



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 18 June 2015

Session 4

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Thursday 18 June 2015

CONTENTS

	<b>Col.</b>
<b>GENERAL QUESTION TIME</b> .....	1
Foster Care.....	1
Adults with Cerebral Palsy (Care Services) .....	2
Homelessness (Glasgow).....	3
Scottish Budget (Reduction).....	4
Commission on Local Tax Reform .....	5
Forestry Commission Scotland (Land Transactions) .....	6
Taxi Drivers (Licensing).....	7
Social Housing (Supply) .....	8
<b>FIRST MINISTER'S QUESTION TIME</b> .....	10
Engagements.....	10
Prime Minister (Meetings).....	14
Cabinet (Meetings) .....	18
Diabetes.....	20
Cervical Screening.....	21
<b>OFF-ROAD MOTORBIKE AND QUAD BIKE OWNERSHIP</b> .....	23
<i>Motion debated—[Claire Baker].</i>	
Claire Baker (Mid Scotland and Fife) (Lab) .....	23
David Torrance (Kirkcaldy) (SNP) .....	26
Paul Martin (Glasgow Provan) (Lab) .....	28
Murdo Fraser (Mid Scotland and Fife) (Con).....	29
The Minister for Community Safety and Legal Affairs (Paul Wheelhouse) .....	31
<b>BUSINESS MOTION</b> .....	35
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
<b>VALE OF LEVEN INQUIRY (SCOTTISH GOVERNMENT RESPONSE)</b> .....	36
<i>Statement—[Shona Robison].</i>	
The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison) .....	36
<b>PROVISIONAL OUTTURN 2014-15</b> .....	46
<i>Statement—[John Swinney].</i>	
The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney).....	46
<b>SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL: STAGE 3</b> .....	57
<b>SCOTTISH ELECTIONS (REDUCTION OF VOTING AGE) BILL</b> .....	67
<i>Motion moved—[John Swinney].</i>	
The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney).....	67
Lewis Macdonald (North East Scotland) (Lab).....	71
Annabel Goldie (West Scotland) (Con) .....	73
Bruce Crawford (Stirling) (SNP) .....	76
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab) .....	78
Alison McInnes (North East Scotland) (LD).....	80
Stewart Maxwell (West Scotland) (SNP) .....	81
Annabel Goldie .....	83
Duncan McNeil (Greenock and Inverclyde) (Lab) .....	85
John Swinney .....	87
<b>DECISION TIME</b> .....	90
<b>CORRECTION</b> .....	90

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# Scottish Parliament

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[The Presiding Officer opened the meeting at 11:40]

## General Question Time

### Foster Care

**1. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government what its response is to the Fostering Network Scotland's survey that found children to be moving too many times while in care. (S4O-04478)

**The Minister for Children and Young People (Fiona McLeod):** The Scottish Government recognises the need for all children and young people, including those who are in care, to live in a safe, secure, permanent and nurturing home. Regrettably, too many children and young people in care experience drift and delay, which leads to multiple placements. The Scottish Government is working with the centre for excellence for looked after children in Scotland—CELCIS—to deliver our permanence and care excellence programme, which brings together partners, including local authorities, children's hearings, health, education and the courts to look at how they can improve systems and practice to deliver permanence more quickly for looked-after children and young people.

**Roderick Campbell:** The minister will be aware that the Fostering Network Scotland's recently published survey showed that approximately 8 per cent of the children surveyed were with their 10th family since going into care. What support is available to foster carers to ensure that children in care receive the stability that they require?

**Fiona McLeod:** The Scottish Government is committed to supporting foster carers. In response to a recommendation from the national review of foster care, we are producing a learning and development framework that will provide foster carers with a mechanism to ensure that they are fully equipped for the role. We are also providing funding of £280,363 in each year from 2014 to 2016 through the third sector early intervention fund to support the work of the Fostering Network Scotland, which provides the fosterline support helpline and a range of other support services to all foster carers. [Fiona McLeod has corrected this contribution. See end of report.]

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The minister will recall my members' business debate on Midlothian kinship carers. Although I applaud the commitment of foster carers, given that kinship

care often provides the stability that fostering might not what measures is the Scottish Government taking to provide support to the large and increasing number of kinship carers?

**Fiona McLeod:** Ms Grahame will recall that, during that debate, I talked about the Scottish Government's commitment to supporting kinship carers. That is why we have legislated for the first time through the Looked After Children (Scotland) Regulations 2009 and the Children and Young People (Scotland) Act 2014 to recognise and support kinship carers of looked-after and non-looked-after children.

We also recognise that more can be done to support kinship carers and those who are in care, and that there is a need for greater fairness in the provision of allowances. We are currently reviewing the financial support that is available to kinship carers with a view to tailoring support and tackling inconsistencies across Scotland.

### Adults with Cerebral Palsy (Care Services)

**2. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it is taking to improve care services for adults with cerebral palsy. (S4O-04479)

**The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn):** Access to care services for adults who have cerebral palsy is based on an individual assessment of need. Care services fall within core local authority social work service functions and are generally supported by the Scottish Government. Physiotherapy services can also offer assessment and advice, which might be followed by treatment and/or equipment provision. It is for national health service boards to determine the level of service that they provide, based on local priorities and need. Personalised and integrated services for adults who have cerebral palsy will be strengthened further with the implementation of the Social Care (Self-directed Support) (Scotland) Act 2013 and the Public Bodies (Joint Working) (Scotland) Act 2014.

**Murdo Fraser:** It is the experience of some of my constituents who are young adults who have cerebral palsy that, although services for those who are under 18 can be very good, once they reach the age of majority services for adults are patchy at best. Does the minister not think that there is a need for a more joined-up approach for those who are 18 and above and who have made that transition only to find that the services that they enjoyed while they were children are not there for them when they are adults?

**Jamie Hepburn:** Murdo Fraser will be aware of Bobath Scotland and its chief executive, Stephanie Fraser, who has raised some of the

issues with me; I have corresponded with her directly.

I go back to my initial answer, which was that it is for each NHS board to deliver services locally. Cerebral palsy always presents differently in each individual and other conditions can manifest. It is important that each person's clinical pathway should take a person-centred approach to their individual needs. That is as important for adults as it is for children.

If Mr Fraser wants to correspond with me directly and raise any specific concerns, I will be happy to get back to him.

### Homelessness (Glasgow)

#### 3. James Dornan (Glasgow Cathcart) (SNP):

To ask the Scottish Government whether it will provide an update on the number of people who are homeless in Glasgow. (S4O-04480)

**The Minister for Housing and Welfare (Margaret Burgess):** During 2013-14, there were 4,974 homeless or threatened with homelessness assessments in Glasgow. That is a 16 per cent reduction on the 5,921 homeless or threatened with homelessness assessments during 2012-13. The next homelessness statistics, which will cover 2014-15, will be published at 9.30 am on 30 June 2015. They will be able to be accessed on the Scottish Government website.

**James Dornan:** Much as I am delighted to hear about the drop in the homeless figures, they are clearly far too high.

The minister will be aware of the on-going dispute between the homelessness caseworkers in Glasgow City Council, which has led to those important staff members being on strike for the past 12 weeks. There have also been claims by a Glasgow Labour councillor that the fault for non-referrals to housing associations lay with the housing associations, which is a claim that they have vigorously denied and condemned. Does the minister agree that it is time for Glasgow City Council to be less intransigent with the striking workers for the homeless, to be less strident in its tone with housing associations and to work together with them to put in place a plan to ensure that vulnerable homeless people across Glasgow get the support and help that they need and desire?

**Margaret Burgess:** As was indicated last week in response to a parliamentary question, the dispute in Glasgow is a matter for the council and its employees. I very much hope that the dispute will soon be brought to a satisfactory conclusion.

It is vital to ensure that homeless people receive the service that they need. Indeed, it is a statutory council duty. Housing associations and the council

should work together to look at the housing options approach and provide the best services for homeless people in Glasgow.

### Scottish Budget (Reduction)

#### 4. Kenneth Gibson (Cunninghame North)

**(SNP):** To ask the Scottish Government what the impact will be on jobs, investment and services of the additional £107 million reduction in the Scottish budget recently announced by the chancellor. (S4O-04481)

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** The chancellor's decision to cut the budget agreed by this Parliament is utterly unacceptable and falls a long way short of the Prime Minister's promise to govern with respect.

I took the opportunity when I met the chancellor on 8 June to set out an alternative to the United Kingdom Government's austerity programme that would allow us to invest in our public services while ensuring the sustainability of the public finances. We will see whether the chancellor has heeded my advice in his 8 July emergency budget, and we will reflect on the £107 million reduction in light of that announcement. In the meantime, I assure the member that I will strive to minimise the impact of the UK Government's austerity agenda on jobs, investment and services in Scotland.

**Kenneth Gibson:** Does the First Minister agree that, as long as this Parliament remains at the mercy of budgetary decisions that are taken elsewhere, jobs, services and the communities that rely on them will be at the whim of a chancellor that Scotland did not elect? The sooner Scotland has the full range of powers to make its own decisions to raise and spend its resources, the sooner it can become a fairer and more prosperous country.

**John Swinney:** I agree with Mr Gibson's point. Clearly, the Scottish Government's ability to intervene and address some of the challenging issues that we face as a country is limited by the powers that we have. We use those powers to the full in every respect, but there are other measures that we would want to take but cannot because of the limitations of devolution.

There is also the added factor, which Mr Gibson highlights in his question, of in-year budget reductions that the chancellor applies after we have set our budget. That raises unwelcome implications for the Scottish Government and the Scottish Parliament that we must deal with.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I thank the Deputy First Minister for taking a robust line with the chancellor in opposing these counterproductive cuts and also for trying to

persuade him that they are not required by the charter for budget responsibility. At what point did the Deputy First Minister realise that all that he had said during the election campaign about the charter for budget responsibility requiring £30 billion-worth of cuts was a load of rubbish?

**John Swinney:** The issue for Malcolm Chisholm is that his colleagues in the House of Commons trooped through the lobbies with the Conservatives to vote for the charter for budget responsibility, which involved a reduction in public spending of £30 billion over a two-year period. That was what the Labour Party supported.

The issue with the chancellor is that he is going even further and is trying to reduce public expenditure beyond what was set out in the charter for budget responsibility. That is the issue that I have raised in my submission.

