

Melting Pot 2018



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This is a collection of the individual posts which have appeared on our Melting Pot guest blog in 2018.

December 2018

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About Reform Scotland

Reform Scotland, a charity registered in Scotland, is a public policy institute which works to promote increased economic prosperity and more effective public services based on the principles of limited government, diversity and personal responsibility.

Reform Scotland is independent of political parties and any other organisations. It is funded by donations from private individuals, charitable trusts and corporate organisations. Its Director is Chris Deerin and Alison Payne is the Research Director. Both work closely with the Advisory Board, chaired by Alan McFarlane, which meets regularly to review the research and policy programme.

About the Melting Pot

The Melting Pot is our guest blog, where Scotland's thinkers, talkers and writers can indulge in some blue sky thinking. The posts do not represent Reform Scotland's policies.

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i. Foreword

It is perhaps appropriate that 2018, being Reform Scotland's 10th birthday, has been a year of change. In April I took over as Director, with ambitious plans to build on the great work of my predecessors and grow our think tank over the next few years into a new and more substantial proposition. Scotland's political culture and structures, and its policy debate, deserve a powerhouse think tank, and I want Reform Scotland to fulfil that role.

We have made significant progress in the intervening months - we have begun to expand our team, intensify our research work, and build a regular and stimulating programme of events. This has been possible thanks to the increased generosity of our funders, the heightened engagement of our advisory board, and the efforts of our friends and contributors, old and new. We are grateful to you all, and hope you will continue to stand by our side as we move on and up.

Next year, 2019, is an important one for us. We intend to grow further, to refresh our look and brand, and as the 2021 Holyrood election draws nearer and the parties begin to put their manifestos together, to facilitate and shape the policy discussion. Our watchwords – the principles that will underline our thinking and for which we will argue - are prosperity, opportunity, compassion and courage. The last of these, especially, is something Scottish politics could do with more of. And we will, of course, fiercely protect Reform Scotland's independence.

Since launching our Melting Pot blog back in July 2015, it has become customary to end the year by bringing together 12 months of articles in one place. The views expressed are those of the authors and not Reform Scotland. You'll see on the list a diverse range of topics, covering criminal justice, the environment, education and more. We're looking forward to making Melting Pot an even more vital hive of ideas in the New Year.

It remains for me to thank you all for your continued support. We genuinely couldn't do it without you. There is so much still to do and I look forward to seeing you in 2019.

Chris Deerin
Director
Reform Scotland
December 2018

Digital skills for prisoners

– Tom Halpin

Originally posted 17 January 2018

I was recently approached to discuss how the use of social media can be a powerful tool to influence public opinion, promote good practice and bring attention to positive news stories. This approach is generally accepted as a positive statement for good without much challenge. But what if the public opinion we seek to influence is aimed at supporting prisoners with digital skills? Modern Scotland is a digital nation. We readily acknowledge how life is enhanced for those with the access, motivation and skills to get things done, yet the image of a prisoner with digital skills is restricted to being a bad thing. A recent television documentary following a long-term prisoner on remand was notable for his comment that he couldn't get over all the people walking with a phone thing in their hand that they looked at all the time. All of you, take out your smart phone now; look at the apps and computing power you have and expect to have available at your fingertip. In a prison, this is a thing to be smuggled as contraband; hidden with severe penalties for being caught in possession never mind using it.

On the outside we demand these same people accept their personal responsibility to reintegrate as contributing citizens, yet we increasingly need digital skills to access medical, welfare, financial, housing, educational and employment services to name just a few. We have all moved on too. Fewer of us are now using email with most using social media apps like WhatsApp and Facebook Messenger. The arena is constantly evolving with new skills to be learned. It is only rational to recognise that these people inside our prisons are still people. Can we really afford as a caring inclusive society to exclude them totally, even if we may sometimes think “yes”, when faced by the very unpleasant and damaging things they might have done? The truth is we cannot totally exclude all others and be a civilised society. The vast majority of our prisoners have not done something so evil that we all agree they must be excluded for ever; and most will return to our communities.

Sacro has embarked on a project to improve the digital skills of many of those who use our services. Many of our front line staff have been – or are in the process of being – trained to provide support and guidance to service users on using digital services. The reality is these skills are vital to moving on and successfully reintegrating with society.

Of course there are real issues around prison security that need addressed before we can enable digital inclusion for prisoners – including controlled access to

social media. However, surely this can be overcome. If we can send astronauts into space with the capability to communicate back privately to their families, it cannot be beyond the tech giants to design a solution that allows controlled and supervised social communications for prisoners with their families. We know these family bonds are essential for successful reintegration so it is in all our interests to facilitate this. Remember, most people held in prison on remand do not go on to receive a custodial sentence, so it is not all about societies' reasonable response to the risk they pose to us all.

This digital exclusion equally applies to those impoverished in our communities, many of whom rely on foodbanks because they can barely afford food. What sort of data bundle can they afford in a high street phone shop? We are now realising that there is an increasing issue related to the emergence of a digital underclass; referred to by Mervyn and Allen in their work (2012:1126). They highlight the irony of the situation whereby undeserved people require a greater degree of public information and services than the more affluent sections of society but are unable to access it reliably'.

We must remember that many prisoners in Scotland are also doing the right things; engaging positively with their families and other disadvantaged groups and contributing positively as they work purposefully on their own journey to successful reintegration. As charities, we need to communicate this more effectively and creatively. While the tech giants work out how to develop this technology further, surely we as charities can work with them on how to use digital communication and social media in a way that enables prisoners to gain those essential skills we all take for granted at our fingertip on the outside.

Tom Halpin is the Chief Executive of SACRO

Levenmouth Rail Campaign – David Shirres

Originally posted 13 February 2018

Just after the Borders line opened my editor asked me to produce an article that investigated what might be the next re-opened railway. The research for this article included one campaigning website promoting no less than 215 re-opening schemes. To determine which of these were serious possibilities I researched their respective costs and benefits.

Re-opening railway infrastructure is a costly business. The £12.4 million per mile to re-open the Borders railway provides a rough indication of re-opening costs to which needs to be added the operational cost. Such high costs can only be justified if there is sufficient traffic, although the benefit from the stimulation of economic growth from the improved connectivity must also be considered, yet these benefits are not easy to assess.

Fortunately, many proposed rail re-opening schemes been the subject of a detailed study to assess costs and benefits to determine their Benefit Cost Ratio (BCR). Although this is a crude measure, it does give an indicative of the respective merits of various schemes and can rule out those that will never be viable.

Having looked at 40 rail re-opening schemes as well as the 13 re-opened lines since 2000, it soon became obvious that the most promising schemes were those that connected large towns to cities by a short length of re-opened line. My article “After Borders, what next” was published in April 2016. It concluded that there were only five re-opening schemes under development within the UK, of which Levenmouth was the only one in Scotland.

Six months later the Levenmouth Rail Campaign (LMRC) asked me to give a presentation about this article to their mini reopening conference. With a good number of MPs and MSPs present I was impressed by the strong cross-party support for the LMRC campaign.

The conference also gave examples of how otherwise disadvantaged individuals would benefit greatly from the re-opened line. Up to then, I confess I had regarded rail re-opening schemes as a rather academic exercise. A walk around the run-down communities of Methil and Leven further added to my understanding of how a new rail link could transform the life of these communities.

Last June LMRC presented a petition signed by over 12,500 people to the Scottish Transport Minister at Holyrood. Shortly afterwards I attended a meeting of the campaign group. They had just learnt that the response to their petition was that more work was needed the Levenmouth line's business case. The disappointment in the room was palpable as the group saw their rail link as the only way to regenerate their community.

At this point, I suggested a booklet to promote the re-opening was needed. I had just seen the booklet produced by the Campaign for Borders Rail and felt it would help the campaign if a similar booklet were produced to clearly show the strong case for Levenmouth's re-opening.

Of course, by making this suggestion it fell to me to produce the booklet! Whilst this clearly needed input from LMRC, I felt it also needed contributions from others with rail expertise, so I contacted retired colleagues who were glad to help. This included specialist advice on timetables, rail freight, land value capture and the engineering issues associated with the mothballed line's reopening as well as advice from Border's railway project team members in respect of re-opening costs.

Managing all this input to the booklet was challenging. The limited wordcount of a 32-page booklet meant some contributions had to be left out and differing views had to be reconciled to the satisfaction of all concerned. Difficult though this was, it greatly added to the credibility of the booklet. One veteran rail campaigner advised me he was not aware of any other rail campaign that had benefited from the input of rail professionals in this way.

The finalised booklet showed how:

- a new railway can be a catalyst for development as shown by a £200 million regeneration scheme around Armadale station on the Airdrie Bathgate line which opened in 2011
- previous studies excluded wider economic benefit and under estimated traffic demand
- the cost estimate of the most recent study was not credible as it concluded that reopening the mothballed Levenmouth branch would cost 25% more per mile than the Borders railway that had major civil engineering work. The booklet demonstrated that a more realistic estimate of the line's cost is 50 to 75% that of Borders.
- the line had potential for freight traffic
- land value capture could part fund the Levenmouth re-opening
- a rail head at Leven could increase tourism in Fife's East Neuk as Tweedbank did for the Borders

By a happy co-incidence, as the booklet was being finalised, LMRC learnt that local MSP, Jenny Gilruth had been granted an application for a debate on Levenmouth in the Scottish Parliament on 27th September. We managed to bring forward the publication date to enable the booklet to be available to MSPs a few days before the debate.

It turned out that there was no debate as everyone who spoke supported the Levenmouth re-opening. It was quite satisfying to hear the LMRC booklet referred to on several occasions. At the end of the debate Transport Minister, Humza Yousef, commended the booklet and advised that he would ask Transport Scotland to progress the study of the Levenmouth re-opening and ensure it addressed issues raised in the booklet.

Nearly six months later this study has yet to be published and LMRC yet to receive confirmation that it is addressing the issues raised in the re-opening booklet as Humza Yousef said it would. LMRC's resultant frustration is understandable. Yet the relatively low cost of re-opening a mothballed railway to enable 37,000 (the largest community in Scotland without a rail link) to get to Edinburgh within an hour gives Levenmouth such a strong case that their campaign must eventually succeed, the only question is when.

David Shirres is the Editor of Rail Engineer

“A railway to regenerate Levenmouth” is available from the LMRC website: <http://www.lmrc-action.org.uk/webs/397/documents/LMRC%20booklet%20v1%20medium%20resolution-1.pdf>

Deposits and beyond: what next for plastic waste?

– James Mackenzie

Originally posted 17 April 2018

It's becoming a niche obsession of mine: effective and fair policy ideas that can get support from left and right. One such is deposit return on drinks containers (declaration of interest: I am paid to work on this as a consultant to the [APRS](#) campaign [Have You Got The Bottle?](#)).

Frustration with litter on land and at sea isn't a left or right issue. Conservative MSP John Scott, for example, does a regular litter pick around his home town of Ayr, and also takes a bin bag with him when walking around Arthur's Seat, something Greens have also been known do. In fact, politicians of all parties report full inboxes with litter complaints: it's not just unsightly, it's bad for our mental health and it's damaging our environment on land and at sea (as Blue Planet and Sky Ocean Rescue have laid out in upsetting detail).

Deposits are based on a simple idea: if you pay a little more for a can or a bottle you'll have an incentive to bring it back for a refund. Older people remember it being widespread (one SNP MSP told me he even used to get money for collecting empty jam jars as a child), but the Barrs "glass cheque" survived until very recently. Those who've visited countries where deposits are used are often evangelical about it, both for the simplicity of returns and the visible effects in the streets and in the countryside.

Behind that simple exterior is a more complicated set of financial flows. Modern systems require no government funding: instead three sources of revenue make them work. First, pure streams of food-grade single-material recyclables are worth money (compare that to the chaotic and dirty mix found in most kerbside bins), although the value fluctuates. Second, producers are required to pay a small amount per can or bottle, which is usually a fraction of a penny.

Third, the small number of unredeemed deposits typically stay in the system – so those who still drop litter are those who pay for a cleaner environment. At the moment, of course, the costs of endless cleanups are met by society as a whole, the litterer and non-litterer alike. Although some materials will be lost to local authority recycling, the net financial effect is positive for councils when the reduced bin emptying and litter collection costs are taken into account. Similarly, retailers are recompensed for their time and shop space through a

handling fee, given their role in collecting empties on behalf of a deposit system.

