some 20 years on. Today, we will hear from the cabinet secretary and her officials.

The committee has focused on three themes throughout the inquiry: the implementation of the presumption of mainstreaming, the impact of Covid-19 on additional support for learning, and the use of remedies as set out in the act. We are joined by Jenny Gilruth, the Cabinet Secretary for Education and Skills, and, from the Scottish Government, by Clair Henderson, team leader, supporting learners, and Laura Meikle, head of the support and wellbeing unit. Good morning and welcome to you all.

I invite the cabinet secretary to make an opening statement of up to three minutes.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Good morning. I welcome the opportunity to contribute to the committee's post-legislative inquiry on the 2004 act.

We are now 20 years on from the introduction of that additional support for learning legislation, and our education offer in Scotland looks, in many ways, radically different from that which existed back in 2004. However, for many young people and their families, things have not progressed in the way, or at the pace, that they should have progressed.

I am acutely aware of what that means for the experiences of young people and their families' experiences in Scotland's schools, particularly given the substantive increase in learners with

additional support needs in recent years. Those young people are not an add-on; they are part of the inclusive nature of Scotland's education system, so we need a whole-systems approach to better ensure that inclusivity is experienced by all.

The review of additional support for learning, published by Angela Morgan in 2020, focused primarily on the implementation of the 2004 act, concluding that there was no fundamental deficit in the principle and policy intention of the ASL legislation or the substantial accompanying guidance. The challenge lies in translating that intention into practice.

As members will know, the Scottish Government, in partnership with the Convention of Scottish Local Authorities, responded to the Morgan review, accepting all of the recommendations. We set out a clear action plan, detailing 76 actions to be taken at national and local levels to address the challenges raised and to support the necessary shift in culture, leadership and values across our education system. We are currently halfway through the delivery of that plan, with 39 of the 76 actions marked as having been delivered. As my officials have indicated in writing to the committee, the next detailed progress report is due to be published in the coming weeks, and I look forward to engaging with members and Parliament on the progress.

The ASL project board is focused on reducing the fragmentation of ASL policy. Work has been undertaken to map how ASL policy links to wider education, health and social care policies to ensure that we work across boundaries to deliver better support. We are also undertaking a review of the external information that is shared on ASL policy across a range of platforms, in order to refresh content and provide enhanced and consistent information across the system.

Progress towards an inclusive leadership approach for ASL policy is under way, and the Association of Directors of Education in Scotland is incorporating that initiative into its collaborative improvement programme. Moreover, Education Scotland has launched its inclusion, wellbeing and equalities professional learning framework, with direct input from the teaching profession. Our working group has also developed a professional learning framework for support staff, which includes a range of learning and development resources. Finally, given that children and young people, parents and carers and the wider profession are all critical to the delivery of the improvement that we need to make, we are continuing to work in partnership with the young ambassadors for inclusion, the ASL Network and parents' and carers' representatives across our stakeholder groups.

I acknowledge the many and varied achievements of our pupils with additional support needs. It is worth noting that the attainment gap between mainstream and special school pupils with ASN and those with no ASN achieving one or more national 5 equivalent qualifications by the time that they leave school has reduced by more than half. It is important to recognise that success and to be mindful of the wider educational landscape—which I know the committee is. Future education reform will affect all learners with additional support needs, just as it affects those who do not have an additional support need. Undoubtedly, as the committee has heard, the pandemic has impacted the pace of improvement, as it has many other aspects of young people's lives.

Before I conclude, I will touch briefly on the statistics that the Government published yesterday, which included troubling new evidence in relation to attendance. Absence is one of the range of post-pandemic challenges that our schools face, but the data that was published yesterday reinforces a renewed need for a drive across central Government and local government to ensure improved outcomes for all our young people. We will continue to work in partnership to deliver the recommendations of the additional support for learning action plan by March 2026, but, fundamentally, as Angela Morgan stated in her review, we cannot continue to view additional support for learning as a minority area or in a separate silo within the framework of Scottish education. It is in that spirit that I look forward to any suggestions and questions that committee members might have today.

The Convener: Thank you, cabinet secretary. We now move to questions from members. I call Liam Kerr to kick off.

Liam Kerr (North East Scotland) (Con): Good morning. Over the past few weeks, the committee has heard powerful testimony and a lot of detail about some of the challenges that people face in this area. When you reviewed the records of those meetings in the *Official Report*, did anything specific jump out as particularly concerning, and was there anything that you intend to address in, say, the first 100 days after our report comes out?

Jenny Gilruth: First, I very much welcome the committee's inquiry, given that we are halfway through the ASL action plan. We will update that in the coming weeks, and we intend to learn from the committee's output and use that learning to inform that process. In recent weeks, I have been considering a number of points that the committee has looked at, and I will touch on some of them now.

Some of the evidence that the committee has taken in relation to the funding of ASL has been

important, particularly the commentary from Audit Scotland, which talked about the current approach being not just a local authority question. We often think of ASN as existing in an education silo and believe that it is for education budgets to mop up the need. However, that is not the case.

We also need to be more mindful of different budgetary requirements and how we can be more holistic in that provision, so that our young people are better supported. I know that that point was also made by the Royal College of Speech and Language Therapists, which talked about how we could do that more holistically and not have a fight over funding. I am mindful of that point, because, fundamentally, our approach must be about getting it right for every child. Using GIRFEC as our measure, we need to reflect better on how that funding works on the ground. I know that the committee has taken evidence on how that can be fragmented in relation to delivery.

Those are two examples of things that jumped out at me in relation to funding, in particular, but I also note that the committee has heard about a number of other areas, such as the design of school buildings and how that can impact on additional support needs, and, more broadly, the way in which the pandemic has changed our education system. I am mindful that, as the committee knows, I will need to formally respond to the Hayward review in the coming weeks, and we must be mindful of the increase in additional support needs in that context and of the challenges in relation to behaviour. As Mr Kerr knows, the challenge that we face right now is attendance. All of those factors have been compounded since the pandemic.

Fundamentally, the educational offering now is completely different from the situation that pertained when we passed the 2004 act. As Cabinet Secretary for Education and Skills, I am keen to hear the committee's views on the evidence that you have taken, and I think that we can better reflect what you have to say in our updated ASL action plan. We have made progress on that, but I know that the committee will want to talk about some of the specifics around what it looks like in practice.

Liam Kerr: I am grateful for that.

The part of your answer specifically on budgetary requirements, silos and so on was particularly interesting. I think that the committee will agree that those issues need to be addressed, but who has the responsibility for driving that forward? In your opening remarks, you talked about a whole-systems approach. Who is going to lead that, and who has the responsibility for addressing those issues? Is it the Scottish Government, the local authorities or some other body?

Jenny Gilruth: It has to be addressed in partnership, which is why, much like our work on behaviour, the additional support for learning action plan has been a joint endeavour between the Scottish Government and COSLA.

I should say that the Scottish advisory group on relationships and behaviour in schools—SAGRABIS—will be meeting tomorrow to talk about the issues associated with attendance. The committee might want to consider the issue in detail, because attendance rates differ between different parts of the country. It is important to understand that local variation, which is why COSLA has a role to play here.

As cabinet secretary, I accept that Government has to play a leadership role, but I think that that kind of partnership working in relation to the ASL action plan is well understood. If the committee has different views on the matter, I am happy to listen to what they might be.

The Convener: That was quite a succinct response. I hope that Michelle Thomson is online now, as she will ask the next questions.

Michelle Thomson (Falkirk East) (SNP): I apologise for not joining you in the room. I have to leave early and did not want to disturb the flow of the meeting.

I want to ask a framing question that will support some of the later questions. We know that we have had increased inputs into the education system in general—average spend per pupil for primary and secondary has gone up, there are more classroom assistants, and so on—yet there is still a perception of a lack of support for pupils with ASN. I am, as you are, mindful of the increased demand, but I would appreciate your reflections on why that perception persists, despite the increased inputs that we have had for a long time.

Jenny Gilruth: Michelle Thomson touches on an important issue. If the committee wishes, I can rehearse all the statistics that I have at my fingertips on Government investment in education, but the substantive point that the member makes is this: given that there is additionality in relation to spend per pupil and pupil support assistants, data on which was published yesterday, why is the need so great?

Part of the issue relates to the fact that, in 2010, as the committee knows, we changed the way in which we measure additional support needs, which has led to some increase in the numbers. However, other external factors are driving an increase in the number of additional support needs pupils. For example, I think that just over 5 per cent of the figure is accounted for by pupils who have English as an additional language, and there

are wider factors around the increase, which the committee might be aware of.

More generally—I might have made this point to the committee last year—I note that, as one headteacher put it to me, during the pandemic, when other services stepped back, schools stepped up. I think that schools are now filling a void that other services have historically filled. That adds to the growing feeling that the system is under an inordinate amount of pressure. In the past—even 10 or 15 years ago—schools were very focused on providing education. I know that members are aware of this, because they spend a lot of time visiting schools in their constituencies, but schools now provide services that they did not provide five or 10 years ago. Part of the pressure that the system faces comes from that broader approach to the role of school education, with some schools providing community support that they did not provide in the past.

Michelle Thomson: I think that you fairly reflect the new, post-pandemic environment. My follow-on question is this: given that the perception of a lack of resources persists, for the good reasons that you have set out, what actions are you going to take to manage perceptions and ensure that people start to see that things are in train?