I would have thought that the Labour Party, having pursued an ineffective strategy in the United Kingdom general election, would be trying to do what Malcolm Chisholm started off doing in his question—before he, regrettably, deviated from his original thrust—which is to stand shoulder to shoulder with this Government in resisting austerity.

**Alex Johnstone (North East Scotland) (Con):** Can the Deputy First Minister give me a guarantee that, when he announces the figures later this week, or next week, the underspend for last year will be a figure that is less than £107 million? If not, many of his remarks today are going to look a bit silly.

**John Swinney:** Mr Johnstone will not have to wait until next week. I would have thought that such an informed commentator as Mr Johnstone would know that the statement about the provisional outturn will take place this afternoon. If Mr Johnstone has sufficiently woken up for the parliamentary business, he will be able to interrogate me on that question in just a few hours' time.

**The Presiding Officer (Tricia Marwick):** Question 5, in the name of Iain Gray, has been withdrawn for understandable reasons—he has his questions a wee bit later on.

#### Commission on Local Tax Reform

**6. Jim Eadie (Edinburgh Southern) (SNP):** To ask the Scottish Government when the commission on local tax reform last met and what matters were discussed. (S4O-04483)

**The Minister for Local Government and Community Empowerment (Marco Biagi):** The commission on local tax reform is an independent commission that I jointly convene as the Scottish Government nominee, alongside David O'Neill, the

president of the Convention of Scottish Local Authorities.

The commission last met on 9 June—its seventh full meeting—when we heard the preliminary findings of commissioned research on international examples of local tax reforms. The commission also held a public round-table meeting on 15 June, with representatives of the Chartered Institute of Public Finance and Accountancy; the Institute of Revenues, Rating and Valuation; the Society of Local Authority Chief Executives and Senior Managers; the Scottish Assessors Association; and the Improvement Service, to take oral evidence. That was the fifth of 10 such evidence sessions.

The commission remains on schedule to report in the autumn.

**Jim Eadie:** Given that the research by Professor David Bell and David Eiser of the University of Stirling that was reported in today's *Herald* shows that the income gap between rich and poor has widened since 1997, to what extent has the commission considered international evidence not only on local taxation but on wealth distribution? Will the minister give an assurance that, in bringing forward proposals to replace the council tax, the principles of fairness, progressive taxation and ability to pay will be at the heart of the proposals?

**Marco Biagi:** The commission's remit states that we are to

"identify and examine alternatives that would deliver a fairer system of local taxation".

The first consideration that is listed is

"The impacts on individuals, households and inequalities in income and wealth".

I would encourage any member to promote the five-minute survey at [localtaxcommission.scot](http://localtaxcommission.scot) in order to enable us to get a better understanding of public priorities around that. No technical knowledge is required, and I would welcome the contribution of the member and all other members to that.

#### Forestry Commission Scotland (Land Transactions)

**7. Rob Gibson (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government how much land and forest has been bought and sold by Forestry Commission Scotland since 2010 and at what cost. (S4O-04484)

**The Minister for Parliamentary Business (Joe FitzPatrick):** Forestry Commission Scotland buys and sells land as part of its repositioning programme. That involves selling parts of the national forest estate that deliver few public benefits and investing the proceeds in new land

and forests that deliver more for the people of Scotland.

Since 2010, Forestry Commission Scotland has bought 11,514 hectares at a cost of £39,646,541 and has sold 25,109 hectares totalling £58,150,784. The balance of the money is used to invest in the properties that have been bought—for example, by establishing starter farms or planting new woodlands.

Further details of all land that has been bought and sold by Forestry Commission Scotland since 1999 are available on the Forestry Commission Scotland website.

**Rob Gibson:** I have constituents who are concerned about the transfer and sale of land. At what size, in terms of acreage, can Forestry Commission Scotland sell a plot of land without consulting the local community?

**Joe FitzPatrick:** There is no specific limit on the area of land or woodland that Forestry Commission Scotland can sell without community involvement and consultation. However, I assure Rob Gibson that the majority of sales that are carried out by Forestry Commission Scotland are part of its repositioning programme whereby the plots are offered first to communities or environmental non-governmental organisations to acquire or lease under the terms of the national forest land scheme.

There are occasions on which Forestry Commission Scotland will consider direct requests from neighbours and other private interests to acquire part of the national forest estate. That usually happens in situations in which the land in question is not contentious—for example, that might include sales of houses or other development sites to the sitting tenants; exchange of forest or open land to rationalise the boundaries of land holdings; or sales of small areas of land to adjoining owners. In such cases, Forestry Commission Scotland does not notify communities or environmental NGOs unless there is a known community interest.

### Taxi Drivers (Licensing)

**8. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what steps it will take to prevent taxi drivers with a series of complaints against them in one local authority area from obtaining a taxi driver's licence in another area. (S4O-04485)

**The Cabinet Secretary for Justice (Michael Matheson):** Licensing authorities are obliged under the Civic Government (Scotland) Act 1982 to refuse an application where, in their view, the applicant is not a fit-and-proper person to be the holder of the licence. The legislation also requires authorities to make such reasonable inquiries as

they see fit when considering an application. We would therefore expect licensing authorities to exercise their discretion in fulfilling that obligation and make inquiries with adjacent authorities where appropriate.

In addition, Police Scotland is a statutory consultee and is able to provide relevant information from across Scotland and beyond to the licensing authority. We shall further encourage such sharing of information when the best practice guidance is updated after the passage of the Air Weapons and Licensing (Scotland) Bill.

**Willie Coffey:** As the cabinet secretary will know, cases have been reported in the media in which what I described has happened. What further measures might the Scottish Government be able to take through legislation or guidance for local authorities to tighten up licensing and make the experience of travelling in a taxi as safe as possible, particularly for young women?

**Michael Matheson:** I agree with Willie Coffey on the need to ensure that we have proper and effective enforcement in this area. That is one of the reasons why, in the Air Weapons and Licensing (Scotland) Bill that is currently before Parliament, we have created the role of civic licensing standards officer; those officers will have a specific responsibility to look at areas around guidance at a local level and to supervise compliance and mediation.

I hope that that will add to the way in which we apply the national best practice guidance that will be issued alongside the legislation to ensure that the provisions are properly and effectively implemented at a local level.

**Cameron Buchanan (Lothian) (Con):** On the subject of protecting consumers' interests in the taxi market, does the Scottish Government consider that that should remain the principal aim in any provisions or regulations relating to licensing?

**Michael Matheson:** Licensing at a local level is administered by licensing boards in local authorities, and there are no plans to change that.

### Social Housing (Supply)

**9. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what initiatives it has introduced to increase the supply of social housing. (S4O-04486)

**The Minister for Housing and Welfare (Margaret Burgess):** The Scottish Government has set a five-year target to deliver 30,000 affordable homes, 20,000 of which are for social rent, with 5,000 of those being developed through our council house new-build programme.



We are well on track to meet that target, as recent official statistics have demonstrated. We are achieving that through a range of initiatives, using traditional grant funding but also working creatively with partners on innovative financing routes.

**Linda Fabiani:** I noticed recently that Falkirk Council is investing £30 million of funds from its pension scheme in social and affordable housing. That kind of sound investment, with a good return, which enables councils to build affordable homes in their areas, seems to be an excellent use of resources.

I gather that local government pension schemes across Scotland hold investments that are worth more than £30 billion in a range of assets. Does the minister believe that councils such as South Lanarkshire Council could be using their pension funds to help to build affordable housing and social homes in their council area?

**The Presiding Officer:** Briefly, minister.

**Margaret Burgess:** Pension fund managers have to make sound investment decisions to ensure suitable returns, but this Government is working to enable and support pension funds to invest in housing. The recent scheme in Falkirk is a trailblazer that shows that such investment is possible, and I encourage all pension funds to consider the opportunities that exist for investing in housing.

## First Minister's Question Time

12:00

### Engagements

**The Presiding Officer (Tricia Marwick):** We move to First Minister's question time. I call question 1 from Iain Gray. [*Applause.*]

**Iain Gray (East Lothian) (Lab):** I do not remember that ever happening before. [*Laughter.*]

To ask the First Minister what engagements she has planned for the rest of the day (S4F-02885)

**The First Minister (Nicola Sturgeon):** I welcome Iain Gray back to First Minister's questions, albeit briefly—although with Labour, who knows these days?

This afternoon, I will attend the Royal Highland Show, and this evening, I am travelling to Dublin for tomorrow's meeting of the British-Irish Council. In addition, I have a range of engagements to take forward the Government's programme for Scotland.

**Iain Gray:** I thank the First Minister for her kindish words. I cannot promise her that my questions will be up to Jon Stewart's celebrity standards, but I promise to do my best. I also promise not to compare her to Saddam Hussein—unless the opportunity presents itself. [*Laughter.*]

I am sorry, Presiding Officer, but I might be a little rusty—it has been 183 weeks since I last did this. That is a lot of weeks, but can the First Minister tell us how many weeks it has been since the Scottish National Party Government last met an accident and emergency waiting time target?

**The First Minister:** Across Scotland right now, around nine out of 10 patients are being seen at accident and emergency departments within the four-hour waiting time target. We are working hard to improve that, and we are taking a range of measures in partnership with health boards to make sure that performance improves.

The health secretary has been focused on this, and additional investment has been made available across the country where issues have arisen. I know that Iain Gray was not responsible at the time—although he was a minister in the last Labour Administration—but I point out that we did not really know how the last Labour Government did on accident and emergency waiting times, because it did not bother to gather the data or publish the statistics.

**Iain Gray:** Part of the problem with that answer is that nine out of 10 is not the target. The truth is that, last week, the SNP Government missed its four-hour A and E waiting time target for the 296th

week in a row. Welcome though they might be, the reassurances about Ninewells that we saw this morning from the chief medical officer cannot hide the problems elsewhere.

We previously asked the First Minister about A and E waiting times in January, and she blamed the problem on winter pressures. I know that jet lag can mess up a person's body clock something terrible, but even she must realise that it is now midsummer and thousands of patients are still waiting far too long in A and E departments. We know, for example, that when the SNP took office in 2007, 95 per cent of A and E patients in NHS Greater Glasgow and Clyde were seen within four hours. After eight years of the SNP Government, that figure is now 87 per cent. In the new south Glasgow university hospital, almost a quarter of patients waited more than four hours. Can the First Minister tell us why things are so much worse in Glasgow than anywhere else in the country?

