

# **EDUCATION, CULTURE AND SPORT COMMITTEE**

Wednesday 14 June 2000  
*(Morning)*

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## EDUCATION, CULTURE AND SPORT COMMITTEE 20<sup>th</sup> Meeting 2000, Session 1

### CONVENER

\*Mrs Mary Mulligan (Linlithgow) (Lab)

### DEPUTY CONVENER

Karen Gillon (Clydesdale) (Lab)

### COMMITTEE MEMBERS

\*Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)  
Lewis Macdonald (Aberdeen Central) (Lab)  
\*Mr Kenneth Macintosh (Eastwood) (Lab)  
\*Fiona McLeod (West of Scotland) (SNP)  
\*Mr Brian Monteith (Mid Scotland and Fife) (Con)  
\*Cathy Peattie (Falkirk East) (Lab)  
Michael Russell (South of Scotland) (SNP)  
\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)  
\*Nicola Sturgeon (Glasgow) (SNP)

\*attended

### WITNESSES

Janet Allan (Donaldson's College)  
Mr Sam Galbraith (Minister for Children and Education)  
Dr Lillemor Jernqvist (Craighalbert Centre)  
Sandra Kerley (Capability Scotland)  
Councillor Danny McCafferty (Convention of Scottish Local Authorities)  
Professor Bart McGettrick (Craighalbert Centre)  
♦Mark Macmillan (Donaldson's College)  
Frank Newall (Convention of Scottish Local Authorities)  
Marie Thomson (Capability Scotland)

♦speaking through an interpreter

### CLERK TEAM LEADER

Gillian Baxendine

### SENIOR ASSISTANT CLERK

David McLaren

### ASSISTANT CLERK

Ian Cowan

### LOCATION

Committee Room 1



## Scottish Parliament

### Education, Culture and Sport Committee

*Wednesday 14 June 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 09:37*]

**The Convener (Mrs Mary Mulligan):** Good morning. I apologise for being delayed—I was at the prayer breakfast and could not stop praying. Karen Gillon is still there and will join us later.

### Care Standards Bill

**The Convener:** I welcome the Minister for Children and Education to the committee. He is here to answer questions on the UK Care Standards Bill.

**The Minister for Children and Education (Mr Sam Galbraith):** I will explain briefly what the bill is about. I have been working on the subject for a couple of years. The Sewel convention is a method for dealing with what in the Scotland Act 1998 are called cross-border public authorities. Those public authorities are reserved under legislation, but act in devolved areas. In this case we are discussing the Central Council for Education and Training in Social Work.

All authorities have decided that they are going to change the social work regulations, not only in relation to the education and training of social workers, but in relation to care. In June we will introduce a bill that will set up the Scottish commission for the regulation of care and a council to regulate the social work profession. They are slightly ahead of us at Westminster, where the Care Standards Bill is already under consideration. That bill will abolish CCETSW in England and Wales, so Westminster will have the new powers very soon.

As our legislation is not at that stage, we do not yet have such powers. However, the Executive and the UK Government intend to abolish CCETSW at the same time and to introduce a new body on 1 October 2001. In practice there will be no difference. In case these things get out of alignment, however, we need the powers under clause 66 of the bill to allow the Privy Council to introduce regulations relating to CCETSW once we have established the successor bodies. That is a power that will have to be introduced in Westminster to allow its body to exercise powers as soon as it becomes functional. The legislation

is concerned with transferring liabilities, workers and their rights and responsibilities and is a highly technical measure that is necessary for us to set up our devolved regulations and councils. It is essentially a piece of Westminster legislation that deals with a cross-border public authority which is currently reserved under Scottish legislation.

A motion can go to Parliament for approval only after the committee has considered the matter, which is why I have put the memorandum before members today.

**Fiona McLeod (West of Scotland) (SNP):** The minister has already answered most of my questions. I was concerned that when CCETSW disappeared we would not be ready to put in place an alternative in Scotland. However, the minister has confirmed that that will happen on 1 October 2001.

**Mr Galbraith:** That is our intention, but whether we are ready in time is dependent on Parliament and interested politicians. Under clause 66 of the Care Standards Bill, the powers will be retained and the regulations will be made only when we are ready to transfer them.

**Fiona McLeod:** You mentioned the transfer of staff and property liabilities. I understand that that is currently an English capacity. Will the transfer be devolved?

**Mr Galbraith:** Yes. That is the purpose of the powers. We make a contribution to CCETSW, which is not an English body; it has a UK capacity. We make a contribution every year and we have certain powers and authorities. All those functions and powers will be transferred directly to the successor bodies.

**Fiona McLeod:** Will that include the heritable property and so on?

**Mr Galbraith:** Yes. That is what the regulations are about. We will get our fair share.

**The Convener:** If there are no further questions, I will thank the minister for attending the meeting.

**Mr Galbraith:** Thank you.

## Special Educational Needs

09:45

**The Convener:** I repeat my apology for the slight delay in starting—although I think that we are now back on track. I welcome the representatives of Capability Scotland, Craighalbert Centre and Donaldson's College. We have already received your written submissions. In a moment I will give each of you the opportunity to introduce yourselves and to speak for a few minutes. After that, I will open up the meeting for questions from members of the committee. We will then have a panel discussion. Members may indicate that they wish a question to be answered by a specific witness, but if other witnesses wish to chip in, please indicate that and I will try to bring you in.

We have approximately one hour for this part of our agenda. We will try to keep within that time, but whether we do so will depend on how our questioning and discussion goes. I invite the representatives of Capability Scotland to speak first.

**Sandra Kerley (Capability Scotland):** Thank you for inviting us here and for giving us the opportunity to speak to you. Members have our written submissions in front of them. In this introduction, we will try to raise a few brief points. I am the director of children's services for Capability Scotland; Marie Thomson is head teacher of Westerlea School. I will speak just now, but we will both be happy to answer questions.

Capability Scotland is the country's largest disability organisation providing services for children and for adults with disabilities. Our services for children include: three special schools, two of which are currently grant-aided; out-of-school provision; respite; and community support services. Capability Scotland welcomed the Riddell report and the response from the Scottish Executive. We are committed to working in partnership with local authorities to develop local provision. An example of that is our current partnership with the City of Edinburgh Council. We are planning to re-provision two schools: our own at Westerlea, and Oaklands. We have some concerns about the implications of the removal of grant aid. We hope that it will lead to opportunities for innovative local provision, but we will be concerned if the money is not ring-fenced and dedicated to children with special educational needs.

Capability Scotland is committed to the principle of inclusion. We would like to make a few key points on that today. Inclusion is not a cheap

option. Our experience indicates that, at the moment, not all local authorities have the resources to ensure that children's needs can be fully met. Children with complex needs require a range of professional support including education, care, nursing and therapy. We believe that inclusion requires a joined-up approach to planning, budgeting and the delivery of services. Health boards and trusts, local authorities and the voluntary sector need to work in partnership with parents and carers in the best interests of the children.

Inclusion is not solely about the school that children attend. Children with special educational needs, and their parents and carers, also have the right to be included in their local communities. Early-years services, out-of-school provision and respite are therefore key components in ensuring inclusion. Capability Scotland welcomes especially the new opportunities funding for out-of-school provision, but there are major concerns about sustainability beyond the period of funding. The funding that is made available to local authorities is not sufficient to meet costs, and provision is currently heavily dependent on voluntary effort. Consequently, we believe that there are children with disabilities—and their parents and carers—who are excluded because they do not have access to the out-of-school provision that provides good experiences for children and that enables parents to access education and training opportunities. An element of exclusion is caused by the current shortage of provision.

Although all children have the right to be included in mainstream education, we believe that at this point in the debate there may be a continuing need for some specialist provision—especially for children with the most complex needs. We extend an invitation to members of the committee to visit one of our specialist educational settings, where children experience a multi-disciplinary approach to meeting their needs.

We will be happy to elaborate on any of those points and to answer questions.

**The Convener:** I invite the representatives of Craighalbert Centre to introduce themselves and to say a few words.

**Professor Bart McGettrick (Craighalbert Centre):** I am the chairman of the governors at the Craighalbert Centre; my colleague Lillemor Jernqvist is the director of the centre.

The Craighalbert Centre is a centre for children with motor impairments; it deals largely with children with cerebral palsy. As committee members will know, the centre is in Cumbernauld. Many of the issues that affect us are the same as those that Sandra Kerley mentioned and I will emphasise a few. I will also mention some

distinctive issues that face the Craighalbert Centre.

The centre is essentially a school. It is involved in the education of young people with motor impairments who are mainly between the ages of two and seven. As with all education, the education that we provide is concerned with bringing dignity to young people. The centre attempts to provide an education that will lead to a life of inclusion in society and in the education service.

For those who are not familiar with the conductive education philosophy, the use of the term conductor for someone who works in conductive education is parallel to the use of the word conductor for someone who works with an orchestra. A musical conductor brings in various elements of the orchestra to create some kind of harmony. That mirrors the basic philosophy of conductive education, in which one tries to involve the teacher, the physiotherapist, the speech therapist, the nursery nurse, the parent, the siblings, and people in the community, all of whom will work in harmony with one another so that the child is educated. That is an interesting example of the kind of joined-up thinking that is spoken about so much in education.

I would like to emphasise that conductive education sees the development of young people as an educational issue, not a medical one. That is not to say that one ignores some of the insights that one gets from the medical sciences and from the health services, but that the centre's provision for young people is essentially educational. The provision includes aspects of motor development and therefore involves people who have expertise in medical and in health areas, as well as physiotherapists, speech therapists and so on.

Conductive education is involved with not only the cognitive and the motor development of young people, but with the emotional, social, spiritual and other aspects of their lives. Conductive education is seen in a holistic way, because we believe that a holistic approach leads to improved self-image and to improvements in motor development.

The Craighalbert Centre has been part of state education provision for some 10 years. I emphasise the fact that it is state provision, rather than Government provision, because parents have elected state provision. The state has had responsibility for the provision of appropriate education for children with motor impairments.

The recent Riddell report has raised questions about how such provision will be funded. The governors would certainly not want funding mechanisms to interfere with what we believe to be very important educational provision in our society. We recognise the need for the

Craighalbert Centre to work with education authorities and health services to spend money in the interests of the children in our society who need such support. We also believe that in the first years of developing a new funding model, the Government needs to consider whether some of the money to be allocated through education authorities will best be ring-fenced in the early stages so that there is a natural stream of funding—into the Craighalbert Centre, in this case—so that it might continue to develop provision.

The centre is a school. It provides an education that will allow young people to move into mainstream education, usually at about age seven. We have done a considerable amount of thinking over the past few years about ways in which we might develop other services, such as respite care for young people with motor impairments, continuing professional development for teachers in many areas and outreach facilities from the Craighalbert Centre to other places in Scotland. Early intervention is also important. The way in which we work with education authorities on early intervention will continue to be a feature of our work.

