



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education and Skills Committee

**Wednesday 28 February 2018**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**EDUCATION AND SKILLS COMMITTEE**

**7<sup>th</sup> Meeting 2018, Session 5**

**CONVENER**

\*James Dornan (Glasgow Cathcart) (SNP)

**DEPUTY CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)  
Mary Fee (West Scotland) (Lab)  
\*Ross Greer (West Scotland) (Green)  
\*Richard Lochhead (Moray) (SNP)  
\*Ruth Maguire (Cunninghame South) (SNP)  
\*Gillian Martin (Aberdeenshire East) (SNP)  
\*Oliver Mundell (Dumfriesshire) (Con)  
\*Tavish Scott (Shetland Islands) (LD)  
\*Liz Smith (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Arezo Darvishzadeh (Scottish Government)  
The Minister for Childcare and Early Years (Maree Todd)  
Dr Carolyn Younie (Scottish Government)

**CLERK TO THE COMMITTEE**

Roz Thomson

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Education and Skills Committee

Wednesday 28 February 2018

*[The Convener opened the meeting at 12:00]*

### Subordinate Legislation

#### Continuing Care (Scotland) Amendment Order 2018 [Draft]

**The Convener (James Dornan):** Good morning. I welcome everyone to the seventh meeting in 2018 of the Education and Skills Committee. I remind everyone present to turn their mobile phones and other devices to silent for the duration of the meeting. We have received apologies from Mary Fee, who will struggle to get to today's meeting because of the weather.

Agenda item 1 is subordinate legislation. The draft Continuing Care (Scotland) Amendment Order 2018 is subject to the affirmative procedure. Information about the draft order is provided in paper 1.

There are two agenda items for affirmative instruments. First, the committee will have the opportunity to ask questions of the minister and her officials; after that, we will have a debate on motion S5M-10206, which is on the published agenda.

I welcome to the meeting the Minister for Childcare and Early Years, Maree Todd; Dr Carolyn Younie, corporate parenting and formal care team leader from the Scottish Government; and Arezo Darvishzadeh, children and families solicitor from the Scottish Government. I invite the minister to make an opening statement to explain the draft order.

**The Minister for Childcare and Early Years (Maree Todd):** Thank you for the opportunity to introduce the draft order.

The order will amend article 2 of the Continuing Care (Scotland) Order 2015 with the effect that, from 1 April 2018, the higher age limit for eligible persons specified for the purposes of section 26A(2)(b) of the Children (Scotland) Act 1995 will be increased from 19 to 20 years of age. That means that, from 1 April, an eligible person for the purposes of the duty on local authorities to provide continuing care under section 26A of the 1995 act will be a person who is at least 16 years of age and has not yet reached the age of 20.

By virtue of article 3 of the 2015 order, the local authority's duty to provide continuing care lasts

"from the date on which an eligible person ceases to be looked after ... until the date of that person's twenty-first birthday."

In summary, the continuing care provisions and the accompanying secondary legislation stress the importance of encouraging and enabling young people to remain in their care setting until they are able to demonstrate their readiness and willingness to move on to interdependent living. Interdependence more accurately reflects the day-to-day realities of an extended range of healthy interpersonal relationships, social support and networks. Continuing care undoubtedly normalises the experience of care-experienced young people in kinship, foster and residential care by allowing strong and positive relationships between a young person and a carer to be maintained, and by reducing the risk of multiple simultaneous disruptions occurring in their lives as they approach adulthood.

The draft order is, in essence, a procedural amendment to increase from 19 to 20 years of age the higher age limit for eligible persons. It is part of an agreed annual roll-out strategy to increase the higher age limit in step with the first eligible cohort of 16-year-olds until, in April 2019, the entitlement covers all young people who cease to be looked after on or after their 16th birthday and enables them to remain in continuing care up to their 21st birthday.

The draft order will revoke the Continuing Care (Scotland) Amendment Order 2017.

I am happy to take questions.

**The Convener:** Do members have any questions of clarification?

**Johann Lamont (Glasgow) (Lab):** I am not sure whether this is a question of clarification.

I think that we all support the policy and commend the care-experienced young people who drove the agenda and made sure that changes were made to the legislation. I recall debating the order that preceded this one, which took the higher age limit up to 19—that does not feel like a year ago. I am interested in what work has been done to aid your awareness of how far the policy has been implemented. We can roll out the procedure but, if we do not roll out the reality for our young people, we are failing them. Do you have figures on the number of 17-year-olds, 18-year-olds and 19-year-olds who have benefited from the policy thus far? What work has been done to ensure that young people and the people who care for them are aware of the changes?