**The First Minister:** I will deal with Iain Gray's points on a Scotland-wide basis first and then come back to the specific situation in the new south Glasgow hospital.

The problem with Iain Gray's question and its comparison between the situation now and during the winter is that we have seen a significant improvement since the winter period. Since 22 February, when we started to publish weekly statistics on our accident and emergency department performance, performance has improved by more than six percentage points. That is not good enough—we intend to meet the target—but that is a significant improvement.

All 14 boards in Scotland now treat around nine in 10 patients within four hours, and 10 boards are meeting the interim target of 95 per cent performance. Of the 30 A and E core sites, 28 are seeing nine in 10 patients under four hours, 19 are exceeding the interim 95 per cent target and 10 are exceeding the 98 per cent target. Progress is being made.

In addition, we have seen an 80 per cent reduction in the number of eight-hour waits and a 90 per cent reduction in the number of 12-hour waits—all since we started to publish the weekly statistics. There is more work to do; I am not for a second suggesting otherwise. However, that is improvement and I pay tribute to the staff who are working hard to achieve that.

On the new south Glasgow hospital, I hope that all members across the chamber recognise that the transfer of services that has been undertaken there has been one of the biggest and most complex that has ever been undertaken anywhere in the United Kingdom. It was anticipated that there would be initial performance challenges as a result of the migration of services from three acute

hospitals to a single site, and that has proven to be the case. That said, performance in accident and emergency has been below the standards that we expected, which is of considerable concern to me and the health secretary. That is why we have done the right and responsible thing in making available to Greater Glasgow and Clyde NHS Board additional support and expertise. The expert support group has already agreed actions with the health board and is, for example, looking at enhanced bed management and improved discharge planning. We will keep Parliament fully updated on progress on that issue.

**Iain Gray:** I am sure that the First Minister intends to meet her waiting time target and that she intended to meet it 296 weeks ago, but she has failed to hit it for 296 weeks in a row. If there is one place where we might expect the target to be met, it is the new south Glasgow hospital. It seems obvious that, if we spend £850 million on a brand new hospital, it should be the best in Scotland; however, the new hospital has the worst accident and emergency waiting times in the country, and they are getting worse. The hospital was opened with great fanfare just two months ago, and now it is being described as a "war zone".

The First Minister says that that is down to the challenge of the transfer of services from other hospitals. She might have a point. In May, we suggested to the Government that it postpone the transfer of A and E patients to the new hospital to prevent the chaos that has now developed, but it dismissed that suggestion out of hand and told us that there was no problem. Does the First Minister now agree that she should have delayed the closure of other A and E departments in Glasgow until the new hospital was ready and able to cope?

**The First Minister:** First, the term "war zone" is not appropriate to use in relation to any of our hospitals. I hope that Iain Gray will reflect seriously on his choice of words.

Secondly, it may be however many weeks he said since Iain Gray last led First Minister's question time, but he has not got any more coherent in the intervening period. When Kezia Dugdale—I think that it was her; I am losing track of the acting Labour leaders that I am taking questions from at First Minister's question time—last asked me about accident and emergency services in Glasgow, one of the hospitals that she was criticising was the Victoria infirmary, which has now migrated into the new south Glasgow hospital. I do not think that it would have been right to delay the transition to the new hospital.

Any transition of the scale and complexity that we are dealing with in Glasgow right now will throw up initial challenges. The important thing to do, the responsible thing to do and the right thing

to do is to make that transition and support the board throughout that.

I have said that, notwithstanding the initial challenges, A and E performance in Glasgow has been below what I would expect it to be. That is why, as a responsible and competent Government, we have sent in a support team that is made up of clinical expert advisers from the Royal College of Physicians of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow, the Scottish Government and health boards. They are working with the health board to ensure that we see rapid improvements, so that that great new facility—it is a great new facility—delivers for all patients.

I will say one final thing to provide context. Although we are seeing challenges—which I do not deny—in accident and emergency services, the new hospital is generally performing very well on planned and scheduled care. The transition of the new children's hospital was made last week. This is a big exercise and we should all get behind the staff who are working so hard to make it happen and make it a success.

**Iain Gray:** Frankly, the First Minister is damn right that calling a new hospital a “war zone” is not appropriate, so she should ask herself why staff and patients in that hospital have had to say that.

We know that, less than two months after the new hospital opened, an expert team has been sent in to rescue the A and E situation there. That is not a good thing; it is a bad thing. It is not something to boast about. It is in addition to similar hit squads that were sent into the Royal Alexandra hospital in Paisley and the Western infirmary in Glasgow earlier this year.

How many A and E hit squads does the First Minister have to send in before she does the right thing—the responsible thing—and admits that there is a fundamental systemic problem? How many winters have to come and go? How many patients have to spend all day waiting in a corridor, on a trolley or in an ambulance queue before she admits that there is a problem? People are tired of the excuses. They are weary of piecemeal solutions that are not working. Just how many weeks and months and years does the SNP Government have to be in office before it sorts out this accident and emergency mess?

**The First Minister:** I have to say that it is somewhat gobsmacking to hear the member say that there is a fundamental systemic problem of capacity in our accident and emergency departments. It is gobsmacking to hear him say that because he is a member of a party that, had it had its way, would have shut two of our accident and emergency departments.

**Iain Gray:** You have shut three.

**The Presiding Officer:** Order.

**The First Minister:** If Iain Gray and his colleagues had had their way, Scotland would be dealing with the increased demand on our A and E departments with one fewer accident and emergency department in Lanarkshire and one fewer in Ayrshire. Thank goodness Scotland did not follow the Labour Party's advice.

We are doing the right thing by our national health service—we are protecting its budget; making sure that more people are working in it; and, where there are challenges, making sure that we are working with our health boards to address them head on. That is what a responsible, competent Government does and it is probably the reason why I am standing here and Iain Gray is not standing here right now.

We will continue to do that because the national health service is precious to all of us. It must deliver the highest standards for patients across this country, and I and the health secretary will continue to remain absolutely focused on making sure that it does just that.

### Prime Minister (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when she will next meet the Prime Minister. (S4F-02886)

**The First Minister (Nicola Sturgeon):** I have no plans in the immediate future.

**Ruth Davidson:** The Southern's accident and emergency figures are a red flag for deeper problems within the NHS—problems that were relayed to the Scottish Government more than a year ago. Last May, Audit Scotland warned that around a third of patients delayed in accident and emergency units were waiting because hospital beds were not there when they needed them, with more delays caused by a lack of staff. Specifically, since that Audit Scotland report last May, what improvements have been made in those two areas, and does the First Minister think that they are working?

**The First Minister:** When I launched the programme for government, when I put the issue of delayed discharge at the centre of this Government's priorities for the weeks and months that lay ahead, I said that the Cabinet would be monitoring delayed discharge figures on a weekly basis. It has been doing exactly that. The efforts that the health secretary has been making with health boards around additional funding and in working systemically with health boards and local authorities to tackle delayed discharge have been beginning to bear fruit. The most recent figures that were published—I think two weeks ago—on delayed discharge demonstrate that while there is

work to be done we are starting to see success there.

On staff numbers in the national health service, I think I said to Ruth Davidson the last time we exchanged questions and answers at First Minister's question time that there are more people working in our national health service today than was the case on day 1 of this Government taking office. There are 10,500 more people working in our NHS today than was the case in 2007. That is more doctors, nurses, allied health professionals and support staff in our national health service. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** That is this Government's response to the challenges that we know about in our health service—the changing demographics and the demands of changing technology. In many ways, those are all good developments in our society. That is why, as well as making sure that our health service is equipped to meet those challenges, the health secretary has said very clearly—I thought that there was agreement across the chamber on this—that we need to have an open debate about how we make sure, not just in the short term but over the longer term, that we equip our NHS to deal with those changes in our society.

We will continue to do the hard work in supporting our national health service, and I hope that members across the chamber will support that.

**Ruth Davidson:** The First Minister's good intentions aside, let us look at what she is not saying.

Since the Scottish National Party came to power, the number of hospital beds in Scotland has gone down by more than 1,000—nearly half the drop in the Glasgow region alone, and that is before the latest reorganisation is counted. The number of consultant vacancies across all specialties rose from just over 100 in 2010 to more than 400 in March this year. Over the same timeframe, the number of nursing vacancies shot up from more than 500 to nearly 2,000.

Dr Nikki Thompson, who chairs the British Medical Association's Scottish consultants committee, said that the number of vacant consultant positions was "extremely worrying", and the director of the Royal College of Nursing Scotland, Theresa Fyffe, said:

"The boom and bust approach to Scotland's nursing workforce simply isn't working."

There are fewer beds, more vacancies, Audit Scotland alarms, criticism from consultants and warnings from nurses. The Scottish Government

has sent a hit squad to the Southern. Fine—but what about the rest of our NHS?

**The First Minister:** Let me take those points in turn.

On staffing, health boards will have vacancies that they need to seek to fill on an on-going basis. That is the nature of managing staff in the national health service.

Ruth Davidson mentioned consultants. There was an increase of 1,363 whole-time equivalent consultants between September 2006 and March 2015. Even taking account of what Ruth Davidson said about vacancies, there are more consultants working in our NHS today than when the Government took office.

Qualified nurses and midwives are up 5.7 per cent. That is 2,357 more whole-time equivalent qualified nurses and midwives in our hospitals now than was the case when the Government took office.

On beds, Ruth Davidson will be aware of what we are seeking to do, which is what the previous Administration sought to do: we are seeking to shift the balance of care from acute hospitals to the community. In the past year, the number of acute medical beds has increased by 4.3 per cent.

We are doing the hard work to support our national health service.

Ruth Davidson again mentioned south Glasgow and seemed to suggest that somehow the reorganisation of hospitals was reducing the number of beds. That is simply not the case. Pre the migration to the new hospital, there were 3,100 staffed adult acute beds in Glasgow; post the migration to the new hospital, there will be 3,060 acute beds plus 88 intermediate care beds. On the south Glasgow campus alone, there are marginally more adult acute beds than there were in the three hospitals that have been replaced by the new hospital.

Let us get our facts right on all those things and then let us together say that we need to ensure that we collectively support our national health service not just today and tomorrow, but in the five, 10, 20 and 50 years to come. I hope that the other parties will be a constructive part of that. As a Government that wants to listen, we will listen to any suggestions about how to do that that they want to put forward.

