

EDUCATION COMMITTEE

Wednesday 13 September 2006

Session 2

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EDUCATION COMMITTEE

18th Meeting 2006, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Lord James Douglas-Hamilton (Lothians) (Con)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)

*Ms Rosemary Byrne (South of Scotland) (Sol)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Richard Baker (North East Scotland) (Lab)

Mr Jamie McGrigor (Highlands and Islands) (Con)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

Mr Andrew Welsh (Angus) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Richard Lochhead (Moray) (SNP)

Nora Radcliffe (Gordon) (LD)

THE FOLLOWING GAVE EVIDENCE:

Ronnie Beaty

Phyllis French

Alexander Longmuir (Arbilot Parents Group)

Ken Venters (Carronhill Action Team)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education Committee

Wednesday 13 September 2006

[THE CONVENER *opened the meeting at 10:03*]

Item in Private

The Convener (Iain Smith): Good morning, colleagues, and welcome back. I hope that you all had a good summer break and that you are ready for the gentle stroll into the election period. Today's meeting of the Education Committee is our 18th in 2006. The main items on the agenda relate to a number of petitions; I will say more about them in a moment. Fiona Hyslop and Rosemary Byrne have indicated that they will be late.

It has been the committee's practice to take in private consideration of approach papers that have been drafted by the clerks, because that involves discussion of witnesses whom we may wish to call. Do members agree to take in private item 10, which is consideration of the committee's approach to scrutiny of the draft national plan for Gaelic?

Members *indicated agreement.*

Witness Expenses

10:04

The Convener: Agenda item 2 relates to witness expenses. Under rule 12.4.3 of standing orders, I invite the committee to agree to authorise expenses claims by the petitioners from whom we will take evidence at today's meeting. Is that agreed?

Members *indicated agreement.*

The Convener: Do members agree to delegate authorisation of specific claims to me?

Members *indicated agreement.*

Petitions

Rural Schools (Closure) (PE872)

10:04

The Convener: We will take item 4 before we take item 3.

Before I ask Alexander Longmuir to come forward, I want to make a few general points. First, however, I welcome Wendy Alexander back to the committee after maternity leave. I hope that all is going well—you are certainly looking well. I hope that you enjoy your time with us in the coming months.

Ms Wendy Alexander (Paisley North) (Lab): Thank you, convener.

The Convener: My first general point on the petitions is that the committee will not make any decisions on them today; we will simply take evidence from the petitioners. We will consider what further action to take at our next meeting in two weeks' time. Secondly, I stress that we must take evidence only on the subject matter of the petitions. I stress that both to the petitioners and to members, whose lines of questioning must relate directly to the subjects with which the petitions deal.

I welcome Alexander Longmuir to the meeting and invite him to make some opening remarks on petition PE872. Members will then ask questions.

Alexander Longmuir (Arbilot Parents Group): I thought that I knew what I was going to say to the committee, but on Saturday I got a letter from the minister on my petition and a Scottish Parliament information centre briefing on school closures, which caused me to rethink what I would say.

I was going to use statistics to show that rural schools provide educational and social benefits, but the SPICe briefing accepts that as fact. I was going to describe how rural schools are the hub and the focal point of the community in many areas, but again the SPICe briefing accepts that as fact. I was going to talk about the 60 per cent rule that local education authorities use as an efficiency indicator, often inappropriately, but the minister agrees with me and says that he is working hard to dispel the myth surrounding that rule.

I was going to say that a few LEAs are behaving less than honourably in the way in which they are handling school closure proposals. The minister says that he is aware of the problem and is keen for improvement to be made. I was going to draw a comparison with the situation in England, where there is a presumption against the closure of rural schools, which has benefited the English system,

and where an independent body exists to adjudicate on proposed closures, but the SPICe briefing covers that in detail.

Instead of talking about those things, I will highlight some of the omissions and contradictions in the minister's letter and the SPICe report. On educational standards and social outcomes, the SPICe report is quite right to say that children from remote rural areas significantly outperform their urban counterparts. That trend is more marked in areas that have a preponderance of small schools. According to Executive statistics, children in those areas are 25 per cent more likely than their urban counterparts to go on to full-time education and achieve exam results that are 11 per cent better.

A statistic that no one has picked up on from the Executive's figures is that children in remote rural areas who are registered for free school meals attain results at secondary 4 level that are 30 per cent better than those of their urban counterparts. That makes a big difference to the lives of the children concerned—their futures depend on that 30 per cent better performance.

In the 1990s, France's economic development in education body, IREDU, did a scientific control study that examined the performance of composite classes and it came up with the same answers. We sent the Scottish Executive's statistics to our colleagues in Wales, who are studying socioeconomic factors in rural schools, and they are coming up with the same results. They have found that underprivileged children who go to rural schools benefit from doing so in their eventual educational attainment.

On the 60 per cent occupancy rule, the minister is right that Audit Scotland has never picked on a particular school and said that it must close because it is only 60 per cent full. Audit Scotland examines LEA areas as a whole and will criticise a particular LEA if the schools in its area are not properly occupied. The minister's letter says that Audit Scotland is not using the 60 per cent occupancy rate as an efficiency criterion. However, the SPICe briefing that came along with the minister's letter quotes Audit Scotland as using a figure of 61 per cent to 100 per cent as an indicator of whether schools are properly occupied. There is a contradiction there.

The SPICe briefing also points to an Audit Scotland report on Shetland Islands Council that criticises the council for the cost per pupil in its schools. As the council covers a sparsely populated island area, of course it is going to have a higher cost per pupil than other councils. The geography of the area dictates that it will have higher expenses than Edinburgh, Glasgow or Aberdeen.

Her Majesty's Inspectorate of Education has now become embroiled in the debate. In its follow-up report on Moray Council, it mentions the council's use of the 60 per cent figure and endorses its attempt at school estate rationalisation. Members have Professor Kay's paper, which explains the subject much better than I can.

Both the SPICe briefing and the minister cite falling rolls as a major reason for the current spate of attempts to close rural schools. The minister describes it as the single biggest factor with regard to the issue in the past two years. It is undeniable that rolls are falling—figures from the General Register Office for Scotland show that—but many of the schools that have been under threat have had stable or increasing rolls. Further, Scottish Borders Council has been one of the most active councils in terms of closing schools in the past two years, but the GROS forecasts that the council's school roll will increase by 7 per cent. It cannot use falling school rolls as an excuse for its programme of school closures.

On the behaviour of some local education authorities, I have provided the committee with a series of quotations that demonstrate the level of confusion experienced by parents when they are presented with so-called evidence by education officials that contradicts what we are being told by the Scottish Executive, HMIE and Audit Scotland.

We feel that, if an appeal process was in place for school closures whereby a community that believed that it had been hard done by following a consultation process could appeal to the Executive, HMIE or some other body, it would almost stop the situation overnight—in a sense, it would almost render itself redundant simply by being there. If there was a way of checking what officials were saying to parents and communities and if ministers could write to parents to advise them of their rights and inform them of who does what, that would be welcome.

I could go on and touch on issues such as economics and health, but I do not have time to do so today. However, I would like to mention an omission in the timeline in the SPICe briefing. It does not mention the fact that, in 2000, the then Education, Culture and Sport Committee instructed Cathy Peattie to produce a report on closures in Argyll and Bute. Her report recognised that council officials were providing parents with misleading information and misinterpreting Audit Scotland. It concluded that the Convention of Scottish Local Authorities should provide a new voluntary code of practice and that Audit Scotland should clarify its stance. The committee endorsed those findings. However, six years later, COSLA is still only promising a voluntary code and there is even more confusion about the stance of Audit

Scotland and HMIE. Further, Cathy Peattie's test of proportionate advantage has never been implemented. One of the people who helped to bring that report about is sitting behind me now. Given what the minister has said in his letters, I hope that I am not going to be back here in six years' time, sitting behind somebody else who is going through exactly the same thing again.

The Convener: What difference do you think that the use of the phrase "presumption against closure" would make, given that the guidance that the Scottish Executive already issues to local authorities instructs them to take into account issues such as the educational case, travel distance and times, pupil population projections, community planning and use, rural sustainability and development and financial considerations? The councils already have to take into account a wide range of factors before they can consider, or before they are meant to consider—

Alexander Longmuir: "Before they are meant to consider" is right.

The Convener: How would the use of the phrase "presumption against closure" change the situation? What additional test would a local authority have to meet before it could close a school?

10:15

Alexander Longmuir: The reason why we used the words "presumption against closure" in the petition is simply that the same phrase was used when the presumption was introduced in England in 1998. We are perfectly aware that there are two different systems and that the church owns a lot of school buildings in England, where boards of governors are in place. However, there is enough in the English system that could be transferred to the Scottish system. We could pick out the bits that are needed to protect the school estate in a much better way than is happening at the moment.

In England, proposals to close a school have to go through a schools adjudicator process. There are closure consultations and the proposal goes first to a committee and then to a schools adjudicator. He has to agree that the consultation has been carried out fairly and that all the issues that you just outlined have been taken into account.

At the moment in Scotland, there is no check on that process. The local authorities go through the mechanisms outlined in the Education (Scotland) Act 1980, but there is no back-check to ensure that they have considered all those issues that you mentioned. We need a presumption that schools will not close so that local authorities have to prove their case. At the moment, they do not have to do that; they merely have to go through a set of

mechanisms, then there is a vote and schools close. Unless parents have the money to take the case through a judicial review, they cannot come back and say, "This is unfair."

The Convener: In practical terms, therefore, you are not really looking for a presumption against closure but an umpire or some form of arbitration process.

Alexander Longmuir: We definitely need an appeals process. In October 2005, the minister hinted that he might use HMIE to look at how school closure consultations are conducted. HMIE is an excellent organisation and we would welcome its involvement. We do not have a schools adjudicator process in Scotland, although bodies exist that could do that job.

