



**OFFICIAL REPORT**  
**AITHISG OIFIGEIL**

# **Education, Children and Young People Committee**

**Wednesday 26 October 2022**

**Session 6**



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## Wednesday 26 October 2022

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## EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE

25<sup>th</sup> Meeting 2022, Session 6

### CONVENER

\*Sue Webber (Lothian) (Con)

### DEPUTY CONVENER

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

### COMMITTEE MEMBERS

\*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

\*Graeme Dey (Angus South) (SNP)

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

\*Ross Greer (West Scotland) (Green)

\*Stephen Kerr (Central Scotland) (Con)

\*Ruth Maguire (Cunninghame South) (SNP)

\*Michael Marra (North East Scotland) (Lab)

\*Willie Rennie (North East Fife) (LD)

\*attended

### THE FOLLOWING ALSO PARTICIPATED:

Margot Black (Scottish Borders Council)

Wendy Brownlie (Argyll and Bute Council)

Carrie Lindsay (Fife Council)

Kirsty Maxwell (Scottish Borders Council)

Stewart Westwater (Fife Council)

### CLERK TO THE COMMITTEE

Pauline McIntyre

### LOCATION

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

*Wednesday 26 October 2022*

*[The Convener opened the meeting at 09:30]*

### Pre-budget Scrutiny: Early Learning and Childcare

**The Convener (Sue Webber):** Good morning, and welcome to the 25th meeting in 2022 of the Education, Children and Young People Committee. Our first item of business is an evidence session with local authority representatives on funding for early learning and childcare. The session will inform our pre-budget scrutiny.

I welcome Margot Black, early years manager in the children and young people service, and Kirsty Maxwell, finance business partner for education and lifelong learning, finance and corporate governance, who are both from Scottish Borders Council; Wendy Brownlie, head of education performance and improvement at Argyll and Bute Council; and Carrie Lindsay, executive director of education and children's services, and Stewart Westwater, quality improvement officer for early years, who are both from Fife Council.

I have a bit of housekeeping before we begin. We are having a hybrid meeting today, with all our witnesses participating virtually. I have asked committee members to address their questions to a particular witness or witnesses. However, other witnesses might wish to respond to the question, so I ask that witness to put an R in the chat box if they wish to speak. The clerks will be monitoring the chat box more than I will be, and we will bring people in when we can. I reassure the witnesses that it is not necessary to respond to every question. If you do not think that you have anything to add on a particular question, that is fine—please just let us know. If you are asked a question but do not have the information to hand, it is okay to say that. You will have the option to follow up in writing after the meeting.

We will crack on with the session. The first questions are from my colleague Graeme Dey.

**Graeme Dey (Angus South) (SNP):** Good morning. My initial question is directed to each of the three councils. If I was a parent living in your area, where would I go to find your strategic plan and how detailed is it?

**Carrie Lindsay (Fife Council):** Good morning. Thank you for having us. The plans change quite a lot through the planning process. They have to be submitted to the Government, and we ensure that we update them regularly.

Graeme Dey asks a good question about where a parent would be able to find the plan. In Fife, we share some information when we consult and through our admissions process. We do not share the whole plan, because such plans are many pages long, but we share elements of the information with parents when we ask them to look for an admission place in any of our nurseries.

There is a question about whether the strategic plan should be made available online, and we can certainly consider that issue. As I said, such plans tend to be quite technical, because they are about buildings and workforce planning. Parents are interested in some, but perhaps not all, aspects of that.

**Graeme Dey:** As I understand it, the process must take place once every two years. Is there a retrospective element of the process that involves reflecting on what you have delivered and on what you will change? Is that information then made available for parents or anyone else to read?

**Carrie Lindsay:** Absolutely. As you say, we consult on a two-yearly cycle. We take our public reports, which are available to parents, to committee, so information about what we have done and what the process has been like is available. That information includes parent feedback and any changes that we are making to the models. In Fife, such information is taken to committee annually, but it is not online as a separate document—it is part of a committee report.

**Graeme Dey:** How do the other two councils approach the matter? It sounds as though no formal process is followed.

**Wendy Brownlie (Argyll and Bute Council):** I echo Carrie Lindsay's words and thank the committee for having us. Similarly to Carrie, we take papers annually to area committees. We also publish aspects of our plan on our website. However, it is not currently live on our website, as we have taken it down to update it and reflect the information that was published on 6 October.

As Carrie said, we have four distinct areas across Argyll and Bute. We consult with parents in each of those areas in a rolling process, because each area has very different needs and demographics in relation to childcare. We analyse each of those areas separately and then inform and change the plan accordingly. We are in the process of updating it, and we hope to have it in draft and then available after our December committee signs it off.

**Margot Black (Scottish Borders Council):** Similarly to Wendy Brownlie and Carrie Lindsay, we are formulating our plan at the moment. We were waiting for the document “Best Start: Strategic early learning and school age childcare plan 2022 to 2026” to come out, which will inform that process. As we expect our plan to be for the next three years, we also need to know where we will be financially and whether we will be able to develop any new provision. In the past, we have made elements of the plan available to parents, but not the plan as a whole.

We completed our most recent statutory consultation earlier this year. Those comments are helping to inform the plan that we are currently working on, which will then be signed off by committee and will, I suppose, be available to parents via committee papers.

**Graeme Dey:** It is self-evident that each of your areas will differ in how they deliver on the four strategic priorities. I absolutely get that. However, I am interested in how you account for how you do that and, perhaps more importantly, how it is made obvious to people who take an interest where your ELC offer sits alongside other local government work and how it impacts things such as family support, employment and poverty reduction programmes. How do you pull it all together to say, “This is what we do”?

**Carrie Lindsay:** At the local authority level, we look at how we support families holistically. Graeme Dey is right in saying that we need to join up the policies that we have, such as the whole family wellbeing fund that we are currently looking at, early learning and childcare, and the work that we are doing in social work with our children and families team, where we are changing things due to the Promise. All those policy directions allow us to look more holistically at how we make sure that, from 0 through to 18, we have in place a holistic programme to support families.

On the question about how parents would be aware of that, we are in the process of working with our third sector colleagues to get our parents and communities involved in giving us feedback about what the experiences are like for them, so that they feel not that it is very disjointed and that we are driven by external policies to deliver for families and communities, but that we are putting the families and the children and young people at the heart of it.

Early learning and childcare are very much part of that. For example, there is a childcare element when we are trying to get families back to work. Among the processes that we have in Fife is the making it work project, which is about helping families back into work, and childcare is a crucial element of that. It is very much about looking at all those policy drivers together, thinking about how

the family feels in the middle of that, and making changes as we go. We get feedback from parents on our flexible model in Fife, such as around whether it suits them and their working patterns.

If some people need a bit of extra support and we are looking to support other areas of families' lives as well as childcare, it is again about that holistic look at how we offer that through our early learning and childcare settings and beyond, because all those needs do not stop when a child moves into a school setting.

**The Convener:** Wendy Brownlie, are you able to respond now?

**Wendy Brownlie:** Yes, certainly. Similarly to what Carrie Lindsay described, we use a range of mechanisms. In particular, we find that social media is highly effective for sharing with parents the available support. Admittedly, that method does not share all the information in one place. We also—[*Interruption*.]

**The Convener:** Oh dear. Let us wait to see whether we get the connection back.

**Wendy Brownlie:** [*Inaudible*.]—where parents are active as well, so—[*Inaudible*.] We also use our own end-to-end communication to send that information out. Primary and secondary schools use similar communication, but we also work with family liaison officers to identify families who are potentially more at risk and in more need of accessing the services. Therefore, admittedly, we do not have all the information in one place, but we use a wide range of communication methods.

**The Convener:** Margot Black, would you like to respond to Graeme Dey's point?

**Margot Black:** In addition to what my colleagues have said, the Borders are very rural, and there are many disadvantages to that, but one of the advantages is that the early years workforce across all sectors is quite small. We have a strategic multi-agency early years group and we have early years networks in each locality. There is a range of ways to communicate with parents, and we try to make that communication as seamless as possible so that, no matter where they go, they get the same information or get signposted to the right place. For example, enrolment week for schools is in November, and we work closely with our health visitor colleagues and our social work family support colleagues to ensure that parents are informed. In that way, if they do not access the website or see the advert in the paper, they still know what is happening and what they need to do, and they will get the right support at the right time.

**The Convener:** We move to questions from Ruth Maguire.

**Ruth Maguire (Cunninghame South) (SNP):** Good morning. On flexibility for families, Carrie Lindsay mentioned that there is a flexible model in Fife. Can you share more information about that with the committee? I am interested in hearing about the challenges involved in providing that flexibility.

**Carrie Lindsay:** Whenever you provide flexibility and choice and raise expectations around that, you also create some disappointment, because some people might not be able to get their first choice. We have worked really hard to ensure that we communicate to parents about the models of childcare provision so that they understand what they look like. Sometimes, when we talk about flexibility in the local authority, that means that there is a range of models. Sometimes, when parents talk about flexibility, they would like that to mean that they could pick and choose to have an hour here or a couple of hours there. However, that is really difficult to do given the way that the models work. I will bring in Stuart Westwater, my quality improvement officer, who might be able to describe how the flexibility works.

**The Convener:** I think that Ruth has a further question, first, to clarify something, and then we can follow that up.

**Ruth Maguire:** I am sorry. We are having a bit of a challenge with the remote—

**The Convener:** We have all forgotten how to do hybrid meetings.

**Ruth Maguire:** We have forgotten how to do hybrid meetings—that is it. I might have been interrupting you too quickly. Were you bringing your colleague in to say specifically what the flexibility involves? That would be helpful. Thank you.

