CONVENCERS GROUP
Meeting with the First Minister

Wednesday 30 September 2015
CONVENERS GROUP

CONVENER
*The Presiding Officer (Tricia Marwick)

IN ATTENDANCE:
*Bruce Crawford MSP (Convener, Devolution (Further Powers) Committee)
*Nigel Don MSP (Convener, Delegated Powers and Law Reform Committee)
*Jim Eadie MSP (Convener, Infrastructure and Capital Investment Committee)
*Murdo Fraser MSP (Convener, Economy, Energy and Tourism Committee)
*Kenneth Gibson MSP (Convener, Finance Committee)
*Rob Gibson MSP (Convener, Rural Affairs, Climate Change and Environment Committee)
*Christine Grahame MSP (Convener, Justice Committee)
*Hugh Henry MSP (Convener, Welfare Reform Committee)
*Paul Martin MSP (Convener, Public Audit Committee)
*Stewart Maxwell MSP (Convener, Education and Culture Committee)
*Margaret McColloch MSP (Convener, Equal Opportunities Committee)
*Christina McKelvie MSP (Convener, European and External Relations Committee)
*Michael McMahon (Convener, Public Petitions Committee)
*Duncan McNeil MSP (Convener, Health and Sport Committee)
*Elaine Smith MSP (Deputy Presiding Officer)
*Stewart Stevenson MSP (Convener, Standards, Procedures and Public Appointments Committee)
*Kevin Stewart MSP (Convener, Local Government and Regeneration Committee)

*attended

THE FOLLOWING ALSO PARTICIPATED:
The First Minister (Nicola Sturgeon)

CLERK TO THE COMMITTEE
Susan Duffy

LOCATION
The Mary Fairfax Somerville Room (CR2)
Scottish Parliament
Conveners Group

Wednesday 30 September 2015

[The Presiding Officer opened the meeting at 12:30]

The Presiding Officer (Tricia Marwick): I welcome the First Minister, who is here to discuss with the committee conveners the Government’s programme for government. I extend a very special welcome to our visitors from St Ninian’s school, who are here to listen to the session. I hope that you will find it interesting for your modern studies course in the year to come.

Let us get under way.

Duncan McNeil MSP (Convener, Health and Sport Committee): Good afternoon, First Minister. One of the issues that appears in the Scottish Government’s programme of work is tackling inequality—an interest that the Health and Sport Committee shares. We had a debate on the issue this year, and I think we all agree that the situation is complex and is affected by many issues and circumstances. We would also agree that income is a big issue that can make a difference. In November 2011, the Health and Sport Committee recommended in its report on elderly care that social care staff should receive the living wage. I know that the Government and local authorities are working pretty hard to achieve that. Could you give me an update on those talks, on what progress is being made and on when we are likely to have an outcome?

As an addendum, could you also tell us whether similar talks are taking place with national health service-funded pharmacists, dentists and general practices?

The First Minister (Nicola Sturgeon): Thank you for that question, and thank you, Presiding Officer, for the opportunity to be here today.

On the first part of your question, I cannot give you a specific date for a specific announcement, but I can say that, as you acknowledged, the Cabinet Secretary for Health, Wellbeing and Sport, along with the Convention of Scottish Local Authorities and individual local authorities, is looking very hard at how we extend the principle and practice of the living wage into the social care workforce. There are two main parts of the social care workforce: those who work in care homes, and those who provide care in people’s own homes. I am happy to ensure that your committee, as well as the conveners group collectively, is kept up to date with that as the situation progresses.

Through the work that Roseanna Cunningham leads as Cabinet Secretary for Fair Work, Skills and Training, through the business pledge and through the fair work convention, we are considering how we extend the living wage into those areas of the economy where it is not currently paid at the same levels as it is in other areas across the economy.

You mentioned specific sectors; there are other areas outwith health, such as retail and tourism, where there is a particular need to extend the living wage. I convened a living wage summit fairly recently to consider how we do that.

On the positive side, a slightly higher percentage of people in Scotland are paid the living wage than is the case across the United Kingdom as a whole, but we want to extend that even further. We will seek to have discussions with specific sectors, including the ones that you mentioned. In many respects, those discussions about how we extend the living wage further will be on-going.

Duncan McNeil: I mentioned pharmacists, dentists and general practices because they are directly funded by the NHS. I welcome the initiative involving the Scottish Government and local authorities, as the funding arrangements can give you an added influence. I hope that some work can be directed at pharmacists, dentists and general practices so as to make progress and to get more of them on the living wage register.

The First Minister: Many of the workers you talk about will already be paid the living wage. For example, any NHS staff on agenda for change will already be paid the living wage, as we pay the living wage throughout the NHS. If there are any remaining groups of staff who work for independent contractors, we will certainly continue to make efforts to rectify the situation. I am happy to provide some specific detail to your committee as to whether there are such groups and what the magnitude of the situation might be.

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Duncan McNeil: That would help people to focus their responsibility.

I will be quick, as time is limited. This is another area where there is common interest with the Scottish Government. In 2013, the Health and Sport Committee produced a report on access to medicines, and the Government responded in early 2014, announcing that the patient’s voice would be put at the centre of the new drugs approval process. However, I have recently been contacted about the issue and have heard that, since then, all three breast cancer drugs that have been put through the new system have been rejected, prompting breast cancer campaigns and charities to raise concerns about the impact of the new system on patients.
Last night I was very surprised to hear from a patient seeking access to new drugs that she is still subject to an individual patient treatment request—you will be familiar with those, First Minister, from your previous experience—and that even with the support of her oncologist she failed to get the medicine. I thought that we had resolved some of those issues.

The current situation with new medicines might be worthy of review to ensure that the Government’s plan and the Health and Sport Committee’s objective have been met right across Scotland.

The First Minister: I am happy to consider—as the health secretary will be—any individual cases and any evidence on where we can further improve the system. I am loth to comment on the individual case that you cite, because I do not have the details.

Duncan McNeil: Yes, that is why I did not mention the details of the individual case.

The First Minister: If you want to pass on the details to me or to Shona Robison, we would be very happy to look at it.

I have a couple of brief points. Given the work that the Health and Sport Committee has done, you will be aware of that we have tried to improve and streamline the procedures that the Scottish Medicines Consortium uses and to make them more transparent than they were.

The SMC will always be required to take difficult decisions, and individual patients and patient groups will, for understandable reasons, disagree with some decisions. The IPTR process is a fundamental part of the overall arrangements. It is there to ensure that where there are particular circumstances in an individual case and a drug that might not have been deemed generally to meet the criteria for approval could benefit an individual, that drug can still be prescribed for that individual. We established the rarer drugs fund to ensure that additional financial resources were available to health boards in those circumstances.

Your question alluded to the fact that, having been the health secretary, I have some considerable knowledge about how the systems operate—their deficiencies as well as their strengths. The changes that have been made in recent times have considerably strengthened the systems that are in place, but if there are ways that we can strengthen them further, I am open to looking at them.