**Maree Todd:** The demographic information and the data that is collected on the numbers and types of placements and the children who are looked after in Scotland are reported in the annual

national statistics publication “Children’s Social Work Statistics Scotland”.

The first full year of data on continuing care will be collected and, depending on the data quality, it will be published from March this year. The Scottish Government continually works with local authorities to review data collection and to agree any changes to further collections and developments—for example, proposals to collect new data or to stop collecting data.

Due to the time that is required for local authorities to procure changes to their own systems, any changes that are made to collections are put in place two years ahead of time. Key stakeholders, including the centre for excellence for looked after children in Scotland—CELCIS—Scottish Throughcare & Aftercare Forum staff and the Fostering Network, gather information that will give us an indication of take-up rates and identify any particular barriers to eligible young people being provided with the entitlement.

**Johann Lamont:** To be clear, although we are extending the entitlement to continuing care, thus far we have no idea whether young people know about it. I wonder what conversations you have had with local authorities and those who work with young people with care experience to establish awareness. I have certainly heard anecdotally that it does not appear to have moved on in any great way. We can do the procedural stuff here—that is easy, and I commend you for doing that—but if the reality out there is that young people are neither aware of nor benefiting from the policy, we are failing to meet the high expectations that people had of the legislation. I wonder what suggestions you might have. Data gathering is one thing, but engaging in a conversation with local authorities, the Convention of Scottish Local Authorities and care-experienced young people about what needs to be done would probably be helpful. I do not want to come back here in another year to move the entitlement on one more year but still have no evidence that things have changed.

**Maree Todd:** I agree. I think that there will probably be some progress to report by the time that I see the committee next month. I will appear in front of the committee on 21 March, and I hope to have some more details to report to members then.

Kezia Dugdale, who is a substitute member of the committee, has raised with me a number of issues relating to policy implementation. I plan to meet her at the end of March to hear her concerns, and I expect to act on those concerns at that time.

**Johann Lamont:** At our meeting next month, will you be able to report back on the discussions

that you have had with local authorities about progress thus far?

**Maree Todd:** I hope to be able to give the committee a report on some of the progress on policy implementation next month. I will definitely be able to give the committee some more detail.

**Liz Smith (Mid Scotland and Fife) (Con):** On that theme, will you explain what conversations you have had with local authorities about how to publicise this? The information sharing aspect is very important in order to make people aware of what assistance they can have.

**Maree Todd:** We supported the development of a continuing care focus group of local authority representatives to invite feedback on issues arising from the implementation of continuing care in their own local authorities. That forum has been gathering information on the use of continuing care and offers peer support to resolve issues.

There is undoubtedly work going on. The Scottish Throughcare & Aftercare Forum, which is also supported by the Scottish Government, holds regular management and practitioner events to share information on continuing care. We fund CELCIS, which produces regular practitioner documents on all aspects of the Children and Young People (Scotland) Act 2014 and holds conferences and events that include workshops on continuing care. I have also written an article for the Fostering Network’s Scotland magazine that invited the foster care readership to ask any questions or give feedback on continuing care since its implementation in 2015.

**Liz Smith:** Thank you, minister—that is helpful. Some people are unaware of what assistance they can have, so it would be helpful to find ways of publicising that.

**Maree Todd:** Absolutely—I agree.

**George Adam (Paisley) (SNP):** On the back of what Johann Lamont and Liz Smith have already said, I was on the committee during the progress of the legislation, and one of the most exciting moments was when a group of young people changed the legislation. That was probably one of the best parts of the previous parliamentary session for me. I could see from their faces that that was life changing.

It is important that we make the policy work. A strength of it is that it came from the third sector and a lot of agencies involved with the young people. Have you had much interaction with them to make sure that we keep the dialogue going? Last time, their testimony made all the difference. It is important that we know their views, because they are probably key to making the policy work.

**Maree Todd:** I absolutely agree. George Adam will be well aware of the root-and-branch review of

the care system that is under way, which is independent of Government. There is a huge level of engagement with the third sector and care-experienced individuals. I understand that Fiona Duncan from the care review group is coming to the committee to give evidence. I am sure that she will reassure the committee about how involved the third sector and care-experienced individuals are in developing future policy and legislation.

**The Convener:** As no other members wish to comment, we will move on to agenda item 2, which is the formal debate on motion S5M-10206, in the name of the minister. I remind everyone that officials are not permitted to contribute to formal debates.