**The Convener:** Stewart—over to you.

**Stewart Westwater (Fife Council):** Good morning. I will give you examples of the flexibility that we offer in Fife. We divide the local authority into what we call local nursery areas. Across those areas, we try to offer a range of term-time and full-year models in our childcare settings. Alongside that, we include private and voluntary settings. Within an area, we have a range of models that are suitable for families to choose from.

**Ruth Maguire:** I will need to press you a bit on that. Imagine that I am a parent in Fife. Without using the words “models” or “flexibility”, what options are on offer to me?

**Stewart Westwater:** All our information is on our website for parents. That includes information on taking up various sessions or types of sessions with the local authority or in the private and

voluntary sector. We also include information about our childminders.

Term-time models cover 9 am to 3 pm. We also offer full-year models in our local authority, which can provide extended mornings or afternoons. We also offer a two-and-a-half-day model, which comprises a 10-hour full day on Monday and Tuesday and a half day on Wednesday, Thursday or Friday.

09:45

**Ruth Maguire:** That is helpful. Convener, I am interested in knowing whether there is demand for funded places on evenings and weekends.

**The Convener:** I am not sure who would be best placed to answer that question. Is there any demand for evening provision? Perhaps Carrie Lindsay could respond.

**Carrie Lindsay:** We have found that not as many parents were interested in our later afternoon model—that is, our extended afternoon model that runs until about 6 o'clock. We ask such questions in our consultations, and we provide open comment boxes for people to say what they are interested in.

Delivering a weekend or evening-type facility is quite a different way of operating. In Fife, we have not seen significant numbers of parents looking for that, but it might be different elsewhere.

**The Convener:** Wendy Brownlie is keen to come in.

**Wendy Brownlie:** Similarly, we have not had any requests for evening childcare.

I want to touch on the issue of flexibility in rural localities. We have a similar model in our towns to the type that Carrie Lindsay and her colleague have described, and we very much rely on partners to provide those extended hours. When we started our 1,140 hours provision across Argyll and Bute, our council settings—apart from our four stand-alone settings—focused on 9 am to 3 pm in term time only. That was to ensure that our partners were financially viable and had the wraparound options.

Increasingly, there is a need for extended provision in more rural areas. We are exploring that and we have changed our delivery model in a number of places. However, it becomes very difficult for us, as a rural authority, given the number of provisions for fewer than five children and, indeed, for two children. We have tried very hard to recruit childminders, who can provide a bit more flexibility.

In many of our island and rural settings, it is not financially viable for partners to operate, so we must operate our own provision. Staffing those

provisions to offer such flexibility can be a real challenge. However, we regularly review parents' requirements against our delivery models.

**Ruth Maguire:** Thank you for that, Wendy. I will follow that up. In the rural areas that you speak of—obviously, there are island communities in Argyll and Bute, too—is the main challenge the lack of provision or the lack of demand to justify the provision?

**Wendy Brownlie:** That varies from area to area. Right now, the biggest challenge is recruiting suitably qualified staff.

Where there is demand, we are beginning to undertake tests of change, to see what the financial viability is. Given the uncertainty around the financial settlement and the reduction to our financial settlement, we must be careful that we are not setting up a service that we are not able to sustain.

**The Convener:** Stewart Westwater also wants to come in.

**Stewart Westwater:** I echo Wendy Brownlie's comments about flexibility and choice, and understanding the system around that. As well as having our biennial consultation with parents, Fife Council, through our admissions policy processes, measures how it is meeting the choices of parents. We track the percentage of parents who are receiving their first choices, year on year. That gives us an idea of where there might be pressures in the system or where we might need to adapt.

**Ruth Maguire:** I am interested in hearing from Margot Black on the rurality perspective on choice for parents.

**Margot Black:** We work hard to offer a flexible package. If a parent were to come to us, we would first establish which area they were looking for. There are no catchments for nurseries, so we have parents who choose to have their children in a nursery or childcare provision that is not necessarily in their home locality, and that is fine. In each of our high schools' local areas, we have local authority year-round, full-day provision. That option is there in each high school catchment. In addition, there is a mix of childminders, voluntary managed groups and private nurseries.

Every year, we ask for a statement of intent from all our funded providers. Before we enrol, they tell us exactly which hours they are open. Some playgroups do not open all day, for example. We are able to share that with parents, so they see clearly at enrolment what is available for them and where it is, and we can give them guidance and support on that.

Other than during Covid, when we had childminders and nurseries that provided the

service to key workers, we have not had any requests for evening and weekend provision. Parents have not indicated to us that that is a need. It is very much a chicken-and-egg situation in that parents would not take a job that required them to work evenings unless they knew that the support was there and that somebody could look after their children.

In the Borders, although we have a lot of incomers and a lot of movement in population, a lot of childcare is still provided by family and extended family.

**The Convener:** I know that Carrie Lindsay wants to comment, so maybe she can be the first to answer my question. I am from the Lothians, and that is the area that I represent. We attract a lot of commuters and we get people coming in from all the surrounding local authority areas. Margot Black said that there are no catchments for nurseries, which we all know. Should we be considering provision that crosses local authority borders? I have someone in my area who lives in Edinburgh but works in East Lothian, and they cannot pick up or drop off their child around their working time.

Following on from that, there is a perception that families have to use the local nursery that is nearest to them. Communication on how broad based and open the provision perhaps is is not reaching the ground, and we have a lot of confusion and misunderstanding. I am curious about your thoughts on that. If you do not mind, Carrie, I will put you on the spot and ask you to answer that first, and maybe you can respond to Ruth Maguire's questions at the same time.

**Carrie Lindsay:** I am quite happy to do that, convener. If it is okay, I will say what I was going to say in response to the previous question before I come on to yours.

On the importance of childminders, I note that we are increasing their use in Fife. We currently have more than 80 childminders that we are using to provide flexibility for people for whom that works better. It is about looking at what we can offer that will meet the needs of parents. We are certainly listening to parents to ensure that we can do that to the best of our ability.

The question about cross-border provision is an interesting one. We have had lots of discussions about cross-border provision over the years. Edinburgh is a particular example of that. People from all the different surrounding regions go into Edinburgh. It is very difficult for Edinburgh to manage the provision that it needs to make available to parents if it does not know the number of extra people who come in from round about. My colleagues might want to say a bit more about cross-border provision, because we have looked

at that and how we could make cross-border payments to support it.

On the local nursery aspect, the situation is different everywhere and things are so different geographically across Scotland. It is quite hard to say to parents, when talking about which option will suit them best, "This model is what you'll get everywhere."

In Fife, we have local areas—they are not catchments—that are quite wide. As Stewart Westwater described, that is an attempt to give a range of options in the area. If a parent wants to go to another part of Fife, they can still do that, but if it is oversubscribed, the people who live in that area will take priority over people who live outside it. We need to manage the places that we have. Sometimes, people cannot get a place because local families have accessed the service, but perhaps those families do not have transport and are unable to go further afield. We have to have some way of managing that.

**Wendy Brownlie:** We have a completely different geography, but we have some cross-boundary agreements in place that were introduced prior to the implementation of the 1,140 hours provision. We have reaffirmed those. A good example of that involves a professional family who have to work a fixed pattern in Tiree. We have an agreement in place with Glasgow City Council and the children are able to access its childcare. We have similar arrangements with Highland and West Dunbartonshire, especially in relation to the Ministry of Defence families in the Helensburgh area.

That approach works really well for us. It was effective before the 1,140 hours provision was introduced and it continues to be so. However, I can see that it would be difficult for everyone to do that. We have a good level of partners in Helensburgh and good availability, so we do not have pressure on places there and the numbers are fairly reciprocated across the arrangement.

**The Convener:** It is great to hear that that cross-border work is happening in Argyll and Bute. Once again, however, it is the local authorities that are taking the lead in managing that. Carrie Lindsay mentioned how complex that approach might be for City of Edinburgh Council, given all the different local authority areas that people come in from, and the volumes that are involved.

Would things work more effectively if parents were in control of the funding, perhaps through a voucher system? Should they have the agency to choose where and how the hours are delivered, rather than that being under the control of the local authorities?

**Wendy Brownlie:** The funding follows the child—that is the arrangement that is in place.

However, as Carrie Lindsay said, we have to have an admissions policy and oversight, because otherwise we could get to a point where individual nurseries were selecting the children.

We take a holistic view. The parents register with us and express their top five preferences, and we have to go to the second or third preference on only a few occasions. It is important to have that oversight and ensure that parents get what they want. A parent can register with us and tell us that they want to be with a partner provider for X hours a week and also with a childminder. In some cases, we have had children being split over three placements, as parents may also use a local authority nursery. The flexibility exists, but we need to ensure that the capacity is there.

The current system manages that for the benefit of all instead of leaving it to the discretion of nursery managers when parents are chapping on their door, asking for places.

**Carrie Lindsay:** I agree with Wendy Brownlie. Capacity is an issue. We considered vouchers when we were setting up the 600 hours provision and then when we moved on to the 1,140 hours. We discussed that nationally. However, we opted for the funding following the child because, in some of the systems with vouchers, we saw that parents had to move from one nursery to another to find out whether they could get a place. If nursery X was where they wanted to use their voucher but it was oversubscribed, the parents would then have to find another nursery. That was quite off-putting for some parents. For others, it was less so because they were able to cope with that complexity, but for some parents that approach was not at all helpful.

The funding-follows-the-child model should allow for the principle of a voucher that will allow parents to take their child wherever they wish if there is capacity in that setting and the admissions policy is followed. I accept that there are conditions around that, but that is what we saw when we worked with the Scottish Government to set the system up.

**The Convener:** I have dealt with the local authority with regard to families that are trying to get their child a funded space in my city. Perhaps it is an Edinburgh thing, but the complexity that the families have to face in doing that is quite an embarrassment. I have lots of families that have nothing at the moment because there is no flexibility.