The results are striking, and accountable in ways that other systems can never match. Every can or bottle is counted onto the market, and the return rate can be accurately calculated for each material. Industry opponents produced increasingly fanciful estimates for how much we already recycle as the campaign for deposits progressed, but Zero Waste Scotland estimated last year that around 80% of glass bottles are recycled here, with a figure for cans and plastic bottles of around 50%. The modern European deposit systems, on the other hand, see returns in the 90-99% range. You can see the results on their streets and beaches (one survey of Norway's beaches found that five out of every six cans and bottles still littered came from non-deposit countries).

In Scotland, deposits have been on the agenda for ten years, and the powers for Ministers to introduce such a system were passed in 2009 as part of the Climate Change Act. Former SNP Minister Richard Lochhead championed the idea both in office and, after 2016, from the back benches. It's been Green and Lib Dem policy for years, and Labour politicians at Westminster and Holyrood have also called for deposits.

In September last year, the First Minister announced deposits were coming to Scotland, and then, at the end of last month, Michael Gove followed suit for England. The Welsh are likely to get on board (despite a more successful kerbside system), and the main questions now are whether the various administrations can work together to design something effective they can all agree on.

It's great news all round, but the problem is there isn't that much else where the same model can be so cheaply adopted, and the plastics problem is so widespread. Empty crisp packets would be harder to scan for a deposit to be returned, and they're worthless when collected. And an answer is required for the single-use plastics currently in the cross-hairs (straws, coffee cups) but if you melted all the straws used in Scotland every year down the resulting lump of plastic would be about a bin-bag full, according to Maurice Golden MSP.

Some materials are pretty indefensible and in theory could easily be removed from the litter and waste streams. Why should we still permit the use of polystyrene when equally good alternatives exist both for fast food and packaging? Beyond those obvious use-for-two-minutes materials, why should any non-recyclable plastic be sold? Even then, how could you guarantee to get other recyclable plastics back in to be recycled? For example, a large fraction of the problem in our seas is abandoned polypropylene fishing nets, so-called "ghost nets". They could be recycled, but they're often abandoned when they

snag on the sea bottom: how big would the incentive have to be to ensure they are brought back?

The clearest way to think about this issue overall is the concept of extended producer responsibility. If you make it, you're responsible for it all the way to its sustainable end. That's the principle which underlies both deposits and the EU's Waste Electrical and Electronic Equipment Directive. Another way of looking at it is that we need to prevent companies from externalising their costs: in this case, litter and pollution.

It's another approach that should again have appeal from left to right. The alternative is an economic incentive for companies to compete to see how much of their costs they can externalise onto the rest of us in pursuit of a competitive advantage. Fully adopting this approach won't just change how we recycle, or what is recyclable, but what is sold in the first place and how it's made. It will be disruptive, but it will also bring opportunities in the much-vaunted circular economy. And look around you to see what the alternative looks like.

James Mackenzie is a freelance communications consultant and a former head of media for the Scottish Greens

Access to advocacy and the Social Security (Scotland) Bill

– Arlene Astley

Originally posted 19 April 2018

As we are drawing to the end of the legislative process for The Social Security (Scotland) Bill it is useful to reflect on how far we have come in making sure that the people most affected by the proposed changes to Social Security are listened to and how far we may still need to go.

As an advocacy worker for welfare reform, I often meet people who are distressed and in crisis as they struggle to make themselves heard in an increasingly complicated system. I work with people to help remove those barriers. I help them attend advice appointments, attend face-to-face assessments and draft letters or make phone calls when they are unable to talk directly with advisers themselves. Providing advocacy support enables the person to access the level of financial support that they are entitled to and helps the person feel that they have been understood. This support is vital for those who have difficulties making themselves heard and understood.

Over the past year, AdvoCard, along with SIAA, DAS, The Health and Social Care Alliance (ALLIANCE) and the Scottish Council for Voluntary organisations (SCVO) have been engaging with other organisations in the Third Sector, MSPs and the Minister for Social Security to raise awareness of the need for access to advocacy services for everyone who will have cause to access the new system.

Although initially resistant, thanks to continued efforts of those involved in campaigning for change, the Government have gradually become more aware of the role that advocacy can play and the need to have access to advocacy services included in the Bill.

At the Stage 1 debate the Social Security Committee recommended that the Scottish Government consider including access to independent advocacy as a principle of the Social Security Bill and as a right in the legislation. Unfortunately this was not acted upon. However, Stage 2 saw further developments as the minister tabled her own amendment to the bill providing a right to access to independent advocacy services for people with mental illness, personality disorder or a learning disability as defined under the Mental Health (Care and Treatment) Act 2003. It was made clear at this point that this would be a starting point and that the aim was to widen access at Stage 3 after consultation with stakeholders.

This has now taken place and the Minister has replaced the initial amendment with her Stage 3 amendment which states that every individual who, owing to a disability, requires an advocates help, will have the right to access independent advocacy services for support to engage with the new social security system.

While this is a welcome outcome, and a huge shift from the initial position that advocacy would not be needed at all, we believe, now as always, that it does not go far enough. Under this amendment, advocacy support will only be provided to those who identify as having a disability. Even for those with long term health conditions or disabling illnesses the language is problematic. For some years now, disability groups have been saying “see me, not my disability”. Encouraging individuals to self-identify as having a disability in order to access advocacy support is, in my view, a step backwards in the reduction of stigma and may potentially prevent some groups from accessing the new system altogether.

Advocacy is a human right, everyone deserves the right to be listened to and heard and human rights are universal, they do not only apply to those who identify as a particular group. To create a situation where this happens does not follow a human rights based approach, an approach that that the government themselves have based the Bill on. Therefore for full and equal access to the new social security system, we would have liked to have seen a universal right to access independent advocacy services when needed. However, progress has been made and, thanks to the efforts of all those who helped us campaign for this change, we have taken significant steps in ensuring that there will be support for many of the people who will be affected by the upcoming changes to social security.

There is, as always, still work to be done. There are now over 70 organisations who support the need for access to independent advocacy services to be universal, and we will continue to work with these stakeholders and the Scottish Government to find ways to widen access to everyone who needs it.

Together we have the chance to make sure that every person who accesses our social security system is treated with the promised “dignity and respect”. There will always be those amongst us who, for whatever reason, struggle to be heard. It is therefore vital that they have access to advocacy to help make sure that they can access everything they are entitled to. Without this support, the most vulnerable claimants are in danger of being left behind and excluded. If the Scottish Government are truly here to listen, they should not be afraid to make sure that everyone of us has a voice.

Arlene Astley is an advocacy worker at Advocard www.advocard.org.uk

How to Nudge Citizens in Public Policy – Marcus Clarke

Originally posted 25 April 2018

In the political landscape, Nudge Theory is a la mode. It is attractive to politicians and voters alike because it tries to change behaviour using seemingly innocuous environmental changes and suggestion, taking its cues from behavioural psychology, and it does not compromise personal choice or individual liberty. It is becoming widely used across the world by governments, and is proving to be successful, not least for one of its creators who recently won the Nobel Prize in economics.

Three simple examples cited by the Economist will illustrate what we mean. The Westminster government actually has a whole unit dedicated to formulating policy influenced by the theory. One policy trialed by the government involved the payment of road tax. Those who were behind on their payments were sent a letter in plain English telling them that ‘if you don’t pay you will lose your car’, and some contained a picture of the owners pride and joy. This tripled payments. The Danish government likewise tried an experiment. They wanted to encourage people to take the stairs rather than the lift, so they painted arrows on the floor leading to the stairs. This had no effect. However, an experiment in which wrapped sweets were handed out found that painting footsteps leading to the bins reduced littering. They believe that this is because there are no social norms about taking the stairs, but there are about littering. Likewise, in the US the government wanted to reduce energy consumption, so they sent letters to those who consumed a lot of electricity suggesting that their neighbours used less. This reduced their consumption.

A lot of these policies try to influence behaviour through social norms: making the suggestion that other are acting differently as a means to causes shift in behaviour. This might be why it is otherwise known as ‘liberal paternalism’: Nudge theory doesn’t compromise individual liberty, but it can often lead to desire changes in behaviour. However, this is not always successful. Many believe, for example, that some populations, take the French for example, are less susceptible to the influence of social norms than the British and other countries, and so this approach may not work, though there are other options, namely relying on inertia. For example, many policies that are currently being introduced by governments do this. The Danish government have begun to ask their citizens to become organ donors when they apply for their driving license, as this is a decision that many people put off. In the same way, many governments have started to make this, as well as other things (for example, in England, pension saving) an opt-out rather than an opt-in system, which again

relies on inertia and people putting off decision-making. So, Nudge theory clearly has potential for policy makers: it maintains freedom of choice, it doesn't rely on wholesale changes or huge intervention, and it works.

Taking the theory into the present day, the Behavioural Insights team have commented upon the recently introduced 'sugar tax', which is also a way in which Nudge theory can be put into practice. They say that, though this policy is not a nudge in the classic sense (they prefer a more soft touch approach than introducing taxes), they recognize the validity of policies such as this, especially as obesity, including that in children, is such a huge problem. We shall see what impact this has.

Marcus Clarke regularly blogs at [psysci](#), a psychology, science blog that examines the latest research and explains how findings can impact and improve people's lives.

This infographic highlights examples of Nudge Theory.

1

BULLS EYE
Nudge Theory really entered the mainstream with a news item back in 2009 that described how authorities at Amsterdam airport had installed small fly shape stickers in the urinals. Men now had something to aim for – even subconsciously – and spillages were reduced by 80%.



2

EAT YOUR VEGGIES
The American grocery store Pay & Save placed green arrows on the floor leading to the fruit and veg aisles. They found shoppers followed the arrows 9 times out of 10 – and their sales of fresh produce skyrocketed.



3

THE DECOY EFFECT
When eating out you'll often see one item which is much more expensive than anything else on the menu. Restaurants don't expect you to buy that item, they expect you to buy the second most expensive. When you compare the relative prices, the second most expensive item can seem like a bargain.



4

BIG BIN, LITTLE BIN
In the UK a scheme where each home will be given two separate bins for their garbage. One is for regular waste, the other for recyclable materials. The recycling bin is a third bigger however – the hope is that by limiting the space for general waste, people will recycle more as the recycling bin can take more of their garbage.



5

ORGAN DONATION
Countries where people have to opt in to donating organs generally see a maximum of 30% of the population registering to donate. In countries where people are automatically enrolled in organ donation schemes and have to actually opt out, only about 10 to 15% of people bother – providing a far larger pool of organ donors.





PAID TO QUIT
An experiment in the Philippines provided smokers with a savings account for six months. At the end of this period they had a urine test for nicotine. If they passed, they got all their money. If they failed, it was all given to charity.

6



SEE FOOD
In some schools, the cafeteria lines are carefully laid out to display healthier foods to the students. In an experiment to determine its effect, it was shown that students in the healthy line made better food choices with sales of healthy food increasing by 18%.

7



SUPER DOWN SIZE ME
McDonalds would famously ask people if they wanted to Supersize a meal – an effective tactic. Interestingly, the opposite also works. A study set in a Chinese restaurant had waiters ask patrons if they wanted to downsize their side dishes. 33% of customers took them up on the offer, saving themselves an average of 200 calories per meal.

8



SEX SELLS
An experiment in South Africa regarding the advertising of bank loans found that sending material to male customers which contained an image of an attractive woman was as effective in loan uptake rates as alternative advertising with 25% lower interest rates.

9



SOCIAL NORMS
In the UK, people in arrears on their taxes were sent reminders that were worded using Social Normative Messages. Phrases such as "9 out of 10 people in your area are up to date with tax payments." By making them seem like the outliers, tax payments from people sent these letters was 15% up compared to the norm.

10

Homelessness & rough sleeping: The long view

– David Belfall

Originally posted 15 May 2018

In March 2002 the Homelessness Task Force led by the Housing Minister (first Jackie Baillie and then Iain Gray) published its second and final report on how to tackle homelessness and rough sleeping in Scotland. After nearly 3 years work it provided an analysis of the problem based on extensive academic research, proposals for major legislative changes, and a series of recommendations both for preventing homelessness and tackling it when it occurs. It is noteworthy that, although the Task Force included representatives of Shelter and other third sector organisations, the Big Issue and COSLA, all with strikingly different views, its report was unanimous. Its publication was greeted with near universal acclaim. It was seen as a prime example of how social policy should be made. Indeed the report won international awards. And yet, 16 years on, homelessness and rough sleeping persist as significant social problems and political issues in Scotland. Why is this?