*Motion moved,*

That the Education and Skills Committee recommends that the Continuing Care (Scotland) Amendment Order 2018 be approved.—[*Maree Todd*]

*Motion agreed to.*

**The Convener:** The committee must report to Parliament on the instrument. Are members content for me, as convener, to sign off a report?

**Members indicated agreement.**

**The Convener:** I thank the minister and her officials for their attendance.

I suspend the meeting to allow the witnesses to leave and for the crowd behind them to disperse.

12:11

*Meeting suspended.*

12:12

*On resuming—*

**Protection of Vulnerable Groups  
(Scotland) Act 2007 (Prescribed Services)  
(Protected Adults) Amendment  
Regulations 2018 (SSI 2018/28)**

**The Convener:** Agenda item 3 is consideration of the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Amendment Regulations 2018. Information on the regulations is provided in paper 2. This negative instrument will come into force unless Parliament agrees to a motion to annul it. No motion to annul has been lodged.

Members will have seen that the Delegated Powers and Law Reform Committee considered the regulations on 20 February 2018 and determined that there were no issues within its remit to draw to the attention of the Parliament.

I see that no members have any comments to make on the regulations, so we will move on.

## European Union Reporter

12:13

**The Convener:** Agenda item 4 is consideration of paper 3, which is an update from the committee's European Union reporter, Gillian Martin. I understand that Gillian wants to say a few words.

**Gillian Martin (Aberdeenshire East) (SNP):** Yes. Thank you, convener.

Members have my report in front of them.

I thank North East Scotland College for everything that it did for us the other week when we visited Peterhead. I know how much effort goes into organising such visits. We all found the visit worth while.

It was no surprise to committee members that one of the main themes raised at the visit was uncertainty over Brexit.

Funding for fishermen training at the Scottish Maritime Academy largely comes from the EU. There is no clarity about how that funding will be replaced or the extent of the impact that its removal will have.

The EU27 students whom Ross Greer and I met told us that they had no idea what the future holds and that they had had little or no contact from the United Kingdom Government or their embassies. In fact, the only information that they had received about Brexit was information from the Scottish Government on tuition fees.

The figures on EU27 students applying to study in Scotland are covered in paper 3. I am pleased to report that there has not been a notable dip in the numbers. I imagine that the Scottish Government's funding of tuition fees may well have influenced that.

The report also includes information on Erasmus+. I ask the clerks to ensure that members receive the report that is to be published in March by the Culture, Tourism, Europe and External Relations Committee for this committee's on-going interest in the area.

12:15

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

On page 1 of paper 3, it is suggested

"that the Convener write back to the Finance and Constitution Committee noting"

the

"lack of overlap"

in the areas highlighted and indicating that we have no plans to undertake work in those areas. The paper continues:

"The Committee will, however, continue to monitor wider EU issues such as the scope for participation in Erasmus+ after Brexit, numbers of EU27 students applying to Scottish HEIs etc."

I confirm that the clerks will do the work that you have asked them to undertake.

Do committee members have any comments on the recommendations?

**Johann Lamont:** I agree with the recommendations and thank Gillian Martin for her paper, which was really interesting.

I do not know about other members here, but I certainly did not want to leave the European Union. I recognise that the funding of European students was necessary. At the time, I remember Mike Russell saying that it was his obligation to provide that funding. Maybe Gillian Martin cannot speak for the Government on the issue, but does she have any sense from the conversations that she has had about whether the presumption is that we will fund EU students as long as we are in the European Union? Perhaps we do not have any choice in the matter, and we must simply do that. Do you have any sense of what would happen if we end up leaving?

**Gillian Martin:** That question is for the Government rather than for me.

**Johann Lamont:** I am just interested to know whether you picked up that issue in any of your conversations.

**Gillian Martin:** My impression from the students whom we met—I am sure that Ross Greer will agree with this—was that the extension to the funding was very welcome. We asked the students whether they had family members who had been planning to move over here, but had decided not to as a result of Brexit. The results were mixed. Some said that they were not moving along their plans, but were waiting to see what happens. However, the fact that we are still making them feel welcome to study here will mean that they will decide to do so.

I think that we are doing all the right things. My impression is that the funding is a desire, not an obligation.

**The Convener:** As there are no further comments, are members content for the European Union reporter to pursue the action points on behalf of the committee?

**Members indicated agreement.**

*Meeting closed at 12:18.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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