We will move on to some questions from Willie Rennie.

10:00

**Willie Rennie (North East Fife) (LD):** I will start with a question to Wendy Brownlie about funding and pay rates for staff. Why are staff in private and voluntary sector nurseries paid so much less than those in council nurseries?

**Wendy Brownlie:** I will make a start on answering that. The national standard ensures that local authorities pay partner providers a sustainable rate. That sustainable rate ensures that partner providers are able to pay the real living wage. That is the standard that is set out. Most of our partner providers then have the provision to sell additional hours and wraparound care. It is for them to use that income to determine what rate they pay their staff.

**Willie Rennie:** Is it fair that they are paid so much less by the state than the council nurseries are paid for doing exactly the same job?

**Wendy Brownlie:** It certainly puts the pressure on them in recruitment.

We uplifted our payments last year and will uplift them twice this year, but we have to ensure that they are affordable for the council. With the drop in our funding of more than £1 million in this interim year of settlement, we have had to draw on underspend from last year. If our funding settlement remains the same or drops, making any further payments will be a pressure to the council budget.

To answer the question, I do not believe that it is fair, but we are operating within the funding envelope with which we are provided. In fact, we often operate outwith that and have to subsidise the rate.

**Willie Rennie:** Are staff in private and voluntary sector nurseries leaving because they are not getting paid enough? Is capacity in that sector reducing?

**Wendy Brownlie:** I cannot say that we have seen a reduction of capacity in that sector. Often, when we advertise local authority posts, we attract colleagues from the private and voluntary sector to fill them. It can be more challenging for our valued partners in that sector to recruit to replace those people. To this point, however, the provision that is offered by that sector has not diminished.

**Willie Rennie:** Carrie Lindsay, do you think that that is fair? Have you seen staff leaving the private and voluntary sector?

**Carrie Lindsay:** It would probably not be wise for me to comment on fairness, because the situation is about market forces. At the start of the 600 hours provision, if we can remember that far back—I know that you were interested in the matter then, too, Willie—and then into the 1,140

hours provision, there was movement from our private and voluntary sector providers into the council sector. That was partly because there was a requirement for large numbers of staff in local authority provision.

We worked hard with our private and voluntary sector partners to ensure that we were seen to be not taking their staff but working with them. Our workforce planning is not only about how we plan for local authority nurseries. For example, we run modern apprenticeships across Fife. They run in the private nurseries as well as in local authority nurseries, in an attempt to think about the workforce in its totality.

However, market forces dictate what a business will pay, and private nurseries are businesses. They have to be financially viable to be in partnership, and it is the wages that they choose to pay that allow them to be financially viable.

We have not seen a lot of partnership nurseries no longer wanting to be in partnership with us. After all, it is not just a matter of what they pay their staff; they also get a lot of other support from local authorities to allow them to continue their business. What is offered in support is not necessarily just the payment or the sustainable rate.

I know that you will want to come back in, Mr Rennie. However, just to finish, I want to make it clear that we work with nurseries and look at our workforce across the whole of Fife and at all the different people who need early years practitioners to be able to deliver for our families.

**Willie Rennie:** Having spoken to nurseries, including those in Fife, I know that there is no doubt that they are reducing capacity, because they cannot get the staff. They have constant turnover, partly because jobs elsewhere, including those in council nurseries, are paid so much more. The examples are pretty stark: in Falkirk, a local authority head of centre is paid 71 per cent more than their private nursery manager equivalent, despite working fewer hours. The difference is astonishing, and what is happening is no surprise.

However, this is not really about market forces, is it? In the past, there was the ability to cross-subsidise, because there were fewer state-funded hours and you could see the cross-subsidy working—although it is debatable whether it was fair for private customers to subsidise the state to such an extent. However, if the state is expanding so much that it is now paying the bulk of the revenue to private nurseries, there is no room for cross-subsidy any more. The issue, therefore, is not market forces, but what the state is prepared to pay for that service. I just urge you to consider whether it is fair for the state to discriminate in that way between private and council nurseries. I

know, Carrie, that you will be reluctant to say whether that is fair, but the answer is pretty obvious, is it not?

**Carrie Lindsay:** I am not going to say whether the situation is fair or not—it is not my place to do so—but what I will say is that it is absolutely different for the range of reasons that I have already described. If we were to change it, we would have to change the whole model, because there would not be enough funding to make things completely equitable. If we were thinking about changing the whole model, that is what we would have to look at.

In the examples that you have given, I think that there are differences, because there are different expectations on some of the people involved—the organisations that they run might be different in size, and they might have other responsibilities. For example, one of my managers in a stand-alone setting will also be responsible for carrying out quality assurance in private nurseries, providing resources and materials to support training and so on. They will have responsibility for a range of other things, not just for running their own provision; indeed, some are responsible for two or three settings. It is therefore quite hard to compare such things, because it is not necessarily comparing like for like. That said, I think that it is a good debate to continue to have.

**Willie Rennie:** I am just debating whether what you have described is 71 per cent more valuable and whether such a difference is justified.

I will move on. I think that Kirsty Maxwell wants to come in.

**The Convener:** Kirsty, do you want to come in?

**Kirsty Maxwell (Scottish Borders Council):** I will try not to start off with a coughing fit, or you will never hear me.

I agree with a lot of what Carrie Lindsay said. Again, I cannot comment on whether the situation is fair, but the fact is that, if we were to pay the same in both cases, we would have to look at the model again. Ours is a rural area, and we have quite a lot of very small nurseries with fewer than 10 children in them. As a result, our costs are probably much higher. We are trying to provide parents in such areas with choice and ensure that a local nursery is available if there are no childminders or private nurseries around.

There would have to be a completely different model. Indeed, I do not know how we could get parity without changing everything.

**The Convener:** I call Stephen Kerr.

**Stephen Kerr (Central Scotland) (Con):** I was going to say that, if it really was a market, it would be first in the queue to be investigated by the

Competition and Markets Authority. Frankly, if you think that it is a market, let me disabuse you of that idea. It is not a market, because the local authorities are the funders of the private sector and their competitors. As a result, there is undoubtedly a drift that is beyond anecdotal—for example, in relation to staff, the private, voluntary and independent sector believes that it recruits and trains people and gives them experience, and then the local authority comes along and hoovers them up because it offers them such better salary terms.

I want to ask about your engagement with the PVI sector. Does it tell you similar things to what Willie Rennie and I have said in our questions? I will go first to Carrie Lindsay, then to Wendy Brownlie.

**The Convener:** Margot Black wants to contribute, too.

**Carrie Lindsay:** We are keen to engage nationally and locally with the PVI sector. We cannot deliver 1,140 hours without it, and a lot of parents choose to use the sector, so we absolutely engage with the sector. Stewart Westwater can say something about the different engagements that we have in Fife, but I know that there are engagements across the country with the sector.

There are also lots of national engagements with the sector about the difficulties that it may face. Over the years, I have been involved in a number of discussions about how to make sure that we have the best solutions to support the PVI sector. We definitely engage, but we cannot always do everything that is asked of us.

**Stephen Kerr:** I would like you to answer the question. My question was about your personal engagement and what the PVI sector has told you about the conditions that it faces.

**Carrie Lindsay:** My engagement is through my early years team, and my quality improvement officer, Stewart Westwater, is with me today. Stewart, do you want to say something about the different forums that we have established in Fife?

**Stewart Westwater:** In Fife, we recognise that engagement is very important for our private and voluntary partners. In the run-up to the 1,140 hours provision, we established a reference group of representatives to engage with. We have set up a range of operational forums that we encourage our private nurseries and voluntary organisations to attend, and our childminders attend separately so that we can hear what they want to tell us.

**Stephen Kerr:** I seek the convener's guidance. I respect the fact that the authorities that are represented before the committee are—I understand this from PVI partners across Scotland—among the best reputationally for some

of the things that we are talking about, but I would like to hear from Stewart Westwater what Fife Council's PVI partners are saying to the council.

Part of the important reflection that we need to make here is about what the sector is telling the council, because it is the funder and a competitor. We need to hear those partners' voices, but we will not hear them in this evidence session unless our witnesses reflect to us what they have told them.

**The Convener:** Does that make sense? It might be challenging to ask that, but we want to know what they are saying to you.

**Stephen Kerr:** What are they telling you in your engagement with them?

**Stewart Westwater:** I can speak specifically about recent engagement with the sector on sustainable rates, taking on board the Government's guidance on engagement methods, which was first published in the blueprint and then subsequently referred to in the interim guidance, in May. We have very much taken that guidance on board. We wish to hear from the sector because setting sustainable rates is often a topic of conversation when I go out to partners.

As a representative of the local authority, I feel that it is very important to provide specific forums for our partners, so that we are clear on the messages that they want us to hear. Recently, at the beginning of the new session, we surveyed our partners and spoke to them at length about different engagement methods for setting sustainable rates. In that survey, which closed just a couple of weeks ago, we asked partners specifically to give us their preferences for how they would wish to proceed in setting sustainable rates.

I hope that that answers some of the challenges with regard to what we are hearing and how we are trying to address the matter in our own local authority.

10:15

**The Convener:** Thank you, Stewart. Margot Black and Wendy Brownlie both want to contribute on that question, after which we will move to questions from Michael Marra. Margot can go first.

**Margot Black:** We engage closely. As we, too, are a rural authority, our numbers are also fairly small. Earlier this year, we had a paper on increasing rates go to committee; however, at the request of those in our P and V sector, we pulled that paper, because they felt that we had not fully taken account of their real costs. My colleague Kirsty Maxwell, who is on the call, worked closely with a group to really get to the bottom of what

their costs were and what they needed. That work has been very successful.