Returning to this policy area after 16 years I am struck by how relevant the Task Force's analysis and recommendations remain. The failure has been in not following through with sufficient focus, drive and co-ordination. Thus the Scottish Government finds itself in the position of having to set up a further action group led by the Chief Executive of Crisis, Jon Sparkes, and to commit to a further spending programme of £50M over 5 years. These are welcome developments but why has this become necessary?

It is important to recognise that no country, ancient or modern, has ever been able to eliminate homelessness entirely. It is certainly not a problem which can be resolved overnight, or within the lifetime of a single Parliament. Thus the current Ministerial commitment to “ending homelessness”, welcome though it is in expressing a renewed determination to tackle the problem, goes beyond what can be achieved, at least in the foreseeable future. Of course this does not mean that homelessness cannot be reduced substantially in Scotland. The Task Force set the more modest and realistic objective of achieving a “step change in the incidence of homelessness in Scotland”. But even this remains to be achieved. Ministers are also committed to “eradicating” rough sleeping in Scotland. Language of this kind – with its echoes of pest control – is best avoided, but it too is unachievable, unless police vans are sent out to clear the streets. People sleep rough for a variety of reasons, in many cases because their experience of being placed in hostels and night shelters has been unacceptable on account of the abuse and violence of other residents. There is scope for greatly reducing the number of rough sleepers by improving the range and quality of

accommodation which rough sleepers are offered, but ultimately it is the right of an individual to decide that what he or she is being offered is unacceptable. They cannot (or should not) be forced or compelled to leave the streets.

It is important also to recognise that those who become homeless frequently have other problems which need to be addressed alongside their housing needs. In some cases alcohol and drug misuse, mental health issues and domestic abuse contribute substantially to homelessness, and it is known that those leaving care, the armed forces and prison are particularly at risk of homelessness, as are asylum seekers. All these groups were identified as being at risk in the Homelessness Task Force report 16 years ago, but too little has been done since then to reduce that risk. For example, at the time of the Task Force report some very useful work was being done at Saughton Prison to ensure that on release prisoners had sustainable housing to go to. This was relevant to reducing repeat offending as well as homelessness. But it took 15 years, until December 2017, for the Scottish Government to issue comprehensive guidance (the SHORE standards) on meeting the housing needs of prisoners on release. Those leaving institutional care still account for a significant number of homelessness applications.

It was because of these considerations that the Task Force said, in its 2002 report, that:-

“Homelessness will not be solved overnight or by single programme actions. Progress will require determined, co-ordinated and focused action over a period of years. It will require priority to be given to homelessness by a range of public agencies, including those who may not currently see homelessness as a particular pre-occupation.”

Because it saw homelessness as a long-term problem requiring a multi-agency solution, the Task Force recommended the establishment of a Homelessness Monitoring Group. Such a group was indeed set up, but it was quietly abandoned after a few years when the attention of the Scottish Government (and the Scottish Parliament) shifted elsewhere.

This raises a more general issue, not limited to homelessness. Our political process does not readily accommodate long-term social problems where progress depends on a long-term plan, solid and unspectacular work, and unremitting effort and attention rather than “quick fixes”, intermittent focus and headline-seeking announcements.

Thus, after the initial welcome and action following the publication of the Homelessness Task Force reports, homelessness steadily slipped down the political priority list, with a brief revival between 2010 and 2012, until 2017

when disappointing homelessness figures led to renewed interest, the appointment of the Jon Sparkes group and the promise of further funding.

However, this is not to minimise, or be negative about, the progress that has been made over the last 16 years. The Task Force's recommendations for major legislative change enhancing the rights of homeless people have been enacted and actioned – though important recommendations concerning “intentionality” and “local connection” (I will not go into details here) remain to be brought into force. Significant progress has also been made in addressing the health needs of homeless people, albeit that much still needs to be done especially by the new Health and Social Care Partnerships. Perhaps most importantly public consciousness of the problems of homelessness and rough sleeping has been raised, and by their generosity the Scottish public have shown their willingness to assist deserving cases. Again, however there is scope to better inform and address public concerns, for example about street begging. Meanwhile the many third sector organisations tackling homelessness in Scotland continue to play a vigorous and innovative part in tackling the needs of homeless people.

Local authorities remain in the forefront of tackling homelessness. Here too progress has been made, as homelessness has been driven up the local authority priority list. Significant improvements have been made in the way local authorities deal with homeless people, most notably after the introduction of the innovative Housing Options approach around 2009 and the more recent development of Housing Options Hubs, which aim to identify and share good practice. The improved performance of local authorities is much to be welcomed, though they will no doubt continue to complain about resource limitations on what they can do. But there remains a need for further action to end the use of unsatisfactory short- term accommodation options such as night shelters and B&B. This has long been recognised as a priority and it is to be hoped that the additional funds now to be made available by the Scottish Government will finally enable this problem to be eliminated. It can be done, and it can be done in the lifetime of this Parliament!

Glasgow, as ever, presents special challenges, because of the scale of the problem. An injection of central government money in the early 2000s enabled the old style large hostels in the city – unsafe and indeed dangerous for users as they were – to be closed. But other unsatisfactory forms of temporary accommodation such as night shelters and B&B continue to be used. A recent report by the Scottish Housing Regulator has made it clear that there is still a need to improve, and speed up, the handling of homelessness cases in the city. Moreover, the figures given in the Regulator's report illustrate the scale of the problem. In 2016-17 the council received applications from over 5,300 homeless households and had a duty to secure settled accommodation for nearly

4,200. But there are only 8,000 lettings for social rent across Glasgow every year and the council (which is no longer itself a landlord) managed to secure accommodation for only 2,400 households out of the 4,200. Any credible programme for achieving a step reduction in homelessness in Scotland needs to address the Glasgow situation specifically.

So, the report card on tackling homelessness over the last 16 years is mixed – progress made but much remains to be done. However, I take encouragement from the appointment of the Jon Sparkes group. In a remarkably short time it has produced a report on rough sleeping and a report on homelessness is due shortly. Much of its analysis echoes that of the Homelessness Task Force – though without attribution. Its recommendations seem sound and sensible.

Encouragement is also to be drawn from the re-establishment of the Homelessness Prevention and Strategy Group (HPSG), effectively to perform the role envisaged for the Homelessness Monitoring Group 16 years ago. It is particularly welcome that the HPSG is to be co-chaired by the Housing Minister and the COSLA spokesperson on homelessness, and that it includes third sector members such as Gavin Yates from Homeless Action Scotland who are well placed to contribute constructively and to perform the essential role of “challenging friend”. It is also encouraging that, rather than looking for quick fixes, the HPSG is taking a considered and measured approach to its work, and that it is determined to obtain maximum value from the additional resources now to be made available.

Let us hope that the HPSG can develop, monitor and pursue a long- term plan for further tackling homelessness and rough sleeping in Scotland and that, in another 16 years, Jon Sparkes is able to give a less qualified report on what has been achieved.

Before retiring in 2002 David Belfall was Head of the Housing and Area Regeneration Group at the Scottish Executive (as it then was), at the time of the first Rough Sleepers Initiative in Scotland and the Homelessness Task Force. He has recently become a trustee of Homeless Action Scotland, the national membership body for tackling homelessness in Scotland. David is writing in a personal capacity.

When is a ban not a ban? When a judge says it's not a ban – Stuart Paton

Originally posted 2 July 2018

Until last week, I had specifically steered clear of commenting on the Scottish Government's approach to the development of onshore unconventional oil and gas (let's call it 'fracking'). The government seems categorically and absolutely opposed to the issue as are all the other parties at Holyrood (bar the Conservatives). There seemed little point even raising the issue again. However, the recent Court of Session judgment shows how ludicrous the whole situation is. There cannot be many times when the Scottish Government lawyer has essentially argued black is white in such a blatant manner.

So, what is the background to this issue?

It has been known for well over a hundred years that there is oil and gas potential onshore the Central Belt of Scotland. Indeed, the oil industry essentially started with the work of James 'Paraffin' Young in West Lothian who heated up the red, shale rocks found at the surface to produce oil. However, the focus for Scotland's oil and gas industry over the last 50 years has been offshore in the North Sea and West of Shetland. These fields have exploited traditional, conventional oil and gas accumulations where the hydrocarbons flow naturally through pores in the rock (largely sandstone and limestone). However, developments over the last 20 years in the USA have shown the huge potential of 'unconventional' resources. As the oil and gas does not flow naturally, the subsurface rock, thousands of feet underground, needs to be hydraulically fractured (or 'fracked') to allow the oil and gas to be exploited. Over the years, these techniques have been significantly improved, so that longer horizontal wells are drilled to access larger areas from one surface location, less fracking fluids are required, electrical equipment is used which is quieter, and there is an increasing focus on reducing gas leaks from the wells and pipelines. This fracking revolution has dramatically decreased gas prices in the USA, catapulted the country, by some measures, to being the largest oil and gas producer in the world, fundamentally changed the control OPEC has had on oil prices and revitalised the chemical industry in the US due to much cheaper feedstock, while reducing CO₂ emissions. Scotland is also a beneficiary of these developments as INEOS imports ethane from the USA as feedstock for its Grangemouth petrochemical complex. These techniques have also been used elsewhere including Argentina, Australia and Canada but the USA is by a huge distance the most important country for unconventional development. There is potential in the UK with a number of companies considering acreage in

Lancashire and the East Midlands, as well as Scotland. However, the potential is very uncertain given the very early stages of exploration in the UK.

As an aside, as of 9th February 2018, the Scottish Government has the regulatory powers in relation to onshore oil and gas licensing. That is, the Scottish Government can now award licences to oil and gas companies to explore for and develop fields onshore in Scotland. However, licences previously awarded will continue in force administered by the UK BEIS.

Given the significant public interest in relation to fracking, the Scottish Government set up an expert commission in September 2013 to consider the key concerns. The issues considered included the economic impact, environmental and social concerns (including public health, contamination of groundwater and induced seismicity), regulatory framework and impact on climate change targets. The commission reported in July 2014. Although a number of challenges were identified, the commission essentially saw no reason to ban such developments.

However, despite the government claiming that they take an evidence based approach this was clearly the wrong answer and hence decided that the best way of getting the correct answer was to undertake a public consultation. This consultation sought the ‘full participation of local communities and stakeholders in the decisions that matter to them and impact upon them’ (which must make interesting reading for communities blighted by industrial scale wind farms imposed on them by the government in Holyrood). The ‘Talking Fracking’ consultation reported in October 2017. Overall 99% of responses opposed fracking. The Energy Minister announced that ‘fracking cannot and will not take place in Scotland’. The subsequent vote at Holyrood endorsing the “effective ban” on fracking was supported by 91 to 28 with only the Conservatives voting against. The First Minister stated that ‘fracking is being banned in Scotland, end of story’.

The next stage in this saga was the action taken by Ineos, the owners of Grangemouth petrochemical complex and licence holders in Central Scotland. They challenged the ban presumably with the aim of being allowed to progress work in their onshore licences or, failing that, to be compensated for costs incurred to date in undertaking exploratory work. On day one of the hearing, the Lord Advocate, acting on behalf of the government, seemed to argue that the government were perfectly within their rights to impose a ban. However on day two of the hearing, in a bizarre turnaround, the Lord Advocate claimed that there actually wasn’t a ban but rather that the government had only expressed a preferred stance. I assume that everyone in the court had to stifle guffaws at this line of argument, the remarkable volte face from the previous day’s argument

and all the proclamations from the Energy Minister and First Minister. However, this line of argument was accepted by Lord Pentland. He said that Ineos' stance was based on a 'series of misunderstandings of the Scottish Government's position'.

I am fairly simple minded and no lawyer. I have therefore assumed that I live in a country where if the First Minister makes an unequivocal statement that 'fracking is being banned in Scotland' then that is what she actually means. However, that would appear not to be the case.

So, what is the next step? Well, a government that has an evidence based approach to policy would presumably allow fracking given the conclusions of the expert commission. Equally, a government that supports and encourages oil and gas development offshore should be supportive of the onshore industry. Likewise, a government that realises the importance of gas for heating in a large majority of Scottish homes and the need to support the petrochemical industry at Grangemouth should be encouraging gas developments. The relatively free market approach espoused in the recent Growth Commission would also suggest support for new economic development such as onshore gas fields. And all these benefits from domestic gas production rather than gas imported from long distance by pipeline or tanker often from unsavoury regimes (and the USA).