Dr Elaine Murray (Dumfries) (Lab): One of the differences in England is that there is a schools organisation committee, which is like a court of appeal. Why do you think that, in Scotland, such a committee would be more responsive than the local council to the public's views? My experience in Dumfries and Galloway is of a proposed extensive programme of rural school closures. When there was an outcry, councillors realised how their local communities felt about the proposals and backed down, and very few of the schools closed. The power that local communities have over their locally elected representatives can be strong enough to reverse decisions.

Alexander Longmuir: We are not trying to take powers over education away from LEAs—far from it. We recognise that they are best placed to listen to local communities. However, there are problems with closure consultations all over the country at the moment. We just want a back-up; we want a mechanism to be put in place that will give us some protection.

The strength of our argument lies in the point that you just made. Everywhere we go—the Borders, Angus, Aberdeenshire and Moray—we win our case. We are unpaid and put in thousands of man hours, and we win our case time and again because we are right. Other people in this country are paid a lot of money to run organisations and they should be looking after our school estate for us. We should not have to win the case.

Dr Murray: I believe that rural schools are extremely important, but is not the importance of rural schools the value that the local community places on them? No bureaucrat can reflect that value because it has to be reflected by the strength of feeling in the community. Some schools in Dumfries and Galloway have closed themselves because when the parents took out their kids, the schools withered away. That is a natural development.

Alexander Longmuir: None of us says that no school should ever close. In recent years, the schools that have been closed were single-teacher schools in communities that have dwindled, or problem schools that have caused parents to vote with their feet by moving their children because they did not think that their children were doing well. We are not protesting about those closures, which will always happen because of demographic change and so on.

What worries us—this is why our campaign has gathered so much strength recently—is that, over the past two years, very successful schools with up to 89 pupils have been closed. I was actively involved in the campaign to save Channelkirk primary school in the Borders, which had 53 pupils and an attainment level in the past three years of 100 per cent in reading, writing and arithmetic. The community was 100 per cent behind the school, but the council was determined to close it. The final report to councillors before they voted was written by officials who recommended closing the school. Even if the last line of the report had been changed to say, “We recommend keeping the school open,” there was only one meaning behind the report. We managed to persuade the locally elected members that our case was right and that Channelkirk’s superb campaign was right. However, that proposal should never have been made. People should not have had to put thousands of man hours into defending a fantastically successful 53-pupil school in a village that has a shop and a pub and where everybody is happy with the system.

Dr Murray: The minister is confident that one reason why the rate of rural school closures has diminished is that the new guidance from the Executive is bedding down and taking effect. Is that true?

Alexander Longmuir: I would like to think that we had something to do with diminishing the rate of closures. The minister is right to say that he has issued guidance. Angus Council’s director of education sent me that guidance and said, “See these guidance notes that we were sent in September 2004? These are the reason why we must close your school.” We went back to him and said, “Hang on a minute—we’ve read the guidance notes and they don’t say that.” He said, “No—you can read into them whatever you like.”

The guidance is still too woolly. It does not need much—some paragraphs need to be removed and some need to be inserted just to tighten it. The minister is starting to recognise that. As a group, we had a constructive meeting with him last October. The minister is not unsympathetic to our view on how councils are implementing the guidelines.

Lord James Douglas-Hamilton (Lothians) (Con): I will ask a procedural question. You mentioned the case for an appeal system. I notice that the minister has written that authorities

“have to consult ... and take account of representations ... within the consultation period ... There are certain circumstances ... in which an authority cannot implement its decision without obtaining the consent of Ministers. However, that is not a right of appeal for communities.”

What kind of appeal system do you hope for and envisage? How would it work?

Alexander Longmuir: You referred to the provision in the 1980 act that says that a minister has the right of veto if a school is more than 80 per cent full, is more than 5 miles away from another school or has a denominational aspect. My understanding—I am not sure whether I am completely up to date—is that, for all the time that the Scottish Executive has been in place, no appeal against closure has been upheld on one of those grounds.

I hope to see a system such as that which the minister mooted last October, under which a body such as HMIE would go through the evidence that parents and the local authority had provided, scrutinise the decision that had been made and then go back to the local authority to say, “Are you sure these facts are right? Are you sure of the evidence that you have presented to parents and councillors?”

In the cases that we are discussing, it is not just councillors who are at fault. In many cases, education officials supply spurious information to the councillors who have to vote. We have come across that time and again. I have supplied the committee with some of the comments that have been made to us about the procedures for closing schools.

Cathy Peattie’s report highlighted that, in Argyll and Bute, education officials fed to councillors information that was incorrect—she says that it was misrepresented. That is still happening. Six years ago, that practice was criticised, and the Education, Culture and Sport Committee endorsed that finding. We need a body such as HMIE to be able to check the information that is being provided in school closure consultations and to be able to say, “Yes, the council has made a good case and its decision has been found to be right.” We do that with planning. If someone wants to build a conservatory on the end of their house and the council says no, they can appeal to a reporter. If a council wants to close a school, it can use any information that it wants and people cannot appeal.

Lord James Douglas-Hamilton: Am I right in thinking that you want a check and balance to be

introduced into the system? That might not be a formal appeal system.

Alexander Longmuir: Any community or school that felt hard done by because of the procedure should have recourse to saying, "Hang on a minute—this has not been done properly. Can somebody check it for us and see that it fits in the guidelines and current procedures?"

The Convener: Ken Macintosh is next.

Mr Kenneth Macintosh (Eastwood) (Lab): Dr Murray asked the questions that I had planned to ask about the influence of the guidance.

Mr Adam Ingram (South of Scotland) (SNP): Mr Longmuir, I am interested in what you say about validating consultation exercises. Do you see that as the key?

Alexander Longmuir: Very much so.

Mr Ingram: I have experience of objections to consultation exercises, not just on local school closures but on closures of accident and emergency departments. There is a new development in the latter situation, as the Scottish health council now oversees the consultation exercise. The health council has just started its work, but perhaps that model could be applied to schools. Once we see what the COSLA working group produces, we can take the idea further.

Alexander Longmuir: That sounds excellent to me. If we could get something like that in place, it would be brilliant.

Mr Ingram: You obviously now have wide experience of the various campaigns across Scotland. Is there evidence that additional pressures have been put on local authorities to rationalise the school estate? For example, it has been suggested that private finance initiative funding might add to the pressure on local councils.

Alexander Longmuir: I highlighted that point in my written evidence. There is conflicting information from various bodies. There is no doubt that the PFI dash for cash—as some have described it—and the way that the projects are laid out make it difficult for small schools to obtain PFI finance. Small schools are much more likely to get such funding if a lot of them are amalgamated into one big project. That is better for the developer and the council, but not necessarily for the communities and children—the people whom we should be caring about.

We are told that there are an awful lot more pressures, but we cannot find evidence of them. When we go to the Executive, HMIE or Audit Scotland, they deny that they are applying pressure. The councils tell us that Audit Scotland has said that they have to rationalise places and

close schools that are less than 60 per cent full. Audit Scotland says the opposite—that it is not telling local authorities to do that.

One council said that the Executive had told it that every rural school has to have a 100m² gymnasium, which would cost the council a fortune and which it could not afford. We got a letter from the Executive saying that there is no requirement for a 100m² gymnasium in any school, never mind rural schools, and that it does not issue prescriptive school building criteria to any council. We do not know who to believe.

There is some written information. In the HMIE follow-up report on Moray, it is clear that the inspectorate is pushing Moray Council to rationalise the number of school places. In that area, the only way to do that is to close schools. The population is sparse and there is not much chance of putting two urban schools together. Few towns have two primary schools in them, so the council's only option is to close schools.

Mr Ingram: From what I have read, the impetus for rationalisation does not seem to be politically inspired, in that ministers have not taken a decision that it needs to be done. It seems to be more of a systemic problem, with the likes of the Accounts Commission picking up councils on underoccupancy in their schools. The argument that decisions are being left to the local level is misleading, as we have a national organisation, in the shape of the Accounts Commission, that is putting pressure on local organisations to comply with the criteria.

Alexander Longmuir: We are just simple country folk. When we are told by one body that pressures are being applied and by another that they are not, we do not know who to believe. The information that is given to parents is part of the problem. The Minister for Education and Young People says that he will issue a guidance booklet for parents to outline exactly who does what, who is putting pressure on whom and who is responsible. From reading his letter, I think that he will probably not say that HMIE or Audit Scotland are putting pressure on councils, but the fact is that councils are still claiming that they do.

Mr Ingram: In that scenario, a declaration of a presumption against closure might draw a line in the sand that the likes of the Accounts Commission will have to take into consideration.

Alexander Longmuir: The minister has come close to that in his letter by saying that he thinks that nobody should assume that a school should close. There is a grey area between a presumption against closure and saying that nobody should assume that a school will close. There is neutral ground, but if someone is totally neutral on the subject, they do not go to the bother

of going through a consultation process, because it causes a lot of grief and hard work on both sides. I am sure that none of the directors of education whom we have come up against wants to do it, because of what they have experienced—they have not enjoyed the process. The assumption is that they want to close the school, but the minister has said that there should not be an assumption that they are going to close the school.

10:30

Ms Rosemary Byrne (South of Scotland) (Sol): I apologise for being late. I missed my connection because my train was late this morning. Adam Ingram has covered most of what I wanted to ask.

I am interested in the issue of smaller classes. In many rural schools, children sit in smaller classes. With closures and amalgamations, we are going backward rather than forward. You have consulted widely. What is your experience of class sizes and the impact on young people of moving from a smaller setting to a larger setting?