We have a team of early years teachers who support all our providers and who will give more intensive support where it is required. We meet the provider annually and we meet the managers of all the settings at least once a term. We have a childminding development officer, and we have a small contract with the Scottish Childminding Association to ensure that our childminders are represented. It is very difficult for childminders to have a voice—and for us to schedule meetings that work for them—when they are working through the day, so we have a development officer who provides that support.

We were criticised at the introduction of the 1,140 hours provision: there was a real fear that we would take all the PVI sector staff and that their providers would have to close. That has not happened. There are certainly staff who prefer to work in the private and voluntary sector, but we have—as Carrie Lindsay mentioned—introduced a modern apprenticeship programme, and we have had 80 modern apprentices come on board since 2019. That has certainly helped to mitigate the drain on the sector. The two big issues that they tell us about are the loss of staff and providers not paying enough to keep them sustainable. I believe that Scottish Borders Council has addressed and continues to address both of those areas.

**The Convener:** Wendy, would you like to come in now?

**Wendy Brownlie:** I will try to keep my answer fairly brief. To build on what Stewart Westwater and Margot Black both said, the sustainable rate is the biggest issue that our partner providers discuss with us. Anecdotally, we have, over the past few years, heard a couple of comments about PVI sector staff being attracted more to local authority settings. I think that it is unfair to say that PVI providers train staff and local authorities take them. We deliver free training to all our PVI sector staff, including our childminders. We fund all qualifications that are required for all staff equally, in the same way as we do for our own staff. We provide quality assurance in those settings, as the other authorities have both stated. We have delivered modern apprenticeships in an equitable way, and we have also offered foundation apprenticeships. A lot of support and additional training, as well as advice and challenge, go into our partner providers, in addition to the payments that we make.

**The Convener:** Stephen Kerr can ask a very short question.

**Stephen Kerr:** I want to feed something back to Margot Black. The sector rates what you do in the Scottish Borders Council area very highly, so I

compliment you on setting a standard for the way that local authorities might interact with the PVI sector. In particular, you mentioned modern apprenticeships, which is an issue that deserves more focus.

**The Convener:** We move to questions from Michael Marra.

**Michael Marra (North East Scotland) (Lab):** The questions on the PVI sector reflect how important it is strategically, and it is good to hear colleagues recognise that. The sector represents half of all nursery provision across Scotland, which is a huge part of the provision for families. We talked about setting a sustainable rate. The real living wage has recently increased by 10 per cent. Will the councils be uplifting by 10 per cent the rate that they pay their PVI providers? That question is for Carrie Lindsay first.

**Carrie Lindsay:** As Stewart Westwater described, we have just finished a consultation with our PVI providers, so we are not in a position to say what a sustainable rate would be; it would not be right for me to say that. Obviously, inflation is taken into account when we look at that. That work is on-going across all local authorities at the moment, and some might be further on in the process than we are.

**Michael Marra:** What was the rate of uplift last year?

**Carrie Lindsay:** I do not have that information to hand. Stewart Westwater might have it.

**Stewart Westwater:** We raised the rate from £5.31 to £5.65. That was based on the rise in the sustainable rate over the past few sessions.

**Michael Marra:** While I ask my other questions, I will try to work out the percentage increase there. If you have that number to hand, or if anybody else does, that would be useful to me.

**Stewart Westwater:** Off the top of my head, I would say it was 9 per cent over the two years.

**Michael Marra:** Okay. I ask the same question of Argyll and Bute Council. What might the uplift look like this year?

**Wendy Brownlie:** We are looking at two uplifts this year. I do not have last year's figures in front of me; I apologise for that. We have uplifted in the first instance by backdating to August the rate of £6.90 for two-year-olds and the rate of £6.11 for three and four-year-olds. That information went out to partners last week. On confirmation that partners are paying the increased living wage, those rates will rise to £7.18 for two-year-olds and to £6.35 for three and four-year-olds. Therefore, there will be two increases once that confirmation has been made.

**Michael Marra:** That is really useful. Thank you.

There has been comment already, in evidence given on the settlement for local government, about how challenging it is going to be to meet the overall strategic objectives. Do you think that the policy objectives that have been set out can be met under the current funding settlement?

**Wendy Brownlie:** That will be extremely challenging for us to do in Argyll and Bute. We will do what we always do and be as creative as we can. However, some of the Care Inspectorate requirements to extend provision across our estate will be extremely challenging for us to deliver—financially, in terms of attracting contractors, and in terms of the need to have buildings with space to make adaptations and alterations without detracting from current service. I think that it will be challenging, and part of the reason why we have withdrawn our strategic plan is so that we can consider how we can best meet those challenges.

**Michael Marra:** I will ask Carrie Lindsay the same question. The Scottish Private Nursery Association recently wrote to the Scottish Government, saying:

"we do not believe it is the intention of the Scottish Government that its policy of funding 1,140 hours of ELC should fail; yet that is the outcome which the Government is facing".

Does that ring true to you, Carrie?

**Carrie Lindsay:** I do not recognise that in what we are seeing. I am not on the inside of where some of that information might have come from, so I cannot comment on that too much.

A review of the budget and the distribution of the budget is on-going, so we are not yet aware of what our budget will be going forward—we know what it will be next year, but not beyond that. It is difficult to make any firm statement about whether the policy is sustainable without knowing what the budget is.

Part of the difficulty around this arises from changing demographics across Scotland. In some local authorities the number of three and four-year-olds will have decreased significantly, and in others it will have increased. It is not quite as simple as taking a per head count, because the model still has to be delivered and staff are still needed to keep facilities going. It is not just about the numbers of children.

**Michael Marra:** You will understand that, as part of the process that we are undertaking here—scrutiny of the budget throughout the year—it would be very useful for us to have the figures that you indicated are not available to us today so that we can make representations to the Government, partially on your behalf with regard to sustainability. Therefore, I would appreciate it if you could provide that information to the

committee, perhaps in writing, after the event. I understand that you might have to go through the democratic process in Fife Council, but it would be useful for us to have an indication of those figures.

I will move on to ask a fairly short question about deferrals. Will the various councils that are represented today give us an early indication of the impact of the expansion of eligibility for funded early learning and childcare for children whose entry to primary school has been deferred? What is the impact of that on the budgets and resources that are available? Stewart, are you able to tell us about the early indications?

**Stewart Westwater:** We are still in the early days of that expansion, and I do not have information about any financial impact at the moment.

**Michael Marra:** Has the number of deferrals—when families choose to send their children to school in a later year—increased in your council area? That must be part of the calculations that you are undertaking.

**Stewart Westwater:** The figures that I have show that 20 per cent of children born between August and December who could defer have chosen to do so. I will pass back to Carrie to talk more about that from a budget point of view.

**Michael Marra:** How many children does that raw figure of 20 per cent represent?

**Stewart Westwater:** I do not have the number with me today, but I can get it for you.

**Michael Marra:** It would be useful to have the number. If possible, it would also be helpful if you could provide information about what trend that number represents.

**Carrie Lindsay:** Fife Council is part of a pilot scheme to promote the deferrals, and we received funding to support that. There are two pilots, and we are part of the second one. The information that we are seeing is that parents are beginning to choose to defer now that the option has become available to them. We need to do a bit of work to ensure that we support parents to make the right decision for their child, which would be helpful in ensuring that parents in Scotland are thinking carefully about it.

The pilots are showing that there is an increase. I am not trying to get out of answering the question, but it is difficult to say what the financial impact is, because it depends on every individual setting. If there is already a vacant space and a deferred child goes into it, there is very little cost to that. However, if five children defer and want to be in one venue, that would possibly require a full member of staff. Therefore, it is a complicated process to work out what the costs are, but we are

certainly looking at it at the moment so that we can plan for the full roll-out of deferral.

**The Convener:** Michael, I am mindful of our audience today, and you have progressed a bit further with your questions than we wanted to. I know that there are colleagues who wanted to ask other questions before you moved on to the next issue.

**Michael Marra:** Of course.

**The Convener:** With that in mind, and with apologies, I will bring in Bob Doris.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** It will be a brief line of questioning, because I am mopping up some of the questions that three of my colleagues have had the opportunity to ask before we moved on to two subsequent themes.

Before he moved on to ask about another matter, Mr Marra sought additional information from the witnesses in order for us to best represent them when we make our asks of Government during the budget process. We should be clear that that is not how the budget process works. This committee could make recommendations to Government about additional funds for the sector, but we would also have to say from where that money should be taken. It is important to put that on record rather than raise expectations about things that the committee cannot deliver.

I want to explore the differential between the local authority sector and the PVI sector. I am conscious that there are on-going pay award negotiations for local government employees for 2022-23, which I think include childcare workers. If I have my numbers right, the offer that is currently on the table would see an award for some of the lowest-paid childcare workers in local authorities—those on the real living wage—of around 9.43 per cent.

10:30

In setting the PVI sector hourly rate, what modelling work does each local authority do to ensure that the PVI sector can pay the 10.1 per cent uplift in the real living wage? Can you share that information with the committee and say how you ensure that that can happen? So far, we have intentions for sustainability in the sector, but we cannot see how that will be done. Will Wendy Brownlie say a little about the pending pay award for 2022-23 for educationalists in the early years in her local authority and how that washes through to the PVI sector?

**The Convener:** Carrie Lindsay and Margot Black have also put an R in the chat function.

**Wendy Brownlie:** I have to admit that that is not my area of expertise. We used the Ipsos MORI model to gather all the information and try to understand fully the PVI sector's costs and ensure that we built in investment for it as part of the uplift. It was quite difficult to get all of that information from our partners, and there were quite significant gaps in it. We had to make some assumptions with that.

I have the figures in front of me. Last year, we paid £6.18 an hour for two-year-olds. After the double increase this year, that will go up to £7.18 an hour, which is an uplift of more than 10 per cent. For three and four-year-olds, we were paying £5.51 an hour. After the double uplift, we will pay £6.35 an hour for them.

