



# Education, Children and Young People Committee

Wednesday 17 December 2025

Session 6



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## Wednesday 17 December 2025

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## EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE

37<sup>th</sup> Meeting 2025, Session 6

### CONVENER

\*Douglas Ross (Highlands and Islands) (Con)

### DEPUTY CONVENER

\* Jackie Dunbar (Aberdeen Donside) (SNP)

### COMMITTEE MEMBERS

\*George Adam (Paisley) (SNP)

\*Miles Briggs (Lothian) (Con)

\*Ross Greer (West Scotland) (Green)

\*Bill Kidd (Glasgow Anniesland) (SNP)

\*John Mason (Glasgow Shettleston) (Ind)

\*Paul McLennan (East Lothian) (SNP)

\*Paul O'Kane (West Scotland) (Lab)

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

\*attended

### THE FOLLOWING ALSO PARTICIPATED:

Iona Colvin (Scottish Government)

Angela Constance (Cabinet Secretary for Justice and Home Affairs)

Natalie Don-Innes (Minister for Children, Young People and The Promise)

Jenny Gilruth (Cabinet Secretary for Education and Skills)

Professor Alexis Jay CBE (National Child Sexual Abuse and Exploitation Strategic Group)

Ben Macpherson (Minister for Higher and Further Education)

Adam Reid (Scottish Government)

Alison Taylor (Scottish Government)

Andrew Watson (Scottish Government)

### CLERK TO THE COMMITTEE

Pauline McIntyre

### LOCATION

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

Wednesday 17 December 2025

*[The Convener opened the meeting at 08:30]*

### Interests

**The Convener (Douglas Ross):** Good morning, and welcome to the 37th meeting in 2025 of the Education, Children and Young People Committee. I welcome Paul O'Kane, who is joining us as a committee member for the first time this morning and is replacing Pam Duncan-Glancy. On behalf of the committee, I thank Pam Duncan-Glancy for her contribution to the committee's work. As this is Mr O'Kane's first meeting as a member, I invite him to declare any relevant interests.

**Paul O'Kane (West Scotland) (Lab):** Thank you, convener. I have no relevant interests to declare.

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

### Professor Alexis Jay and the Cabinet Secretary for Justice and Home Affairs

08:30

**The Convener:** The next item on our agenda is to take evidence from Professor Alexis Jay, independent chair of the national strategic group on child sexual abuse. Following this session, we will hear from the Cabinet Secretary for Justice and Home Affairs.

Professor Jay, welcome to the meeting and thank you for agreeing to attend at short notice. By way of an introduction, could you tell us what your understanding is of the scale of child sexual exploitation and abuse in Scotland, where it has been in the past few years and, crucially, what victims can expect from the work that you are undertaking at the moment and will do in the coming weeks and months?

**Professor Alexis Jay CBE (National Child Sexual Abuse and Exploitation Strategic Group):** It is relatively easy to answer your first question: not enough is known about the situation of child sexual exploitation in Scotland. That is, of course, similar in other parts of the United Kingdom. You will know that I chaired the public inquiry in England and Wales into child sexual abuse and exploitation. When it came to the investigation area of sexual exploitation, we described the picture as being unreliable, confused and confusing. I do not know whether that applies to Scotland, but certainly, the impression that I have gained from examination of existing data is that, apart from the fact that any aspect of child sexual abuse is underreported, it appears that there are low levels of reporting of child sexual exploitation by organised networks. I was surprised by that.

**The Convener:** You mentioned the data. What quantity and quality of data is available at the moment? Is that a major barrier to making progress here?

**Professor Jay:** Yes, it is. It is a major barrier anywhere. I have no information that suggests that Scotland is worse than England and Wales, but we simply do not know. Indeed, I would just quote Louise Casey, whom I know and whose short audit finding earlier this year was that there was no reliable data that she could adduce in this respect.

**The Convener:** You mentioned your review and the recommendations. Those were for England and Wales, but one of the recommendations was for mandatory reporting. Where are we on that in

Scotland? What is the Scottish Government's view on mandatory reporting?

**Professor Jay:** I do not speak for the Scottish Government, but I can say that the national strategic group, of which, in my new role, I am independent chair, is in the process of setting up a sub-group to examine mandatory reporting and its relationship to the sexual abuse of children. That sub-group has yet to meet and have a convener appointed, but I understand that that will happen very soon. Certainly, in my role as chair, I can say that we will be hearing the views of that sub-group, and that sub-group will, I assume, organise a range of activities to ascertain the views of a much wider range of stakeholders, very much including victims and survivors.

For your information, my position on that is clear, because it was one of our three major recommendations in my public inquiry. That was very significantly based on the thousands of victims and survivors from whom we heard, especially in the public hearings. We always asked people what would have made a difference to them when they were children or would have helped them through the appalling experience that they had. By far the majority of survivors stated that what would have helped more than anything else would have been having a trusted adult who they could talk to and who would do something to make the abuse stop. In that sense, they strongly supported mandatory reporting.

**The Convener:** Why do we not have mandatory reporting? Why is there a sub-group? That seems to be delaying the implementation further when you made a clear recommendation to other Governments. I am not sure why we do not have mandatory reporting at the moment.

**Professor Jay:** I do not have an answer for that. We spent a great deal of time in the public inquiry looking at the models that have been in operation elsewhere for several years to see what we could learn from them.

The devil is often in the detail, but that would be covered by guidance. Legislative change would be required to put mandatory reporting in place and ensure that it occurred.

At one stage, trade unions in England and Wales voiced concerns about the impact on teachers and others, and professional groups have expressed concerns about how mandatory reporting would affect child protection caseloads, because of the possibly significant impact of false reporting. However, my inquiry heard research evidence from some parts of Australia where mandatory reporting had been implemented, and from the state of Victoria in particular, that suggested that, although there was an increase in reports—and a number of false reports—after the

initial implementation of mandatory reporting, that quickly settled down after about 18 months. The value of mandatory reporting was that the reporting of child sexual abuse went up significantly, with something like 27 per cent more real cases being reported. I cannot see why one would not pursue that if it achieves an additional number of children being able to access help.

**The Convener:** That is helpful.

Professor Jay, you will also be aware that a quote you gave in January of this year was used in the chamber by the Cabinet Secretary for Justice and Home Affairs. There have been a number of urgent questions about that, and correspondence between you and the Government that was released last week showed that you sought a clarification, and that a clarification was made to the minute of a body of which you are a member. However, the *Official Report* of our Parliament still says this:

"Is Mr Kerr aware of the work led by Professor Alexis Jay, who was the chair of an independent inquiry into child sexual abuse in England and Wales and who currently sits on our national strategic group? She shares my view and has put on the record and stated to the media that she does not support further inquiries into child sexual abuse and exploitation, given the significant time and resource already spent in the review that she led, the Casey audit and other reviews. She says that it is now time that

'people should just get on with it'."

Liam Kerr, in responding to that intervention, said:

"The cabinet secretary has put that on the record"—[*Official Report*, 16 September 2025; c 31.]

and that is still on the record of our Parliament. It is the only such reference in that debate. Do you think that a clarification that was made to the minutes of the strategic group should also be clarified in our Parliament's *Official Report*?

**Professor Jay:** I wanted accessible clarification, which is one of the reasons why, rather than have a response directly from Ms Constance, I opted for it to be contained in the minutes, which were accessible to anyone on the website. That clarification was recorded.

I do not have a view on how the parliamentary process works to correct the *Official Report*. I suppose that I had made an assumption that, having gone through that bit of process, somehow or other, it would be amended somewhere but I am afraid that I do not know enough about the process to know how that is obtained.

**The Convener:** There is a process. If the *Official Report* were amended in the same way as the minutes of the advisory group, would you welcome that?

**Professor Jay:** Yes, I would.

**The Convener:** We have seen in your correspondence that there has been a lot of dialogue. You raised your concerns on, I think, 26 September but were still raising concerns on 26 November. Are you satisfied by the fact that the cabinet secretary was still portraying her quote of your words in Parliament as accurate? You were saying that it was not accurate and you did not believe that a satisfactory resolution had been achieved at that point.

**Professor Jay:** Yes, but let me be clear about why I did that in November. It was because, at that stage, I was being pressed by various media contacts to publish the communication that I had sent to Ms Constance. I did not believe that it was my responsibility to do that. I suppose that I had thought that the recipient of the communication would have done so as part of a process and I had no wish to escalate the matter any further or, indeed, to make it adversarial with Ms Constance. That was not my intention, but I was surprised that there had been no publication of my letter. However, as I say, I am not familiar with how those matters are addressed in the Parliament.

**The Convener:** It is all now published. We are grateful for that and for your coming to the meeting.

We have a lot of members on the committee, so I will now move to questions from Jackie Dunbar.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Good morning, Professor Jay. Thank you so much for taking the time to come along at such short notice. I will ask you a couple of questions about the strategic group that you are now the independent chair of. Sometimes, people hear the term “strategic group” but nobody asks the questions to get underneath that. Who will be on the strategic group? What input did you have in ensuring that they would be at the table?

**Professor Jay:** The national strategic group has been in existence for—I am trying to remember precisely—approximately two years and was not initially independently chaired. It was co-chaired by different people. One might say that they were Government representatives and others. However, in the past year, we have seen a lot of progress under the co-chairing of someone from Police Scotland and the chief social work adviser. We have seen some movement in setting up sub-groups of the people round the table.

It is a large group and has been from the beginning but I appreciate the fact that there are many people with years of experience and knowledge in the area of child sexual abuse. I believe that we have an appropriate grouping of people to do what needs to be done for Scotland to be more proactive in the area.

The one issue that we have not yet properly clarified is engagement with, or the involvement of, survivors. My personal view on that is that the first thing that we need to do is talk to them. There is no such thing as a single survivor community. There are lots of different people who have totally different and equally awful experiences, but they come from different areas and have differing views about how to be engaged in these matters. I know all that from my role as chair of the public inquiry in England and Wales, where more than 7,000 survivors were eventually significantly involved in the inquiry. However, with the strategic group, it was important that we talked to people, heard what they had to say and found ways of accommodating in different formats how they wanted to be involved with the group's work.

08:45

**Jackie Dunbar:** What do you see as the strategic group's purpose moving forward? You said that there will be sub-groups—will there be a main group and then sub-groups in which the work is undertaken, depending on folks' specialties? Is that how you envision it?

**Professor Jay:** I am still to talk to the members about that because, although it will not be the group's first meeting, the meeting in January will be the first that I have chaired. I think that it will be a combination of what you mentioned. For example, as the convener just mentioned, there will be a sub-group on mandatory reporting, and a group on education and training has already been set up because, as you might know, how much the various professionals concerned know about organised networks and child sexual exploitation varies, and the issue is not only organised networks. Nevertheless, the approach will combine improving professional knowledge and equipping people as effectively as possible to address the issues, and taking very specific approaches to the issues that I want to discuss such as modern slavery, which involves—again, I am sure that you know this—children under 18 years old, and mostly girls but sometimes boys, who are brought into the country for the purposes of sexual exploitation.

We could explore so many issues, and the first thing that I will do is discuss what is on the agenda. Discussions about that have occurred before, but I intend to revisit the matter.

**Jackie Dunbar:** Thank you.

**Ross Greer (West Scotland) (Green):** Thanks for joining us, Professor Jay. I do not want to dwell too much on the quote issue, but it would be useful to ask for one point of clarification. You helpfully said that you had opted for the correction to be included in the minutes of the strategic group

for accessibility reasons. Was the correction added to the minutes as an addendum after the meeting, or was it discussed and agreed in a meeting of the group?

**Professor Jay:** Simply, I opted for that to be included. At the next meeting of the group, it was not discussed; it was noted that a correction was to be made to the statement.

**Ross Greer:** Grand. So it was mentioned at a meeting as well as in the minutes.

**Professor Jay:** It was actually the first item at the next meeting after the debate.

**Ross Greer:** That is very helpful—thanks.

More importantly, I am interested in what we can and should do right now, because your strategic group will undertake a huge amount of work, particularly on data collection, and there is potential for a public inquiry. Other members will ask more specific questions about that but, if it takes place, it will likely take years. Substantial amounts of work have been done in the area already, so what should be done here and now to protect children and secure justice for survivors that is separate to the on-going work of gathering more data and identifying what further steps can take place?

**Professor Jay:** I should have mentioned earlier that data is the most important aspect of this phase in getting an accurate picture of what is happening. It is difficult to say that there are immediate steps that ought to be taken until we know the nature and scale of what we are dealing with and where. There are distinctive roles for different agencies. The review of past cases would be helpful for survivors, for a start. As I understand it, the police intend to consider past cases that are unresolved to ascertain whether further investigation is required. If that were to occur, that would certainly give comfort to some victims in the circumstances.

It is absolutely essential that we hear directly from survivors and listen to what they have to tell us about their experiences. You may know about the truth project that we ran in England and Wales, which was the first of its kind to be operated in parallel with a public inquiry, albeit not directly related to it. It was an important way of hearing from a much larger number of people than those who could be heard in a public hearing associated with a public inquiry. We heard from thousands of people, and we did other things. We had an online survivor forum, which was very well attended: something like 1,800 people joined it regularly. We also had a victim and survivor consultative panel, consisting of a smaller number of people. Up to the point when the public hearings began, they were there to give advice about the truth project and other matters.

There are no quick fixes, but there are things that could be done. Another issue concerns recording data. We made a recommendation that ethnicity and disability ought to be recorded—those of both perpetrators and victims. In England and Wales we found that, in many instances, those details were not recorded for children. Sometimes that meant that they were not given appropriate support, given their cultural backgrounds and any disabilities. Disability is one of the predisposing factors in child sexual abuse. Others are being accommodated and away from home—being in care in various ways. There are only a few known and proven factors that may lead to child sexual abuse occurring.

**Ross Greer:** I would like to clarify something briefly—I am conscious of the time. Is it your understanding that the Police Scotland review of historical cases is a systematic review, or would survivors have to approach the police individually to ask that their case be reviewed?

**Professor Jay:** I am afraid that I cannot answer that. I do not know about the detail of how the review is going to operate.

**Ross Greer:** That is not a problem—we can write to Police Scotland in the new year.

**The Convener:** Professor Jay, on Mr Greer's opening question about the clarification in the group minutes, did that suggestion come from you? Did you think that that would be the appropriate body for that clarification? Did someone in the Scottish Government suggest, "You have raised your concerns; this is the vehicle that we suggest for changing that"?

**Professor Jay:** No. I am clear about that. I was offered two options via the chief social work adviser. One was to receive a letter directly from the minister, addressing my concerns; the other was for the clarification to be included in the minutes of the national strategic group.

As I said, I chose the latter because I thought that it would be more accessible if people could see it on a website and understand my concerns. I was aware that a freedom of information request could lead to my letter being published, which ended up happening, but I chose the option that I did because I thought that that would be quicker and, as I said, more accessible. However, I was given the choice of both.

**The Convener:** You were not offered an opinion that the cabinet secretary could change the *Official Report*.

**Professor Jay:** No.

**The Convener:** The public way that the Government suggested to you was to amend the minutes, with no other record being changed.

**Professor Jay:** The minutes were not amended; it was included—

**The Convener:** As an addendum.

**Professor Jay:** Yes, that is correct. Those were the two options.

**The Convener:** Thank you.

**John Mason (Glasgow Shettleston) (Ind):** Ross Greer and I are both members of the Finance and Public Administration Committee, which has recently been considering whether public inquiries are cost-effective and so on. Professor Jay, are there terms of reference for the review that you are carrying out? Is there a budget? Is there a timescale?

**Professor Jay:** Although I am contributing to the review, I am not centrally involved in those matters, which will largely be down to the discussions with and the instructions to the four inspectorates. I understand that timescales have been set out. I do not mean that this has all been done without contact with me—I heard a little about this yesterday—but, largely, those matters will be agreed with the four inspectorates.

I have raised the question about the budget, because I might wish to do things separate from what the inspectorates could do in order to encourage people to come forward.

**John Mason:** One of the outcomes of the review might or might not be that there should be a full public inquiry. Is that correct?

**Professor Jay:** Yes. It will depend on what we, collectively, find.

**John Mason:** What is your opinion on public inquiries? In the finance committee, we have found that some public inquiries can go on for a long time, which can be disappointing for victims, because they might hope to get something a bit more quickly. There is also the question of expense. At the moment, one inquiry in Scotland has cost £50 million and another has cost £100 million. That takes money away from front-line services. Do you feel that public inquiries are often a good thing, or are they a good thing only sometimes?

**Professor Jay:** The House of Lords recently published a report on public inquiries, which you might be interested to read. I contributed to that, as did other chairs of and secretaries to inquiries.

From my perspective, I know that, depending on the subject matter and the approach that is taken, public inquiries can bring some satisfaction to victims and survivors, because they might have what they see as their day in court. It is hugely important that they are able to publicly attest to what has happened to them and to set out where authorities, systems and Governments have failed.

Another important aspect is that, generally, public inquiries accurately establish the facts. That is one of the first things that a public inquiry does. Public inquiries also must be impartial and objective.

Public inquiries are expensive—we might come on to that—but I think that there would be general agreement that their biggest weakness is that there is no monitoring of the recommendations that are made. Often, recommendations are made by people who know a great deal about the subject and come to certain conclusions about what should change and what should happen, but nothing then happens. For a considerable time, that was the case in relation to the public inquiry that I chaired. I spoke about the issue earlier, but my comment in January this year was to do with the fact that, up until that point, nothing had been done about the final 20 cross-cutting recommendations, which were mostly for the Government—

09:00

**John Mason:** I do not want to cut you off, but we are tight for time. I hope that the committee's report will come out in the next few weeks, which will cover some of that.

Looking forward, my understanding is that the inquiry that will take place in England will have a time limit of three years and a cost limit of £65 million. In our experience in Scotland, it is a little bit unusual that there should be a time limit. Some judges argue that there should never be a time limit. What are your thoughts on that? Is it realistic?

**Professor Jay:** I do not know yet, because I do not know the detail of it. You are right that it is very unusual. A public inquiry is supposed to be free from any political intervention and to operate as it sees fit. Needless to say, you need to know something about the funding and the plan for the inquiry, but if you set time and finance limits, some people would say that that imposes restrictions from the beginning, which I think is the view that you were articulating. Of course, there has to be something that is quicker than the processes that are currently in place.

**John Mason:** I will leave it at that.

**The Convener:** Paul McLennan would like to ask about data issues.

**Paul McLennan (East Lothian) (SNP):** I want to go back to the point about data, because I think it is important that the review is evidenced based. There are a couple of key things. First, you reflected on your experiences in England and Wales. Can you tell me what the role of the strategic group is in compiling the data and what you see as being the initial approach? I know that

you have to speak to the group, but what are your initial thoughts about collecting data? You mentioned that that is the most important point at this stage.

**Professor Jay:** It is, absolutely, the most important thing. You will not be surprised to hear that data collection is a hugely complex issue. You need to set out some principles for it. Data collection is happening, but we do not consider it to be reliable in Scotland—or, as it happens, in England and Wales. For example, different places could be using different definitions even of what a network is or of what child sexual exploitation is. We have standard definitions, but they are not always applied. There needs to be a great deal more rigour and consistency. There are experts in the field and, naturally, the Scottish Government has a chief statistician who plays a leading role in that. There is already a separate group—not from the group that I am about to chair, but from another part of the system—that is looking at what can be done to tighten up the collection of data to make it accurate and reliable, which is what we need.

**Paul McLennan:** The role of the strategic group is important, and you chair that group. I think that you are saying that data is the number 1 key thing at group meetings. I know that you have to speak to other members of the group, but what are your initial thoughts on how the group will engage with the data question at future meetings?

**Professor Jay:** We will get reports from the separate group. As I understand it, that group is being set up currently in recognition of the problems with data. I believe that that is under way. I am sure that people in the group that I chair will be engaged as part of it. It is very specialist knowledge. We would hope that whatever the group comes up with will be fed back to us. It absolutely must tackle the question of consistency across Scotland, as well as the issues of accuracy and reliability.

**Willie Rennie (North East Fife) (LD):** Professor Jay, I am interested in who your main ministerial contact is and whether that has changed over time, with your engagement.

**Professor Jay:** Actually, I am not sure yet. The formal offer of my becoming chair was made by Ms Gilruth, so I have to assume that she will be the formal contact. However, in respect of one of my responsibilities, which is to keep Scottish ministers advised of progress, it could clearly be more than one person.

**Willie Rennie:** Has Angela Constance been a regular correspondent with you?

**Professor Jay:** Not about the matters that we have been discussing, no.

**Willie Rennie:** And the First Minister?

**Professor Jay:** I had a scheduled phone call with the First Minister quite early on in the process. At that stage, he was weighing up different options for moving forward and, quite correctly, asked specifically about the experience in England and Wales.

**Willie Rennie:** How do we rebuild trust with survivors? From your experience, what are the key steps that we need to take?

**Professor Jay:** I am sorry to repeat myself, but I will do so briefly. We need to make contact with a range of people who represent different interests among the victim and survivor groups in Scotland. I do not even know how many smaller groups there are. There are often smaller local groups, and there are other kinds of interest groups, such as those who were abused in schools and educational settings. People have different experiences depending on the circumstances of their sexual abuse. It is a matter of looking broadly and specifically at some of these matters.

**Willie Rennie:** Finally, some groups are concerned that, if there is mandatory reporting, young people might be less likely to open up and share their experiences. Is that one of your concerns about mandatory reporting?

**Professor Jay:** It is not one of my concerns, although it needs to be managed. However, it is the case, and, when we talked to groups of young people in England and Wales, we had to be very careful in our engagement with under-18-year-olds, because they could be very vulnerable. Nevertheless, there was anxiety. One of the main concerns was that they were anxious about talking to the police.

**The Convener:** Mr Rennie was asking about survivors, and I know that Mr Adam would like to ask about victims and survivors.

**George Adam (Paisley) (SNP):** Good morning, Professor Jay. I am sorry for dragging you here at such short notice in the week before Christmas.

The most important people in all of this are the victims and survivors and their families. One of the main remits of your strategic group is to consider how the views of children and young people, and the views of families and victims, are reflected. You will start in January, officially—is that right?

**Professor Jay:** In relation to chairing the group—yes.

**George Adam:** At that meeting in January, when you reflect on that issue, is there anything in particular that you will want to do differently in order to cut through to victims and families?

**Professor Jay:** Yes. From the beginning, the group has had a certain nervousness about how

victims and survivors ought to be engaged in the work that we are doing. Of course, that will happen in certain ways already, because of the contacts that a number of people have. Indeed, I am told that there is a group of survivors who have regular contact with the Scottish Government through a member of the existing group and the chief social work adviser.

There is that group already, but there is such a diverse group of people that you need to be inclusive about it and find out how such a range of people with different concerns might wish to be involved or not be involved at all. That is why I said that we possibly need to look at different ways of involving people. The first step is to talk to people and ask what they would be comfortable with.

**George Adam:** You bring up an extremely important point. It is such a diverse group of people who are dealing with different issues and challenges. I am probably asking you to look into a crystal ball at this stage, but how do you deal with the fact that it is such a diverse group? How do you manage to get them together? The strategic group is also about ensuring that public services are improved. How do you get that group of people to feel that they are getting some benefit and that services are improving for the future?

**Professor Jay:** Technically, in almost any policy development, you should be talking to the people who actually access the services about whether they are good enough at the moment and what needs to improve. Although there is probably already quite a lot that could be done, we also need to look at how children and young people might access services, which would be different from how adult survivors access them. That would be a starting point before we get into what should be done to improve the services for them.