However, there does not seem to be any chance of a change in position. Despite all these very strong arguments, the public have spoken overwhelmingly against fracking. And we all know what happens when the public speak.

Stuart Paton in an adviser to the oil and gas industry and former chief executive of Dana Petroleum.

Action for Sport – Douglas Flett

Originally posted 24 July 2018

The then Scottish Executive's Physical Activity Taskforce said, in 2002, that 72% of women and 59% of men in Scotland were not physically active enough to maintain good health. And because local and central governments are very good at producing reports, the City of Edinburgh Council reacted in 2003 with their own report, fearlessly calling it, "A Capital Commitment to Sport."

Sadly, it was to be yet another false dawn. Its aims and promises disappeared into the ether of budgets, the changing of the political guard, and the churn of Council officers. Even in the name of the committee responsible for sport there is a clear declaration of the city's diminishing place of sport. First, the city merged its sports committee into a mixed portfolio, and they called it 'Culture, Leisure and Sport'. Finally they dropped 'sport' from the department and committee names altogether, and they called it 'Culture and Communities'.

I understand that the current committee did not even discuss sport in its first eight months of meetings. Actions speak louder than reports.

Edinburgh Council proclaimed their aim was to make the city, "the most physically active city in Europe by 2002." Today they are eclipsed by several UK cities... but Europe! Well, they better get moving – only two years left and they have just closed Meadowbank Stadium which hosted Commonwealth Games in 1970 and 1986. No, they did not arrange other facilities for Edinburgh Athletic Club's 500+ youngsters. The club was left to its own devices.

Meadowbank Stadium's high times were followed by decades of decay. The City washed its hands of sport and passed it to its arms-length company, Edinburgh Leisure, who presided over a steadily, diminishing list of sports facilities. Those of us who played 5-a-side footie at their Queensferry pitches for 10 years will endorse that appraisal. To turn around JFK's famous line, "ask not what your city can do for sport, ask what sport can do (income) for your city."

What can be learned from this dismal tale of failed aims? Fifteen years on, and with another Commonwealth Games behind us, held in Glasgow, what can we learn?

1. Pathways: This was the word used in Edinburgh's 2003 report. Create pathways for people to engage in sport. When physical fitness and sport become an integral part of schooling, then children learn and like the lifestyle. Politicians and Educators need to appreciate that getting an obese child only to pass written tests is not properly or fully nurturing that

child. It does not adequately prepare them for the challenges of High School and life ahead.

2. Athletics – the cross over sport for Primary: This sport is multi-faceted. It is geared to all shapes and sizes of children. Its many disciplines can be simplified into fun exercises and games which provide the core skills of coordination, strength, endurance and speed. In athletics youngsters begin to learn what are their best skills and physical attributes. Its like their paper / stone / scissors game – each one can do something the others cannot. It teaches self awareness, teamwork, individuality as well as providing the model and experience of a lifestyle with healthy activity.
3. Athletics – the cross over sport for Secondary: If athletics is fostered in High Schools, then Scottish students will be stronger, fitter, faster when they play football or rugby, or take up gymnastics or any sport. They will have better prepared and conditioned physiques. The spin off will not just be a healthier nation, a better workforce, and a society with better mental health, but performances and standards by Scots in the all sports will improve. Better background health in the fitness of Scottish young people will increase performance in the Scottish workplace as well as making us a healthier nation with less cost to the NHS, less sick leave and more productivity.
4. Politicians have got the strategy badly wrong: They have concentrated on adult health. The smart game is to reach and inspire the children. Listen to Judy Murray and a host of other Scottish voices who understand what sport can do for child development, and lets stop listening to those who always wanted to skip gym class.

Sport involvement benefits learning, improves social life, helps mental, emotional and physical health. And, if local and central governments cannot succeed in this task alone, then here is a challenge to the business sector who usually know how to turn a report into action so that Scots of all ages will profit.

Douglas Flett is a retired architect and former Scottish Athletics internationalist

First steps in meeting the challenge of deaths from suicide in Scotland

– James Jopling

Originally posted 16 August 2018

Along with many other charities, the Samaritans in Scotland have broadly welcomed the new suicide prevention action plan published by the Scottish Government and new Minister for Mental Health, Clare Haughey MSP. Her recent appointment is also welcome and the content of the final plan is undoubtedly testament to her insight and expertise in mental health, along with sharing a clear desire that we all have that there should be fewer suicides in Scotland.

And that is critical. Because Scotland is still very much the poor relation compared to the rest of the UK in terms of the rates of suicide. And whilst recent decline in numbers of suicides in Scotland are important, that rate of reduction has significantly slowed. As the National Records of Scotland stated in their recent report on suicides in 2017, there has been not much difference between the numbers of suicides in three of the latest four years. So it is unclear whether the downward trend will continue.

That's why it has undoubtedly been frustrating to not have a national plan on suicide prevention since the end of 2015. Because the need to reinvigorate and reinvest in suicide prevention activity locally and nationally is more timely now than ever.

Suicide is preventable. But the actions that need to be taken to address this cause of death that takes more lives of people under 29 than all cancers in Scotland are spread across a range of government departments and higher risk groups. Because although we know a lot about some of the most significant factors that can affect risk – for example a history of self-harm, levels of individual or community deprivation or a history of mental health conditions, no one thing points to a single easy solution to the damage that suicide does to our friends and families each and every year. Around two people a day kill themselves in Scotland by suicide. Every day. And those people are spread across age and gender. So at the heart of this plan must be work to better identify and support those at the highest risk.

We need people to come together nationally but also locally too. We know that some good work is being done in communities across Scotland, however we no longer have a clear picture of it or how well it works. The formation of local

suicide prevention groups and actions plans over 15 years ago undoubtedly contributed to the earlier decline in Scotland's suicide rate. Yet now there is no oversight or control of what local funds are used on suicide prevention or what projects are taken forward. Our hope is that the Leadership Group can reinvigorate this vital work and ensure every local authority and health board once again places real value in having a local action plan.

We based our contributions to the plan on what we learnt from those most closely affected by suicide through a series of events across Scotland late last year. Participants, who had supported someone, lost someone or experienced suicidal thoughts or attempts themselves, recommended that support for those in crisis and those bereaved by suicide should be improved across Scotland. They also called for mandatory suicide prevention training for certain professions such as those who work in the NHS. So we are very pleased to see specific and clear actions on all of these within the plan.

Of course, none of this can happen without significant funding and clear leadership. Throughout the development of the plan we were clear that a new, independent leadership group with real resources had to be central to creating change and re-building momentum. The subsequent announcement that the plan will be led by a National Suicide Prevention Leadership Group, with £3 million of additional funding, was therefore critical. These funds are important and we need to ensure that they are used to fund new, impactful and locally based approaches. We look forward to working with the Group to ensure that happens. And finally, the target set that by 2022 suicides are reduced by 20% should be the start of this work – not the end. There is an ambition to create a Scotland where no one affected by suicide is alone: where help and support is available to anyone contemplating suicide and to those who have lost a loved one to suicide that will make the biggest impact. Because this has to be about more than targets. It's about the lives lost around us each and every day. So whilst the plan and the welcome investment are a huge step in the right direction, the Leadership Group, the Chair and people who care about this issue at a local and national level need to use this a focal point for change. This is where we start.

James Jopling is the Executive Director for Samaritans in Scotland.

Police Scotland: Giving the public a voice

– David Belfall

Originally posted 11 September 2018

Police Scotland was set up as a single, national police force 5 years ago. The decision was highly controversial at the time and aspects of the force's governance and accountability continue to be the subject of debate. In this note I want to offer some suggestions on how the relationship between the force and the public might be developed and improved.

Public trust and confidence

My starting point is that public trust and confidence in the police is not only desirable in itself, but also essential for effective policing. The police cannot be everywhere and they depend on members of the public in reporting offences, alerting them to potential problems and coming forward as witnesses. In return the public expect the police to respond quickly and effectively to incidents and to more general concerns about crime and disorder, to exercise their powers courteously, responsibly and with restraint, and to keep them safe. Two-way mechanisms are required to ensure that this critical relationship between police and public is developed and sustained.

What can we say about the current state of this relationship? The Scottish Crime and Justice Survey conducted in 2016-17 (Scottish Government, March 2018) reported that:

- when victims reported crime to the police, 66% were very or quite satisfied with how the police handled the matter
- the majority of respondents (58%) said the police were doing a good or excellent job
- 37% of crime was reported
-

Can these figures be regarded as satisfactory? They imply that 34% of victims were not satisfied with police action, 42% of the general public did not think that the police were doing a good or excellent job and 63% of crime was not reported to the police.

Public confidence in the police depends on many factors including, in particular, contacts which individuals have with the police, and media reports of police successes and failings. More broadly it depends on public perception that the police are both responsive to the communities they serve and are accountable for their actions. In a democratic society such as ours this requires that the police carry out their professional responsibilities within a framework set by our elected representatives.

The Scottish Police Authority

Historically in Scotland, as in England and Wales, responsibility for the police has been divided between three parties – the government, the chief constable and the police authority. This “tripartite relationship” has developed and fluctuated over time and there has been a good deal of debate about the interfaces between the three. But, in broad terms, the government has been responsible for general policing policy and for half (now in Scotland all) of the funding, the chief constable for enforcing the law and the operational effectiveness of his or her force, and the police authority for appointing the chief constable and senior officers, paying the staff, maintaining premises and equipment, obtaining best value from expenditure, representing the public view on priorities, policies and approaches, agreeing the chief constable’s policing plans, and holding the force to account.

In setting up Police Scotland as a single force (a decision which I support) the Scottish Parliament also and separately took a crucial decision about the police authority. Prior to the establishment of the single force the police authorities for the 8 precursor forces had consisted of councillors drawn from the council area or areas for which the force was responsible. Instead of a police authority for Police Scotland consisting of elected representatives, the Scottish Government chose to set up an appointed police authority, all of whose members are appointed by Scottish Ministers.

The appointment of a quango of this kind was remarkable for 2 reasons. First the removal of elective input at this level was a notable departure from the (much vaunted) democratic ethos of the Scottish Parliament. Second an appointed police authority is unprecedented in Scottish policing history (and virtually unprecedented in British policing history too).

A consequence of this decision was that the opportunity for the public to have a voice on policing issues was reduced. It is true that the legislation also made provision for local scrutiny committees based on local authority areas and consisting of local councillors but they have limited powers and no formal route for having a say in the decisions of the Scottish Police Authority.

There are many other models for a Scottish Police Authority (SPA) which could have been (and could still) be adopted. Some possibilities are as follows:-

1. Reflecting the fact that Police Scotland is a national force the Scottish Parliament could have taken onto itself the functions of the Police Authority. It could have elected a committee of MSPs to perform these functions.

2. Arrangements could have been made for the direct election of a single Scottish Police Commissioner to be the Police Authority. There are now precedents for this south of the Border.
3. Alternatively arrangements could have been made for the direct election of a number of Police Commissioners who would together act as the SPA. Elections for these Commissioners could take place alongside the Regional List elections for the Scottish Parliament.
4. Arrangements could have been made for local authorities, individually or collectively, to nominate some or all of the members of the SPA.

However the Scottish Government chose not to pursue any of these options. Instead they reserved to themselves the decisions about appointments to the SPA, thus ruling out any direct input by the public, or by local authorities, or by the Parliament.

Does this matter? If the functions of the SPA are viewed as purely executive, managerial and supervisory – that the authority is no more than the Board of any other public or private concern – then arguably it does not. But the alternative view (up till now a key feature of the Scottish and British policing model) is that the police authority has a vital role which goes beyond the purely executive in that it represents the public, identifies public concerns and holds the force to account on behalf of the public. However distinguished appointed authority members may be, and whatever their career and business records, they cannot reasonably claim to represent the public if the public has no input into their appointment and no ability to remove them.

One further comment. Previous research by the Home Office (“Involving the Public: the Role of Police Authorities” published by the Home Office in 2003) outlined the results of fieldwork in England and Wales with members of the public on their knowledge and experience of police authorities. It reported that the vast majority of members of the public had not heard of police authorities. The few that had heard of them did not know what they were or what their role was. The name “police authority” did not signal an identity separate from the police. When participants learned more about the role of police authorities, they thought that they were necessary and useful, if they were effective. However, many people were sceptical as to whether they were effective, largely because of their low public profile.