Carrie Lindsay might be a better person to answer that question for you. I am sorry.

**Bob Doris:** Okay. Thank you.

**The Convener:** Carrie Lindsay, Margot Black and Kirsty Maxwell all want to contribute. If we go through them in that order, that will be great.

**Carrie Lindsay:** Obviously, the awards that are given are national awards, so we have to build them into our budget. On the passing on of that award, I refer back to the financial viability of the organisations, which we have talked about. Wendy Brownlie has just described that work, and Stewart Westwater described the work on the consultation that we have been doing on the costs for our PVI sector partner providers. They have to be able to show that they are financially viable with the budgets that we are giving them in order to be able to go into partnership with us. Therefore, the work has to be done before they are able to submit their paperwork to us to say that they are financially viable. That would be part of the process in looking at their costs.

**Bob Doris:** I would like to check something. How do those providers know that they are financially viable if they do not know what the uplift in the hourly rate is going to be before they submit to work in partnership with you? Surely that has to be co-produced.

**Carrie Lindsay:** Yes.

**Bob Doris:** Do you have that discussion ahead of setting the hourly rates?

**Carrie Lindsay:** We are having that discussion now before providers submit for their next partnership.

**Bob Doris:** Thank you.

**The Convener:** Would Margot Black like to come in now?

**Margot Black:** I put an indication in the chat box to talk about deferral numbers. I will pass on

to Kirsty Maxwell, as she has all the knowledge about that issue in the Borders.

**Kirsty Maxwell:** As Margot Black said earlier, we initially took a paper about rates to the council earlier in the year, and it was pulled because the PVI providers were not happy with where we were. As a result of that, we had in-depth conversations with them and, after a lot of talking and building trust, they very kindly said that they would share their management accounts and costs. I also got them to share their staffing models with me so that I could build a model for each individual PVI provider that I worked with to come up with a rate for that specific setting. That was looked at in the whole with the different settings to come up with an overall rate, which I discussed with them.

From that point of view, because we had looked at things so closely, we were able to come up with something that worked for them and which, back in August, we were able to take to the council and have approved. As a result of that, and because of the bringing forward to September of the revision of the real living wage, we undertook some further work on the impact of the increased rate, whether it is a 10 per cent rise or something slightly different. We are working on that at the moment.

**The Convener:** Bob Doris has another quick question.

**Bob Doris:** I know that me asking brief questions is an oxymoron, convener, but I will try to keep this one brief.

**The Convener:** I am glad that you said it.

**Bob Doris:** It sounds as though there is quite substantive and meaningful dialogue going on. The sector might not be getting everything that it wants and it might still be dissatisfied, but there seems to be on-going meaningful dialogue. Are all three local authorities committed to closing the pay differentials between the local authority sector and the PVI sector? I appreciate that all the evidence suggests that, financially, it will not be possible to completely close the gap, but is there a commitment year in, year out to narrow it? If so, how will you monitor that and, if not, why not?

**Kirsty Maxwell:** I cannot comment on whether we are trying to narrow the gap because I am literally working with the costs and I have not taken any of that into account. I realise that that does not help you with the question.

**Bob Doris:** It lets us know that that is not with the local authority right now, so it is helpful.

**The Convener:** Does anyone else want to respond? Carrie Lindsay, are you moving towards your mute button or do you want to speak?

**Carrie Lindsay:** I was just putting an R in the chat. We are driven by what the budget that we

are provided with allows us to do. With that budget, we have to be able to deliver for our children and families across the local authority. As Bob Doris quite rightly outlined, we are keen to work with our partners; we cannot deliver the provision without them, so we want to work with them, and we will move towards a sustainable model in whatever way the budget allows us to do that. I assume that that will narrow the gap in some way, but whether it will narrow it in the way that Bob Doris has asked for will depend on the budget that is provided to local authorities.

**Wendy Brownlie:** Building on what Carrie Lindsay has said, I note that we are absolutely committed to a sustainable service and paying a sustainable rate, but it is important to recognise that, often, the PVI sector has or can generate other income and we are not the sole supplier or contributor to that. It is in the PVI sector's gift and not just ours.

**Willie Rennie:** I have a couple of brief questions about the fee rates for two-year-olds versus those for three and four-year-olds. Some councils, including Argyll and Bute Council, pay a different rate, because they recognise the different ratios and requirements that are determined for two-year-olds. However, some councils, such as Fife Council, offer exactly the same rate for two-year-olds as they do for three and four-year-olds. Why is there no differential in Fife?

**Carrie Lindsay:** You are absolutely right that there are different ratios and different systems that we have to set up for two-year-olds. When we did our work way back at the start of all this, we did not place two-year-olds with our partner providers, because it was so new to us. We have gradually developed that service into our settings. From the discussions that we have had, it appears that it was appropriate for us to have done what we have done.

I have not been involved in any of the recent discussions, so perhaps I should pass over to Stewart Westwater to see whether the PVI sector feels that this is an issue that we should explore in Fife.

**Stewart Westwater:** I have not heard about that, but we are aware of it, having looked at other authorities, and we are going to start exploring it during the current round of consultation with the sector.

**The Convener:** While we are on the topic of finance and costings, can we move to some questions from Stephanie Callaghan?

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** I thank our witnesses for being here.

Willie Rennie spoke about the different rates of funding for different age groups because different ratios of staff to children are required. Are there any additional costs related to children with additional support needs, and how that is managed? I will choose Carrie Lindsay, at random, to answer first.

**Carrie Lindsay:** It does not seem to be random—I seem to be getting the first question quite a lot. A budget to support ASN comes directly to local authorities and we work with our childcare settings to provide that, but it would also be looked at as part of sustainable rates, because there could be children with ASN in any setting. However, if there are children with significant ASN, the provider can access an ASN budget.

**Wendy Brownlie:** When we talk about ASN, it is important that we do not always jump to finance being the only solution. We have a team that works across our own settings and our partner settings, which goes in and works with practitioners to assess the needs of the children. Sometimes, support can come through making changes to the environment and to the approaches that are taken. The best answer is not always to put funding in place.

Similar to what Carrie Lindsay said happens in Fife, we have an ASN budget that can be accessed by partners. We provide ASN staff to our own establishments, but, if a child needs additional support and there is a budget requirement for a PVI provider, we provide that funding.

**Margot Black:** I echo what Wendy Brownlie said about it being not only about money. We put a lot of work into building staff capacity in all our sectors to support children better. We recognised that there was more distressed behaviour as we came out of Covid and that there was a need for help for children who did not have advanced communication skills, and we gave all of our PVI groups a per capita amount to use as they saw fit to best support children as we came out of the pandemic. They might have done that through extra staffing, resources or more specialised staff training outwith what we and our health colleagues offer as a matter of course.

We also have a budget in each school cluster for ASN. We have meetings about the child with ASN, and a joint decision is made on where the best place for them is and whether support is needed. We have used different models in our PVI sector over the years. There was one in which we funded a full-time additional member of staff and one in which we funded additional part-time staff, and on another occasion we put one of our local authority staff in to support a child. It is about finding out what the needs are and looking at each

case individually. It is not just about providing more money.

**Stewart Westwater:** I echo what Wendy Brownlie and Margot Black said about it not always being only about money. In Fife, we have spent a lot of time building staff capacity in the PVI sector, particularly around ASN, through training. We also have teams of various development workers and professionals who can assist and support services that have children with ASN, and on top of that we have budgets that those in the PVI sector can access for additional staffing, should that be deemed appropriate.

**Stephanie Callaghan:** That is really helpful. Margot Black mentioned providing support for parents to find the best or most suitable provider for their child. Do the other councils do that, too? Earlier, she mentioned working with health visitors and other health professionals, and I want to check whether that happens across the board.

In relation to ASN, I am also interested in whether the balance between children going to private providers and those going to local authority providers is monitored.

10:45

**The Convener:** I will bring in Wendy Brownlie, in the interests of saving Carrie Lindsay from answering first again.

**Wendy Brownlie:** We have significantly more children with additional support needs in our own settings. We find that parents appear to prefer a school setting. However, that means that the children do not get wraparound care, so a smaller number of them go to partner providers when wraparound care is required. Children with ASN predominantly go to our local authority providers—I think that the split is as much as 80 per cent to 20 per cent.

**The Convener:** Margot Black is having connection issues, so I am not sure whether she is still with us. If she is and wants to respond, she can do so.

**Margot Black:** I am here at the moment, but my connection keeps dropping out. I did not fully hear the question, but I can respond on the basis of Wendy Brownlie's answer. I do not have the figures for the split, but I suspect that they vary from year to year. If the figures are required, I can get them. I am not aware that we have as big a split as Wendy Brownlie described. We have full-year local authority provision for each high school cluster area, so if parents want to use local authority provision and need wraparound care, they can access it in those settings.

**Stephanie Callaghan:** Wendy Brownlie, do parents feel that their options are limited? Do you

get that message? Do you ask parents that question?

**Wendy Brownlie:** I am sorry, but I could not hear that question. The connection broke up completely.

**Stephanie Callaghan:** I will repeat it. You mentioned that wraparound care could not necessarily be provided. Do you get the message from parents that that limits their options? Do you ask that question when you consult?

**Wendy Brownlie:** We ask that question when we consult. We consult in different localities at different times so that we can address specific areas. We have changed our operating models in some areas in order to provide extended care and more wraparound care. Given that we consult through a rolling programme, there is no more than a year between each consultation in each area, so we are able to be fairly responsive. [*Interruption.*]

**The Convener:** Wendy Brownlie's screen has frozen. We will move to questions from Kaukab Stewart.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Thank you, convener. The screens have gone blank.