It is a very sensitive area, and a number of young people are not that keen on coming forward to talk about such things. Years ago, when I did the first of my work in this area, in Rotherham, we found ways to encourage them—usually through youth workers and others—although, at that stage, services were not being cut back as they often are now, because they are non-statutory. Youth workers were excellent at organising groups of young people. We would meet them in a community centre and talk to the young people without making direct eye contact and usually when they were having something to eat that we funded. It was quite an eye opener that the approach that needed to be taken with young people was completely different from that taken with adult survivors.

That would be a starting point. Soft intelligence is also extremely important.

**George Adam:** I know that a lot of local authorities in Scotland are already working on different ways of going to where people are as opposed to where we think they should be.

**Professor Jay:** That is absolutely correct. I will not go on about it, but there are ways in which most agencies could improve how they manage that.

**George Adam:** Meetings of the strategic group take place quarterly. Earlier, you said that you have the option of doing some deep dives and having sub-committees. Are you looking at getting further details through a deep dive into any specific issue at this stage?

**Professor Jay:** Not necessarily, but if we need to have more than quarterly meetings, I am more than happy to do that and to make sure that we do not lose sight of things because of the timescales. I will discuss that with the group at the meeting in January in relation to all these matters. There is an agenda, and there are a number of things that need to be looked at in more detail. I hope that everyone will contribute to that and that we will set out a programme.

**Paul O'Kane:** I wonder if I can return briefly to the engagement between you and Scottish ministers. Prior to the statement that Angela Constance made in the chamber in reference to Liam Kerr's amendment, did she or any other Scottish minister contact you at any point to ascertain your view on using that quote? I just want to check. At any point, did anyone contact you for your view on that?

09:15

**Professor Jay:** Not about that quotation or the context of it—no.

**Paul O'Kane:** That is helpful for clarity.

I will move on to the strategic group and the idea of a review. People are slightly conflating that with the fact that there is a strategic group that is doing work but there is not yet an independent review. It would be useful to understand your view of that for the *Official Report*.

**Professor Jay:** I understand why it is a little difficult to follow. It is quite an unusual arrangement to have four inspectorates taking forward work. I am, to some extent, part of that work, because my role would be to provide them with professional expertise about child sexual exploitation. I was particularly keen to assist in the development of the methodology that they would use when going into local areas in order to ascertain how far local areas were taking action to address the issues and what had been done, mostly via what are known as the chief officers groups in each area.

It is an unusual arrangement. I am not sure whether committee members are aware of this, but the inspectorates have guarded their independence of ministers and others quite carefully. I say that as somebody who was a chief inspector of an inspectorate some time ago. I am sure that it is workable, but I agree that it is not entirely clear at this stage. However, work is going on, and it is progressing. Although it is important to get everything right, it is also important that it is done at some pace; otherwise it could get mired in the weeds of details and so on.

**Paul O'Kane:** I think that everyone would share that view about the importance of pace and of getting to the detail. That is why I was concerned to read on Monday reports that the four inspectorates were, to some extent, not aware of this review group or of the work that was going to be done and what they were going to be asked. Indeed, I think that the Care Inspectorate said that it learned of the group only when the cabinet secretary referred to it in the chamber. Is that your understanding?

**Professor Jay:** I am afraid that I cannot comment on that. I am not sure what the statement from the Care Inspectorate covered. A lot has happened in a short space of time. I simply do not know that at the moment.

**Paul O'Kane:** Is it fair to say that you would expect clear terms of reference and clear guidance to be given to those inspectorates, and that that will perhaps be part of your role?

**Professor Jay:** I can confirm what happened, I think, only yesterday in that Scottish ministers have to issue directions to the inspectorates as to what they wish them to do. I understand that that is happening.

**Paul O'Kane:** In your view, who is leading this process? Are Scottish ministers giving direction to the inspectorates, or is there one person who is leading it? There is an assumption that you are doing so, to some extent.

**Professor Jay:** Well, that is not the case. I would play an important role in it, but it is not the case that I am leading it.

The two of the four inspectorates that are taking the lead, as it were, are His Majesty's Inspectorate of Constabulary in Scotland and the Care Inspectorate. As I understand it, those two have been bringing the four together. This has all happened in a fairly short space of time. However, I am not leading the review.

**Paul O'Kane:** There is a degree of confusion because the landscape is a little cluttered—you have already briefly touched on that point. Do you understand why there is a frustration among

victims about who is leading the process and who is able to get them the answers they require?

**Professor Jay:** I am not sure whether a review process could immediately get them the answers they require, but they could at least be talked to about the process and what will happen, or they could be consulted. Of course I understand the point—I have had a great deal of experience working alongside victims and survivors in England and Wales, and I know the importance of engaging with them, which is why that is one of the most important things for me to take forward in my chairing role of the national strategic group.

**Paul O'Kane:** Given the exchange we have just had, Professor Jay, is it your view that actually we need an independent review? You have previously called for that, alongside the work we have just discussed. If the Government were to ask you to lead such a piece of work, would you be open to that?

**Professor Jay:** That is not where we are at the moment, and I can only work with what people have asked me to do.

If you are asking me whether I think that the arrangement is workable, then yes, I am sure that it is. However, I do not know the details about it right now. If it were to be deemed necessary to have a single person in the leadership role, I would of course consider it, depending on what the Government wanted me to do. Like anybody else, I would consider that. However, I do not want to sound as if I do not support the current process. Clearly, we have to get on. Work has already been done by the inspectorates, and I have a contribution to make to that. We will have to see how the work develops.

**The Convener:** Professor Jay, you say that the current process is workable, but is it optimal? Is it the best process that we could have to get answers for victims?

**Professor Jay:** I do not know the answer to that at the moment, because the process has scarcely started. It is hard for me to comment. Maybe you should ask me to come back in a few months' time.

**The Convener:** We may do that. Was there any dialogue with you regarding what was being proposed? Did people feed in, or did Government ministers and advisers come to you to say, "This is what we are doing"? Was there an opportunity to develop the process?

**Professor Jay:** I have had regular meetings with the chief social work adviser and her deputy. In so far as they were aware of everything that was going on, they were able to keep me informed. However, in truth, I do not know how the day-to-day detail is going to work.

**The Convener:** Okay, thank you.

In response to Mr O'Kane, you said that the Government had not asked you about your quote before it was used in the Parliament. However, you were emailed on 12 September to be told about Mr Kerr's amendment. The email, which is from a civil servant, also stated:

"Our Minister will NOT support these amendments".

The email added:

"Highlighting not for any proactive response but I am mindful you may be contacted for a view."

Were you emailed about any other amendments? There were hundreds of other amendments to the bill. Was that the only amendment that the Scottish Government proactively emailed you about?

**Professor Jay:** That is correct. As I understood it, the email was for information in case I was contacted by the media. As I have stated, I was not aware of the amendment before that. Certainly, Mr Kerr did not contact me—nor would I have expected him to.

**The Convener:** Okay, thank you.

**Miles Briggs (Lothian) (Con):** Good morning, Professor Jay—thank you for joining us. Has the Cabinet Secretary for Justice and Home Affairs at any point offered you an apology for how your position was misrepresented in the Parliament?

**Professor Jay:** Yes, she did. I had a scheduled phone call at her request. I cannot remember the date, but it was a couple of weeks ago. She apologised for my name being bandied around in the Parliament—that is the briefest way that I can put it—given how that must have been quite difficult.

She did apologise. To be perfectly clear, in writing to her, I never sought, nor do I still seek, an apology; what I wanted was an accurate record.

**Miles Briggs:** For those of us who have served in Parliament for some time, this whole affair of how the matter has been corrected is strange. We have procedures for how we correct our records in Parliament, and they have clearly not been followed in your case.

The call that you have referenced was on 6 December, I think.

**Professor Jay:** Yes.

**Miles Briggs:** Do you know whether a Government official was present at it, and was a minute of that conversation logged and shared with you?

**Professor Jay:** It was not shared with me. It was obviously not the first time that I have been involved in such matters, and I have always

understood that, on most such occasions, someone would be taking a note of such phone calls or any kind of meeting, but I did not receive anything.

On the occasion when I had an arranged call with Mr Swinney early on in the process—not about this matter, of course—he was perfectly clear that the call was being noted. I received a draft, and it was absolutely in order.

**Miles Briggs:** I think that the call on 6 December should have been shared with you, too, under the code of conduct: it would be for civil servants to do that.

I want to ask about the chief social work adviser. That is your main point of contact within Government, and then there is the Cabinet Secretary for Education and Skills. How many meetings have you had with Jenny Gilruth in this period?

**Professor Jay:** I had one scheduled meeting with Jenny Gilruth, and the primary purpose of it was to formally offer me the role of chair of the national strategic group. She mentioned other matters, but those have already been covered. There was nothing exceptional in that; it was perfectly in order. Matters to do with child sexual exploitation were mentioned. However, that offer of the role was the main purpose of that meeting, as I understood it.

**Miles Briggs:** Over the 10 years I have been in Parliament, as an Edinburgh MSP, we have received a lot of communications from victims and their families about on-going concerns, especially here in Edinburgh, on the destruction and loss of vital evidence and records, held not only by the Government but by Police Scotland, local authorities, health services and education departments. That can be on-going, in that the evidence that people seek could be getting destroyed as we speak. How widespread do you think that is? How important is it that the inquiry gets going, so as to get hold of the evidence before it is destroyed?

**Professor Jay:** There are two aspects to your question that are often overlooked.

The inquiry in England and Wales that I chaired was a public inquiry. We are not at that stage in Scotland—if we ever get to that stage—but the first thing was that the solicitor to the public inquiry would write to all the key agencies and tell them not to destroy anything. That is really just a warning shot. We cannot check what we do not know, of course, but that was a clear warning shot that documents that could have any kind of relevance must not be destroyed.

Regarding the historic parts of our investigative work in particular, we heard about the most

extraordinary bonfires of documents, files and so on, especially in human resources—what we call now HR files or personnel files—where there might have been records of complaint about individual persons. I am not talking only about lone agencies; I am talking about church organisations and all sorts of institutions and places where records mysteriously disappeared. That is one part of it.

09:30

Another part of what you are talking about—I will be brief—is that, in my inquiry, we heard a great deal from victims and survivors about the issue of access to records. Part of what they said was to do with what I have just described, but other parts involved their frustration at receiving redacted files. That is very annoying. I know the reasons for it, which involve third-party access, but, nevertheless, access to records really matters.

In fact, in our final 20 recommendations, we said that the Information Commissioner ought to provide proper guidance for how access to records should be managed for people in those circumstances and others. It is an important issue for people who are trying to put together what on earth happened to them—especially as children—and what was known about it, why they were placed in certain places and so on. That is an important matter.

**Miles Briggs:** You may be aware of a petition that has been passing through the Parliament for some time in relation to safeguarding and whistleblowing. I pay tribute to the petitioners—Alison Dickie, Bill Cook, Christine Scott and Neil McLennan—who have been working tirelessly on that. That petition suggests the establishment of an independent national whistleblowing officer for education and wider children's services. Given your experience and work in the rest of the United Kingdom, would you support that call?

**Professor Jay:** I do not know enough about it, but certainly I will now find out about that petition. The issues would be about the detail and what the boundaries might be around the role of such a person. I cannot think that it would be anything but helpful to have that, but I do not know the detail of the petition.

**The Convener:** In response to Miles Briggs, you spoke about the call with Angela Constance. In the emails that were released, it says that on 27 November at 9.33 in the evening, you were told:

"I have a request from Ms Constance's office for a private call with yourself."

Was it a private call between you and Angela Constance? Were you aware of anyone else on the call?

**Professor Jay:** I was not aware of anybody else on the call. I do not know whether there should or should not have been. Nevertheless, it was a brief call—when I say brief, I mean that it was scheduled for 15 minutes but I do not think that it lasted that long.

**The Convener:** Thank you very much, Professor Jay. On behalf of the committee, I say how much we appreciate your agreeing to join us at short notice and your answers today. I think that there has also been an offer through the Government for you to meet committee members and other spokespeople—we are extremely grateful for your doing that.

I wish you well with your endeavours. It is important work that you have to do to get answers for victims who have not had answers for so much time. We all wish you well in your work.

**Professor Jay:** I thank members for their courtesy and for asking well-informed questions.

**The Convener:** Thank you. I will briefly suspend the meeting to allow for a change of witnesses.

09:33

*Meeting suspended.*

09:36

*On resuming—*

**The Convener:** Welcome back. We will now hear from our next panel of witnesses. The Cabinet Secretary for Justice and Home Affairs, Angela Constance, is accompanied by Scottish Government officials Iona Colvin, chief social work adviser, and Andrew Watson, director for children and families.

Welcome to the meeting. On behalf of the committee, I thank you for agreeing at short notice to come along today. I understand that the cabinet secretary would like to make a brief opening statement.

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Thank you, and good morning. I am very grateful to the committee for allowing me to make a short statement, so that I can put on public record the apology that I gave privately to Alexis Jay for the fact that there has been so much focus not on her eminent work or on the substance of child protection, but on remarks that I made in the chamber. It was never my intention for Professor Jay to be the subject of so much intrusion and attention, and I very much regret that.

With regard to Liam Kerr's urgent question on 19 November, I unfortunately could not attend chamber, due to being away from Parliament on

Scottish Government business, so another minister had to reply. On reflection, I should have written to Mr Kerr and provided then the information that has been provided since.

I wrote to Mr Kerr twice in relation to two of his stage 3 amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill—which, incidentally, I am very proud of—to explain why I could not support those amendments. Work led by experts was already on-going, through the national child sexual abuse and exploitation strategic group and Police Scotland's review of historical and existing cases. The research that he proposed, which was to be undertaken, within three years, by a commissioner who had yet to be established or appointed, would have been a duplication of that work. I repeated that argument in the grouping debate on 16 September.

In a later intervention on Mr Kerr regarding data, I quoted what Professor Alexis Jay said in an interview in January with BBC Radio 4. I did not state that Professor Jay was commenting on Liam Kerr's amendments; I was making a general point on Professor Jay's views on calls for further inquiries.

As the committee will be aware from reading the *Official Report*, I started by saying:

"Is Mr Kerr aware of the work led by Professor Alexis Jay, who was the chair of an independent inquiry into child sexual abuse in England and Wales and who currently sits on our national strategic group? She shares my view and has put on the record and stated to the media that she does not support further inquiries into child sexual abuse and exploitation, given the significant time and resource already spent in the review that she led, the Casey audit and other reviews. She says that it is now time that

'people should just get on with it'."—[*Official Report*, 16 September 2025; c 31.]

Professor Jay wrote to me on 26 September, noting that, although I had correctly quoted her, her comments were made in the context of a public inquiry in England and Wales, not Liam Kerr's amendment. She said that

"the Scottish Government should urgently take steps to establish reliable data"

and that she had already been in discussions with officials about how that might be achieved. She also asked for her position to be clarified.

Officials contacted Professor Jay on 3 October, proposing to do that at the meeting of the strategic group that was scheduled for 8 October and noting that minutes of such meetings are published. Professor Jay responded on 6 October, agreeing to that. That was done as planned, and the minutes were published on 18 November.

I conclude by addressing the most important people in all of this, who are the victims. I have been driven in my work by the experiences of

victims, who must have their voices heard. That is why I established what is now the Scottish child abuse inquiry with the education secretary and why I took forward the Victims, Witnesses, and Justice Reform (Scotland) Act 2025.

Although the focus of some in the past few weeks has been on the way in which I quoted Professor Jay, I hope that, after today—I note that the education secretary will make a statement this afternoon—attention can rightly turn to victims and survivors and the work that we all need to do together to protect our children.

**The Convener:** To start with your final point, given the importance that you place on victims, how did you feel when you received the email from Taylor's mum yesterday, as we all did, in which she said that victims do not have any confidence in you any more?

**Angela Constance:** I always try very hard to be sensitive and compassionate and to take on board the views of all victims. I would never for a minute deny victims the opportunity to speak to their truth.

You will, of course, appreciate that, in this role and in my previous roles, I have engaged extensively with victims who have been traumatised by offences in relation to which people have been brought to justice or in relation to which justice has not been done. I recognise that victims always have a range of views. Many victims have told me that they are supportive of the work that I have done, particularly through the victims legislation. I engage extensively with victim survivors and, crucially, their families.

I am very sorry that Taylor and her mum feel the way that they do. It is not for me to deny or reinterpret in any way their views on me or on any other matter.

**The Convener:** I am just wondering how you felt. The letter to all MSPs, including you, finished by saying:

"Please do the right thing and vote to remove Angela Constance from her position. This will give the many victims of this barbaric form of abuse some belief and trust in the process going forward."

Are you worried that they will not have belief and trust in the process going forward if you remain in post?

**Angela Constance:** I am very respectful of the views of the victims whose comments you have read out. It grieves me if I have done or said anything that causes distress to anyone, not least victims.

However, in my day-to-day work, I have had many hard conversations with victims, and some of those conversations have been challenging to me and to the Government. In the context of the challenge that victims give, some victims will also

speak to the importance of the work that I and other Government ministers do.

**The Convener:** Earlier this morning, Professor Alexis Jay told this committee that she would welcome the *Official Report* being corrected in a similar way to the minute of the meeting. Will you now do that, given that request from Professor Jay?

**Angela Constance:** I can certainly look at if and how that can be done. I am conscious—

**The Convener:** I can assist with that. The mechanism is to make a statement that is then included in the *Official Report*. That has been requested of you for some time. Professor Jay has now said at this committee that she would welcome that. Is that something that you will now commit to?

09:45

**Angela Constance:** I will certainly consider that. If I may, I will perhaps explain my thinking at the time about why I did not adjust the *Official Report*. I will then address the point that you are making about the here and now.

At the time that I received Professor Jay's letter, I did not, as we all know, correct the *Official Report*. Essentially, my view of the intervention that I made on Mr Kerr was that I was making a general debating point about the need to get on with the work.

Professor Jay said in her letter that she wanted her position to be clarified. She also said in her letter that the quote that I used was correct, but, of course, she added context to that. It was simply not clear to me how I would correct the *Official Report* and what I would put into it.

I am quite sure that I am not the only MSP who has ever had to correct the *Official Report*. I have done that in the past, although not often. Over a number of years, it is something that I have done. Normally, that has been because a quote was wrong, a word was wrong, names were wrong or figures were wrong. I was not sure how making such a correction would do justice to the clarification that Professor Jay was seeking.

I am also aware, as the committee will be aware, that how the matter was clarified and remedied via officials was put to Professor Jay, and that she was content with a clarification in the minutes of the national strategic group, which is an important group. The minutes are publicly available. That was a course of action that Professor Jay agreed to.

On the request that the convener has articulated and that Alexis Jay has spoken to this morning, I will look at that again and see how we can do that.

My understanding is that there is a time limit for correcting the *Official Report*, but I can give you an undertaking that I will look at that.

**The Convener:** Will we get a response to that quickly? If there is a time limit, there are procedures to suspend standing orders. The fact that the time limit has been exceeded is down to an interpretation by you and others that a correction was not required. If the person involved has said that they would welcome such a correction, I do not think that there should be a time bar on that.

**Angela Constance:** I recognise that, convener. As I would with any committee, I will seek to give a speedy response.

**The Convener:** In terms of that option, Professor Jay confirmed that she was given two options: a letter from you in response to her letter, which would not necessarily be public but could be released under freedom of information some time later, or corrections to the relevant minutes. Why did no Government civil servant or special adviser suggest or offer a correction to the *Official Report*? At any point, was it discussed by anyone in Government that you might need to correct the *Official Report*?

**Angela Constance:** I cannot answer the specific nature of your question. Obviously, I have been a parliamentarian for a long time now, and I certainly considered that when I received Professor Jay's letter. As is the norm with correspondence in relation to which further advice or information is required, I would routinely get such advice from officials. That would apply to any correspondence that was perhaps of a more sensitive nature.

**The Convener:** Where did the Professor Jay quote come from? You said that it was from Radio 4, but were you listening to Radio 4 one day and you thought that it would be a helpful quote to use in the chamber? Was it in a box note provided by a special adviser or a civil servant? When you received it and decided to use it in the chamber, had any contact been made with Professor Jay to seek clarification to check that you would be using it in the correct context?

**Angela Constance:** The quote was in a briefing note that I had. I do not know whether it was officials or special advisers who wrote it. Of course, there was a bill team that was supporting me with a large landmark piece of legislation. Any briefing pack is divided into the groupings for debate. There will be purpose and effect notes and additional information. The quote was in the information that I had to hand on the day.

**The Convener:** Can your officials help us? Was it Government officials or political special advisers who inserted that note?

**Angela Constance:** I am not sure that my officials will be able to answer that.

**Andrew Watson (Scottish Government):** I was not part of the bill team for that piece of legislation, but, as Ms Constance has said, in the advice that is given to ministers, there would routinely be a clustering of material on individual amendments, and a briefing would be provided in the normal way. It is routine practice for officials to provide ministers with quotes or pieces of expert advice about individual topics that might come up in the bill. It would probably have come from an official briefing that would have been provided in the routine way.

**The Convener:** Could we perhaps get clarity on that, if you are able to provide it after this meeting?

Before we move on to questions from other members, Professor Jay mentioned a call that she had with you, and I think that that is what you were alluding to when you mentioned the apology that you made to her about her name being brought into this. Is that the private call between yourself and Professor Jay that you requested on 27 November?

**Angela Constance:** Yes. I had asked to make a private call to Professor Jay. I did so. I thanked her for taking the call, because I requested it. It was entirely up to Professor Jay whether she accepted the call. At the time, I was strongly of the view that I owed Professor Jay a professional apology, because—this is a reflection; it is most certainly not a deflection—it always grieves me when experts and professionals who have spent their working lives protecting our children become involved in a political debate or dispute.

I could only imagine—it would not take a genius to work it out—that there would be a level of inconvenience to and intrusion on Alexis Jay. I wanted to express that to her, to make a personal and direct apology to her, and to say that I recognised, understood and accepted her position. I had my own position, which I briefly stated to her—I did not labour it—which was that I would have to continue to answer questions about my position on the matter. In no way did I do anything to undermine her views on the matter.

**The Convener:** Were you calling as an individual member of the Scottish Parliament or as the Cabinet Secretary for Justice and Home Affairs?

**Angela Constance:** I was calling as an individual. I am not quite sure—

**The Convener:** But the call was about quotes that you had given as cabinet secretary.

**Angela Constance:** It was in relation to quotes that I had given as cabinet secretary.

**The Convener:** So you were calling as the cabinet secretary.

**Angela Constance:** Yes.

**The Convener:** Which officials were on the call?

**Angela Constance:** There were no officials on the call. It was a private call.

**The Convener:** It was a call between you and Alexis Jay only—

**Angela Constance:** Yes, it was.

**The Convener:** —on Government business. You have just confirmed that you were calling as the Cabinet Secretary for—

**Angela Constance:** As you say, I was calling as a result of comments that I had made as cabinet secretary. I wrote up a note, and I have provided that to my office.

**The Convener:** When did you write up that note?

**Angela Constance:** I wrote it up that day, and I would have sent it to the office either that day or the next day. I would have to check.

**The Convener:** Why is that not shared in the freedom of information response?

**Angela Constance:** I do not know, Mr Ross. I do not actually know what information you asked for in the freedom of information request.

**The Convener:** It was not my freedom of information request.

**Angela Constance:** Okay. Well, forgive me.

**The Convener:** Interestingly, I asked a question in Parliament and was provided with that detail.

Are you aware of paragraph 8.13 of the ministerial code?

**Angela Constance:** I am aware of the ministerial code.

**The Convener:** And paragraph 8.13?

**Angela Constance:** I do not have it in front of me.

**The Convener:** It says:

“A Government official should be present for all discussions relating to Government business.”

Why was a Government official not present for that call?