The Craighalbert Centre has developed an international reputation for its work in conductive education, not only with what is considered the mother house of conductive education—if that is not too sexist a term—the Petö institute in Budapest, but with Scandinavia and various other European countries. We have recently had contacts with American developments and we have interesting and close relationships with centres in England engaged in conductive education.

We believe that the educational case for maintaining this provision in Scotland is very strong. We would have no difficulty with being measured against any standard that one might consider. We believe that the funding arrangements will need to be examined with some care and that transitional arrangements should be put in place. From the helpful contact that we have had with the Scottish Executive on aspects of funding, we believe that such arrangements can be put in place. We hope that they will be, in the interests of the children and parents for whom the centre is set up and whom we wish to continue to serve.

**The Convener:** Thank you. I ask the representatives of Donaldson's College to come forward. I am sure that the principal will not mind if I welcome, in particular, Mark Macmillan. The committee has been very anxious to involve children and young people in our discussions. I am grateful to Mark, a student at Donaldson's, for attending the committee this morning.

**Janet Allan (Donaldson's College):** Thank you for that introduction. We felt that it was important for deaf people to have a voice in our country, so Mark Macmillan agreed to come along. When I am finished, I will pass over to Mark. I know that he would like to tell members about his experiences, in both mainstream and special education, and about his reasons, as a young, intelligent adult, for making the choice that he did. He is a boarder at the school. He comes from Dumfries and has a kind of second life in Edinburgh.

As members know, Donaldson's College is the national school for deaf children. We cater for children from a wide geographic range. Our children come from as far north as Angus—a mother from the Highlands came this week—and as far south as Dumfries and the Scottish Borders. Children come from East Lothian and East Renfrewshire, so we cover much of the area of Scotland. All our pupils are profoundly deaf and have sign as their first and preferred method of communication. The children range in age from three to 18 years and represent all levels of intellectual ability.

10:00

I am following the committee's inquiry with interest on the internet. I am especially grateful to MSPs who have been able to comment on our work from first-hand experience of visiting the college.

Donaldson's College supports the view that all children have the right to mainstream education. We do not dispute that. However, we do not all take up all of our rights. Equally, we support the view that all children and their parents have the right to choice and to accessible information to allow them to make that choice. Our view is that, for a number of deaf children, the route to inclusion and full participation in adult society is through the effective education that special schools can give. Our anxiety is the difficulties experienced by parents in accessing information. Week after week, parents come to us and say that they were not informed of the range of choices available. Entitlement to such information has to be secured by the Government.

The education that we provide can meet the needs of all our children. We offer the same range of subjects as mainstream schools, but delivered by qualified teachers of the deaf, who have sign experience and deaf awareness. In ideal conditions, that can happen in mainstream schooling, so perhaps more important is the fact that our children can communicate with the other members of staff with whom they come into contact. The school secretary, for example, has a qualification in sign language and the dinner ladies

are trained in sign. The young people therefore experience the social and emotional development that they would in any school.

Importantly, the children have deaf adult role models. Many deaf children in mainstream schools believe that when they grow up, they will become hearing. That is because they have never met a deaf adult. Ninety-seven per cent of deaf children in Scotland are born to hearing parents. Of those children, 81 per cent come from homes that are incapable of communication beyond three years, so the young people are very isolated. At Donaldson's, we will start the term in August with nine professional deaf staff, including three deaf teachers. We believe that those people provide role models for the deaf children and young adults, so that they can become independent and contribute to our society.

As well as statutory education, we provide for early intervention, in partnership with local authorities. We believe that we are the cradle from which sign language emanates in Scotland. We are about to embark on discussions with the Scottish Qualifications Authority on certification designed for deaf people—not sign language certification, which is designed for the hearing. We provide information technology access for deaf people. We provide sign tutoring for parents, friends and carers of our children and for industry and medicine. We have the only national further and higher education support system in Scotland. Some of our staff are involved in research with the University of Edinburgh, the Scottish Council for Educational Technology and Heriot-Watt University. We provide a second chance for deaf adults who have not gained qualifications as young people.

We are deeply concerned that the Executive's proposal to remove central Government funding will threaten the viability of the school. All the rhetoric in the world—saying that we are doing a good job but that we do not need the money—will not keep the school open.

We currently receive 60 per cent of our funding from central Government. If that is removed, giving each local authority about £35,000, our fees will rise by 150 per cent. The current advice of the Convention of Scottish Local Authorities to local authorities is to accept only a 2 per cent rise in independent special school fees in any one year. That difference seems, to us, to be unbridgeable. We are also concerned that if all the money that we receive comes directly on the heads of individual pupils, we will have no right to spend that money on non-statutory functions, such as early education and research.

We believe that we have a convincing case for continuing to supply good-quality education to deaf children. We need members' support to



ensure that we are appropriately funded. We are not against authorities taking responsibility for the education of their children, but the gap between a 2 per cent rise and a 150 per cent rise is very significant, and I think that local authorities would have extreme difficulty in coping with it.

I will leave the last words of our case, as it were, to Mark Macmillan, who is of course the consumer, so he has a unique position.

**Mark Macmillan (Donaldson's College):** First, it is important that deaf children go to Donaldson's College, because compared with mainstream school, I find it more accessible. It is great for deaf people in Donaldson's because the communication is there and it is very easy. Everyone can sign—the teachers, children, cleaners and gardeners. Communication is vital and it is very easy.

The children there have said that perhaps in the past they have not felt equal, because they are deaf. They have been through mainstream schooling and when they go to a deaf school, they feel more equal. The teachers can sign, which is fantastic. It means that in class, it is easier for the children to learn and be educated than in a mainstream school. Perhaps people can have an interpreter in a mainstream school, but it is the same interpreter all the time, whereas in Donaldson's people do not need an interpreter, because all the staff can sign.

Within Donaldson's we also have residential facilities. I feel that Donaldson's is more like my second home now, because we have deaf staff as well and there are strong links to the deaf community. In the past, I had been to mainstream school and I had many problems. They started because I felt that communication with my hearing peers was extremely difficult. None of them could sign, so how could I communicate with them? I had to communicate by writing, which is not really communication as far as I am concerned, but that was the only way in which I could communicate with my hearing peers.

At breaks and lunch time, all my hearing friends would go into groups. They would listen to music and talk about pop records, so I felt very isolated. I went through some depression. It was also extremely difficult to communicate with the teachers, who could not sign. How was I supposed to ask questions? I had an interpreter, but I did not have the interpreter for all classes—only for English or maths. For classes such as physical education, there was no interpreter. Therefore, I would have to write things down. I felt embarrassed about that.

I had been at a mainstream school for three years when I decided that I would have to change schools. During my time at mainstream school, my

confidence had deteriorated and I decided that I could not go back. I stayed at home for six months. My mum kept saying, "You must go back to school." I said, "I am not going back to mainstream school; I have had bad experiences at mainstream school; I would like to go to a deaf school," but we did not know which one. Then, some of my deaf friends near where I live told me about Donaldson's College. They thought that it would be good for me, so I agreed to go.

I was shocked; the college was so different from mainstream schooling. I had not realised how good it would be for me. I thought that it was just the equivalent of mainstream school, but in fact it was the opposite. At the mainstream school I was often bullied, but that never happened to me at Donaldson's College. Now, looking back, I feel that I made the right decision in going to Donaldson's College.

**The Convener:** Thank you very much.

It is now up to committee members to ask any questions that they have.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I have three questions. Do you want me to ask one and come back in later?

**The Convener:** Go on.

**Mr Stone:** My first question is for Capability Scotland. I have read about your three schools. Coming from the Highlands, I am interested in the cover over the whole of Scotland.

**Sandra Kerley:** In relation to the schools?

**Mr Stone:** In relation to what you offer. You talked about children and adults. If you were a citizen living in Wick, what would be the impact of Capability Scotland's services?

**Sandra Kerley:** One of our major concerns is that the services available to children with disabilities are not equally available across the country. Our three schools are all in the central belt: Stanmore, which is in Lanark; Westerlea in Edinburgh; and Corseford in Renfrewshire. It was recognised and acknowledged in the Riddell report that a number of the grant-aided schools were serving largely the central belt population. In our two residential schools, we have children and young people who come from many parts of Scotland and from local authorities throughout Scotland. The residential schools have children from elsewhere, but predominantly still serve mainly the central belt.

In relation to other services, such as the respite and community support services, they do not stretch as far as Jamie Stone's constituency. We are trying to do something about that. We are making approaches to local authorities, including Highland Council.

**Mr Stone:** I will ask only one more question rather than hog the time. This is rather a difficult question, for Donaldson's College.

Mark Macmillan has put his case eloquently. There is no doubt about that and I congratulate Mark—I am sure that every member of the committee would say the same. It is great while Mark is at the school. We heard about bullying in the past and how he now feels included. My concern is that it is like taking off from an aircraft carrier; what we must consider is the day that Mark leaves school and has to go out into society. How prepared will people be when they leave the safety and homely atmosphere of Donaldson's to go out into society? Some of us have been thinking about that point. It might be in Sam Galbraith's mind when he talks about inclusion.

**Janet Allan:** We probably draw our pupils from a wider geographic area than some of the other schools. However, there is still a geographical lottery in the matter. It is not necessarily physical geography; sometimes it is the politics of different authorities.

Our children come to us so that they can be fully educated. Most of us would believe that if we produce—whether children are hearing or deaf—confident young adults, they are the people who have the best chance of succeeding in employment, in interviews for jobs and in higher or further education. Most of the young people who fall out of work and further and higher education have problems with self-confidence and self-esteem. If we equip our deaf people as young children so that they are proud of themselves and have high self-esteem and if we give them the skills to go out into society, we feel that they will be better equipped than they would be if they were in what, on the surface, looks like more inclusive provision in a mainstream school.

Many deaf youngsters in mainstream schools are bullied, isolated and have self-doubts about their own value. I would say that adolescent girls especially spend their lives talking, and if someone cannot be part of a group, they are terribly isolated and their self-esteem falls.

Therefore, my first point would be that this is about preparation and readiness. We talk about reading readiness and readiness for school as a four-year-old. We must also have readiness for adult life; that depends on the youngster's experiences up to that time.

We take children towards a more integrated educational model. I am sure that Mark Macmillan will not mind if I use him as an example. He will study for higher English next year. We are considering provision for that within the mainstream, supported by one of our signing teachers of English. That would serve as a

stepping stone towards the university place that he hopes to gain in two years' time.

There is a ladder towards full and independent integration. We have an integrated nursery and look for opportunities for integration from that point on. We believe that those opportunities should be taken only when the pupil is ready and that it could be disastrous to push someone before they are ready. That happens to many children in Scotland.

**The Convener:** Does Mark want to add anything to that?

**Mark Macmillan:** No. I agree with everything that Mrs Allan has said.

**Janet Allan:** You do not have to.

**Fiona McLeod:** Mark, you had what sounded like a pretty unpleasant experience in mainstream education. At what age did you decide to move from the mainstream to Donaldson's?