Alexander Longmuir: I referred to a study that was done in France by Burgundy university in Dijon on composite classes, or mixed-age class groups. The study removed the element of socioeconomic by considering directly comparable communities. It looked at single-stream, single-age classes; schools where children from all five years of French primary education were in one class; and schools in which children from two or three years were in one class. The results of that scientific research are absolutely brilliant. They show the benefit of composite classes.

Most people think that having primaries 1, 2 and 3 in together is disadvantageous, because the teacher will have to teach three different age groups at the same time. Children do not think like that and they do not all develop at exactly the same rate. Teachers have told us that when a primary 1 class comes in, the primary 2s do their job for them—they do not have to teach them. A good teacher works a composite class not by age group but by ability. An extremely bright primary 3 will get taught alongside the primary 4s. The primary 4s are told that they are helping the primary 3, even if it is the other way round.

The French study shows that there are benefits for the children, not just in primary education but right up until they take up employment or go into further education.

Ms Byrne: I asked the question because we seem to be told all the time that there is an educational reason for closing some rural schools, which is that the roll has become so small that

good education is no longer possible. I did not think that any research had been done, so your citing the research from France was helpful.

Many years ago, I had the privilege of teaching in a rural school, where the scenario that you described applied, and I have taught in many other types of school. The community effect and teaching in a composite setting can be of benefit. I would like more research to be done, so that people do not just give us answers off pat without backing them up.

Alexander Longmuir: A really interesting point came out of the Executive's statistics. The Executive analysed exam results up to secondary 4 not only by location or ethnic origin but according to whether a child qualified for free school meals. In children who qualified for free school meals, the attainment level up to S4 was 30 per cent higher in rural schools—especially remote rural schools—than in large urban schools. We believe that that is because there is no discrimination and all the children are brought along with the others, regardless of their background. Background does not matter in remote rural schools; it is the community that matters.

Ms Byrne: That is right. Thank you.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Any school closure programme is difficult for the pupils and families that the school serves. The documentation showing the Accounts Commission analysis is useful.

Alexander Longmuir: The person who wrote that paper is sitting behind me.

Mr McAveety: I will be reasonably positive about the paper, which I think is fairly useful, just in case they get aggressive with me at the end of the meeting.

I have experienced both sides of school closures. In the late 1980s, I was a teacher in a school that was involved in a rationalisation process. That was in an urban setting, so I know that there is no parallel with your circumstances. We fought the proposed school closure because the community thought that the school had to be retained. However, over the subsequent four or five years, the educational evidence suggested that there was less subject choice and less of a range of opportunities for youngsters in the school. The difficult process of rationalisation therefore had to take place. Such debates are difficult.

You mentioned the letter from the Minister for Education and Young People. Should there be more explicit guidance—in whatever phraseology he can pull together—or should that be done in a statutory context? How should we face up to the difficult issue that there will be folk who do not

want any schools to close? How can we create a debate in which honest engagement and honest discussions about educational attainment take place? I ask that question for two reasons. Difficult decisions have had to be faced in the east end of Glasgow. In the past 10 years, three high schools have had to become one high school, which is now a high-achieving school in the city. There has been pain, but there has also been good leadership and good investment, and in the context of the high school, PFI was helpful. However, putting together a primary school programme under PFI is a much more complex matter. Dealing with a secondary school estate in an urban setting is not too bad, but even in urban settings, primary schools are not easy to package up in order to obtain justifiable investment. The local authority in Glasgow has therefore adopted a conventional funding approach.

I want to know about the guidelines, guidance or statutory measures that should exist. You have submitted a paper, but how can we get to the nub of the issue, which is that some folk who say that no school should close do not want to face up to the fact that it might cost local taxpayers more to keep schools open. Do local communities wish to address such concerns?

Alexander Longmuir: First, I will deal with the point about secondary schools. I agree that there is a case for rationalisation in some places if children's educational attainment is being damaged as a result of there not being subjects for them to study, but that is a different issue from the issue that we are here to discuss. We are talking about primary schools.

In the past couple of years, communities have recognised that six or seven school closures, or possibly more—I am talking primarily about rural schools—in the primary school estate have been necessary. The communities have not seriously fought those closures because the schools' days were finished or were coming to a close. Pitkenney primary school in Angus, for example, voluntarily merged with another school in the same parish because it was recognised that there were not enough young people coming up. In fact, the schools already shared many facilities in the parish, including a football pitch. The communities got together and discussed whether it would be better to have one decent school building in the parish. That was a sensible approach, which we completely supported.

Parents expressed disappointment about the closure of three schools in Aberdeenshire, but nobody fought those closures too hard. People realised that the number of pupils in the schools had gone down to 10, 11 or 13. The alternative for their children was not too bad. The council wanted to move the children to schools with the same

community feeling, which were not too big, so the children would not get lost.

There will always be people—there are a couple in my organisation—who will say that no school should ever close, but the vast majority of us do not stick to that view. We recognise that demographics and, in particular, educational grounds are important. Many schools that have closed in England under the presumption have required special measures—they have failed educationally and parents have moved their children, saying, "My child isn't doing well in this school so I'm taking them to another one." The school roll will have dwindled for that reason rather than because of demographics or whatever. If a school requires special measures, the council will put another head teacher in to try to turn the school around. If children are still suffering after two or three years, the council will say that that is it and will go to the schools adjudicator to try to close the school. We do not argue against such an approach.

Some people—I do not want to refer to them as zealots—will think that even single-pupil schools should be kept open. We think that there should be room in the guidance for considering school closures on educational grounds. The First Minister has been quoted as saying that no school should close, unless on educational grounds. We agree with that if children are not doing well and are suffering, but all the evidence says that children attain better in the vast majority of rural schools.

Mr McAveety: I have read and listened to some of the debates and arguments about the various funding mechanisms, including conventional public procurement and PFI. However, we cannot automatically conclude that whatever mechanism is used should necessarily drive school closures. Indeed, many education directors might well find it convenient to utilise some of those debates in that way. The central question is how we analyse the wider community's school provision needs.

Alexander Longmuir: As I said at the start, only a very few LEAs—perhaps five or six out of 32—are causing problems. For example, we have never heard of any problems in Stirling or Perth and Kinross. Even Highland reopened Altnaharra primary school for four children because of commuting distances; I know that, at the moment, there is a problem with Roy Bridge primary school, but we accept that. Schools in Highland are mothballed to give the community a chance to regenerate; if that does not happen, they are closed. Councils are behaving in a totally responsible manner and are taking a responsible approach to funding. We simply need a body to regulate the councils that are not acting in that way.

Dr Murray: This point could be taken up with the minister, but I believe that the Scottish Schools (Parental Involvement) Act 2006 gives parent councils the ability to refer the head teacher or the local authority to HMIE in any unresolved dispute. It might be worth exploring whether an appeals mechanism to address this matter could be established under that legislation.

Alexander Longmuir: I do not know; it is very new legislation.

The Convener: Indeed, and I do not think that those provisions are yet in force. However, we could ask the minister whether the area will be covered in the guidance on referrals to HMIE.

As there are no further questions, I thank Mr Longmuir for his presentation and for answering our questions so eloquently.

Children's Services (Special Needs) (PE853)

The Convener: The next petition is PE853, from Ken Venters. It calls on the Scottish Parliament to urge the Scottish Executive to do the following: to introduce legislation that would require all proposals on closure or alteration of facilities and services for children who have special needs to be referred to the Executive; in the event of such proposals to require detailed consultation of the parents of children who would be affected; and to introduce a moratorium that would prevent closure of special needs schools until such legislation is in place.

I ask Mr Venters to make a few opening remarks before I open the matter up to questions. I also remind members that their remarks and questions should relate to the issue that is covered in the petition.

Ken Venters (Carronhill Action Team): Good morning. First, I apologise to the committee for not being able to make my 10 am slot, although I point out that I was sitting in reception from 9.35 am onwards.

First, I will explain how the petition came about. In January 2005, Aberdeenshire Council implemented the 21st century schools improvement programme, which was—and is—quite an ambitious project. However, its objective was to ensure that if and when the Executive made money available the council would have a ready-made priority list for spending it. As a result of that process, Carronhill school in Stonehaven came under threat of closure.

In the document that Aberdeenshire Council supplied when the programme was implemented, parents were told that Carronhill special school would be closed and two support-for-learners

bases would be constructed at appropriate local schools.

That turned out to be the sum and substance of information that was supplied to parents over the whole year of the subsequent campaign, which sought first to save the school from closure and then to create the impetus to submit a petition to Parliament to call for additional protection for special needs children in Scotland. Although the initial focus was on Aberdeenshire and Carronhill school, the petition itself relates to the wider Scottish situation.

In his response to our petition, the Minister for Education and Young People said that he feels that there is enough legislation to cover the closure of special needs schools, but we do not feel that that is the case.

10:45

If councils—such as Aberdeenshire Council—are not providing the parents of special needs children with enough information to allow them to make a decision, then consultation is meaningless. The whole 21st century schools improvement programme was a consultation process, but how can you consult when there is no information? Our only information was about closing Carronhill school and about having two support-for-learners bases—nothing more. There was no information about the size of the bases, the facilities to be provided, or the number of children to be provided for.

The council might be able to say, “We are adhering to the legislation in terms of the consultation process,” but the information that it supplied was virtually worthless. That is where the impetus came from for us to begin our campaign.

The petition calls for referral to the Executive. We think that would be a good idea. It is not easy to analyse exactly what every council is doing in relation to closures of, or changes to, special needs schools. The Executive should take control of that—the process would be fairly simple. If any council wished to close a special needs school, it would have to do detailed background work and provide the relevant parties with information. The case should also come to Parliament for scrutiny of whether the proposal is appropriate.