Jenny Gilruth: There are a range of things that the Government can do in. To some extent, my answer goes back to Mr Kerr's point about whether responsibility sits at a local or national level. One of the things that the Government can do is ring fence. The committee might want to push me on this point, but I think that, in recent times, the Government has taken a principled stance on ring fencing teacher numbers and teacher funding. Because of the additional £145 million that has been invested, there has been, as the statistics published yesterday show, an increase in pupil support assistants—the additionality is for those, too.

There are actions that the Government can take centrally to protect funding for certain areas. Others might disagree with that approach, but I think that it is important in protecting inputs—and, indeed, outputs, because we know that, if we have more staff in the system, we help to improve outcomes for our children and young people.

More broadly, as I alluded to in my opening commentary, the additional support for learning action plan tells a good story of the progress that we have made. Laura Meikle might want to talk about some of the specifics around that. We are not where we should be, partly because of the pandemic, but it is important to recognise that we have been able to make key progress in a number of different areas.

09:45

I will touch on a final point. We have mentioned education reform. The committee will know that, in the coming weeks and months, I will be bringing forward legislation on a range of new bodies that will replace the current examinations body and Education Scotland, and that the inspectorate function will come out of that. I invite members to consider the role of those bodies in supporting young people with additional support needs. I know that the committee has taken evidence on the support that is currently available from Education Scotland. My question is this: in the new and challenging post-pandemic education world that we are all living in, could that support be better provided? There is an opportunity for the proposed centre for teaching excellence to deliver some of that support.

I will bring in Laura Meikle to talk about some of the specifics of the ASL action plan.

Laura Meikle (Scottish Government): The Morgan review focused on the experience that children, young people, parents and carers had of additional support for learning. As Ms Gilruth has already highlighted, we know that there have been some improvements in achievement and attainment in that area, but children and young people and their families are still having challenging experiences with additional support for learning. That is the fundamental focus of the Morgan review, so it is, naturally, the focus of our specific work on the ASL action plan.

There is the issue of how to convey what we are doing and the changes that we are seeking to make. Ministers have asked us to report regularly and very publicly on the progress that is being made against the actions in the ASL action plan, so that we can not only be accountable but demonstrate that we are seeking to make changes.

We can make further comment during the session on specific actions if the committee wishes us to do so. That might be helpful in showing why we are acting as we are with regard to the action plan.

Willie Rennie (North East Fife) (LD): I think that your approach is good. I think that you know that things are difficult and really bad just now. I have been really worried by the written evidence—probably even more than by the oral evidence. The situation is pretty tough, and a lot of people are really feeling it.

Are you concerned that we are in danger of pitting pupils with additional support needs against other pupils because of the huge demands on the time of teachers and assistants, and that that will inevitably lead to others losing out? Are you worried about the atmosphere that is being

created in the classroom, with some pupils losing out because there is a drive—quite rightly—towards inclusion? Are you concerned that that is happening?

Jenny Gilruth: I take the member's point. I suppose that he is asking whether the presumption of mainstreaming is the right approach.

Willie Rennie: It is not so much that—that is not the question I am asking. I have a quote here from a teacher, who has said:

“Inclusion currently looks like whole classes being left with little to no support while the teacher de-escalates situations and supports individuals to regulate.”

That touches on the behaviour issue, too.

Jenny Gilruth: Indeed it does.

Willie Rennie: The two issues are closely connected. I am worried that that situation, if left to fester, could create more of a division.

Jenny Gilruth: There are undoubtedly challenges. Mr Rennie touches on the issue of behaviour, and the committee will know that there are strong links between additional support needs and behavioural challenges. We must be mindful of that, but we must also be mindful of the fact that children with an additional support need are far more likely to be excluded. Therefore, if we are meant to have an inclusive education system, there is a challenge in that respect.

More broadly, the challenge in schools is well documented. Mr Rennie has cited evidence from a teacher, and I am sure that we all know teachers—I certainly do—who would echo some of that challenge. However, supporting children with additional support needs is a fundamental responsibility for every teacher in Scotland, and they should be trained and supported to respond to those young people.

There is a challenge at the current time. The additional support needs measure can sometimes be quite monolithic. Once you delve into it, you find a range of different needs sitting behind the 37 per cent of our young people who currently have an additional support need. As a measure, therefore, it can cover things that lie underneath—things that, say, might be at a low level in terms of the additional support that is needed. We should be mindful of that, too.

The other thing to be mindful of is that some schools—in fact, many schools—are supporting children with additional support needs very well. Last week, ahead of today's committee appearance, I was thinking about Craigie high school in Dundee, which I have visited and which is doing some fantastic work with its pupil equity funding to support children with additional support

needs. The sort of holistic, inclusive approach that that secondary school has adopted is really changing outcomes for those young people. Therefore, I accept the challenge, but I know, too, that some schools are responding to that challenge differently.

Perhaps—this is where I question the role that bodies such as Education Scotland will play in the future—there is a role to be played in not just exemplifying good practice but sharing it across the board. Where there is challenge, there are opportunities. In addition to pupil equity funding, we have examples of Scottish attainment challenge funding being used to provide the additionality that is needed in schools.

Broadly speaking, there is a challenge here that I do not shy away from, but the alternative is to move away from the presumption of mainstreaming. From all that I have seen of the evidence that the committee has taken, I do not think that anyone around the table this morning would be in favour of that.

Willie Rennie: Of course, resources are part of that, and you have identified a number of different funds, but you are also indicating that there is something beyond money that can change in schools to make things better.

Jenny Gilruth: Yes.

Willie Rennie: So, we know what that is, do we? If so, why is it not being rolled out? Why is it not being embraced as we would want it to be?

Jenny Gilruth: I think that the committee has taken evidence on that, with the focus on school culture. I think that that is part of it—it is about how you can support that holistic school culture.

It brings us back to Michelle Thomson's question. Right now, schools are dealing with lots of different things. They have to raise attainment, look at our programme for international student assessment statistics—indeed, committee members were putting questions about that to me before Christmas—and respond to attendance issues, because we have real challenges with persistent non-attendance, which is an issue that I would like to come back to at some point. The fact is that we also need to support our children and young people, and, historically, we have not been very good at doing that.

When I was at school—that is not so long ago, although I will be 40 this year—many children with additional support needs were removed from the classes that I sat in because they were seen as a problem and a challenge, and they were put elsewhere. I worry that the current public debate is moving us back into that space. That is not where we want to go. Teachers want support, and they need wraparound provision.

Part of that support is the investment that we have put into pupil support assistants. I am pleased that that investment has been held at its current level this year and that we have increased the number of pupil support assistants. I realise, though, that Mr Rennie might have a follow-up question on that in relation to staff specialisms, which I am also mindful of.

We have a strong and inclusive education system in Scotland. Indeed, it was one of the strengths that came out of the national discussion that was published last year, and we should celebrate it, but I do not deny the tension that exists at the current time. We all need to reflect on the fact that part of the issue is that we are post-pandemic and that the same malaise across the system, whether in relation to attendance, attainment or additional support needs, is being felt in a number of other jurisdictions. The Welsh are struggling with similar challenges, and the situation down south is very similar.

Willie Rennie: There is no doubt that things have got worse since the pandemic, but the stresses were already being felt quite considerably before the pandemic.

My other question is about where we draw the line with regard to who is in mainstream education and who is in a specialist environment and whether we are getting that right. Do you think we have the plan for the numbers and types of specialist places right? Is the balance appropriate, and do we have sufficient specialisms?

Jenny Gilruth: Are you talking about specialist schools?

Willie Rennie: I am talking about specialist environments, specialist schools and specialist places. Is the line in the appropriate place?

Jenny Gilruth: Having looked at some of the evidence that the committee has taken on that, I would have to say no, I am not convinced that we have it right, and we need to reflect that in the ASL action plan update. In fact, officials and I were discussing the issue earlier today and on Monday. We might come on to this when we talk about the role of the First-tier Tribunal. Parents often feel that they have to fight against the system to get their voices heard and their young person diagnosed, and that does not reflect the intention behind the 2004 act.

As a result, we need to recalibrate the balance post-pandemic. Things have got more difficult. Undoubtedly, things were challenging before, but the pandemic compounded the difficulties. That said, I was struck by some of the evidence that the committee has taken in that respect, particularly on the role of the tribunal. Therefore, we will be mindful of that as we respond through the ASL

action plan, and I am also keen to hear the committee's recommendations on the matter.

Willie Rennie: I was quite struck by the statement made by the representative of speech and language therapists. He said that the current model is not working, that there is, as you have rightly identified, a wide spectrum of additional support needs and that we cannot expect teachers to know absolutely everything about every specialism, so experts are needed to help teachers with those pupils, and teachers then gain knowledge from that. He also said that speech and language therapists are much less involved in the classroom than they used to be. From what you have seen, is there the right level of specialist input just now?

Jenny Gilruth: From what I have seen, I think that it is difficult to say, because, as Mr Rennie knows, the level of input in his constituency might be different from the level of input in other parts of the country. One of the things that I, as education secretary, grapple with is the variance across the system, school by school and local authority by local authority. It is difficult to give a monolithic answer such as, "Yes, it's not good enough and we need to improve it." I broadly support that view, but we need to get into some of the detail, too. For example, some schools might have excellent speech and language provision, while in others that provision might have been reduced. The Government needs to reflect on that. If a local authority has made that decision, we need to ask where the support for children and young people will be provided.