Mrs Allan has talked about giving pupils the confidence to go out into life. Could such confidence be achieved in a mainstream school if there were a higher level of support?

10:15

**Mark Macmillan:** I decided to transfer when I was almost 14. I agree with Mrs Allan that, if I had been at a mainstream school—even with more support to link me to the hearing community—I would have been uncomfortable and found it difficult to mix with hearing people. At Donaldson's, there are hearing people who can sign. They show me the hearing world and the hearing culture, which lets me feel more prepared for the outside world.

**Fiona McLeod:** Mrs Allan, how does the integrated hearing and signing nursery work? What proportion of children need signing at that level?

**Janet Allan:** There are three groups of children at the nursery: children who will probably always be sign dependent; children with cochlear implants, which is quite a new group that needs an aural programme supported by sign; and hearing children. We try to have no more than 50 per cent of the nursery made up of hearing children; we do not believe that hearing children should be in the nursery all of the week as they have separate needs.

Most of the hearing children are brothers and sisters of deaf children. Attending the nursery lets them know that there are other deaf children—often, the only deaf person they have met is their sibling—and helps them to communicate with their sibling. Many of those little people are the best signers in their home, other than the deaf person. One wee girl's mother told me that her deaf

daughter was pubertal and that the only person in the home who would be able to explain the process was her three-year-old sister, which would be quite inappropriate. She asked us to do it, and we agreed.

The hearing children can also be children of people who are involved in promoting sign language awareness in the community, such as staff, medics and so on.

**Fiona McLeod:** When I was Mark Macmillan's age, it was believed that deaf children should not learn signing but should learn to speak. Now the pendulum has swung and the situation is different.

I am persuaded by what you say about providing a supported environment in which deaf children can develop the confidence that will allow them to become adults in a hearing world. However, how can we be sure that the pendulum has not swung too far?

**Janet Allan:** Thirty or 40 years ago, there was a view that allowing deaf people to sign stopped them speaking. Of course, it was also believed that allowing left-handed people to write with their left hand was damaging. We have since learned that the cerebral cortex is more defined than that and that we have to deal with being the people we are.

The drive to speak is unstoppable for those who are able. Signing will never stop a deaf person speaking. What will stop them speaking is a lack of communicative language. Signing is also a catalyst to speech for some hearing children with speech and language disorders. The school has an inclusive language policy, which includes speaking. It is not a silent school; we speak and sign at the same time for the benefit of people who will develop speech.

Most deaf adults choose to sign, as the debate in the chamber on British Sign Language showed. Many members of our staff were educated orally but have chosen to sign as deaf adults. We could go into the arguments about brain development, but I do not think that this is the place for that. I think that it is enough to say that the survivors of oral education paint a bleak picture of being forced to do things that they could not.

**Mark Macmillan:** I meet a lot of deaf adults in Edinburgh. Rarely do I meet a deaf adult who does not use sign language. They say that they love their language and their culture.

**Fiona McLeod:** Professor McGettrick, I address this to you in your capacity as a professor of education. I was struck by the point in your submission about the need to maintain Scottish national centres. You were talking about conductive education, but the principle applies to schools such as Donaldson's, which are grant-

aided. You said that they were essential to the development of theory and practice.

If we are to move towards mainstreaming, many of our teachers will need training in special needs. Not having access to the practical side will be a hindrance in getting that training. I was thinking of the situation at Jordanhill school, which is grant-aided and was set up to provide the practical setting for the students at Jordanhill teacher training college. Can you comment on whether there is a need for national centres that use the theory of special educational needs in practice or whether their role could be fulfilled through mainstreaming?

**Professor McGettrick:** We need national centres for several reasons. They can develop best practice. This morning, we have talked about the pace of change of understanding of children with various kinds of disabilities. One aspect of the development is that we now need experts who are working day in, day out with researchers, with people who are collecting evidence and with people who are in touch with national and international experts in the field.

Scottish education can hold its head very high. It has done very well in its leadership in research and in being at the cutting edge of education, especially education of children who have particular difficulties. We need that leadership. If we did not have it, the alternative might be second-hand, old knowledge being applied in a second-hand, old way. That is a danger, but I do not suggest that one should not consider mainstreaming. We need a centre and a hub. The experts who work at the cutting edge of understanding should be at the centre. We can call that theory, but that is the understanding of what happens with children as they learn.

We also need those experts to be in touch with practitioners in mainstream education throughout the country—they require that expert service. We need national centres, but we also need a distribution of services that does not allow those centres to become ivory towers. They are not research centres; they serve people. Educational research and development should always be in the service of other people.

That is partly why I mention the international dimension. We get a lot of valuable information and insights about what is happening at the Craighalbert Centre through contact with the International Petö Institute and from work that is being done in other countries.

The Government's current thrust—which, of course, I applaud for its continuation of professional development—means that the expertise that is developed in the national centres, whether for children with motor impairments or

other disabilities, must touch teachers in mainstream education.

My view on education has been enhanced by the approach to conductive education, which is, at its heart, about holistic education, or the education of the whole child. Conductive education is not about treating a disability; it is about educating a child who has a disability as a whole person, with various supports being made available from wherever they might be required. They might be from health services or social work services, speech therapists or physiotherapists, or teachers, parents and siblings. We have heard about that in relation to deaf children. It seems essential that the support should be for the child as a whole person, but we need people at the cutting edge.

**The Convener:** A number of members have questions, so I ask them to keep them short.

I would first like to follow up Professor McGettrick's last point about those who are involved with individual children. In her presentation, Janet Allan mentioned the involvement of the family. That seems to be very important in teaching a child—the family must be involved. However, there is a practical difficulty if—as Jamie Stone said—the family happens to be in Wick and the child is at school in the central belt. How could that difficulty be overcome? Each of you has mentioned the matter, but Janet Allan mentioned it specifically. Could you, therefore, reply first to the question, Janet?

**Janet Allan:** We can offer parents residential facilities in the school if, for example, they want to come for an assessment. Modern technology is also breaking down distance. We are building up to opening a new centre in the school in August where we will teach parents and children to use videoconferencing. That is not real, one-to-one live contact, but we feel that it helps to bridge the gap.

Parents are resilient human beings; many of them travel many miles if they believe that their children have access to excellence in education. Mark Macmillan's mum, for example, comes to school twice a week from Dumfries—parents have to be applauded for that.

No one would say that things are easy. There is a balance to be struck between distance and what we view as less appropriate provision—that is, between travelling and using communication. We hope that by August all our children will have e-mail facilities to give them unrestricted access to communication with parents.

10:30

**Dr Lillemor Jernqvist (Craighalbert Centre):** At the Craighalbert Centre, the children start very young and control of their development rests firmly

with parents. When parents work in our parent-and-child group, the children are never taken away from them. That is where the process starts—parents are firmly in the driving seat when it comes to their children's development.

The parents learn early that all the day's activities—including simple activities such as dressing, having a meal and brushing teeth—can be used in a process of education. Once that process has been started and the families—rather than professionals from outwith the families—are in control of their children, the parents tend to stay with their children at the Craighalbert Centre. As Janet Allan said, they come every week, as agreed.

On the families who cannot travel daily, the centre offers periodic placements that have been taken up by some families who live further away from the centre. It is a matter of families getting the information. I am confident that the Craighalbert Centre would have families from all local authority areas if parents had the basic information that the centre exists.

**Professor McGettrick:** The matter includes one or two other issues, so forgive this fairly obvious remark: education is not just about children. We should work to change the notion that education stops on leaving school. We must also work on how the national centres continue their contact and education of former pupils, whether through technology or through something else.

There is an issue about how one sees individuals with disabilities in the wider setting of lifelong learning and what it means for them. We should, as a country, also address that issue.

**Sandra Kerley:** There is no doubt that it is difficult to have the desired level of contact with parents when they are some distance from the school. The schools do a superb job of trying to keep in touch and parents make every effort to travel to, visit, spend time in and be in touch with the school. However, we also need to consider taking schools' experience and expertise to the parents. Whether that involves spending time with parents where they are or taking the services to them, we want to work in partnership with local authorities so that a family from Wick can receive a service in Wick instead of at the other end of the country. It is about people working hard in combination to try to make the best of their situation, but we must also consider other approaches.

**Nicola Sturgeon (Glasgow) (SNP):** I have several questions. Like Fiona McLeod, I found Mark Macmillan's description of the difficulties that he had encountered in mainstream education and of his much better experience at Donaldson's College very persuasive.

Most people appreciate the advantages to a deaf child of special schooling and of being in an environment in which they can communicate easily with people who speak their language. Most people also appreciate that that experience could not be replicated in mainstream schools, even with increased support. My question for the representatives of the Craighalbert centre and Capability Scotland is this: are the same arguments equally true for children with other kinds of disability—for example, children with cerebral palsy?

I was struck by the comment in the written submission from Donaldson's College that it is not a question of children being integrated or not integrated. I am interested to hear more about how each of the organisations interacts with mainstream schools and how children in specialist schools can have contact with and share experiences with children in mainstream schooling.

**Professor McGettrick:** I shall make an initial comment, before we deal with those questions in more detail. The broad principles are the same, regardless of the disability that one is dealing with. We talk a lot about social inclusion, but we also need to think about personal inclusion. We must consider the inclusion of all aspects of a child's life—their motor, cognitive, sensory, emotional and spiritual abilities—and the way in which those aspects interact. That is very important in the development of any human being. The principles are, therefore, the same whether we are dealing with a disability such as deafness, or with a motor impairment or any other kind of disability. I do not recognise a major difference in the principles of specialist education. If one starts with a notion of the development of the whole child, one tries to ensure that child's optimum development for their inclusion in society.

In practical terms, we attempt to ensure that children who come to us at the age of two can leave at the age of seven or eight with the possibility of moving into mainstream education, while recognising that they will continue to require further support. The intention is not to produce a cure; we do not seek curative development. It is about learning to live with a disability in society, and about operating optimally in that society.

**Dr Jernqvist:** As Janet Allan said, we seek to bring the youngest children to a point at which they can participate actively in their local nursery or playgroup. Contact with nurseries is made early, so that most of the three-and-a-half-year-olds to four-year-olds in our nursery groups have a link with a local mainstream nursery. That link is established and the children with disabilities are placed on an equal footing with the other children—they are not passive onlookers who wait

for other children to be nice to them and bring their toys. They should be able to stand up, move across the room and pick up their own toys like the other children. They are not simply placed in the nursery; they are in control of themselves while they are there. That is the point that we would like all the children to have reached when they make their first contact with a new school or nursery.

**Marie Thomson (Capability Scotland):** Every school—whether a specialist setting or a mainstream school—should attempt both to involve the community in the school and to involve the school in the community. That is the aim in residential schools and in day schools such as the one in Edinburgh.