Although this research was conducted south of the Border it seems highly likely that there would be similar results in Scotland. There are lessons here for the current Scottish Police Authority but there will always be limits on the ability of a quango to raise its public profile and demonstrate that it has the clout and standing to hold the police to account. By its nature police authority consisting

of elected members will always be more powerful and more visible. Was this a factor in the decision of the Scottish Government not to set up such a body?

Local and Community Policing

The words “local” and “community” are among the most overused and misused in the political lexicon – to which the term “localism” is a recent and unattractive addition. In this note I use “local” in the sense of local authority or council. There are 32 local authorities in Scotland. They vary greatly in area, population and social composition. I use “community” in the sense of a group of people with a common interest. It is however immediately necessary to distinguish between non-geographical communities (to which I will return) and geographical communities. Where I refer to geographical communities I am thinking of the neighbourhoods represented by community councils, of which there are around 1400 in Scotland. These geographical communities also vary greatly – for example some are highly rural, others live in city centres, some are deprived, others affluent, some ethnically mixed, others not.

It has long been a central tenet of Scottish (and wider British) policing, in pursuit of the concept of “policing by consent”, that the police need to work co-operatively and collaboratively with local authorities and communities, understanding and respecting their diversity, explaining police policies and actions, and responding to local and community concerns. It is crucial that this approach is retained rather than moving towards the more directive, authoritarian and militaristic approach of police forces elsewhere in the world. The creation of a single national police force and an appointed police authority raised the possibility that policing by consent could be undermined if the force became more distant from local authorities and communities.

This risk was recognised, to some extent, in Chapter 7 of the Police and Fire Services Reform (Scotland) Act 2012 (the 2012 Act) which deals with local policing. That Chapter makes provision for the designation of a police commander for each local authority area, places on him or her the responsibility of providing reports and information reasonably requested by a local authority and makes provision for local authority involvement in drawing up the police plan for the council area. It also gives power to the local authority to monitor and provide feedback on policing in the council area. In practice local authorities have tended to delegate their role in these matters to a committee of councillors – the Local Scrutiny Committee (LSC).

Research (Partners in Scrutiny: Local Police Scrutiny Arrangements in Scotland by Alistair Henry, Ali Malik and Andy Aitchison published by the University of Edinburgh) has provided some analysis of the work of these committees. The final report (March 2016) noted that:

“The years following the implementation of the new LSCs have seen a number of high profile issues emerging which have raised concerns about the efficacy of these arrangements. For example, the routine arming of police officers, the policing of saunas and the sex industry, closures of public counters, and the ending of police traffic wardens were understood in some circles... to evidence a lack of local consultation and deliberation on matters which have a direct effect on local policing services and the communities they serve...”

The research identified a number of issues relating to the understanding of roles, information flow, capacities and skills and the sharing of good practice but, more fundamentally, it drew attention to concerns about a number of “structural disconnects” between the LSC on the one hand and the SPA and/or Police Scotland HQ on the other, between the various command levels within Police Scotland, between the LSC and communities and between the LSC and Community Planning structures. So far as the relationship between LSCs and the SPA and/or Police Scotland HQ is concerned, the “disconnect” was seen in terms of the lack of a process for escalating issues from local to national level and for taking local perspectives into account before force wide decisions were made.

In parallel with this research the then Chair of the SPA conducted a review of the governance of policing (Review of Governance in Policing by Andrew Flanagan, Chair of the Scottish Police Authority, published by the SPA in March 2016). He too acknowledged that:

“...the overriding perception has been that local communities are not being listened to and that local commanders do not have enough autonomy to make local decisions”.

His response was to state that “Principal responsibility for community engagement and accountability rests with Police Scotland under the relevant legislation”. On that basis he concluded that SPA members should no longer attend LSCs (despite the fact that this had been widely welcomed by LSC members) and the SPA should confine its role to ensuring that Police Scotland has proper and effective arrangements in place for local engagement. Within that context he recommended that a formal escalation process should be put in place to allow LSCs “to record their disagreement with individual policing policy decisions”. This disagreement should be conveyed to more senior levels within Police Scotland, though the SPA should be “advised” of any matters which require escalation.

The then Chairman’s approach to LSCs distanced the SPA from their work and limited the SPA to a role of monitoring, and facilitating the sharing of knowledge and experience. It should be noted that his proposal for an escalation

process only gave the LSC the ability to record its disagreement with a policing policy decision and did not give it any right to be consulted in advance on national decisions which may have local repercussions. More broadly, it is true that the 2012 Act states that the police service of Scotland must carry out its defined purpose “by policing in a way which is accessible to, and engaged with, local communities”. However it is questionable whether this gives Police Scotland “principal responsibility” for community engagement and accountability. An alternative approach, if one accepts that the SPA has a role to play in relation to public trust and confidence, would be for the SPA to take a much more proactive, participative role in the work of the LSCs than Mr Flanagan’s report envisaged.

To some extent this is acknowledged in the “Review of the Scottish Police Authority (SPA) Executive” undertaken by Nicola Marchant, the Deputy Chair of the SPA, and Malcolm Burr, the Chief Executive of Comhairle nan Eilean Siar. A section of the report of that review, which was published in March 2018, addresses “Stakeholder Engagement”. Although this makes no reference to public or community engagement, it does acknowledge that there is “a poor level of engagement with local authorities, and particularly elected members” as “key delivery partners” and proposes further work with COSLA “to establish coordinated working arrangements with Councils which are proportionate and effective, but also manageable for Board members”. Although hesitant and written in management speak, the review report does in fact represent a step forward for the SPA in addressing the need for a much more effective two-way relationship with the Scottish public through their locally elected representatives. But there is a long way to go if this is to be achieved.

I would make two more points about local and community policing. First, local scrutiny committees have been established in line with Chapter 7 of the 2012 Act, which deals exclusively with the role of local authorities. There are indeed local policing issues which can rightly be raised at council level (or more widely) – for example policy on the closure of counters and the ending of police traffic wardens. But there are also issues which are particular to specific communities and need to be discussed at that more local level. The research on LSCs detected a “disconnect” between LSCs and community councils. In practice community police officers should develop a good relationship with community councils so that they are aware of police actions and can advise the police of emerging concerns. In many instances this is happening outwith the structures in the 2012 Act. This is to be welcomed, albeit that there have been complaints in some cases that the same officer rarely attends twice and is not always fully informed.

Second it should not be regarded as sufficient for the police to confine their dialogue about local and community policing to those who attend LSC and community council meetings. The police also need to engage those who do not attend such meetings but who have a point of view to express. In that context young people rarely figure or feel comfortable in council or community council settings and yet they may have a distinctive and relevant view on the policing challenges and policing approaches in a particular area. The third sector has an important potential part to play in promoting such dialogue with the young and with others who do not participate in formal structures.

Non-local policing

Local and community policing is, and must continue to be, central to the activities of Police Scotland. Local beat teams, response units and associated community-based officers account for the larger proportion of police manpower but, in the 21st century, both the external environment and the demands of providing an efficient and effective professional service mean that this is not the only dimension of policing.

Externally the police need for dialogue is not confined to geographical communities. They also need to engage common interest communities including, for example, faith communities, the LGBT community, ethnic communities, refugee and asylum communities and those with mental health issues. They need to engage these communities not only locally but also nationally. It is regrettable that the 2012 Act does not extend the need for policing to be conducted in “a way which is accessible to, and engaged with, local communities” to communities which define themselves by faith, sexual orientation, ethnic background or other common interest rather than their location.

Internally, if the police are to deliver an effective and professional service not all the demands of policing can be left to local officers. Local beat teams and response units can handle most of the police prevention and enforcement activities. They can process many cases from start to finish including taking suspected offenders to court. But in some cases they need to hand over cases to the CID or more specialist teams dealing with, for example, child abuse, rape and fraud. These more specialist units are important and they need to be organized at a size-level which ensures that the personnel have the training, expertise and experience they need to operate effectively. This is one of the areas where the former policing structure, with some very small forces, was defective.

Beyond that there are other areas of policing which have to be handled at a national or near-national level such as counter terrorism and internet policing.

And major events – be they football matches, festivals, disasters or major criminal investigations – require the re-deployment of local officers if they are to be handled effectively. Under the previous structure there was provision for “mutual aid” between forces to cover these major events but the creation of a single force makes the re-deployment of officers easier to achieve.

Moreover, modern policing requires scientific and IT services to support front line officers. These include forensic services and command and control systems for dealing with calls from members of the public and deploying police resources. The creation of a single national force offers considerable scope for improvements and savings in these services.

The point I wish to make is that local and community policing cannot be seen in isolation. The days of Dixon of Dock Green, and even of Hamish Macbeth, are long gone. Effective policing, including effective policing by local officers, today depends crucially on a range of support services provided at above local, or at national, level. Arrangements for the governance and accountability of Police Scotland therefore have to apply to these non-local as well as local elements.

A possible blueprint

The conclusions that I draw from these reflections are, first, that while the decision to set up a single Scottish police force was the right one, the model chosen was over-centralised and did not make sufficient provision for local and community circumstances; and, second, that the structures and mindset of the Scottish Police Authority need to be adjusted in order to place public trust and confidence in the police at the heart of all the authority does. The elements of such an adjustment would be as follows:-

1. The Scottish Police Authority should be replaced by a Scottish Police Commission. A clear majority of the Commission should be directly elected by the public.
2. The Commission should take over all the functions of the SPA as set out in the 2012 Act, with the following addition: “to improve public trust and confidence in the police”.
3. At each Holyrood election the 8 regions which elect List members should also elect a Police Commissioner.
4. The Scottish Government should retain the right to appoint (no more than five) Commissioners.
5. The Commissioners should choose a Chair and Vice Chair from their number, whose appointments should be subject to confirmation by the Scottish Parliament.

6. The elected and appointed Commissioners should all play a full and equal part in the Commission's work, but the elected Commissioners should pay particular attention to local and community policing in the regions which elected them and the appointed Commissioners should focus on police activities and services which operate at above local level. One of the appointed Commissioners should be designated as responsible for developing dialogue with non-geographical communities and ensuring that their views are heard by the Commission as a whole.
7. Each elected Commissioner should chair a committee to oversee local and community policing in his or her region, consisting of local councillors nominated by the council or councils in the region. The relevant Assistant Chief Constable should be expected to attend and one or more representatives of the third sector should be invited. The committee should assume the powers and responsibilities set out in Chapter 7 of the 2012 Act but in addition should have the right to be consulted in advance on changes in national policing policies which may have local repercussions. Minutes of each regional committee meeting should be tabled at the next meeting of the Scottish Police Commission so that issues raised can be pursued as necessary.
8. The 2012 Act should be amended to require Police Scotland to police in a way which is "accessible to and engaged with" local authorities, community councils, non-geographical communities, and such other organisations and groupings as it considers may have a contribution to make to the better direction of its work. The Scottish Police Commission should be given statutory responsibility to satisfy itself that policing is being conducted in line with this requirement, and power to issue a direction to Police Scotland where it is not so satisfied.

David Belfall worked for 10 years in the Home Office Police Department and was Head of the Scottish Office Police and Emergency Services Group from 1988 until 1991. Although long since retired he retains a keen interest in policing issues.

Numeracy and literacy problems in Scotland

– Frances McKie

Originally posted 9 October 2018

The current furore about Primary One assessments is obviously linked to the fact that Scotland, like England, has a continuing problem with numeracy and literacy-deeply embedded in our education system. For over 20 years, sporadic panic attacks in politicians have done absolutely nothing to help: exchanging blame is pointless until we work from knowledge of previous developments and their long term effects; we need to understand how we came to be in this particular situation before any meaningful improvement can be made. And we must of course take account of the current environment as well as the past.

And, for honest investigation to result in positive change, it is also important to accept that annual assessment statistics, including those of the SQA, are neither meaningful nor helpful until we are clear about varied standards and methods: measurements must be genuine.

This is the story of falling levels of Literacy and Numeracy, as far as I understand and remember it. I qualified as a teacher of English in 1974 and retired in 2014.

In 1965, the Scottish Primary Memorandum introduced a huge change for teaching and learning in primary schools. Amongst other things, formal learning of grammar and the chanting of multiplication tables were on their way out. During the next decade, these developments were enforced by a very authoritarian inspectorate but, like all changes, they grew wings on the back of misinterpretations so that, very soon, unintended consequences, like the disappearance of deep understanding and command of the structures of language and maths and deteriorating standards of general literacy and numeracy, began to appear.