**Angela Constance:** Because I had asked to make a private call.

**The Convener:** Based on what I have just read out, do you think that that could be a breach of the ministerial code? I am not asking you to judge whether you breached the code but, on the basis

of that alone, could that be something that needs to be investigated?

**Angela Constance:** I do not think so. No, I do not.

**The Convener:** Unless I am reading it wrong, it says:

"A Government official should be present for all discussions relating to Government business."

You have confirmed that it was Government business, because you were contacting Professor Jay as the cabinet secretary—

**Angela Constance:** I had contacted her about—

**The Convener:** I am sorry; I want to finish this point.

**Angela Constance:** Forgive me.

**The Convener:** You had written up a note, so you knew that the call required to have a note of it written. Therefore, as a very experienced parliamentarian and Government minister, you would also have known that an official should have been on that call. Why did you not ask for an official to be on that call if you thought that it was so important that you had to write up a note of it immediately afterwards?

**Angela Constance:** I am conscious that everything has to be on the record. As I said, I do not have the ministerial code in front of me. It was important to me to make a personal call and a personal apology to Alexis Jay. The call was, of course, about comments that I had made as the cabinet secretary in the chamber, and those comments are on the record. I am not aware of ministers being prohibited from making personal calls. It will, as ever, be for others to make any judgment about my actions, behaviour or comments.

**The Convener:** Will you make that note available to the public and to the committee?

**Angela Constance:** Of course.

**The Convener:** Will you look into why it was not part of the freedom of information response? People were asking for all correspondence between Professor Alexis Jay and the Scottish Government. Given that the note was a read-out of a discussion between Professor Alexis Jay and you, it would, I presume, fall under the freedom of information request.

**Angela Constance:** It was a note of a meeting as opposed to correspondence, although I do not want to get into semantics. If you or any other committee members have outstanding issues, I will ensure that a timeous response is provided.

**The Convener:** Thank you.

**Willie Rennie:** I do not really get this. I have struggled to understand the motivation behind why you have done this. If you had said earlier what you have said today, the episode might have come to an end. Instead, there has been a constant reinterpretation of events, with different ministers saying different things. Even yesterday, the First Minister said something different from what you have said today. I do not understand why you were not clear from the very beginning. Why was that?

**Angela Constance:** I think that my position and reasoning are clear, Mr Rennie. As I intimated in my opening remarks, I accept that there should have been an earlier intervention by me to ensure that all information that people were requesting was available. It is unsatisfactory that information that was requested has taken so long.

**Willie Rennie:** Why did the First Minister say what he said yesterday, which was different from what you have said today? Is it just that you have reflected on all of this overnight? When did you make the decision to say what you have said today?

**Angela Constance:** I have had considerable time to reflect on all matters, as you would expect any minister to always reflect on their actions. The basis of my position has not changed—what I said was a correct quote and Professor Jay was seeking clarification. However, while my position on what I said and why I said it in the chamber has not changed, I do of course reflect greatly on how matters are handled. For me, as I said in my opening remarks, if information had been made available, people will always come to their own conclusions about matters.

10:00

**Willie Rennie:** Did you not advise the First Minister to say this yesterday? Why have you said it today? Why did you not say it yesterday or the previous week? I cannot believe that it has been decided overnight. You must have come to the conclusion earlier to be more up front about what happened and your regrets about the process.

**Angela Constance:** I am conscious that, today, it is me who is at committee. We are all entitled to speak to events as we see them.

**Willie Rennie:** I think that it is clear from your reaction to the point that the convener made about your call with Alexis Jay that you know that it was a mistake and that you should have had an official on the call. It seems that a series of mistakes have occurred throughout this episode, and that is why people's confidence in you has been shaken through this process. Do you understand that?

**Angela Constance:** I am always very respectful of other people's views, Mr Rennie, and I try my best to understand things from the perspectives of others, not least victims and witnesses.

**Willie Rennie:** That is not quite the same thing. You have to admit that there has been a series of errors. It is not just about the original one, which we can understand because, as you say, we all have to correct the record at different times. However, a series of mistakes were made following that, which even allowed the First Minister to say something different yesterday from what you have said today. That is what we are questioning.

**Angela Constance:** I have made some additional remarks today—

**Willie Rennie:** They are contradictory to what was said yesterday.

**Angela Constance:** I do not think that they are contradictory. I do not accept that.

**Willie Rennie:** Okay. Thank you.

**Jackie Dunbar:** Good morning. I would like to focus on Liam Kerr's proposed amendment to the Victims, Witnesses, and Justice Reform (Scotland) Bill. I have checked the *Official Report* and I note that his amendment, in effect, was not seeking to establish an inquiry. That is something that he said himself. He said that it

"would require the making of recommendations about how to prevent this most vicious and heinous of practices from occurring and about whether a full public inquiry should be commissioned."—[*Official Report*, 16 September 2025; c 27.]

Is that your understanding of Mr Kerr's amendment? Is that what you were speaking to?

**Angela Constance:** As you say, when Mr Kerr spoke to amendments 30 to 32, he was reflective and he made some detailed remarks. He spoke to the work of the Casey review in England and Wales. I made the remark on the public record, in response to a subsequent supplementary to an urgent question that I was answering, that I regretted deeply that there had been a mischaracterisation of Mr Kerr's amendments. As he acknowledged at the time, the effect of his amendments would not have been to establish a public inquiry into grooming gangs. I find it a wee bit ironic that, in a debate that is about accuracy, his amendments have been mischaracterised.

**Jackie Dunbar:** As we are talking about accuracy, I note that I am one of the MSPs who, after the vote, were named on social media by the Conservatives, who said that we had voted against a grooming gangs inquiry. That led to the MSPs who were named receiving a considerable amount of abuse online, and it also had serious consequences for others.

Has the issue become too politicised? Have we moved away from what we should be concentrating on, which is how we tackle child sexual abuse and protect children from harm?

**Angela Constance:** The issue of a grooming inquiry has become extremely politicised. It is regrettable that others have mischaracterised what that vote in Parliament was about. I am aware that a piece of social media was circulated that listed MSPs and claimed that they had voted against a grooming inquiry, whereas the vote in Parliament on Mr Kerr's amendment was never about a grooming inquiry, as Mr Kerr acknowledged. His amendment would have resulted in the victims and witnesses commissioner for Scotland—although the member who moved the amendments did not support the establishment of such a commissioner—undertaking research that would have to be reported within three years. My focus was always on the work that we need to do right now.

I am aware that the people who did not support those amendments were listed and named in a social media clip or graphic and that some of the people on that list received quite extensive and disturbing online abuse as a result of that. What we say, whether in the chamber or online, always has consequences, given the toxic nature of our politics right now. Our focus should always be, first and foremost, on protecting children.

By way of contrast, I note that, in the open debate at stage 3, I challenged those people who were not supporting the Victims, Witnesses, and Justice Reform (Scotland) Bill about all the reforms that they were voting against—reforms that victims had campaigned for over many years—but under no circumstances did I ever gaslight any other member of the Parliament. That is because I have no wish to politicise issues of child protection. After Christmas, it will be almost 30 years since I started my training as a social worker, so this issue matters to me a lot.

**Jackie Dunbar:** Thank you. For clarity, I note that I spoke to Mr Kerr on that very issue in a private conversation.

**The Convener:** Having listened to what you have said, cabinet secretary, I wonder whether you now regret using the Professor Jay quote, given that we know how this Parliament works and that people had probably decided which way they were going to vote? Given that this issue has been on-going for so long, do you now think that it was a mistake to intervene at that point using that quote?

**Angela Constance:** The quote was accurate—

**The Convener:** I am not doubting that.

**Angela Constance:** —and, of course, Professor Jay exercises her right, which I absolutely respect, in providing additional context to it. She was seeking clarity—

**The Convener:** My question is more about whether, in hindsight, you think that this situation could have been avoided.

**Angela Constance:** I do not imagine that there is a parliamentarian in this place who does not look back at how they have expressed themselves. Could I have expressed myself differently? I am quite sure that I could have, but the quote was accurate.

**Bill Kidd (Glasgow Anniesland) (SNP):** Cabinet secretary, child abuse and the protection of children fall under the education portfolio, as does the national strategic group, as we spoke about earlier. As justice secretary, how do you see the overlap in Government between those two areas?

**Angela Constance:** As Mr Kidd says, child protection is led by my colleagues in education. However, it is a cross-Government endeavour in the same way that we have a cross-Government mission to tackle child poverty, for example. Every minister has a responsibility for the protection of children, which cuts across justice, housing, education and transport, and that is not an exhaustive list.

For my part, in relation to justice, it is about the detection and disruption of behaviour. Police Scotland is currently looking at past and present cases of interest that relate to group-based abuse and the exploitation of children and vulnerable adults. That work is particularly important and it is something that I hold dear.

**Bill Kidd:** I am thinking off the top of my head, but it seems to me that education could lead strongly on the identification of children who are suffering child abuse, whereas, when it comes to having to deal with that going forward, justice will take precedence. Is that correct?

**Angela Constance:** In the real world, the protection of our children is multidisciplinary, and there are joint investigations between police and social work. I led on child protection when I was the children's minister a long time ago, and I had the ultimate responsibility for it when I was Cabinet Secretary for Education and Lifelong Learning, which was also a long time ago.

I will ask Iona Colvin or Andrew Watson to speak to the work that officials do to ensure that we have the right focus, but I will give an example of the work that I am involved in now, as justice secretary. I chair the serious organised crime task force, which has looked at the work of one of Professor Jay's reviews, which was on the criminal

exploitation of children. I led on work with respect to that. Child protection sits with my colleagues in education, but I emphasise that we all have a responsibility towards it.

**Iona Colvin (Scottish Government):** In the strategic group, which I co-chair with Detective Chief Superintendent Taylor, who is in charge of public protection for Police Scotland, we have representation from all the professions—from the police, the Crown Office, education, health and social work, as well as from all the main third sector national charities. Our approach is basically that it is everybody's business, and we have been looking at the work across all those agencies in trying to get to the bottom of where we are on the issue in Scotland.

**Andrew Watson:** I will give a couple of other examples of the joint working that the cabinet secretary described. First, in relation to our governance around children and families services and outcomes, I chair a national leadership group that brings together leaders from across Scotland, which includes representatives from the police as part of its structure.

Secondly, there is the bairns' hoose programme, which is a joint venture between education, health and justice that is designed to produce system-wide support for children. It brings in professionals from the police, social work, health and so on. As the cabinet secretary said, there is a system-wide effort, which is reflected in quite a bit of our policy and some of our governance as well.

**The Convener:** As Mr Kidd mentioned victims and survivors, I invite George Adam to come in, as he wants to extend that line of questioning.

10:15

**George Adam:** Good morning. Cabinet secretary, Iona Colvin said that she co-chairs the strategic group, and I note that Professor Alexis Jay will chair it from January. How do you see your role in ensuring that it delivers tangible improvements for victims and survivors, rather than remaining an advisory forum? What value will you bring to the group's work at this stage?

**Angela Constance:** You can see the value that work in justice brings to this if you look at, for example, online harms. We will have a debate in Parliament this afternoon on cybersecurity and the threats in that area. There are threats to the protection of children, but there are also other implications, for example for national security and our economy.

I have already spoken to the work of the serious organised crime task force. One strand of its work has been focused on the criminal exploitation of

children. Practical guidance flowed from that work, as well as a change in the law, on which we worked with the United Kingdom Government. I can provide more detail on that if the committee is interested in it.

I also contend that the context of all of this is the Victims, Witnesses, and Justice Reform (Scotland) Bill and the debate that took place on that. The significant reforms in that bill will now have to be implemented, particularly for child and adult survivors of sexual abuse. My focus was on delivering the sexual offences court to ensure that our justice system becomes more trauma informed and that it minimises the retraumatisation of victims and witnesses when they are going through the court process. That is part of the wider work to support and encourage victims to be able to have the confidence to come forward and report offences that have occurred, either recently or in the past. When I was Cabinet Secretary for Education and Lifelong Learning, I attended the launch of Police Scotland's national child abuse investigation unit.

**George Adam:** You mentioned the Victims, Witnesses, and Justice Reform (Scotland) Bill. Stage 3 of that bill, which happened a couple of months ago, was massive. I have been here for a long time, but an awful lot of amendments were lodged at that stage. The bill changes things dramatically—in the correct way—so as to support victims and those who are dealing with such issues.

In dealing with a bill of such magnitude, how did you get to a place where you could deal with all of that at the same time as engaging with the Opposition parties to ensure that you would get a good balance and be able to take the bill forward, given that this is a Parliament of minorities?

**Angela Constance:** Throughout the bill process, there was extensive engagement with victims and victim support organisations. In fact, many of the reforms in the bill were the result of campaigns and endeavours by very brave victims who were able to speak about their experience publicly. Many victims and victim organisations campaigned for changes such as the abolition of the not proven verdict, the sexual offences court, independent legal representation as part of the court process, and the protection of victims of sexual offences from inappropriate or intrusive questions about their personal history—that is, the section 274 and 275 framework.

As you would expect, and as should be the norm, there was extensive engagement with members of Opposition parties. I endeavoured to build as much consensus as possible around the Victims, Witnesses, and Justice Reform (Scotland) Bill, and it grieved me that Parliament was not unanimous on that bill. I had taken out some of the

more controversial aspects of the bill with the intention—or hope—of building consensus.

The Government supported 20 Conservative amendments, 14 Liberal Democrat amendments, five Labour amendments and four Green amendments at stages 2 and 3, so there were extensive efforts in that regard. I am grateful to members for those amendments, and in particular to Jamie Greene for his amendments. Where amendments were not taken forward—again, I use Jamie Greene's amendments as an example—they fed into, for example, the consultation on parole.

**George Adam:** I have a final question—I have known you for a very long time, and I know the answer to this, but I want it on the record. As justice secretary, you meet victims and survivors all the time, and you spoke earlier about what you did out in the real world as a social worker before you came to the Parliament. How does that shape your approach when you go about your business as a Scottish Government minister?

**Angela Constance:** I meet victims and survivors and their families very regularly. This week, I met families who had lost loved ones who had died in custody, in the care of the state. I am a great believer in people being able to express their truth and to speak truth to power.

However, I have often been frustrated by the pace of change. Inquiries into the fatality of a child, such as a child who has been abused—I go back to the Maria Colwell inquiry in 1973—will often have the same themes. My focus has always been on what I can do in the here and now by getting on with the job.

If I am guilty of anything, it is that I am very task focused. Over the years, I have learned that I need to focus on the substance—on the bigger issues, which are about getting change. The world around us moves quickly, sometimes for the wrong reasons, but it is often deeply frustrating when trying to get the world to move at pace for the right reasons, in order to make changes. I am always impatient to be getting on with the job.

**The Convener:** Mr Adam mentioned the large number of amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill. We are told that child protection relates to the education portfolio—or, rather, that that has always been the case, but that certainly seems to have been clarified more recently.

Given that view, what discussions did you have with the Cabinet Secretary for Education and Skills about Liam Kerr's amendment, and what discussions took place between officials from the justice and home affairs directorate and those from the education directorate about that amendment?

**Angela Constance:** While I would be—

**The Convener:** Did you have any discussions?

**Angela Constance:** Not that I recall. I will go back and check, but I do not recall—

**The Convener:** Do you understand why that conflicts slightly with the position that child protection falls, as Mr Rennie alluded to, within the education secretary's portfolio? Surely, if amendments are lodged to a bill, there will be such discussions. I am thinking of the Natural Environment (Scotland) Bill, which is currently going through the Parliament—a number of cabinet secretaries and ministers came to discuss it at stage 2, because there are issues in that bill that affect different portfolios.

The Government is telling us that child protection is not under your remit but under Jenny Gilruth's remit. However, you are telling us that, when an amendment about that issue is lodged, you do not discuss it with Jenny Gilruth and your officials do not discuss it with education officials.

**Angela Constance:** I am not saying that. I am saying that I do not recall having any specific discussions with Jenny Gilruth about Mr Kerr's amendment. I restate that the amendment was not about the establishment of a grooming gangs inquiry. Officials—and, in particular, a bill team—will, of course, seek information from other parts of the Government about the work that is going on. I was aware of some of the work that was going on—well, I was aware of all the work that was going on in justice and of some of the work in education. All the information was provided to me in briefings.

With regard to which amendments are to be discussed in the chamber, that is not my, or the Government's, decision—

**The Convener:** It is a Cabinet decision—

**Angela Constance:** —but it is important that we are clear about what the amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill were about—

**The Convener:** Sorry, did you just say that it is not a Government decision?

**Angela Constance:** In terms of—

**The Convener:** The vote is obviously not, but whether the Government supports an amendment is a Government decision.

**Angela Constance:** Yes, that is a Government decision. I was talking about when Opposition members lodge amendments to a bill. As a hypothetical example, I might look at an amendment and say, "Well, that's got nothing to do with this bill—that's not the bill's purpose", but

which amendments are accepted for debate, either at stage 2 or at stage 3, is not my decision.

**The Convener:** Indeed. Do you recall any discussion with education officials about that particular amendment?

**Andrew Watson:** As I said, I was not personally involved in the bill process, but I can confirm that, absolutely, there would have been discussion between the different portfolios with an interest in the bill—

**The Convener:** Education officials definitely discussed amendment 32 in the name of Liam Kerr.

**Andrew Watson:** Yes.

**The Convener:** How do you know that if you were not involved?

**Andrew Watson:** Because I run a large part of the Government, and it is teams in my area that would have been doing that, so I do know.

**The Convener:** Can you tell us what their involvement or input was?

**Andrew Watson:** They would have given advice in that regard. As the cabinet secretary said, the particular amendment in question was about the commissioner role. As an example, my area has a strong interest in the role of the Children and Young People's Commissioner Scotland and how that office would interact with this sort of issue. That is an example of the type of thing that would be discussed.

**The Convener:** Could you share that with the committee?

**Andrew Watson:** I do not know what that information looks like, but I am happy to look at that.

**The Convener:** Thank you.

**Ross Greer:** First, I echo Jackie Dunbar's point about the irony of having a conversation about potentially misleading comments when, within minutes of the vote on Liam Kerr's amendment, the Conservatives put out a graphic that not only was deeply misleading but has undermined the safety of dozens of individuals about whom they have made false claims. We need to have a serious conversation, ahead of the election, about how the parties in the Parliament conduct themselves and the impact that has on colleagues.

Cabinet secretary, a minute ago, you mentioned your frustration at the pace of change, which is a frustration that we probably all share. One of my concerns about this process is that, although it is essential that there is a review and data gathering, and a public inquiry might potentially come about,

that will involve years of work before any potential actions or recommendations come out of it. There is a need to support survivors and do more right now to prevent what they have experienced from happening again.

One provision that was agreed to as part of the Victims, Witnesses, and Justice Reform (Scotland) Bill—I cannot remember whether it was included in an amendment or in the original bill—was about independent legal representation for survivors of sexual abuse. Can you give us an update on when you expect that provision to be enacted and that support to be available? My understanding is that that will cover survivors of grooming gangs.

As I mentioned in the chamber yesterday, the wider issues that we are experiencing with access to legal aid very much have an impact on survivors of such crimes, because they tend to be disproportionately care experienced and on lower incomes and would therefore be in need of legal aid. Can you provide any update on when that provision will be enacted?

10:30

**Angela Constance:** There are two strands to that work. We have committed resource, and committed to a timeline, with regard to the provision of independent legal advice. That is different from the provision for independent legal representation in the Victims, Witnesses, and Justice Reform (Scotland) Bill that I spoke about earlier, which is specific to the rape shield provisions in the bill. That relates to what happens when lawyers are contesting what evidence should be led about an individual, particularly if it concerns private and personal information belonging to a complainant in a sexual crime. The individual's voice was absent from that process, and they were not represented—everybody else was there, with their lawyers, but their voice was not represented.

Independent legal advice is a bit different from independent legal representation—

**Ross Greer:** Sorry, to draw on what you said, that representation is very narrow in that it relates to the rape shield. When are we expecting the enactment of the bill's provisions on that?

**Angela Constance:** That will be one of the earlier pieces of work with which we will proceed. I would have to get back to you on that, but it will be one of the earliest.

The first provision in the bill to be enacted will be the abolition of the not proven verdict. Work on that is being led in collaboration with the Emma Ritch law clinic, for example, which we fund. Work has been produced on the best model to support independent legal representation. I have made a

commitment to the Criminal Justice Committee, and therefore to the Parliament, about a pilot for independent legal advice, which is about supporting victims, survivors and complainants earlier in the process so that they can access advice from a King's counsel, for example, about what to expect in court proceedings. We will be advancing that work next year—there are timelines associated with that, and I will write to the committee about that, but they are in the next calendar year.

**Ross Greer:** That is much appreciated. I recognise that you would not normally write to this committee about that, but I think that it would be valuable, given the increasing overlap with grooming gangs and child protection.

On the broader point, I mentioned yesterday the legal aid challenges and the fact that it is simply not available in large parts of the country because of the lack of solicitors. Does the Government still intend to bring something forward in that regard before the end of the current session of Parliament? I think that there are about 10 sitting weeks left.

**Angela Constance:** Legal aid is in need of reform—I am not going to demur from expressing that view for one second. The legal aid budget is demand led, so, if people are currently entitled to legal aid, the cost of that must be met. In comparison with other jurisdictions, we have a generous system in Scotland.

Siobhian Brown is progressing some statutory instruments that will help to move the situation on. However, there is a broader case for reform, bearing in mind that legal aid is a public service and needs to be more user friendly for both citizens and solicitors. Although access to solicitors generally works well, I am acutely aware that in particular geographical areas of the country, such as Orkney, West Lothian and Perth and Kinross, along with some other areas, there have been difficulties in accessing a solicitor. There is also the issue of specialisms.

The work that is being done to support the legal profession is important in that regard. There is work on-going that will help, but I would not demur from the view that there is a bigger case for reform.

**Ross Greer:** As you say, legal aid is a demand-led service. I hope and expect that, as a result of the wider debate that we are now having, more survivors of grooming gangs and child sexual abuse may well come forward, and that will be one of many factors contributing to an increase in demand for legal aid.

I hope that what Siobhian Brown is bringing to the Parliament will provide some kind of interim relief. However, from what you are saying, it

sounds as though there is a commitment—if I am overinterpreting, you can correct me—that, depending on the result of the election, you would intend to undertake wholesale or substantive reform of the system in the next session of Parliament. We are talking about a couple of small interim measures that Siobhian Brown will bring forward, but that is all that we should expect before the election.

**Angela Constance:** We are taking steps—I am trying not to get into the technicalities of legal aid or the statutory instruments, but I am happy to provide further information—to address what can be addressed in the time that is available in this parliamentary session, but I acknowledge that there is a bigger case for reform.

**Paul McLennan:** I want to come back to the data issue. This question is probably for Iona Colvin. You probably heard the earlier questions to Alexis Jay regarding the current outlook on data collection. That was an important part of the earlier evidence session, and the committee has talked about it previously. What are your thoughts on the situation with data collection previously and where we go from here?

**Iona Colvin:** It is complicated, as I think Professor Jay said. We know that we have an issue—we are clear about that. The national strategic group has been looking at data collection in some detail, and the chief statistician has been leading work, supported by staff from CELCIS, who are specialists in child protection.

It is clear, from looking at the number of adults who are survivors of sexual abuse and the number of those who are being prosecuted for sexual abuse, that there is a discrepancy between those numbers and what we see when we look into the child protection system. In that system, something like 0.2 per cent of children are on the child protection register relating to child sexual abuse, and the figure is 2.2 per cent for those in the Scottish Children's Reporter Administration data. Therefore, we are quite clear that we have an issue.