We cannot underestimate the challenges for children with complex needs and the level of support that they require, both in their interaction and communication with the community and—getting down to practical terms—in the provision of transport to get them into the community. Our organisation faces all sorts of challenges, both from the perspective of residential specialist schools and from that of specialist day schools. Contact with the community can and should be encouraged, but it poses a challenge.

**Sandra Kerley:** I would like to add to what Professor McGettrick said. Inclusion is not only about the school, but about what happens outside the school. In Karen Gillon's constituency of South Lanarkshire, we are delivering an inclusive out-of-school service and are seeking to develop more such services to bring children with disabilities and other children in the community together. We are trying to ensure that all the children can access all the activities that are provided by those services, so that all the children receive the support that they need to afford them the same opportunities as their peers. There are, therefore, different ways of approaching inclusion.

**Janet Allan:** I concur with the other speakers; the definition of inclusion is at the heart of the matter. Inclusion demands that all people have rights of autonomy, dignity and choice. Merely putting people under one roof does not give them those rights. However, integration is a part of what we must provide for young people to create an inclusive society.

You asked for specific examples of strategies of inclusion through integration. We are indebted to the City of Edinburgh Council, as the host authority, whose high schools and primary schools take our children willingly when they are ready to attend them. Representatives of those schools visit our school. Why should integration always involve the child with the disability going to the main stream? Why should not mainstream pupils visit special education facilities? Because that happens, our children have more confidence when

they leave for those schools.

Next year, a project will be undertaken by the City of Edinburgh Council that will involve six children being taught in mainstream primary schools in the mornings. Those children will come to us for specialist support in the afternoons. That pilot scheme will be reported on as a piece of research in the spirit of the post-Riddell philosophy of getting children with special educational needs into the community.

We also try to give our young people experience of mixing with other deaf people. There are deaf people throughout Scotland. On one successful day, deaf young people from mainstream schools came to Donaldson's College to meet our young people as part of a mime programme. Neither group knew that the other existed, and both groups were in awe and wonder when they met and they spent a productive day together. That is another mechanism that we would like to make use of. We are also grateful to institutions such as Telford College, the staff of which bend over backwards to help our youngsters.

**Nicola Sturgeon:** I would like to ask briefly about funding. The key issue is the removal of grant aid. All the witnesses have expressed concerns about that. There has also been a lot of talk about national centres. Clearly, the rationale behind the removal of grant funding is that the schools are no longer operating as national centres. How do you respond to that assertion?

Janet Allan talked about the gap that will open up between the fees that the schools must charge and the amount that local authorities are prepared to pay. I would be interested to hear from all the witnesses a bottom-line analysis of what the removal of grant aid will mean for the services that you provide. Will you be able to provide the same level of service when and if grant aid is removed?

**Janet Allan:** The removal of grant aid would mean that our fees would rise by around 150 per cent, from £11,000 to £27,000. In this financial year we are coming dangerously close to where we were last September, when we were presented with the Riddell report for implementation. We still do not know what the plan is—that is an issue in any transitional arrangement. If the funding were to go, some of our children could be withdrawn. I do not know whether that will happen, but authorities tell us that they do not have money. If an authority gets an additional £35,000, but is faced with fees of £27,000, it does not take a mathematician to realise that that authority cannot send many children.

It is our right to spend local authority-funded place money on more general requirements, such as research. That is the essence of a national school. We would have to engage in serious

ethical discussions with local authorities about whether they felt that we should have the right to do that. At the moment, we can use national funding for a more generalised base for knowledge and understanding about education of those who are deaf. We would fear for the viability of the school. There is no point in saying anything else.

10:45

**Professor McGettrick:** The current move from grant-aided funding to local authority funding creates tension between the marketplace and the service to the community. That service is two-fold: first, it is a national centre that provides expertise for children; secondly, there is expertise in developing understanding, which can be disseminated to the wider world. That would be put at risk by the change in funding that is suggested.

One of the lessons that one learns from looking at international practice is that the amount of effort that must go into fundraising in certain areas detracts from the energy that should be put into professional expertise and the service to children. One looks with horror at the situation south of the border, where experts in conductive education spend the majority of their time looking for money, when they could be working with children. I hope that we do not end up in the same position in Scotland.

**Sandra Kerley:** There is likely to be a major impact on both schools that are currently grant aided, but in different ways. Local authorities will be able to choose where they want to spend the money and where they want to purchase services. I feel that local authorities are unlikely to remove children who currently attend those schools—the greatest impact will be on children who would have been referred to those schools in future. There will certainly be an impact on children who currently have day places—those who live more locally to the two schools. Stanmore House School might continue as a smaller residential resource because of the level of need of the children who attend it, but the day places will certainly be threatened.

**Mr Kenneth Macintosh (Eastwood) (Lab):** Mark Macmillan made a good case for the benefits of schools such as Donaldson's College for people like him and his colleagues—that goes for the schools that all the witnesses run. How many of your pupils would not be able to cope if they did not go to your schools? The majority of pupils at the Royal Blind School have more than one sensory impairment and would not get anything like the education that they receive at the Royal Blind School from mainstream schools, so they have to go to a specialist school. To what extent is

that the case for each of your schools?

Who decides which pupils come to your schools? Are they referred by local authorities? If so, do the criteria vary wildly or are they fairly standardised? Could the situation be improved? Does the local psychologist make the key decision, or is parental pressure or knowledge of the school the main factor?

I am particularly concerned that we are aiming for a policy of inclusion, yet we have not talked about how inclusive your schools are. We have talked about how difficult it is for parents to know what choices are available to them. The parents who find out tend to be those who are the most vocal and, to be frank, the most middle class. We tend to end up, therefore, with a predominantly middle-class catchment. Is that the case with your schools? If so, can we do anything about it?

If pupils at your schools really need to attend to benefit from specialist education—and numbers are increasing in some areas—there will always be a need for your schools and for local authorities to send pupils there, no matter what the fees are. I have heard it suggested that the fee structure could be agreed in the first year that the schools go it alone. Would an agreed fee structure meet with your approval? The fee increase would have to be negotiated with COSLA.

I am sorry about all the questions.

**The Convener:** I ask you, in responding, to try to pick up on all Ken's points, although I am sure that he will come back to you if you miss something.

**Marie Thomson:** You asked how many pupils would not cope if they were not placed in our schools. That is a difficult one—how can we judge local authority provision? In some cases, there may be the appropriate level of support for children in local authority schools. Over the years, our schools have been able to provide the wider services of therapy and out-of-school care, and often the residential component. We believe in inclusion, but we cannot emphasise enough the need for support in the community before we are anywhere near an inclusive society.

**Mr Macintosh:** I have no doubt that the education that you provide is beneficial to pupils, but some pupils will always be referred to your school because it is the only school that can cope with pupils' needs. When I visited the Royal Blind School, the head estimated that 90 per cent of the pupils would continue to come because there was no other facility to which they could go.

**Marie Thomson:** For children with complex needs, I would think that all authorities, other than the smallest, would provide some support. That may not be equal to the support that we offer, but

some specialist provision would be offered.

**Sandra Kerley:** The concern is about the resources that are available to local authorities, especially the provision of therapy, which is outwith the control of the local authority. Local authorities around the country express concern about their ability to meet people's needs if they cannot access the therapy that they feel children need. This is not necessarily a matter of how many people have to be in our schools, but of whether an alternative is available elsewhere. I would not like to say that it is not possible to provide for those children elsewhere.

It is important for our children, if they are to access the curriculum, to have all their needs met—not just their educational needs, but their therapeutic and nursing needs. That is what will enable them to access the curriculum wherever they are.

**Professor McGettrick:** In a sense, children with motor impairments could be in any school. It is a question of quality. If we are prepared to have a society where those children are confined to wheelchairs and to a life with minimum dignity, we can provide that in a sort of a way. However, if we believe in the personal development of every individual, the people who are at Craighalbert need to be there and to receive the kind of service that is provided there.

**Janet Allan:** I concur with that—this is about quality. If provision were a black-and-white issue, decisions would be easy to make. Most of life takes place in a sort of grey area. Mr Macintosh posed the question in two different ways: how many would not cope, and therefore how many would not be referred? I would love to have the faith in local authorities that Mr Macintosh has. The vast majority of our children would not cope in the main stream. Many of them have additional problems, such as autism and visual and intellectual impairment.

How many would not be referred? That is a different question. Psychologists regularly want children to be referred; parents want that, too, but education officers block it because they do not have the money. The need and the provision are entirely different things. I do not doubt that local authorities are hard-pressed for money.

Somebody raised the issue of parents' articulateness. There are children with special needs with parents who are inarticulate or who have social problems of poverty and so on. They do not have much voice. Their need and their referral are not the same thing.

Most children come to us when parents want something better than what their children are getting. Either the mainstream provision has broken down—many of our secondary school

children come through that route—or parents are determined that right from the start they will get the best choices for their children. However, parents are often beaten back by society.

The referral comes through the educational psychologist to the medical officer, the director and then to us. That can take two years from when the parents have discovered that they had a choice. It is that entitlement for parents that I believe should be protected. The question whether that is done on the record of needs—as some sort of clause that the parent can sign to say what information has been given to them—or whether it is done in some other way is perhaps more a matter for you than for me.

Another opportunity would be to make national schools have panels of assessment, which could take the geographical lottery out of the issue. Let us place our children and our resources according to need, not according to individual local authorities' political persuasions, or indeed their budgets. Some local authorities are sorely trauchled financially. I accept that—they are not bad people doing a bad job. It is a matter of choices. Perhaps we should remove the lottery and say that we will set up professional panels, representing all authorities, that will assess need. Most of us would be happy with that.

**Dr Jernqvist:** For us it would be a unique event if referrals came straight from an authority or from a professional working with a child. Usually, parents want their child to come to the Craighalbert Centre and they bombard their authority. Eventually, they get a referral. That is the usual process, but it is painful and takes a long time.

Over the past year to 18 months, we have seen the effect of supporting families in that process. It would be wrong to say that only middle-class families can speak with passion about their children. It is true that the parents of all children at Craighalbert are interested in their children and would stand up for them, but they are not all recruited from the middle class. All parents can speak for their children if they are given the chance.

11:00

**Mr Brian Monteith (Mid Scotland and Fife (Con):** A number of questions that I was going to ask have been covered, but some new issues have arisen, out of the previous round of questions in particular. I noticed that Lillemor Jernqvist used the word "bombard", which is an interesting term to use in relation to referrals.

I want to ask two questions of each of the three schools about national centres. Have they any experience or evidence of becoming local centres

of excellence because people relocate to be close to the school that their child attends? When I visited the Royal Blind School, I saw evidence of parents moving to Edinburgh so that their children could attend that school. By definition, those children are therefore receiving local provision, rather than attending a national centre.