**The Convener:** Oh! [*Interruption.*] We are back.

**Kaukab Stewart:** I want to ask about quality assurance. Obviously, we want to ensure that childcare of a very high standard is provided consistently across all local authorities for all our children. At the moment, we have a mix of processes involving Education Scotland, local authorities and the Care Inspectorate. I am interested in how valuable that is and how easy it is to manage. Would there be a simpler way to assist continual improvement in quality and assurance?

The background to that question is that we are looking at a review, and Professor Muir commented that we should look at how we assess standards. I will direct that question to the quality improvement officers—Carrie Lindsay and Stewart Westwater—but I am also interested in hearing from Wendy Brownlie.

**Stewart Westwater:** In relation to the expansion to 1,140 hours, we know that quality is tied up with the national standards, which are outlined in the committee's papers today. Some of the measures and criteria in relation to the national standards are firmly set against Care Inspectorate inspection grades of "Good" or above.

Both Education Scotland and the Care Inspectorate inspect, and they both have their merits, advantages and benefits. For example, the Care Inspectorate inspects more often than

Education Scotland, but Education Scotland's inspections consider how good early learning and childcare are overall and have a helpful focus on learning and curriculum development. Both bodies have their advantages and they are both valuable.

**Kaukab Stewart:** Can I push you to say what the disadvantages are? All three ways of assessing have their merits and their different areas. Is there any merit in having one body that could encompass all the different areas? Would that be more helpful?

**Stewart Westwater:** That is probably not for me to say. We have a curriculum for children and young people from three to 18 years old, and the curriculum for excellence is there for all our learners, which is beneficial when we think about transition points, particularly in early years, and the continuity of learning. I would be keen to ensure that any inspection model did not just look at the regulatory aspects of childcare but continued to focus on the quality of learning and the building of the curriculum.

**Kaukab Stewart:** Thank you, Stewart. I think that Carrie Lindsay wants to come in.

**Carrie Lindsay:** My connection dropped out for a minute. I hope that I do not repeat anything that Stewart has just said—I apologise if I do.

We have been considering whether a joint inspection model across Scotland would be better, and we will test that model out over a number of years. Reducing inspection activity—if I can put it that way—is beneficial. We should always think about inspection models as being about quality improvement, not onerous tasks that are only there for quality assurance purposes.

People should be prepared and willing to talk about what they need to change in their setting. For childminders, in particular—I mentioned earlier that we have more than 80 childminders—the different bits of paperwork that need to be completed for the different organisations that do some of the inspections or quality assurance processes can seem quite daunting. That is something that we need to consider. A lot of discussion is needed around the ultimate outcome of that process. It is important that local authority visits are about improvement and how we support our PVI sector to improve its performance.

**Wendy Brownlie:** I agree with Carrie's comments. A joint model and a joint framework would be beneficial as it might improve proportionality. Thinking about childminders and settings with one or two children in them, of which we have a number, up to settings with more than 100 children, if a joint model and framework could be achieved, that would help proportionality.

**The Convener:** How do you evaluate and measure some of your outcomes in the funded ELC in your specific areas? After all, improving the early learning centres is part of your statutory duty. How do you go about that continuous improvement programme for our young people, and its monitoring and feedback loop?

**Margot Black:** I think that I mentioned earlier that we have a team of early years teachers who are regularly in all our settings, across all sectors including childminders, who deliver training.

Every time that they visit, they complete a record of visit and the services are ranked by what level of improvement might still be required. The situation is never static. Because staff and managers change, a setting can change quite quickly in terms of what improvements might be required. It is not something that you do one year and then that is it; it is a continuing process of evaluating how well the settings are delivering the curriculum and funded early learning and childcare.

I am sorry—was there something else in the question that you asked?

**The Convener:** It was about how you evaluate and improve your services continuously.

**Margot Black:** All our services have to submit an annual improvement report and plan, but that document is revisited every time the early years teachers visit. Our local authority settings are part of school reviews as well. We also carry out reviews of the PVI sector.

**The Convener:** I might follow up later on reviewing the PVI sector.

**Stewart Westwater:** Measuring quality begins with settings' self-evaluation processes. As an authority, we support our settings to ensure that they have robust self-evaluation processes in place. Every year, our local authority settings make self-evaluations against the national quality indicators, and we encourage our private and voluntary sector providers, including our childminders, to do that as well.

We then build on those self-evaluations using a series of visits to settings, be they local authority or private and voluntary sector settings. In our local authority, we have learning partnership visits in which trios of headteachers visit establishments and validate the declarations. As Carrie Lindsay mentioned, we use our principal teachers and stand-alone headteachers to provide support and challenge visits to the private and voluntary sector settings, and feedback is given through discussion and in writing.

We are back into the cycle of that feedback loop for this session and we are looking at where the sector has moved on. Throughout the session, we

triage all our funded services into those that require universal, additional or intensive supports. Through our operational definitions for each of those, services are made aware of the types and the range of supports that they can tap into and how the local authority, as the guarantor of quality, will support their continuous improvement.

**The Convener:** Might there not be a perception in the PVI sector that there is a conflict when the local authority is the funder, partner and inspector and it then perhaps makes a nursery close down because it is not able to deliver to a particular standard? Do you not see that there is a conflict when you are poacher turned gamekeeper? Perhaps some of the other witnesses will want to comment on that, too, but we certainly hear that from the PVI sector.

**Stewart Westwater:** I understand where you are coming from with that comment. I can talk about my personal experience of that, having been on both sides of the fence.

We always encourage. All our support and challenge visits are based on the quality of the relationships. We do not want our partners to see that we are doing something to them. We are there to provide them with support and we ensure that they are support ready. Any action planning that is required to improve quality is done in collaboration. Indeed, the action plan is written collaboratively with the private and voluntary sector providers, so the sector's voice is heard on any improvement that is required.

11:00

**Carrie Lindsay:** The process is the same for local authority nurseries. The personnel that we use are slightly different, but the process is exactly the same: if they do not meet the standard, they go into an improvement period in the same way as PVI settings would. For quality assurance, or quality improvement as we call it, it is really important that we do that across all our establishments, because it is not just about assessing whether a provision can remain open; it is about making sure that we do the—[Inaudible.]

**The Convener:** We have lost Carrie Lindsay. The hybrid meeting approach is catching up with us today. Perhaps Wendy Brownlie can respond to my point.

**Carrie Lindsay:** The local authority—

**The Convener:** Carrie, we lost you for a moment, so I put you on hold. We heard part of what you were saying.

**Carrie Lindsay:** I just wanted to say that it is about the whole system and not just about quality improvement or the improvement period. That is the same for local authority nurseries, which would

be dealt with by our staff support, as it is for the private and voluntary settings.

**The Convener:** Thank you. Stewart Westwater is nodding. I will bring him back in briefly before we hear from Wendy Brownlie.

**Stewart Westwater:** It is important to highlight that quality improvement is not always about looking at things that are not going well. It is also about identifying high-quality practice. In our authority in Fife, we do lots of cross-sector working. We identify good practice in our settings as well as in the private and voluntary sector, and we use those examples with all the groups.

Recently, we produced a video from one of our private nurseries and shared it with our local authority nurseries. That was a good piece of practice and quality improvement work on the new guidance on personal planning. It is good that all the sectors learn from one other, and sharing the good messages is also part of quality improvement.

**The Convener:** Thank you for that information.

**Wendy Brownlie:** My colleagues have described exactly the process that we undertake. It is about having equity in the approach. We apply the same cyclical approach to quality improvement across all our settings regardless of whether they are PVI, which includes childminders, or local authority settings. That is based on positive and good relationships and knowing our settings, our managers and our staff teams well.

During Covid, we took the opportunity to review our approaches and we worked with partners—a range of staff across all settings—to agree what those approaches should look like. Like Stewart Westwater, we take examples of best practice from our partner providers and share them in the same equitable way as we do in dealing with local authority settings. I must say that, in Argyll and Bute, I do not recognise the comment that you referred to.

**The Convener:** Thank you. Everyone will recall that there was a bit of confusion earlier, but we have a bit more time for this agenda item. Margot, you indicated that you wanted to respond to a question on deferrals. Will you do that now, if you can recall that far back? That would be super.

**Margot Black:** I have some relevant figures. We are part of the deferral pilot scheme and, this year, the parents of 133 children have deferred their child's school enrolment. That figure compares with 65 deferrals in 2019-20, so there has been a substantial increase.

On the reasons for that, we are part of the pilot scheme, so parents are more aware of the option. It is not that we have ever denied a child an additional year of childcare funding because they

have deferred, but the pilot scheme makes that a bit more accessible. Covid has undoubtedly had an impact as well. Parents feel that their children have missed quite a lot of their preschool experience.

**The Convener:** Michael, do you have a follow-on question on that topic?

**Michael Marra:** I have nothing further to ask on deferrals. That extra information is very useful.

**The Convener:** We have another 10 minutes for this part of the meeting. Do members have questions on any other topics?

**Michael Marra:** It is very useful to have the specific examples from the various councils. The Convention of Scottish Local Authorities has been keen to highlight the £24 million reduction to the specific ring-fenced grant for early learning and childcare, but I want to get some information from the witnesses about the impact of that reduction this year. I put that question first to Margot Black from Scottish Borders Council.

**Margot Black:** Can I pass that question to Kirsty Maxwell?

**Michael Marra:** Certainly.

**The Convener:** Kirsty's screen has gone dark. Maybe one the other local authorities can respond while we see what is going on with her connection.

**Kirsty Maxwell:** I am here, convener.

**The Convener:** We cannot see you, Kirsty. Maybe you should turn the lights on. [Laughter.]

**Kirsty Maxwell:** The sun is shining. Can you hear me?

**The Convener:** Yes, we can hear you fine.

**Kirsty Maxwell:** We are quite fortunate because, although we lost funding because of the money that was cut this year, we have had the deferral money. Our overall budget has come out reasonably well because we have utilised that deferral money as part of the normal budget. We realise that we will have to account for the amount that we have used for deferrals, but we have also used the rest.