**The Presiding Officer:** There are a number of important constituency questions that I would really like to take. I would appreciate members' co-operation with brief questions and brief answers.

**Clare Adamson (Central Scotland) (SNP):** The First Minister will be aware of a serious Scottish Water incident in North Lanarkshire.

Several communities have been advised not to use tap water. Is she able to offer an update on the situation and advise of any support that the Scottish Government can give to the communities that are affected by that incident?

**The First Minister:** I have assurances that all necessary steps are being taken to return the situation to normal as quickly and safely as possible. Scottish Water is working closely with the relevant agencies to ensure that alternative water supplies are available to those who are affected, and it is making additional support available to vulnerable people.

The Scottish Government and the drinking water quality regulator are monitoring the situation closely and will ensure that any additional support that is needed is co-ordinated efficiently through established Scottish Government resilience response arrangements.

I know that it is a matter of great inconvenience to those who are affected and I hope that those reassurances will be welcome.

**Rhoda Grant (Highlands and Islands) (Lab):** The First Minister will be aware of the proposed strike action by CalMac Ferries staff. What discussions has she had with the National Union of Rail, Maritime and Transport Workers and CalMac and what steps is she taking to alleviate the fears of CalMac staff, which are shared by the wider community, in relation to the privatisation of those ferry services?

**The First Minister:** Keith Brown and Derek Mackay have met the trade unions on several occasions and have provided assurances that a fair, affordable and sustainable pension scheme will be written into the new Clyde and Hebrides ferry services contract. CalMac and the unions are meeting, today I think, to discuss both pensions and terms and conditions. I encourage both parties to continue to engage and have a dialogue with a view to reaching a satisfactory outcome.

I want to say clearly that the services are not being privatised: bidders are required to deliver services to a detailed specification, based on our ferries plan and subject to strict contractual conditions; the Scottish ministers will retain public control of the ferry services throughout the contract period, regardless of the ownership status of the successful bidder; and the vessels and ports that are currently in public ownership will remain so.

We are required to put the services out to tender because of European law. The current contract was awarded to CalMac in 2007, following a similar exercise to the one under way right now. That exercise was initiated by the previous Labour-Liberal Administration.

**Tavish Scott (Shetland Islands) (LD):** Does the First Minister agree with the Scottish Fishermen's Federation? It has said that protecting the marine environment is "vital" and that her Government's proposals for marine protected areas are

"a piece of overt political posturing".

What will she do to fix that before 1 October, when the plans are due to be implemented?

**The First Minister:** Tavish Scott will not be surprised to hear that I do not agree with that characterisation.

It is right that we listen carefully to fishermen as we take such decisions forward. As Tavish Scott will be aware, Richard Lochhead has been looking carefully at the issue and consulting all those with an interest in the arrangements that we are making for marine protected areas. Richard Lochhead will be very happy to meet Tavish Scott to discuss any remaining issues and concerns that there are. We will do our best to make sure that we address those issues constructively.

**Mike MacKenzie (Highlands and Islands) (SNP):** What impact will the UK Government decision, announced this morning, to close the renewables obligations support for onshore wind a year early have on business confidence, consumer bills and climate change targets?

**The First Minister:** The decision is wrong-headed, perverse and downright outrageous. It severely undermines any Tory claims to be pro-business.

Scottish Renewables estimates that Scotland could lose £3 billion of investment because of the decision. Scottish Power estimates that ending onshore wind support could cost consumers £2 billion to £3 billion, as more expensive generation will be required instead. What makes this worse is that the decision comes despite the UK Secretary of State for Energy and Climate Change admitting on radio this morning that onshore wind is one of the most cost effective ways to develop renewable energy.

As for climate change targets, cutting support for low-carbon energy is a terrible example to set for the rest of the world as we run up to the Paris climate talks.

The decision is completely and utterly wrong-headed and wrong. We will do everything in our power to persuade the UK Government to see sense and to change it.

### **Cabinet (Meetings)**

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be

discussed at the next meeting of the Cabinet. (S4F-02881)

**The First Minister (Nicola Sturgeon):** Matters of importance to the people of Scotland.

**Willie Rennie:** Primary healthcare in Scotland is also heading towards a crisis. Doctors are retiring early or going part time, leading to a major shortage. How has the Government allowed that to happen and what is it going to do to address the looming crisis?

**The First Minister:** Again, I do not accept that characterisation. I do not think that it is a fair characterisation of either the Scottish Government or, more importantly, the services that are being provided across the country.

Primary care is one of the keys to making sure that our national health service is equipped for the challenges of the future. The Scottish Cabinet had a discussion on that very issue at its meeting this week. We need to make sure that we are equipping primary care to do more in primary care, which is the way to relieve pressure on the acute services. Frankly, it is also a better way of treating people with long-term conditions in particular.

That will be part of the discussion that we take forward over the summer about how we reconfigure our health service, not because it is in “crisis”, to use the word that the member uses, but to make sure that, as the demographics of the country change and the nature of the demand on the health service changes, we are equipping the health service to do that job and to do it properly and well, as it has always done in the past.

**Willie Rennie:** I thank the First Minister for that answer, but in among all that there was no explanation as to how the Government has allowed this situation to happen. It is not all fine, because 12 medical practices in Fife are short of general practitioners; a practice in Aberdeen has slashed the number of appointments; elderly patients in Edinburgh have been told to go elsewhere because their medical centre cannot cope; and shortages are reported in Forth Valley, Dumfries and Galloway, Lothian, Fife, Grampian, the Highlands and many other areas.

The First Minister needs to recognise that this is a crisis, because that is exactly what it is. The Royal College of General Practitioners and the British Medical Association have been specifically warning about the situation for a long time. When will this Government end the complacency, change its approach and sort out this crisis?

**The First Minister:** The member referred to a number of specific parts of the country, so let me just give some information on those areas: in Grampian, the NHS board has taken over the running of the Brimmond medical practice; NHS

Forth Valley is taking over the running of Bannockburn, making sure that that service is delivered with directly employed GPs; and NHS Lothian has that option open for Leith, but the 2,000 patients affected by that practice have been reallocated to alternative practices already. Those are the things that happen when there are issues with GP practices, because the health board has a responsibility to make sure that all patients have access to a GP.

In terms of the action that this Government is taking, it may or may not come as a surprise to Willie Rennie to know that we have invested an additional £10 million in general practice this year. We are also working jointly in Scotland with GPs to redesign the GP contract for implementation from 2017, which is focusing specifically on addressing workload pressures and supporting and sustaining general practice for the future. We have already introduced measures to increase the number of former GPs who are returning to practice. We have given practices contractual and financial stability while we look at the changes to the contract—the first time that that has happened anywhere in the United Kingdom.

There is a theme emerging here today, and it is this: the Opposition—[*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** The Opposition likes to come to the chamber with problems; this is the Government that focuses on finding the solutions.

## Diabetes

**4. Roderick Campbell (North East Fife) (SNP):** To ask the First Minister what the Scottish Government’s response is to Diabetes Scotland’s finding that diabetes levels are “at an all-time high”. (S4F-02890)

**The First Minister (Nicola Sturgeon):** This is diabetes week, of course, so I would like to take the opportunity to recognise the good work that groups like Diabetes Scotland do to raise awareness of the condition. The Scottish diabetes survey shows that 2014 had the lowest annual percentage increase in diabetes since 2008, but it also suggests that people are now living longer with diabetes, rather than there being a marked increase in the number of new cases. Through our diabetes improvement plan, we are committed to helping to prevent diabetes through the promotion of healthy lifestyles and supported self-management of the condition. Through structured education, we are looking to improve self-management and to improve diabetes care in acute settings.

**Roderick Campbell:** I thank the First Minister for her answer and strongly agree that the development of structured education is vital in

efforts for self-management of diabetes. However, with regard to care in acute settings, the First Minister will be aware of Healthcare Improvement Scotland's think, check, act pilot. Does she agree that the benefits of that programme should be shared widely to help to improve acute diabetes care?

**The First Minister:** Yes—I agree with that. The Minister for Public Health, Maureen Watt, visited the Western general in Edinburgh this morning, which has one of the 12 wards across four health board areas that are participating in the think, check, act pilot. The pilot has seen a 20 per cent reduction in the incidence of hypoglycaemia, which is a potentially dangerous drop in blood sugar. I know that Maureen Watt will be ensuring that lessons from the pilot are shared across the national health service in Scotland.

**David Stewart (Highlands and Islands) (Lab):** Will the First Minister undertake today to revisit introducing a high-risk screening programme for type 2 diabetes for those who are most at risk in our most disadvantaged communities?

**The First Minister:** We will consider any suggestions that are made. Obviously, we follow expert advice when it comes to screening programmes; we will continue to do that. However, we are absolutely focused on making sure that we prevent diabetes, and I think that there are many examples to tell us that a good lifestyle and healthy choices in our lives can reduce the incidence of diabetes and, sometimes, clear people of diabetes. We also need to ensure that there are services. We will continue to focus on both those issues.

**The Presiding Officer:** Question 5, in the name of Jackie Baillie, has been withdrawn, for understandable reasons.

### Cervical Screening

**6. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister whether the Scottish Government will introduce cervical screening for women over 60. (S4F-02883)

**The First Minister (Nicola Sturgeon):** Following the report of the Scottish expert review group into the age range and frequency of cervical screening, and in accordance with the recommendations of the United Kingdom national screening committee, as of 1 April 2016 the Scottish Government will introduce cervical screening for women up to the age of 65.

**Christine Grahame:** I welcome the raising of the age limit to 65. However, BMJ recommends that the age for routine screening should be raised to 70, given that half the deaths from cervical cancer occur among women over 65. Would the

First Minister give consideration to that recommendation by BMJ, not least because—as I can attest—70 is the new 60?

**Members:** Hear, hear.

**The First Minister:** I am probably safer not to say anything in direct response to Christine Grahame's last comment.

We will always consider expert evidence in taking such decisions, which have, for obvious reasons, to be taken on the basis of expert advice. When it comes to screening programmes, we follow the recommendations of the United Kingdom National Screening Committee. I hope that all members will agree that that is the right thing to do. The decision that we have taken to increase to 65 the age limit for cervical screening has been taken in line with the recommendations of the UKNSC. We will continue to ensure that the decisions that we take are rooted in evidence and in the views of experts.