The second part to my question is whether the witnesses believe that a conflict arises from the fact that the record of needs is undertaken by a local authority, which then has an interest in meeting that record of needs. I am trying to get at whether it might be more of an advantage for parents to be able to approach a national unit or panel, where child psychologists could consider the issues, give an assessment and say, "Here is the range of options. There are a number of national centres as well as this type of provision available for you in your local authority." Janet Allan may have suggested that approach.

**Sandra Kerley:** I will give a brief anecdotal reply. We have had some experience of people moving closer to one or other of our schools. However, the numbers are small.

On the second question, I agree that people might think that a conflict existed where the record of needs is held by the local authority, which is also responsible for delivering the resources.

**Marie Thomson:** It would help to strengthen the parents' position if they were to have a national entitlement that was stated clearly in the record of needs. At present, the record of needs document is not strong enough to support parents of children who have special educational needs.

**Dr Jernqvist:** As far as I can recall, no family has moved to the Cumbernauld area in order to access Craighalbert—that might not come as a big surprise. From time to time, I am sorely tempted to advise parents to move authority, but the authorities at the top of the list of those that support our work are not necessarily those that are nearest. Authorities that are further away have used Craighalbert a great deal and we enjoy a good partnership with them. I agree totally with Marie Thomson that parents often have little chance of securing what they want for their children through the record of needs process.

**Janet Allan:** I, too, have anecdotal evidence. One child joined the school last August when secondary provision in Aberdeen was closed, and the parent moved so that the child could come to Donaldson's College. Given the idea of a greater Edinburgh area, so to speak, we are frequently asked whether the city or the councils in the Lothian area are more likely to support an application to the college, as people might move house on that basis. That seems to be an awful upset for people who are already upset.



On Mr Monteith's second question, I believe that there is conflict in relation to the record of needs. Parents of all social classes are left hopelessly ignorant of their rights. Yesterday, a tearful mum came in to say that she had been told that she had to select her provision before a record could be opened—that is manifestly ridiculous. Need is sometimes written to match provision, rather than provision being led by the needs of young people. I would welcome a move away from local authority control.

**Mr Monteith:** I have a quick question on a completely different matter. Considerable discussion has taken place about the hours of the school day and the school week. What are the witnesses' views about that debate?

**Janet Allan:** We are quite happy for our children to work the same school year and hours as other children. If anything—and I wish that Mark Macmillan were not here at this moment—I would like our children to work slightly longer, because it takes slightly longer to deliver the curriculum at our school than it does in a hearing school. He should promise not to tell his pals when he goes back—I will have to pay him a lot of money for that. [*Laughter.*] From primary 1 to senior 6, pupils at Donaldson's College spend more hours in the classroom than if they were in mainstream education.

**Dr Jernqvist:** Frequency and duration are the key points in the development of children with cerebral palsy. It was recognised early on that children must start at the Craighalbert Centre early in life, with a long day—initially with their parents present—a long week and a long year. We operate a four-term year of a total of 42 weeks, because it is not good for children with cerebral palsy to have a summer holiday of six or seven weeks—not if one is talking about transforming a child, where continuity of input is required.

**Marie Thomson:** We support strongly the aim of ensuring that children with special educational needs, including those with complex needs, have the same entitlement as any child in any other school. However, when a special school has children from the age of three right up to the age of 18, there are challenging difficulties with transporting the primary-aged children separately from the secondary-aged children. That problem is simply not manageable at this stage and must be addressed.

**The Convener:** Do Cathy Peattie and Ian Jenkins still want to ask questions, as we are way over time?

**Cathy Peattie (Falkirk East) (Lab):** I still have loads of questions, but I will ask only one. I have found all the information given to us this morning helpful, but it has raised a lot of other questions for

me. You can tell by the way that I have been nodding that I agree with a lot of what you have said.

We have been given an assurance that the minister will consider the whole recording process, of which a review is long overdue. What one message would you ask the Education, Culture and Sport Committee to press for in changing the recording process?

**Professor McGettrick:** I think that the recording process should be national; it should not be subject to the local variation that can occur. There should also be state provision to meet the needs that are recorded.

**Marie Thomson:** We think that the recording process should be conducted at an early stage and that it should be led by the needs of the children. Frequently, the process is different in different authorities. My experience tells me that some authorities do not open a record until the child is five years old. I know that guidance states the record should be opened when the child is two years old, but that is not happening. We want an early indication that parents have the right to have a record opened as early as possible.

**Janet Allan:** I agree with those comments. My other request is that a time limit should be imposed on authorities to achieve the record. It is unreasonable that parents are spending two to three years in the process, during which time the child's needs are not being met.

**The Convener:** Thank you, Cathy, for being brief.

**Ian Jenkins (Tweeddale, Etrick and Lauderdale) (LD):** I agree that the length of time taken by the record of needs process is scandalous; the process should be speeded up.

Most of the questions that I wanted to ask have been answered, so I will stick to one question. I am interested in the presumption in favour of mainstreaming in the recent Standards in Scotland's Schools etc Bill, which seems to have upset people. There is a feeling that children who are not in mainstream education want to go into mainstream education. That seemed to be the drive behind that presumption, and yet I wonder where those children are. If people were given an open choice, would you lose pupils?

**Janet Allan:** I have worked in the field for about 30 years, and my experience is that there are many more parents who want special education for their children but cannot get it than there are parents whose children are somehow, against their will, being put into special schools—I do not meet those parents.

Free choice would emancipate parents, as they do not have that free choice now. It is a

fundamental human right. I would concur that being educated in the main stream is the entitlement of every child. I am entitled to smoke myself to death, to be unemployed and to do a whole lot of things that I do not do. The way forward is to give people choice and to treat them—that is, the parents—as dignified adults. However, you will find that many more parents complain that they cannot get specialist help and that their child has been forced into mainstream education.

**Professor McGettrick:** As in all such situations, a balance is required. At certain points in time, for certain children under certain circumstances, specialist provision is required. If possible, children should move into mainstream education, but we should also break down barriers between special education and mainstream education and see them as alternatives. Special and mainstream education must be complementary—social and personal inclusion is about the complementarity of the way in which one deals with the particular disabilities that we have discussed and how that is built into society, including mainstream education.

**Sandra Kerley:** I agree that children should have a right to be educated in mainstream settings. As things stand, an element of choice is available to parents. The crucial issue is that the children's needs are met wherever they can best be met.

**The Convener:** On behalf of the committee, I thank the witnesses for their evidence, which was very informative. I am sure that we could have continued for much longer, because, as the witnesses answered questions, more questions arose. I assure the witnesses that the inquiry will continue and I hope that they will find the outcome satisfactory.

We will take a few minutes' break.

11:11

*Meeting adjourned.*

11:21

*On resuming—*

**The Convener:** I am conscious of the time and we have already kept our witnesses waiting, so I would like to make a start, even though not all committee members have returned to the table.

I welcome Councillor Danny McCafferty and Frank Newall to the committee. You will have heard the evidence that we have already taken in the special education needs inquiry. The process is the same as ever—I will ask you to say a few words before opening it up to questions from committee members.

**Councillor Danny McCafferty (Convention of Scottish Local Authorities):** I am not an expert on SEN, so I have asked Frank Newell to accompany me. Frank is head of children's services at West Dunbartonshire Council; he advises the Convention of Scottish Local Authorities on matters related to special educational needs and is a member of the national special needs advisory forum. I will handle political and organisational questions, but will defer to Frank on professional matters.

I would like to highlight some points in our submission, of which members have copies. On services for children with special needs, we should always start from principles. We must consider how we can implement the principles, and that brings in the question of costs. Having agreed those, we move to implementation and the timetable. We need a vision. We must know where we are, where we are going, and most important, we must have some kind of timetable so that the people for whom we are providing services know when we will deliver them.

COSLA approaches special needs from a holistic standpoint. Earlier, we heard about social work, housing, community services and the voluntary and private sector; however, first and foremost, people live in communities. They are not in little boxes—education is only part of a larger process. If we use a holistic approach, it is clear that children are best educated in their local communities, where they can experience a social life as well as an educational one.

We favour inclusion and integration of all children with special educational needs into mainstream schooling as a right, but we recognise that inclusion might not be the right outcome for the individual child. We must always balance things up against outcomes. If the outcome is not right for the individual, we should not be dogmatic. Mark Macmillan made a powerful case as an individual and views such as his should be respected. However, we should respect equally the views of the child who wants—and demands—to be in mainstream schooling.

Special educational needs encompass a range of issues, one of which—the growing incidence of young people with mental health problems—is not often mentioned, even though there is anecdotal evidence to support it. Some of the disciplinary problems in schools can be traced back to dysfunctional family and community life and growing mental health problems. That issue, which is not being flagged up often enough, is being identified even in early years education as we expand and develop early education and child care.

New community schools obviously present opportunities to employ the holistic approach,

which might help the problem of the limitation of resources. We should probably not duplicate resources, but concentrate them in a single, focused way. However, new community schools must be new in ethos as well as in name. This morning, I heard from people who wanted to shift that ethos. Facilities and services can be provided, but the whole ethos and culture must be changed. Obviously, cost factors such as capital programmes and buildings must be discussed at some point, but the principle must come first.

The recording of children with special needs has also been mentioned. That is a major issue, which includes social inclusion, integration and other special needs matters. We record some children with special needs and exclude others, but if they all have special needs, why do we break things down into categories and discriminate according to levels of need? Recording might be seen as contrary, rather than complementary, to the principle of social inclusion, as it infers that unless a recognised special need is recorded, the back-up and resources will not be provided. That is a problem for both local authorities and parents; parents, who quite rightly want the best for their children, will argue for a record of needs as a way of getting resources. All children should have such resources as a right and we should not have this complex, bureaucratic and time-wasting system; it is unhelpful and its interpretation does not really blend across the country. Frank Newall suggested to me earlier that a simpler method might be a national register of all children with special needs, with an individual plan for every child on that register. That might result in no discrimination.

I will mention briefly some further key issues. There needs to be continuity beyond schooling, with particular attention being given to the relationship between education and the lifelong learning concept and into employment.

The length of a school day and year are important. The provision of as long an education as possible is welcome, but in many cases children with special needs have to travel considerable distances. Many committee members will know how draining it is to get up early, spend an hour on a train to attend a committee and then spend another hour coming back. Sometimes a child with special educational needs has to get up very early, go home quite late and do their educational work in between. As a result, the extension of the school day and year cannot be seen in isolation from the whole time that is spent in the process, although I am not opposed to the provision of additional education.

Another issue is how to integrate the administration of medicines into mainstream schooling. Furthermore, the roles of special educational needs auxiliaries and classroom

assistants must not be blurred, as both have a specific focus. The committee might well wish to follow up the ring fencing of funds.

Finally, I think that the more we move successfully down the path of recognising the importance of the early years—we are now talking about the rights of children to two years' pre-school education and about sure start and other programmes for under-threes—the more our young people will come out of the communities and the houses, where we cannot see them. When they come out into the public gaze, we will discover that we need speech therapists, psychologists, social workers and a whole range of services. At the moment, those young people are out of sight, out of mind, but the situation is changing remarkably.