Finally—and this is a point that I do not particularly like making in these discussions, but it is one that we all have to recognise—given what we are talking about, we will always have very difficult cases where individuals or groups of patients will not be able to access a drug that they understandably believe will be of benefit to them. The nature of the discussions and procedures means that that is inevitable. We want to minimise the number of cases in which that happens.

Kenneth Gibson MSP (Convener, Finance Committee): Next week, Parliament will debate the Finance Committee’s report on Scotland’s fiscal framework and the relationship between Scotland and the United Kingdom as we move forward. Where are we in terms of the key discussions in relation to the fiscal framework? I am thinking in particular about resource borrowing to deal with potential economic shocks, the baseline position in relation to the block grant adjustment, and the no-detriment principle, whereby powers that are devolved from the UK to Scotland will not disadvantage either Scotland or the UK.

The First Minister: As yet, there is no conclusion to the discussions between the Scottish Government and the UK Government. The most recent meeting took place last week. I know that John Swinney has committed to keeping the Finance Committee and Parliament as up to date as possible as the discussions progress, and next week’s debate will be a good opportunity, not just for the Deputy First Minister to feed back on the detail of where the discussions have got to, but for MSPs to feed in their views and ask further questions on the detail. There is a debate about the degree of transparency that it is possible to have around on-going intergovernmental discussions such as those, but we work on the basis that we want Parliament to be as involved as possible.

You mentioned some of the substantive areas on which discussions are not yet concluded and on which we do not yet have agreement. The block grant adjustment mechanism is of critical importance both in the reductions to our block grant that will flow from the Scottish Parliament having enhanced revenue-raising powers and in the additions to the block grant that will flow from the Scottish Parliament taking on additional spending responsibilities, particularly around welfare. It will be hugely important not just to get those mechanisms right in the first instance but to make sure that they are right for the future.

We also continue to have discussions around the Parliament’s borrowing powers. It has been suggested that a prudential borrowing regime should replace our existing capital departmental expenditure limit, but that was never the Scottish Government’s understanding of what was being proposed when we made the case for borrowing powers for the Parliament. Although I cannot speak for the Smith commission, I doubt very
much whether that was the commission’s understanding, either.

We require to resolve those issues, and I am optimistic that we will resolve them. I remain absolutely determined that we will resolve them, because, albeit that my views on the inadequacies of the current powers in the Scotland Bill are well known, I nevertheless want to see the process come to a conclusion in the promised timescale. As I have said previously, including in my statement on the programme for government, the fiscal framework that surrounds the Scotland Bill powers is so important that the Scottish Government would not feel able to recommend legislative consent for the Scotland Bill unless we had in place a fiscal framework that we thought was fair to the Parliament and to Scotland. I very much hope that we get to that position.

Kenneth Gibson: Thank you very much.

I have a couple of further points. First, do you know when deliberations will be concluded, given the fact that the Scotland Bill is going through Westminster at the moment? Secondly, the Finance Committee took the view, across the board, that prudential borrowing should be permissible in addition to, not as a replacement for, the capital departmental expenditure limit.

The First Minister: The objective—and the hope—of both Governments is to have the fiscal framework discussions concluded by the time that scrutiny of the Scotland Bill is concluded, so that we have clarity around the details of the fiscal framework by the time this Parliament makes the decision whether to grant legislative consent. However, we are not yet at a stage where I can give you a date on which those discussions will conclude, as there are significant issues of substance that still require agreement between the two Governments.

On your second point, what you have just narrated as the committee’s understanding is entirely the understanding that the Scottish Government has always had: the borrowing power is intended to be in addition to the capital DEL arrangements in order to enhance the ability of the Government and the Scottish Parliament to invest in infrastructure. That is our understanding, and it would be the understanding of any reasonable person. Therefore, we continue to seek to bring that to a satisfactory mutual understanding.

Kenneth Gibson: Thank you, First Minister.

Christina McKelvie MSP (Convener, European and External Relations Committee): Good afternoon, First Minister. The European and External Relations Committee is undertaking three discrete pieces of work right now. Tomorrow, we will take evidence on the refugee crisis and how we can support efforts to resolve it—we will hear from the UK representative of the UN High Commissioner for Refugees. Another issue that we are addressing is the impact on Scotland of an in/out referendum on the UK’s membership of the European Union. The third piece of work is on the impact on Scotland—not just on the Scottish Government and the rights of the Scottish people, but on the actual functioning of the Parliament—of the repeal of the Human Rights Act 1998. Can you give us an update on where you are with all those issues and your thoughts on the actions that can be taken?

The First Minister: I will address those three rather big items in turn as briefly as I can. I met the Foreign Secretary last week to discuss the refugee crisis, and Humza Yousaf, the minister who is leading the work of the Scottish Government on the refugee crisis, met the newly appointed UK minister with responsibility for refugees on the same day. The UK Government is very much taking the lead in deciding how many refugees will come into the country, what the time period for that will be and where those refugees will come from.

The Scottish Government is doing two things. First, although we welcome the movement that has been made, we have been seeking to persuade the UK Government to go further and not to see 20,000 refugees over the lifetime of the UK Parliament as the absolute cap, and to consider front-loading those numbers, so that we can respond appropriately, given the scale of the crisis that we currently face. We have also been seeking to persuade the UK Government not simply to focus on accepting refugees from the camps around Syria—although I do not underestimate the importance of that—but to look at playing a part in the relocation and resettlement of refugees who have already made the journey to other European countries. It is fair to say that the UK Government is not indicating that it will change its position on those issues, but I hope that we can continue to make a persuasive case.

12:45

We understand that the UK Government’s commitment is to receive 20,000 refugees over the lifetime of the UK Parliament. It is not yet clear what the profile will be. The best information that we have is that, for the remainder of this year, the numbers may continue to be relatively small, perhaps in the hundreds, although we do not yet know that for certain. Because the UK Government is working through an expanded version of the Syrian vulnerable persons relocation scheme, the process of accepting refugees will go through the United Nations in terms of recommending who comes here, and that clearly
adds to the timescale, but we hope that the process will speed up.

That is the first aspect of the Scottish Government’s effort to work with the UK Government and to seek to persuade it to expand what it is planning to do.

Secondly, we want to ensure that, whatever the number of refugees who come to the UK, Scotland is ready to take a proportionate share of those refugees. Humza Yousaf has been chairing the refugee task force that I established to work with local authorities and other agencies to ensure that practical arrangements for housing provision, support services, health services and language support are in place. We are confident that we are well placed in that regard: we already have a good set of arrangements in place in Scotland for integrating refugees, and we can build on that.

My position on the European Union is well known to everybody. It is in Scotland’s strong interests, and indeed in the UK’s strong interests, to remain members of the European Union. There are many aspects of the European Union that are ripe for reform, but in all circumstances our interests are better served by being in the EU. That is one of the other issues that I discussed with the Foreign Secretary, and he updated me as far as he could on the progress of negotiations. My impression is that the UK Government does not yet have an absolutely clear sense, in detail, of what it is asking for or what it is likely to get out of the current renegotiations, so we will continue to watch that with intense interest.