The committee will recall that, last year, we published data on speech and language delays among our youngest children—those aged zero to 2—and among our poorest citizens from the lowest socioeconomic backgrounds. I have been struck by the fact that, following the pandemic, there are real challenges with those young people coming back into formal education as they progress from early learning and childcare to primary school.

Mr Rennie has touched on a really important point. We have invested in Education Scotland specifically in relation to speech and language, and we now have a team at national level going out to provide the support that he talked about. However, that team has only so many members.

We need to upskill and support the profession, but we also need to recognise the role of local government, which brings us back to Mr Kerr's point. This cannot be a Government-only endeavour. For example, I want COSLA to be involved in building the new centre of teaching excellence, because I want it to have buy-in. The centre could provide an offer not just to the

profession, but to our young people with additional support needs.

Willie Rennie: Thank you.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning, cabinet secretary, and good morning to the officials who have joined you.

I want to pick up on your earlier point about parents. As a committee, we have heard that those in the system are in distress: staff are overworked, pupils are not attending and, as you have alluded to, parents feel that they are never done fighting. In fact, parents have said that the situation is heartbreaking, that the waiting is so frustrating, that it is a minefield and that so many children and families are being failed. One said, "I wish these people making decisions could walk in my shoes." You have said that you have provided additional resources, but what would you say to those parents and families?

Jenny Gilruth: No parent or carer should have to fight for the rights that their children are entitled to under the 2004 act—they should have that support. That is my starting point. After all, as well as being the education secretary, I am a constituency MSP. I am sure that you all receive constituency correspondence on such issues, as I do in my local capacity.

At a national level, I will reflect on the evidence that the committee has taken on the role of the tribunal. The tribunal should be the backstop; it is the last place where we want parents to end up. They should not have to go there, because a number of other remedies are open to them to consider with regard to resolving challenges with their local authority over support for their child. For a start, they can make a complaint to the local authority, and there are also the options of mediation and independent adjudication.

A number of interventions can be taken before the tribunal stage, and, through the ASL action plan, there is an opportunity for us to be clearer about them to ensure that parents know about them and their rights and that they should not have to escalate their case to the tribunal. We might come back to that issue, but the action plan will improve everyone's understanding.

I should also say that there is the opportunity, under section 70 of the Education (Scotland) Act 1980, for parents and carers to escalate their case to me. That happens very rarely, but that option is open to them. The point is that we do not want parents to have to go through the tribunal process, because it is extraordinarily stressful and is not good for the young person. It would be much better if we could resolve the issues at local authority level.

I will continue to work with COSLA on the matter. When I meet it today as part of the SAGRABIS work, we will undoubtedly touch on the ASL action plan.

10:00

The Convener: Cabinet secretary, you said that no one would disagree with the presumption of mainstreaming and the drive for inclusion, and you mentioned the tribunal. However, in written evidence to the committee, the tribunal challenged that view, saying that

“An inclusive education for those who have additional support needs would be best served by the removal of a bias in favour of a particular type of education”—

on the assumption that that is mainstreaming—and that

“A bias of this type is the reverse of an inclusive approach.”

What are your thoughts on that?

Jenny Gilruth: I was struck by the evidence that the committee took from the tribunal president on that. Overall, I agree with the position that was set out. The legislation relating to the presumption of mainstreaming predates the 2004 act; the right to mainstream education for those with an additional support need is enshrined in legislation.

In 2019, we published revised guidance on the presumption of mainstreaming, which is clear on the responsibilities on local authorities in weighing up their decisions in relation to tribunals. If there is any doubt about the suitability of mainstream provision, it is the role of the local authority to use the legislation to weigh up the measures. I was quite taken with the evidence that the committee took from the tribunal president, and we will seek to engage with her directly on the matter, particularly with regard to updating the 2004 act.

I have talked to Ms Duncan-Glancy about the range of options that are open to parents and carers before getting to the tribunal phase. It feels as though there is currently a weighting towards the tribunal phase, which is out of sync with where we should be in relation to that option. I am keen to engage with the tribunal president directly on that point.

The Convener: The ASN tribunal also argued that the presumption of mainstreaming should not be grounds for refusing a placing request. Equally, however, Matthew Cavanagh, who is from a specialist school, stated that a specialist setting would often best suit a child. Much of my casework on the topic is about placing requests, when the local authorities that are making the decisions have not even met or engaged with the young person. What are your thoughts on that?

Jenny Gilruth: Again, that is a matter for the local authority in question. I note that, as an MSP, I receive similar correspondence on these issues, and part of the challenge—I made this point to Ms Duncan-Glancy—concerns the options that are open to parents and carers.

It is worth saying that we fund advocacy services to work with parents to make them aware of their rights in this space. However, the landscape is currently a bit cluttered, and I think that the ASL action plan will allow us to pull together some of the advice for parents and carers so that they know what their rights are. Equally, we need to work with COSLA and with individual local authorities, because we do not want to get to the tribunal stage. A number of interventions can be made—for example, mediation is often a really good way of resolving some of the challenges. Parents should not be having to escalate their case to the tribunal process, which can cause them—and, of course, their child—a great deal of stress.

The Convener: We are aware that, in some local authorities, there has been a growth in specialist units or bases—they all have different terminology—within mainstream schools. We have also heard about some of the challenges with the language that is used with regard to people’s understanding. Is the legislation working, given how schools are evolving to include those new environments?

Jenny Gilruth: I think that schools have evolved. I know of a number in my constituency that have a department of additional support, and parents will opt to send their child to that school because they presume that it has better provision for their child. We need to be mindful of that at national level, because local authorities are responding to local needs in respect of ASN, and they are putting in place specialist provision.

Again, I highlight that there are opportunities through the ASL action plan for us to work with local authorities. I do not want to dictate to local authorities, but I see an opportunity for us to firm up some of the guidance on how mainstream support might look.

When I first started teaching, which was a long time ago now, we had a department for support for learning, and we also had a behaviour support department. There was a completely different approach to supporting those with additional support needs. Over a number of years, we have moved to ASN being included in how teachers support their children and young people, but we also need to recognise the role of pupil support assistants and behaviour support assistants, which is why we protect that additional funding through ring fencing it.

The Convener: If parents and carers are aware of what is happening with the developments in those schools, there might be more understanding of the placing.

Jenny Gilruth: Absolutely. Laura Meikle might want to speak about that.

Laura Meikle: The point that has been made about understanding the different types of provision is valid. For example, the definition of “special school” in the Education (Additional Support for Learning) (Scotland) Act 2004 includes a unit attached to a mainstream school, but none of us might come to that conclusion naturally without that specific understanding. I think, therefore, that there are opportunities to confirm and clarify such things.

One action in our ASL action plan is to improve information and communication, and part of that involves ensuring that understanding is improved. We do not want people to have a challenging time when it comes to understanding their rights and how to access them and in understanding what the system looks like and who does what where. That is quite important. Indeed, it is important for everyone to have that shared understanding, which is why we have that action on communication. I hope that things will improve as we continue to work on communication through the plan.

Bill Kidd (Glasgow Anniesland) (SNP): I thank the cabinet secretary for her replies, which will be very useful to us.

Before I ask my question, I am going to have a wee ramble about the physical environment of education, if that is all right. You have already mentioned some elements of that, cabinet secretary, but I would point out that, three weeks ago, the committee explored how physical environments can contribute to inclusive education. On that note, I want to give you three wee quotes from some of our witnesses, if you do not mind. Suzi Martin of the National Autistic Society Scotland said:

“The trend towards superschools is potentially unhelpful and quite harmful, depending on what those superschools look like.”—[*Official Report, Education, Children and Young People Committee*, 28 February 2024; c 19.]

In its submission, the Govan Law Centre said:

“it perplexes us as to why schools are becoming bigger, meaning more sensory and social stimuli to navigate”,

while Dr Lynne Binnie of ADES told us:

“The design of buildings is often determined at local authority level through different approaches, perhaps involving professionals such as architects, who might not always understand or know about the complex needs of the children we see in the current system and project in the future of our buildings.”—[*Official Report, Education,*

Children and Young People Committee, 13 March 2024; c 54-5.]

Those are some of the views that we have heard, and they tend to suggest that, in the buildings that are replacing new-build schools—and even in those in the existing estate—the learning environment can be damaging for pupils with additional support needs. How is the Scottish Government supporting local authorities to ensure that those schools are suitable for all children?

Jenny Gilruth: I thank Mr Kidd for his question. I have looked at some of the evidence that the committee has taken on school design, and I am pretty sympathetic to it. As a Fife MSP, I know that Fife Council has decided that it would like that approach to education to be taken in a number of large schools. Indeed, I attended one of those schools—Madras college—which is in Mr Rennie’s constituency, as is Bell Baxter high school. In my constituency—or just outside it—there is Levenmouth academy, which brought two schools together and also includes Fife College, while there is a big campus in Dunfermline that has two secondary schools and Fife College going into it. Some local authorities are taking that approach.

Ms Martin described those schools as “superschools”. That is not the description that we would use, but some schools in Scotland are too big. They are too big for children with additional support needs, but they are also too big for our pupils and our staff—full stop. In big schools, teachers do not get to know their children and young people. If you think about the geography of that little area of Scotland—Fife—and all those little towns and villages coming together in a huge school, you will see that children just get lost. When we look at the challenges associated with behaviour and attainment, we see that it all comes down to relationships and teachers knowing their kids. We need to get further advice on school design, and I have asked officials to work on that via the Scottish Futures Trust, to which I think the committee has written on the issue.