## Off-road Motorbike and Quad Bike Ownership

### The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-13293, in the name of Claire Baker, on promoting responsible off-road motorbike and quad bike ownership.

#### *Motion debated,*

That the Parliament understands that there is increasing popularity and affordability of off-road motorbikes and quad bikes; is concerned at reports from communities across Scotland, including Mid-Scotland and Fife, of antisocial behaviour on off-road motorbikes and quad bikes, which causes noise pollution, can be threatening to pedestrians and too often causes distress in public parks and public footpaths; also notes reports of damage to farm land, leading to financial loss for farmers, as well as damage to coastal and woodland paths resulting in repair costs for local authorities and others; notes the local police initiative to tackle antisocial behaviour in Fife, Operation Ducati; notes the view that consideration should be given to any additional tools for Police Scotland to address such antisocial behaviour; acknowledges that the responsible use of quad bikes and off-road motorcycles is a legitimate recreational activity that is enjoyed by many people both as individuals and through off-road motorcycle clubs; believes in the importance of education to encourage responsible off-road activity and raise awareness among owners; notes encouragement for owners to register bikes through the DVLA's voluntary registration scheme and, given the increasing popularity of off-road activity, notes the view that mandatory registration should be considered for introduction across the UK.

12:33

### Claire Baker (Mid Scotland and Fife) (Lab):

I am pleased to have secured the debate this afternoon, and I thank members from parties around the chamber who have supported the motion. I hope that this can be a constructive debate. I am sure that members will be keen to reflect the experiences of their constituents and to contribute to finding solutions.

I welcome Shelagh Cooper to the gallery. Her dog, Millie, died following a collision with an off-road motorbike. The incident is the subject of a current court case, so I will not say any more about it, but it has been very traumatic for Shelagh. She is now campaigning for action on illegal bike use and has collected more than 15,000 signatures in support of her campaign. I am pleased that today's debate provides the opportunity to highlight her hard work.

I also welcome David Paton and Gordon Gourlay from the Kingdom Off Road Motorcycle Club. Although I expect that much of the debate will be about problematic off-road biking, clubs such as KORMC offer opportunities for people to learn and enjoy an exciting and exhilarating sport,

and they offer part of the solution to the challenges. I will say more about that later.

The popularity of quad bikes and off-road bikes has grown in recent years. With an increase in cheap imports, off-road bikes, quads and mini-motorbikes are now much more accessible and affordable than ever before. People of all ages are attracted to bikes; bike ownership and the desire to enjoy the bikes is not going away.

How do we support responsible ownership and deal with the negative impacts of illegal off-road biking? As the popularity and accessibility of such bikes grow, there has been an increase in reports of antisocial behaviour, with communities being blighted by noise pollution. In addition, people are being threatened by antisocial behaviour in public parks and on footpaths and pavements. A recent example is the fact that nursery staff with small children who were playing in Beveridge park in Kirkcaldy reported being alarmed and threatened by people who were tearing around on off-road bikes. Off-road bikes can be ridden on private land with the landowner's permission, but other activity is illegal.

When we talk about antisocial behaviour, we often assume that it is teenagers who are involved, but that is not the experience in Mid Scotland and Fife, where adults have also been involved in dangerous and disruptive behaviour. Because of that irresponsible behaviour, too many people are not feeling safe in their communities. That is not acceptable. People report to me that when they challenge such behaviour they often receive abuse and feel more threatened.

Earlier this year in Fife, another dog was injured in a collision. The comment that the police made at the time was:

"It is by pure chance that the dog's owner was not injured in this incident and once again this incident reinforces the danger posed to pedestrians by the illegal use of motorcycles on and off-road."

That is the threat that people are living with.

I have also had conversations with farmers in Fife whose land is being damaged—thousands of pounds' worth of damage is being done to their crops. Efforts to restrict access through use of gates have led to chains being cut, and riders wearing hoods and balaclavas means that closed-circuit television has not been much use.

Constituents have also expressed to me the frustration that they have experienced in phoning 101 on the matter. I have had reports of lengthy waits for the phone to be answered, of lack of local knowledge on the part of the person answering and of frustration that the person answering cannot contact the local officer. The Minister for Community Safety and Legal Affairs will have heard such concerns before.



In Fife, local police officers are running operation Ducati in the Levenmouth area, and operation Fireblade has recently been launched in Kirkcaldy. The police are making efforts to clamp down on people who use their bikes illegally on-road and off-road, as part of which they are making arrests. Officers cannot pursue offenders, but they are working to identify those who are responsible, and to take action to stop their behaviour. I very much appreciate the steps that the police in Fife are taking.

I know that in other areas officers use bikes to contain illegal activity; if that is effective, we should consider greater use of the measure. We must ensure that the police have in their box all the tools to deal with the issue. In discussions with stakeholders, the strengthening of fixed-penalty notices has been highlighted as a way of giving the police more options to deal with antisocial behaviour. The minister might wish to comment on that proposal when he closes the debate.

The police can use powers to seize bikes from owners. In some cases, that might solve the problem but, in others, it only gives respite. In the past year in Fife, the incidence of theft of quad bikes and off-road bikes has doubled, with 43 bikes having been reported as stolen. We could also look at changing the licensing system for off-road bikes. Under the current rules, an off-road vehicle does not need to be taxed or registered. The Driver and Vehicle Licensing Agency has introduced an off-road register on which people can record their off-road bikes, which would help the police in the event that such a bike is stolen.

However, there is a view that mandatory registration should be introduced for all bikes. That is seen as a way to encourage responsible ownership, to record properly the details of owners and to make it possible to trace bikes. On the other hand, many off-road bikes are not suitable for on-road use, so it needs to be considered whether it would be proportionate to introduce that level of registration for recreational bikes that are used responsibly. The DVLA is reserved, but we should still consider the merits of registration and whether we want to make representations on the matter.

A full police response is important because that would recognise the severity of the activity and deal with criminal behaviour, as well as providing assurance to the public. However, the issue is complex and we need a holistic approach to the problem. We need to stress the importance of education to encourage responsible off-road activity and to raise awareness among owners. What can the Government do to increase responsible ownership? Is there a need for an awareness-raising campaign among retailers to

encourage responsible sales, and for buyers to have a full understanding of the law?

We need to support opportunities for recreational use for everyone and to focus on diversionary activity for problematic users in cases in which behaviour change could be achieved. Kingdom Off Road Motorcycle Club plans to run a summer programme in the next few weeks in which it will work with young people who are referred to it by Sacro and the police. Those young people will learn bike maintenance skills, bike safety and responsible behaviour. KORMC first ran a pilot that was successful in reducing problematic behaviour in 2009. Such programmes will not address all antisocial behaviour—off-road bikes are sometimes used in much more serious criminal activity—but they can make a difference to the behaviour of young people, which offers a longer lasting and more sustainable solution to the problems that we are discussing.

The availability of legitimate opportunities to enjoy off-road biking is also part of the solution. I am supportive of Kingdom Off Road Motorcycle Club's efforts to establish an indoor motor track in Levenmouth. The proposed model would give access to affordable, accessible and legal off-road biking within controlled conditions. It could also encourage responsible ownership, offer skills development, provide employment and aim to get bikes off the streets in communities in Levenmouth and Fife. I wish KORMC well with the project.

We have a responsibility to respond to the problem. We cannot be complacent about the degree of illegal off-road motorbiking and the accompanying antisocial behaviour that is happening in some of our communities. We must take action to stop it.

12:40

**David Torrance (Kirkcaldy) (SNP):** I thank Claire Baker for bringing the motion to Parliament. I welcome the opportunity to speak about promoting responsible off-road motorbike and quad bike ownership.

Unfortunately, in the last few years in the Kirkcaldy constituency that I represent, an increasing number of people who have motorbikes and quad bikes are not using them in a responsible and appropriate way. There have always been recorded instances of people on such bikes causing problems in various ways within the community; however, the number of constituent cases that I have had to deal with has recently escalated significantly.

There are in my constituency many areas of land and open spaces that lend themselves to being ideal locations for off-road motorbike and quad bike activity—in particular, in the

Levenmouth area. Those areas are now being utilised by irresponsible bike owners to the detriment of the people who live in the surrounding areas. The activities that are engaged in by the bike owners often take place at unsociable hours and are hazardous not only to themselves but to others.

I have been out to some of those locations to talk with residents and have seen for myself the impact that the activities are having. The land that is used for the biking is often churned up and left in need of repair by the farmer or land owner, which is time consuming and often costly. Perhaps even more significant is the distress that is caused to residents in the immediate vicinity by the noise and the continual worry—especially by those with families and pets—that a serious accident will occur.

In March this year, a couple lost their pet, called Millie, who was knocked down and killed by a man on an off-road motorbike while they were out walking on waste ground in Methil. The loss of the much-loved pet led to the owners starting the “Millie’s plea” petition, which calls for an end to off-road motorcycle menaces in the area. In April the petition was close to reaching 15,000 signatures, which gives a clear indication of the strength of feeling in the community about the severity of the problems that are caused by the bikes.

The bikers who are involved in the activity are also placing themselves at risk. Recently, a young biker was seriously injured—he broke his back while quad biking on a coal bing and had to be airlifted to the Royal infirmary of Edinburgh.

I have spoken to the community inspector for the Levenmouth area, and through correspondence on various occasions I have expressed my concerns and those of my constituents in an effort to find a solution to the problem that is faced. The police are aware of the issue and have worked hard to ensure the safety of all concerned. That led to the introduction in 2014 of operation Ducati, which is on-going. That is a local police initiative that targets those who are involved in illegal use of motorbikes on-road and off-road. Since its inception, it has yielded some positive results, both in apprehending offenders and in reducing the number of incidents. However, there are legal restraints on the police that need to be addressed. The police are cognizant at all times that the safety of both the public and of the people who participate in illegal use of bikes must be paramount.

It is essential that all avenues be explored to heighten awareness of what can be done to solve the problem of illegal and dangerous off-road biking before anyone is killed. The bikers need to be made fully aware that they are breaking the law, not only by riding vehicles without plates, a

licence or insurance, but simply by riding the bikes on land that they do not own, and that by doing so they face the possibility of having their bikes confiscated.