Early intervention requires early support so, as we develop society, responding to special educational needs will become a way of life. It is a long-term strategy. We have to use short-term intervention methods, but we also have to paint a vision of the kind of society that we want.

11:30

**Cathy Peattie:** I will start the questions—I do not have too long a list. I want to ask about records of needs, community schools, and changing the ethos in student community schools.

I asked the previous witnesses about records of need. What changes should be made to those records? Do you agree that some parents have to fight to have their children recorded, that parents are not always involved in the final decision, and that sometimes a record of needs can be drawn up without parents knowing exactly what is involved? What should the role of local authorities be in recording the needs of children?

**Frank Newall (Convention of Scottish Local Authorities):** The legislation about recording is quite clear. Parents have to be involved at every stage of the process. The drafts have to be submitted to parents, and parents have to respond and sign off the final document. The problem with the record is that, as Councillor McCafferty said, it identifies between 1 per cent and 2 per cent of children with special needs who are different from the rest of the 20 per cent whom Warnock identified as having special needs. A huge amount of psychological services' time is devoted to that 1 per cent or 2 per cent, at the expense of the other 18 per cent. Indeed, in my professional life, I have had few complaints about a record not being opened, but I have heard many complaints about how long it takes to see a psychologist. Given that there is a national shortage of psychologists, it is hard to achieve a balance.

We need to move to a system that is much more

simple and transparent, and much less adversarial. As Councillor McCafferty said, there should be a national register of pupils who have special educational needs, and each pupil should be entitled to an individual education plan or programme, which is a management tool for learning and teaching in schools. The programme should be reviewed regularly—every year, or perhaps more frequently. That would be the starting point to providing a good alternative to the current record of needs.

**Cathy Peattie:** Councillor McCafferty spoke about the opportunity that new community schools gave us to be more inclusive. How do we ensure that new community schools, for which there are pilots at present, can deliver and work with people rather than doing things to people?

**Councillor McCafferty:** It is encouraging how new community schools have got off to a reasonably good start, within the confines of financing the speed of change. There is a genuine willingness to work together in the new community schools that I have visited and read about. No longer is education regarded as simply the teaching that is done by the teacher; it is seen holistically as involving social workers, joint assessment teams, and health visitors. A tremendous dialogue is growing between the professionals; that is encouraging.

People are beginning to rethink their previous stances. That can be seen on the ground. More parents are becoming involved in the dialogue. In the schools pupils councils, young people are eloquent and articulate and are trained by community education workers in the skills of debating and stating their case. We should cultivate the dynamism that exists. That will take a long time, as there are still barriers to be broken down—we have 100 years' worth of inherent values and tradition—but there are encouraging signs that things are changing and that good practice is developing.

That change is not happening just among teachers and pupils. You can walk into new community schools and see senior citizens learning to use computer technology as part of lifelong learning. You can go into another place and see a crèche facility, with some of the senior pupils helping with the younger pupils' development. You can see programmes such as success maker and toe to toe, and senior pupils helping younger pupils in a co-operative way. That is exciting and encouraging, and should be cultivated.

**Cathy Peattie:** How do we ensure that children with special educational needs get the support and education that they need? How do we ensure that their parents can become actively involved in that education? I must pick up on the issue that some

parents are not involved with the record of need, and some are seen as neurotic or difficult because they try to defend their children's needs. How do we get over that?

**Councillor McCafferty:** Frank Newall may wish to comment on the roles and the joint assessment teams, particularly in the context of new community schools. Joint assessment teams should involve the parent and the young person.

**Frank Newall:** Joint assessment teams are typically for pupils with social and emotional behavioural difficulties. There is increasing involvement of the community at large in such teams. Some teams are wide-ranging in scope, and involve community police, social work, health and so on.

When it comes to allowing children to access what is best for them, it is clear that local authorities and parents have a common agenda. We have no investment in a child doing badly; if we did not care about a child doing badly—and we do—that would create more problems for the local authority in the longer term. We have an investment in getting it right. We are getting better at talking to parents and inviting them in at the earliest possible stage to reassure them that we have a common agenda and that we are not trying to put red tape in the way of what their child needs.

Furthermore, it is important to recognise that the professionals who are involved with a child are professionals. There is a partial analogy between the work that educational psychologists would do in analysing a child's needs and how those needs should be met, and the work that doctors would do in analysing a child's needs and how those needs should be met. It is important that we listen carefully to the views of parents, consult them and involve them fully in all the decision making, but it is equally important that we ensure that the child's rights to the best possible education are safeguarded by taking professional advice and following that through. It is a balancing act, which we have to work at continually.

**Councillor McCafferty:** Most local authorities have now either set up, or are in the process of setting up, parents' forums and parents' guides. Instead of a parent being isolated and having to argue a lone campaign, there is a parents' forum in which many people can come together; that is a comfort and a strength. Within that collective, somebody who cannot be an advocate for themselves will find a willing friend to be an advocate for them. Local authorities are certainly moving forward and are going from strength to strength in helping to develop parents' forums for parents with children with special needs.

**Cathy Peattie:** Councillor McCafferty, you

commented on Mark Macmillan and how he got a lot from his special school. I was struck by his having the confidence to come to talk to us. I was pleased that he was here. That is my experience of speaking to kids from other special schools. Some of those kids have not had the same support that Mark has had, but they have greater confidence and social skills than similar children who have gone through mainstream education and have, in some cases, been bullied and isolated. How do we ensure that kids who have extra special educational needs get the opportunity to build their confidence and feel that they are part of a system rather than that they are isolated within a school? How do we ensure that teachers have the skills and development that are needed to deliver that kind of education?

**Councillor McCafferty:** Mark Macmillan made a very good case, and has obviously benefited greatly. Anecdotally, I could mention many children, even in my local authority, who have a tremendous amount of confidence because they are in mainstream schooling. I know a child within mainstream schooling who is totally blind and as confident as they come. She has argued vociferously that she should be allowed to be in mainstream education. She did not want to go anywhere else. That is what individuals need. There has to be a balance in terms of satisfying people's rights to have what they feel are the best of services.

The confidence factor is not just applicable to people with special needs or disabilities. Across the spectrum of the mainstream, there are tremendous problems with bullying. Children are discriminated against for a variety of reasons; they can be picked on and bullied simply for looking at somebody in the wrong way or for not having an assertive manner. We could fill columns with details of the bullying cases that have been recorded in newspapers in the past 10 years, some of which have had extreme results and have not involved children with special needs.

The problem of bullying is not peculiar to children with special needs, although I accept that special needs perhaps provide a focus for people to use if they want to be nasty. The problem has to be combated generally in schools. All young people should be protected against bullying, whatever the cause or the source. All the skills, talents and abilities of young people should be drawn out to their full potential, as the Standards in Scotland's Schools etc Bill intends.

**Cathy Peattie:** If people are excluded or feel that they are being bullied, does that not create difficulties for teachers?

**Councillor McCafferty:** Yes. If children feel excluded or bullied, that leads to a lack of confidence and self-esteem. Also, children from

families where there is abuse of alcohol or drugs or where there are other types of abuse, suffer from a lack of confidence and self-esteem. There are factors such as poverty, and the absence of a wider horizon if children are not able to set foot outside their local housing estate. There are many ways in which the self-esteem and confidence of children is lowered. We should try to combat that problem generally. We should be aware of specific elements, such as discrimination, but the problem of bullying is not exclusive to children with special needs.

**Mr Macintosh:** We do not want the whole discussion to be about the grant-maintained schools—the special schools—about which we have just heard. However, there is obviously a fear among grant-maintained schools that they will not do as well when local authorities are in charge of the budget. What do you think will happen when the money is reallocated to local authorities? How do you think that that money will be spent?

I also want to raise a couple of specific problems. There are no standard or national entry criteria for schools, and the variation between authorities is quite great. Some authorities are sympathetic to certain schools and not so sympathetic to others. Some authorities encourage parents and give them information about the choice of schools that are available, but others do not. Should COSLA or the Executive address that problem?

**Councillor McCafferty:** Frank Newall will answer on standards and the national entry criteria and I will deal with the monetary aspects of your questions. We all recognise that a tremendous change is taking place in society. The keywords are partnership, co-operation and consensus; they can take a long time to permeate through, although I think that much practice is beginning to bear fruit—local authorities are not immune from that observation. I admit that, for valid reasons, local authorities have adopted a protectionist stance over the past 20 years, but that is perhaps no longer required. Moves are being made towards breaking down barriers and there is work towards partnership, co-operation, and building trust across communities.

I am aware that the independent schools and COSLA are holding discussions. I would not want to pre-empt the outcome of those discussions, but I will say that COSLA will approach them from the perspective that we want a service that is responsive to the needs of the children who require that service. We will work positively in partnership to ensure that that is the outcome, and we will do so in such a way that those who can best deliver the service stay in the business of doing that. That should not be done in competition—it should not be a question of them

or us. It should be agreed that it is the children who are important and that any differences that we have are secondary to that.

11:45

**Frank Newall:** The variation in the use of special facilities by local authorities is inevitable, because of the different provisions that exist in authorities. A challenge of local authority reorganisation was that some of the larger regional authorities had centralised provision to which many people had access, but, after reorganisation, authorities tended to use that provision for their own children—perhaps even for children who were marginal to that provision, rather than for children who were assessed as definitely requiring it. It is therefore inevitable that authorities use specialist facilities differently, according to what they have.

It is important to recognise that people are affected by disabilities marginally or more seriously. For example, there are children with hearing impairment through to children who are profoundly deaf. We have to take a stepped approach to each child to ensure that they get what is best for them.

I take the view that it is better for a child to be provided for, without having to travel for an hour at the beginning and end of the day and without having to leave all the other children in the local community. Nevertheless, we use specialist facilities to a fair extent because we cannot compromise the rights and needs of the child on the basis of a principle or philosophy. The problem for us is that we have the twin financial burden of using fairly expensive specialist facilities where we need to and trying to build up local facilities. That is a double burden, because we cannot abandon one until the other is in place, but putting that other one in place is expensive. As the COSLA paper says, local authorities across Scotland are developing provision, but it is not all there yet.

**Mr Macintosh:** There are many examples of unfairness, particularly in health where people talk about postcode inequality. There is perhaps not such a catchy phrase in special educational needs provision, but unfairness definitely exists. Could COSLA or local authorities be doing something to address that? At the moment, the evidence is that someone will not be able to get into Donaldson's College, for example, if they come from a certain local authority, but will if they come from another authority. The evidence that we heard this morning echoed that. Is COSLA addressing that?