Of course, the work that we do with local authorities is primarily about giving them funding; after all, the buildings belong not to us but to them. In recent years, we have given local authorities substantial amounts of funding to help them to improve the quality of the school estate, but, as I think you heard from ADES, the design of that estate often comes from local authorities. In my experience, though, some architects are mindful of local needs. They engage with parents and carers—and quite often with young people, too, about the things that they would like to see in their school.

I want to add something else into the mix. I do not think that the committee has taken evidence on it, but I had a parliamentary question on it from

one Kenny Gibson not so long ago. He raised with me the issue of open-plan classrooms, and I think it is worth considering how they can contribute to challenges for those with learning and additional support needs. I see open-plan classrooms in many of the visits that I undertake. They can sometimes work well, but it can often be extremely difficult for some young people to concentrate in those environments. We must be mindful of that when we are talking about the challenges in other parts of our education system.

I am very taken with the evidence that the committee has heard on school design. We will certainly take that back to our work with COSLA and the Scottish Futures Trust. In December, I announced funding for phase 3 of the learning estate investment programme, and we are working with the SFT on the next funding approach. I know that the committee has asked the SFT for a written update, and I look forward to engaging with members on that, because it is an important point.

Bill Kidd: As you say, the Scottish Government supports local authorities by providing them with funding to design, develop and build schools, but decisions are made by the local authorities. Does that mean that there is no overarching approach to changing school design when that might not be beneficial to all children?

Jenny Gilruth: I might bring in Laura Meikle to talk about some of the opportunities. More broadly, Mr Kidd asks whether I can direct how local authorities build their schools. That would create a bit of tension, so, as with most things that we do in education, a partnership with COSLA would probably be best.

The evidence that the committee has heard on the issue is really important. School buildings, and the design of learning places, can impact on attainment, particularly for children with additional support needs. Buildings can be much more challenging for them, so where they learn is important.

I will bring in Laura Meikle to talk about the code of practice.

Laura Meikle: There are opportunities in the learning environment. Four factors are highlighted in the statutory code of practice as possibly giving rise to additional support needs, and one of those is the learning environment. Therefore, while we are working to refresh the statutory guidance document, as we are at the moment as part of the ASL action plan, there are opportunities to make connections with the importance of the design of the learning environment, as Ms Gilruth has highlighted. That will reflect the recent changes in the educational experiences of children and young people.

The Convener: I have a number of requests for supplementary questions and will go to Willie Rennie first.

Willie Rennie: This has been quite a good session, so I am reluctant to go down this route, but your predecessor, John Swinney, was insistent that the new high school in Dunfermline should combine St Columba's, Woodmill and Fife College on a joint campus. I absolutely agree with your approach, but he drove that against some local resistance. What has caused the policy change? He was all for a one-stop shop and combining places, and there was resistance to that. Why has the approach now changed?

Jenny Gilruth: I am fairly certain that Fife Council had an input in that process.

Willie Rennie: I am sure that it did, but I know that John Swinney was insistent.

Jenny Gilruth: I think that was a partnership process.

In my experience, that is not really the role of Government, so what I have said here today is not a change in policy. I have listened to the evidence that the committee has taken about educational support needs, and I think that we should reflect that better in our practice. That might mean working with the Scottish Futures Trust to provide clearer guidance on the issue in the future.

I have named a number of large schools, including some in Mr Rennie's constituency, one of which I attended. We should be careful about how large schools meet the needs of a cohort of young people who are different from other children, need different support and can therefore often get lost in the mainstream. We know that. How does that work in a much larger school, particularly when some of those young people have come from very small schools in rural areas?

Ruth Maguire: I have a quick follow-up question. Are you saying that there is no Scottish Government guidance for the design of school buildings?

Jenny Gilruth: There is guidance, which comes from the Scottish Futures Trust, and it sets out a range of parameters for school building design. The trust works with local authorities on that. It takes the Passivhaus approach, so schools are meant to be far more environmentally friendly. In my experience, it is for the SFT to work with local authorities on design specifications.

Ruth Maguire: I imagine that equality impact assessments would be important for public buildings.

10:15

Laura Meikle: It might be helpful if I add something at this point. There is a specific duty to consider accessibility under the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002, and there is guidance available on ensuring accessibility of the physical environment, the curriculum and the information that is provided for disabled pupils. Obviously, those duties are focused on pupils with disabilities. In the context that we work in, we would apply that more widely in relation to additional support for learning. Therefore, there is guidance available on that specific point as well.

Ruth Maguire: The guidance is not just about the physical environment and physically accessing the building. It is about learning and—

Laura Meikle: Yes, it is about the physical environment, the curriculum and the provision of information. It is already linked in to the current code of practice, but, again, that might be something that we will highlight as a—

Ruth Maguire: It would be quite troubling if, for the past number of years, we have been building new schools that do not meet learning needs in line with a policy of inclusion of all pupils, would it not?

Laura Meikle: As has been indicated, we recognise that the design of schools has evolved over a number of years. The guidance that I am referring to relates to an earlier period, and the statutory guidance that we have produced has already drawn those two things together. As has been alluded to, we can do more on that, and we will seek to do that.

The Convener: We have spoken at length about new schools and how those might be adapted with regard to the work involving the Scottish Futures Trust. Some buildings in our existing school estate are more than 100 years old, and others were built in the 1960s and 1970s. What support and guidance can be given to local authorities, consistently, to ensure that those facilities are much more appropriate for those with additional support for learning needs?

Jenny Gilruth: It is worth putting on the record that the Government has supported local authorities to improve the quality of the school estate quite substantially since 2007. Just over 60 per cent of schools were in good or satisfactory condition in 2007. Today, the figure is just over 90 per cent, and that is because—

The Convener: I am sorry to interrupt, cabinet secretary, but a witness from one of the unions spoke about an ASL cupboard. That is the space that they have—

Jenny Gilruth: I do not know the specifics of that example, but I am happy to look at that if the trade union representative is able to share the details with me. Suffice it to say that no child should be being educated in a cupboard.

With regard to the code of practice, there is specific guidance on the suitability of school buildings.

The Convener: Some schools are repurposing spaces, creating decompression zones or making walls less rattly and crackly to improve sound. Schools can make those sorts of adaptations. That is the avenue that I am probing, cabinet secretary.

Jenny Gilruth: That is set out in the code of practice, but I should say that we have sought to update that. That update will be coming, and it might help to provide further clarity. I think that the point that you are making, convener, is that, in the range of ways in which schools and local authorities respond to additional support needs, they often repurpose classrooms and might, therefore, seek to update the contents of the classroom to meet the needs of their children and young people. Through the updated code of practice, there is perhaps an opportunity for us to specify—more so—what that should look like. However, that is already in the code of practice.

Pam Duncan-Glancy: Is it your intention, in any updated code of practice, to address some of the issues that we heard about from Sylvia Haughney, including support staff not having rooms to take young people to and having to provide support in stairwells or, in some cases, cupboards?

Jenny Gilruth: I think that we could look at that in the code of practice. Of course, it depends on the school building that the member of staff is working in, but I think that we could specify that in the updated code of practice. There is room for us to do that.

Liam Kerr: Cabinet secretary, you talked about the statistics that came out yesterday. One of the things that is particularly concerning is that the statistics seem to suggest that there are only 137 behaviour support staff in the whole country. That is the lowest number that there has been since 2019. I think that the statistics also show that 18 out of the 32 local authorities do not have any behaviour support staff. Does that concern you? What is going on and what can be done?

Jenny Gilruth: Yes, it concerns me. Part of what is going on is about the way in which local authorities measure those members of staff. We have record numbers of pupil support assistants—the data published yesterday shows that increase—which is because of the ring-fenced fund that the Government provides. However, Mr Kerr is right to allude to the challenge in relation to staff who are specified as behaviour support staff.

I think that some of that challenge is to do with the meaning of the job titles. It might well be that a number of pupil support assistants, of which we now have record numbers in our schools, are helping to support with challenges associated with behaviour, although they might not have that in their job title. From memory, the committee's predecessor in the previous session of Parliament looked at that issue.

Liam Kerr: That is an interesting point. I take your point about the number of PSAs. However, in previous evidence sessions, a point was made to the committee about whether we are asking staff—in this case, PSAs—to become more generalist. It has been suggested that there is a move away from specialists to load more and more responsibility—indeed, specialist responsibility—on to other functions such as PSAs. Do the statistics suggest that that is what is happening? In your view, is that the right direction of travel?

Jenny Gilruth: Undoubtedly, there has been movement, and the Government has recognised that, which is why we have protected the funding. It is worth saying that we have increased the number of pupil support assistants in the past year. However, the member makes an important point about specialists, which goes back to some of the points that Mr Rennie made about speech and language therapists. There will always be a role for specialists in our schools, and we need to better understand that.

Mr Greer might want to ask a supplementary question on this issue, as I know that he has a keen interest in it. There is something about how we accredit and recognise people who work in those roles, because it is a specialism. The catch-all term “pupil support assistant” sometimes covers lots of different things. As I alluded to in my response to the convener, 20-odd years ago, certainly in secondary schools, we had specific teams of staff who were tasked with responding to and supporting behaviour and other teams of staff who dealt with support for learning. Over the past 20 years, those two roles have almost come together.