It is what will happen going forward that worries me. Headroom was identified last year, but if the same happens again next year, it will be quite challenging for us because we have, in effect, allocated our funding between the PVIs and our internal offering.

**Michael Marra:** You talked about setting a sustainable rate for the PVI sector. As a result of those cuts, have you had to make any cross-subsidy into that pot from other parts of your budget?

**Kirsty Maxwell:** We have not had to do that this time because we have tried to use our deferral pilot money in a way that has helped us out. This year, the additional increase that we might need to make because of the work that we are doing at the moment will give us a slight challenge. Going forward, however, it will definitely cause a challenge if costs continue to rise at the current rate because of inflation and the increases in the real living wage.

**Wendy Brownlie:** In the Borders, we have been able to use our deferral pilot funding. In addition, we had carried forward an underspend—which was due, unfortunately, to recruitment issues, as well as the delay in the roll-out of the full school meals provision—and we have used that money to mitigate the impact this year. Moving forward, the concern is about whether the settlement will be maintained or will decrease further.

**Carrie Lindsay:** In Fife, we did not see a significant reduction for this year, so we have been able to maintain what we are delivering. However, going back to a question that was asked earlier, I note that, if we take account of parents' views and they are looking for something a bit different, the model could become more expensive.

At the moment, the birth rate in Fife is dropping significantly, so we are waiting to see what the next settlement will be. We might need to change models and not be as flexible, because the more flexible we are, the more expensive it is. We might have to change the model, depending on the settlement following the review.

**The Convener:** Stephen, so that we can frame your questions for the folks, will you give us the headline topic?

**Stephen Kerr:** The topic is apprenticeships. I was impressed that Margot Black introduced that topic earlier. Can we hear from Wendy Brownlie and Carrie Lindsay about what their councils are doing in relation to offering childcare practitioner modern apprenticeships?

**The Convener:** As Carrie Lindsay is on the screen, we will come to her first.

**Carrie Lindsay:** We run quite a significant foundation apprenticeship programme through our schools. We try to encourage young people to go into modern apprenticeships, but we have also been bringing more older people into our programme.

We have been running our modern apprenticeship scheme for about four years, I think—Stewart Westwater might correct me on that—and it has been really popular. It has allowed us to train our own staff, which is really good. As I said earlier, whether staff are trained in a private setting or a local authority setting, we ensure that

they are able to deliver in the way that we, in Fife, would hope and expect.

The foundation and the modern apprenticeship programmes have both been very successful. I do not have the figures with me—I do not know whether Stewart Westwater does—but we can certainly provide them if that would be helpful.

**The Convener:** I think that Stewart left the call. I am not sure whether he has managed to come back.

Oh—he is back. We will hear from him before I bring in Wendy Brownlie.

**Stewart Westwater:** Apologies—the connection dropped, but I am back now. I do not have the exact figures, but the modern apprenticeship programme has been very successful and we have built on that success year on year. We have found that the quality of staff is high, and the partnerships with local colleges and our own training organisations have supported the programme very well.

**Wendy Brownlie:** Similarly, we have had a programme of recruiting modern apprentices for the past four years. The numbers have been slightly lower for us—up to last year, we had recruited 24 apprentices, a number of whom were in Gaelic-medium education. That has been an important resource in enabling us to ensure that our Gaelic-medium settings are fully staffed. In addition, we now have a modern apprentice in one of our outdoor nurseries, which is also of high value and importance to our offering.

We have struggled to recruit this year, and we have gone back out to advert. We are unsure of why that is, and we are in conversation with our local secondaries. Early in the move to 1,140 hours, we developed our own foundation apprenticeships, which the early years team delivers in collaboration with council staff across our secondary schools.

**Stephen Kerr:** I am interested in the recruitment profile. Carrie Lindsay mentioned that Fife Council has been successful in recruiting older people. It has been put to me that there is a bit of a cliff edge past the age of 19 in the support that is available. I wonder whether Fife's success in recruiting older people is reflected in the PVI sector.

**Carrie Lindsay:** We have been particularly targeted in our approach. We knew that we had a bit of an open door for young people coming into the programme, so we targeted two groups in particular—older people, but also males, whether they are younger or older, because we knew that we did not have a very good gender balance in the sector. We took in large numbers of people in both of those groups, and they will be spread across

the sector. For example, some of the males who were targeted for modern apprenticeships are now working in our PVI sector, and I expect that it will be the same for some of our older modern apprentices.

It is different every year—we attract different people according to how we bring them in. We have produced a range of videos on social media and all sorts of other things to try to attract people to our modern apprenticeship programme. As I said, the picture is different every year, but the apprentices are spread across the whole sector.

**Stephen Kerr:** The convener has prompted me to bring in Margot Black. I am interested in hearing her response.

**Margot Black:** Around 50 or 60 per cent of our apprentices are over-19s. That has been really useful for us, but there is a higher cost to the council, because the level of subsidy is not the same. I do not know the details of that but, the older an apprentice is, the smaller is the contribution that the college gets from Skills Development Scotland. We also have foundation apprenticeships in our schools.

I want to highlight something that has been an issue for us. I do not know whether it is also an issue for our colleagues. Skills Development Scotland will only fund what is now a level 7 Scottish vocational qualification as a modern apprentice qualification in social services and children and young people. However, we get applicants who are just not at that level. The SVQ is about building on someone's knowledge and experience—it is not a training course per se. Some of the younger, less experienced applicants would benefit from doing the level 6 SVQ, and the council has funded that for some of those people, to enable them to start their career in the sector.

11:15

**Stephen Kerr:** Is that happening in the PVI sector?

**Margot Black:** It is across all sectors.

**Stephen Kerr:** Are they bringing people in and training them?

**Margot Black:** They are. We pay for the training.

**Stephen Kerr:** Is that predominantly younger people because of the reduced rates for those who are over 19?

**Margot Black:** I do not think so. I do not have the figures for the private and voluntary sectors, but I am aware that we have a wide demographic in all our training. We work very closely with our local college and age is not an issue.

**Stephen Kerr:** Convener, we might seek information on that point from the representative bodies for the PVI sector, because it has been put to me that it is losing out at an apprenticeship level—on top of the other issue that the sector is losing talent to the public sector because of the different terms and conditions.

**The Convener:** Thank you, Mr Kerr. Stephanie Callaghan has a follow-up question on modern apprenticeships.

**Stephanie Callaghan:** Wendy Brownlie and Margot Black both mentioned that they have foundation apprenticeships. Are ideas being shared across the regional improvement collaboratives? Is much work going on to share good practice and address any concerns?

**The Convener:** Wendy Brownlie is nodding.

**Wendy Brownlie:** We have shared the success of our foundation and modern apprenticeships—indeed, our full apprenticeship programme—with the early years workstream in the northern alliance.

**The Convener:** That is super. Thank you.

**Carrie Lindsay:** We have foundation apprenticeships, too. The early years network that is run by the Association of Directors of Education in Scotland has had several conversations about people supporting one other on apprenticeships and I know that every regional improvement collaborative brings people together on that. There are lots of opportunities to share that good practice.

**Willie Rennie:** In the past 12 years, the number of early years education teachers has dropped from 1,500 to 700. Does that not indicate that we are offering just childcare rather than early learning and education?

**Wendy Brownlie:** It is an interesting question. I do not have the figures in front of me, but I know that our census return this year highlighted that there has been a significant increase in the number of graduates in the early years workforce. Although there may have been a decrease in the number of teachers, at the same time, the early years workforce has seen a significant increase in graduates. There is an argument that an excellent practitioner is just that.

**Carrie Lindsay:** I started my professional career as an early years practitioner before I became a teacher. I have always held our early years practitioners and the quality of their work in high regard. We now have a better structure, which means that we can promote early years practitioners. That means that we have graduates, early years development officers and senior staff.

People have different qualifications. We no longer just have nursery nurses and teachers; there is now a whole range of practitioners and different opportunities for people in the system. It gives a false impression to focus solely on how many teachers there are. What is important is to consider the quality of the workforce across early years provision, and the range of different qualifications.

**Willie Rennie:** I have one more question. Why are we so terrible at getting two-year-olds to take up their provision?

**Stephen Kerr:** I think that you are referring to their parents. [Laughter.]

**Willie Rennie:** Yes—their parents. We are not going to punish the two-year-olds.

**The Convener:** Would you like to take a stab at that final question, Carrie?

**Carrie Lindsay:** Part of the reason is that we do not know where all the eligible two-year-olds are. If we were talking about all two-year-olds, things would be a lot easier.

We have been trying to work with the Department for Work and Pensions on that for some years now, and we have made a breakthrough. We are going to be given information by the DWP—it is all being organised nationally—so that we can make direct contact with the two-year-olds who are not in place. We are really keen to bring them in. It is just a case of knowing where they are.

**Willie Rennie:** Why has it been possible to do that for some time in England, where—I presume—the same rules apply? Why is Scotland so far behind?

**Carrie Lindsay:** It is probably to do with data protection with regard to the DWP. I do not know the detail of how England has managed to do it. It has perhaps taken us longer, but I believe that we are now in a position where we will be able to do it, too.

**Willie Rennie:** That is fine.

**The Convener:** I thank all the witnesses for their time and the evidence that they have shared with us. I apologise for some of the hybrid meeting hiccups—we have kind of forgotten how to do it.

We will have a short suspension, and I will reconvene the meeting in 10 minutes' time.