**Councillor McCafferty:** The transition period is something that we would discuss with independent schools. As Frank Newall said, the key to success in moving towards a fully inclusive, integrated

model of provision is recognition that it will take time and will have to evolve. In the meantime, protections need to be in place to ensure that the system does not fall apart, so that people are not isolated and do not lose what they require. At the end of the day, through productive discussions and the work of this committee and the national advisory panel, I hope that we will construct something that is transparent and has choice, and which everybody can see is competitive.

I stress that we have to break down the them-or-us attitude. There is enough room in the world, and enough work, for all of us. We should use all the tools at our disposal. If we want to move towards a fully inclusive, integrated society—the new dawn—some services may have to be phased out while others are built up. That will happen only through consumer demand and choice.

**Mr Macintosh:** One specific suggestion, which you touched on but did not expand on, is that the money that is freed up from the grant-maintained schools should be ring-fenced. Do you support that?

**Councillor McCafferty:** In principle, COSLA is against ring fencing. We prefer to have powers of general competence in everything we do. People are very critical of local authorities and then strangle us to death by holding the purse-strings. People cannot say on the one hand that local authorities cannot deliver the services and then strangle us by trying to run services from afar. Ring fencing is not a good model if we want to respond to local situations.

However, ring fencing purely for special educational needs, with no prescription beyond that, might be a happy compromise. The difficulty is that when ring fencing is applied to this or that part of special needs, it becomes so prescriptive that it is centrally controlled. That would not augur well for the development of services. Provided that the principle is that the money is for education, leaving the freedom for it to be spent in localities, ring fencing can be valid, but it should not be prescriptive. The preference would be not to be prescriptive at all and to let us do the job.

**Mr Macintosh:** I have one more question—not on funds but on the specialisms that schools offer. I have often heard that the training offered to support staff for special educational needs in mainstream schools is very broad and generic and does not therefore offer the advantages of the specialist provision of places such as Donaldson's or the Royal Blind School. What is your view on that?

**Frank Newall:** That relates to what I said about a stepped approach to children's needs. The postgraduate modules in special educational

needs, which are funded through specific grants, are well used and some of them are quite specific. However, they do not turn people into specialists; they result in people having additional specialist knowledge in a particular field—which is quite different from having people who study such things as the whole basis of their training.

We should recognise that for some children that kind of additional specialist knowledge of how they are best supported is fine and they can therefore be in a mainstream school. For other children, however, greater specialist input is needed. That is why we have to engage with different organisations to talk about the co-location of services and how we can best use the services that are provided. Some of that has already been touched on this morning. We have to consider new ways of working. We have to maintain what already exists until we can support the children with something better.

**Councillor McCafferty:** We also have to review teacher training in the context of the McCrone report and the work that will follow it. That will include training for special educational needs. If we are to have quality provision, we will need quality training for quality teachers. We have to review initial teacher training; the world has shifted dramatically and teacher training has not kept up.

**Mr Macintosh:** You have talked about your ultimate goal. In future, will fewer pupils be educated in special schools? At the moment, a certain number are educated in grant-maintained schools. Will that number decline?

**Frank Newall:** In some countries, there are no special schools. One wonders how that can be done. Research suggests that some countries have managed very well by having brilliant support structures in schools and that others have managed less well by closing the special schools on the basis of some philosophy. I would love to work in a country where there were no special schools, but I do not think that that could ever happen here until the support systems in each locality were such that we would not need special schools. At the moment, we certainly do need them.

**Councillor McCafferty:** In Italy, all the special schools were closed 30 years ago. At a recent very stimulating conference organised by the Equity Group, an Italian speaker said that people had been very opposed to the closure, but that, 30 years later, if anyone suggested reopening them, there would be a riot.

**Mr Monteith:** In the evidence that we heard earlier, points were made about the difficulty that grant-aided schools perceive with having a negotiating position on their fee increases. COSLA naturally seeks a good negotiating position for

councils as well. Can you enlighten the committee about any possible consensus, or any possible bridge, between those schools and the councils? The councils aim to have a 2 per cent increase; the schools' fear is that they might have to charge 150 per cent more.

**Councillor McCafferty:** I do not really have a view on that, because I have not been privy to the negotiations and discussions that have started. Given my role, I will no doubt be involved in the negotiations at a certain stage. No negotiator ever says what he thinks before listening to everyone else's views. I would like to hear people's opinions, consider our position and see whether a compromise can be reached; the whole art of negotiation is to reach a compromise. That compromise should not be in the interests of the independent schools and it should not be in the interests of the local authorities; we should be discussing how we can provide a service that is in the interests of the children. If both sides consider the issue in that way, we will work out a solution within the limitations of the finance that is available.

If the costs in independent schools are rising, is that not indicative that local authorities are providing more services and are therefore not referring as often as before? If there are fewer pupils, the costs in independent schools will escalate. If there is more social inclusion and more integration, and if there are more quality local facilities—I accept the importance of quality—that will increase the costs in the independent sector again. There are a lot of discussions to be had and I would not want to prejudge them.

**The Convener:** It was suggested that the issue is not just how much it costs to educate the child, but the research and knowledge that is built up at a particular school. How does COSLA feel about making a financial contribution towards such research?

**Councillor McCafferty:** With all due respect, I thought that funding research was the Scottish Executive's responsibility, not COSLA's. All educational research, not just special needs research, must be funded by central Government. It is only right and proper for the Scottish Executive to do so.

**Mr Monteith:** In paragraph 3 of your submission, you say that in a sense integration and inclusion are interchangeable. Do you believe that they are the same thing?

**Frank Newall:** As with all such movements, there are vogue words. A few years ago, the word "integration" became less fashionable and was replaced with "inclusion". The principle of inclusion is that a normal society includes a range of people, whereas integration suggests that certain

differences must be taken account of. There is a debate about which is the better of the two terms. I prefer inclusion; however, that is a personal view, not COSLA's.

**The Convener:** Danny McCafferty said that the choice of education provision should be made on the basis of what is suitable for the child or young person. We seem to be moving towards a more inclusive approach that brings those children within the local community. Your phrase "moving towards" is very telling. My concern is that the educational and therapeutic support for children does not yet exist. Are we not in danger of moving children to a level of support that we cannot yet offer them? Is there not a danger that if more children with special educational needs are mainstreamed over the next few years, they will not receive the kind of service that we want them to receive? Furthermore, we might undermine the work of special schools in our preference for mainstreaming over what they have to offer.

**Councillor McCafferty:** I will let Frank Newall deal with that question.

**Frank Newall:** Various people have touched on the process of referral and how a child can access anything additional to meet his or her special needs. Local authorities have an obligation under the Education (Scotland) Act 1980 to take account of the advice of educational psychologists. My understanding of practice across Scotland is that educational psychologists are largely responsible for determining what the child needs to meet his or her special educational needs. Although we might challenge those views or ask for explanations, ultimately the professional view determines what the child needs and gets.

As that will continue to be the case, if educational psychologists state that a child needs something that is not available locally, he or she should not go to the local school. That is why I suggested that we should build up structures to meet children's needs in local schools and allow them to move from travelling sometimes huge distances and being away from their parents and peers to a better situation.

We are not talking just about independent special schools; the majority of Scottish councils have their own special schools. Services in local authority special schools have been developed significantly over the past few years the better to meet the needs of the developing situation. One of the most interesting developments has been increasing joint working between education and health in therapies. That has been one of the very difficult areas for local authorities.

We have no executive authority over speech and language therapists, physiotherapists or occupational therapists, yet the child's entitlement

to those therapies might be embedded in the record of needs. If we cannot get better inter-agency working in that regard, there might be a gap in provision. That is why we are engaged in discussion with other agencies to try to get therapies offered on site as part of our local provision rather than having to bring them in from outside.

12:00

**The Convener:** Are the negotiations proving successful?

**Frank Newall:** They are largely successful, but we have not reached a conclusion yet. We will not place any child in local provision as against better alternative provision. We will not compromise the rights of any child on the basis of a half-baked philosophy. However, when we have got it right, we would want children to be educated locally with good specialist support.

A crucial point is that if a child is educated in a specialist situation, they will face challenge when they leave that and return to their community. We have all moved house in our lives and know the problems that even that can cause.

**Councillor McCafferty:** It is easy to overlook the fact that the issue is not just about providing services for people. We should acknowledge the fact that we learn a great deal and have our lives enriched by inclusion. Having children with special needs in our mainstream schools helps the other young people learn the values of life.

I had a tremendous experience of working in a nursery with a Down's syndrome adult who came in to play with the children because he loved children. He did not play with the children; he taught them how to use Makaton sign language. The children used it naturally but the adults had difficulty. That is an illustration of how inclusion can be beneficial both ways. We are all part of the same society and should not be put into little boxes.

**Mr Macintosh:** We are trying to make things easier for parents who are frustrated in their attempts to provide for the needs of their child. Our earlier witnesses suggested that a national assessment panel run by professional psychologists should be set up. It would decide whether a child should go to a special school, or arbitrate in cases where there was conflict about that. Would you support that idea?

**Frank Newall:** We have to acknowledge that the Enquire organisation has been established. It is the advisory forum for parents of children with special needs and has made a good impact.

The problem about having one national body that determines where children should go is that



they cannot fully discuss the context the child is in. There might be an absolutist view of what special schools provide and which children should go to them, but what was available in each local authority area would have to be taken into account. As Councillor McCafferty said, we have a totally blind young girl in one of our secondary schools who is doing extraordinarily well. At first, her parents were worried about sending her to the mainstream school but now they would fight tooth and nail to keep her there. They have been involved in discussions with other parents in the local community about why their children should go to a mainstream school. There is, of course, a sensory impairment support unit with specialist teachers at the school, but the young woman is involved in all but one of the subjects there.

It would be important to consider what was available in local provision and what recommendations psychologists were making and why. It could become the recording process writ large, with a huge bureaucratic structure to no end.

**Cathy Peattie:** I would like to tease that out a bit further. Do you agree that there is a conflict of interest for local authorities in making decisions on the needs of a child and what it would cost to meet those needs? Are there occasions when children suffer because decisions are made on grounds of cost rather than on grounds of need?

**Frank Newall:** In my experience, we have never made a decision on the basis of cost. However, I have no doubt that over the years some local authority somewhere that was strapped for cash will have made a decision that was based on cost. I have read about appeals in the various journals that are published. The special needs forum tries to move away from a them-and-us approach. We try to assure parents that we have a common agenda, which is the best interest of their child.

Sometimes, when we have done our job properly, consulted parents and taken professional advice, we do not agree about what their child needs. That is the most difficult situation, because if it is not what they want, parents will never be convinced that what we propose is in their child's best interests. That creates a difficult tension that would be impossible to resolve, even with the wisdom of Solomon. Either we give parents what they want, believing it not to be in the best interests of the child, or we give the child what the professionals recommend, trying to take account of all the points the parents have made and reassuring them that the situation will be regularly reviewed.