In order for the police to continue to address the problem, parents and the general public need to be made aware of the vital part that they can play by reporting instances of antisocial behaviour, because that will help the police to identify those who are responsible for the nuisance so that they can take action.

Many people enjoy biking in its various forms as safely and responsibly as possible, and many are members of off-road motorcycle clubs. It is essential that we educate all young people who are interested in off-road biking, in whatever form, on the best and safest way in which to participate in the activity, and that we try to guide them to appropriate and safe venues—such as the one that is offered by Kingdom Off Road Motorcycle Club—so that they can follow and enjoy the activity.

I finish by encouraging owners to register bikes through the DVLA’s voluntary registration scheme. I would support the consideration of mandatory registration of off-road and quad bikes for introduction across the United Kingdom.

12:44

**Paul Martin (Glasgow Provan) (Lab):** I congratulate Claire Baker on securing the debate and recognise the petition that she advised us of. I will be one of the people who add their name to the 15,000-strong petition. Ms Cooper has raised a serious issue through Claire Baker and we should take it seriously in the Parliament.

I have pursued the issue in the chamber on a number of occasions, not just with the current Scottish Government but previously and as far back as prior to the Antisocial Behaviour etc (Scotland) Act 2004 being passed, when I lodged an amendment that has allowed police officers to recover bikes, to repossess them and to ensure that such individuals cannot continue with their activities.

I commend—I do not always use that word about policing activities—some of the excellent policing work locally, which is led by Inspector Gormlie in my constituency, to recover a number of off-road vehicles. I also commend the activities of the officers who have led the operations to detect the individuals.

As Claire Baker set out, it is not always teenagers who are involved in such activities. I have witnessed, adjacent to where I live, adults riding in off-road vehicles with their children, which I find unacceptable. We should take action to

ensure that those adults—and, of course, their children—are informed of the serious dangers that are associated with such activities as well as the risk that they pose to others around them who are going about their law-abiding business.

The fact that we have the legislation in place and that it is, in my experience, being enforced effectively by the police means that we have to ensure that further powers are available to deal with the issue. DVLA registration is crucial because, if we are serious about tackling the issue, we need to know where the bikes have been registered in the first place.

The officers I have discussed the matter with have advised me that they have local intelligence that can tell them where the bikes are located, but the intelligence process does not tend to be the most sophisticated. If a registration process was in place to allow the police to detect the individuals, that would make an important tool available to the police.

Parents also play a crucial role. I cannot for the life of me understand why parents would purchase a quad bike for their children and allow them to ride that vehicle in an area that was not properly monitored, unlike the properly monitored Kingdom facility that Claire Baker referred to. People are entitled to purchase such vehicles if they want their children to be entertained, but the vehicles should be used in the proper environment. Action has to be considered and should be taken if parents allow such irresponsible activity to take place. I have spoken with housing providers in my area about taking action in relation to tenancies when children are involved in antisocial activity, to ensure that we move the issue forward.

The issue has been raised in the chamber on a number of occasions. We must not underestimate the serious dangers that the bikes pose in the wrong hands. We need to be willing to take action and to recognise that the issue affects not just the rural parts of the constituencies that are represented in the Parliament but many urban communities where the bikes have fallen into the wrong hands. It is extremely important that action is taken by the Government and that representations are made to the DVLA to ensure compulsory registration of off-road vehicles.

12:48

**Murdo Fraser (Mid Scotland and Fife) (Con):** I congratulate Claire Baker on securing the debate. Antisocial behaviour is a problem for communities across Scotland and is even more challenging in some rural communities, where the absence of entertainment and other opportunities can exacerbate the problem.

Unfortunately, the use of quad bikes and off-road vehicles to commit antisocial crimes is becoming increasingly common. In the worst case, irresponsible owners terrorise communities and cause serious damage to farmland and other productive areas. I would support any initiative to promote responsible vehicle ownership and I commend Claire Baker's suggestions on that.

Claire Baker spoke at length about the success of operation Ducati in helping to tackle antisocial quad bike ownership, and I commend officers in Fife for their hard work in helping to curb such activity. We all agree that good policing has a big role to play in reducing irresponsible ownership.

I have always believed that a local approach should be taken to tackling antisocial crimes. Although this debate is not about the merits of the single police force, I am concerned that its creation has robbed some areas of a targeted policing strategy. Any officer on the beat would agree that local knowledge is invaluable when dealing with antisocial behaviour, and I encourage Police Scotland to consider how best to deploy resources to combat these crimes.

On a national level, as we have heard, the United Kingdom Government is working hard to encourage responsible ownership, and I call on vehicle owners throughout Mid Scotland and Fife, and across Scotland, to voluntarily register their bikes with the DVLA. That is a simple step that can protect owners against theft and help to reduce rural crime. As we know, thieves are quick to target farm vehicles as an easy hit because of such vehicles' lack of traceability and strong resale value. A registered bike gives the police a greater chance of recovery.

However, we must be careful not to tar all quad bike owners with the same brush, as there are many responsible owners out there. Across the region that I represent, off-road biking is an emerging industry that sustains a large number of rural jobs. Claire Baker talked about some of the activities that are happening in Fife. In the highland Perthshire area—another part of the region that we represent—a number of localities are becoming a mecca for off-road thrill seekers. Companies such as Scottish Quads, Highland Offroad, activ8s, the Perthshire off-road driving centre and Pitlochry's outdoor activities centre are just a few of the places that offer quad bike treks through the beautiful Perthshire countryside.

As I take a thorough approach to debate preparation, some years ago I had the foresight to visit Scottish Quads and take on one of its trails. Not only are those courses a lot of fun but there is a focus on safety and respect for the natural environment. I encourage members who are interested to go on their own fact-finding missions in Perthshire or elsewhere.

In addition to those who ride their motorbikes and quad bikes in an antisocial manner, there are instances of four-by-four owners driving inappropriately on remote Highland roads. A few years ago there was a big issue on the Corrieyairack pass between Fort Augustus and Laggan, when four-by-four vehicles used what was General Wade's military road and caused a great deal of damage. The impact of such behaviour on fragile Highland roads can be just as dangerous as riding motorbikes and quad bikes recklessly in residential areas. Tackling both those issues will require a degree of community engagement and I call on members of the public to report such crimes when they see them.

It is important that the Scottish Government supports and promotes the DVLA's voluntary registration scheme, as it could play a central role in apprehending thieves and irresponsible owners. I encourage local residents to report irresponsible owners to the police as a first step. Curbing dangerous bike riders will require a strategy that works with owners, the police and members of the public, and I will take time to monitor the issue over the coming months. I thank Claire Baker again for bringing this important issue to the chamber.

12:53

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** I am pleased to respond on behalf of the Scottish Government and I congratulate Claire Baker on securing the debate, which has brought a focus on the dangers caused by the irresponsible use of quad bikes and other off-road vehicles. I have been keen to engage with Claire Baker on this issue and have already met her on the matter. She has taken the issue seriously for some time.

I agree that vehicles such as quad bikes must be used responsibly and I take on board Murdo Fraser's point about four-by-fours being driven off-road and on inappropriate roads. Indeed, quad bikes are used responsibly by the majority of people for recreational enjoyment, through membership of official off-road vehicle clubs, such as the Kingdom Off Road Motorcycle Club, which Claire Baker mentioned, or through private businesses such as those that Murdo Fraser referred to. I have participated in Perthshire with Nae Limits, and I very much enjoyed trying a quad bike in an organised, safe environment.

Although such vehicles support jobs, we must acknowledge the problems of their antisocial use, which have previously been highlighted and discussed—Paul Martin is right that they have been a long-standing issue of debate in the chamber.

I express my personal sympathies and those of the Scottish Government to Shelagh Cooper, a constituent of Claire Baker and David Torrance, who is present in the public gallery today. I will not go into the detail, but I sympathise with her because of the situation in which she finds herself.

A key aim of the Scottish Government is to ensure that everyone feels safe in their community and is able to go about their business in peace. It is completely unacceptable that people should be afraid to use public spaces that are designed for all to share to improve the quality of life in their communities. I am aware that the inappropriate use of quad bikes can place a financial burden on our communities through damage to agricultural land or the cost of repairing local authority land and property.

I take Paul Martin's point that the issue is an urban one as well as a rural one; I recognise that. However, I recently heard about a farmer in Fife who suffered hundreds of pounds of damage to his wheat crops because of the misuse of such vehicles, which cannot be tolerated. The Antisocial Behaviour etc (Scotland) Act 2004 contains provisions that allow police officers to seize vehicles that are being used antisocially, although I appreciate that it is difficult in many cases for the police to apprehend individuals at the time of the offence. Information from concerned citizens can help officers to identify those who are responsible, and that should be encouraged.

Following my meeting with Claire Baker in January this year, discussions have been held with Police Scotland about improving the recording of vehicles that are seized under antisocial behaviour legislation. I am pleased to be able to confirm that the new police data management system, which was introduced in February, will allow better recording of such data, which will help to inform the development of policy to tackle the issue. That will help in urban and rural areas. Paul Martin has asked similar questions in the past and we are addressing the concerns.

Where quad bikes are being used on the roads, they must be appropriately registered and taxed and they must have an MOT certificate. As most quad bikes do not meet road safety standards, they must not be used on the road.

The lack of a compulsory registration scheme means that such vehicles are easy to sell on if they are stolen. It also means that it is difficult for the police to ascertain who has owned the vehicle so that they can recover it and send it back to its original owner. I would therefore support any initiative that helps to prevent the theft of quad bikes or other off-road vehicles and encourages registration so that owners can easily be traced.

**Paul Martin:** Will the minister consider making representations to Westminster to require the registration of such vehicles?

**Paul Wheelhouse:** I am coming on to address that point directly.

Such schemes are clearly in the interests of the owners as well as those who enforce the law.

We recognise that the licensing of vehicles is reserved to the UK Government. Although we cannot make the registration of vehicles compulsory, the DVLA operates a voluntary off-road registration scheme as a number of members have mentioned. We have corresponded with the DVLA on the issue and it has advised me that the details of vehicles that are registered under the scheme are held in the DVLA's database and the police national computer. I stress that it is entirely free for people to register a vehicle and I am committed to promoting the scheme widely throughout Scotland as a first step. As well as making information on the scheme available on the Scottish Government website, I will be encouraging its use through local authority antisocial behaviour officers, NFU Scotland, Police Scotland, farm watch, the Scottish Crofting Federation and any other organisation that has an interest in tackling the antisocial use of such vehicles and preventing their theft from businesses and causing them financial difficulties in replacing them.