There could be huge divergence among the opinions of councils around Scotland on what the legislation means and how it should be implemented. I therefore think that control is needed. If councils were to refer their proposals to the Executive in the first instance, the Executive could check whether councils were adhering to the legislation. The process would not be difficult or hugely expensive; however, it would mean that special needs children across the whole country—

the children who are, after all, the most vulnerable in many ways—and the parents who live with the stress and anxiety of bringing up a disabled child or a child with difficulties of some kind, would know that they were being protected. That would be very important. The process would also ensure consistency throughout Scotland, such that all education departments would carry out the required consultation and provide good information.

We considered a freedom of information request to find out the position of special needs schools back in 1996—the starting point that was chosen by the minister in his response—and the position of the schools now. However, the numbers were calculated in a different way, which makes it impossible to say how many stand-alone schools we had then or have now. It is difficult to make a comparison. However, as part of our response **document**, we tried to show that a referral was necessary.

We also tried to show that education of special needs children in mainstream schools has, in many ways, been discredited. Many organisations that we include in our document say that the policy is not a good idea and that we should think again. One person who thinks that is Baroness Warnock, who implemented the inclusion policy way back when. We therefore want to show that the need for special needs schools will, if anything, grow.

In Aberdeenshire, the then director of education—Hamish Vernal—suggested that parents should go and look at the situation in Banff, which he felt provided a model environment for special needs provision. In Banff, there was an old school that was in fairly bad repair and was falling down. Something had to be done, but what they did was this: they took a stand-alone special needs school that provided for all ages, and then put a primary base in one part of the town, put a secondary base in another part of the town, and moved all the profoundly handicapped children to Peterhead. The special needs children in the Banff area had once been educated in one building, but they were split up in various ways. I do not regard that as an improvement.

In essence, the petition is about explaining that special needs requirements will grow and that a referral process would benefit special needs children throughout Scotland.

The Convener: Thank you for your remarks, Mr Venters. We will now open the meeting up to questions. I remind members that we are considering only the subject of the petition, which is the consultation process and referral to ministers, and not the wider issues of the additional support for learning provisions, mainstreaming and so on.

Mr Ingram: Perhaps you heard the previous debate, Mr Venters, in which we talked about school closures and the consultation exercise. What is your view of the notion of having an adjudicator, which was suggested during the previous debate? Consultations could be referred to an adjudicator, who would validate the consultation exercise by ensuring that all the factors had been taken into account and that all the information that should have been given to parents was provided to them.

Ken Venters: In essence, that is what the petition is about. We want another level, whether it is an adjudicator, a committee or whatever. We want a process that would mean that before a council could proceed with a closure, it would have to refer its decision to another level for scrutiny to ensure that it had complied with the legislation and that the decision had been produced in a way that parents could understand. The average parent might struggle to comprehend many of the documents that are produced. When I was doing research for the petition, I scratched my head a few times. An adjudicator would certainly go part of the way towards solving the problem at hand.

Mr Ingram: Might your proposal to refer a council's decision to ministers be counterproductive? Local authorities might be able to wash their hands of the final decision and hide behind ministers.

Ken Venters: No—I do not think so. The onus would be on a local authority to produce a comprehensive document that provides information so that parents could make a decision. However, the final decision would still be the local authority's. A referral process would decide only whether the document met the legislation's requirements and whether it provided parents with substantial information on which they could make decisions. I do not think that a referral process would let councils off the hook—or however it might be described—because that is not what a referral is intended for. Local authorities would retain the responsibility for decisions, but a referral would involve somebody at a higher level scrutinising whether a council had complied with legislation and done what it was supposed to do.

Mr Ingram: The point that I was making is that ministerial level might not be appropriate for referrals.

I have a question on movement on the ground over how children with additional needs are accommodated, whether in bases in mainstream schools or special schools. You say that it is difficult to interpret the figures to understand how the situation has changed since the mid-1990s, but surely you have a clear picture of how the situation has changed in your area of Aberdeenshire. How many specialist schools have

closed in Aberdeenshire? How many new bases in mainstream schools have opened up?

Ken Venters: Currently, two special needs schools in Aberdeen itself are in the process of closing. Apart from the Carronhill situation, St Andrew's school in Inverurie, with its bases, was also scheduled for closure. It fought a campaign that was similar to our Carronhill campaign. I do not have with me the exact number for Aberdeenshire that you seek. However, from the information I got through the freedom of information request, it certainly looks like there was a move away from stand-alone schools towards having bases in schools. It was difficult to make that assumption, though, because the figures could not be correlated.

Mr Ingram: The minister claims that there are 32 more specialist schools or units in Scotland than there were in 1996.

Ken Venters: He does—I saw that.

Lord James Douglas-Hamilton: I want to ask a procedural question. In your petition, are you arguing for an enhanced role for Her Majesty's Inspectorate of Education?

Ken Venters: No. The work should be part of the minister's remit.

Lord James Douglas-Hamilton: When you refer to special schools, are you also referring to special units?

Ken Venters: Yes. The petition covers all special needs education.

Mr Macintosh: My question is related to a question that Adam Ingram asked. I fully understand your anxiety, given that the school with which you are familiar is under threat. However, I am not sure what evidence exists to support the idea that there is a national trend away from special schools. The presumption of mainstreaming is not a presumption that special schools will be closed—far from it. We have debated the issue at length in Parliament. No convincing evidence was brought to Parliament of anything other than one-off closures in different areas, which must always be decided locally. The national picture is that, if anything, there is a great deal of investment in special needs education. In the area that I represent, there is talk of building a new stand-alone special needs school. I seek evidence that national protection is needed, given that what you fear does not seem to be happening.

Ken Venters: I did not evaluate the activities of every council, but given the growth of autism—for which special provision is needed—special needs schools will definitely be required in the future. It would be better for blanket provision to be put in place so that if consideration is being given to

closing special needs schools the issue will be reviewed properly. The situation in Aberdeenshire is outrageous: parents were simply told that their child's school might close, and informed that there would be two bases within mainstream schools. If that approach is being replicated across the country—I do not have evidence that that is the case—something needs to be done. What we seek would not be hugely expensive to introduce or time consuming to administer, but it would be good to have such a degree of protection in place as a safeguard.

Mr Macintosh: We will discuss the argument next week, when we reach a conclusion on the petition. There are six or seven national grant-maintained schools—schools such as the Royal blind school and Donaldson's college. The minister intervened specifically to ensure that they did not close when their funding was threatened. The previous petition that we heard on school closures more generally suggested that there is a mixed picture. I detect that you are worried about what you see as the arbitrary behaviour of certain councils. Parliament has a difficult role. We are an elected authority, as are councils, but we are not really in a position to tell councils what to do based on the behaviour of one council. Is there a need for a national policy along the lines that you suggest? At the moment I see no evidence for that. I do not see a trend, so I am not sure why we should introduce a system that is not required.

Ken Venters: When I looked at the briefing papers for today's meeting, I was struck by a letter from the minister to Iain Smith. I will quote part of that, because it is very relevant and deals with local authority consultation processes.

11:00

The minister writes:

"Having said all of that, I must at the same time signal my concern at some of the 'consultations' which have been conducted in recent months, in a way which has seemed to raise unnecessary alarm in local communities—because there has been real confusion about the status of the proposals offered for consideration."

He concludes:

"Nevertheless, I am very clear about the need to take steps now to bring the practices of all Councils up to the standards of the best, in relation to consultation and the information they make available to parents."

When I raised the petition, I did not know about that. If I am looking for anything that would help sum up why we need to act, it is that: the minister's saying that there are concerns over consultation processes. Therefore, if we implement what the petition calls for, we will go a long way towards eradicating all those concerns because someone in the Education Department

would have responsibility for ensuring that proposals are correct.

Mr Macintosh: If we were to improve the guidance and regulations that control the closure of any sort of school, would that be of benefit to people in your situation?

Ken Venters: That would certainly be of benefit to parents who are concerned about their child's school closing. The petition is not about banning the closure of special needs schools—although we disagree completely with such closures. I gave the example of the school in Banff. That school was 100 years old and had to be replaced—ideally by a stand-alone special needs school, but it was not. We are not saying that we are against closure of special needs schools; we are saying that parents deserve to be properly informed and given information to let them make choices. Such information is lacking as far as we can tell.

The response document expresses all sorts of organisations' concern that mainstreaming is not working. There is a definite requirement for special needs schools to be retained. I take the point that that is slightly off the subject of the petition, however.

Ms Byrne: You talk about the idea of referring closure proposals to the Executive. Could you flesh out for me what you envisage? I understand the point about the sparsity of information—which concerned me—that you were given in the beginning, which prompted your campaign and the petition to Parliament. What do you expect would be the scope of what the Executive could do to inform parents and to ensure that they are informed?

Ken Venters: The petition asks for an educational case to be made if a proposal is made to close a special needs school. Why does the authority in question want to do it? We also ask for

"An *inclusion case* that demonstrates how inclusion will be improved",

as well as a support case to say that, when the school is closed and the children move to bases or wherever it is they will move to, provision there should be as good as, if not better than, their current environment.

With that in mind, a council would have to do some detailed studies before proposing a closure and would have to provide information about the proposal to parents and interested parties, and it would have to outline why it needs to close the school and the benefits of changing the current arrangement. The council would describe the new environment that would be provided for the children and what features it would contain. On that basis, councillors would be forced to take another look at their proposals before they went

out to consultation. With those aims in mind, if such matters were referred to the Minister for Education and Young People—not the minister personally, but somebody in the department—somebody from the council would have to oversee the document that contained the proposals before it went out to consultation. That would be a sensible way forward.

Ms Byrne: Do you think that there should be good practice in councils anyway, and that we should regulate for them to follow it, whether matters are referred to the Executive or not? Should they produce the kind of document that you are looking for anyway?