The medical model is useful, although not a pure analogy. Some syndromes are properly medically classified. At that point, parents would not normally argue with the consultant about what

should be prescribed for the child. The model is not perfect because the situation we are discussing is much more complex, but we have a responsibility to take advice from professionals such as medics and psychologists and to respond to that advice as best we see fit. We must not cave in just to have an easy life.

**Councillor McCafferty:** We also have to get rid of the cost attached to the record of needs. People begin to understand systems and as soon as the record of needs is seen as the avenue for financial and other resources, everyone will want a record of needs. That should not be the basis of a record of needs. The record of needs should be created on the basis of the child's needs; the cost factor should be secondary.

**The Convener:** Thank you. That was very informative and will add to our discussions when we put together our report.

## National Football Stadium (Mike Tyson)

**The Convener:** The next item is a response to the letter that we sent to the Scottish Football Association following the committee debate about the Mike Tyson fight. Do members have any questions or comments?

**Fiona McLeod:** I am very disappointed by the tone of the reply. It was rather dismissive of the serious questions asked by the Education, Culture and Sport Committee. I have a few comments on the letter. In the second paragraph, the SFA tries to make clear that the management of the national stadium is undertaken by a subsidiary company, Hampden Park Ltd. That is the point—it is a subsidiary of the SFA, not a separate company. The SFA has some moral obligation in respect of that subsidiary company.

In the third paragraph, David Taylor refers to the other good causes that the association espouses. I do not think that espousing other good causes prevents one from espousing the cause of violence against women and zero tolerance of such violence.

The final paragraph says:

“The concerns of certain sections of the community . . . were certainly considered prior to any decision”.

Given the decision that was made, I would like to ask whose concerns were considered and how much consideration they were given. Overall, the tenor of the letter was not helpful to the Education, Culture and Sport Committee.

**The Convener:** I hear what you are saying—I would ask the same questions myself. My response will be unsatisfactory—in that I am not prepared to answer the questions—because I have difficulties with the SFA’s response too. If you wish to take those questions further, members of the SFA are the people to ask.

Are there any further questions before we return to how we will handle this?

**Mr Monteith:** The letter is not surprising. The second paragraph is simply an explanation of how the system is set up for the management of Hampden Park. The point that the SFA appears to be making is that it was part of the negotiations with the Scottish Executive that it should set up a subsidiary company. That is what it has done. The company entered into negotiations and agreed to the contract for the Mike Tyson fight. It makes it clear that there are no plans for the decision to be reconsidered. It is implicit in that paragraph that the SFA accepts that. In the last line, it tells us:

“A report to this effect has been made to the Office Bearers of the Association.”

It says no more. One could ask for clarification, but it is clear that the officers of the SFA accept the booking.

Moving to the third paragraph, I do not think that it matters one jot what the SFA does to espouse good causes. In mentioning what it does for good causes, it is merely responding to what it feels is an allegation that it does very little or no work in that regard. Whether one feels that what it does is enough or matters in relation to the Mike Tyson issue is neither here nor there. The SFA feels that it needs to respond to the letter that was sent to it.

The final paragraph indicates that the SFA has taken the commercial decision that it was free to take. As I said at the committee meeting when we discussed the letter that might be sent to it, by allowing Mike Tyson to box—although I think that that is a mistake—it now has the ability to allow Hampden to be used. It has exercised its commercial judgment. It does not surprise me that that will be its defence; it was always going to be its defence. If we choose to go back to it on that, we will end up getting nowhere.

**Mr Macintosh:** Like Brian Monteith and Fiona McLeod, I am disappointed—although, like Brian, perhaps not that surprised—that we have received this letter. For me, the most important point is in the last sentence. It is unfortunate that political and public authorities think fit to grant Mike Tyson a licence, but that does not mean that the SFA is absolved of its public or moral duty. It runs a national stadium; it should run it in the national interest.

I am disappointed, but I think that we should not pursue the matter now. We will have a chance to question the SFA at a later stage. We will not get anywhere at the moment if we enter into a protracted correspondence.

**Mr Monteith:** Although I do not seek to disagree with Ken Macintosh, I should point out that the SFA’s difficulty with taking a view about the national interest is that the organisation does not feel placed to judge that interest. One might argue that the SFA is perhaps absolving itself by saying that such a judgment should be up to the public authorities. However, I compare the SFA’s decision with Celtic plc’s decision, which, as a private company, represents no one but itself and does not have to think of the national interest: it chose not to allow Mike Tyson to fight at Parkhead.

The SFA is not abrogating its responsibility; it probably expects politicians or Westminster politicians to decide what is in the national interest.

12:15

**The Convener:** The overwhelming view of the Scottish Parliament was that the fight should not go ahead at Hampden. As that constitutes a national view, we would expect the SFA to take notice of it. However, the organisation has taken its decision on the basis of the fact that Mike Tyson was given a visa and allowed into the country, and that the British Boxing Board of Control has allowed him to take part in boxing matches. The decision has been taken on a commercial basis, without any moral judgment.

As Brian Monteith pointed out, another private organisation took such moral aspects into account. Although it was within the SFA's ability to do the same, it has not done so. I do not think that we can take the matter any further at this stage; the SFA has taken its decision and nothing we can do will change that situation. It should be placed on record that I regret the SFA's decision. Is it acceptable to members that we do not take the matter any further?

**Members** *indicated agreement.*

**Fiona McLeod:** Perhaps we should also draw the SFA's attention to the committee's views.

**The Convener:** I am sure that we can send the organisation a copy of our views.

## **Children (Protection at Work) (Scotland) Regulations 2000 (SSI 2000/149)**

**The Convener:** The fourth item is an instrument under the negative procedure, about which I am sure the committee will have lots of questions.

**Fiona McLeod:** Although the instrument is laudable and I am not speaking against it in any way, my reading of it raised several questions. The instrument's first objective concerns children on farms. I should draw the committee's attention to the fact that in 1998-99—the most recent year for which I could obtain statistics—there were 56 deaths on farms in the UK, three of which were children. As that is a large percentage of farm deaths, we should be aware that that is an area of concern.

It is great that the new regulations are being introduced; however, we should ask the Executive how it intends to enforce them. It is all very well to have regulations, but we will not cut deaths if they are not enforced, and I would like to hear about the enforcing authorities for the regulations.

The committee will not be surprised that my final point is about the consultation that was undertaken. The Executive note makes it clear that there was consultation with

“the Confederation of British Industry and the Trades Union Congress”.

I would have thought that, on regulations that affect children and young people, young people's organisations would have been consulted as a matter of course, perhaps not so much on the farms aspect, but on the explanatory note's reference to “street trading” and taking part in dangerous performances. Young folk could have quite reasonably been expected to have an opinion on such issues and it would have been appropriate to widen the consultation.

**The Convener:** Are there any other questions or comments?

**Members** *indicated disagreement.*

**The Convener:** I understand that we will have the time to ask those questions.

**Gillian Baxendine (Clerk Team Leader):** The committee has been asked to report by 19 June.

**Mr Macintosh:** We could ask for more information and still support the instrument.

**Fiona McLeod:** I was not questioning the regulations. However, we could ask the questions that I have raised.

**The Convener:** At the moment, local authorities are responsible for enforcing them, are they not?

**Fiona McLeod:** I assume that street trading and performances would fall within the remit of trading standards officers. Would farm deaths be the responsibility of the Health and Safety Executive's agricultural division? I do not know.

**The Convener:** That could well be the case.

**Fiona McLeod:** That is why I am asking.

**The Convener:** We can come back with responses on those points. I think that all members would be happy to take the matter further. Are there any objections?

**Members:** No.

## Committee Business

**The Convener:** The final item on our agenda is an update on outstanding committee business. Do members have any questions, or are there issues that members wish to raise?

**Cathy Peattie:** I have had a discussion with Gillian Baxendine on the timetable for the Argyll and Bute inquiry, which seems to be very tight. The more people who have heard about my involvement in the inquiry, the more e-mails and letters I have received. I am striving to get the draft report to Gillian by the end of next week; we are looking for it to come before the committee on 27 June. It is a struggle to collect all the information and to find a way through it.

**The Convener:** Is the local authority aware of the time scale?

**Cathy Peattie:** It is not happy with the time scale and would rather that something were available next week. However, that is simply not possible, as the issue is consultation. It was important that I spoke to anyone who wanted to speak to me about the issue, not just to the local authority. I have visited schools, met parents and school boards and so on. There are people whom I have not yet seen and whom I may not be able to see.

**The Convener:** Cathy Peattie has done very well to get through this task as quickly as she has. It is important that we speak to as many people as possible, because this is about the consultation process rather than the principle of the closures. I would be happy to accept the suggested timetable, despite knowing that the local authority is pressing for the report to be ready sooner. Is that acceptable to the rest of the committee?

**Members** *indicated agreement.*

**The Convener:** Last week, the report of the McCrone committee was published, and the committee will want to take some views on that. However, there will be some consultation on and discussion of the report over the recess. I suggest that we invite Sam Galbraith to come before the committee early in September, so that we can have an informed discussion on the comments that the Executive has received on the McCrone report and on the way forward. The committee could feed into the discussion at that stage.

**Fiona McLeod:** You mentioned asking the minister to come before the committee. Will we invite other witnesses to appear before us?

**The Convener:** I suspect that we will. I want us to invite the minister so that we can hear the Executive's views on the report. We can then decide who else we may need to speak to.

Written evidence that has been received on Hampden will be brought to the committee's next meeting on 21 June. Given that a number of those who have submitted written evidence have asked for it to be considered in private, can we agree to do that? If we are to get honest and transparent responses, we might have to respect that request.

**Members** *indicated agreement.*

**Fiona McLeod:** A parent of a special needs child attended today's meeting. I do not know whether she spoke to you, convener, but quite a few parents of special needs children have asked me whether they can come before the committee to give evidence in our inquiry. Is there any way of fitting that into the timetable?

**The Convener:** I am aware that a number of individual parents have submitted written evidence, and it would be impossible to invite them all. I said to the parent who attended this meeting that I will first have further discussions with Gillian Baxendine about how we would handle that practically, and then ask the committee whether it believes that it would be helpful to speak to parents. We need to get the practicalities sorted out before we can make a decision.

**Fiona McLeod:** I suggest that each time we go out on a visit it is made clear to the schools that we would like an opportunity to speak to parents.

**Cathy Peattie:** I suggested that some time ago. It is important that, when we visit schools, we get an opportunity to speak to parents. Like Fiona McLeod, because I have a particular interest in special needs education, I come into contact with many local parents, and I know that their experience is sometimes very different from what we hear. Occasionally I get a bit cross, because I know that what I am hearing does not correspond with people's experience. I do not know how we can best get to hear parents' views, as we do not want to be drawn into discussing particular cases. However, we need to listen to what parents are saying.

**The Convener:** That came across strongly and we will take further advice on it.

I thank the members who have stayed until the end of the meeting.

*Meeting closed at 12:25.*



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