Some would argue—educational academics would do so, as we heard at the behaviour summits—that that is because we now have a broader understanding of additional support needs and we accept that behaviour is part of the wider challenge. However, on the member's point, we need to better understand where behaviour support is needed and where additional pupil support is needed. Those are two different things. It is for local authorities to identify where they need that support and what it should look like. I hope that the behaviour action plan, which will be published in the next few weeks, will help to give

local authorities more drive to support better behaviour in their schools. Perhaps that will relate to the issues that Mr Kerr is talking about.

It would be pretty difficult for me, as cabinet secretary, to specify that they have to employ a certain number of behaviour support assistants, but we specify ring fencing around pupil support assistants.

Liam Kerr: On the specialisation that you talked about, what progress has been made in developing career progression and pathways for teachers who want to specialise in additional support for learning and on the accreditation for classroom assistants that you talked about?

Jenny Gilruth: We have the role of the lead teacher, which was created back in 2021 and which the committee may have taken evidence on. That role gives opportunities for staff to specialise but stay within mainstream provision. For example, there is an opportunity to do that with additional support needs. The General Teaching Council for Scotland has undertaken further work on accreditation in relation to additional support needs, so there are opportunities for staff to specialise in that regard, too.

More generally, as I tried to rehearse in my response to the convener, certainly in secondary schools, there used to be a staffing structure that looked to support things such as behaviour. That does not exist in the same way any more. To go back to Mr Kerr's point, there is a more general approach that looks at pupil support in the round. However, if staff want to specialise, they should be able to do so, and the lead teacher role allows them to do that.

That role has not been as popular as we hoped it would be, and I am pretty pragmatic about that. There are a number of challenges post-Covid that mean that staff might not be interested in the role or in specialising, but I am keen to work with the teaching unions on how we can encourage the use of the lead teacher role, because that is an opportunity.

The Convener: I think that Clair Henderson wants to come in.

Clair Henderson (Scottish Government): I will add to what the cabinet secretary has said. Ross Greer will be aware that the Bute house agreement contained a commitment to consider accreditation and qualification for additional support for learning assistants. That work has been on-going, although it has been slightly delayed, as you will be aware, and we are looking to publish the report on it in the spring. There has been a lot of engagement with pupil support assistants on what that would look like, how it would function, what the reality of it would be in practice and how people would achieve and

access the process of accreditation and qualification. We can certainly bring that back for consideration as one of the avenues for professional development.

The Convener: Pam Duncan-Glancy has a supplementary question.

Pam Duncan-Glancy: The data that was published yesterday shows that there was one specialist support teacher for 40 pupils in 2013 and that there is now one specialist support teacher for 89 pupils. The cabinet secretary has said that there has been an increase in the number of support assistants. Is the Government's specific policy to transfer the responsibilities of a specialist teacher and the terms and conditions that come with that post to pupil support assistants? If so, what will the cabinet secretary do about the terms and conditions that come with that?

Jenny Gilruth: No, that is not the Government's policy. It is worth saying that the statistics that were published yesterday show a slight increase in the number of teachers who have ASN as their main subject.

A common theme of all my evidence to the committee today will be that we need to be mindful of the fact that local authorities, not the Government, employ our teachers. I put the challenge back to the member. Should it be for the Government to ring fence the funding, whether it be for teachers or classroom assistants? Should it be for the Government to direct local authorities and say that that is where they should invest the additionality from the Scottish Government? Local authorities are choosing to use that additionality right now to employ record numbers of pupil support assistants. That is making a difference, but it does not take away from the role of specialist teachers. I hope that the member understands that there is a challenge because I do not employ our teachers.

Pam Duncan-Glancy: There are 392 fewer specialist teachers now than there were 10 years ago. I take the point about ring fencing—the cabinet secretary will know that I am not exercised on that issue—but I do not think that it is acceptable for the Government to say that we can ring fence the funding but not put money into it. Local authorities are making difficult decisions because of the settlement that they have received. If the cabinet secretary is saying that local authorities are going to go with more pupil support assistants—and they are hugely valuable—will she now accept that pupil support assistants need to have training and support to do their job, that they need pay and conditions that reflect the size and scale of the job as it has become, and that they also probably need some non-contact time to

do the training and the risk assessment that is required in that role?

Jenny Gilruth: In her response to Ross Greer, Clair Henderson covered the ask on training and the Bute house commitment to accreditation and support for pupil support assistants, which I accept. We need to support training far better than we do currently. I think that it is fair to say that there is a disparate approach across the country, and there are ways in which we are going to support the training through that commitment. I am keen to give an update to the committee. It should have been given before the end of last year, of course, but officials have been rather busy with a few other things, so we want to bring forward that important work.

On Ms Duncan-Glancy's point about additional support needs teachers, can we just remember that, because of the act, the impetus since 2004 has been on all teachers to provide a level of additional support? All teachers in Scotland should be providing, and do provide, additional support to their pupils. They do that every day.

There is still a role for specialists, but let us remember that the ring fencing is not just about protecting pupil support assistants and increasing their numbers. Local authorities have also chosen, in some instances, to use that additionality to employ specialist teachers. That is a decision that they have at their disposal.

I suppose that the challenge that Ms Duncan-Glancy puts to me is this: is it for the Government to direct local authorities in how many specialist teachers they employ in their schools? Is it for the Government to ring fence that?

Pam Duncan-Glancy: I think that it is important for the Government to show leadership on that.

Jenny Gilruth: I accept that we have a leadership role, which is why we ring fence funding for teacher numbers and pupil support assistants. However, the question is specifically about specialism. In accepting responsibility, short of my directing local authorities, which I do not want to do, I am trying to see a resolution.

The Convener: Liam Kerr wants to come back in, as he started off on this theme.

10:30

Liam Kerr: My colleague asked a really good question there. In relation to the point about local authorities being the employer and their lack of funds and how the numbers are changing, what are the salaries of a behaviour support assistant and a pupil support assistant? I genuinely do not know off the top of my head.

Jenny Gilruth: That will vary by local authority. I do not know off the top of my head either, and nor do I have the information in front of me. However, I remember that, in the previous session of Parliament, when I was on the predecessor committee with Mr Greer and Mr Rennie, we looked at that issue in more detail and found that there was variance across the system.

Liam Kerr: Would you mind getting that information to us, to give us an idea of what the salaries are?

Jenny Gilruth: I am happy to do so, although I am not sure whether we collect that information, as the salaries are a matter for local authorities. We can share with you what we have at national level, but the committee might wish to write to COSLA on the matter. I do not want to direct the committee, but that might be more appropriate than the Government collecting it.

Liam Kerr: Thank you.

The Convener: Thank you for the discussion on that theme. I will bring in Bill Kidd.

Bill Kidd: In joint evidence that was given to us by Enquire and My Rights, My Say, they said that they continue

“to hear about many of the long-term negative impacts”

of the pandemic. Has there been enough focus on and investment in supporting children, particularly those with anxiety, to re-engage with learning following the pandemic and the isolation that took place due to that?

Jenny Gilruth: More generally—I know that the committee has taken evidence on this—we have seen a real uptick in dysregulated behaviour. I spoke about the challenge with some of our youngest citizens, such as speech and language delays. In the behaviour in Scottish schools research that was published in November, we saw some really challenging behaviour in some of our youngest citizens. In primary 4, which is age eight, there were real challenges with behaviour and relationships that we would not have seen before the pandemic.

I do not think that we can say that Covid has not made a difference. It has compounded the challenge that existed in the system prior to lockdown—there was challenge previously—but we also see gaps in our children’s learning. When we talk about comparing exam results from the past four years with exams that were taken before the pandemic, we need to be careful. We all need to accept that there are big gaps in our children’s learning, because they were not in school for extended periods.

How the system responds to the need to support our young people is important. Prior to my

time in this role, the previous cabinet secretary worked with the Scottish Qualifications Authority to provide a package of support to children and young people before the previous examination round. We have looked at a number of ways in which we can support people online, and I think that the committee might have taken evidence on that. E-Sgoil has been very important in that respect, in providing digital opportunities. We also have the national e-learning offer—NeLO—via Education Scotland, which is very strong.

The final point that I want to touch on is the work that we have done through the SAC programme with virtual headteachers, who, in a number of parts of Scotland, are working with our care-experienced young people to support their learning and their attendance. We know that there are real anxieties in the system, and sometimes virtual headteachers have a reach that traditional classroom-based or school-based headteachers might not have.

We are looking at different ways of working to enhance and protect the outcomes for the young people who, during the pandemic, became disengaged from their learning.

I have previously touched on evidence—I think it was at the committee, but certainly in Parliament—that was published down south in January by the Centre for Social Justice, which looked at the frayed link between school and families during the pandemic and how that is having a compounding effect on attendance. Again, I hope that we will go back to this issue, because we have real challenges with attendance. I encourage the committee to look at the local-level data and the variance across the system. We have a local authority in Scotland where 50 per cent of young people in secondary school are persistently not attending school, which means that they are missing 10 per cent of their school year. That is a significant amount of learning. We cannot hope to respond to challenges relating to behaviour, attainment or attendance if our young people are not in front of us.