The other point that I impressed on the Foreign Secretary was the need for Scottish ministers to be fully updated as the negotiations progress and to have the opportunity to influence those negotiations, given that their outcome may impact centrally on our devolved responsibilities. To be fair to the Foreign Secretary, there was a willingness to seek to do that. The joint ministerial committee on Europe will have updates at its meetings, and I will certainly take the Foreign Secretary up on his willingness to provide ministerial updates.

On the Human Rights Act 1998, I have made my position, and the position of the Scottish Government, clear. We think that repealing the Human Rights Act 1998 would be a backward step. Obviously, it is not yet clear whether the UK Government wants to do this simply to repeal that act or to withdraw from the European convention on human rights. The latter would be catastrophically backward looking, but even repealing the Human Rights Act 1998 would be a backward step. Ironically, as far as I can see it would not help with one of the stated objectives, which is to make the UK courts more supreme, because it would mean that people would have to go to Strasbourg to exercise or assert their human rights.

Finally, given the way in which human rights are embedded and hard wired into the infrastructure of this Parliament, it is my strong view that repeal of the Human Rights Act 1998 would require a legislative consent motion. If such a motion comes forward, it would be my strong advice to this Parliament that we should not give legislative consent to the repeal of the Human Rights Act 1998.

Hugh Henry MSP (Convener, Welfare Reform Committee): The Welfare Reform Committee has commissioned research from Sheffield Hallam University that has demonstrated that the biggest factor in getting people off benefits is not cuts to benefits but economic growth, which can encourage people into employment. I do not know whether the Scottish Government has had a chance to look at that research, but what are the First Minister’s comments on it?

More specifically, will the First Minister give a commitment that, once we get the additional powers that are to be granted over benefits, the budget will be as it is now before any UK Government cuts? Will she also give a commitment that nobody who is currently on benefits before any further changes by the UK Government will be a loser under any new benefits system?

The First Minister: The Government pays close attention to all the very good research that Sheffield Hallam has done for the Welfare Reform Committee, and we will look closely at the research that the member mentions.

In principle and in summary, I very much agree with the conclusion that we will help people out of poverty and off benefits by helping them into jobs, and that we find it easier to help people into jobs when we have a growing and vibrant economy creating jobs. That is very much the focus of the Scottish Government’s approach. Of course, we now have employment levels in Scotland that are higher than levels anywhere else in the UK, including youth employment levels that, I think, are at a 10-year high and female employment levels that are at a record high. That is all positive.

On the second part of the question, the issues relate back strongly to the question that Kenny Gibson raised with me on the fiscal framework. The reason why I want to have more powers over welfare—I do not think that the powers in the Scotland Bill go far enough, but nevertheless they give us more powers than we have now—is in part so that we can have a better social security system and we can protect people from the often indiscriminate cuts that are being made by the UK Government. Of course, we will not have the
ability to do anything about the cuts to working tax credits, which will affect 200,000 families with children across Scotland to the tune of about £3,000 a year on average, because those powers are staying with Westminster. However, we will have the scope to do things differently around disability payments, for example.

Hugh Henry’s point about the budget that is transferred to Scotland is a material one. He will probably recall that about time of the general election—it was initially before the election, I think—we called on the UK Government to stop the roll-out of personal independence payments and the move from disability living allowance, because that encapsulates a massive cut in budget. We have called, and we will continue to call, for that to stop so that what is transferred to us is the budget before the cuts are made.

I hope that the Welfare Reform Committee and all members of the Parliament can agree to that. If the budget that is transferred to us comes with Scotland’s share of that £2 billion cut—I think that that is the figure, but I will correct myself if I am wrong—clearly, there will be more difficult decisions and issues for the Parliament to grapple with. However, make no mistake about it: my objective is to protect people as far as possible from the cuts that are being made to disability payments, for example.

Hugh Henry: That begs the question: if those cuts, unwelcome as they are, happen, will you take steps to ensure that there are no losers?

Some concern has been expressed—I suppose that “uncertainty” is a better way of putting it—by many voluntary and charitable organisations about how a new benefits system would work. They are not clear whether assessment and delivery of benefits will be done by a national agency or local agencies. Some are more inclined to not have local decision making, but that has implications. What thought has the Scottish Government given to whether any new system will involve national or local assessments and delivery?

The First Minister: We had some debates on exactly those points when we established the Scottish welfare fund—as I am sure you will be aware, as convener of the Welfare Reform Committee—and we found that there was a difference of opinion. Some thought that the fund should involve a nationally delivered system, and some thought that it should be delivered locally. We went for a system that is delivered by local authorities in the context of national guidance.

No system will work perfectly, and we always have to learn from what happens in a new system, but in our experience the welfare fund is being delivered well and is benefiting a lot of people. However, that model will not necessarily be appropriate for the other benefits for which we are taking responsibility, and we will continue to have those discussions. There may not be a one-size-fits-all approach.

You will recollect from my programme for government that we have said that we will set out more of our thinking on the new social security powers later this year. Assuming that we are re-elected next May, we intend to introduce a social security bill in the first year of the next session of Parliament so that we can, with the full input of Parliament, prepare to assume the powers. The decisions that you highlight will be a part of that.

We have not yet reached final decisions on all the issues. Some will flow from the final shape of the Scotland Bill and the fiscal framework, and some will flow from our experience and the input that we receive from various different organisations. I anticipate that the Welfare Reform Committee will be centrally involved in the deliberations.

Bruce Crawford MSP (Convener, Devolution (Further Powers) Committee): The Smith report was very clear on the need to put the legislative consent mechanism on a statutory footing. It would be useful to hear from you, First Minister, on where discussions with the UK Government have reached on that.

In addition, how important do you believe that it is to ensure that the legislative consent provisions in the new Scotland Bill make it clear that the UK Parliament cannot legislate without the Scottish Parliament’s consent?

Given your strong perspective and where you stand on the potential repeal of the Human Rights Act 1998, do you believe that the proposed changes to trade union law should also require the Scottish Parliament’s consent?

The First Minister: I will take the last part of your question first: yes, I do. The Trade Union Bill should absolutely require a legislative consent motion. The UK Government’s position will be that it does not require an LCM because employment law is reserved, but the bill—which I, and many members in this Parliament, fundamentally oppose—will potentially have a significant impact on the Scottish Government’s relationship with its own employees and on employment relations generally in Scotland. It will have an impact, for example, on the work that is being done through the fair work convention. Given the impact that the bill would have on devolved responsibilities, it should absolutely require a legislative consent motion.

That takes me on neatly to where we are with the discussions on the Smith commission proposals and the Scotland Bill with regard to putting the Sewel convention on a statutory
footing. We welcome the agreement to put it on a statutory footing, but we are concerned that the current proposal in the Scotland Bill does not go as far as it should.

I do not want to get overly technical here, but there are effectively three elements to the Sewel convention, as it was known. The consent of the Scottish Parliament should be required, first, for bills that contain provisions that apply to Scotland and that are for devolved purposes; secondly, for bills that would alter the legislative competence of the Scottish Parliament; and thirdly, for bills that would alter the executive competence of the Scottish ministers.