11:21

*Meeting suspended.*

11:32

*On resuming—*

## Petitions

### Restraint and Seclusion in Schools (National Guidance) (PE1548)

**The Convener:** Welcome back, everyone. The next item on our agenda is consideration of public petitions. First, we will consider PE1548, which was lodged by Beth Morrison. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce national guidance on the use of restraint and seclusion in all schools. Full details of the petition's aims are provided in members' papers.

The committee last considered the petition at our meeting on 4 May, when we noted that a working group had been developing new human rights-based, non-statutory guidance to minimise the use of restraint in schools.

In May, the committee agreed to write to the Cabinet Secretary for Education and Skills to seek an update on timescales for the publication of the guidance. The cabinet secretary stated in her response that the draft guidance would be put to public consultation. That was launched on 21 June and closed yesterday.

The cabinet secretary noted in her letter that "The draft guidance focusses on preventative support that should be in place to minimise restraint and provides detailed advice and safeguards that should be followed if restraint is used"

and that it

"outlines restraints that should never be used on children and young people, such as prone and other high risk physical restraints."

The guidance also clarifies that, should any form of restraint be used, that should be recorded.

The cabinet secretary also explained that the Scottish Government will consider placing the guidance on a statutory basis should the non-statutory guidance fail to have the desired effect.

In response to the cabinet secretary's letter, the petitioner stated that, although some of the guidance is "good", she is

"extremely concerned that unless the guidance is statutory, nothing will change for the staff, or children affected."

She also expressed her disappointment that the draft guidance does not have a dedicated section for children with additional support needs. She points out that children with ASN and disabilities are

"disproportionately affected by physical intervention".

Do members have comments on the petition?

**Graeme Dey:** I should acknowledge that the petitioner is a constituent of mine. I pay tribute to her, because it is her tenacity that has ensured that quite significant strides have been made in this regard, and she has achieved a very great deal through her efforts. We have guidance, which I understand she has helped to shape. I think that that guidance should be implemented now and be given a period to bed in.

Having said all that, I think that the appropriate course of action would be to close the petition, with a couple of caveats. The Scottish Government has indicated that the successful, or otherwise, roll-out of the guidance will be monitored, and it does not rule out the guidance being put on a statutory footing in the future. Recognising that, we should perhaps write to the Government, asking for an understanding of the immediate next steps and how it will monitor and assess successful implementation, or otherwise.

Additionally, in the committee's legacy paper, we could suggest that our successor committee might wish to return to the subject and carry out a piece of work in the next session of Parliament, if that is necessary, to review whether the guidance has served its purpose and whether the proposed non-statutory footing has proven adequate.

**Stephen Kerr:** Largely, I tend to agree with Graeme Dey on this matter, and I, too, pay tribute to the petitioner, whose tenacity, perseverance and courage in pursuing the issues is to be commended by all of us.

However, I share the petitioner's concerns about a lack of a statutory underpinning. I also have growing concerns about what is happening in our schools not just in terms of restraint and the other issues covered in this petition, but in terms of assaults on teachers. The lack of reporting is a growing concern for me.

I think that the only way that reporting measures can be adequately supported is if they are in law. That is why the rest of the United Kingdom is going down that particular route and making it a legal duty to report. That would give us a sounder basis for assessing how the guidelines—which are to be welcomed—will be used and how they will be adhered to. I also think that it gives a basis for the cabinet secretary, Scottish ministers and the Scottish Parliament to be able to assess whether the approach is working.

Therefore, I am happy to support what Graeme Dey has suggested, but, when we write to the cabinet secretary, I would like the issues that have been highlighted by the petitioner and the issues that I am focused on to be included in that letter.

**Willie Rennie:** We should recognise that significant progress has been made. The guidance is a massive step change from what was in place, and that is, in large part, down to the work that Beth Morrison and her colleagues have done. Beth has been a ferocious campaigner. I have met her several times and she has been ferocious with the campaign—and rightly so—because she has personal experience of when things go wrong.

We have to make sure that the guidance works. Everybody should get behind the guidance so that we can get the step change in training and support in schools that is necessary to make sure that teachers are able to comply with the guidance. I think that we should focus on that initially.

I have sympathies with Stephen Kerr and think that we should look at putting the guidance on a statutory footing, but I would not want to delay things too much longer. We need to get on and make sure that the guidance is in place and that there is a united front behind it, so that it is effective.

If we find that we need extra tools and leverage in the future to make sure that best practice is spread, we should return to the statutory footing. We should ask the minister what steps should be taken to get to that position and how she will monitor that, and we must make sure that we have sufficient resource behind the guidance so that teachers feel capable of implementing and following it.

I support what Graeme Dey says—it is the right step to take at this stage. I understand the frustration that Beth Morrison might feel at that, but we have great admiration for what she did. We need to capitalise on the benefits that she has delivered and ensure that the guidance is implemented effectively.

**Michael Marra:** I echo the tributes that have been paid by other members to the petitioner and the work that she and her colleagues have done over the years. In general terms, I support the approach, and I make it clear that I am very supportive of the idea of statutory guidance and of making sure that the reporting is there. It would be proportionate to do that, given the seriousness of the concerns.

I am concerned about the timeframe of writing to the minister. In relation to a legacy paper and perhaps looking at the issue again in the next parliamentary session, which is perhaps four years away, that feels to me to be at the far end of when an evaluation should take place. I would be comfortable if we asked the minister specifically what on-going monitoring of the impact is taking place, year by year. That would give me confidence that the proposed approach is the right one.

**The Convener:** I am looking around to see whether anyone else wishes to contribute. I welcome the conversation that we have had. It should be easy to bring us all together on what the next steps should be.

**Stephanie Callaghan:** I was a bit late in putting my hand up. We should emphasise the position of children with additional support needs, because the use of restraint on them is proportionately much higher.

**The Convener:** Thank you for that, Stephanie.

As I was saying, we have probably come to an agreement that we would like to close the petition, but there are some caveats associated with that, because we want to make sure that what is intended in the guidance is what is actually happening in our schools and education establishments.

If we agree to that, there should be two next steps, but please let me know if I am picking this up wrong. We will write to the cabinet secretary with the points that we have outlined. Ultimately, the matter may have to go down a statutory route, but, in the meantime, we want to make sure that the guidance is being embedded in practice. We want to ask the minister what the Government is doing on the on-going monitoring of the implementation of the guidance and on making sure that schools have the resources to fully train teachers and staff. Stephanie Callaghan has also reinforced the issue of children with additional support needs.

**Stephen Kerr:** Michael Marra's point is worthy of inclusion in any communication.

**The Convener:** Which part specifically?

**Stephen Kerr:** You mentioned it: an annual check-in with some quantitative and qualitative information behind it.

**The Convener:** On-going monitoring.

**Stephen Kerr:** That would be very useful, and I think that we all agree with that.

**The Convener:** That is great. What else have we got? We recognise that we want the guidance to be embedded and bedded in, with the caveats mentioned. We want to make sure that the guidance serves its purpose, and we reinforce that we have concerns about the lack of statutory underpinning. That will not prevent our closing the petition, but the matter is certainly on our radar.

Does the committee agree to close the petition, write to the cabinet secretary to ask what the Government's next steps might be on moving forward with statutory underpinning and about how the guidance will be monitored, and share with the Scottish Government the issues that were raised by the petitioner? In relation to Graeme Dey's

point, we could also flag in our legacy paper that our successor committee might want to consider the petition. Are we all content with that approach?

**Members indicated agreement.**

**The Convener:** That is great.

### **Getting it Right for Every Child Policy (Human Rights) (PE1692)**

11:45

**The Convener:** The next petition on our agenda is PE1692, which was lodged by Lesley Scott and Alison Preuss on behalf of Tymes Trust and the Scottish Home Education Forum. The petition calls on the Scottish Government to initiate an independent public inquiry into the impact on human rights of the routine gathering and sharing of citizens' personal information, on which its getting it right for every child—GIRFEC—policy relies.

The committee previously considered the petition in May. The committee heard that, in January 2020, the Deputy First Minister and then Cabinet Secretary for Education and Skills had said that guidance and material to support information-sharing practice were being developed. In May, the committee agreed to write to the current Cabinet Secretary for Education and Skills to seek an update on timescales for the publication of that guidance.

The cabinet secretary confirmed that refreshed material has been published and explained that the refreshed material, including the statutory guidance for the assessment of wellbeing, were co-produced by working groups including practitioners from relevant sectors, that the statutory guidance on the assessment of wellbeing was subject to a public consultation, and that the remaining documents, including on the role of the named person and information sharing, were subject to direct engagement with key stakeholders.

In the petitioners' submission, they argued that the cabinet secretary's submission is irrelevant to the purpose of the petition. That is because the petition calls for a retrospective and independent public inquiry into the impact on human rights of the routine gathering and sharing of citizens' personal information in relation to the GIRFEC policy and is not about addressing

"possible future harm through any 'refreshed material'."

Do members have any comments?

**Ross Greer (West Scotland) (Green):** My instinctive position is that this is an appropriate point at which to close the petition. The arguments for and against an inquiry have already been

heard, and Parliament previously considered that there was no need for an inquiry. The petition was held open for the purposes of the Children and Young People (Information Sharing) (Scotland) Bill, which the Government introduced to rectify the issues that came about as a result of the Supreme Court judgment on the named person policy. In the end, the Government withdrew that bill in the previous session of Parliament. I understand why the petitioners still feel the way that they do, but the arguments on an inquiry have already been heard, a position has been reached and nothing has changed since that point. The reason why Parliament kept the petition open is also no longer relevant.

**The Convener:** As members have no more comments, do we all agree with Ross Greer's suggestion?

**Members indicated agreement.**

**The Convener:** I confirm that we are agreed that we will close the petition.

I thank members for their consideration of the petitions. That brings the public part of today's meeting to an end. We will consider our final agenda item in private.

11:48

*Meeting continued in private until 12:09.*



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