All the post-pandemic issues that Mr Kidd speaks to are intrinsically linked. Obviously, we might now hear Mr Kidd’s views on whether what is being done is working. I do not think that there is a magic wand that we can wave, but we are looking at new ways of working, and the virtual headteacher programme is a good example of that.

Bill Kidd: I have a wee follow-up question, but it might prove to be a touch tricky. What are your and the Government’s views on the flexible or hybrid learning model, which could see either pupils or their parents—or both working together—choose whether the pupil learns from home or in school? From what you said, it sounds as if your

wish is that more people attend school more often, in order to socialise them better, if nothing else.

Jenny Gilruth: If young people are in school, it improves outcomes for them, which is important. We need to be mindful of the role of school. Visibly being present in school is an important factor, but there are some young people for whom attending school can be extraordinarily stressful, and there are a range of ways in which we can support that.

There has been a move to a level of online provision. For some young people, particularly harder-to-reach young people, that might work. I gave the example of the virtual headteachers network engaging with care-experienced young people to try to ensure that they are engaging with school education and attending school. Post-pandemic, that mixed-model approach is used—for example, by e-Sgoil, through the qualifications that it is able to deliver. Quite often in that delivery model, and certainly through NeLO, young people might be in school and experiencing digital learning, which I think would be the preference.

For some young people, coming into school is still extraordinarily challenging, but I have been in schools, including primary schools, where headteachers have used members of staff—perhaps a pupil support assistant or others in their school community—to engage directly with a young person and their family. Over a number of weeks and sometimes months, they have been able to encourage that person back into school. That is always to the benefit of the young person.

Bill Kidd: That is the best direction. Thank you.

Stuart McMillan (Greenock and Inverclyde) (SNP): Good morning, cabinet secretary. Following on from Bill Kidd's question, I think that everyone would agree that attending school is the best option. If the hybrid model were to be considered and that was still not successful with some students, what would be the next option to help young people? I am aware of some young people in my constituency who are not engaging and who just do not want to engage.

Jenny Gilruth: We have always had a cohort of school refusers. That is not a new feature of Scottish education; it exists in most education systems. Fundamentally, the Education (Scotland) Act 1980 sets out the expectation that children and young people should be in school. It is a legal requirement that they go to school, and we should be mindful of that.

There are ways in which local authorities can support young people. To go back to Mr Kidd's question, we can use virtual headteachers and online approaches. There are outreach mechanisms—some schools use their pupil equity funding to employ people to go to young people's doors to encourage them to attend school, which

can help with the problem. There is a range of mechanisms that schools have always used to engage young people in their education. I do not see that as a new feature post-pandemic. The real difference is the move to digital as an option. However, it should not be the first preference; attending school is the first preference.

Ruth Maguire: While listening to our discussions, I am thinking about the parents and young people from whom we took evidence when we were scrutinising our colleague Pam Duncan-Glancy's bill on transitions, and during this inquiry. A lot of stock has been put in the ASL action plan as the thing that will make a difference to children. Can we hear some examples of the positive difference that the action plan has made for children and young people in all settings? I know that we have covered some of that in general terms, but it would be helpful to know more.

Clair Henderson: A number of initiatives are being taken forward through the action plan—some are part way through and some we continue to deliver. A good example, which you might have heard of in your engagement with the young inclusion ambassadors, is the success looks different award, which is an excellent mechanism that they have developed to celebrate the success of children and young people with additional support needs. That gives schools, both mainstream and specialist, an opportunity to highlight and emphasise the breadth and depth of attainment that people can achieve that is not necessarily recorded in the traditional stats that we might quote and look to in the system.

The award is a couple of years old—so it is reasonably new—and it is gaining in prominence, with a growing desire among schools to use it in supporting their children to recognise their attainment. It is one small step in the right direction for children and young people, both in its impact and in raising awareness among the broader school population about additional support for learning needs, but in a way that is not solely focused on those with the additional need themselves.

Ruth Maguire: Is there anything else?

Laura Meikle: In terms of the ASL action plan?

Ruth Maguire: Yes.

Laura Meikle: We have considered and completed a number of actions in the course of the work that we have undertaken. One of the important parts of the ASL action plan contains an overarching recommendation in relation to the Morgan review, which concerns the engagement of children and young people as part of our work. That includes the engagement of the young inclusion ambassadors with our team in establishing the vision for what children and young

people with additional support needs want. Those young people created and produced that vision, and we have published it. It sits alongside all of our work on additional support for learning and the action plan, and it is central to our thinking about every single recommendation and action that we take under the action plan.

The point about the engagement of children and young people is at the core of the work that we are doing around all of the implementation of the action plan. It is embedded throughout. We have given specific examples of actions that we are taking, but considering the needs of children and young people with additional support needs is very much part of our approach all the way through our work.

Jenny Gilruth: If there are areas that the committee thinks are missing from the action plan, I would be happy to read about that in the committee's final report. We are progressing our update on the actions, which will be published in the next few weeks, but we have an opportunity to ensure that the action plan is actually driving the change that Ms Maguire has spoken about.

Ruth Maguire: We have discussed the challenges that families face in navigating the systems and getting what their children need. Is there an example of work through the ASL action plan that has improved communication and engagement between local authorities and families?

Laura Meikle: Prior to producing the ASL action plan, we established the Enquire service, which provides advice and information, including online information and very specific information about parents' and carers' rights. The equivalent of the statutory code of practice that we have discussed is the parents guide. Children in Scotland, which manages Enquire, translated the original code of practice into the parents guide, so there is a mirroring of the understanding of those two pieces of information.

That predates the ASL action plan, and our actions under the ASL action plan are about ensuring that the communication methods are used as effectively as they can be. You have heard evidence from parents and carers that they are not always connected to the information in as straightforward a way as they could be.

Ruth Maguire: So, the action in the action plan is about measuring the effectiveness of the Enquire service.

Laura Meikle: No. We have the Enquire service; the ASL action plan concerns whether that service is being used in the way that we would want it to be and whether there is more that we can do to make it better.

Ruth Maguire: How do you measure the success of that? How do you know whether the service is working for parents?

Laura Meikle: Having established the service, we collect information from it about its engagement with parents and carers, how many people have accessed the website and how many parents and carers have used the helpline. All of that information is gathered in by us.

Ruth Maguire: Can we see those figures?

Laura Meikle: Of course. We will update that in the progress report in due course.

10:45

Jenny Gilruth: On Ms Maguire's substantive point, the landscape is quite cluttered as far as the support available to parents is concerned, and one of the actions in the action plan is to simplify that. After all, there is a range of support available—there is the let's talk ASN service, the support for children and young people, the Enquire service and so on—and we need to pull all of that together and signpost parents to ensure that they get the support that they need and to prevent escalation, which in turn brings us back to the point about the tribunal service. Right now, parents and young people can receive support in a variety of ways, and the situation is not always clear.

The Convener: We move on to questions from Ross Greer that I hope will dive into that theme a little more.

Ross Greer (West Scotland) (Green): The last comment segues very neatly into the theme that I want to ask about.

Cabinet secretary, you will have seen that, in previous evidence sessions, there has been a lot of focus on co-ordinated support plans. Colleagues will go into that issue in more detail but, as part of our examination of it, there has been a lot of discussion about the range of plans available to young people, with child's plans, individual learning plans, individualised education plans and bespoke plans in local authorities, schools et cetera.

Can you say a bit more about the Scottish Government's position on taking a more consistent and holistic approach to the issue? Specifically, is it GIRFEC compliant for a child to be in the sort of position that they are essentially in at the moment, where, to get a co-ordinated support plan, other plans have to be in place? It means that, by default, a child in the position of getting a co-ordinated support plan already has multiple plans, which, to me, is not GIRFEC compliant. After all, GIRFEC is about each young person having one coherent plan, whereas, in practice, kids with the

most complex needs must have multiple plans to access or unlock the support that they require.

Jenny Gilruth: On Mr Greer's point—he is right that it follows on from Ruth Maguire's question—the range of different plans on offer just now is extraordinarily confusing for parents, and for young people, too. However, it is, I suppose, worth rehearsing some facts. As Mr Greer knows, the number of CSPs has been reducing steadily over time while, at the same time, we have seen a real increase in IEPs. Indeed, that shift to IEPs across the board has happened quite organically.

Mr Greer makes an interesting point about GIRFEC. I think that the committee has been looking at United Nations Convention on the Rights of the Child compliance in some of our work in this respect, and we will seek to update the committee on that in our action plan update. I am happy to take away the point about GIRFEC unless Laura Meikle has something to say about that today. Currently, there are real challenges with regard to the range of plans that a young person might have, and I think that we will need to set that out more clearly in the action plan with local authorities.

Ross Greer: If you could write to us on the GIRFEC point, that would be useful.

On CSPs, the cabinet secretary has been a member of the committee and knows that we have taken evidence on the issue and gone round the houses over and over again on the challenges that it presents. Last week, though, we heard quite a significant bit of evidence from ADES and COSLA representatives on the criteria for a CSP. For them, the major barrier is the requirement for a young person to need at least 12 months of intense support from multiple services in multiple agencies, or however the provision is worded, and they are finding that young people who—everybody agreed—needed a CSP were unable to get one because that specific box could not be ticked. Is the Scottish Government open to revising the criteria for the CSPs and, indeed, that part of the 2004 act?