13:00

The draft clause in the Scotland Bill simply states:

“the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament”.

That could be read as applying to only the first of those three aspects of the convention, and that brings us back to the question of how the matter has been addressed. The Scotland Bill in its current form seems to place the convention in legislation as a convention, as opposed to unpacking the convention and putting all the specific aspects of it into law.

We will continue to argue the case that the process must be set out much more clearly. Otherwise, there is a danger—I would put it even more strongly than that—that would arise in trying to translate the convention into law. In addition, the Scotland Bill does not put into statute the requirement for consultation and the mechanisms for what happens between the two Governments. If it does not do all that, the danger is that we will end up in a weaker position than we are with the operation of the convention just now, and we have to guard against that.

The Trade Union Bill is a good example. If we get the legislation right, a bill that has such an impact on aspects of how we do our business in Scotland would clearly and beyond doubt require the legislative consent of the Scottish Parliament.

**Stewart Stevenson MSP (Convener, Standards, Procedures and Public Appointments Committee):** First Minister, you will of course be aware that the Standards, Procedures and Public Appointments Committee has looked at the process of lobbying Parliament and produced a report to inform the Government’s own plans to introduce a lobbying bill. In our report we focused strictly on the behaviour of members of the Scottish Parliament. Is the Government minded to look at other categories of activities by other people when the lobbying bill is introduced in relatively early course?

**The First Minister:** I hope that I am identifying correctly what you are getting at—I am sure that you will come back at me if I am not.

The Government’s intention for the lobbying bill—which was set out in the public consultation—is that the register will cover the lobbying of all MSPs, including when they are acting in their role as ministers.

**Stewart Stevenson:** That is helpful. Another important source of decision making is civil servants. Is the civil service code sufficiently robust to cover what might be required with regard to lobbying, or will it be part of the legislation too?

**The First Minister:** I think that the civil service code is robust in that sense, and I would not therefore say that it should be covered in the lobbying bill. However, we will listen carefully to the views that Parliament and the Standards, Procedures and Public Appointments Committee put forward as we take the legislation through.

We have to strike a balance—it will not necessarily be easy to strike that balance in the right place, but we have to try to do so. We need a balance between, on the one hand, ensuring that we do not compromise this Parliament’s reputation for being open and transparent to people from all walks of Scottish life and, on the other hand, ensuring that there is absolute transparency and propriety around the decision-making process and the people who might seek to influence that process.

We will seek to take all those things into account in reaching a final position. Going back to the point to which I referred a moment ago, I am very clear that MSPs as ministers should be covered by the legislation.

**Stewart Stevenson:** Finally—and briefly—the SPPA Committee has done something that has not been done before by enhancing pre-legislative activity that has directly been requested to inform a Government bill. Does the Government take the view that that has been a useful process that we might look at using in future?

**The First Minister:** Yes, I do—it has been useful. We may come on, when we are talking about one of the other committees, to talk about some of the changes that have been made to the legislative process and in particular to the role of the Delegated Powers and Law Reform Committee. All those innovations have had their uses, and we should continue to look at how we enhance the legislative process. That will mean that, by the time we bring a bill to Parliament, we will have taken account of as many views as possible in the pre-legislative phase so that the
The Scottish Government’s top priorities is closing the attainment gap. You also announced that, as part of that work, you intended to introduce a national improvement framework that would establish a new nationalised standard assessment regime for primaries 1, 4 and 7 and secondary 3.

I would like you to clarify one point. The Government has said that the scheme will not be used as the sole measurement for children in school. What other measurements do you intend will be used?

The First Minister: The other measurements are broadly those that are used by teachers now in assessing a young person’s performance and progress, including on-going classwork, the written work that children do in their classroom jotters, presentations, homework and teacher observation. All of that will still be very important to teachers in forming a judgment, but it will be added to by consistent assessments.

Although those sources of information are already added to by assessment in 30 of the 32 local authorities, not all local authorities use the same assessments, and we are seeking to standardise them. Because we are also going to do assessments that are bespoke, if you like, for curriculum for excellence instead of bought in from external sources, the process will be much more aligned with curriculum for excellence’s objectives. When taken together, all of that information will enable the teacher to form a judgment as to whether a child is meeting the required level in curriculum for excellence.

In a sense, that is what distinguishes the assessments that we are proposing to introduce from what people would describe as the national testing of old. The concerns that many teachers have about testing, which I would share, are about its becoming high stakes, the be-all and end-all and a matter of pass or fail and its being the only measure of a child’s progress. That is not what we are envisaging with assessment; instead, it will be another source of information to help inform in an objective and consistent way the judgment at which a teacher will arrive.

Stewart Maxwell: I am glad that you have raised that point, because my second question is on that very fact. Concerns have been raised about two particular issues, the first of which is about how the Government intends to prevent such assessments from being turned into league tables. For example, it has been suggested that the raw data should not be published. Given the discussion that there has been on the matter, certainly in education circles, and given your previous answer, can you give us your view on how you might prevent that from happening?

The other concern is about how the national improvement framework and its success can be assessed. Will schools and education authorities be able to use the data that has been produced from previous assessment regimes and compare that with the data that will be produced by the national improvement framework? In other words, will we lose the data from the last lot of assessments, or will there be some way of making comparisons between the previous assessments and the new standardised ones?

The First Minister: I will take your questions in reverse order. Some limited comparisons will be possible using the evidence that is available in local authorities from existing assessments and teacher judgments and the information that has been gathered through the Scottish survey of literacy and numeracy. However, because we are designing new assessments that, as I made clear in the programme for government, will be piloted next year in the challenge authorities and rolled out nationally from 2017, no direct comparison will be available. Nevertheless, our approach will enable us over time to make such comparisons. In time—and I stress that it will be in time—the new assessments will replace the SSLN itself.

On your question about publishing data, we will continue to consult carefully on this issue before we reach any final decisions on the nature and form of data publication. I have no interest in producing information for crude league tables that do not actually tell parents, teachers, politicians or indeed anyone anything meaningful about the performance of schools, so we have to ensure that information is provided in the right context and can be used in a meaningful way.

We should take some heart from the fact that we do that already in the information that is published through, for example, the parentzone website for the upper parts of secondary school. People in the media will seek to turn that into league tables but, to the best of my knowledge, most teachers and parents are quite comfortable with the context in which that information is published. We have not yet reached a conclusion on exactly how it will happen, but it will be done in a way that will, as far as possible, guard against the putting together and publishing of league tables that tell us nothing about the performance of schools.

Stewart Maxwell: On behalf of teachers, I ask whether you are sure—
The Presiding Officer: You must be brief, Mr Maxwell, because we need to move on.

Stewart Maxwell: My question is very brief. Will this generate more work for teachers?

The First Minister: No, because 30 of the 32 local authorities already do the assessments. This is about streamlining. Education Scotland might think that some local authorities overassess just now; this is about streamlining and ensuring that the assessments are aligned with curriculum for excellence.