In 1977, the Munn Report led to the arrival of Standard Grade English. The structure of that assessment allowed an absolute cover-up of the growing inability of even very able children to write confidently, accurately and independently in order to express their own ideas. By 2000, 90% of Scottish fourth year pupils were being awarded at least a General Certificate (perceived to be a “pass”) in Standard Grade English. At the same time, concern was being raised at last about the growing levels of adult and school-leaver illiteracy. This contradiction – the warning of serious problems to come – seems to have been ignored by the government at that time.

By 1994 the Secretary of State for Scotland had accepted recommendations that led to the introduction of Higher Still. While this might have been an opportunity to check that every child in Scotland was being helped to gain command of their own language and a confident grasp of basic maths concepts, Higher Still was quickly identified as a yet another cover-up: an evasion of rigorous assessment of these things. At this point English teachers throughout Scotland tried to protest against the changes.

It is not always appreciated how difficult and intimidating it can be to challenge changes in educational policy from the level of the classroom. As an example of how such terrible mistakes are sometimes enforced, the hounding and bullying of Tony McManus, a highly regarded teacher of English and leader of the protest, is widely known.

Eventually, in 2000, the fiasco of Higher Still across all subjects was exposed. When candidates received their results that year, chaos emerged. In the aftermath a Glasgow headmaster was given the job of trying to retrieve some credibility for English assessments by reviewing the whole course.

Furthermore, just as Higher Still was causing such difficulties, primary schools were introduced to the next big change: from “5-14” to “Curriculum for Excellence”. Although many teachers queried the increased vagueness of attainment and assessment criteria within the documents, the administration ploughed on over their concerns.

By the time Curriculum for Excellence and the associated changes of assessment procedures reached enforcement stage at secondary level, teachers of every subject were faced with huge tomes of vague but complicated references to “experiences and outcomes” which were a nightmare to assimilate, never mind implement. These caused such confusion that some schools either delayed implementation or – in the private sector- abandoned the Scottish system altogether. But the steamroller effect prevailed: yet another damaging development moved on over teachers and pupils too overwhelmed and exhausted to argue – while other stakeholders, including employers and universities, became even less confident about what Scottish Exam Certificates actually guaranteed about attainment- especially in literacy and maths.

Most importantly however, throughout all these curriculum changes and chaotic assessments, the real tragedy has been that no-one ever stopped to reflect on the fact that children going through state schools in Scotland were being denied the old attention to basic command of language and maths.

In fact, sadly, at every single stage, this issue has been, and still is, “the elephant in the room” that no politician seems brave enough to address: while each child deserves the chance to achieve a confident grasp of basic structures and patterns of language and maths before the age of 12 the likelihood of experiencing such teaching and learning has been fading from Scottish primary and secondary schools, in fits and starts, since the 1970s; we have a problem that is now generations old.

It is long established that confidence in language and maths, for most children, comes most easily and successfully from interaction with teachers who are themselves totally in command of the subjects. And this is crucial: to understand the profession- it is teachers whose genius and professional skills invent and reinvent, ceaselessly, new ways to explain and reinforce knowledge and understanding in interesting and reassuring ways. For too long, we have been asking primary teachers to perform miracles when more and more were never offered the knowledge and understanding themselves. And, as a result, for 30 years, secondary Maths, English and Modern Language teachers have been trying to build on sand.

Meanwhile, however, the various and numerous changes to assessment procedures have allowed successive executives to convince themselves, despite universities having to introduce classes in language and writing skills and growing levels of adult illiteracy, that their innovations were working.

It is a simple rule that we should measure what we value; it is freely acknowledged that giving a child his own command of language and basic maths is a vital gateway to confident progression and success across the curriculum and crucial, empowering life-skills. But for far too long, as the SEB and Scotvec gave way first to Higher Still and, more recently, the new Nationals, we did not appear to place a high value on the accurate use of English or confident grasp of basic Maths. If they are not measured rigorously and consistently, poor language and maths skills will not affect grades or statistics. As long as we were just talking to ourselves with our own measurements, we could indeed, ridiculously, reassure ourselves that all was well. For decades, within Scotland, “The Emperor’s New Clothes” appeared again and again. To this day, assessment procedures continue to disguise reality.

Therefore, in 2018 – to shriek yet again with sudden, unhelpful horror that other countries do so much better in English and Maths- is disingenuous. The problem has been growing for a very, very long time. We have been kidding ourselves- and we were wrong.

Curriculum for Excellence can indeed still bring excellence, but only if we are willing to learn from the history and outcomes and mistakes of earlier changes. If all political parties, just for once, on this vital issue, co-operated to understand and accept, honestly, how we came to have such a problem with literacy and numeracy, at the core of our education system; if we acknowledge, at last, the true nature of the vital missing elements of teaching, learning and assessments, solutions will be- immediately- obvious and effective at every level.

Frances McKie is a retired teacher of English with a continued interest in the importance of language throughout the curriculum

Advice & support are needed when life ends, as well as when life begins

– Alison Payne

Originally posted 31 October 2018

Earlier this month Sue Ryder & Hospice UK published a report looking at Bereavement support in Scotland. The report suggested that 53,000 people could be missing out on support that could help them during these tragic periods. I wasn't surprised to hear this.

There was only six years between the birth of my first child and the death of my husband. That gave me an interesting insight into the different way we support people to cope when life begins, versus what happens when a life ends.

It may seem odd but there are a number of similarities between the two very different scenarios: the emotional and financial upheaval; feeling isolated; having to adapt to a new normal; thinking no-one understands. "Widow brain" for me was also very much like "baby brain".

Yet the difference in support offered is stark. Obviously, when you have a baby a great deal of the support provided is focused on the child and checking developmental progress. However, new mothers are supposed to be given a check for post-natal depression and a chat about how they are feeling with a health care provider. They should be provided with information about child benefit entitlement and directed towards peer support and post-natal parents groups. The Baby Box also contains important advice about depression and anxiety.

There is no equivalent when a loved one dies. There is no central provision of advice. No obvious point of contact. No explanation of how to find emotional and financial support. Crucially, there is a lot of help out there, but knowing where and how to find it, or even who to ask, is no easy task. And that support varies dramatically based on where you live and the nature of your loss.

My husband died in November 2015. He died and I was lost.

Suddenly, at my most vulnerable, I had lots of organizing, notifying, sorting and responsibilities to deal with. I was also helping my young children cope with the loss of their dad and dealing with my own grief. There is nothing quite like going from a primary school playground to a funeral director of a morning.

Added to that, people don't like talking about death and grief, so an already isolating and devastating situation is made worse.

When you register a death there is a service provided where government departments such as the DVLA and DWP are notified automatically and is a huge help. But beyond the legal requirement to register his death, I was left in the dark and alone. I knew virtually nothing about what emotional and financial support was available.

No-one told me about Widowed Parents' Allowance. It was 18 months before I realised I was eligible for child tax credits.

I received fantastic support from my GP and Maggie's Edinburgh, who in turn told me about Widowed And Young – a wonderful peer support group for people who lose their partner aged 50 or under.

But what of my children? They were grieving too.

But what about legal rights? What rights and responsibilities did I have?

But what about banking? We had a joint bank account? What about his mobile? What about his credit cards? What about insurance – life/car/home? And not forgetting, in this online/digital age – what about social media accounts/ passwords?

There are so many questions and I remember remarking to a number of people at the time that if I was struggling with everything and was an otherwise fit and active 36 year old, how would a more vulnerable or elderly person cope?

Crucially, at every turn I found support, but I had to go looking in the dark for it. There was no central point of information. No link up. Nowhere could I go to simply find things out.

I was helped by the fact that for one month we knew Jude was going to die – we had some time to sort things out. Time to discuss, to plan, though that was only because of Jude's incredible strength and ability to face his situation. But many deaths are sudden. Equally, many loved ones will not have planned and talked together. I have heard it said that grief is like a tsunami hitting you. You may be facing it and know it is coming, or you may have your back to it and be caught unawares, but it will hit you either way.

The Scottish Government has stated that it wants to address loneliness and isolation in Scotland. With the devolution of certain welfare powers it also

wants to reduce funeral poverty. I believe providing a 'Bereavement box' of sorts could help with both those policy aims as well as helping guide people when they are at their most vulnerable. After all, if people do not know what help is available, how can they access it?

A bereavement pack could be issued when a death is registered and include information on issues such as: benefits; local bereavement groups; counselling; peer support groups; rights for time off work; rights and responsibilities for family and executor; a check list of organisations you should contact following a death; even charities and organisations which help sort out possessions. There are many possibilities. Different sets of advice could be put together depending on whether the deceased was a parent; spouse; child; or friend.

There is financial support available. There are incredible support organisations. But you need to know about them. Sitting at a computer Googling bereavement support was way down my to-do list when all I wanted to do was hide from the world.

I believe we need to help people cope with the loss of life, just as we help them when life begins.

Alison Payne is Reform Scotland's research director but writes in a personal capacity as widow.

Global Parliament of Mayors Annual Summit 2018

– Hannah Muirhead

Originally posted 8 November 2018

At the end of last month, the Global Parliament of Mayors (GPM) held its third annual summit in Bristol. 80 mayors from around the world got together to discuss empowering cities as drivers of global change.

It was clear from the start that the pervading message of the three-day event was that nation states are being weakened, their ability to respond to global challenges reduced, and that cities – and mayors – can and must connect, engage and advance humanity in a way that states are failing to.

The conference was opened by Mayor of Bristol, Marvin Rees, who had a whole series of soundbites around this message, such as: Mayors can shape national policy for global issues; It's at the city level where we can stitch things together; Mayors are the best people to govern in a world that's post-national. He also brought in Vanessa Kisuule, City Poet of Bristol, who wowed the room with three minutes of verse comparing a great and functioning city to a poem – where the mayor is that “One Line” bringing it all together.

Patricia De Lille, Mayor (for now) of Cape Town, stuck with this message, illustrated with evidence from her city's fight against a drought and water crisis so unprecedented in South Africa that they couldn't rely on information from their own records or past experiences. She told us that it was by reaching out to other mayors in other cities around the world for lessons and learning that she and her team developed the capacity to bring the city and surrounding region back from the brink of disaster.

Speaking to mayors and some “mayor expert” delegates, as somebody following the conversations surrounding directly elected mayors in Scotland, was a valuable part of attending the summit. The prevailing opinion of those I spoke to was very much that elected mayors are a powerful tool for cities when it comes to maximising development and growth – because they have the visibility to attract international investment and network internationally, because they have a clear mandate increasing the efficiency of decision making whilst retaining democratic legitimacy, and because the office itself is likely to attract high calibre candidates with experience and connections. None of that was new reasoning, but it was interesting to hear directly from the mouths of those working within elected mayor systems and from those who had experienced the before and after of directly elected mayors in England.

The main part of the conference focused on issues in four areas: migration, health, urban security and climate change. All issues that cross borders and that, again reflecting the conference's core message, are in need of being addressed in new arenas by flexible, outward-looking, networked actors. i.e. In cities, by mayors.

I was more surprised than I probably should have been given its name, but the Global Parliament of Mayors does very much resemble a parliament. The issues at hand were presented, debated and voted on by the mayors in a series of sessions that took place in the council chamber of Bristol City Hall. The voting was to determine which issues were of most importance to delegates, which issues they would pledge to prioritise at the city level, and which to bring to the attention of policymakers at the national and international level. The results of the voting were used to form the official declaration from the summit which would be used by the GPM in their endeavours to influence policymaking at all three levels. The declaration can be read [here](#).

Things got very meta on the last day as the focus turned from what the GPM as a city network can achieve to the networking of cities itself. In response to the growing world influence of cities, or at least the rapidly urbanising global landscape, there has been a recent proliferation of city networks such as the GPM. It was agreed that such networking can empower cities, but whether or not this translates into real influence is unclear, with research showing that only around a third of cities networks attempting to influence or participate in global policymaking (the rest focusing on best practice/data sharing).

So, there was a panel session with representatives from cities networks across the world – gathered to discuss with the mayors of this network what the scope is for all these networks to network – to collaborate, to avoid duplication of efforts, to make planning and attending events easier, to empower each other, amplify each other's work and ensure real influence.

This all seemed quite groundbreaking and I did feel like I was witnessing what was potentially the start the next phase of "cities getting stuff done".