**Paul Martin:** Just to clarify the point, the individuals we are talking about will not register their vehicles voluntarily. A compulsory process will ensure that they do. We are targeting individuals who just will not register their vehicles.

**Paul Wheelhouse:** As Claire Baker identified, some vehicles are bought for private use and some cheaper vehicles are now on the market. We also know that some vehicles might be stolen, but the police cannot prove it. We want to choke off the supply of vehicles that have been stolen from agricultural and other land-based businesses and prevent them from getting into the system. If we can choke off that supply, I hope that we will be able to concentrate on the retail end and get responsible owners to register their vehicles.

We have a number of issues to address, although I take Mr Martin's point entirely. We have to find a way of reducing the number of thefts of vehicles. As Claire Baker said, there were more than 40 in Fife alone and we are trying to get a handle on exactly how many such vehicles are finding their way along that route. Perhaps they are being taken for export, but some might be staying in Scotland to be used illegally.

Members raised a number of points, to which I will now turn. Murdo Fraser raised the issue of local policing, which is an important matter. I am

not expecting overnight support from Police Scotland for Murdo Fraser's comment about the police merger. However, I would stress that there is an opportunity at Police Scotland to have a local policing plan for every ward. I hope that local communities seize that opportunity. It is important that the evidence that all the members talked about from their constituencies is fed into Police Scotland. We must ensure that local policing plans reflect community concerns. I hope that the members present seize that opportunity.

I take entirely Murdo Fraser's point about there being many responsible off-road bikers. We should not tar everyone with the same brush. Legitimate activities are indeed going on, but we must ask people to respect private land; the environment, which is a good point; and public safety, which is paramount.

I very much congratulate Kingdom Off Road Motorcycle Club and other such businesses and organisations for providing opportunities in an organised, regulated and safe environment for what are, in effect, diversionary activities to keep away people from illegal off-roading. It is great to see that happening at a local level.

I will take away the point that was made about retailers and look at whether we can do anything to encourage voluntary registration through retailers.

I reiterate the point that we are pleased to hear that, through operation Ducati, police officers are using seizure of vehicle powers granted to them under the Antisocial Behaviour etc (Scotland) Act 2014. I welcome members' support for that and for the work in Glasgow that Paul Martin mentioned.

I share members' concerns about the blight that inconsiderate driving of off-road vehicles has in rural and urban communities, and will arrange for information to be provided on the Scottish Government's website to raise public awareness of the DVLA's voluntary registration scheme. Unfortunately, we cannot enforce policy in this area, but we will continue the dialogue with DVLA and UK ministers on the issue.

By working together, we can tackle the antisocial use of off-road vehicles and make our community safer for all.

13:01

*Meeting suspended.*

14:30

*On resuming—*

### Business Motion

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business is consideration of business motion S4M-13550, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Scottish Elections (Reduction of Voting Age) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Scottish Elections (Reduction of Voting Age) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2: 30 minutes.—[*Joe FitzPatrick.*]

*Motion agreed to.*

### Vale of Leven Inquiry (Scottish Government Response)

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by Shona Robison on the Scottish Government response to the Vale of Leven hospital inquiry. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:31

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** I am here to present the Scottish Government's response to Lord MacLean's Vale of Leven hospital inquiry report. Before I do so, I again express the Government's sorrow to the families of the 34 people who died at the Vale of Leven hospital as a result of the *Clostridium difficile* outbreak. We all agree that it was a terrible tragedy that should never happen again. I accept Lord MacLean's findings that there were failings at the Vale of Leven that significantly contributed to patients being ill and families losing their loved ones.

I take the opportunity to again thank Lord MacLean and his team for producing such a comprehensive report. I also thank the patients and families for their perseverance in securing the inquiry and for their engagement with my officials as part of the implementation process.

Although the inquiry focused on the Vale of Leven hospital, it is clear that the recommendations have far-reaching implications up and down the country. That is why I accepted all 75 recommendations in Lord MacLean's report and committed to taking the necessary steps to fully implement them.

I met the patients and families earlier today, and some of them are in the gallery. I thank them for taking the time to meet me. It is important that we collectively remember that what happened to them should not have happened, so I hope that our response and our commitment to continuing to improve go some way towards assuring them of how seriously I take the issue. Our response demonstrates that a lot of work has been done and that many improvements have been made in our national health service since the Vale of Leven outbreak, but more needs to be done, and those points are reflected in our response.

I am pleased that the response contains a foreword by the C Diff Justice Group. When I read it, it was a salient reminder to me, as it will be to all of us as we move forward, of why it is important that we implement Lord MacLean's recommendations. It is only fit and proper to

ensure that the serious nature of what happened at the Vale of Leven is reflected throughout our response.

The response reflects the fact that we do not take the tragedy lightly. The recommendations from Lord MacLean's report have been grouped together, when they interlink, and addressed under three chapters, which are on oversight and leadership, preventing and controlling infection, and professional practice. The final chapter is about our next steps to ensure that the recommendations are fully implemented.

Lord MacLean's report highlighted a number of failures, but it also acknowledged that the Scottish Government and the NHS have made improvements since the outbreak, particularly on infection prevention and control. Those improvements are highlighted in our response. For example, we have established the Healthcare Environment Inspectorate, which provides independent and rigorous scrutiny and an assurance system for our hospitals. In addition to HEI inspections, a number of measures, such as the work of the healthcare associated infection task force and the work of the Scottish patient safety programme, have contributed to significant reductions in surgical mortality and MRSA cases, and to lower C diff rates in over-65s than ever before.

The older people in acute hospitals inspections, which were introduced in February 2012, measure hospital performance against national standards, guidance and best practice. It is reassuring that a number of the key areas that are considered in the inspections relate to issues that Lord MacLean's report highlighted: treating older people with compassion, dignity and respect; recognising dementia and cognitive impairment; preventing and managing falls; providing nutritional and hydration care; and preventing and managing pressure ulcers. Those are all basic things that we would expect for ourselves and our loved ones.

We want to improve patients' experiences of health services, and this was enshrined in law through the Patient Rights (Scotland) Act 2011. The act provided for "The Charter of Patient Rights and Responsibilities" to ensure that patients' rights are met and respected. The charter enabled the patient advice and support service to be established, which ensures that the public know that they can raise concerns, complain and feed back about the care that they have received so that we can continue to learn and improve.

The Government is committed to making necessary improvements that benefit patients across Scotland. Although I have highlighted some of the good work that is in place, there is still a journey ahead of us. I am very aware that more needs to and can be done to meet our ambition of

having a world-class health service that is truly person centred, safe and effective.

In my statement in November, I said that a number of actions would take place following publication of Lord MacLean's report. I am pleased to say that an implementation group and a reference group have been established, which include representation from patients and families, the British Medical Association, the Royal College of Nursing, public partners and the Health and Social Care Alliance Scotland.

I wrote to all national health service boards to ask that they assess themselves against the 65 recommendations for health boards. The initial summary of information showed that NHS boards were making good progress towards implementing the recommendations. The next stage is to quality assure the information and develop a process so that we know that the recommendations are being implemented.

I am committed to developing a national approach to assuring nursing and midwifery care. Initiatives such as the quality of care reviews that Healthcare Improvement Scotland is developing and our chief nursing officer's care assurance system will deliver improvements for patients and staff.

The Government has introduced primary legislation on the duty of candour and on wilful neglect. We are also working with Healthcare Improvement Scotland to introduce secondary legislation that gives HIS powers to close wards to new admissions when that is deemed necessary.

I will now outline the steps that we will take over the coming months. Lord MacLean and his team are winding up the Vale of Leven hospital inquiry. That involves the inquiry team transferring files to National Records of Scotland, ensuring that all data protection and other legislative procedures are adhered to and finalising the financial aspects of the inquiry. Lord MacLean will publish the final costs shortly, once those processes are completed.

Although the inquiry is being wound up, the process is not at an end. A number of other actions will be taken to implement all the recommendations. Work is continuing with NHS boards, and the chief nursing officer has written again to them for an updated progress report on their original assessments. This time round, each board must ensure that its area partnership forum, area clinical forum and local people involvement network consider and agree to the response before it is returned. That is one of a number of actions that are under way to ensure that the recommendations are being implemented locally. I expect all boards' responses to have been received by the end of August.

The implementation group is developing an action plan to take forward recommendations nationally. The plan will incorporate the recommendations that are not currently part of existing governance, scrutiny or improvement systems and will include the lead organisation that is responsible for each recommendation, the action that it will take and the timescale for completing it. The plan will also be considered and agreed to by the reference group.

I am pleased to inform colleagues that a dedicated page on the Vale of Leven hospital inquiry has been established on the Scottish Government website. It will be regularly updated as time goes on, and it will set out the progress against implementing all 75 recommendations. I will also send the Health and Sport Committee a short report on progress at the end of November.

I committed to publishing the initial responses of NHS boards that were provided in January 2015 once the analysis process had been completed. I assure the Parliament that those responses have been published on the Scottish Government's website.

A crucial aspect of the implementation process is that patients and families continue to be involved until they feel that it is completed. I am delighted that they are represented on the implementation and reference groups and so are working with us on making care more person centred, safe and effective. I have received feedback that they are providing valuable input and support to the implementation process and to other key policy developments.

I look forward to working with the patients, families and other stakeholders to implement the national action plan developed by the implementation group. I will report on progress to Parliament at the end of November. I thank everyone involved in the inquiry and reiterate my commitment that we will learn the lessons from it. I present to Parliament the Scottish Government's response to the Vale of Leven hospital inquiry report.

**Jenny Marra (North East Scotland) (Lab):** When our loved ones are admitted to hospital, we have trust in, and high expectations of, the care that they will receive. When their condition deteriorates as a result not of their medical condition but of infection and circumstances that they cannot control, that trust is broken.

That 34 people lost their lives because they contracted an infection in the very place they had turned to in the hope that they would get better is very serious and tragic. I associate myself with the cabinet secretary's condolences to those families and express my deepest sympathies about what happened.

My colleague Jackie Baillie MSP cannot be with us today, but I am sure that the compassionate and tireless support that she has given the Vale of Leven families will be recognised across the chamber. Previously, she asked the Scottish Government about compensation for the families. Can the cabinet secretary please update the chamber on the arrangements for compensation?