Murdo Fraser MSP (Convener, Economy, Energy and Tourism Committee): The Economy, Energy and Tourism Committee is conducting an inquiry into work, wages and wellbeing, and my questions follow on from Duncan McNeil’s question about the fair work convention and the business pledge.

I think that the committee takes the view that the business pledge is worth while and its objectives are sound. So far, 100 businesses have signed up to it, but that is out of 200,000 businesses in Scotland, so the take-up has been minimal thus far. We have tried to explore in evidence the question of conditionality. We have taken evidence from various Government agencies including Scottish Enterprise and Skills Development Scotland and they have told us that they do not treat businesses that have signed the pledge any differently from those that have not. That perhaps explains why the take-up rate has not been more significant.

Did the Scottish Government consider conditionality? If it decided not to go down that route, what was the reason?

The First Minister: This is an important question and it is an important area of deliberation. We considered conditionality when we put together the business pledge.

I am quite optimistic about the uptake. These things often take time to percolate through the business community, but I have been quite encouraged by the degree of interest and not just the number but the types of businesses that have signed up so far. I predict that we will see a lot more of that in the months to come.

We considered conditionality carefully. I am not closed minded and we will monitor carefully how the business pledge works and its impact on business practice, but I guess that the reason why we decided not to go down the road of conditionality gets to the whole philosophy of what we are trying to do through the fair work agenda.

We are trying to say to businesses—and I think that many businesses absolutely embrace this—that fair work, whether that involves the living wage, good practices or all the other things that are covered by the business pledge, should not be seen as burdens on businesses that they have to be forced to do. By doing those things, businesses make themselves more productive, competitive and successful. It is that virtuous approach that we are seeking to take.

There were people who argued for an approach of conditionality. I took the view that, if we are trying to get businesses to see this as something that is good for them to do, that would have been the wrong way to start. However, we will continue to consider these things as the business pledge continues to develop.

Murdo Fraser: Thank you. That was a very helpful response.

One aspect of the business pledge is that companies that sign up to it undertake not to use exploitative zero-hours contracts. When Scottish Enterprise came to the committee—I think that it was two weeks ago—I asked it whether it could tell us what an exploitative zero-hours contract is, and it could not give me a definition. We are asking businesses to sign up to something that is not defined. Can you tell me what, in your view, an exploitative zero-hours contract is?

The First Minister: That term comes from a recognition that there will be some businesses in some sectors where the use of zero-hours contracts is necessary given the nature of the business and that there will also be sectors where employees are happy to sign up on that basis. However, I think that that is the minority and not the majority.

I am happy to write to your committee with the full explanation of what I am about to say, but in summary, the term "exploitative" applies where employees would prefer to be on contracts that were not zero hours, where the use is haphazard, where people genuinely have no full understanding, where it is not required by the nature of the business or where—we have had bad practices such as this in the past—employees are not allowed to work for other companies while they are signed up to a zero-hours contract, so that they are, in effect, trapped in that situation. Those are the aspects of "exploitative", but I am happy to write to you in more detail—

13:15

Murdo Fraser: But you are asking people to sign up to the pledge now, without it being clear what that means.

The First Minister: In my experience—I am absolutely sure that you would be able to give me exceptions to this—companies have a fairly good idea of what crosses the line between an appropriate use of a zero-hours contract and an
exploitative use of a zero-hours contract. However, if that is an area in which further discussion and dialogue with your committee would help, I would be happy to have that discussion. It is in our interests for companies to be clear about what we are asking them to sign up to. If there is work that it would be helpful to do through your committee, I would be happy to do it.

Jim Eadie MSP (Convener, Infrastructure and Capital Investment Committee): Good afternoon, First Minister. You have announced the Scottish Government’s intention to introduce a private tenancies bill, which I believe will be published shortly. As I understand it, the purpose of the bill will be to provide security of tenure, predictability of rent increases and a stable tenancy for tenants in the private rented sector. I want to ask you specifically about protection of tenants against excessive rent increases, including the ability to introduce local rent controls for rent pressure areas. How do you envisage that proposal working in practice? How will you determine what a rent pressure area will be and who will take that decision?

The First Minister: The bill will be introduced shortly and will go through the full scrutiny process, but what we are proposing are rent controls, or a rent control framework that is proportionate and measured so that it can mitigate the detrimental effect of excessively rising rents in particular areas. We know from our own statistics that rents in many parts of Scotland are not rising excessively right now, but there are some areas—I would particularly point to Aberdeen and Aberdeenshire and here in the Lothians—where rents have been increasing significantly in real terms.

What we envisage in the bill is not a blanket one-size-fits-all approach but an arrangement that would give local authorities the means to apply to ministers for the ability to cap rents in rent pressure zones, potentially for a time-limited period. The objective would be to allow the local authority to ameliorate the effects of excessively high rent rises and to protect tenants and the broader housing system from excessive rent rises.

You asked how we will reach those decisions. An application process for local authorities will be set out in the bill. I have cited the statistics that we already publish, which would provide the evidence of how rents were performing in particular areas. The bill is intended to provide protection for tenants where it is needed, but also to make sure that we continue to have a system that is proportionate.

Jim Eadie: Thank you. You have set out a clear direction of travel on that issue.

I understand that during the Scottish Government’s consultation process, landlords and letting agents expressed concerns about the proposed ending of the no-fault ground for repossessing a property. Can you give us an early indication of how the bill is intended to address those concerns?

The First Minister: Again, this is all about proportionality and balance. The private rented sector is becoming increasingly important in Scotland and it is changing. It is now home to somewhere in the region of 700,000 tenants across Scotland. More families are becoming dependent on the private rented sector, so we need to make sure that the regulations that govern the sector are fit for purpose and reflect the nature of it just now.

We thought very carefully about the no-fault ground for repossession of tenancies. As you said, we consulted and it was the case that many landlords expressed concern about it. We think that we are striking the right balance. By taking away the no-fault ground we give added protection to tenants against the knowledge that their property—which is actually their home—can be taken away simply because the tenancy agreement reaches its end date.

On the other side, we have ensured that there will be a range of different grounds on which landlords can regain possession of their property. They will cover, for example, instances in which they want to sell the property or to use it for their own family. We think that we are striking the right balance and we very much look forward to your committee’s input when the bill goes through the stage 1 process.

Christine Grahame MSP (Convener, Justice Committee): My questions will probably be a reprise of last time. In this parliamentary session, the Justice Committee has dealt with 17 bills, 13 of which have been Government bills, and there is another one on the way. Usually, we have at least two bills before us; this time it is three. The Criminal Justice (Scotland) Bill, which is at stage 2, is a substantial bill. The Community Justice (Scotland) Bill is nearly at the end of stage 1, and the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Bill is moving into stage 2.

On the Criminal Justice (Scotland) Bill, 275 amendments have been lodged at stage 2, of which 160 are Government amendments. Some amendments are consequential, but some are substantial, particularly those relating to stop and search and custody. On behalf of the committee, I ask that we be provided in early course with explanatory notes on substantial amendments. What happens at stage 2 is very important. Quite often, by the time that a bill reaches stage 3, most members of the Parliament do not have much idea
what has been going on, but the committee certainly has at stage 2.