We are trying to get to the bottom of what that is about, and there is work going on. Police Scotland is working with the United Kingdom Government and, in particular, with the National Crime Agency, as the cabinet secretary said, with regard to the police investigation.

We also have the data stream, which the chief statistician has been looking at with the support of CELCIS. We know that there are issues with definitions—I think that Professor Jay referred to that—and consistency. I hope that, as part of the work of the national review, the inspectorates will uncover some of those discrepancies and allow us

to look at what we need to do to bring consistency and uncover what is going on.

Police Scotland would say that it can only investigate what is reported to it. We know that a lot of people are not coming forward. Professor Jay is the expert on supporting survivors through the work that she has done regarding truth projects, and she mentioned the workforce issues that we have. It is really important that we get to the bottom of what is going on. We know that we have an issue and that Police Scotland is going through everything that it knows about. We also need to help local areas to look at what they are doing and whether things are being missed.

**Paul McLennan:** Can you say a little bit more about local areas? That is one of the key things, in my view. If we are talking about taking a local approach, there will be slightly different aspects and different agencies involved. There will be the national agencies, but there will also be local agencies. Can you say a bit more about how you break down the local aspect?

**Iona Colvin:** Yes. The Cabinet Secretary for Education and Skills will make a statement later on some of the work that is going on with the inspectorates. We have asked all four inspectorates to be involved because they all have different roles. Police Scotland obviously has a role in the investigation, but the education and health agencies have a role in identifying early indicators that something is wrong—for example, when children start to go missing from school or do not turn up for health appointments. We need to look across the system.

The group has been clear that its work is not just about what we need to learn from the past, although we absolutely need to do that, and survivors need to have their justice and their day in court. That is a big issue, and we need to learn from what has happened to them. However, we also need to think about whether we are fit for now and about what we need to do to meet future challenges. The cabinet secretary mentioned the online challenge, for example, which we think will have a significant impact on child protection, so we need to get on top of it.

**John Mason:** Cabinet secretary, I gather that you were at another committee earlier, so you might have missed my question to Professor Jay. I will ask you a similar question, based on the fact that the Finance and Public Administration Committee has recently been looking at public inquiries and their cost effectiveness, given that some inquiries take an extremely long time and cost a lot of money. You said earlier today that you are keen on pace of change.

First, will you explain how the whole process will work? There will be a review involving Professor

Jay. Is there a timescale for the review? Is there a budget for it? Is one of the options that there might then be a public inquiry?

**Angela Constance:** I will start, but I will ask my officials to come in on the detail of the review.

I am aware of the work that FPAC has done on public inquiries. In my time as a minister, I have announced and established two public inquiries, and I know that there are times and occasions when we just cannot get away from the need for a public inquiry. I will not rehearse the history of why the Scottish child abuse inquiry was set up, but it is a decision that I will defend to the end of my days, irrespective of the inquiry's length and cost. My view was shaped by my extensive engagement with many survivors of historical child abuse, not just while I was education secretary but in other aspects of my life, in particular as a social worker—

**John Mason:** Forgive me for interrupting, cabinet secretary. I am with you on the view that having the public inquiry is worth while, but other countries are able to have much quicker public inquiries at a lower cost. For example, Sweden's public inquiry on Covid finished in 2022 and cost £2 million. There seems to be a problem in the UK and Scotland in that, when we have a public inquiry, it goes on for ever and costs an absolute fortune.

**Angela Constance:** There is a question of fairness and balance in that. Nobody is demurring from the view that it is necessary at times to have large-scale, independent, judge-led public inquiries. However, my view is that we should learn from other countries, or at least look at what other countries do, because I am conscious that justice delayed is justice denied, and of the point about pace.

It should never be our default position to go straight to a public inquiry. The point that we currently do not have enough information or data about the scale of group-based harms, or indeed other harms, to children, is well made, and I endorse it. I agree that there is much to learn from other countries. The way in which an inquiry's terms of reference are drafted is important in ensuring that it has a focus, but we should always look at other ways to address the issues and meet the needs of victims, witnesses and survivors.

**John Mason:** Turning to the timescale, I know that we will have a statement in the Parliament this afternoon, so I can ask the questions again then if you do not know the answers. What is the timescale for the review in which Professor Jay is involved? Is there a cost to it? At that point, would a decision be made about whether to hold a public inquiry?

10:45

**Angela Constance:** Before I hand over to officials, I will briefly say that the purpose of all the work, whether it is the work that has been done with Police Scotland, the independent review by the various inspection bodies or the work of the national strategic group, is to give us a better understanding of the harms that are current and present to our children right here, right now, and of how that threat is evolving. Those inquiries might lead to further work and the establishment of a public inquiry, because we have an open mind and every option will be considered.

With regard to the detail of the review, Iona Colvin or Andrew Watson might want to start.

**Andrew Watson:** I can say a few things, although the committee will understand that I do not want to get too far ahead of the statement from the Cabinet Secretary for Education and Skills this afternoon. There are a couple of key points to note on timescales and resources.

First, we have asked the four inspectorates to work together. They are independent of Government and it is for them to set out how they want to achieve the work that will be undertaken. I would expect that to involve a bit of a balance between repurposing existing resources and looking at their existing work programmes and at what additional capacity they might need. The cost of the work will depend on balancing judgments about the operational capacity of the four bodies.

It is important to say that our expectation is that the inspectorates would not leave everything to the end of the process. It will be more of a phased approach, in which we might get updates at key stages, key milestones and so on. On how that might work, there would be a process of gathering data and evidence and a process of engaging with local authorities and other partners. The material that is gathered would need to be scrutinised and analysed, and the review group would then need to come up with recommendations or whatever.

There is an opportunity to have key milestones along the way, rather than having a single date in the future when everything will be completed and a decision could be taken about particular questions, including whether there should be a public inquiry.

Another observation is that the Government and the Parliament can think about the inquiry at any time; the conclusion of the inspectorates' work and the work programme of the national group is not the only determining factor in that type of decision. My expectation is that, along the way, the programme of work will produce quite a lot of useful information to guide policy making more generally and the continuing debate around an inquiry.

**John Mason:** The inquiry in England, as I understand it, has—somewhat unusually—been given a time limit and a budget, of three years and £65 million. That model has not been used either in the UK or in Scotland in the past. Are you open to the idea that there should be a time limit on a public inquiry, if there was to be one, and a budget limit?

**Angela Constance:** That would be for ministers—it would not be for me, individually, to make a decision on whether there was a public inquiry in and around grooming gangs. That decision would be of a cross-Government nature.

Under the Inquiries Act 2005, which is the current legislation, there is an obligation on the chair of an inquiry to be mindful of cost—I cannot remember the exact wording, but there are some obligations put on the chair in that regard.

**John Mason:** The wording is that they have to “avoid any unnecessary cost”, but that can mean anything.

**Angela Constance:** Yes—you have done an inquiry into inquiries, Mr Mason, but I go back to the point about terms of reference. The terms of reference are important in ensuring a specific focus. They need to have enough flexibility because the chair is independent and we want them to be able to follow the evidence. There are some constraints under the current legislation, and I am sure that all colleagues will be looking at FPAC’s work with interest.

**John Mason:** We will return to this, but earlier you mentioned judge-led inquiries. I think that, to date, every inquiry in Scotland has been led by a judge, but that is not the case in England or in other countries, where, sometimes, a specialist in a particular area can lead an inquiry. Have you any thoughts on that? Every time that we take a judge out of the legal system, the court cases all pile up.

**Angela Constance:** You almost took the words out of my mouth, Mr Mason. We do not have many High Court judges in Scotland. Other legal jurisdictions are very different in that they are flatter; some European jurisdictions have many more judges per head. We do not have many judges in Scotland, so there is a pressure if too many judges are removed from their day-to-day work.

**Paul O’Kane:** Good morning, cabinet secretary. I will return to some of the points that were raised previously, not least by Willie Rennie, about the sequence of events and how we have got to this point, and—I think that it is fair to say—about your own hindsight.

It is important to note that Alexis Jay had to ask twice for clarification. Reflecting on that, do you

regret that that had to happen twice to get to a point where there was clarity?

**Angela Constance:** I do. As far as I was concerned, the professor had asked for clarity and that should have been resolved at the earliest opportunity, although my understanding remains that Professor Jay agreed to the course of the remedy: that her clarification would be minuted in a record that is publicly available. Those minutes were published on 18 November, and there was an urgent question in the chamber on 19 November, so the information was made very public.

As I have said, however, all the information and all the correspondence should have been made available at an earlier stage.

**Paul O’Kane:** Given the amount of time and the considerable amount of work that has had to go into the process of trying to get to the point of clarity, or further clarity, do you think that it has been a good use of time? For example, the chief social work adviser has had to spend time being the conduit between you and Professor Jay at various points.

**Angela Constance:** That is not a position that I would have wished for.

**Paul O’Kane:** Okay—that is helpful.

I will turn to some of the points that I put to Professor Jay about where we are now and how we move forward, because I think that everybody would want to see work being done at pace; we have heard about that in some of the exchanges this morning.

Do you recognise that we now have a number of overlapping pieces of work? There is the child abuse public inquiry, which has been on-going for 10 years; I acknowledge your comments on that. We have a national review comprising four Government agencies: HM Inspectorate of Constabulary in Scotland, the Care Inspectorate, HM Inspectorate of Education in Scotland and Healthcare Improvement Scotland. On Monday, a lack of clarity was reported among those agencies about how they were going to be involved and what the terms of reference would be. That review will then, as I understand it, be reviewed by Professor Jay.

We have had a call for a further overarching review, which is not what the strategic review group is about. With regard to Government involvement in all this, we have had questions being answered in the chamber by the Minister for Children, Young People and The Promise; we have had answers from you; and we have heard from—and will hear from this afternoon—the Cabinet Secretary for Education and Skills.

Do you recognise why victims feel confused, at best, about who is responsible for getting to the heart of many of the issues? Do you recognise what Professor Jay said about that confusion?

**Angela Constance:** I am confident that I have always said, and tried to convey, that, at the end of the day, we are all responsible: we all have—each and every minister has—a shared responsibility. In my view, it is clear where responsibility for particular aspects lies.

For MSPs and Opposition spokespersons, that information is on the Government website, and it is part of their role to understand which specific responsibilities lie with specific ministers. However, I accept that members of the public, and in particular victims and survivors, ultimately just want us all to get on with it: to make things better, deliver justice and take the necessary action to prevent harms in the future. A lot of what is our business, in legitimately scrutinising who does what, will be inconsequential for the people who are at the sharp end of these real-life issues.

With regard to answering questions, I have answered urgent questions when they have been lodged with a specific justice focus. Members ask supplementary questions at portfolio question time that might or might not cross over into other ministers' portfolios. That is fine, and all ministers do our best to answer such questions.

It is key to stress the important nature of the national review. I have a high regard for HM Inspectorate of Constabulary in Scotland; I have been in post now for two and a half years, and I am aware of the rigour of the inspections that take place. With regard to the landscape and how things will work between the national strategic group and the national review and Alexis Jay, I will defer to my officials.

**Iona Colvin:** To be clear, the inspectorates have been involved in developing the proposal for a national review, so I am not sure—

**Paul O'Kane:** With respect, Ms Colvin, I am not sure why there were press statements on Monday—

**Iona Colvin:** No, neither am I.

**Paul O'Kane:** So you are not clear why the inspectorates said that.

**Iona Colvin:** No. All that I am saying is that they have been involved all along. The original discussion came from a discussion between me and Professor Jay about how we triangulate evidence and data. She is the expert and she has done that kind of work several times over. We have a police investigation running, so how do we triangulate evidence? Professor Jay has also been involved, as an expert adviser, in the development of the proposal. The inspectorates are

independent; they report to the Parliament and they guard their independence fiercely, because they have to. However, in this instance—as my colleague Andrew Watson said—they have committed to providing on-going reports around the process so that we can look at making a decision on whether an inquiry is needed. At any point, ministers could decide that an inquiry is needed.

Professor Jay will chair the child sexual abuse and exploitation group, and she will have a view over everything that is going on.

**Paul O'Kane:** It is clear from that exchange that there is confusion, and I am sure that the committee will want to return to the agencies to understand exactly their view of the comments that they made on Monday.

To return to the cabinet secretary's answer, I think that part of the problem is that, if something is everyone's responsibility, it can sometimes become nobody's responsibility, to some extent. I think that that is what victims are expressing.

Cabinet secretary, can you reflect on whether an independent review, chaired by someone like Alexis Jay, would be the appropriate way to show that there is someone who is leading? Alexis Jay, in her comments to me this morning, said that she is not leading the review group. What is the view on whether we need an independent review with clear independent leadership?

**Angela Constance:** I can take that back to colleagues to reflect on it. With the greatest respect, I am not going to develop policy or interventions on the hoof in committee, and without engaging with colleagues, in particular with those colleagues who lead on much of this work. I accept that there is always a risk that shared responsibility can mean diluted responsibility, but I do not believe that that is the case in either justice or education. We work closely together; we have distinct roles in all of this, and I am very clear about those roles, as are Ms Gilruth and other colleagues, but we work together on it.

**Paul O'Kane:** George Adam and Jackie Dunbar on this committee, as well as the First Minister and others, have referred to your career in social work, and you have referred to it this morning yourself—in particular, the 30 years that have passed since it started. There are obviously standards, values and principles for social workers that you will recognise: being accountable, taking responsibility and

"I must uphold public trust and confidence."

You will have carried those values into the role that you currently hold. Do you feel that you have upheld those values and principles in this episode?

11:00

**Angela Constance:** I do, Mr O'Kane. Have I been flawless? No. Have I had cause to reflect, with the benefit of hindsight? Yes. Over the course of my decade as a social worker and during my time as a parliamentarian, I have never shied away from discussing or confronting some of the most difficult topics and issues in our society.

**Miles Briggs:** Good morning. On the issue of private calls, on how many occasions do you request or undertake private calls on Government business, without a Government official present?

**Angela Constance:** It is not something that I have been in the practice of doing, but—

**Miles Briggs:** So was this a one-off?

**Angela Constance:** Yes.

**Miles Briggs:** I wrote down earlier that the reason you have not corrected the Parliament's *Official Report* is that you could not think of an appropriate wording for that clarification.

I have a lot of respect for you, cabinet secretary. We represent the same region. I do not think that it is credible that we have not seen the *Official Report* corrected. I find this whole saga unbelievable; it is unbelievable that that is still not the case.

Would you agree with that? Given that you have all your officials, advisers and party advisers, why have we got to this point at which the *Official Report* has not been corrected and the matter has not been cleared up?

**Angela Constance:** I am respectful of your position, Mr Briggs, although I point out that I am not a regional MSP; I am the MSP for Almond Valley—a constituency MSP.

I genuinely looked at the professor's letter, which said that the quote was accurate and that she wanted clarification. Clearly, I wanted the matter addressed, but not to my satisfaction; I wanted it addressed to the professor's satisfaction.

Officials liaised with the professor and discussed with her the course of action that she wanted to take. I was content with that. Under no circumstances was that a process that I was going to interfere with.

The minutes of that important strategic group are very public. Clearly, they are scrutinised and read—as they should be.

**Miles Briggs:** Professor Jay said this morning that she wanted the cabinet secretary to ensure an accessible clarification of her views. For parliamentarians, that would be our *Official Report*, and the cabinet secretary would know that throughout her time in Parliament. I just do not understand why that clarification has not

happened, and I think that it should have happened.

The former First Minister Alex Salmond referred himself to the Scottish Government's independent advisory body on the ministerial code. Has the cabinet secretary considered doing that herself—rather than the First Minister having to do that?

**Angela Constance:** No, I have not considered that. I would hope that, as politicians, we would all have the humility to recognise that our fate does not always rest in our hands. At times, it can rest in that of others. That is my philosophy and approach.

**Miles Briggs:** One of my greatest concerns has involved the victims and families who have been emailing us throughout the situation. I read Taylor's mum's letter last night and again this morning, saying that they feel that

"there has been a cover-up and closing of ranks."

The UK Government has dragged its feet on an inquiry, although it has now announced one. It feels like the Scottish Government has been in the same space of not stepping up and holding a public inquiry. What do you, personally, think that your handling of the situation has done to provide victims with reassurance and confidence that the Government is going to get to the bottom of the matter?

Given the concerns that have been raised over the destruction and loss of vital evidence, the longer the situation goes on and the longer the Government does not put in place a grooming inquiry, things can only get worse, and evidence can only be getting destroyed. We have heard telling evidence this morning from Professor Jay over the burning of evidence—literally—taking place.

**Angela Constance:** We cannot have any destroying of evidence. If there is any evidence of that occurring now in relation to the matters that we are currently debating and wrestling with, that would be utterly unacceptable. I am quite sure that there would be criminality as well as professional misconduct associated with that.

I will ask officials to respond, too, but I recall from previous work that instructions can be given prior to an inquiry to make it crystal clear that there should be no destruction of any evidence.

**Miles Briggs:** Has that gone to all public bodies ahead of any decision over an inquiry?

**Angela Constance:** In terms of right now?

**Miles Briggs:** Yes.

**Angela Constance:** I do not know. I do not know whether officials know.

**Andrew Watson:** There were two things there. The cabinet secretary is referring partly to the instructions that the child abuse inquiry would have put out, when it was established, to public authorities around future access to information.

On the work of the inspectorates, we are very likely to put out something in that regard.

**Miles Briggs:** The cabinet secretary did not answer my question. Cabinet secretary, what do you think the whole situation has done to the confidence of victims and their families that they will get answers? Many of the emails that we have received have been from people whose loved ones have committed suicide. It is their families who are now trying to get justice for them.

**Angela Constance:** I have read the correspondence that Mr Briggs refers to. I am not deaf, blind or insensitive to that. As I said earlier, it is for every victim and survivor to speak to their own experience. I do not want to comment too much about what particular victims express, as I would not want anything that I said, in any shape or form, to undermine their right to express their experiences and trauma in the way that they see fit.

I have contact with many victims and survivors. Many will express to me their support for the work that the Government is doing, whether that is work that I have led individually or work done elsewhere in Government. Many victims and survivors make changes because they have the courage to come forward. I am conscious that they do so because they want to prevent the same thing from happening to other people.

Something that I reflect on carefully, and that I am particularly careful with as a minister, is that we should not have to rely on witnesses and victims coming forward to provide their testimony to make changes. It feels to me that a double burden is often put on them: the burden of their trauma and what they have experienced, and the burden of feeling that they must come forward to make changes. That is what I want to work on and address, such that the system and every part of the system is self-improving, and so that we do not have to rely on victims and witnesses being retraumatised and feeling that they have to share their experiences.

**The Convener:** Paul O'Kane wishes to make a clarification.

**Paul O'Kane:** This was remiss of me but, perhaps due to the early start of the meeting, I did not declare earlier that my husband is a practising social worker.

**The Convener:** I have a couple of points to conclude this evidence session. In your opening statement or in answer to an early question you

reflected on Liam Kerr's urgent question on 19 November and you said that, in hindsight, you should have provided the correspondence that he was looking for then. Why did it take three more weeks for that to come out through FOI? There were other opportunities, such as answering an urgent question from Meghan Gallacher. Indeed, I had an urgent question on the same day that the Government released the information.

If you reflected that you should have done that when that was called for on 19 November, why did you not do it then?

**Angela Constance:** I suppose because, as with any reflection, it is not necessarily about a point in time; there is a process and an evolution of particular thoughts and feelings about the matter.

**The Convener:** Was that reflection after the information was in the public domain? I took it from what you were saying that you were away on Government business, you heard what Liam Kerr was asking for and you thought, "Maybe I should just give this information." You never did, however, and the information was released only on 10 December.

**Angela Constance:** No—I am talking about what I could have done differently on reflection and with hindsight, when I consider the matter in its entirety. I cannot remember which member said this, and I may be paraphrasing, but they were talking about what I would or should have done differently. Clearly, if I had not been away from Parliament on Government business I would have answered that question.

**The Convener:** Really? We were told that it was Natalie Don-Innes because the matter lies in the education portfolio. If you did not answer the question on 19 November, do you think that you should have answered Meghan Gallacher's question on 26 November?

**Angela Constance:** No—

**The Convener:** Okay.

**Angela Constance:** No, because—

**The Convener:** I am just asking.

**Angela Constance:** Without getting into the weeds of all this, I answered an urgent question from Ash Regan because it was specifically hooked into justice. Her question was essentially around the identification and disruption of networks that abuse people, on the back of a high-profile case that had been sentenced.

I suppose what I am saying is that, if I had been available, I would have answered Mr Kerr's question—

**The Convener:** Because it was about the correspondence—

**Angela Constance:** Because it was about me. I would have owned it. If I had been available, I would have owned that.

On the matter of how subsequent questions were drafted, I accept that people go on to ask supplementaries, but they clearly sat elsewhere.

**The Convener:** If you are saying that you would have answered Liam Kerr's question because it was about your correspondence with Alexis Jay and you were involved, why, then, were you not the minister to answer my urgent question, which was seeking the release of the correspondence between the Scottish Government and Alexis Jay? If your rationale is that, if you were not away on Government business, you should have answered Liam Kerr's question, why not answer the question last week?

**Angela Constance:** I will check the record, but my recollection was that your urgent question followed an exchange with Ms Don, in which a commitment had been given to you to correspond.

I can reflect, and have reflected, on all those matters. The point that I want to relay is that I am not one to shy away from talking about difficult or uncomfortable issues.

**The Convener:** I found it a bit difficult and uncomfortable to listen to your rationale for not correcting the *Official Report*. I am still puzzled to understand how you, as an experienced parliamentarian, and indeed a large number of independent civil servants and party special advisers, did not think of reaching for the *Official Report* mechanism.

It is not difficult. Five clicks from the Scotland Parliament's home page is a web page that is available not just to MSPs and your advisers but to the entire public. It says:

"If a member realises after an item of business has ended that a significant error has been made—for example, one which may affect the conclusions which listeners would draw from the debate—the member may ask to make a statement during the next available plenary session".

I would have thought that anyone receiving Alexis Jay's original correspondence to you on 26 September would have thought that paragraph 5 of the guidance for the correction of parliamentary proceedings answers her request perfectly. That is not hidden away; it is five clicks away from the Scottish Parliament's home page to find out the mechanism for correcting the *Official Report*. Why did you not do that?

11:15

**Angela Constance:** I can only answer for myself but, as I have said, my thinking when I read that letter was that it said that the quote was correct, but the professor wanted clarification.

When I looked at the *Official Report* I was very clear about what I did not say, so I therefore did not seek to amend the record.

**The Convener:** Do you accept that the wording, "for example, one which may affect the conclusions which listeners would draw from the debate", chimes with what Professor Alexis Jay was asking you to correct?

**Angela Constance:** I accept that different people will have a different interpretation of what I said.

**The Convener:** But with reference to Professor Jay saying to you that she would like her remarks clarified, the Scottish Parliament's web page says that you can do that, for example, if what has been said

"may affect the conclusions which listeners would draw from the debate".

Professor Jay was worried about

"the conclusions which listeners would draw from the debate".

Therefore, there was a perfect opportunity to correct the *Official Report*.

**Angela Constance:** I said to you at the start of the meeting that I would reflect on whether and how we could do that. I have stated my position a number of times.

**The Convener:** Was it a mistake not to offer a correction to the *Official Report* to Professor Jay?

**Angela Constance:** My only concern in this was that matters were clarified to the satisfaction of the professor. That was my only concern.

**The Convener:** So, given that she is now asking for the *Official Report*, if possible—

**Angela Constance:** We will look at that.

**The Convener:** Today?

**Angela Constance:** I will look at that as quickly as possible.

**The Convener:** You have said that you are not in the practice of making private calls for Government business. Did you say that you think that the time that we are discussing was the only time that you have ever done that?