I think there is perhaps a tendency to over-emphasise the extent to which the nation state is being weakened in order to reinforce the argument that it's time for other levels of governance to step up. Having said that, all the issues covered at this summit are issues that land firmly in our cities and towns so, regardless of the demise or otherwise of national actors, city leaders are ideally placed to be at the forefront of decision making in these policy areas. And it seems that maybe it's mayors who have the mandate, clout and visibility in a global

context to make this happen. As evidenced in the GPM sessions and presentations, mayors working together to develop solutions for global issues is already seen to be effective. Certainly, of all the conferences and networks summits I've been to recently I came away with a greater impression that this one was doing something solid and progressive – and will be following any updates with interest.

Hannah Muirhead is the Partnerships Officer at LGiU Scotland.

Scottish National Standardised Assessments – Professor Lindsay Paterson

Originally posted 14 November 2018

The public debate about the assessment of school pupils' literacy and numeracy has neglected valid and reliable evidence. There are plenty of anecdotes told by people with a political point to make about the first year of testing in 2017-18, notably when, on 19 September 2018, the Scottish parliament voted for the tests in Primary 1 to be halted. There has been the evidence put forward by the teachers' trade union, the EIS, to the Scottish Government's routine review of the first year of the tests. This evidence appeared to show widespread concern by teachers and anxiety among children, but it was not based on a scientifically conducted survey, rather on a consultation within the EIS that attracted replies from (in the Scottish Government's estimate) around 460 responses out of over 54,000 union members. And, on the other side, there have been stories told by Government politicians, in reply to these criticisms, of teachers who have found the tests useful, and of children who have enjoyed doing them. Faced by all this controversy, the Government's Education Secretary, John Swinney, has announced what he has called a new 'independent review' of the tests in the first year of primary school, without specifying what kinds of new evidence the review will collect.

What is really puzzling about these Government responses is that they could have referred to much stronger evidence which the Government itself had already commissioned. That evidence was not routinely made public, and has been obtained by Reform Scotland only in response to several Freedom of Information Requests (with code numbers 18-02228, 18-02327, and 18-02535 in the Scottish Government FoI web pages). Why that route to the evidence was required is itself odd, but is not the main point here. The evidence relates to almost all the issues that have been raised during the recent controversies. On the whole, the conclusions tend to vindicate the Government's position except as against those critics who reject testing altogether. So if you accept that standardised tests are a pedagogically valid way of understanding the progress of individual pupils and the quality of the education system as a whole, then this evidence ought not to be ignored.

It should be acknowledged first that the evidence was collected by the contractor which manages the tests, ACER. Cynics might be concerned about that, but there would be two replies. One is that the criticism of the tests have not been about ACER itself, the quality and integrity of whose work is not in doubt. ACER – which is the Australian Council for Educational Research – is as respectable internationally as, for example, the National Foundation for

Education Research in England, or the former Scottish Council for Research in Education.

The other reply would be that the evidence is presented by ACER with attention to much of the detail that is required for the reader to evaluate the quality of the evidence. We can form our own judgement on the trustworthiness of the findings. This does not mean that the research is flawless or that more detail would not be desirable, as we will see; but it itself gives us the means to judge its quality, as good science always ought to do.

There are three main bodies of statistical evidence – evaluation of the workings of the tests in their first year, constructing norms by which the results for individual pupils might be understood, and the first stages in the creation of scales of attainment by which the progress of pupils from the first year of primary school to the third year of secondary might be tracked. There is also non-statistical evidence on how the individual tests were matched to the details of the school curriculum (the benchmarks in the Curriculum for Excellence), and – though unfortunately with less information – on how teachers responded to the tests during their development and during the first year. All this evidence allows us to comment on three broad aspects of the current controversies.

Validity of the tests

The first point is whether the tests are relevant to the curriculum. Claims that they distort the curriculum by forcing attention onto a narrow range of criteria, or interfere with teachers' capacity to teach effectively, or get in the way of pupils' capacity to learn at a pace that suits them, all come back to essentially the same point – that the tests are an intrusion that cannot be reconciled with the curriculum's aims.

In fact, the evidence shows that the tests were developed paying close attention to specific details of the curriculum. The overall contractual requirement is that 'the content of the Assessments will reflect the knowledge, skills, understanding, and standards embedded within the Curriculum for Excellence experiences and outcomes for reading, writing and numeracy across the CfE Levels.' This terminology of 'experiences and outcomes' is the way in which the curricular details have been described in Scotland since 2010. The curriculum is grouped into 'levels': the early level is what most children should learn by the end of Primary 1, first level is by Primary 4, second level is by primary 7, and third and fourth by Secondary 3.

For example, for the early level in numeracy and mathematics, children are expected to learn under various headings, such as 'number and number

processes', 'money', and 'time'. Examples of achievement which the curriculum specifies under these headings are 'recalls the number sequence forwards within the range 0-30, from any given number', 'identifies all coins to £2', and 'engages with everyday devices used to measure or display time, including clocks, calendars, sand timers and visual timetables'. The evidence obtained through the FoI requests shows that the exact same headings are used to group items in the tests, and that specific test items were based on similar examples to these (although, regrettably, detailed examples of items are not given).

Critics have further claimed that testing Primary 1 children is particularly reprehensible because it might contradict the supposedly 'play based' principles of the early years. This has been one of the main arguments from the Scottish Conservatives in their opposition to the Primary 1 tests, in contrast to their support for testing at older ages. In fact, there is no such systematic philosophy in any of the curricular documents (as critics of Scotland's relatively early starting age for school point out). There is selective attention to 'structured play' in the early-years guidance, but as a means to the end of the beginnings of literacy. For example, children at these ages are encouraged to 'share stories' through 'imaginative play'. The literacy assessments are not able to investigate this because, in Primary 1, they do not assess writing, a restriction which itself was presumably intended to be sensitive to the unavoidable reality that not all children can write at that age. So the tests look only at somewhat passive activities – reading and listening. But the purpose of developing these in the curriculum is enabling children's linguistic creativity. Although imaginative literary play is not assessed, its necessary precursor, the skilled use of language, is. That approach seems quite consistent with a goal of 'imaginative play', given the probably reasonable premise of not assessing writing at this young age.

The validity of assigning specific assessment tasks to one of these curricular headings was judged by the expert panels on literacy and numeracy that had been set up by Education Scotland, which is the Scottish Government agency in charge of the curriculum. It would have been more satisfactory if more public information about the composition of these panels had been published. Nevertheless the process of implementing the tests was overseen by 'user assurance groups' that were constituted in the way that all such implementation groups are designed in Scotland – 'with representation of teachers, head teachers, professional associations, local authority officials, academics and specialists in Additional Support Needs and accessibility'. Thus the relevance of the tests to the curriculum was judged by the same kinds of professional committees as constructed the curriculum in the first place. If the tests are suspect because of how they were developed, then so is the curriculum.

Moreover, ACER has also analysed how difficult pupils found individual questions in the tests to be. A valid test should have questions with a range of difficulties so as to be able to record the full range of pupils' capacities. The conclusions of the analysis were that the tests were broadly satisfactory in that respect, except perhaps having fewer difficult questions than would be desirable. This evaluation found no evidence of the concern about excessive difficulty that was expressed by teachers in the EIS canvass of its members.

Thus when critics of the tests have claimed that they are cruel – reducing pupils to tears, provoking parents to indignation, or frustrating teachers with their educational irrelevance – then they are in effect saying that the curriculum itself has that potential built into it. Put that bluntly, if it is right to expect a five-year-old child to be able to read a calendar, then why is it cruel to ask them to do so?

Reliability of the tests

The second point relates to whether it is possible to assess pupils at the specified ages by means of tests. Usually this has been expressed as a particular concern about the Primary 1 tests, and indeed that was the basis of the motion that was passed by the Scottish Parliament to halt these tests. Some organisations have expressed more general doubts about all standardised testing of this kind, for example the Scottish Liberal Democrats and the Scottish Greens. The EIS, though not officially opposed to the principle of standardised tests, nevertheless has said they are concerned about any kind of testing if it is used for purposes other than contributing to teachers' professional judgement.

Here, again, the evaluation obtained through the FoI request by Reform Scotland is extensive. Nearly 15,000 Scottish pupils in November 2017 and March 2018 were involved in studies specifically designed to establish appropriate norms (quite separate from the routine administration of tests to all pupils of the appropriate ages in that school year). This matters, and is a straightforward corollary of basing the tests on the Scottish curriculum. To interpret the test results for a specific pupil in the tests it is necessary to know what the range of results across all pupils is likely to be. That is indeed the essence of what is meant by 'standardised', and its purpose is to try to make sure that pupils are being judged by standards that might reasonably be expected of children of that age who are following this curriculum. The tests that were previously used by 29 of the 32 Scottish local authorities were not based on the Scottish curriculum, and were based on norms established with populations outside Scotland.

The results from these evaluations are reported mainly in terms of measures of reliability, specifically what is known as Cronbach's alpha. This is a widely used index of the extent to which a batch of individual test items are giving stable information about a child's capacity in the specific domain that these items are intended to assess – asking essentially whether, if the child was tested again, they would get broadly the same result. The results are reproduced in the table.

Reliability of assessments

<i>Stage and domain</i>	<i>Cronbach's alpha</i>
Primary 1:	
Numeracy	0.840
Literacy	0.849
Primary 4:	
Numeracy	0.868
Reading	0.880
Writing	0.882
Primary 7:	
Numeracy	0.889
Reading	0.860
Writing	0.820
Secondary 3:	
Numeracy	0.880
Reading	0.887
Writing	0.780

Source: response to Q1 in FoI request 18-02228

The general rule invoked when interpreting reliabilities is that values above 0.8 are 'good' and above 0.9 are 'excellent' (see for example the guide [here](#)). By this criterion, these values are not too bad, especially for the first year of an assessment system that has built into it a deliberate intention to improve.

One relevant yardstick is to compare these reliabilities with those which have been achieved in England for the National Curriculum Assessments that have been in place since the mid-1990s. There were concerns at the beginning in

England, too, that the tests would be unreliable. An evaluation about a decade ago by Paul Newton of the Office of the Qualifications and Examinations Regulator (Ofqual) found that, by 2007, most of the reliabilities lay between 0.8 and 0.9. A more recent evaluation by Ofqual found reliabilities above 0.9. So, already in their first year, the Scottish tests mostly seem to have nearly reached these high levels.

Reliability is not the most intuitively appealing way of understanding the quality of tests. Perhaps a clearer way of thinking about is to ask this question: how likely would it be that the tests would classify a pupil's level of achievement wrongly? In the English research, this was defined to be making an error in judging which level of the national curriculum a pupil had reached. Back at the beginning of the national curriculum, in the mid-1990s, it was estimated by Professor Dylan Wiliam that there was a 30% chance that the tests would get the level wrong. This figure was widely disseminated as a sign of how unreliable the tests were. Other evidence suggested that it was unduly pessimistic, and in any case the recent evaluation showed a much lower probability of miss-classification – around 10% for mathematics, 13% for science, and 15% for English.

Without more statistical information about the results of the Scottish tests than has been provided, we cannot properly estimate the probability of miss-classification here. But a very crude estimate might be this. The gap of 5 percentage points in miss-classification between mathematics and English in England corresponds to a gap of 0.045 in reliabilities. The average reliability of the Scottish tests in the table above is 0.86, which is 0.06 below the reliability for English in England. If the probability of miss-classification rises approximately proportionately to the fall in reliability, then we might estimate the probability of miss-classification from the Scottish tests to be about 7 percentage points above the probability for English in England, or about 22%. That is slightly worse than the position reported by the National Foundation for Educational Research in England about a decade ago. If refinement to the Scottish tests over the next few years could increase the average reliability to over 0.9 from 0.86, then that probability of miss-classification would drop to at most 15%.

These estimates are, however, unacceptably crude, and it would be much better if they could be replaced by proper estimates from ACER of the probability of miss-classification, using the data which they have collected during the first year. Publishing these results would be a useful outcome of the Government's new independent review.

The point of all these technicalities is that the new Scottish tests are already giving reasonably reliable information, even for Primary 1 pupils. Contrary to the fears of their critics, this psychometric evidence suggests that it is possible to assess pupils in ways that are relevant to the curriculum and that produce results that can be broadly trusted. Furthermore, the tests are likely to become more trustworthy as the new system goes through the improvement process that is built into its design.