My second question is perhaps more controversial. Can your Government, or indeed subsequent Governments, consider a cap on bills in Parliament? In a unicameral Parliament, it is extremely difficult for a committee—indeed, perhaps for the Parliament at large—to consider all these bills and get it right.

The First Minister: Let me take those two issues in turn.

I am sympathetic to the argument behind the request for explanatory notes for stage 2 amendments. I know that the Standards, Procedures and Public Appointments Committee looked at the issue and decided not to recommend that as a standard part of the process. However, the Government has been prepared to share its purpose and effect notes with committee members on an informal basis. My understanding is that that has been done in relation to the Criminal Justice (Scotland) Bill and I understand that the committee has found that helpful.

Christine Grahame: Yes.

The First Minister: I am happy to give a commitment that we will carry on with that practice for future bills, if conveners and committees think that that would be helpful. I have no difficulty in agreeing with Christine Grahame on that.

That takes me on to the second part of the question, where I might not be in as much in agreement with Christine Grahame. I am not in favour of a cap on bills. It should be for a Parliament to legislate as it is deemed necessary. In my experience so far in government—in opposition—I was probably somebody who said this often enough about the Government—Governments will be criticised either for legislating too little or for legislating too much, or for introducing the wrong kind of legislation. That is just in the nature of it. Governments have to have the flexibility to introduce legislation in the areas and in the quantity that it thinks appropriate, from year to year.

But—this is where I am perhaps moving back into agreement with Christine Grahame—it is incumbent on the Government to ensure that that workload and, in other sessions, it will be other committees. To some extent, that is in the nature of the beast that we are dealing with.

Christine Grahame: At one time we had the Justice 1 Committee and the Justice 2 Committee and things got really out of hand. I think that they are getting out of hand again.

I very much welcome the inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Bill, the Human Trafficking and Exploitation (Scotland) Bill and the forthcoming legislation on domestic violence. They are all excellent. However, the balance has shifted for the Justice Committee, which is a marriage of a select committee and a standing committee. We are trying to do an inquiry into surveillance of journalists and MSPs. We cannot do human rights—it has had to be passed to the European and External Relations Committee. We have had to set up a sub-committee on policing, which denies the committee the opportunity to scrutinise Police Scotland. There is absolutely no space for post-legislative scrutiny.

With respect—I mean that genuinely; I am not using it in the lawyer’s way, when you do not respect people at all—I feel that the balance has shifted. Governments—not just yours, First Minister, but Governments in general—should be measured not just on the quantity of legislation but on its quality. My concern is that we are unable to do that or to do inquiries as we used to be able to do. I will leave it at that.

The Presiding Officer: Before you answer, First Minister, can I say that I hope that the submission that Christine Grahame is making now is similar to a submission that she will make to the Standards, Procedures and Public Appointments Committee, which is looking at committee reform.

The First Minister: I have known and loved you long enough, Christine, to know exactly what you mean when you say, "With respect". There was no need to clarify that for me.

I am not unsympathetic to the case that you are making; it is compelling. I was going to make the point that the Presiding Officer has just made about the work that the Standards, Procedures and Public Appointments Committee is doing. I know that we have not yet come on to talk about Nigel Don’s Delegated Powers and Law Reform Committee, but we have already seen changes to what happens with uncontroversial Scottish Law Commission-proposed legislation, and there are proposed changes in relation to what we might do in future with consolidation bills, all of which are intended to take the pressure off subject committees to some extent.

I appreciate the issue. You listed some of the bills that the Justice Committee is dealing with,
and I guess that where we get into difficulty is when we ask, “Which bill don’t we need to do?” That is when the discussion gets much more hard edged.

However, we take your points about quality of legislation and about committees’ need for space to do non-legislative work, which is important. I cannot promise a magic solution, because I do not think that a cap on bills would be appropriate. However, I can promise that the Government will continue to listen to and work closely with committees to try to manage the pressures that you identified.

**Paul Martin MSP (Convener, Public Audit Committee):** First Minister, you will be aware of the various reports that the Public Audit Committee has been considering in relation to severance arrangements as a result of college mergers. In an exchange at First Minister’s question time recently, you advised the Parliament that stronger national controls would be put in place to make it more difficult for severance arrangements such as those that were agreed to by the colleges to happen again. What are those controls?

**The First Minister:** I think that I said a couple of things in the chamber. I said that I was not at all happy with the severance arrangements that were being discussed in relation to Coatbridge College, and I pointed not to changes that are going to be made but to changes that have already been made. As a result of the changes that took effect in April last year, when colleges were reclassified by the Office for National Statistics, stronger financial controls came into effect. That is a key change that has been made, which changes the rules and regulations that are in place if a college looks to do what Coatbridge College did.

I have said openly that we will consider whether we could put other things in place. However, the most important change is the one that I have spoken about, which has already happened.

**Paul Martin:** The Audit Scotland report, “The 2013/14 audit of Coatbridge College: Governance of severance arrangements”, referred to an exchange with the Scottish Further and Higher Education Funding Council in October 2013, when the funding council requested clarity on whether the agreements that were reached would represent best value for money. Given what you have said and the current state of play, could such a situation reoccur? Could a college still go ahead with its severance arrangements even after the Scottish funding council had requested such information?

**The First Minister:** There is no doubt that the SFC’s guidance was not acted on by Coatbridge College. Indeed, there was concern that it had not even been brought to the attention of people on the remuneration committee, for example. Those are serious issues, and I understand that your committee intends to look into them further. That is entirely appropriate.

The changes in April 2014 as a result of the ONS reclassification mean that colleges must now seek prior approval from the SFC for severance arrangements and settlement arrangements. Also, the college reforms that have been undertaken give ministers explicit powers to intervene in such circumstances. Previously, it was a case of the SFC stating a view that was not acted on; the change means that colleges must seek the SFC’s approval for severance and settlement arrangements. That is a substantive difference, which I certainly hope means that the particular circumstances that we saw at Coatbridge will not arise again.

**Paul Martin:** Is it your understanding that the SFC could not intervene previously? Was it legally not in a position to do so?

**The First Minister:** We are looking carefully and with a critical eye at whether the SFC could have done more back then—I say again that we would be happy to explore that with your committee. My understanding is that there were limitations back then that are not the same now, because of the changes to the classification and what grew from that. I do not want to sit here and give a definitive answer that nothing further could be done. Situations such as the particular one that we are looking at are not acceptable. They are not acceptable at any time, but when public money is under as much pressure as it is just now they are flatly unacceptable. We need to make sure that we have the right arrangements in place to protect against that.

13:30

**Nigel Don MSP (Convener, Delegated Powers and Law Reform Committee):** First Minister, you have already referred to the change in the standing orders that has enabled my committee to take on some legislation. We enjoyed the Legal Writings (Counterparts and Delivery) (Scotland) Bill, I think; currently we are enjoying our exploration into the law of succession; and it is probably fair to say that we are expecting to deal with bankruptcy in a consolidation bill. Can you give me your thoughts on how, in the future, we might take forward both law reform and the maintenance of the statute book?