**Angela Constance:** I think so. I am having to stretch back over a number of years.

**The Convener:** I know—it is a long ministerial career.

**Angela Constance:** It is the only time that I recall.

**The Convener:** Given that incident—which I deem to be a breach of the ministerial code—and

given this whole episode, would you have any concerns if the First Minister asked his independent adviser to look into the matter, or if the independent adviser on the ministerial code themselves decided to look into it?

**Angela Constance:** As I said earlier, I think in response to Mr Briggs, there will be other people who will make decisions, whether it is the First Minister or independent advisers. I would not want to say or do anything that would seek to influence that, one way or the other.

**The Convener:** But would you welcome the clarity that any investigation would bring? Would you have any concerns?

**Angela Constance:** No.

**The Convener:** Thank you very much, cabinet secretary, and thanks to your officials. I appreciate your time today.

11:18

*Meeting suspended.*

11:30

*On resuming—*

## Cross-portfolio Session

**The Convener:** Welcome back. Our next item of business is an evidence session on the various portfolios of the cabinet secretary and ministers, who are with their officials.

The committee will take evidence from: Jenny Gilruth, Cabinet Secretary for Education and Skills; Natalie Don-Innes, Minister for Children, Young People and The Promise; and Ben Macpherson, Minister for Higher and Further Education. From the Scottish Government, I welcome: Clare Hicks, director of education reform; Adam Reid, deputy director for skills; Alison Taylor, interim director for learning; and Andrew Watson, director for children and families.

I welcome all the ministers and officials, and I invite the cabinet secretary to make an opening statement.

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Good morning. The year 2025 is proving to be a landmark one in Scottish education. Children in our primary and secondary schools are achieving record levels in literacy and numeracy. Crucially, the poverty-related gap in attainment in literacy and numeracy between children from the most and the least deprived communities is at a record low level.

Attendance of children and young people has increased, with the attendance rate reaching 91 per cent in 2024-25. Thanks to our additional investment in this year's budget, we have seen an increase in the number of teachers in Scotland's classrooms, an improvement in the pupil-to-teacher ratio and a reduction in average class size. The evidence demonstrates that our focus on the ABCs—attendance, attainment, behaviour and curriculum—is working. It also demonstrates the commitment to equity in our schools, thanks to the transformational impact of the Scottish attainment challenge over the past decade.

Progress continues to be made on widening access to higher education. The latest Universities and Colleges Admissions Service data in 2025 shows continuing positive trends, such as the number of 18-year-olds accepted from the most deprived areas having increased to 2,200 since the 2024 cycle. That is a record high, with young people choosing to study in Scotland, supported by Scotland's continued commitment to free tuition. There was also a positive picture for entrants to further and higher education who are care experienced or have a disability.

How we support children in their earliest years and ensure that no child is left behind is key to

enabling more children and young people to succeed at school and beyond. The number of children in care is now at the lowest level since 2006. Every three and four-year-old and more than 230,000 children in primaries 1 to 5 are entitled to a free school meal, and we have expanded entitlement in primary 6 and 7 and into secondary 1 to 3. This year, we have awarded £3 million to 490 breakfast clubs, which has helped to establish 142 new clubs, created almost 9,000 places and supported up to 20,000 children.

However, I fully acknowledge that more work can always be done and that challenges remain. The proportion of eligible two-year-olds who are registered for early learning and childcare has fallen nationally, which is disappointing. Our investment in an Improvement Service project in five local authority areas seeks to address barriers and apply what works across Scotland.

Attendance is improving, but still too many children are persistently absent from school, which is why Education Scotland continues to run its improving attendance quality improvement programme, and I have tasked the interim chief inspector of education with ensuring that persistent absence is addressed in every school inspection.

New data shows that 43 per cent of our children and young people have additional support needs. Addressing that is a priority, and I set out more on that in my statement to the Parliament last week. I also recognise the financial challenges that colleges and universities face, and my officials continue to work closely with the sector to support them where we can.

I anticipate that the budget process will be challenging for the Scottish Government as a whole. In that context, there is strong delivery on our work to give children the best start in life. It is supported by this year's £4.3 billion investment in education and skills, which is a £123 million uplift on the previous year. That should be celebrated but also protected.

My ministers and I welcome the opportunity to discuss those achievements and challenges with you this morning.

**The Convener:** Thank you very much. As you will understand, we will go through themes so that we do not jump about between too many different topics. First, we will continue on from our two previous evidence sessions by looking at the national review of group-based child sexual abuse. I know that you are making a statement on the issue in the chamber this afternoon, but were you able to catch any of Professor Alexis Jay's evidence?

**Jenny Gilruth:** Yes, I caught some of Professor Alexis Jay's evidence when I was sitting in my

office this morning, and I think that it was quite helpful.

**The Convener:** It was certainly helpful for the committee. Professor Jay said that what has now been set up and proposed is workable, but she is keen to take a few months to see whether it is the optimal way forward. Is it the optimal way forward to get answers for victims?

**Jenny Gilruth:** I heard your question on that point, convener, and I heard Professor Alexis Jay say in response that she is supportive of the approach that we have put out in principle. It is important that the committee and Parliament recognise that she will have a role in relation to supporting the methodology and providing expertise to the national review. That is hugely important, to my mind. She also said that we will know, within the course of the next few months, the impacts of that work. I want to be careful, convener, because I will be giving a statement to Parliament later today on the issues, but I am very pleased that we have her expertise involved in the work.

I should also say—I think that Professor Alexis Jay touched on some of this work as well, although I did not listen to her full evidence session—that the inspectorates are all independent of Government. They have statutory responsibilities. Importantly, they also have statutory powers to investigate, which ministers do not have, so the evidence base that the inspectorates will be key in delivering will provide us with further information on the scale and the challenge in relation to child sexual abuse across the country.

I also heard from Professor Alexis Jay's evidence that, at the current time, we do not have a sufficient evidence base. I think that she also said that that is not unique to Scotland. However, it is imperative that that evidence base is built upon, and the Government is taking forward that work. I look forward to saying a bit more on that this afternoon, but for committee members' reassurance—and I think that you acknowledged this, convener—I have organised for Professor Alexis Jay and Police Scotland to give a private briefing to MSPs, which I think is hugely important, in January.

**The Convener:** That is certainly welcomed by me and, I am sure, by other committee members.

I accept that you are leading on this work as the Government minister but, outside Government and elected representatives, who will be the main person that people can look to to get them the answers? There still seems to be a bit of confusion as to who is actually leading. If a victim is sitting at home today wondering who is the individual who will secure the answers to the questions that they

have been harbouring for many years and the worries that they have from not receiving answers despite trying, who can they look to as an individual to get them the answers?

**Jenny Gilruth:** First, in relation to victims—again, I will say more about this later in my statement to Parliament—we all need to be mindful that, when we talk about these subjects in the chamber, in the committee or in the media, it is traumatising to victims, so we need to be mindful of our language. I will put that on the record again today. I am sure that, like me, members have been inundated with emails from the public—perhaps victims—in relation to their experiences. I am therefore very mindful of treating the issue with the sensitivity that it deserves.

On who will be leading the work, as I announced to Parliament two weeks ago today, the four inspectorates have a role to play, and they will carry out their work. I will say more about that in my statement to Parliament. Alexis Jay is chairing the national strategic group, which is hugely important in that regard.

What Alexis Jay said to the committee this morning and what she said to me when I met her recently is that we do not yet have the evidence base to arrive at a decision as to whether further inquiries are needed. When we have that evidence base, the Government will need to take a decision, and it may be that a figurehead is appointed. I think that you asked Alexis Jay whether that would be something that she would lead on. I do not want to prejudge the outcome of the evidence gathering that is necessary to establish whether further inquiries are necessary.

In relation to victims, I thought that it was quite helpful that, last Monday, the Scottish child abuse inquiry made it very clear that, should it be within the terms of reference of its inquiry, people who have been victims of grooming can come forward and should contact the inquiry in relation to historical cases, which that inquiry is looking at additionally.

I want to say a bit more on engagement with victims, and I will set some of this out in my statement. I heard some of the commentary that Alexis Jay provided in relation to the truth project work that was led down south. Last week, along with the Minister for Children, Young People and The Promise, I spoke to Tam Baillie about some of that work and listened to some of that expertise. We would want to be able to set out a fuller update to Parliament in that space.

I will say more on that today, but I am mindful of the important points that the convener makes about victims, who will be watching very closely and who have been let down by systems. It is hugely important that what we put in place has

their faith and their trust, and that we can deliver on their expectations in that regard. I will always be resolutely focused on that as cabinet secretary.

I would encourage committee members, if they have contact from victims, to please share information if they are able to. We, as ministers, have made it very clear in our engagement with the strategic group that we want to engage directly. This is a priority for the Government, not just for me as cabinet secretary.

**The Convener:** I am not trying to jump ahead to see whether we have an actual inquiry; Mr Mason was asking about judge-led inquiries and suchlike. The question is more about this interim period.

You are right to say that all those other bodies, which are independent of Government, are going to feed in, and that Alexis Jay is going to chair part of it. Are you then the person to go to? Is there no one leading the work outside of the Government as an independent person, because you think that that would need to happen if there was ultimately an inquiry? There is no one leading the work at the moment other than you as the cabinet secretary—is that correct?

**Jenny Gilruth:** I am not necessarily sure that I would say that that was correct.

As I understand it, Alexis Jay met last week with His Majesty's chief inspector of constabulary and the Care Inspectorate, and Ms Don-Innes and I had a helpful meeting with officials on the matter this morning. The work is under way. Those inspectorates have their own independent leadership teams that lead on their work, so leadership is being provided by the inspectorate teams, and Alexis Jay chairs the national strategic group.

I have responsibility for child protection, but the work to act on child sexual abuse is a cross-Government endeavour, as you have just heard from the Cabinet Secretary for Justice and Home Affairs. This is not only about one area of Government; we all have responsibilities in that regard. To reassure the committee, there have been cabinet discussions on the topic. The First Minister is taking a leading role on the topic, which is currently of the utmost importance to the Government.

I hear your point in relation to leadership, and when I set out my statement to the Parliament today, I hope that I will be able to provide further clarity on that. I think that your points about victims have been well made.

**The Convener:** Does the Government have a view, or do you have a personal view on mandatory reporting?

**Jenny Gilruth:** Yes, I do.

**The Convener:** Would you like to share it with the committee?

**Jenny Gilruth:** My view is that we should be supportive of mandatory reporting. That is the view of my minister, and I believe that it is also the view of the justice secretary. We have previously met and discussed the issue. I will say more on the topic later today, but I confirm for the committee—as I thought you might ask about it—that I am very supportive of mandatory reporting.

It is hugely important, and it speaks to one of the issues that Alexis Jay flushed out, which is the lack of data under current reporting processes. The issue with child sexual abuse is that, often, hidden and power dynamics are at play. Gathering data in that space is challenging, but the view that I share with Ms Don-Innes and Ms Constance is that mandatory reporting is important in order to gather a more robust data set. We do not have the data at the current time, which is exactly why the review is so important.

**The Convener:** Why do we not have it? You sound very impassioned about the issue. You have been in post for some time.

**Jenny Gilruth:** I have.

**The Convener:** Your party has been in Government for many years. Why do we not have mandatory reporting?

**Jenny Gilruth:** I think that you made that point to Alexis Jay, who spoke about some of the challenges and alluded to potential legislative change. I do not want to get ahead of the work, but she has set out that a sub-group of the national strategic group is tasked with specifically looking at the issue in more detail. I would like to come back to Parliament and provide more detail in relation to mandatory reporting, but I want to put ministers' support for it on the record.

**The Convener:** Do you accept that it could have been introduced before now?

**Jenny Gilruth:** There are challenges in that space. We must consider the historical position of lots of different organisations. Today, I am in front of you as education secretary, but I am mindful that the issue is not only about, for example, teachers reporting potential examples of abuse happening in schools; it also involves social work, and police have a role to play. We need to be mindful of the different parts of Government that mandatory reporting would affect.

Andrew Watson might want to say more about some of the background on mandatory reporting, but I put on the record that ministers support it in principle, which is important. Andrew, do you want to add anything further?

**Andrew Watson:** To add to the cabinet secretary's points, a few important things on the implementation of mandatory reporting have to be considered, which Professor Jay alluded to in her evidence. She gave the particular example of the need to engage with trade unions. When looking at the options for mandatory reporting, we need to consider the scope, who is covered by any changes in legislative requirements and what existing duties are already in place for different professions, because many duties of care and reporting exist.

As the cabinet secretary said, legislative change is an issue, but there is also a need to engage with practitioners and the wide range of people who have an opinion on the issue and to think about implementation. It is not a straightforward, simple change; it is, in effect, quite a long process.

**The Convener:** I have a final question on the subject. We asked Professor Jay and the justice secretary about their correspondence and sought a clarification on what was said in the chamber. On "The Sunday Show", you were asked about the issue, and you said:

"There was an ask for clarification to be sought in relation to the strategic group minutes."

Was the statement that you gave on television in relation to the strategic group minutes correct?

**Jenny Gilruth:** In relation to the strategic group minutes?

**The Convener:** Yes. Regarding why the *Official Report* had not been updated, your response to Gary Robertson on "The Sunday Show" was:

"There was an ask for clarification to be sought in relation to the strategic group minutes."

Professor Jay was very clear that that was a suggestion made by the Government.

**Jenny Gilruth:** I heard that.

**The Convener:** The way I listened to it on Sunday was that you were saying that the ask potentially came from Professor Jay or someone else. Do you accept that there was not an ask for clarification to be sought in relation to the strategic group minutes, because it was a Scottish Government response to Professor Jay's letter?

**Jenny Gilruth:** At that point, I was not privy to the internal dialogue on that between the chief social work adviser and Alexis Jay. I was making the point that a clarification—

**The Convener:** That was on Sunday.

**Jenny Gilruth:** Yes, I am aware of that. However, I was not aware of the internal dialogue between the chief social worker and Alexis Jay, which I heard about in this morning's evidence session.

As I understand it, there was not a debate from Alexis Jay in relation to the approach she sought, which, I believe, was to amend the minutes—I should say, convener, that I did not catch the entirety of the evidence session, so I would be happy to write to the committee with more detail on that point if that would be helpful. As I understood it at the time, Professor Alexis Jay's preferred route was, following her engagement on that matter with the chief social work adviser, a clarification in the minutes.

11:45

**The Convener:** It was her preferred route because she was offered only two routes: a response from the cabinet secretary or that more public route of a clarification in the minutes. Were you briefed to say on "The Sunday Show" that

"There was an ask for clarification to be sought in relation to the strategic group minutes"?

You actually said it twice, and I can give you both quotes. It was a very particular quote, and it stuck with me. Were you told that that was the line to take? We have all been given lines to take, so was that what you were told to put across?

**Jenny Gilruth:** That was what I understood to be the case at the time, convener. Again, I am happy to check my briefing for "The Sunday Show" and to write to the committee with more detail in that regard. What I said reflected my understanding, and I think that it is the position that the First Minister broadly set out to the Parliament last week in his engagement with Russell Findlay on exactly this topic.

**The Convener:** To be clear, are you saying that as recently as Sunday—just three days ago—the Government position, which it was asking ministers to articulate to the media and to the public, was that the clarification was sought of it rather than offered by it?

**Jenny Gilruth:** I will check my briefing on that exact point and on the exact wording, because I want to be accurate. Given what we are talking about, that is important. I am happy to write to the committee in more detail in that regard.

**The Convener:** Thank you. We will move to questions from Ross Greer.

**Ross Greer:** Cabinet secretary, I recognise that you have a recusal in relation to the Promise.

**Jenny Gilruth:** I do.

**Ross Greer:** This question might be for you, or it might be for the Minister for Children, Young People and The Promise. I am keen to understand how the new and on-going processes in relation to grooming gangs, data collection and wider efforts around institutional and organised child sexual

abuse will overlap with the Government's other existing commitments. In particular, I am seeking clarity on the commitment that the Government made in the "Keeping the Promise" implementation plan, which was published in early 2022, to review the legislative framework underpinning the care system. As far as The Promise Scotland is aware, that has not happened. Given the significant overlap here—I am sad to say that care-experienced children are disproportionately the victims and survivors of grooming gangs—will the Government offer an update on that review?

Very often, the core of the issue is that the system has failed those children because it is fragmented. My understanding was that the commitment to undertake that legislative review aimed to deal with that fragmentation and consolidate the legislation so that the system would be more coherent and cohesive.

**Jenny Gilruth:** I will defer to Natalie Don-Innes on the Promise, because, as you have pointed out, Mr Greer, I am recused from that topic.

**The Minister for Children, Young People and The Promise (Natalie Don-Innes):** I have been discussing that legislative review—not specifically in relation to that topic but more generally. It has come up in my discussions with The Promise Scotland and other stakeholders in relation to the Children (Care, Care Experience and Services Planning) (Scotland) Bill, which I will call the Promise bill for short.

Work has been done with The Promise Scotland to review the legislative landscape, but a decision was made not to take that forward in the Promise bill. Again, I am speaking of review in a general sense rather than in relation to the specific legislation on child protection that Mr Greer referred to. Given the scale of the reviewing task, it was agreed that taking it forward in the Promise bill was perhaps not the best approach. However, that does not detract from the fact that work on that is still under way in other areas of Government.

I still very much want to take forward the review, which was a recommendation from The Promise Scotland. It would be very beneficial for child protection and for other areas. However, given the timings around the Promise bill and the complexity of decluttering the landscape, it was decided that the review would not be taken forward as part of that bill. However, as I say, I have been engaging with The Promise Scotland on the review, and we still very much plan to do it, because it is key to our delivery of the Promise.

**Ross Greer:** I appreciate that. I recognise the capacity constraints that are involved in having quite a large, complex and important bill and then

having this commitment on top of that, and I understand the sequencing point. Will you confirm that the intention is to take the first steps to begin the review of legislation underpinning the care system as soon as the bill is passed, which, all being well, will be before the end of this parliamentary session?

It would be good to get a handle on the timescale for that. I have picked up a lot of concern from those who are working in and around the child protection system and the wider care system who feel as though work on the bill has dropped off and that nobody is really sure where it is going.

**Natalie Don-Innes:** Mr Greer has been very positive about the bill passing. The review is not being thought about in a way that is exclusive or detached from the bill. It is still going on aside from the bill. As I said, I have been discussing the matter with The Promise Scotland, which undertook some work around the legislative landscape. I now need to consider whether that work is a good basis for advancing that agenda or whether the Government will have to conduct its own review or enhance that work.

I assure Mr Greer that thinking around the review is under way and that it has not dropped off the agenda. He will be aware that I have engaged a lot with children and young people on the delivery of the Promise bill and that there has been a lot of focus on specific areas. I feel that the areas that we are delivering on in the bill are those that will make the most difference to children and young people right here, right now. However, please be assured that our longer-term view to tidy up the legislative landscape has not fallen off the radar—it is being discussed in conversations that I am having.

**Ross Greer:** I will press for clarity on that. Will you make a decision before the end of this parliamentary session—that is, before dissolution—on how to take forward the review?

**Natalie Don-Innes:** I would be happy to write to the committee on that exact point, because I do not have advice on that at this moment. I will need to consider that, and I will write to the committee to confirm that.

**Jackie Dunbar:** What is the Scottish Government doing to ensure that not only adequate but trauma-informed support is available to survivors of child sexual exploitation and abuse?

**Jenny Gilruth:** We are undertaking a range of things. Ms Don-Innes might want to say more in relation to the bairns' hoose work, which she leads on. We are providing funding to the NSPCC and to Barnardo's Scotland. I will say more about that in

my statement to the Parliament later, so I need to be careful about anything I say here.

However, it is important that we look at third sector organisations that provide trauma-informed approaches, which we know work. That is why we have supported the bairns' hoose programme, which takes funding from my portfolio, from justice and from health. That funding approach and the bairns' hoose approach to supporting victims and survivors are reflective of our strategic approach to those issues across Government. Cross-funding requires all those areas of Government to be involved in providing that support and in supporting survivors. I am mindful of that when thinking about the support that might be available to survivors and victims through the national review.

The committee heard from Alexis Jay this morning about the work that has been undertaken in England on the truth project. As I said, I discussed the matter with Ms Don-Innes and Tam Baillie last week. Ministers are considering a number of areas in relation to trauma-informed responses. Again, I will say more about that to the Parliament later.

Ms Don-Innes might want to say more about her involvement in the bairns' hoose programme, which probably encapsulates a lot of the Government's work in relation to financial support.

**Natalie Don-Innes:** Absolutely—the investment in bairns' hoose is absolutely key to that. We have to recognise the profound impact that abuse can have on children. The bairns' hoose programme embeds a whole-system trauma-informed response that minimises the risk of traumatisation and supports not only children's recovery but their wellbeing.

I have visited the north Strathclyde bairns' hoose programme. Although I have not witnessed it in action, I have seen the environment and how the needs and wants of children who have been involved have been considered and reflected in it. That is really important.

However, I appreciate that, at the moment, the provision of such support is not consistent across Scotland. There are still more children and young people who could benefit from the support of the bairns' hoose programme, and ensuring that they can is a priority going forward. The bairns' hoose programme is a really positive example of how we are tackling something using a cross-Government approach, and it will really benefit the children and young people who are able to access it.

**Jackie Dunbar:** Cabinet secretary, did you say that the funding for the bairns' hoose programme comes from three portfolios—health, justice and education—because child protection falls across those three portfolios?

**Jenny Gilruth:** Child protection falls across Government, but yes. I am fairly certain that the bairns' hoose programme receives £8 million from each of those portfolios. I will need to check that, convener, so I will write to the committee on that—although Andrew Watson might be able to correct me.

**Andrew Watson:** There is a bit of resource funding and a bit of capital funding, the amounts of which have varied over the year. The total for this financial year is about £10.5 million across the portfolios. As the cabinet secretary said, it is combined funding between the education, health and justice portfolios, and that reflects the different services and professions that feed into the bairns' hoose structure.

**Miles Briggs:** The Scottish child abuse inquiry is looking at historical cases. The Minister for Higher and Further Education will be aware of ongoing concerns about the unresolved mishandling of child abuse cases and safeguarding in the City of Edinburgh Council and in other local authorities. I have raised that issue in the chamber.

**Jenny Gilruth:** I am aware of the petition. I am fairly certain that the Government has given a response to it.

**Miles Briggs:** If it has, I have not seen it.

**Jenny Gilruth:** Mr Briggs, are you referring to the petition that relates to whistleblowing?

**Miles Briggs:** Yes.

**Jenny Gilruth:** That petition has been on-going for a number of years and involves a number of different individuals. We are actively looking at the petitioners' asks. We note that the Scottish child abuse inquiry has looked to undertake a much more extensive review of child protection policy, and the petition is linked to that. As I understand it, the inquiry will report on its recommendations in due course. I am mindful of that and of the whistleblowing petition. Andrew Watson might want to say more about officials' engagement on that specific issue.

**Andrew Watson:** I have not been directly involved in the petition. Ms Don-Innes might wish to speak on that.

**Natalie Don-Innes:** Mr Briggs will be aware that I met the petitioners to discuss the issue. That was some time ago, so I would be more than happy to seek an update on the most recent correspondence that has been received. This morning's discussion on mandatory reporting links directly to the petition and, if I recall correctly, was something that was spoken about in my meeting with the petitioners.

Mr Briggs might also be aware of the Care Inspectorate report about Edinburgh. I have

engaged directly with the City of Edinburgh Council on that. Although there were some positives in that report, there were also real questions to do with culture, as well as issues to do with the workforce not necessarily knowing who to direct problems to. Again, that reminded me of some of what came up in my meeting with the petitioners. I have written directly to the City of Edinburgh Council to ask exactly how it will remedy some of those issues. I believe that I requested a meeting with it, although I am not sure whether I have had any response. Again, I am more than happy to write to Mr Briggs on some of those points if that would be helpful.