Jenny Gilruth: I think that we are open to revising the specifics in that regard. I know that Laura Meikle wants to come in on this point, but I think that we reviewed access to CSPs in 2021 on the back of the Morgan review.

Laura Meikle: On the specific point about the criteria for CSPs, the purpose of such a plan is, as you will have heard, to co-ordinate multi-agency support, and that support requires to be “significant” and long term. Therefore, the standard is very high with regard to the number of children and young people who will meet those requirements. There is an opportunity to clarify the part in the legislation that relates to multi-agency

arrangements, because the act makes specific reference to support being provided by the education authority in the exercise of any of its functions, which could include its social work function as well as its education function. There will be provision of support by social work services, and it will have to be significant and long term, but the fact that that is being provided does not mean that the criteria are not met. Therefore, there is an opportunity for us to clarify that even further and, as we have discussed, the place for us to do that is the code of practice.

Ross Greer: One point that was made in relation to that concerned the example of mental health support and counsellors. When the act was originally drafted, and up until quite recently, the vast majority of that support was provided outside schools. Because of a recent and welcome Scottish Government decision, that support is now provided in school, but that then creates the perverse issue that we are discussing. To what extent can the code of practice alone address that? As we have heard, the act is quite specific, which is a point of learning for the future: maybe primary legislation should be a bit vaguer and more flexible to allow for adaptation. Are you confident that we will be able to address the issues that were surfaced in the 2021 review through a revision of the code of practice alone, given that the underpinning legislation is so specific?

Jenny Gilruth: We have already committed to strengthening the code of practice in this space, and I know that that work has been going on since the 2021 review. However, on Mr Greer's substantive point, he is asking me to commit today to changing legislation, so I seek to come back to him on that.

Ross Greer: I said that it is unrealistic to expect that before the end of this parliamentary session, given the wider legislative timetable. However, there is a challenge here in that the specific legislative problem that we have identified could be improved through the code of practice but the fundamental issues could not be addressed by the code of practice, because the code of practice cannot be used to rewrite the law.

Jenny Gilruth: I can write to the committee, setting out a timescale in which we will strengthen the code of practice and setting out our actions—of course, that is part of the review update. If the committee is minded that legislative changes are required, I will consider that with officials.

The Convener: Certainly, much has moved on in terms of what schools are doing. As you said, cabinet secretary, they stepped up in the pandemic and are continuing to provide many of the services that were provided by health and social care partners in the past.

I will bring in Pam Duncan-Glancy.

Pam Duncan-Glancy: It will not surprise the cabinet secretary to hear me say that we need to look at the legislation in terms of the plans that are available, as I made that point extensively in the passage—perhaps I should say, the non-passage—of my Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill.

A moment ago, we heard that individual plans are on the increase but they do not have a statutory basis. Before I move on to my substantial question, will the cabinet secretary say whether she thinks that there is a need to put some of those plans on a statutory basis so that parents have the right to redress?

Jenny Gilruth: The member makes an interesting point. The difference between the two plans is important, because far greater need may be associated with the statutory plans than with those that are non-statutory. The challenge is how we can measure that difference and still give parents and young people the opportunity to have an individual plan. I do not know whether we have considered the issue in the past, as the 2021 review predates my time as cabinet secretary.

Laura Meikle: There have been previous conversations about the balance of planning and the associated dispute resolution in relation to those plans. As Ms Gilruth has already indicated, various mechanisms are available for dispute resolution. They are deliberately set at different levels to reflect the different arrangements that are in place.

Although our policy view is that the tribunal is the ultimate place for dispute resolution, there are many ways in which a person can end up taking a case before the tribunal, and taking that action does not necessarily relate only to plans. Vehicles are attached at each of the levels to enable dispute resolution. That is why we are a bit concerned about the focus being solely on the tribunal and stress the need to ensure that all dispute resolution mechanisms are understood.

Pam Duncan-Glancy: I think that colleagues will probably deal with the issue in more detail, but thank you for that answer.

On the point about the committee being made aware that a range of services outwith education are required—the cabinet secretary has already highlighted this, so I think that the issue is understood—there are a number of services, such as speech and language therapy, child and adolescent mental health services, counselling services and social work services, that are required to be available for a young person. Is it the cabinet secretary's intention that education should be co-ordinating those services to support children with complex needs?

Jenny Gilruth: The reality is that education is co-ordinating those services right now. That is certainly my experience of having been in school not that long ago, when it was—absolutely—education that co-ordinated those services. That can be really challenging for those who work in education, who are dealing with lots of other things in the day-to-day running of a school.

Should that be a task for education? No, that should be a shared and joint endeavour. Some of the Audit Scotland evidence that I alluded to at the start of the meeting is about having a funding approach that would bring partners together. We have quite a disparate approach to that now. Education is often leading the charge because education has the young person in school and is trying to build support around the young person and bring partners to the table. I know that that can be really challenging.

It is not clear that the responsibility should rest solely with education. I think that it should be a joint endeavour, particularly along with health, given the number of health professionals who are involved in providing support to young people with some of the most challenging additional support needs. We need a wraparound system that does not lean on schools to the extent that they are burdened not only with pulling together services but with giving front-line provision. If I may say so as a—granted, former—teacher, I think that that pressure is often felt more by education than by other services.

Pam Duncan-Glancy: What can you say about public sector reform in general that you think could help with that?

Jenny Gilruth: There is undoubtedly an opportunity in public sector reform. Audit Scotland and the Royal College of Speech and Language Therapists have made points about that here and have said that parents should not have to fight. That goes to the heart of the issue, because we have built a system that can result in a senior teacher in a school having to pull partners together to co-ordinate the support for a young person. We must put the young person at the centre—that is the GIRFEC ethos—but let us build support around the young person rather than fight over budget lines as often happens now. Public sector reform will give us an opportunity to drive that forward.

We are already beginning cross-portfolio work with health on a number of different areas. Speech and language therapy is a good example, and there are other opportunities to bring health to the table. For example, I would be happy to share details with the committee of how Education Scotland is working with Public Health Scotland and a number of headteachers on a public health approach to attendance. That is really interesting,

because health has a huge role to play in tackling some of the challenges.

Pam Duncan-Glancy: I agree that it does.

We have heard evidence, including from the Royal College of Speech and Language Therapists, that the more consultative approach that colleagues have alluded to has meant that, for example, speech and language therapists or CAMHS professionals have had to give input to teachers who then have to provide speech and language therapy to pupils. We heard parents talk about one case in which teachers were giving pupils cognitive behavioural therapy because there were not enough psychologists to provide that intervention.

In answer to one of my parliamentary questions, Jenni Minto said:

“Over the next three years the Scottish Government will invest in a new programme of work ... to build confidence and capacity for staff working in early learning and childcare settings, and joining up efforts across other key public services”.—[*Written Answers*, 10 August 2023; S6W-20521.]

Is it now Government policy to have a consultative approach in schools and to put more workload on teachers?

Jenny Gilruth: I do not think so. In terms of what we have heard today about the role of specialist staff, I have made it clear that I see a key role for them in providing support to the profession. The member's points are really important, because resourcing that is challenging. I have given examples of ring fencing. The member may have other ideas, but I think that, if we take a step back from where we are now, this is about service delivery and about how the whole system, not just schools, responds to a post-pandemic world and delivers education.

I do not think that our approach is working right now, which is why public sector reform gives us an opportunity to tie budget lines together, to ensure that education is not mopping up what should be a joint endeavour and to have more partnership working. This is absolutely not about pushing things on to classroom teachers.

Pam Duncan-Glancy: It very much feels that way, and teachers have told us that. They can have 33 pupils in their classes, although the number goes down to an average of six in special schools. Class sizes, workload and non-contact time all have to be part of the solution, so I would like to hear the cabinet secretary say whether those things will be included in the action plan.

Finally, on the joined-upness of services, there is one educational psychologist to around 650 pupils, and there is a budget reduction of around £10 million in mental health. How does the cabinet

secretary see all the joined-up provision working in the way that she describes without putting extra workload on teachers?

11:00

Jenny Gilruth: Pam Duncan-Glancy has made a number of points about workload and class sizes. If members want me to talk through all those things, I could be here until 12 o'clock.

Let us not pretend that every teacher in Scotland teaches a class of 33. That is absolutely not the case. If a teacher teaches a practical subject, for example, their class size will be capped at 20, I think. There are a variety of class sizes across Scotland.

I have been working with the teaching unions on workload because I recognise the challenge in that regard. However, workload is a monolithic term that we have to get into and understand. What are we referring to when we talk about workload? Incidentally, workload in Fife will look different from workload in Dundee, because local authorities ask teachers to do different things. Let us be pragmatic when we talk generically about things such as workload. I know that the teaching unions like to talk about those things but, to make a difference, we really need to understand what we mean.

One of the things that we removed from the workload was the outcome and assessment standards around qualifications. I think that Mr Swinney did that some years ago. We are now looking at reintroducing a level of continuous assessment, and I know that the teaching unions are supportive of that. The workload associated with that in respect of the new qualifications will need to be carefully judged, particularly for secondary teachers.

I will segue to Ms Duncan-Glancy's substantive point, which was about mental health. We have a positive story to tell in relation to the counselling support that we have been able to provide in every secondary school in Scotland. That support, which used not to exist, is now embedded. That is important. It is not teachers who are delivering that support. We can learn from that model.