**The First Minister:** The changes that have been made open the way to that. A few weeks ago, I visited the Scottish Law Commission to help celebrate its 50th anniversary, and it was very...
complimentary about how the changes have enabled—and will enable—a more effective and efficient way of keeping the statute book up to date and fit for purpose.

The Government’s view of how the changes worked with the legal writings bill is very positive. I know that the Standards, Procedures and Public Appointments Committee will be looking at the matter, and our feedback to that committee about the experience so far will be entirely positive. The Succession (Scotland) Bill is the second bill to go through the new procedures, and Nigel Don and I have both referred to different procedures around consolidation.

I come back to the points made by Christine Grahame. With a committee such as the Justice Committee under so much pressure from new legislation, the scope for consolidating or tidying up the law is reduced. With this change, which puts the onus for that on the Delegated Powers and Law Reform Committee, we open the door to doing much more of that work, and that is in the interests of good maintenance of the statute book.

Kevin Stewart MSP (Convener, Local Government and Regeneration Committee): The programme for government says that the Scottish Government

“will review the operation of the planning system”

with a view to introducing changes that deliver

“a quicker, more accessible and efficient”

system with a particular focus on

“increasing delivery of ... housing developments.”

How can we ensure that people and communities across Scotland have confidence in the planning system?

The First Minister: Part of the reason for undertaking what we have described as a root-and-branch review is to make sure that that is the case and that the planning system is, as far as any planning system can, striking the right balance between economic and infrastructure development and ensuring that communities’ views—and the tensions that sometimes arise from them—are properly taken account of.

As you know, because the Local Government and Regeneration Committee is looking carefully at the matter, the review will focus on six key strategic priorities: development planning; housing delivery; planning for infrastructure; further improvement to development management; leadership resourcing and skills; and lastly, community engagement, which is a very important aspect.

Kevin Stewart: Sometimes communities do not feel particularly engaged; indeed, an example from my own patch is the Marischal Square development. How can we ensure that other council aims and policies do not colour local authority planning decisions?

The First Minister: The two things are completely different, but in some ways that question takes me back to the discussion that I had with Duncan McNeil about the Scottish Medicines Consortium. We can have in place the best possible system, but that will not stop decisions being taken that some people disagree with or for very good and understandable reasons feel strongly are wrong. No matter what we do with the planning system, we will not avoid some communities being seriously aggrieved at the outcomes of some decisions.

That makes it all the more important for the system to be transparent, for there to be an understanding of it and for there to be meaningful ways in which community voices can be heard. When council planning authorities—or ministers, as is sometimes the case—take decisions, there should be accountability and openness in explaining why decisions have been reached. There is no magic wand that can be waved to make these things easy and controversy-free, but we can do things to improve the system so that it better meets those various objectives.

Kevin Stewart: One of the things that could perhaps improve the situation is better communication between planning authorities and communities. Will that be examined in the root-and-branch review?

The First Minister: I do not want to start doing the job of the panel that has been appointed but, in my view, the strategic priority of community engagement would encompass the issue of communication. Like every member around the table, I have plenty of constituency experience of incredibly controversial planning decisions. In my experience, although such an approach does not always take away the controversy from the decisions, the more engagement and communication that there can be as early as possible in the process, the better, and the more chance there is of finding a way through what can be very contentious issues for communities. Any meaningful look at community engagement will include that important issue of communication.

Margaret McCulloch MSP (Convener, Equal Opportunities Committee): Like the Finance Committee, the Equal Opportunities Committee has highlighted the importance of early intervention and reducing social risk as a way of preventing social problems and inequalities. In our inquiry on age and isolation, we heard about the public health risks of loneliness, which can be as bad for people’s health as smoking. We even
heard about a woman who was living alone and was so isolated that she was living without power.

I see from the programme for government that you understand that we must move away from preventable spending to preventative spending. The Christie commission estimated that 40 per cent of public spending is accounted for by interventions that could have been prevented. Where do you put that figure now?

The First Minister: I am happy to provide that figure. I do not have to hand what it is now, but I will write to you and your committee with our estimate.

On the guts and substance of your question, you will know from the focus of our work that we very strongly agree that the more we can prevent problems from occurring, the more effectively and efficiently public money will be used and the better the quality of life that people will have.

I really welcome your committee’s work on age and loneliness. Although older people are not the only group for whom the prevention agenda is important, there is no doubt that a key part of preventing ill health and hospital admissions and dealing with some of the pressures in the acute health service involve caring for older people better in their own homes and communities. That goes beyond the use of aids and adaptations or digital health technology; it comes down to people’s sense of community and their not being isolated in their own community.

You will be aware of the Silver Line Scotland 24/7 helpline and our work on digital participation. The internet is not the whole answer, but it is one way of helping to keep older people connected and to stop them being isolated. It is a massive area of work. For the best of reasons, but particularly because of the tight public finances, we absolutely have to keep focused on it.

Margaret McCulloch: You might not have an answer to this question, but I will ask it anyway. Do you think that there has been a decisive shift towards preventative spending?

The First Minister: Yes, I do. I can highlight our early years intervention fund and our early years change fund, which was established when I was the health secretary. There is also what we are doing with the integration of health and social care. This is not a single, big-bang exercise; it involves moving health spend from the acute sector into communities as well as preventative spend. That shift has started to happen. Are we at the end of that journey? Absolutely not—there is still a considerable way to go.

Rob Gibson MSP (Convener, Rural Affairs, Climate Change and Environment Committee): First Minister, land ownership patterns have a profound impact on the best uses of our most basic natural resource. What makes the approach of this session’s Land Reform (Scotland) Bill different to interventions by previous Scottish Parliaments in land ownership and use?

The First Minister: The Land Reform (Scotland) Bill that is currently before Parliament is part of a journey in land reform, although I should say that the gap between the previous bill and this one has been too big. There are many aspects of the bill that make it different from previous legislative initiatives. What makes it different is the way in which we are seeking to develop a framework for continuing to reform land use, access and ownership through, for example, the land register and the land rights and responsibilities statement. That framework means that the bill is not necessarily the end of the road, but paves the way to ensuring that we keep land use and ownership under constant review.

Rob Gibson: Stakeholders have highlighted the need for transparency of land ownership. Can Scotland’s sub-state Government find watertight ways of identifying beneficial owners to encourage responsible land ownership and to ensure that such holdings can be suitably taxed?

The First Minister: We are seeking to do that in the Land Reform (Scotland) Bill, but we will look carefully at any suggestions about strengthening that approach that might be made as the bill progresses. We have considered the issue carefully, as you would expect us to, given that transparency of ownership and greater information about who owns and controls land are key issues that were identified by the land reform review group.

As you will be aware of the detail of the bill, you will know that section 35 is the key section on transparency of ownership, and it allows regulations to be made that provide people who are affected by land to request information about individuals who control that land. Section 36 allows regulations to be made that provide the keeper of the registers of Scotland with the ability to request additional information about the category of the proprietor and individuals who have a controlling interest. After all, the question of who lies behind ownership is key.