**Miles Briggs:** Yes, it would be. If the Government is minded to move forward on mandatory reporting, there are other requests in the petition, including one to establish an independent national whistleblower's office for education and children's services. That would complement a piece of legislation on mandatory reporting, if that is how that issue needs to be dealt with. What might be something to follow up on? What is the Scottish Government's position on those cases? You will be

**Natalie Don-Innes:** That is certainly something that we can consider. We need to be mindful that the cabinet secretary will be making a statement later today and what we have said about mandatory reporting this morning. However, that could follow on from those discussions.

12:00

**Bill Kidd:** I will go off topic a bit, although I am sure that we will probably return to it in a minute. International students are growing in number at this time of year. This might be to do with Mr Macpherson—that is not to say that the students are all coming because of you but rather that my question might be to do with you—

**The Convener:** Bill Kidd, would you mind if I first move on to the next subject? I want to try to keep us to topic.

**Bill Kidd:** My apologies.

**The Convener:** I will take questions from you first on universities, if you like. However, as we have a lot to get through, I would like to stick to the themes. On colleges, we will start with sustainable funding, with questions from Miles Briggs.

**Miles Briggs:** Bill Kidd's question might complement what I will ask later on.

I want to ask about college funding. Colleges Scotland has provided a briefing to the committee in which it calls for a reverse to years of underinvestment in the college sector. What is the Government's position on future funding arrangements for our college sector and on a review of college credits?

**The Minister for Higher and Further Education (Ben Macpherson):** First of all, you will appreciate that an amendment in your name to the Tertiary Education and Training (Funding and Governance) (Scotland) Bill that relates to your latter point was accepted at stage 2. I cite that as a point of reference for how we are moving forward on consideration of the credit system.

I have also had significant engagement with the college sector, including on those points. Perhaps of most interest to Mr Briggs will be for me to note that I visited Edinburgh College in Granton, where I attended an hour of the Scottish Funding Council's board meeting; I also took the opportunity to meet the college principal and discuss those matters. That is in addition to my engagement on those points with Ayrshire College on its campus; at the College Development Network awards, at which I spoke with various stakeholders from the college sector; and during other engagements, such as with Glasgow Kelvin College, which was early after my appointment.

I appreciate the points about consideration of the credit system. Presuming that the bill will be passed early in the new year—I look forward to Mr Briggs voting for it, now that he has secured that amendment—we will proceed with that review.

The wider budget considerations have been very much in the public and parliamentary domain since my appointment on 23 September, with the SFC report coming out during the same week and the Audit Scotland report coming out the week after. As I said, I have had significant engagement with individual colleges—some of which I cited—as well as regular engagement with Colleges Scotland, as has the cabinet secretary, including in recent weeks. Concerns, considerations, ideas and proposals from the sector have been and are being given due consideration as we work through the budget considerations.

Cabinet secretary, would you like to say any more?

**Jenny Gilruth:** Yes, briefly. Last year, we provided an uplift to the colleges sector of 2.6 per cent. There was also extra funding in the budget of £3.5 million for offshore wind and social care skills.

However, I am very alive to the fact that there are real challenges in our colleges. I met Colleges Scotland last week, ahead of the budget. As you would expect, I have also been having discussions at ministerial level with the Cabinet Secretary for Finance and Local Government so that she is well apprised of the challenges in the colleges sector. Its sustainability is perhaps one of the most challenging parts of the education system at the current time. Mr Macpherson is leading work on sustainability in the sector and might want to say more on that.

I am mindful that our colleges are suffering and that, as a Government, we need to reflect on how we can better support their sustainability. They provide pathways in our communities for young people and adult learners, who universities are often not able to reach. It is important that they continue to exist and that we support them to have a sustainable footing. The briefing from Colleges Scotland has been helpful in that regard, and we are thinking about creative ways in which we can provide more support to the sector through the budget.

I am all ears to any suggestions that Opposition members might have in that regard—we exist in a Parliament of minorities, of course. If Opposition members want to come forward with budget proposals to support the colleges sector, the finance secretary and I would be very amenable to sitting down with them and talking about those in more detail. My view is that we will have to radically consider how we can support the sector into the future, because it is facing a number of challenges.

**Miles Briggs:** On that point, I recently visited Dundee and Angus College, which outlined its future capital needs. As is the case for many colleges, a lot of those relate to dealing with reinforced autoclaved aerated concrete. I believe that legislation gives colleges opportunities to have capital borrowing powers, but they have not been utilised. Are ministers looking at that? The college sector's mounting future capital infrastructure spending need is getting to a point where a different model is needed to help the sector to meet it. Where are ministers with that part of sustainable funding for the sector?

**Jenny Gilruth:** We are looking at all those issues. There is a sustainability challenge for the here and now, which we need to look at for the next financial year. We will have to consider that in relation to the budget. There are wider issues in relation to capital, which we have looked at and have provided supplementary support for in the past. I am very focused on the here and now and on working with the colleges sector on a longer-term vision, which is exactly the work that Mr Macpherson is leading on in relation to sustainability. I know the specific issues that Dundee and Angus College is facing in that regard, some of which are historic. We need to be mindful of what we can do in a one-year budget and what we might be able to do in the longer term. Those discussions are happening through my engagement with the finance secretary, with Mr Macpherson and with Colleges Scotland directly.

Adam Reid might want to say more about the capital work.

**Adam Reid (Scottish Government):** There was a 5 per cent increase in the capital maintenance budget for colleges, and the SFC is working towards a college infrastructure investment plan for next year.

**Ben Macpherson:** I will add to those answers, as this will also be of interest to Mr Briggs. In recent weeks, I met the principal and, as far as I recall, the chair of Dundee and Angus College in relation to their specific capital concerns and issues. The Government has been receiving more information on that for some time, which forms part of our considerations.

In terms of wider sustainability and the years ahead, Miles Briggs might be aware of the tripartite group in which the Scottish Government liaises with the Scottish Funding Council, Colleges Scotland and representatives from the sector. Its most recent meeting was held yesterday, when we had a helpful and constructive discussion on various issues and ideas for the way forward. I look forward to progressing that work in the new year in ways that ensure that, together, we not just meet the challenges that our college sector faces but make use of the huge opportunities that exist for the economy, communities and work to tackle poverty, given the important role that colleges play as anchor institutions in all that.

**The Convener:** We will now have questions from Paul O’Kane.

**Paul O’Kane:** My intention was to ask questions on attainment in schools, convener.

**The Convener:** Thank you—I will adjust my notes.

Ross Greer has a question on fair work in the college sector.

**Ross Greer:** I am happy to stick with that topic. Minister, you will remember that much of the stage 2 proceedings on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill hinged on matters of legislative competence in relation to fair work, questions on Office for National Statistics classification and so on.

Having had time to consider the points that Pam Duncan-Glancy and I made, can you share anything at this stage about the Scottish Government’s expectations of the college sector in relation to fair work? I entirely understand the difficulties with universities being independent institutions that are largely publicly funded—in some cases, overwhelmingly so. Colleges are public bodies, and many of their staff feel that management in the college sector is not held to the same fair work standards as management everywhere else in the public sector. Will you lay out what exactly the Scottish Government expects

of college management when it comes to fair work?

**Ben Macpherson:** The SFC is involved in those considerations as well as the Scottish Government. I appreciate Mr Greer’s focus on those important issues, and I have appreciated my engagement with him on them in relation to the TET bill, not just around this table but in bilateral meetings, including in recent days.

More widely, the Government is determined to see and deliver more fair work where we can using our soft power, because, unfortunately, employment law is clearly fully reserved under the Scotland Act 1998. If we had such powers in the Scottish Parliament, we could make further impact in such areas. Recently, the Government has been determined to deliver good outcomes for our college staff, whom we deeply value. Lecturers’ pay was settled before my appointment. I am also pleased that, in recent weeks, two unions accepted the pay offer for college support staff, which was sufficient for settlement. That settlement is important, because we deeply value support staff’s role in institutions across the education sector, including in our colleges. All those things matter when it comes to fair work and fair pay.

As we approach stage 3 of the TET bill—and Mr Greer will recall that I gave him this undertaking in recent days—I want to be very clear in giving as much assurance as I can about the Government’s focus on enabling greater fair work in our college sector and about what we can do within the powers that we have.

**Ross Greer:** I appreciate that. We had lengthy on-the-record debates at stage 2, and we will also have them ahead of stage 3, so I will not press you with questions on the particulars of the bill.

One long-running issue is the National Joint Negotiating Committee structure and the question of an independent chair. You have rightly observed that industrial relations seem to have improved. We have gone through almost a decade of having national industrial action every year. To put it one way, there were clearly profound interpersonal problems at the NJNC. One of the key recommendations from the “Lessons Learned” report was to establish an independent chair. Employers were happier with that recommendation than the unions were, as has been much discussed in the Parliament. It is not the only potential reform that could be made. Are you able to say anything at this point about the Government’s intentions to take forward in full—or as close to full as you can—that report’s recommendations on the NJNC, whether they be those for an independent chair or its other recommendations?

**Ben Macpherson:** The cabinet secretary might want to say something further on that. I am grateful to Mr Greer for raising the point. That recommendation has not been pressed with me in my dialogues with unions since my appointment to my current role, but I would be happy to consider that and to write to the committee on it in the new year.

**Ross Greer:** It is our union colleagues who do not want an independent chair, so I expect that they probably would not have been pressing the point.

**Ben Macpherson:** I am sorry—I misinterpreted that.

**Ross Greer:** Almost everybody else involved in the process agrees that an independent chair is probably the way forward at this stage. I recognise that you have not been in post for long and that you have had a bill that is unrelated to that question, so I am happy to follow up on that issue at a later point.

**Paul McLennan:** I have asked this question when Mr Macpherson has attended the committee previously. It is about the regional opportunities for colleges. In my constituency, there are opportunities for renewables. How can we focus funding on increasing such opportunities?

A related key question is about interactions with universities. How do we see the role of closer working between colleges and universities in looking at that broader approach? My questions are primarily on apprenticeships, how we can focus on regional opportunities and how those things will work moving ahead.

12:15

**Ben Macpherson:** In order for our country to realise and make the most of economic growth and collective reward, while also creating opportunities, reducing poverty and allowing learners to progress in areas where we have significant comparative advantage, such as offshore wind—or aerospace, an area where I have seen real galvanisation at first hand in Ayrshire in the west of Scotland—we want to support skills development in areas where there is clear growth in opportunities and demand for skills. We want to do that with our partners in universities, colleges and employers.

That is why implementation of the TET bill will be helpful. It will bring everything under one funding body and create agility and a modernised approach that will allow for creativity and for funding to be utilised to best effect in the most efficient way. Discussion around regional priorities both within the education directorate with regard to funding and with educational institutions is

absolutely pertinent, and we are constructively and collaboratively engaged in that. In the economy space, we are working with employers to make sure that we realise the significant potential for economic growth.

I will ask Adam Reid to say more on skills development.

**Paul McLennan:** Minister, you touched on opportunities to work more closely with universities, and I understand your point about colleges. However, in my discussions with colleges and universities, there have been questions about how such opportunities might work. Where does funding flow between the two institutions? What opportunities are there in innovation and outside funding? My question is also about those areas, the opportunities there and the work that we are doing specifically on those points.

**Adam Reid:** There are already lots of examples of universities and colleges working together to deliver in skills development and other areas. That is clearly positive collaboration. We want to build on that and work with institutions and public bodies to enable it to happen.

On the regional side, in the programme for government we committed to strengthening regional skills planning arrangements. We would want a number of partners to be involved in that, including colleges and universities. As the minister alluded to, lots of regional skills delivery is happening. Again, colleges and universities being part of that is key.

**Paul McLennan:** Thank you. I am conscious of the time, convener, so I will leave it there.

**The Convener:** Before we move on from the topic of colleges to universities—at which point, I will invite Bill Kidd to ask his questions—I will say that I visited Moray College. It is doing outstanding work, and some of its results are exceptional. However—this is my opinion; it has not been articulated to me by the team at the college—I sometimes think that the college is achieving that with one hand tied behind its back because of the decisions and directions that are coming from the upper echelons of the University of the Highlands and Islands. Minister, what are your views on the current set-up of UHI, particularly with regard to the top slice that it takes from all its other colleges to pay for its executive office function? I have mentioned that issue to your predecessor, and I have asked you and other ministers about it. When the principal of UHI attended the committee, she said something along the lines of, “This is an antiquated process, but it is still there.” Is it not time to get rid of that top-slicing process at UHI?

**Ben Macpherson:** Thank you for raising the issue, which you previously raised on 1 October,

when I last attended the committee. Beyond what I have done in the past few months, I am keen to engage with as many colleges and universities as I can in the new year. I have had helpful correspondence with UHI in the past few months since my appointment on 23 September. Unfortunately, because of parliamentary business and other commitments, I have not had the capacity to engage fully with all parties involved in this matter. However, I hope that you can take it in good faith that I want to do that in the new year. I will seek to engage with you personally as a member with an interest in the issue, and more widely with the committee, too, if that is helpful. I do not have anything to add beyond what I said on 1 October, which, in the interest of time, I do not think is worth stating again.

**The Convener:** I have not discussed the matter with the committee, but I am interested in seeking to arrange to hear from all the chairs of the individual college boards. I do not mean the UHI board, which has its own chair, but the individual chairs who are at the grass roots and know what is happening in their colleges. I am keen for Highlands and Islands MSPs to meet all the chairs. If it is possible and diaries allow, would you be willing and happy to hear from the chairs what their experience is on the ground as colleges that are part of UHI?

**Ben Macpherson:** I would be interested to hear those perspectives, if it is practical. I have sought to engage as widely as I could since I was appointed on 23 September, and it is important for all of us in politics to hear different perspectives and perceptions. I would certainly be interested in that.

**The Convener:** I am grateful. We will probably stick with you now, minister, but we will move to questions about universities from Bill Kidd.

**Bill Kidd:** I have a question about international students, international student visas, immigration and opportunities for international students, because a lot of universities seem to be suffering somewhat from a decline in the number of international students. Could you tell us a bit about how the higher education sector is supporting international students to come here? To add a wee bit extra, how are we supporting students to come from Gaza to study in Scotland?

**Ben Macpherson:** Thank you, Mr Kidd. There is quite a lot in that, so I ask the convener to bear with me as I go through it.

Before we talk about international students, it is important to emphasise for context, as I did in the chamber during the most recent committee debate, that official statistics released in March 2025 by the Higher Education Statistics Agency show an overall increase in the number of

Scotland-based students at Scottish universities to 173,795, as well as a rise in full-time Scottish first-degree entrants.

We have hundreds of international students in Scotland, and they are very welcome. In recent months, we have sought to emphasise how welcome international students are in Scotland by, for example, ruling out the levy that the UK Government is going to charge international students. By doing that, we have sought to make sure that we emphasise that international students are welcome, and to try to create advantage for Scottish institutions that are competing for international students.

Remarkable collaborative work is also being done with the relevant stakeholders to tell the world as broadly as we can that Scotland is a great place to study, with remarkable institutions, historic prominence, reputations and extremely high-quality delivery. We know how well our universities do in the international rankings, for example. Scotland is a great place to study. We want people to come here, and we are trying our best to emphasise that in an environment in which the UK Government is making it more difficult for students to come here and has sought to tell the market indirectly that we want fewer students to come here. That is the only message that can be deduced by the immigration changes that are being made.

The pressures that our universities in Scotland face are similar to the pressures that universities across the UK face, in that financial sustainability is being compromised because of a number of external factors, one of which is the immigration changes. The unexpected national insurance hike was also challenging for our universities and it continues to be so as it was not alleviated in the UK Government budget that was announced at the end of last month.

Our universities are facing a challenge. We are seeking to support them and there will be more information about the work on sustainability that we are doing collaboratively and on a cross-party basis in the period ahead.

With regard to students from Gaza, I recently had the great privilege of meeting some of those who have come here to study. They are remarkable, skilled, passionate and determined individuals who have acquired and sustained their education in unimaginable circumstances. We can only try to think of how difficult it has been for them, and they are here in Scotland and grateful for the opportunity to study at our universities and to contribute to our society. They will also be determined to contribute to the rebuilding of Gaza and their society, if they return.

One of the issues that they face concerns visa arrangements, which goes back to the central point that the UK Government immigration changes are making it more difficult for people to study here.

**Bill Kidd:** We all know about what is taking place at the universities in Dundee, Edinburgh and, to a certain extent, Aberdeen, and those circumstances might perhaps be alleviated to some degree if a decent number of international students were able to sign up at those universities. I hear what you say about home students, and it is terrific that more of them are signing up to be part of the university system, but it also benefits those home students if they can study alongside people from across the world who come into this country to boost what we have here already.

Thank you for your reply. It is important to note that the Scottish Government is aware that we should be able to get as many people in to sign up to Scottish universities as we would like.

**Ben Macpherson:** Internationalism creates innovation. The Elsevier report, which was a remarkable piece of independent work, showed that our Scottish universities collaborate extremely well. As far as I recall, we collaborate three times more than the global average and two times more with the business community than the global average. The collaboration of Scottish universities internationally and within the UK is remarkable and one of our strengths when it comes to research.

The intangible benefit of people coming together from across the world and thinking, creating, innovating and collaborating is also enriching for academia, wider society and our economy. That is why international students matter. They are not just financial units that are important to universities, which are, of course, autonomous institutions; they are enriching in the round.

**Paul O'Kane:** On an associated point, will the minister join me in welcoming today's news that the UK will rejoin Erasmus+, which provides opportunities for students across Scotland and the wider UK? That has happened within two years of the new UK Government being elected. Also, does the minister have any reflections on the progress that has been made over the past six years, during which we have only just reached the test-and-learn stage of the Scottish education exchange programme, which is the Scottish Government's programme?

**Ben Macpherson:** First of all, we should never have left Erasmus+. That was very clear. I was minister for Europe for 18 months, and I and the current cabinet secretary who followed me have had multiple meetings with UK Government ministers, at which we and representatives of the

other devolved Administrations stated that it made no sense economically, socially or otherwise for us to leave the Erasmus+ scheme. The UK coming out of the Erasmus+ scheme was literally a waste of time. However, we welcome the news that we are back in.

The Cabinet Secretary for Constitution, External Affairs and Culture had a call with UK ministers this morning. We are awaiting more details regarding how the new arrangements will apply to Scotland, and the UK Government needs to be forthcoming and provide us with more information. However, the move is welcome, of course. It is a positive thing.

Did the member want to ask anything specific about the Scottish education exchange programme?

12:30

**Paul O'Kane:** I was making more a general point about the fact that, in the six-year period in which we have not been in Erasmus+, SEEP has only just reached the test-and-learn phase. Was SEEP at a stage at which it was going to expand, prior to the news this morning?

**Ben Macpherson:** Adam Reid wants to inform the committee about that.

**Adam Reid:** SEEP was launched in 2023, and since then the Government has invested more than £1.3 million in 86 projects across colleges and universities. Just yesterday, we published an evaluation of SEEP that includes a number of recommendations. We will now need to work with the minister and partners to consider how best to proceed with that in light of this morning's announcement.

**Jackie Dunbar:** Many of Scotland's universities, including the University of Aberdeen, have intakes in January each year, including for international students. Are those later intakes being impacted by the rules on international student visas and immigration?

**Ben Macpherson:** Anecdotally, I have heard this week from a contact made at an event that I attended at the University of Aberdeen about the negative impact on international admissions resulting from the UK Government's immigration policy. It is important that the Government explores beyond anecdotal feedback, but that feedback is concerning.

I will be engaging with Universities Scotland in the weeks ahead, and I hope to have the opportunity to ask that question at some point during the dialogue and deliberations that I will have with Universities Scotland tomorrow. I would like to get a sense from the sector of whether other institutions are experiencing that. If they are,

that is concerning for us all in Scotland and across the UK, as it shows the negative impact of UK Government immigration policy on our university admissions processes.

**Jackie Dunbar:** Is there a different impact on January intakes, or is the impact the same right across the board?

**Ben Macpherson:** As I said, with regard to the January intakes, I want to get a better sense—beyond anecdotal feedback—of what is happening with other institutions. That is in the context of the UK Government's intention to reduce the duration of graduate visas from two years to 18 months for most international students, which will apply to applications from January 2027. If that is already having an effect, we need to explore why that is.

**Jackie Dunbar:** I have a question on widening access more generally. Can I have an update on the progress that is being made, as well as the work that is under way, on ensuring that someone's background does not impact on their ability to access university?

**Ben Macpherson:** I commend the committee for its work on widening access, which was discussed in the recent debate in Parliament. We discussed a number of points, including the positive progress that has been made towards meeting the widening access targets and the 37 per cent increase in the number of Scots from deprived areas who entered full-time degree courses at university in 2023-24. That is a 37 per cent increase since the Government established the commission on widening access, and it is obviously significant progress. The continued provision of free tuition for Scots-domiciled people who go to university and into state-funded education is a collective investment in our people and workforce, and it continues to encourage people to go to university on the basis of their ability to learn and not their ability to pay.

**The Convener:** Minister, you will undoubtedly have anticipated this question. Where are you with the committee's unanimous recommendation to introduce a unique learner number? You told members in the chamber that you would consider the strong opinions that you got from them on that issue.

**Ben Macpherson:** I did, and I appreciated the dialogue in the chamber, convener. I hope that you will forgive me, but we have not had a huge amount of time between that debate and today's appearance at the committee. I undertook to look at the matter afresh, and I reaffirm that commitment today. I will update the committee as soon as I have details to share.

**The Convener:** Thank you. We will now move back to university funding, as we previously looked at colleges. Miles Briggs is next.

**Miles Briggs:** My line of questioning is similar to what I was asking earlier. I welcome the fact that ministers have established the review, which will meet tomorrow morning to consider the current impact on our universities. The committee has done a huge amount of work on the University of Dundee, but other universities are now reporting concerns about their future financial stability and I wonder where Scottish ministers are on that ahead of the budget in January.

**Jenny Gilruth:** I will bring in Mr Macpherson to speak about the wider work, but two members have now referred to the University of Dundee and members need to be mindful of the fact that it was a unique institution in relation to some of its financial decisions. The uniqueness of what happened at the University of Dundee justified the Government's use of the section 25 powers. It is important to note that.

Mr Briggs is quite right to say that there are pressures across the sector and that a range of external factors are at play. We have heard this morning about the impact on international students of immigration rules, employer national insurance contributions and the inflationary pressures that are making staff wages go up—it is quite right that they do so, but those pressures also mean that it is much more expensive to heat buildings, for example. Universities and colleges are having to contend with a lot of things that they did not have to contend with five years ago.

We should be mindful of the fact that the University of Dundee is a bit of an outlier in relation to some of the financial decisions that that institution made, which were all documented in the report by Pamela Gillies that was published before the end of the summer recess.

I ask Mr Macpherson to talk about the wider work in the sector.

**Ben Macpherson:** I caution Mr Briggs and the committee more widely against getting ahead of the announcement that the Government will make very soon on the sustainability work. I am mindful of the fact that we are working collaboratively and in sync with Universities Scotland and others. It is important that we respect all partners in the process. If the Parliament and the committee can be patient, there will be an update on that work very soon.

**Miles Briggs:** I am sure that all MSPs' mailbags, including those of the minister, show that there is real fear out there among the people who are working in our universities. There was a rally not that long ago, and many committee members spoke at it. Have ministers outlined to universities their opinion about compulsory redundancies being progressed as a cost-saving measure in the university sector?