Ken Venters: Absolutely.

Ms Byrne: You view going to the Executive as an enabling feature of the whole system.

Ken Venters: Yes. If the legislation was somehow amended, councils would know that they could not get away with back-of-a-fag-packet proposals—that sounds like a bit of an insult, but you know what I mean. They would have to do their homework. They would realise that they had to make a proper case for their proposals, which would make them produce better proposals.

Ms Byrne: Given the breadth of the additional support that young people in special schools and special units require, do councils need to consider individual needs and report back on them in their proposals? For instance, I am thinking about children with autistic spectrum disorder, the growth in which you mentioned. It might suit some children to close a special school and move them into a base, but that might not meet other children's needs. Would you expect such issues to be dealt with in the papers that would be produced with the proposals? Would that be within the scope of the scrutiny that is needed?

Ken Venters: That is right. The issue comes down to parental choice. Some parents may prefer their child to be educated in a learning-base environment. We are saying not that special needs school closures should be banned outright, but that parents of children should be given proper information on which to base their decisions. Parents might prefer their child to go to a base, perhaps because it is nearer or smaller or because the equipment is new or the school is a brand-new build. We are not against special needs school closures; we are saying that it is vital that parents have information on which to base their choices.

The Convener: You referred to the letter that we received last year from Peter Peacock about the several councils that were conducting consultations on the strategy for their schools estates, either for particular areas or council-wide. Aberdeenshire Council carried out a strategic

review of its schools estate, of which the proposal on the special schools formed part. The problem was that that was not a formal school closure proposal; it was just a consultation on a wider issue, which therefore fell short of the requirements of the legislation and guidance. I presume that the formal process would have happened at the next stage. After the council had considered its strategic review, it would have had to make a formal school closure proposal and to go through all the stages that are laid out in the guidance. However, Aberdeenshire Council seems to have accepted that it made a mistake on the special schools—it has withdrawn that part from the overall review and is carrying out a separate assessment. Is that correct?

Ken Venters: No—that is not strictly correct. Because of the campaign that was conducted throughout 2005 and the meeting of the Education Committee on 8 December, the council removed Carronhill school and St Andrew's school from the 21st century school improvement programme, so that the proposals no longer applied. The council then created a working party to analyse special needs provision throughout the shire. The problem is that parents had just gone through a whole year of anxiety, wondering what was going to happen to the schools—people in Inverurie went through exactly the same process—and then one set of anxieties was replaced with another.

As with the initial proposal, we have no details on the working party, such as the timescale and what it will consider. Who knows what will come from the working party in the future? It could turn round and say that it does not agree with special needs schools and that it wants something completely different. Although the threat of closure was removed from the proposals, who knows what the replacement proposal will be when the working party finally produces a document to be discussed? Parents are still faced with a dilemma about what will happen.

The Convener: Surely authorities have to undertake such exercises at some point. They need to consider provision in their areas—hopefully with sensible consultation of those who will be affected—and then produce proposals. I am sure that you accept that that is reasonable.

Ken Venters: I do, but the threat of closure was removed and who knows what will replace it? We are back in the same situation.

The Convener: I understand that. I am trying to make it clear that, technically, no formal school-closure proposal was on the table at any time during the Aberdeenshire Council exercise, because it was considering the strategic position, not a specific closure. That was part of the problem—I am not excusing the council.

Ken Venters: No. Sure. It did not get to stage 1 in our case, but the threat of it was looming and that created anxiety. That is where we are coming from.

The Convener: I understand that. In a sense, it would have been easier if a formal school closure had been announced, because we would then have had a proper debate about all the issues that have been referred to and we would have found out all the information.

Ken Venters: Yes.

The Convener: Do our guests, Richard Lochhead and Nora Radcliffe, have any questions that they want to ask?

Richard Lochhead (Moray) (SNP): No.

Nora Radcliffe (Gordon) (LD): No.

Lord James Douglas-Hamilton: I have an extremely brief question. If closure of a special school was announced and the proposal was to build a special unit on the same site, would you still be concerned about that proposal, depending on its terms and circumstances?

Ken Venters: That would depend on the provision, the facilities and the size and scope of the new building. It would also be down to the parents to say whether they were for that. However, essentially, we are for stand-alone special needs schools being retained throughout Scotland.

The Convener: There are no other questions, Mr Venters. I thank you for coming along this morning to give evidence and to answer our questions.

School Buses (Safety Measures) (PE892)

The Convener: The third petition is PE892, from Mr Ronnie Beaty, regarding a request to amend the Education (Scotland) Act 1980 to set down minimum safety standards for school bus provision. We will take evidence from Mr Beaty if he would like to come forward.

Mr Beaty, you may make some opening remarks before members ask questions. I remind members that some issues relating to this subject are not within the powers of the Scottish Parliament. We will address those when we consider our response to the petition at our next meeting.

Ronnie Beaty: Good morning, everybody. I thank the committee for allowing me to speak to you. It is to your credit. I hope that you have taken the time to read Erin's story, which is crucial to the debate.

I do not want to dwell on accident figures, as statistics can lean towards what each organisation wants. It remains a fact, however, that 20 per cent

of all children's road accidents happen on school transport. That is an horrendous total. Many families are affected, and their lives are changed forever.

Familiarity breeds complacency and, as drivers, we are all guilty of that at some time or other. Are you able to remember all the road signs that you encounter when driving to your work every morning? Can you honestly say that you obey all of them? Our family can now honestly say that we obey every sign. Have you overtaken a school bus and had children step out in front of you? If so, you will recall that heart-stopping moment for many weeks. That is as close as you ever want to come.

I will concentrate on the events that follow an accident. Accidents change families' lives in seconds, but you have the power to change events. Erin spent six weeks in a coma and 11 months in hospital. She suffered what is called internal decapitation—a terrible injury. She survived through God's grace and the skills of all those who attended to her. She also had an operation that had never been performed in the United Kingdom before, because no child in the UK had ever survived such injuries. We were told on numerous occasions that there was no hope for Erin and that she would not make it, but the people who said that were proved wrong.

Travel costs to Edinburgh and Aberdeen were enormous, costing hundreds of pounds in fuel. We used our own accommodation to support Erin's mum and dad. Her dad was off work for eight months. In such situations, the financial implications are immense, and no one pays those costs but the family. The nightmare starts as the family try to change their house to suit a wheelchair user, only to find out that, regardless of what is done, it will never suit. The cost to the national health service over the years is also horrendous, and can be multiplied by the number of children who are injured.

The accident severely injured Erin's brain. It has affected the way that she feels, thinks and responds to situations. She needs 24-hour care and she can neither stand by herself nor walk. Her speech is impaired and her right-hand side is paralysed. The sad fact is that many other children will end up in a similar situation. Some will not even survive the accident. It saddened our family greatly that a young lad from Cowdenbeath was killed getting off a school bus just a matter of weeks after we last visited here to speak to a committee.

11:15

We lead this campaign knowing that it is too late for Erin, but it is not too late for others—and there will be many others. We need to grasp the

situation and deal with it. New laws would prevent children being faced with either a life in which they are totally dependent on others or a sudden, tragic end. Above all, new laws would save the lives of children and allow their lifetime potential to be realised. New laws would also ease the financial burden that is placed on our national health service and social services, because care provision must last a person's lifetime which, over the years, must cost many millions.

We must discount the letters from the Scottish Executive and the Confederation of Passenger Transport UK. The CPT thinks that the law should remain as it is and that there is no need to update signs. How can that possibly be? How short-sighted can people be? Imagine how effective new signs and laws could become if they challenged every road user to pay more attention. We could do that.

The ineffectiveness of old, permanent road signs is surely the reason that there are now flashing 30mph signs. New signs also show the speed of offending vehicles. There are 20mph speed limit signs around schools and the police continually adopt new anti-speeding tactics, such as roadside cameras. Why do dust carts have more visual warnings than school buses? All those changes have been made to reflect a modern approach, yet the Executive and the CPT cannot accept change. I fail to comprehend that.

Why would any sensible person not agree to remove a sign that shows children are aboard a bus when they are not, so that it is not displayed when it is used on a pensioners' outing, for example? Why would anybody permanently fix such a sign to a bus when it is used for a purpose other than transporting children? That is an abuse of the sign. It is a total nonsense.

Erin's mum was there every day without fail to meet her. Erin's house is opposite the bus stop and she was a foot away from safety on the other side of the road. Erin's mum was, for the first time, seconds late.

In each of your constituencies, a child has been killed or seriously injured at some time.

The Scottish Accident Prevention Council states that school buses should have a sign saying "Caution, children crossing when lights are flashing" and that the flashing lights should be controlled by the driver. That is a fantastic recommendation, which would be a start.

Would it really be too hard to pass a law to make it illegal to pass a school bus while it is loading or unloading children, or to make it illegal not to have adequate safety features? Under health and safety rules, when kids are on a school outing there must be an adult to child ratio of one to 12, but we do not even have supervisors on our school buses in

Aberdeenshire. What a difference dedicated school transport would make, especially yellow buses with proper safety features. There are some yellow buses in our area, but they represent only a small concession to safety, because they have no seat belts.

We have old yellow double-decker buses in our area, which often carry a generation of children from a village, but they have no seat belts. Children in a family car have seat belts, but children aboard school transport do not have seat belts. Such a glaring omission shows that school transport is flawed. It must be re-examined by other experts. Why not involve medical organisations, such as the Child Brain Injury Trust, which has an office in Edinburgh? It could explain much more than I can and give you much more information.