Educational use of the tests

The controversy around the tests also raises questions about how they might be used. For example, the EIS persuaded the government early on to promise not to publish the average test results for individual schools.

Some features of the tests, as now released through Freedom of Information, show encouraging sensitivity to educational concerns, but other aspects of the reporting of the tests remain opaque.

The most promising aspect of the proposed reporting is the construction of what are called ‘long scales’. These are intended to place the results of all tests – from Primary 1 to Secondary 3 – onto a single scale so that pupils’ progression can be measured. That information would allow teachers and parents to develop an understanding of the progress which children are making as they go through school. Never before has this kind of information been available to Scottish parents, since all previous modes of reporting to parents have been vague judgements rather than specific results.

These long scales were constructed by a combination of the evidence from 15,000 pupils relating to reliability (noted above) and evidence from a further approximately 16,000 pupils in the intermediate school stages that are not included in the tests. For example, this allowed a check to be made that children in Primary 3 were closer to the results of children taking the tests in Primary 4 than to Primary 1, and that children in Primary 2 were closer to Primary 1 than to Primary 4.

The resulting scale will form the basis of the reporting of test results to parents. In the draft reporting format, parents will be given their own child’s test results, and the corresponding average results for the child’s school and nationally. It seems likely that local authorities will add also the results for the authority as a whole. It is intended that these reports will be in terms of 12 bands, covering attainment from the beginning of Primary 1 to the high end of Secondary 3. The bands will be described in language drawn from the Curriculum for Excellence,

following through the mapping of the tests onto the curriculum that is described above.

This all looks quite sensible, although much piloting will be required to see how accessible these quite technical documents will be to parents. It is to be hoped, moreover, that the eventual reporting at national and local-authority levels will show rates of progress up the 12 bands, not merely the proportion at each band in each year. The most poorly explained aspect of the proposed reporting, however, is the step from the bands resulting from the tests to the assignment of pupils to levels of the Curriculum for Excellence. We are told that teachers will do this using their judgement, because, according to the Freedom of Information release, it is ‘inappropriate to simply align individual [assessment]outcomes with overall professional judgement of achievement of a level’. If the test results ought not to be mapped onto curriculum levels in this way, one wonders why all the effort has been put into doing precisely that (as noted above). More to the point, we are left wondering how teachers will carry out this mysterious exercise of ‘judgement’. Trusting teachers’ professional judgement has become a Scottish mantra, much invoked by the EIS. But a truly self-confident and expert profession would explain to society how its judgements are reached.

More controversial will be what extra information is provided alongside the test results. For example, teachers are free to test children at any time in the school year, another consequence of pressure by the EIS on the government. That makes interpreting the results of tests quite difficult unless account is taken of age. Even at Primary 4, the difference in maturity between, say, early September and late May is about one tenth of a child’s life to date; in Primary 1, that period is about one sixth. The proposal to report against norms in November and March is too crude to capture these differences.

Nothing has been said about how the reporting will take account of such matters as gender, socio-economic circumstances, or home language. On grounds of equity, it is indeed reasonable to show all children against a common standard. Otherwise, we would be implicitly having lower expectations of some children than of others. But in order to explain the achievements of particular children, some contextualising is required. For example, consider a child who has nationally-average attainment in a school which itself has below-average attainment because of social deprivation in its catchment area. So the child would appear in the report to be doing well in relation to the school but not particularly well in relation to the national average. Without explanation of why the school average is low it would not be possible for the parents to understand their child’s performance. Indeed, without that explanation, attributing the

child's merely average performance to the school's seemingly poor quality would be an understandable but inaccurate parental response.

Further complicating these already complicated concerns about reporting is the need to explain the inevitable element of randomness even in the best-designed system of assessment – the probabilities of miss-classification noted above. Incidentally, we would not avoid these problems by not testing, and by relying wholly on teacher judgement. It, too, is subject to random error, but inscrutably so unless we have objective tests.

Versions of these dilemmas will multiply at all levels of reporting, whether nationally or at the level of the local authority. They will be exacerbated by the inevitability of school-level reporting, whatever the EIS and the government might want. Because the schools (and the local authority) will have to calculate the school-average attainment, that information will be subject to a Freedom of Information request. In almost all circumstances, there will be no grounds for withholding it, because, except in very small schools, it would not reveal the identity of any pupil or teacher, and would not be covered by commercial confidentiality, since the data would by then be owned by the authority.

Conclusions

All the information which has been obtained by Reform Scotland through FoI requests ought to have been automatically in the public domain, because it answers many of the concerns that have been raised, as this blog has sought to show:

- The tests are valid, in that they have been based on the Scottish curriculum.
- The tests are acceptably reliable, though not outstandingly so, and there is a planned programme of refinement that should lead to improvement.
- The tests offer the potential of informative reporting to parents and to Scottish society. That potential is much better than anything which Scotland has ever had, but more thought has to go into how to do it effectively.

Although the EIS has shown some evidence of discontent among teachers, the representativeness of the opinions which the union gathered from those members who chose to respond to its request for comment cannot be determined without a scientifically valid survey.

The politicisation of this issue is regrettable. It is to be hoped that the debate might move to grounds that are more firmly based on psychometric evidence,

and by more systematic information about the experiences of the pupils and teachers than has been available hitherto.

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Sue Ryder's approach to giving a second chance – Stuart Mitchell

Originally posted 11 December 2018

It may be surprising to learn that of every three men in Scotland, one has been found guilty of committing a crime. For women it's closer to one in ten.

But behind every statistic lies a personal story and for those that are serving time, many deserve a second chance and the support to help them find paid work when they're released from prison.

I work for national healthcare charity Sue Ryder; we support people through the most difficult times of their lives, whether that's a terminal illness, the loss of a loved one or a neurological condition.

I have been working at Sue Ryder for over ten years on a scheme that supports offender's and helps them back into employment. If someone leaves prison without employment they are 13 times more likely to reoffend. Many find that as soon as they declare they have a criminal conviction their job application stops dead in its tracks.

We need employers to offer second chances by being encouraged to train people whilst they're in prison and offer them a job when they're released. The individual is picking up skills which will help with their transition into paid work and the employer is doing their part to tackle reoffending. What the employer is getting is an individual who is loyal and someone who is keen to repay the trust and second chance they have been offered.

So while offering a second chance is good for the individual concerned, it could also be positive for the wider economy. It's becoming apparent that there is a gap appearing in lower skilled work, which will impact on certain areas particularly the restaurant and hospitality trade. With unemployment in Scotland at a low – the question arises as to how we'll fill our low skilled jobs in the future?

Many companies are already alive to this challenge and have current serving prisoners in their outlets gaining valuable work experience. Now it's the time for more companies to be investing in recruitment programmes and tapping into the huge talent pool of ex-offenders.

At Sue Ryder, whilst we're best known for our palliative, bereavement and neurological support for people when they need us, we also recognise the value

of supporting people in other ways, such as our award-winning Prison Volunteer Programme (PVP).

Since 2006 the Sue Ryder PVP has been supporting the rehabilitation of serving offenders by offering volunteering placements in our 450 shops and central offices.

The time, effort and skills of our volunteers help make it possible for us to provide and develop our services. By offering volunteering places in our shops not only helps offenders gain confidence and experience it helps us to generate further income.

We work with offenders from over 30 open and closed UK prisons, all of whom are reaching the end of their custodial sentence and are being released on temporary licence and have been identified as suitable for the programme.

The aim is to support those individuals in the process of rehabilitation and resettlement as they carry on their journey to get their lives back on track.

With 94% of all our prison volunteers saying they have been offered formal job-specific training opportunities and the programme having been praised by the prisons we work with, we hope that the success of our scheme and other initiatives mean we can take a fresh look at the role that those with criminal convictions can play in society. And if they have been a great volunteer they are sure to be an even better member of staff. And the 78 individuals we have recruited directly from prison are testament to that.

Stuart Mitchell is the National Prison and Community Justice Manager for Sue Ryder

A Christmas Countdown to Equality?

-Patricia Anderson

Originally posted 19 December 2018

The Give Them Time campaign - for a further year of nursery funding for ALL children deferring primary one start in Scotland - has a lot to reflect on this Christmas.

HUMBLE BEGINNINGS

It evolved from a Facebook Group set up in May 2018 for parents to share their experiences of applying to their local authority for continued nursery funding for their four-year-old for their deferred year before starting school.

The aim was to provide clarity on the legal right to defer and to put parents in touch with one another so they didn't feel they were alone in pursuing continued nursery funding for the extra year. However, from parents sharing their experiences it emerged that many felt there was a lack of transparency, consistency and child-centred approaches to deferral funding across the country. Within a month the campaign was established and the Facebook group now has nearly 600 members.

Its popularity serves to underscore the strength of feeling on this issue and just how many parents across Scotland are affected by it. Many post questions about their rights as the jargon of 'discretionary deferral' in the legislation and used by local authorities is misleading.

PLAIN ENGLISH PLEASE

For the record, any child who has not reached the age of five by the school commencement date set by their local authority (invariably in August), does NOT need to start primary one until the following year's school commencement date. This is governed by the Education (Scotland) Act 1980, 32 (3). A 'discretionary deferral' refers to each local authority's ability to provide or deny funding for a further year of nursery for such mid-August to December born children whose parents want to defer them. This phrase is ambiguous as it implies that the legal right as well as the funding is at each council's discretion rather than just the funding. We have even seen communication from councils which refers to the council 'granting a deferral' which only perpetuates this confusion. How many parents have looked into the possibility of deferring their child in the past and misunderstood their legal right due to this ambivalent term?

PARENTS VS LOCAL AUTHORITIES

Sadly, if a parent does find out about their legal right and pursues the continued nursery funding, the current system sets them up against local authorities as both are simultaneously empowered to be make a child-centred decision. This can take many months and cause families anxiety and stress as they don't know if what they believe is in the best interests of their child will be viable if they have to finance it themselves or if they will even be able to keep their child in the same nursery if funding from the local authority is discontinued.

The Scottish Government's new Learning Together National Action Plan wants to improve parental involvement and engagement in schools and early learning and childcare settings. Goal C is to improve communication with parents and families. But parents need to be able to trust what they are told by early years staff and local authorities as accurate in order for any genuine collaboration to ever take place. Also, the current processes for assessing so called 'discretionary deferral' funding requests undermine parents as the very existence of such processes creates tension and mistrust as they question parents' judgement.

EQUITY ISSUES

Our research (including responses to Freedom of Information Requests from local authorities) has flagged up other inequity issues and the campaign seeks to highlight these too:

- At least eleven of Scotland's thirty-two local authorities do not allow parents to finance a continued place in a local authority nursery when they refuse to fund the extra year. How is it child-centred to force a child out of a local authority nursery and into a private nursery for their final year before school when the local authority refuses to pay for it?
- Seven local authorities have funded 100% of such requests in recent years whereas others have funded less than 50% showing that continued nursery funding is quite literally a 'postcode lottery' at the moment.
- In Sep 2018 Falkirk Council changed its policy so that going forward any parental request to defer a Sep-Feb born child will be automatically funded with no questions asked.
- Some local authorities have quick and simple application processes whereas others require myriad professionals to be involved, some of whom have never met the child, to judge. How is this child-centred?
- Sep-Dec borns being deferred have already had less nursery time than any other birth month of child. Reform Scotland's 2017 "Early Years Lottery" Report highlighted this "continuing birthday discrimination

which means some children are entitled to almost a year's less early years education than others".

- The current system disadvantages those who cannot afford to finance a further year of nursery as those who can afford it will pay for it.

CHRISTMAS COUNTDOWN

This month we are encouraging everyone who shares our concerns about these issues to use the template letter on the campaign website to write to their local councillors and the education committee convener in their local authority to ask for all children being deferred to be automatically guaranteed another year of nursery funding, not just Jan/Feb birthdays. There are 24 local authorities which need to change their practices in order to do this and hence our Christmas Countdown call to action. We don't offer chocolate or a picture of Santa each day, but we do offer hope that things can improve.

If we truly want Scotland to be the best place for children to grow up and if we want to reduce disadvantage and increase parental involvement, then every local authority has a moral obligation to automatically fund all deferrals from now on.

We've got Christmas sorted but for more information on our New Year's resolutions go to [Give Them Time](#) or follow us on Twitter @GiveTimeScot.

Patricia Anderson is a campaign spokesperson for Give Them Time