**Ben Macpherson:** On our engagement with universities and the Parliament, Mr Briggs will recall Martin Whitfield's topical question about the University of Edinburgh that I answered a number of weeks ago. I will repeat the main points that I made in my answer that are relevant to all our universities. Although they are autonomous institutions that are responsible for operational decision making, we strongly encourage them to engage constructively with trade unions to seek resolutions to the disputes, in line with fair work principles, as has been raised today. I would also emphasise that compulsory redundancies should be considered only as a last resort, after all other cost-saving measures have been fully explored—that is absolutely the key point.

We recognise the financial challenge that our universities—indeed, universities across the UK—face, but they are important employers and are hugely important to the economy, and the staff at universities are key to teaching and research. It is the people who make the organisations, and we will continue to engage with the universities, as autonomous institutions, on these points. We will also need to engage with the unions, and I am grateful for the engagement that I have had with them in recent weeks.

**Miles Briggs:** Thank you for that. Moving on to widening access, I have a question for the minister for keeping the Promise. I thought that the debate that we had in the chamber was quite useful in pointing out the work that the university sector had done to encourage and support more care-experienced young people to get into university. However, what was not clear was the course completion levels. The committee has raised this matter before, but I am wondering where the Government is in relation to tracking young people from a care-experienced background as they move through university and what it might change in that respect.

**Natalie Don-Innes:** That is something that we absolutely have to do, because it makes no sense to ensure that there are statistics for the start of a care-experienced person's educational journey and then not see that through. We will, absolutely, have to consider the issue.

It should not be hugely complex. A lot of care-experienced young people are already supported by certain services in a local authority, whether they are aftercare services, continuing care or whatever. It is very likely that connections with the young person will already have been made, and what you suggest might help to ensure that our care-experienced young people get those educational opportunities and, equally, the opportunity to remain in education. After all, we know from discussions that we have had with you, Mr Briggs, and discussions that I have had with

the committee that, depending on what stage we are talking about in a care-experienced young person's life, there are difficulties that can manifest themselves as issues with education. Essentially, I absolutely agree with you, and if there are ways of bolstering our approach, I am more than happy to look at them.

**Miles Briggs:** Thanks for that.

**Paul McLennan:** Building on that point, I should say that, a few days ago, Miles Briggs and I had a meeting with Who Cares? Scotland about the issue. When it comes to widening access, it is important that we do not lose sight of it.

My question for the panel is this: what more can we do to widen access and to give those who have not been able to go to university in the past the ability to do so now? That is a really important point that we cannot lose sight of. I do not know whether you want to come in on that, cabinet secretary, but, with regard to the budget, what broader plans do you have to ensure that we continue the good work that we are doing in that area?

**Jenny Gilruth:** Undoubtedly, more can be done, but the progress that Mr Macpherson has set out has been remarkable. We now have far more children and young people from poorer communities going on to university, because they think it is for them. We know that, in the past, they did not think that, and it is really important that those pathways are open.

I am also mindful of the fact that, post-pandemic, some of our progress in this respect has stalled in a way that it had not done previously, although I think that the most recent statistics were very welcome news. The UCAS data published on exam results day again showed progress on widening access, and that is to be welcomed.

My own view is that there is now a much more distinct link between what is happening in our schools and the pathways to college and university, partly because we now have a far broader range of qualifications. I am sure that we will talk about school education in due course, but, if we look at this year's examination results, we will see that more than 100,000 technical and vocational qualifications are being delivered, with pathways being created that did not previously exist for young people.

We have seen a real sea change in the way that our education system is delivering for our children and young people. Universities have been in the driving seat of some of that culture shift, and they have recognised their responsibilities. I do not know whether Mr Macpherson wants to say more about that.

**Paul McLennan:** On that point about pathways, I have a niece and nephew who both went to college and then went on to university. The fact that they went via that particular route is really important, because, at the start, they did not see themselves going to university, but they now have their qualifications and have progressed. I just wanted to make that important point before the minister came in.

12:45

**Ben Macpherson:** I endorse everything that the cabinet secretary just said. We need to consider the issue collectively and in the broader context. The ambition is fair access for everyone who wants to go to university and whom university is right for, and, in recent days, the commissioner and I have talked about that in relation to widening access.

From what I have heard around the committee table, in previous engagement in Parliament and certainly from stakeholders, I feel that we collectively want to lead a shift in social consciousness whereby people undertake the pathway that is right for them. Genuine parity of esteem needs to be realised by moving away from any sense of hierarchy of achievement. Of course, different qualifications require different demands, skills, talents and abilities, but the most enrichment for the individual and for all of society together would be getting to the point of parity of esteem, whereby people feel empowered to proudly drive forward in the area that is right for them.

That wider context is important in relation to Withers and what we are trying to do with apprenticeships.

**The Convener:** Ross Greer, do you still want to ask about fair work and universities?

**Ross Greer:** No. I am content to move on.

**The Convener:** We are going to move on to schools. We will start with Mr Greer on teacher workload, and then we will look at contact time.

**Ross Greer:** Cabinet secretary, can you set out what the Scottish Government has done in this parliamentary session to reduce teachers' workload, particularly in relation to bureaucracy?

**Jenny Gilruth:** We have been working with the Scottish Negotiating Committee for Teachers on reducing teachers' workload. The main way that we will achieve that, to my mind, is by reducing class contact. We know that Scotland's teachers are currently working more hours than they should be, and a large part of that—as, I think, the Educational Institute of Scotland has documented in recent weeks and months—relates to the increase in additional support needs, which I am

sure we will come on to talk about. With the increase in additional support needs diagnosis, which I think is important, comes the associated increase in bureaucracy—we need to be mindful of that.

As Mr Greer knows, the changes need to be driven through the SNCT. It is regrettable that we have not been able to make as much progress in that space, particularly on reducing class contact, as we had hoped to do by this point, although I welcome the fact that we have been able to get record pay deals through the SNCT. In recent weeks, there has been another pay increase for Scotland's teachers, ensuring that they remain the highest paid in these islands. That is very welcome, but, to my mind, reducing class contact is the thing that will make the difference. We have to go further in that regard.

I also want to give Mr Greer some reassurance. A few weeks ago, I set out some of the Government's proposals for how that reduction might be delivered. That is, of course, a matter for the SNCT to engage in, and I understand—Alison Taylor, who is to my left, will keep me right on this—that the trade unions made public comment on that yesterday. There will also be a meeting tomorrow with the Convention of Scottish Local Authorities on how we can take that work forward. I am very keen—as you will know from public commentary—that we use a number of pilots across the country to look at how that reduction could be delivered.

We have to work with the profession on how that works, how it is timetabled and what it looks like in primary versus secondary, but, to my mind, reducing teacher class contact is the thing that will make the difference. I am disappointed that we have not been able to make as much progress as we should have done, but I am pleased that there seems to be some movement from partners in that regard. That is to be welcomed, and I give Mr Greer a reassurance that we will be grasping the thistle on the issue, because, to my mind, it is the thing that will make the biggest difference for our teachers and pupils.

I do not know whether Alison Taylor wants to add something on officials' engagement on the issue.

**Alison Taylor (Scottish Government):** All that I would add is that we have a focus on working through the practicalities now, trying to understand the art of the possible—to use that old cliché—and seeing what can work on the ground and what we can build from.

**Ross Greer:** I absolutely agree that the key to reducing teachers' workload is the reduction of class contact. I welcome the proposals that you have set out—I think that they are pretty

ambitious—but it is impossible to imagine that ambition being realised without substantial additional resource. What I am concerned about in the here and now is the unnecessary bureaucracy that teachers are still having to wade through, which it would not require additional recruitment or a significant amount of resource to reduce. As you have heard me say previously, the Scottish Government and local authorities could save money by tackling that bureaucracy. It has now been just over a decade since the tackling bureaucracy report was produced, but a substantial number of the recommendations in that report have not been implemented.

With respect, it sounds as though you are struggling to come up with an example of something that the Scottish Government has done during the current parliamentary session to reduce teachers' bureaucracy workload.

**Jenny Gilruth:** I remember the 2014 tackling bureaucracy report, as I chaired a departmental meeting to look at it and what it meant for my department at that time.

When we talk about bureaucracy, it is important to note that it differs at local authority level and at school level. I am sure that others would contend that this is not the case, but I would argue that the Government has not asked for the majority of administrative and bureaucratic tasks that are asked of teachers, so we do not collect lots of educational data nationally. You all know that, because various parties have made freedom of information requests of local authorities. That is not necessarily particularly helpful, but it is the case that we have different policies for how things are recorded and the administrative tasks that are asked of teachers.

One of the announcements that I made, alongside how we might deliver on reducing class contact, was about our plans for independent work on how we can reduce unnecessary bureaucracy. In the summer, I commissioned work that will look at driving some of that, particularly given the possibility of using artificial intelligence to reduce the workload of teachers' administrative tasks—

**Ross Greer:** I am sorry to cut you off, cabinet secretary. I welcome all that new work—particularly the work on AI, which was obviously not relevant when the 2014 report was produced—but my worry is that we are going to go through the same process of having working groups, reviews and consultations to come up with new ways of reducing teachers' workload and then not implement them, just as we did not implement most of the 2014 work. Why has the Government not just taken that 2014 report, dusted it off and implemented what is still to be done and what is still relevant? It feels as though there must be low-hanging fruit there.

I take your point that a lot of that bureaucracy is driven by local authorities, but you have heard me say previously that, in a lot of cases, that is because they have bolted things on to the Scottish Government's requirements. We disagree, in principle, on Scottish national standardised assessments, but the Government's position is to deliver them. That is fine, but why has the Government not set a condition saying that local authorities are not allowed to bolt on to them all sorts of additional reporting requirements? That is one of the drivers of teachers' workload—not the testing itself, but everything that has been built around it.

**Jenny Gilruth:** It is. You make a fair point, Mr Greer.

On the SNSAs, I remember sitting in this room, where Ms Dunbar is sitting now, and debating these exact issues with COSLA, because we have 32 different approaches to the monitoring of progress and assessment. As you will recall, local authorities were meant to use the SNSAs as a diagnostic tool, and they should not add to teachers' workload. Beyond the SNSAs, the Government asked for very little in terms of teachers' workload. As Mr Greer has alluded, much of it is driven by local authority practices.

On the 2014 report, our schools now exist in a different era. What is happening in our schools now is not what was happening when I was last in a classroom. If we consider poverty and the ways in which schools are meeting needs, a lot of the workload might be not necessarily administrative but about support for families and broader social support. It is quite difficult to quantify some of that.

Although I accept some of Mr Greer's points in principle, we need to look at new ways of reducing teachers' workload, and the work on AI reducing unnecessary bureaucracy is important. However, to my mind, reducing class contact will make the biggest difference. I am pleased that we have seen some real progress in recent weeks, and I hope that we will see further progress following tomorrow's meeting. That work, accompanied by the work on reducing bureaucracy for teachers, will be the game changer.

I am mindful of the fact that much of the bureaucracy is related to the increase in additional support needs, which we might come on to talk about. We need to be mindful of the ASN review and what that means for teachers' workload and administrative tasks.

I will give a crude example from my experience of teaching in Edinburgh. We had a pupil support assistant who would come to the department once every two weeks, and her job was to input pupils' grades from their test results and so on. Having somebody in the department to undertake those

administrative tasks meant that fulfilling our reporting requirements for year groups was far easier. It reduced the bureaucracy for teachers and the time that we had to spend on those tasks. That is a crude example of one local authority using additional budget to employ a pupil support assistant.

Mr Greer alluded to a wider challenge in Scottish education, which I have tasked John Wilson with, which is to look at how we deliver education in Scotland's schools post-pandemic. Is it sustainable to have 32 different approaches to that? We need to ask ourselves such big, challenging questions at the current time. Budgets are challenging—we will come on to talk about that in January, I am sure—and there are perhaps more sustainable ways in which we could deliver an equitable education system for all our children and young people.

**Ross Greer:** As tempted as I am to get into a debate around education governance—I agree that having 32 different ways of doing it is not working—going down that path would be a huge piece of work that would take a number of years. Are there not things that can be done here and now?

**Jenny Gilruth:** There are.

**Ross Greer:** To focus my question a bit more, my challenge to you is this: how confident are you that the work that you have commissioned will not go the same way as the 2014 tackling bureaucracy report and just sit on a shelf, and that, in 10 years, we will not all lament that it was never implemented and say, “Society has moved on, so we need another working group and another consultation”?

**Jenny Gilruth:** I do not want to prejudge the outcome of that work, but it is important and it is under way. I have set out some of the steps that are being taken, but Mr Greer was instrumental last year in ensuring that the Government put extra money into the budget to provide for an increase in teacher numbers and for ASN. That extra funding is making a difference. For example, it means that higher numbers of pupil support assistants are being employed locally than was previously the case.

We can protect education budgets in our negotiations—I am very amenable to listening to members' views on that, because they are important. In the coming weeks, I will be involved in budget negotiations with the finance secretary, so if members have views, I am all ears.

**Ross Greer:** I look forward to those discussions.

I apologise pre-emptively—I need to head off shortly after 1 pm, because the meeting has overrun.

**Willie Rennie:** Yesterday, the SNCT teachers panel met, and it was pretty scathing about the Scottish Government's proposals, saying that they

“fail to adequately address the pressing need to resolve the SNCT dispute on reducing weekly class contact time to 21 hours”.

Its response also talked about a “lack of meaningful progress” and referred to its “statutory ballot”.

Why has the education secretary's announcement on the four-day teaching week not broken the logjam, and what new things will she do to prevent the strike at the end of January?

**Jenny Gilruth:** I do not think that any of us want another strike by teachers. I certainly do not want one on my watch, so I am keen to avoid that. Two or three weeks ago, in the Parliament, I met the EIS and the other professional associations to talk about those issues in more detail, and we have to resolve those challenges.

One point that I will put on record—I have said this publicly previously—is that the trade unions have a view that pay and conditions should be negotiated separately, which is entirely in their gift. However, I observe that, when I was transport minister, the transport unions did not necessarily take the view that such matters should be negotiated separately—they wanted to negotiate them together. The separation means that we could perhaps have seen a resolution to the issue more timeously than we did, because teachers have had successive pay increases each year. That means that teachers are more expensive to employ and the budget, which Mr Greer rightly talked about, becomes more constricted. However, we will have to work on those issues through the SNCT.

On how changes will be implemented, I have spoken to all the professional associations, and I am very keen to work with them to establish pilots based on what works. We have to work with the profession to understand its needs and the practical requirements of timetabling. I speak as a secondary specialist, but changes will look different in primary schools, which have other challenges as well. However, we also need to provide some reassurance because our independent modelling shows that, if local authorities had gone back to 2023 levels, there would be enough primary school teachers in the system to deliver the reduction in class contact. I welcome Mr Rennie's party's support for last year's budget, which allowed for an increase in funding to be provided for teacher numbers and

for ASN. That will make the difference when it comes to delivering a reduction in class contact.

We also have to give teachers time. We have looked at international comparisons in relation to how many hours teachers are working. I know that teachers are currently stressed and struggling. We have talked about ASN before in this committee, and we agree that we have to create the necessary headspace for teachers. We are trying to reform our education system, which we cannot do if we do not give teachers time to engage with the process. It is important not only for our children and young people but for our teachers, who are professionals, to have the headspace and time to engage in the work of education reform.

**Willie Rennie:** You have said all that before, but it has not broken the logjam. What will you offer that is new in order to make such a change? As you say, we cannot have a strike, so what will you do? The teachers panel is pretty clear about where the responsibility lies.

**Jenny Gilruth:** Well, it is a tripartite responsibility, Mr Rennie.

**Willie Rennie:** The panel is pretty clear about where the responsibility lies: it is your manifesto commitment, which you have not delivered.

**Jenny Gilruth:** It is our commitment, but we need to get agreement on the time. The panel has also been clear that, once we can get agreement on the use of the time, it thinks that we might be able to move forward—that is what is said in the letter that I received from the panel, which was published yesterday. The panel might not agree with everything that is being proposed, but I had a really helpful meeting with it a few weeks ago.

13:00

You asked what is new, Mr Rennie. I have published quite a few things about the four-day teaching week, which is new because, for example, it relates to how we might standardise learning hours across the country. At the moment, we see variance in learning hours across local authorities—Clare Hicks or Alison Taylor can keep me right on this, but I think that it is up to two hours per local authority for primary 1 pupils. That means that, depending on where you live, your child will perhaps receive either two hours more or two hours less education in the working week. We need to look at those things to ensure greater consistency.

All the things that I have announced, including work on reducing bureaucracy—that was announced only four weeks ago—are new. It is for the SNCT to agree with the proposals—I cannot unilaterally foist changes on the profession, nor would I want to. We have to get agreement with

COSLA, which is why the meeting that officials will have with COSLA tomorrow is so important.

**Willie Rennie:** Let us hope that that works. Initially, the approach was to recruit 3,500 extra teachers to create the space to reduce teacher contact time. Now you have worked out, through your various bits of research, that the falling school population would allow you to do so without recruiting 3,500 extra teachers, which leaves lots of them underemployed or unemployed. Do you regret changing the approach halfway through the process?

**Jenny Gilruth:** I will just walk Mr Rennie back to the 2021 election, as we are now living in different financial and economic times. The 2021 election predated Liz Truss's mini-budget, the inflationary challenges that we have seen and the war in Ukraine, which have meant that inflation and wages have increased. As a result, in order to meet teacher pay demands throughout the period, which we have done successfully, other things and the way that we fund them have had to adapt over time.

I do not recall it being an overt choice of the Government to change approach and pursue change via this mechanism. We commissioned the independent research that you spoke about, Mr Rennie, but we have to be mindful that things are more expensive now than they were. The Government has responded to that by paying our teachers appropriately, but you are right that our modelling suggests that we could use 2023 figures to deliver on the expectation to reduce class contact.

**Willie Rennie:** You would be scathing of any other Government that made such a change halfway through the process. You would say that it had broken its promise, let teachers down and left lots of them unemployed, but you say that this change is somebody else's fault. Surely you should accept responsibility for changing the policy halfway through and leaving lots of people unemployed. Do you not accept any responsibility for that?

**Jenny Gilruth:** I am not necessarily sure that I was blaming anyone, Mr Rennie. I was simply pointing out that the financial environment that we have is different to the one that existed in 2021.

**Willie Rennie:** It sounded like blame to me.

**Jenny Gilruth:** I also point to the significant increase in teacher salaries that we have seen since 2021. The significant increases—

**Willie Rennie:** If you do not have a job, that makes no difference, and lots of them do not have a job.

**Jenny Gilruth:** In the past financial year, we managed to increase the number of teachers in

our schools by 63, thanks to the Liberal Democrats and others around the table supporting extra funding for our teachers, which was welcomed.

As Mr Rennie knows, the Government does not employ teachers, so certain local authorities have taken the money but reduced teacher numbers, and, in relation to the issues that Mr Greer raised, there are challenges because of that. I will pursue that issue directly with COSLA.

**Willie Rennie:** It was your responsibility. You recruited and trained thousands of extra teachers based on the promise that we would reduce teacher contact time, and they are now unemployed. You cannot suddenly say, after you have failed to deliver on the manifesto, that it is all the councils' fault. It was your manifesto commitment, and those people are pretty angry now.

**Jenny Gilruth:** I agree with Mr Rennie that local authorities and the Government have a responsibility, which is why the Government fully funds the probationer scheme. I think that the Scottish Government provides around £42 million of funding for that scheme. We need our local authorities to play a role in the employment of teachers, but the main issue is that we have been unable to get agreement on the use of time through the SNCT, which has prevented us from moving forward. Had we been able to secure that agreement before now, we would have been able to move forward regardless of the other points that Mr Rennie made about extra teachers because of the points that I made about independent modelling.

**Paul O'Kane:** Good morning. When John Swinney was Covid recovery secretary, he said that recovery in our schools was the Government's immediate priority. My understanding is that that pledge related to the lifetime of the parliamentary session, of which we are now at the end. What was your understanding of that pledge?

**Jenny Gilruth:** Sorry, I missed the final sentence. Could you just repeat the—

**Paul O'Kane:** Certainly. What was your understanding of what John Swinney meant when he said that recovery in our schools was a priority? What should that look like by the end of the parliamentary session?

**Jenny Gilruth:** In response to your point, Mr O'Kane, I would say that we have actually had a very successful year in Scottish education with regard to the recovery in our schools and that we are turning a corner.

In my statement to Parliament last week, I highlighted improvements in attainment, a narrowing of the attainment gap, the smaller class

sizes in our primary schools and the increases in teacher numbers, and I should say that we have also seen real improvement in this year's examination results. If we go back to the 2019 figures, we will see that there have been real improvements, with the gap narrowing; of course, 2019 was the last time that we could make those judgments, given the pandemic, but we have seen attainment rise across the board. The generation who have worked through our schools have had support. Indeed, the Government provided some of that additional support during the pandemic, with the employment of extra teachers at the time—which was, I should say, prior to my time in this role.

I think that this year's education results, particularly in our schools, tell us that recovery is happening. We need to reflect better on how we can support our schools, and part of that will involve reviewing how we fund the Scottish attainment challenge. My party and—I think—Mr O'Kane's party have given a public commitment in our manifestos for next year's election to continuing the Scottish attainment challenge. That is important, but what I think has shifted since the implementation of the challenge 10 years ago is the normalisation of poverty in our schools, the existence of food and clothing banks and schools now being stretched to meet societal needs in ways that they might not have been stretched previously.

Therefore, we need to look at and review the fund. It is part of the work that, as I alluded to in my response to Mr Greer, John Wilson, a former headteacher, is leading, but we need to be mindful of how we can bring additionality to our schools in the post-pandemic period to support the recovery work that I believe is happening and which I believe has been evidenced by last week's statistics and this year's exam results.

**Paul O'Kane:** That was quite a long answer—

**Jenny Gilruth:** I am sorry.

**Paul O'Kane:** —but the question was: what was the sum total of the Government's ambition when it talked about recovery being a priority? Was it about turning a corner three months out from the end of the Parliament, or did you have some vision that we would be further on? Attendance, for example, is at 91 per cent, which is below the pre-Covid average of 93 per cent—

**Jenny Gilruth:** It is.

**Paul O'Kane:** —while persistent absences are at about 28.5 per cent, which is well above the pre-Covid average of 21.8 per cent. Was that the ambition for recovery during this session of Parliament?

**Jenny Gilruth:** No. I think that there are still issues to address, some of which I set out in my opening statement.

Look—I accept all the good work that is happening in our schools, and I think that we should celebrate it, given that these young people lived through a global pandemic and that, therefore, we can expect their outcomes to look different to the outcomes of those who came before them. There are still challenges with absence, but there has been improvement in the past year, and I certainly welcome that.

There are also challenges with getting young people back into formal education, and there are challenges with families, too. A number of our schools now use their pupil equity funding from Government to employ family liaison officers to help with that work. Not long ago, I was in a Kirkcaldy primary school that has attendance officers—they are now called family liaison officers—going out to have individual conversations with parents on the doorstep in order to bring children into school. Some of the work is very detailed and individual, and it will necessarily take time, because there is no quick fix when it comes to such work—it is relational.

As for the point that Mr O’Kane has rightly raised on persistent absence, that is a new measurement that we introduced two years ago, I think, because we were not gathering data on it and we were of the view that we needed to do so. I would also draw Mr O’Kane’s attention to local variations across the country within that persistent absence measurement. It is not a flat or static picture, and some local authorities need more support than others. For that reason, I announced in, I think, 2023—I will check that, convener, but Alison Taylor will correct me if I am wrong—some intensive work to improve attendance, and Education Scotland has been tasked with supporting those local authorities facing the greatest challenges.