We beg for your support in this extremely important matter. If you changed the law here you would change the way of thinking elsewhere and give other families hope. We will not give up until a solution is found and sensible laws are passed to save our children. Let us forget about having school transport on the cheap and let us view each life as precious. You can help now by changing the law. You can give our Parliament and yourselves something of which to be proud. I can only do what I can. You are the lawmakers. The decision to safeguard children lies with you. We beg you not to let our children down. Do you have the will to take this forward and save children's lives?

Thank you for listening and for your invitation to appear. It is much appreciated.

The Convener: Thank you, Mr Beaty. Before I open up the discussion for questions, I remind members again that, unfortunately, the Scottish Parliament does not have legislative powers in a number of the areas to which the petition refers, including the road traffic regulations, although we do have influence over the code of guidance on school transport, which—we hope—COSLA is to produce. In our questions on the petition, we have to stick to the issues that the Parliament can deal with.

Mr Macintosh: Thank you for your petition, Mr Beaty. I am sure that your evidence resonated with all of us. Recently, quite a lot of effort has gone into the safe routes to school initiative. I think that you alluded to the flashing speed signs and other speed control measures that are going up around all schools in Scotland. Are they beginning to make a difference to the number of children who are involved in accidents around schools? Are there further steps that we can take, other than just legislation? A lot of things can be done with improved guidance rather than legislation.

Ronnie Beaty: On the safety improvements around schools, there is no doubt that the 20mph speed limit is a great step forward, but I do not see any reason why things cannot be carried a step further. It is fine to protect children at school, but what about when transporting them to and from school? Parents put their trust in other people when they hand their children over to those who run the buses that take the children to school. We all know that children can be children, but as regards the safety features on those buses, basically there are none. There are no seat belts or monitors on board the buses, but they would help with various issues, including safety.

Ms Byrne: You mentioned seat belts and supervision on buses, which are basic measures. You have put a huge amount of work into your petition. Have you seen examples of good practice in the form of local authorities putting supervision and seat belts on buses? I wonder whether we can examine best practice and try to point out to the Executive that local authorities should reach the highest standards.

Ronnie Beaty: In our area, Aberdeenshire, the cry is always, "There is no money." It may be the same throughout Scotland—I do not know.

Sorry, I forgot the gist of your question.

Ms Byrne: Have you picked up on any local authority that provides supervision and seat belts, and therefore represents best practice?

Ronnie Beaty: Not as far as I know. Page 5 of the SPICe briefing, under "Seat Belt Requirements", states that regulations require

"that a forward facing seat with a minimum of a lap belt must be available to every child travelling in a coach or minibus on an organised school trip (which includes journeys to school), where there are 3 or more passengers."

I do not have a legal understanding of that. Perhaps someone here can help me with it.

Ms Byrne: Thank you for pointing that out. Perhaps we can get some advice on that point, because it confuses me as well.

The Convener: I am not a lawyer and I cannot give you definitive information, but I think that transport to and from school would not count as an organised school trip; the regulations apply to when a school is going away on an excursion. The problem is that quite a lot of school contracts use public service vehicles that are running on their normal timetables, so the requirement does not apply.

Ronnie Beaty: The regulations state that the requirement

"includes journeys to school".

The Convener: That would be for only specifically contracted school buses, whereas a lot of the provision for schools is on public service vehicles that are open to the general public as well.

Ronnie Beaty: So public service vehicles are exempt from the regulations.

The Convener: If the vehicles pre-date 2001, I think so, but I am not a lawyer, so I cannot give you a definitive answer. It is permissible for local authority contracts to specify that seat belts are required even on those buses on which they are not legally required.

Nora Radcliffe: On a point of information, in work that I have done in this area I have been told that there is no point in fitting seat belts if the vehicle is not designed to have them and does not have proper mountings for them. In fact, it is more dangerous to do that than not have a seat belt at all. Sometimes, the age of the vehicle is used as an explanation, but that is not an excuse.

Ronnie Beaty: In answer to Rosemary Byrne's question, we asked First whether its drivers could simply remove signs saying that children were aboard, but the answer was that drivers did not have time to go to the back of the bus to remove a sign and then put it back afterwards. When you think of the number of children in this country who are injured, seriously injured or killed, it is incredible to say that someone cannot spend two or three minutes doing that. It really is a nonsense that such signs should be on a coach when no schoolchildren are aboard. It does not make sense.

The Convener: We have a slightly difficult legislative issue, in that the Scottish Parliament does not have the power to deliver on some of the issues to which you refer. However, COSLA and the Scottish Executive are working on a new code of best practice for how local authorities handle school contracts. Could any of your issues be included and dealt with in that proposed code, bearing in mind the fact that the regulations on signage on buses, for example, cannot be included? Some points could be added to that proposed code to deal with some of the issues that you are talking about.

Ronnie Beaty: When you say to me that some things are outwith the power of the Parliament, it makes me sad. There has to be a way—

The Convener: It is a fact. Certain matters, including most road traffic regulations, are reserved to Westminster, and we cannot alter them. I am not saying that it will, but the committee could consider writing to the Department for Transport in England to ask if it would consider making legislative changes, because we cannot make those changes. However, legislation allows

local authorities to specify in contracts that buses must use hazard lights, for example, when other buses do not. Should the proposed code of guidance encourage local authorities to require such practices?

Ronnie Beaty: The buses already use hazard lights, but some of the buses that provide school transport in our area are more than 25 years old, and they have hazard lights like those on old-fashioned cars. We need them to have modern lights. Aberdeenshire's specialised yellow minibuses for disabled transport have a large, square, orange light on the back, which is the same as those that are on the back of ambulances. That is what I call a hazard light. The lights on the old buses are inadequate and they are rarely seen. To be honest, most people use hazard lights when they nip into the corner shop for a paper. The first thing they do is park on a double yellow line and put their hazard lights on. People discount hazard lights.

Signs could be made mandatory under school transport contracts. However, the difference between a mandatory requirement and a legal requirement is that a mandatory one can be ignored or misused, whereas a legal one has the force of law behind it.

11:30

We really need to grasp this situation, because one in 100,000 children are injured daily UK-wide. We are putting schoolchildren into dangerous situations. I have an example to illustrate. Erin's class was taken to a venue in Aberdeen for a safety meeting. There was a big video screen and on it a car was coming towards the children. Each child in her class was given a wooden spoon and told to lay it on the floor where they thought the car would stop. One child in the class got it almost right, but some children had the spoon only feet in front of the car. If a car is doing 30mph, it takes about six vehicle lengths to come to a stop. Children perceive things in different ways, and not all children perceive safety in the same way. We really need to do something.

The Convener: Thank you very much, Mr Beaty, for coming to the committee and putting your case strongly today. One of the issues is that, under the powers that we do have, we are introducing 20mph zones around all schools, which I hope will reduce the severity of injuries in the event of accidents. However, obviously we will examine anything else that we can do as a committee when we consider this matter in two weeks' time. We will let you know the outcome. Again, thank you very much for coming along this morning.

Ronnie Beaty: Thank you for listening to me. The matter rests with you. I hope that you can find a way within your hearts to do something.

The Convener: Thank you.

School Buildings Strategy (PE957)

The Convener: The final petition for consideration is PE957, from Phyllis French. I ask her to take a seat at the committee table. The petition calls on the Scottish Parliament to urge the Scottish Executive to review its strategy in "Building Our Future: Scotland's School Estate", to ensure that new schools are built in a safe and secure environment and not, for example, on functional flood plains.

I ask Phyllis French to make a few opening remarks and then we will open the session to members' questions.

Phyllis French: Good morning convener and committee members, and thank you for the opportunity to address the committee.

I am a member of Uddingston grammar action group, which is opposed to the development of a new building for Uddingston grammar school. Our opposition is centred on the location chosen for the new school and the range of increased risks for pupils and staff that would result directly from that location. It may or may not be the right building, but it will manifestly be in the wrong place.

The Scottish Executive's strategy paper "Building Our Future: Scotland's School Estate" focuses strongly on design issues and getting value for money from school projects. However, in our view, it fails to address adequately such crucial issues as the need for compliance with Scottish Executive planning guidelines; the safety risks inherent in chosen sites; the necessity for open and honest dialogue with parents about a site's risk profiles and with neighbourhood residents about immunity to changes resulting from a site's development; and the need for local authorities to be transparent and observe due process in the processing of such planning applications.

Those issues were generally ignored or circumvented in the case of the new Uddingston grammar building. However, if the school design strategy paper is to have any credibility, lessons must be learned and faults rectified. The strategy paper states that good design can contribute towards wider policy objectives such as sustainability and protection of the environment. However, the Uddingston grammar example is the antithesis of that concept.

The new school building will be built on a functional flood plain, which is in breach of

Scottish planning policy 7 guidelines, and it will depend on flood mitigation works that are likely to increase risks to existing downstream settlements. It will destroy the existing natural environment and wildlife habitats, and increase traffic and pedestrian concentrations on a narrow and busy road.

The Executive's planning guidelines exist to control the actions of planning authorities and not the actions of developers, since the latter can do nothing without planning approval. SPP 7 guidelines on flooding and development presume strongly against development on a functional flood plain. They also specify that no public infrastructure developments should occur where the site has a probability of flooding greater than 0.001 per cent in any year. The Uddingston grammar school site is clearly defined as a functional flood plain with a 0.5 per cent probability of flooding in any year. It is therefore a staggering 500 times more susceptible to flooding than the minimum recommended by the Executive, and yet the local council supported its development and the Executive approved it.

To get round the situation, there is a proposal to build enclosing earthworks to keep the river at bay, but should those fail, all will be lost. The Clyde spates four or five times a year and has overtopped its banks, on average, once a decade since records began more than 250 years ago. Since the previous major flood, in 1994, much of the Clyde's flood plain between Hamilton and Uddingston has been lost to development and the river has been canalised to protect the sites. The impact of those changes was not taken into account in the flood modelling studies that were undertaken for the Uddingston grammar site, so nobody can be sure that the bund will be equal to the task if the 1994 event is repeated. That is before we consider climate change predictions of more frequent and more intensive flooding events.