We have also looked carefully at the review group’s recommendations on EU incorporated legal entities, but one of the complications is that the rules on corporate transparency are inconsistent across different European countries. As a result, notwithstanding what we try to do in the bill, certain countries will still have complex structures that obscure ownership. We are trying to bring as much transparency as possible in as meaningful a way as possible, and we look forward to continued engagement on that.
The Presiding Officer: Finally, I call Michael McMahon, the convener of the Public Petitions Committee.

Michael McMahon (Convener, Public Petitions Committee): First Minister, you will be aware that the Public Petitions Committee, like no other committee in the Parliament, has its agenda set by the public. In trying to identify areas where pressing concerns have been raised more frequently than in others, we have discovered that a disproportionate number of issues have been raised on transport.

In the programme for government, you talk about taking forward investment in a variety of transport services under the heading “A Strong Sustainable Economy”. Given the wide array of petitions from individuals, organisations and communities on transport and the fact that a disproportionate amount of petitions to Parliament have raised transport issues, do you think that the Government is getting transport policy right?

The First Minister: We are making substantial investment in transport—in roads, in the rail network, in improving air routes, in cycling and in greener, cleaner modes of transport. We are making huge investment in all of that. Our record speaks for itself in terms of some of the significant projects and improvements that we have made or are making, such as the new Queensferry crossing or the Borders railway, which I had the privilege of opening just a few weeks ago. As you will know, we have also started work on dualling the A9. Across all of that, the Government has a strong record of delivery.

If I were to sit here and say that we are getting it right and there is no more that we can do, I would sound horrendously complacent, but that is not my way of looking at things. Communities all over Scotland have particular transport issues on which they want action—or more urgent action—to be taken, and we have to balance all of that in coming up with an affordable and deliverable programme of investment.

I have looked at some of the petitions that you have been dealing with, including petitions on the junction at Laurencekirk, the A83 at the Rest and Be Thankful and school bus safety. Those are all examples of particular communities with particular challenges, and we have to work with them to assess the priority and factor it into an overall strategic approach to the continuous improvement of our transport network.

13:45

Michael McMahon: I agree that the creation of transport projects sometimes gives rise to petitions when people are not happy with those projects or do not think that they achieve their intended aims, or when some unintended consequence might have an impact on a particular community. You mentioned the promotion of cycling. Some petitions have brought to our attention an adverse impact on the ScotRail franchise, with the disabled community feeling that it has been pushed off the trains now that people are being encouraged to cycle and to use trains in order to access cycling opportunities. The accessibility of transport is a problem for the disabled community. Do you have any comments on how we can address those issues?

The First Minister: I feel very strongly that enabling people with bikes and people with disabilities to access trains is not an either/or. They are not mutually exclusive; they are both, in their own ways and for their own reasons, very important, and I would be concerned if one were to be hindering the other’s access. I have not looked in detail at those petitions, but I am happy to do so and see if there is anything for us to consider. I will also raise the matter with Derek Mackay, the Minister for Transport and Islands, and ask him to consider it.

The Presiding Officer: I thank all the conveners for keeping to time. I should also remind some of them that they have to ask questions at 2 o’clock, so they will have to go.

However, we still have a wee bit of time—about five or six minutes—in hand. Before the First Minister thinks that she can escape, I am happy to allow any member to ask a follow-up question on something that they have already asked about.

Bruce Crawford: I did not have a supplementary, Presiding Officer, so this is my chance.

The First Minister: There is always one.

Bruce Crawford: The Scotland Bill will soon reach report stage in the House of Commons. You are aware, First Minister, that the Devolution (Further Powers) Committee has—to say the least—reservations about whether the bill fulfils the Smith commission’s recommendations. What progress is being made with the UK Government on discussing what amendments are likely to be introduced? Is there likely to be any substantial progress? All that we have seen to date is one amendment on permanency, and there are some doubts as to how effective it will be. I just wondered what discussions you have had and what progress has been made.

The First Minister: The discussions continue. John Swinney met the Secretary of State for Scotland relatively recently, but the short answer is that we do not yet know what further amendments—with the exception of the amendment on permanency, about which we have a number of technical doubts that I will not go into
at the moment—the secretary of state intends to introduce at report stage. It is now incumbent on the secretary of state to introduce the amendments that he says that he wants to introduce.

I hope to see substantial amendments that address the issues that your committee has identified and which the Government has been pushing since the bill was published. I hope that we will see amendments on the Sewel convention, about which I spoke earlier, as well as further amendments on social security, employment services and the Crown Estate. I hope that amendments will remove all the vetoes that currently litter the bill and give the UK Government the power in certain circumstances to veto Scottish Government decisions. We await further information on what amendments might be introduced, and I hope that we will see them sooner rather than later.

The Presiding Officer: I said that there is always one, but actually there are always two, First Minister.

Bruce Crawford: I was going to push my luck and ask another question.

Duncan McNeil: When we were here this time last year—or perhaps it was another time—we talked about some of the questions that Margaret McCulloch raised on whether we are sufficiently funding the vision for transformation that would see us move to a more preventative system, take account of the demographic challenges that we have and ensure that our healthcare is delivered at or closer to home. You said then that you were absolutely committed to the 2020 vision. Are you still confident that you will meet the 2020 target? Is the policy sufficiently funded to reach that target and deliver by that time?

The First Minister: Yes, I am confident that 2020 will come round in 2020.

Duncan McNeil: It will indeed, but the question is whether you will deliver the vision by 2020.

The First Minister: As you will know, Shona Robison is consulting through the national conversation on how we extend the vision to ensure that we have a health service that adapts to changing demographics, new discoveries and the changing use of technologies. Given the nature of the health service, that will be an ongoing exercise.

On your question whether we are funding the policy sufficiently and giving it priority within the finite resources that we have, I believe that we are. You can always argue that any issue should have more money and that if you had more, you would give it more. We have protected the health service’s resource budget, and in the programme for government, I talked about our primary care transformation work and the test sites that we will develop over the next year. We are giving the matter the priority that it deserves with the resources that we as a Government have.

Duncan McNeil: Will we deliver by 2020?

The First Minister: Yes, we will deliver where we want to be by 2020. The health service is always changing, so we will need to look at where we want it to be in 2030. The point that I am making—which you know and indeed which everyone knows—is that the nature of the health service is such that it will never get to a point where it just stands still. The work to support the 2020 vision around the clinical strategy, for example, will look at where we will be in 2020 but it also has to move forward and look at where we will be 10, 20 and 30 years on. As long as the world does not stand still, the national health service, too, will never stand still.

The Presiding Officer: This is likely to be the final meeting between the Conveners Group and the First Minister before the end of the session and therefore the last time that I am likely to convene such a meeting. I hope that the Conveners Group and the First Minister can come to an arrangement to have such meetings in the future.

I thank the First Minister once again for putting herself forward, giving up her time and coming to this Conveners Group meeting. I thank all the conveners, too, and I particularly thank the young people from St Ninian’s high school, who I hope found the meeting interesting.

Meeting closed at 13:53.