Finally, we launched the national marketing campaign on improving attendance in October. That has been quite successfully received, but it is very much in the space of supporting parents with regard to pupils coming back to school.

I worry about the fact that many of this generation of young people have experienced much of their education online, and about what that says to them about the importance of attending and being present. Being present at school is important for good reasons—after all, there are legal requirements in that respect—and we need to go back to encouraging families to recognise why it is important.

However, if you look at the statistics on attendance, you will see that there are other

issues, such as the numbers of young people who are absent because they are on holiday. That, to me, is not acceptable. There are issues with how schools can support children when they miss periods of their education, and a lot of that work is being supported by Education Scotland. When it comes to the young people who missed out on their education during the pandemic, we must do all that we can to help provide that supportive environment in school.

I am going to stop talking now, Mr O’Kane, because I am aware that I have given you another very long answer.

**Paul O’Kane:** It is interesting, because when we had an exchange on this following your statement in the chamber last week, I raised the issue of the chasm in the attendance numbers that exists in a lot of places. I referred to South Ayrshire and East Ayrshire. South Ayrshire, because of its demographics, has a high level of attendance, while East Ayrshire, which has a very different set of demographics in some ways, has a very low level of attendance. Your response to me at that point was that that was a local authority issue.

This morning, you have referred to your frustration about there being 32 different local authority approaches, but you also referenced the leadership of Education Scotland and your role as cabinet secretary in leading some of that change. It would therefore be useful to hear that you accept that you have a responsibility for leading some of the work on reducing absences, particularly persistent absences. What more can the Government do with its important convening power?

Your exchange with Mr Greer was interesting, although I appreciate that we do not have time to get into the complexities of education reform and how 32 local authorities work. However, for example, you decided not to move ahead with regional improvement collaboratives for what I assume was a variety of reasons. They were collaborating on a range of issues, including the issue of how we ensure that young people are in our schools and classrooms and are learning. Could you reflect on some of that?

**Jenny Gilruth:** There is quite a lot in there, Mr O’Kane, but I will try to touch on it all.

I do not recall flat out saying that attendance is purely a matter for local authorities. Of course the Government has a role to play in that. We have shared legal responsibilities that are set out in statute in that regard. Ministers have a clear responsibility, but the statutory responsibility rests with local authorities. We can provide advice and guidance, and we do that on a range of different

things such as behaviour, for example, and I am sure that we will come on to talk about that.

Mr O'Kane cited a number of areas in attendance and, if I was to draw out the attainment statistics for those areas, they would look impressive. There is a correlation between poverty and attendance and that is accounted for in the data that was published last week, which shows that pupils from poorer communities struggle more with their attendance than those who do not come from those communities. We need to be mindful of that gap.

Mr O'Kane also mentioned the RICs, on which I took a decision two years ago. I know that Mr O'Kane is new to his role, and I encourage him to go out and speak to teachers about their experiences with the RICs. Most teachers that I have engaged with have varying views of them. Some of the RICs—

**Paul O'Kane:** With respect, cabinet secretary, I have done that. I was an education convener for five years as well as a member of an improvement collaborative, and I worked closely with a wide range of teachers in the west. You are indeed right that there was a variance of opinion, but a lot of learning could be taken from RICs such as the West Partnership.

**Jenny Gilruth:** The West Partnership is an example of one of the strongest RICs in the country, but not all RICs worked in the manner that the West Partnership worked. Some of the work that the West Partnership undertook has continued, which is helpful.

However, in other parts of the country, there was some scepticism about the impact of the RICs. I took the decision that I did at that time having listened to the profession, but I appreciate that Mr O'Kane has had a different experience.

There is no quick fix for the issues with attendance. We have to work with families and I have been struck by the number of schools that are now employing family liaison officers in place of what would have been attendance officers when Mr O'Kane and I were at school to work directly with families and put in place the support that they need.

The previous example that I gave involved parents being supported with qualifications. In other primary schools I see parents being supported by health and wellbeing coffee mornings to get mums and dads into schools so that young people also come into school. Much broader support is now being given to the community by the school, and that is why we need to evaluate the Scottish attainment challenge fund. I am not sure that, when it was introduced more than 10 years ago, we could have predicted some of the interventions that are being used now, some

of which involve schools responding to societal change and poverty and, in so doing, supporting families and broader social cohesion. However, we need to think again about educational outcomes and how we can intensify progress.

We have made some progress, but I agree with Mr O'Kane that we need to move at pace to provide more intensified support. That is where the Government comes in through Education Scotland and through working with individual local authorities in the way that I mentioned.

**Paul O'Kane:** I am grateful. There was some useful content in that answer and the committee will want to look at it further in some detail.

Convener, I will turn to attainment briefly. The Government prefers a measure that combines an average figure across primary 1, primary 4 and primary 7. I suggest that that approach is questionable because, as we know, those are very different stages of a child's development.

For example, I have raised concerns about numeracy in primary 4, and about the fact that, on those individual measures, the gap is very often widening or stagnating. With literacy and writing, we have seen a fairly flat line on the individual measures.

Is the cabinet secretary concerned that we are painting a fairly positive picture when we are not getting into the detail? At crucial stages such as primary 4, where we know that children are in a transitional phase in their primary education, we are maybe missing something.

13:15

Also, does she have a concern that, if rates are flatlining on things such as literacy and writing, by the time that children get to secondary, we will have to do a lot more and invest in things such as reading recovery and supporting children to continue some of what they have been doing in primary into the early years of secondary?

**Jenny Gilruth:** Again, there was quite a lot in that. In relation to numeracy, I gave an update to Parliament on the back of the last set of PISA—programme for international student assessment—results, which I think would have been this time in 2023. At that time, PISA called those results the Covid edition, and we had seen a stagnation in progress.

On numeracy, there were challenges so, in 2023, I appointed Andy Brown to lead on that work as the national maths specialist. He is a headteacher but is a maths specialist to trade and, for the past two years, he has been leading a body of work to improve our numeracy curriculum. Much of that work leads to the curriculum improvement cycle, and I understand that he will be setting out

some of that in very short order. I had a meeting with him and Education Scotland a few weeks ago. We need to look at the core curriculum content.

There are other issues with how children are taught maths. I am not a maths specialist to trade, and I do not pretend to be one, but I have had very informative discussions with Andy on the ways in which maths is being taught in our schools and the ways in which we can support more enjoyment in the learning of maths, because I recognise that there are challenges in that regard. We see a split in subject choice in the senior phase. In recent years, we have seen an increase in applications for maths, and that needs to be considered in the round. We have engaged with local authorities—with COSLA in particular—and with the Association of Directors of Education in Scotland.

On Mr O’Kane’s concern about writing, a really important piece of work through the national improvement programme has been supporting improved outcomes on writing, particularly in our primary schools. I would be more than happy to write to the committee with details of that work. It is a programme that works, and I would certainly like to give due consideration to scaling it up. Of course, that would require budget, and I again invite committee members to consider how they might play a role in that.

I think that we are seeing an improved picture, although I take on board Mr O’Kane’s points. In my statement to Parliament last week, I made reference to the issues in primary 1 and some of the work that I will take forward in that regard. Those are our Covid babies, and I am very worried about their outcomes. We also see gaps in speech and language development in some of our youngest pupils in our poorest communities—Ms Don-Innes will be aware of that, as we have discussed it with officials. All of that plays into a trajectory whereby educational outcomes have been disrupted, and we need to think about the different types of interventions that we can make to better support children and young people.

The chief inspector has a key role to play in that regard, and I have set out some of the further work that Education Scotland is taking forward. However, the ACEL—achievement of curriculum for excellence levels—data from last week shows that the proportion of primary pupils achieving the expected CFE levels in literacy has increased to the highest level to date. For S3 pupils, the proportions achieving third level or better in literacy and numeracy are at their highest-ever levels. In 2024-25, the poverty-related attainment gap for primary pupils in literacy reduced to its lowest-ever level, and for primary numeracy the gap has reduced to its lowest-ever level.

I accept that those are top-line statistics, as it were, and that, within different year groups, there are different challenges, but the overall picture is nonetheless one of improvement. I hope that all members will welcome that picture and support the Government’s agenda on how we drive further intensified improvement.

**Paul O’Kane:** I have a closing comment, because I am conscious that the convener wants to move on. As I think that I said in the chamber during the statement, we accept that, but we need to be careful and drill down into exactly what we are talking about in terms of statistics, rather than grouping together the entire primary experience into one measure.

**The Convener:** Sticking with attainment, I will bring in George Adam.

**George Adam:** Many of the questions that I wanted to ask have been answered by the cabinet secretary. Unlike some, I do not feel so needy that I have to ask them again, so I am quite happy for you to close the meeting whenever you want, convener.

**The Convener:** Okay. We will move to the poverty-related attainment gap, with questions from Willie Rennie.

**Willie Rennie:** This follows on from what Paul O’Kane asked about. When Michael Marra was a member of the committee, he challenged Shirley-Anne Somerville, your predecessor, about whether the Covid recovery plan—the education recovery plan—was sufficient for the task. She was adamant that it was. She said:

“Working together, we will ensure that all pupils are given the support that they need to recover their learning and health and wellbeing. That includes maximising how we support and challenge improvement and reduce the variability in what children achieve in different parts of the country.”—[Official Report, 3 June 2021; c 29.]

She was therefore adamant that the plan was good enough and that it would deal with the undoubtedly challenges of the pandemic.

However, we now know that we will not close the poverty-related attainment gap, as was promised. I know that the minister will talk about the pandemic. Why was the plan not sufficient to meet the challenge, and why was Michael Marra not listened to?

**Jenny Gilruth:** I am not going to comment on Michael Marra, because he is not here this afternoon, Mr Rennie.

**Willie Rennie:** I know, but I was here.

**Jenny Gilruth:** I hear that you were here. I was not here at that time either.

It is important that we look at the progress that has been made. In the chamber, I regularly hear

all the critique from Mr Rennie and others around the table about our schools, and yet this year's exam results show that the pass rate for national 5s and highers is up and the advance higher pass rate is up compared to last year. Grade A percentages in national 5, highers and advance highers are up. The deprivation gap has narrowed for national 5, highers and advance highers. The results also show increases in our technical and vocational qualifications. The data that I set out to Mr O'Kane also tells us a positive story of improvement.

I accept that there is more to do and I do not detract from that. We need to intensify progress. I set out some of that to Parliament last week, and Education Scotland and the inspectorate will need to take forward further work. I hope, however, that members can get behind some of the positive results that we are seeing in our schools. I do not detract from the challenges, much of which are in the funding space—I am interested in Mr Rennie's views on that. However, these are real successes for children and young people, despite what they experienced through the global pandemic, and we should be proud of them.

**Willie Rennie:** There are 170,000 pupils at school now who are in the bottom 20 per cent of the Scottish index of multiple deprivation and their fortunes have hardly budged an inch in the past 10 years. The minister should not hide behind pupils and their success, which is undoubtedly—they have had successes. What about those 170,000 people who were promised that the gap would close, but it has not been closed, and who were told that the recovery plan was good enough and that they would be assisted and they have not been? What do we have to say to those people? Do they not matter?

**Jenny Gilruth:** Of course they matter, but they have been living through a period of austerity. Do we really think that schools exist in isolation? We should be mindful of societal changes that mean that families—

**Willie Rennie:** That was before the promise was made. The promise was clear. We were told that the recovery plan was enough and now you are shifting the goalposts. Those people deserve an answer. Those people were not even born when that promise was made.

**Jenny Gilruth:** I am sorry, but I do not recognise the position that Mr Rennie is taking on this issue. We need to be cognisant of the pandemic, which was a factor, but we also need to be cognisant of austerity.

In my constituency, which is just down the road from where Mr Rennie is, we see real challenges from poverty. I am mindful that the poverty that is being experienced in households, where bills are

going up and mortgage payments and rents are going through the roof, means that things are tough at home, and that also impacts on educational outcomes. We cannot pretend that the attainment challenge has existed in a silo that has been divorced from the wider societal changes that have happened during that time.

When young people's education was disrupted, it undoubtedly had an impact on progress, but that is not unique to the system in Scotland. We see challenges across the world in relation to attendance and attainment, with a generation of young people's attainment behind where it would have been. I do not accept that Scotland is an outlier in that regard.

I hear the points that Mr Rennie makes about the recovery plan. Of course, there is more that we will need to consider, and I am all ears to hearing from Mr Rennie about where that targeted work and intervention should be. However, I am currently focused on working with local authorities. Officials will be meeting and working them tomorrow on how we can drive further intensification of support.

The national writing improvement programme, which I spoke to Mr O'Kane about, is a good example of that, as is the work that Andy Brown is leading on the improvement to numeracy. Those interventions will make the difference, and having that targeted support for local authorities is really important.

**Willie Rennie:** I am going to conclude. Those people have heard all this before and nothing has changed. They do not have confidence in the Government to deliver. The reality is that the Government has not delivered the promise to close the gap that it made 10 years ago, and that is the reality for 170,000 people.

**Jenny Gilruth:** I am very sorry that Mr Rennie cannot welcome the progress in Scottish education that we have seen in the past 12 months.

**The Convener:** We will move to questions on ASN and support for mainstreaming and specialist provision.

**John Mason:** As you and your team might know, cabinet secretary, we were recently looking at the Restraint and Seclusion in Schools (Scotland) Bill. As part of our consideration, we visited Donaldson's school in Edinburgh, which I understand used to be a deaf school—or a school for deaf children—but which now focuses more on ASN, autism and similar issues. It was a really interesting visit, and we saw the school's great facilities—it is an actual building in a beautiful location with a good number of staff. However, there were hardly any children.

My question, then, is this: where are we going with a school like that? Do we actually need a school like that if there are no kids there? What about the councils? I broadly agree with mainstreaming, but there are kids who seem to need a really special level of school. Those schools exist—we only visited Donaldson's—but something is not working in that space. We have needy kids in Glasgow who have to stay in Glasgow, either because that is all Glasgow can afford, or because Glasgow thinks that it can do this itself, and here we have a facility that is just sitting there.

**Jenny Gilruth:** I will bring in Alison Taylor on the specific issue of Donaldson's school, but I come back to Mr Mason's general question about how we better support pupils with additional support needs. The Government has a number of specialist schools that we fund directly, which is quite a unique approach and is, you might argue, a historical anomaly. However, I will bring in Alison to talk about Donaldson's school, if that is okay.

**Alison Taylor:** Absolutely, cabinet secretary.

As you have said, Mr Mason, Donaldson's school now provides support in its special school environment to children with a much wider range of needs than it did traditionally. As Ms Gilruth has said, it is one of our grant-aided special schools, so it receives support directly from Government. I acknowledge your point about the singularity, if you like, of that type of provision. Councils themselves run a large number of special schools, a very small number of which are residential, so I suppose that the question of how best to distribute the available resource to meet the needs presented is quite a challenge around the country, and it is determined by what each family, and each child, needs.

I do not know, Ms Gilruth, whether you wish to say a little bit about the review work that we are looking at undertaking.

**Jenny Gilruth:** I set out to Parliament some of the work in this space last week, but going back to Mr Mason's reference to children in Glasgow, I just want to touch briefly on ASN data. About a month ago, we had a really interesting summit at Murrayfield stadium with a range of partners, looking at ASN measurements across the country. There is variance in what we mean by ASN and, in the context of that measurement, what that looks like in individual local authorities, and that does not give me confidence in the consistency of application or in how we are recording these things. Therefore, we are working with local authorities to audit this space, essentially, and help drive improvement in it. I am happy to write to the committee with more detail on that, because it is a key part of the work that we are taking forward.

The other key part of our work, which follows a suggestion from Mr Rennie that came through the cross-party round table, is a national event that will, I hope, be hosted in February. Again, I am happy to write to the committee with more detail on that; indeed, I want to invite committee members to attend it.

The approach taken in the event will be to share good practice on what works. We know that across the country just now there are lots of good examples of support for children with additional support needs. Some of that direction—in fact, much of it—will not come from central Government; it will not come from me, and nor will it come from local authorities. As I saw in a secondary school in Edinburgh very recently, individual headteachers will very often use their own ingenuity to plan approaches that best meet the needs of their children and young people.

A headteacher in Edinburgh—whom I would encourage the committee to engage with; I can share details with the committee after the meeting—essentially restructured the staffing in his school, and his approach has led to better support for all young people, not just those with additional support needs. I found my interaction with him to be extremely informative; we might want to share learning from that at the national event—I do not have any detail on which schools we will be looking at there—and I am certain that there is learning that the committee will be interested in.

There is, of course, the review work, too. I do want to say more about the review that the Government has committed to carrying out, and I am happy to write to the committee with more detail on those aspects in due course.

**John Mason:** I am not quite sure what you are referring to. The Public Audit Committee has done some work on this issue, too, and I note that, in a letter that it wrote to our committee, it talks about

“a national data summit”

taking place

“this calendar year”.

Is that the event that you have just referred to?

**Jenny Gilruth:** That was in November.

**John Mason:** So that has happened—fair enough.

The EIS, too, came out with something on Monday that talked about the level of ASN. I think that we are now up to 46 per cent in some places.

**Jenny Gilruth:** Forty-three per cent.

**John Mason:** Is the problem a measurement thing? Surely there has not been such a huge

increase in additional support needs among young people—has there?

13:30

**Jenny Gilruth:** A couple of things are at play here. First, we changed the measurements, which essentially broadened the categories. For example, the measurement now includes children who have suffered from bereavement and high-achieving pupils. Other categories sit under the ASN measurement, and we need to look at those issues. Secondly, more children and young people are now likely to be identified and supported. When Mr Mason and I were at school, eons ago—

**John Mason:** I think that I was there a bit before you.

**Jenny Gilruth:** I make no comment on that, Mr Mason.

People would travel through their school career and very often leave without a diagnosis. I remember teaching in Edinburgh in 2011, when a colleague of mine, who was an English teacher, diagnosed an S4 pupil, who would have been 15 or 16 at the time, with dyslexia. That young person had gone through most of her school career without having appropriate support in place.

We have seen an increase in diagnosis, which is important, because without that, many young people feel that they will not get the support that they need, although it is also the case that, without diagnosis, they are currently still entitled to support.

We are looking at all those issues in the round as part of the review that the Opposition and members around the table have called for, which I support. I set out more detail on that in my statement last week. It will be a short, sharp review, but it will sit along the additional support for learning action plan, which is the work that follows on from Angela Morgan's review in 2020. I again put on record—I have checked this with officials—that the work will be complete by dissolution. It is important that the Parliament has the data from the ASL review available in order to drive the improvements that we all want to see.

I think that Mr Mason said that the ASN level is at 46 per cent, but it is 43 per cent nationally. In some schools, the level is more than 50 per cent; in some schools, it is less than that. There is also a correlation between poverty and ASN, which we need to be mindful of.

Alison Taylor might want to say more about our engagement work.

**Alison Taylor:** My only other point to add is that, as much as some work needs to be done on the data that we have, it was evident from our data

summit—which was very well attended; we were very impressed by the level of interest that our professional colleagues brought to it—that the great increase in recent years is partly due to an increase in the category of emotional, social and behavioural issues. That is where the big increase is. Such issues are different in nature from those that you saw at Donaldson's, for instance, Mr Mason. There is a societal and cultural question around that, which we need to explore more with our professional colleagues.

**Jenny Gilruth:** Attainment among ASN pupils is increasing and improving, according to last week's ASL data, which is welcome news. Ten or 15 years ago, many of those young people would not have attained in the ways that they are now. We should celebrate that, because it was not the case in the past.

**John Mason:** I accept that a lot is going on and a lot of good things are happening—that is fine. However, you said that some councils have their own special needs school. In my constituency, there are two, but I get a lot more parents coming to me saying, "My kid has not coped at nursery, but they are now going to put him in mainstream primary 1." Glasgow just does not seem to have available places, and the feeling in Glasgow is certainly that you need to have greater needs in order to get into a special needs school than you might need to have in some other areas.

We need some kind of national plan. Either we get rid of schools such as Donaldson's and let the councils do it all themselves, or we somehow enable or encourage councils or whatever to refer needy kids to Donaldson's. I only know Donaldson's and one that I visited a few years ago—is it called Falkland House school?

**Jenny Gilruth:** Yes, it is.

**John Mason:** It is also used to dealing with autistic kids. It is hugely impressive to have two staff to one pupil, but that does not happen in mainstream schools. The other angle to that was that we asked the staff at Donaldson's whether they could go out and train some of the mainstream schools, because they have a specialism, but they said that they had never been asked to do that. What happens locally does not seem to be very joined up with the national facilities.

**Jenny Gilruth:** The national facilities are quite unique in that they serve a relatively small number of pupils. It would be remiss of me not to say that. However, our schools often have ASN units. In my constituency, one high school has a department for additional support, for example. Parents quite often vote with their feet by sending their child to the DAS unit in that local school, because they know that it has trained staff with the necessary

expertise that allows their child to experience mainstream education but also get additional support in that facility. I see many schools undertaking very similar approaches, and PEF money allows some of them to employ additional staff in order to deliver such support.

You mentioned approaches in Glasgow. I would be keen to hear more detail from you on that. I do not know whether you can write to me. I am conscious of the time, but I am keen to understand the issues that you highlight, which are, I suppose, the same as those that I get in my inbox when parents feel frustrated that things have not worked out and have had to take action against the local authority because they are not getting the right support. If that has escalated to tribunal, that is very challenging and it should not be happening.

One of the ways in which we could consider that work is through a national stage intervention model, which we are looking at. That would provide greater consistency nationally in how local authorities work. The expectations of parents and children of how their needs should be met would provide for much more consistency. I do not want to say too much more on that today, because we have the review that I have committed to that will consider those issues in the round. However, Mr Mason's point about consistency is important.

There is variance across the education system. That is the nature of having 32 councils run our schools, but there could be an approach at the national level that provides for greater consistency through a staged approach to interventions for our children and young people with identified additional support needs.

**John Mason:** You talk about tribunals and parents pushing for their kids, which is great, but that tends to favour middle-class educated parents. As I understand it, we were told that virtually every parent at Donaldson's was middle-class educated, so they are either rich enough to pay the £40,000 a year or whatever—

**Jenny Gilruth:** The local authority might also fund them.

**John Mason:** The local authority might fund them, but that means that poorer families and less-educated families in my constituency cannot hope to get to Donaldson's.

**Jenny Gilruth:** I am not necessarily apprised of a differential in socioeconomic background at Donaldson's particularly, but I am happy to take that away and interrogate the data with officials, because that is certainly not the position that we should be supporting at national level.

**The Convener:** The final item on schools is about the school estate, which is my question, but,

to keep things brief, I will constrain it to one question.

I have asked you in the chamber and we have been in correspondence about the new Forres academy, which the Government is funding—that is very welcome. However, there are serious local concerns about where the school will be sited. That is rightly a planning matter and I know that you cannot intervene on that. Given some of the issues that we have raised about education in Moray, and the absence rates that you said that you would raise with COSLA, and given your affection for the area, given that that is where you started your career, would you be willing to come to Moray to discuss education issues and, while up there, meet some of the people who are concerned about the siting of the new academy on the Applegrove primary school site and the impact that it has on the veterans community, to make it clear that, although you cannot change any decisions, you can at least allow them to feel that they have been heard by the cabinet secretary, given that it is your Government that is funding the project?

**Jenny Gilruth:** I am more than happy to engage with them, convener. I would, however, put on the record that the site for the new school is a matter for the local authority. It is not for me, as cabinet secretary, to come in and tread on the toes of local government. I am, however, happy to have that engagement, convener.

**The Convener:** I think that people would appreciate that.

I thank you, your ministers and your officials, for your time today. The committee members and I wish you all a very merry Christmas and a good new year when it comes.

*Meeting closed at 13:38.*

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