Just building a bund was not enough to get round SPP 7, so it was proposed to lower ground levels outside the bund to compensate for lost flood water storage on the school site. However, at times of spate, that will effectively broaden the river and will result in river currents actively working on the bund, with the consequent risk of erosion. It will also add to the head of water in the main river channel.

Planning authorities have a crucial role as guardians and enforcers of SPP 7's provisions, but the Uddingston case clearly illustrates a weakness in the present processes. School build programmes are driven by local authorities, but at Uddingston the local authority is in the paradoxical position of seeking to support proposals that contradict the spirit of the very guidelines that it is charged with enforcing. There is therefore a need

for the Scottish Executive to take a stronger line to ensure adherence to its own guidelines when considering public infrastructure proposals.

In “School Design—Building Our Future: Scotland’s School Estate”, the strategy asks:

“Are entrances well positioned, safe, welcoming and attractive?”

Does the design provide for a safe and secure environment for pupils and staff?”

Again, in the case of Uddingston, the answer is manifestly no. There are two main site entrances, one for all vehicular traffic and one for pedestrians and, far from being well positioned and safe, they are concentrated on a 50m stretch of a narrow but busy road. At one end of the frontage is a bridge under the railway, leading to a blind corner. At that point, pavements are less than 1m wide and incapable of being broadened. At peak times, some 1,400 people will seek to enter the site on a 50m frontage with inadequate pavements and heavy traffic.

The Uddingston site is bounded to the north by the main Glasgow to London high-speed rail line, which is carried on an elevated embankment some 25ft above site-level. Only last year, a Glasgow-bound express lurched so violently on that stretch that it brought down overhead cables, although mercifully it did not derail. The existing Uddingston grammar site lies above the railway line and is therefore at less risk from a derailment than is the new site.

As well as the flooding risk to the site itself, the close proximity of a large river in violent spate will be an attraction to inquisitive teenagers, who will be at risk from undercut banks and who may find a footbridge across the river irresistible, even though the bridge has been washed away twice in 25 years. In addition to those risks, the site is traversed by a high-pressure gas pipeline and high-powered electrical mains cables, so it is clear that the new site carries risks that the existing school site does not.

Paragraph 20 of chapter 3 of the “School Design” paper stresses the importance of involving users early and often in the process, but that was largely ignored by the local authority, whose schools modernisation team actively sought to prevent debate with parents about the entirely new range of risks applicable to the new site. The community sought to express its views and convey its knowledge of the site, and the fact that they were ignored is reflected in the number of resubmissions of the planning application.

The “School Design” paper also asks:

“Do the scale and form of the buildings contribute positively to the neighbourhood and surrounding community?”

In Uddingston, the school will be shoe-horned into a tight site, close to existing housing at Knowehead. The existence of a large school building on what was previously a sports ground will diminish local amenity.

This might sound like a litany of complaint about the local authority, but it demonstrates clearly the authority’s cavalier attitude to its responsibilities to parents, staff and the community. Those groups deserve better treatment than they have received at Uddingston.

Bear it in mind also that the local authority is both the prime mover and adjudicator in school development proposals. That brings with it the danger that due process will not be observed and that transparency in the planning approval process will be lost. The Executive must introduce better controls in the process to ensure that the aims and principles of the strategy paper can be met without deceit, compromise and hypocrisy.

Thank you very much for your time and attention.

The Convener: Thank you for that comprehensive outline of the reasons for your petition. As you will be aware, the Parliament has no formal function in the planning process, so we cannot look again at the planning decisions in relation to the school. The planning issues in the petition have been referred to the Communities Committee to take into account in its consideration of the Planning etc (Scotland) Bill. Questions should relate primarily to the strategy, “Building our Future: Scotland’s School Estate”, which is what we are considering.

Mr Macintosh: Did the Scottish Environment Protection Agency make a submission about the dangers of building on the flood plain?

Phyllis French: There were three planning applications and an amendment. On the amendment, SEPA said that it was given figures and agreed that the site would not flood. However, that assessment related to the school. I asked about the safety of the public round and about, but SEPA said that it had been asked to carry out an assessment only for the school. The loss of flood plains from Smithycroft, Hamilton Palace and Bothwell Haugh was not taken into account. That is why the area flooded so badly in 1994. We had had flooding before that, but in 1994 it was horrific and a bund had to be built, which causes more flooding on the playing fields.

Mr Macintosh: SEPA knew about that, but it still did not put in a submission saying that building on the site would be dangerous.

Phyllis French: Yes. It also said that it would prefer the school to be built away from the flood plain, on its existing site.

Mr Macintosh: But it did not object.

Phyllis French: No, not on the basis of the figures that it had, although the other things that I have mentioned were not taken into account.

Ms Byrne: Were alternative sites considered?

Phyllis French: The week before the planning meeting, a matrix with six sites—but not the present site—was produced.

Ms Byrne: That is quite strange, is it not?

Phyllis French: Yes.

Ms Byrne: Were good reasons given for the other six sites not being considered appropriate?

Phyllis French: It was said that they were not big enough and that the council would have to buy some of the land.

Ms Byrne: Does the council own the land—

Phyllis French: The land is the playing fields and common good land.

Lord James Douglas-Hamilton: You said that SEPA expressed a preference. Our understanding is that if SEPA advises against granting permission, the Scottish ministers have to be informed. Do you know whether SEPA informed the Scottish ministers?

Phyllis French: SEPA agreed that it was okay to go ahead.

Lord James Douglas-Hamilton: So, it expressed a preference, but that could not be described as having advised against a project.

Phyllis French: No. It said that, on the basis of the figures that it was given, the project was all right. However, at the planning meeting we asked the developer whether he had taken into account the loss of other flood plains, and he said that he had not.

11:45

Lord James Douglas-Hamilton: Ministers can call in the application if SEPA advises against it.

Phyllis French: It was called in.

Lord James Douglas-Hamilton: What was the result?

Phyllis French: Mr Chisholm passed it.

Mr Ingram: I came across a similar situation in my region when common good land in Ayr was going to be used to build a new school. The plans went out to consultation and local people launched a major campaign to stop the project and put pressure on the planning committee. Fortunately, the planning committee took on board the strength of those representations and refused outline planning permission for the school. I presume that

you went through that process in Uddingston, but the decision went against you.

Phyllis French: Yes.

Mr Ingram: To me, the interest in the petition is in the role of statutory consultees. The proposal involves the loss of green space and recreational ground. When, during the campaign in Ayr, sportscotland was asked about its attitude, it suggested—as SEPA did, presumably—that it would prefer the school to be built elsewhere and the land to be retained for recreational use. However, it felt under pressure because the local authority was required to use relatively cheap land in order to take the project forward. In those circumstances, the statutory consultee was not going to press home its objection. The role of statutory consultees in such cases ought to be reviewed. I suggest that the petitioner has a strong point. We ought to consider tightening up the guidance on the matter.

The Convener: We are straying into decisions on what action the committee might wish to take on the petition, which we will discuss at our next meeting. We must also be careful that we do not drift into other committees' remits.

Mr Ingram: My other point is that the case is another example of the method of financing—PFI—having an impact on the siting of new schools. A big downside is being imposed on local communities.

The Convener: That is definitely outwith the petition's terms of reference.

Phyllis French: The present school was refurbished and opened in 1995 at a cost of £7.1 million. There is nothing wrong with the school. It could be refurbished again, but the council has decided not to do that. Because of the public-private partnership, it will build a new school on the playing fields at a cost of £18.1 million. It has been 10 years since the refurbishment and the council did not get it right; how long will the next school last?

The Convener: That is not a matter for the committee. We cannot second-guess the decisions of the local authority. We have to consider the wider issues and ask whether there is anything—

Phyllis French: The strategy paper states that, where there are differences, there should be consultations with feeder schools and with everyone. That did not happen. The new site has a high-pressure gas pipeline running through it. At the moment, there are negotiations to try to get it moved, but the developer is reluctant. The pipeline runs right down to the railway bridge and it is then diverted. One pipe goes to feed the Motherwell and Wishaw areas, another goes to feed

Kilmarnock and another goes to Eaglesham. We are talking about danger. The plans for Uddingston grammar school have already been passed, but I do not want any other school to have such problems. There are also the electric cables crossing the site.

The Convener: Are there any further questions from members?

Members: No.

The Convener: You put your case strongly. Thank you for coming along this morning.

That concludes our consideration of petitions. At our next meeting, in two weeks' time, we will decide on what further action, if any, we wish to take on the petitions.

My briefing note says that we will now suspend the meeting

“to allow members a brief respite”.

That is very polite. The good news is that coffee is available outside. We will start again at 5 to 12.

11:50

Meeting suspended.

11:58

On resuming—

School Closures

The Convener: We resume the meeting for item 7. We have received a letter from the Minister for Education and Young People on the subject of guidance for school closures. We took evidence from the minister at our meeting on 26 October 2005 and he has provided an update on the situation. One of the key issues in the minister's letter is the additional guidance that is to be produced by COSLA. It might be useful to keep the matter on the table until that guidance is available, so that we can look at it in the context of the overall position. If members wish to make any comments, I would like to hear them.

Mr Ingram: From the evidence that we heard this morning, it is clear that consultation is a key area. It would make sense for us to note the minister's letter and to return to the issue when the guidance is published, so that we can debate it more fully in the committee.

Richard Lochhead: Thank you for allowing me the opportunity to speak in response to the letter from the minister. I will say a few words in my role as the member for Moray and as a politician who has, in recent years, been involved in campaigns to save rural schools. My comments are made very much in the context of rural school closures.