To go back to the original question, how do we embed substantive specialist provision where that is needed? I accept that it is needed, and I look forward to working with COSLA on that. To go back to Mr Kerr's point, this is about having a joint approach because I, as the cabinet secretary, cannot direct COSLA. However, we need to take leadership at the national level. My setting out expectations of the use of specialists is helpful in giving some of that direction, but we can get change at the local level by working with COSLA,

whether that is on behaviour, attendance or supporting additional support needs.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Good morning, cabinet secretary. On Mr Greer's points, the human rights bill might be a vehicle for primary legislative change on some of these matters. I thought it might be of interest to mention that for the record.

I have a general question to conclude the session. It is obvious that you really care about ASL, and I appreciate the difficulty of dealing with it and the resource challenge. In your opening remarks, you mentioned that all the recommendations of the Morgan review had been accepted and that 39 actions in the action plan had been delivered. There will be an ASL plan update on the remaining actions that are to be delivered. When can we expect that? How do we track progress? What further engagement will there be with COSLA? When the committee completes its inquiry and makes recommendations, will you be open to providing quarterly updates on progress on those recommendations? You said that constituents write to you regularly—so do mine. What do we say to them about how we are moving forward?

Jenny Gilruth: Thank you for suggesting the human rights legislation as a vehicle for updating the 2004 act. That will be a matter for members to consider.

On your substantive question, the ASL action plan is coming in the next few weeks. In discussion with officials ahead of this meeting, I was mindful that the committee will probably produce its report in the next few weeks. I want to ensure—because it is important—that the plan update listens to the outcomes of the committee's inquiry. Therefore, the timescales associated with that are to some extent in the committee's gift.

We previously published an action plan update last year. The commitment to deliver the entirety of the action plan will be achieved by March 2026. However, there has been an update every 18 months since the action plan was committed to. Mr Macpherson asked about quarterly updates. Updates have not been quite as regular as quarterly, but I can speak to officials about what we can do to fill the gap between the next update and the 2026 final plan.

The Convener: Does Clair Henderson want to come in on that?

Clair Henderson: Yes. I just want to add something on the question about COSLA and engagement. COSLA is co-chair of the ASL project board, so we have a clear partnership arrangement in place with it. We are delivering the plan in partnership with COSLA, ADES, Education Scotland and a host of other key stakeholder

members, and we meet bi-monthly to discuss the action plan.

I reassure committee members that, although we are completing actions—they are turning green as we talk about them in the team—that does not mean that they are ticked off and we do not revisit them. We are very conscious of the cultural shift that we are trying to achieve and the fact that we need to sustain that.

We revisit those actions at project board meetings—not all the actions, because there are a substantial number to consider, but we discuss them regularly to ensure that we are continuing to make progress and are starting to embed those actions. Nevertheless, there are definitely opportunities to reflect more regularly on the progress that has been made.

Ben Macpherson: Given all the information and feedback that we have received through the process, including what we get in our constituency case load, how do we reassure those parents and those communities that we, collectively, as a Parliament, are making progress?

Jenny Gilruth: To that end, I hope that the update that we will publish following the committee's report will be helpful, but I will speak to officials about that. Given that officials and I engage with the partnership boards more regularly than the committee does, it may be that we can send the committee updates every six months, for example, on the progress of that work.

Ben Macpherson: Finally, in my experience, there are benefits to engaging employers and powerful institutions in communities, such as football clubs, when considering this issue. A big difference can be made with a collaborative approach beyond the school setting—as you emphasised, cabinet secretary. I want some reassurance that the Government is open-minded and proactive in that regard.

Jenny Gilruth: Absolutely. A key theme in the committee's evidence has been that the approach cannot simply be about education responding to the challenge; we need a partnership approach from various partners. I have touched on health today, but the member makes a good point about the importance of football clubs and local communities.

In the debate that we had on behaviour in schools a couple of weeks ago, in Conservative parliamentary time, Brian Whittle gave a very good speech to that end. He is passionate about the subject anyway, but the role of sport in responding to some of the challenges post-Covid is fascinating, and that is an opportunity for us to pursue further. I know that Mr Macpherson has a constituency interest in the matter, as he has raised that with me in the chamber previously.

Ben Macpherson: You might get an invitation following this meeting.

Jenny Gilruth: I look forward to it.

The Convener: I am well aware of the avenue that Mr Macpherson was going down there, so I will leave that with him.

Thank you, cabinet secretary, for your helpful comment about your forthcoming ASL action plan update, which will perhaps co-ordinate with ours. That is helpful with regard to how we move forward our work plan.

To finish, we have a supplementary question from Willie Rennie.

Willie Rennie: Although the tone and the approach today have been very good—I think that you understand how serious the matter is, cabinet secretary—it would be remiss of us not to express the anger and frustration that exist out there. A lot of parents are really angry, and teachers are giving up. They have had enough, and they feel as if they are on the front line without adequate support. They really feel it.

I was struck by the remarks from the Scottish Children's Services Coalition, which hinted not only at the overall effectiveness of the policy but at whether mainstreaming is working at all. It also drew a correlation between poorer neighbourhoods and areas of the country and a higher proportion of additional support needs.

Something that came out in the absence statistics that were published yesterday was the absence rate in poorer areas. That affects Government policy in so many different ways. If we are going to close the poverty-related attainment gap and reduce inequalities, we have to get to grips with additional support needs for the sake of not just those pupils but the country as a whole and its performance.

It is important that you understand that there is a lot of anger and frustration. Although today's tone has, I think, been the right one, because it has been serious, there is a lot of anger.

I go back to my original point. I worry that those on the front line, whether they are parents, teachers or pupils, are the ones who are suffering. We have a policy that we like, but they suffer if it is not working, and I worry about the divisions that are created on the back of that.

Do you want to comment on the absence stats or on the remarks from the Scottish Children's Services Coalition, or on anything else, just so that people understand that you get it?

Jenny Gilruth: I thank Mr Rennie for that. First, I will respond to the absence stats and to that measure in particular. I have mentioned already that the persistent absence stats are quite

shocking, and I invite the committee to really interrogate those stats, as I have, because they show not only that we have regional variation in attendance across the country but that we have a cohort of young people who do not attend for up to 20 days of the school year. Think about the impact that that has on their educational outcomes. I am really concerned about that measure. As a Government, we had not looked at that measure since 2014-15. Therefore, we added that measure in last year, to give us more data in order to look at the real substantive problem.

The Children's Commissioner for England produced really helpful advice in a report on absence in England, which I think was published last year. It contained a number of recommendations. She also quantified the cost of missing school in terms of academic attainment and positive destinations for those young people. All of that is bound up in our wider ambition, and GIRFEC is part of that.

At the start of the evidence session, we talked about mainstreaming. I still believe in mainstreaming—I think that it is the right approach—but I hear the anger and I hear the challenge. I want to reassure Mr Rennie and the rest of the committee that one of the first things that I did when I was appointed as cabinet secretary was speak to the teaching profession, which said, "We're not ready for these reports. We're not ready for reform. We need to work with you and we want to work with you, but we need to respond to the challenge right now." Therefore, I paused education reform for a year.

We will bring forward proposals in the coming weeks, but, every step of the way, whether it is in the reform of Education Scotland, the qualifications body or our qualifications, our children with additional support needs must be at the forefront. They are part of the whole system; they are not the add-on that they might have been in 2004, which I think is where we were when the legislation was first passed. They are part of our system. In some parts of Scotland, half of our pupils have an additional support need, so we must get it right for them.

Right now, I see and hear the challenge, and I make a commitment to the committee to work with its members and across Government, because this is not just about education. In a number of different areas, we need to leverage the power of other parts of Government, whether that be health or justice, for example, in order to respond to the post-Covid challenges.

Liam Kerr: On that point—Willie Rennie has posed a really important question—the attendance statistics will obviously be a function of much more than the education system. I make the observation that there is a tendency to think or act very much

in silos. You are quite right, cabinet secretary, that we need to get away from that. Therefore, that begs the question: what interaction have you had with other portfolios on things such as the attendance statistics, particularly in the light of the report that you mentioned from last year?

Jenny Gilruth: On attendance specifically, I think that, when I was first appointed, I received weekly updates; those are now fortnightly updates. In the first few weeks of my appointment—we have discussed this in the chamber—we touched on the variance in relation to certain groups after the pandemic. We were seeing dips in attendance in year groups that were transitioning during lockdown, whether that was from primary 7 to secondary or during the transition from broad general education to the senior secondary phase. At the time, we were of the view that those young people had had really important periods of their education disrupted and had then found it very hard to re-engage with the system.

Last year, I commissioned Education Scotland to undertake further work on absence. It published national guidance on that in November, which the committee might be aware of, and we then published further data in December that showed that school absence across the board was at record low levels. It is important for the committee to understand that.

The new measure that we have introduced is about persistent absence—10 per cent absence in a school year of, I think, 190 days, so let us say 20 days a year of missed education. That is a big chunk of your education to lose.

With regard to engagement with other portfolios, I have not specifically engaged with other portfolios on attendance, but I have engaged with them on behaviour and on a number of other educational issues, and I will engage with my colleagues on the issue of absence, because, of course, it is not just about school.

The Convener: I thank the cabinet secretary and her officials for their time. That concludes the public part of our proceedings, and the committee will now move into private to consider the final item on the agenda.

11:14

Meeting continued in private until 12:06.

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