The minister's letter has been warmly welcomed. It has been well publicised in Moray, and many of the local communities who have been fighting to save their rural schools welcome his commitment. I will refer to a couple of the points that the minister makes.

12:00

First, there is the issue of consultation. There have been vigorous and long-running campaigns in Moray to save the future of 21 rural schools that were under threat of closure by Moray Council. One of the initial causes for concern was the lack of consultation and the nature of what limited consultation there was with the local communities. Effectively, communities were presented with lists of schools that were under threat of closure by the council. That came as a bolt out of the blue. From that stage onwards, communities had to rally round and start campaigning vigorously against proposals to close those schools. I hope that the committee agrees that communities should be at the heart of the decision-making process and that they should be involved at the beginning of that process, so that any council proposals are made in conjunction with the communities whose schools are at risk.

We must consider the future of rural schools in the context of rural development. We are not talking about just education, although that is the first priority; we are also looking at the future of rural schools in the context of the wider economy and the social aspects of rural communities. Many of the communities that I represent—and I know that this is the case throughout Scotland—have lost their banks, some of their shops and their post offices. In some cases, all that is left that can be described as contributing to an active community is the local school. That is why it is important that we pull out all the stops to save our rural schools and ensure that there is a presumption against closure. I welcome the steps forward that are being taken on consultation.

I welcome the reference in the minister's letter to the so-called 60 per cent rule, which I raised as an issue in a parliamentary question. In the parliamentary answer to which he refers in his letter, he effectively discredited the rule whereby, if a school's occupancy fell below 60 per cent of its capacity, that would trigger a review of its future. I welcome the fact that the minister is committed to writing to council conveners, saying that the 60 per cent threshold has no validity and no real status. I note that the minister is asking for the committee's support in that regard, and I hope that the committee and its convener will work with the minister in trying to persuade our local councils—Moray Council, in particular, given the fact that 21 of our schools keep appearing on its radar—that that rule has no status and should not be used.

The 60 per cent threshold does not reflect the long-term situation. For example, a rural school's occupancy can suddenly increase to well above 60 per cent or fall well below 60 per cent just because one or two families have moved into or have left the area. That is why the 60 per cent threshold cannot be used in the long term. As Professor Neil Kay has said eloquently many times, we would not use the 60 per cent threshold in other spheres of life, such as our local bus services. If a bus was less than 60 per cent full, we would not say that it was suddenly not viable and that the service should close down. We must be consistent.

The figure of 60 per cent appears to have been plucked from thin air, and there is a lot of confusion about where it has come from—whether from the Accounts Commission, the Association of Directors of Education in Scotland, Her Majesty's Inspectorate of Education, or whoever. We must pin that down and ensure that no one is giving guidance to our local councils that the 60 per cent threshold should be used. I personally believe that no threshold is appropriate, whether 60 per cent, 50 per cent or 40 per cent. We must judge each rural school's case on its merits. I hope that the committee will also take that view.

I make those points on behalf of the many communities in Moray that have run successful campaigns. Moray Council recently undertook to have a two-stage process in considering the future of rural schools. Unfortunately, the council continues to use the 60 per cent threshold as the trigger for that process. Our one remaining battle with Moray Council is to get rid of the 60 per cent threshold. Thankfully, the council has backed down on some of the closures, and we must pay tribute to the community campaigns in Moray and elsewhere in rural Scotland for bringing that about.

I know that the committee is taking a close interest in the matter of school closures, and I hope that it will support the minister's letter and take action in response to his plea for the committee's support in getting rid of the 60 per cent threshold.

The Convener: I thank Richard Lochhead for his comments. The Moray case was among those that were the reason for the comments in Peter Peacock's letter to the committee last year, in which he referred to there being confusion about the status of proposals offered for consideration. In some cases, insufficient distinction was made between what might be best described as informal preliminary soundings and the more formal statutory consultations. It is hoped that the new guidance from COSLA will address that issue in order to resolve the situation. Schools' occupancy levels are a factor in closures, although they are only one factor among several, of which the educational case must be the primary one.

Ms Byrne: I return to a point that was raised earlier, during Mr Longmuir's evidence. Perhaps the committee might investigate, and perhaps get someone from SPICe to investigate, any available research that has been carried out on the impact of closures of rural schools on young people's education and on communities. If there is no substantial research on that, perhaps we should recommend that some be done. The idea that a school closes on sound educational grounds is a good idea, but those grounds must be proved, and we must know exactly what the background is. Saying it is not enough—authorities must back up their proposals.

The Convener: We can discuss that at our next meeting, when we will consider the petition.

Mr Macintosh: I echo other members' comments, including your own, convener. I think that we all warmly welcome the new guidance from the minister. Given the impressive evidence that we heard from Mr Longmuir this morning, I wonder whether we could discuss the matter in more detail at our next meeting.

Lord James Douglas-Hamilton: I support that suggestion. We would like the issue to be resolved

simply once decisions have been made on the outcome of the petitions. That would help guide our actions. For example, will HMIE have an enhanced role, with further checks and balances? Perhaps it would be appropriate for some comment on that to be included in the guidance. It would be easier to approach the matter in sequence.

Dr Murray: When Mr Longmuir was giving his evidence, I referred to the Scottish Schools (Parental Involvement) Act 2006, which I think comes into force today.

The Convener: Some parts of it are already in force, but not others.

Dr Murray: It might be worth while seeking the advice of the minister on what powers the 2006 act gives to parent councils, which would aid our discussion of the petitions. That information could be included in guidance, so that people are aware of any powers of referral to HMIE that they have.

The Convener: If my recollection is correct, the minister indicated during the passage of the Scottish Schools (Parental Involvement) Bill that guidance would be issued on the nature of referrals to HMIE, specifying what would and what would not be appropriate.

Dr Murray: It would be important to include that in the guidance that goes to parents, so that they know what their powers are.

The Convener: I am not sure whether or not that is covered in the guidance document that was recently published.

I suggest that we note the response. We will return to the matter when the new guidance from COSLA is published, so that we can decide whether we are satisfied that the guidance is as we would like it to be. We will take that into account when we consider the petition in two weeks' time.

School Transport

12:08

The Convener: We have a system of reviewing on an annual basis the implementation of the Scottish Executive's guidance on the provision of transport to and from school. We took evidence from the Minister for Education and Young People on 26 October 2005. We have received an update from the minister regarding school transport, which is attached to the letter concerning school closures. The minister's response is useful, but we are still awaiting the final revisions from COSLA. The letter mentions letting a contract for reviewing the guidance to local authorities.

It might be better if we note the letter now and return to the matter when we have more information from COSLA on its intended revisions to the guidance that is given to local authorities on school transport, which will hopefully be around the end of this year or the beginning of next year. Are members content with that suggestion?

Mr Ingram: The minister's letter does not mention the use of taxis to transport pupils to school. I have received representations from schools indicating that an inordinate amount of their budgets are being eaten up by paying for taxi services. Could we, perhaps, include a look at that practice when we are considering school transport? It would be useful if we could consider whether there are alternatives to employing taxi companies to shuttle pupils backwards and forwards to schools, given the cost implications of so doing.

The Convener: Obviously, each local authority has a responsibility to ensure value for money in terms of how they tender for things. The taxi services that you are talking about are usually used to transport one or two children from an isolated community. In some places, that is the only way to do it.

Mr Ingram: I understand that local authorities have to operate under Executive guidance in this area and that, to an extent, their hands are tied. That is my understanding, but I am trying to find out some more information on the issue. I just wanted to flag the issue up.

The Convener: You should bring to the committee any further information that you come up with and we will decide whether there is anything that we need to do. I know that, in Fife, the service is arranged as part of the normal school contract tendering process.

Mr Macintosh: The letter addresses some issues that are of importance to my area. However, there is a particular issue about the cost

and consistency of school transport. Clearly, the cost of the service—or, indeed, whether it is free to use—depends on where you are in Scotland. The criteria that are used to determine whether it is free differ from area to area. In some areas, safety criteria are used; in others, mileage criteria are used. Do we know whether the COSLA guidance will address those issues as well?

The Convener: We do not know, but I would assume that it would include some indication about that. Obviously, there is no statutory mileage limit for school transport. Most authorities use 2 miles or 3 miles as the limit. However, there should be exceptions for situations in which there is no safe alternative route.

Mr Macintosh: The lack of clarity in this area is confusing for some parents and exasperating for us.

The Convener: I would assume and hope that the COSLA guidance would cover some of those issues, but we will see what it says when it comes out.

Early Years Inquiry

12:12

The Convener: The Executive has published its response to our inquiry. The day after it did so, it published the long-awaited strategic review of the workforce. We are seeking a debate in the chamber on this matter. Our request will go to the Conveners Group next week. As I will be in Brighton at the time, I will ask Lord James Douglas-Hamilton to attend on my behalf.

Lord James Douglas-Hamilton: I will certainly do so.

The Convener: I am confident that we will be able to have a debate on this subject either this year or early next year. Therefore, I suggest that, at this stage, we simply note the Executive's response. Obviously, if we do not get a debate, we can return to the subject in the committee. Do we agree to note the response?

Members indicated agreement.

The Convener: Previously, we discussed holding a reception for early years stakeholders the evening before the committee debate. As we do not yet know whether we will be able to have that debate, we cannot seek the committee's approval of the detail of the arrangements. However, do we agree that the clerks and I should make the necessary bids to the Conveners Group and work out the logistical arrangements for such an event, once we know what the date of the debate will be?

Members indicated agreement.

The Convener: I welcome Fiona Hyslop to the meeting.

That concludes today's public business. We will move into private session to deal with the final item on the agenda, which I am sure that all members have been looking forward to.

12:14

Meeting continued in private until 12:15.

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