During the period we are discussing, the rise of hospital-acquired infections such as C diff and MRSA undermined the confidence that we have in our NHS, and nowhere was that clearer than in the Vale of Leven hospital. I recognise that the situation has been treated as a matter of great seriousness by the NHS board and by the Scottish Government, and the inquiry by Lord MacLean, its conclusions and the Government's response are welcome.

Lord MacLean has offered 75 recommendations, all of which have been accepted and many of which have been acted on, but he says that there is one major single lesson to be learned:

"that what happened at the"

Vale of Leven hospital

"to cause such personal suffering should never be allowed to happen again."

I ask the cabinet secretary to give an assurance to the families of those who lost their lives that she is confident that practices are now in place in hospitals across Scotland that will prevent such a thing from ever happening again, as Lord MacLean said.

**Shona Robison:** I thank Jenny Marra for her questions. I also recognise Jackie Baillie's role, particularly in supporting the families and bringing many issues relating to the Vale of Leven tragedy to the chamber.

On compensation, a lot of progress has been made around the settlement of claims by NHS Greater Glasgow and Clyde. Obviously, the negotiation of compensation is a matter between NHS Greater Glasgow and Clyde and the families—or indeed their representatives. I can say to Jenny Marra that that is at an advanced stage.

Jenny Marra asked for an assurance that such a thing could never happen again. I can absolutely give that assurance. The particular circumstances that prevailed at the Vale of Leven have been well laid out in the inquiry and a lot has changed since then. We get notification of outbreaks now in a dramatically different way. For example, when outbreaks happen—and they still happen, as that is the nature of infections and we still have infections in our hospitals—they are a challenge. Infections are often brought in from the community, so we have to be vigilant.



However, this is about what we then do. The response is now rapid: the patients concerned are isolated, alerts go out and I am told when there is an outbreak, and the outbreak is very quickly brought under control. Those processes are very swift and effective, as they rightly should be, because, as I said, infections continue to be a challenge.

Those processes and alerts, and the ways in which infection control teams now work, were not in place at the Vale of Leven at the time. Therefore, I can assure Jenny Marra that the processes and procedures, including the swiftness with which infections and outbreaks are dealt with, are very different. Members can be assured that patient safety is at the forefront of that.

**Jackson Carlaw (West Scotland) (Con):** I thank the cabinet secretary for advance sight of her statement. I also thank her for correcting in her oral delivery some of the rather sloppy grammar that was evident in the draft. Even so, I found some of the paragraphs in the statement unhelpfully clumsy and in some cases impenetrable—and unnecessarily so. However, I associate myself with the sentiments that she expressed.

One of the Government's responses to the recommendations on non-executive directors says:

"It is vital to ensure that non-executive board members are able to fully discharge their governance role. We will continue to work with NHS boards and others to ensure that non-executives have access to appropriate training and development materials. In doing this, we will build on the excellent work already underway within boards across Scotland."

I would like to know what that actually means. The Government's response identified "appropriate" training for non-executive board members. Is that training now mandatory or voluntary? There is a suggestion that if non-executive directors had been fully interrogating the systems that were in place, some of the deficiencies might have been highlighted. Given the sentiment expressed in the response, specifically how much time and resource do non-executive members have to give to the responsibility that arises from the recommendations?

**Shona Robison:** A lot of work has gone into supporting and enhancing non-executive members' skills and confidence. There are general and specific issues. Generally, non-execs play an important role in scrutinising and questioning the issues that they see in front of them and the issues that are brought to board meetings, for example. That is not just about infection control but about a range of matters.

The role of our non-execs should be one of asking questions and scrutinising, but they have to

be well informed, supported and trained to be able to do that. In relation to infection control, they are absolutely expected to discharge their role, and they will be supported in that—work on that is well under way. They are not only expected to ask the right questions about the data that is put before them but encouraged to walk through the wards and hospitals, speak to staff and see things for themselves. I can furnish Jackson Carlaw with more detail as that work is rolled out.

We have an absolute duty to support our non-execs. We bring them in for a specific purpose because we want that external scrutiny and those other voices around the board table. However, those voices are only as good as the information that board members have and scrutinise. The role of non-execs is critical, and I am happy to keep Jackson Carlaw and others informed about it.

**Stuart McMillan (West Scotland) (SNP):** The cabinet secretary highlighted a number of action points in her statement. Will she outline how the Scottish Government will ensure that health boards are implementing Lord MacLean's recommendations?

**Shona Robison:** I am happy to do that. As I said in my statement, we need to do more than ask boards to provide assessments against the 65 recommendations. They obviously did that, but we need to ensure that assurance systems are place, so that we know that what boards are telling us is actually happening. That is not to question whether boards are telling us the truth; we just need to assure ourselves that that is the case.

The chief nursing officer has written to ask NHS boards for progress reports. As I said in my statement, this time the reports will be considered and agreed by each board's area partnership forum, area clinical forum and, importantly, the public involvement network in order to ensure that what the report says is correct. The role of the implementation and reference groups is critical in reviewing which recommendations are scrutinised as part of existing governance, and in ensuring that efforts are focused. The involvement of families and patients in the implementation and reference groups is really important because it provides an external assurance process.

I hope that that gives Stuart McMillan some reassurance. I will be happy to keep Parliament updated. The website will be populated with a lot of the information that comes back to us. Members should be assured that there will be external and rigorous investigation and probing of what boards tell us.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I welcome the cabinet secretary's decision to ensure that the next round of reports is signed off by the partnership and clinical fora, and by the

people who are involved in the network. Publication of the data by health board is also really important.

HAI reports on the elderly show no record of cognitive assessments having been done in 50 per cent of patients, and Scottish research shows that the figures are even worse where there is a diagnosis of dementia prior to admission. Also, repeated reports have to be made on things such as peripheral vascular catheter bundles. The cabinet secretary is giving the HEI powers, but will she give the HAI task force teeth to enforce when it finds that it has to repeat requirements in successive reports?

**Shona Robison:** The HAI reports are rigorous and they do not pull any punches. They are sometimes hard reading and that is as it should be. If standards of care are not as good as they should be, we need to know about that.

Some more recent reports show significant improvement in respect of the problems that previous reports highlighted. I made it clear to board chairs and, through them, the chief executives that I did not expect them to wait for HAI reports to be done on their facilities and hospital wards, but to look at the reports that had already been published, learn the lessons and assure themselves personally that what is going on in their wards and hospitals is up to the required standard.

On the HAI task force and our oversight of it, we will make sure that issues that are raised, especially if they are raised often, are addressed across all our board areas. I will also be happy to keep Parliament updated on that.

**The Presiding Officer:** I need to finish this item of business by 3 o'clock. A number of members wish to ask questions, so it would be helpful if members could keep their questions brief, and if we could have brief responses from the cabinet secretary.

**Stewart Maxwell (West Scotland) (SNP):** What progress is being made by the Scottish antimicrobial prescribing group?

**Shona Robison:** The group has made a lot of progress. In response to a previous question from Nanette Milne, I outlined the important progress that has been made and the statistics that show the important work that is being done. We are working with the group and with Health Protection Scotland to reduce inappropriate use of antibiotics in order that we can combat the emergence of resistant organisms. There was a five-year Scottish management of antimicrobial resistance action plan, which is now complete.

It is important that we are working closely with the UK Government and other devolved

Administrations on the UK five-year AMR strategy, which was launched two years ago and which, in its first annual report, showed good progress across all the Administrations. I will be happy to put a bit more detail about that on the record later in order to save time now, Presiding Officer.

**Alison McInnes (North East Scotland) (LD):** The report highlighted in its recommendations the need to

“ensure that the staffing and skills mix is appropriate for each ward, and that it is reviewed in response to increases in the level of activity”

and/or

“dependency in the ward. Where the clinical profile of a group or ward of patients changes”

there must be a

“review framework and process ... to ensure that the ... skills base ... requirements”

are met. What discussions has the Scottish Government had with health boards on the feasibility of implementing such a review framework and process? What support will it give to that?

**Shona Robison:** A lot of work has gone on around that, particularly on getting the workforce planning tools correct. This is not just about staffing and staff ratios on particular wards, albeit that those are important. It is also about the skills mix and, potentially, changing levels of acuity in the ward.

When I met patient representatives earlier today, an emerging issue was that there must be the ability to respond quickly with flexibility to increase staffing levels when required. Therefore, the work is important: indeed, it is central to our work with boards. We will ensure that information on that goes on the website as the work progresses.

**Bob Doris (Glasgow) (SNP):** I welcome the Scottish Government giving powers to the Healthcare Environment Inspectorate to close wards to new admissions. I hope that that power will be used only rarely, given the significant fall in HAIs. Is the Scottish Government confident that the HEI will have access to appropriate information that will allow it to move swiftly to use the power in the unlikely event that it is needed?

**Shona Robison:** Obviously, we hope that circumstances would seldom arise in which HEI would have to use that power. However, that is an important recommendation and backstop. Infection control teams have powers in that regard. It is an important additional power. HEI will have at its fingertips all the information that it will require to make its decisions. As we progress the secondary legislation that will put in place that power, we will

ensure that there is guidance so that closure of wards can be achieved quickly.

**Rhoda Grant (Highlands and Islands) (Lab):** What enforcement powers is the Scottish Government giving to the Healthcare Environment Inspectorate? When will it have those powers?

**Shona Robison:** HEI has a great many powers, which members can see by the scope of its reports. As I said to Dr Richard Simpson, the reports are hard hitting. Nothing holds back HEI from carrying out its work, and it is doing a good job.

The secondary legislation to which I have just referred, which will give the power in respect of ward closures, will be introduced later this year.

It is important to recognise that, as we sit here, our infection control teams have quite considerable powers to react to infection outbreaks. As I said to Jenny Marra, there is an escalating set of responses to ensure that outbreaks are brought swiftly under control. Nothing stands in the way of the action that can be taken by the infection control teams. I would not want people to think that there are not procedures for responding quickly to outbreaks. The additional power that I have mentioned will help as a backstop, should HEI require to use it.

**Richard Lyle (Central Scotland) (SNP):** I note that the cabinet secretary said that we will learn lessons from the inquiry. What work has the Scottish Government done to look back at reports in recent years on patient care from elsewhere in the UK in order to ensure that lessons are learned here in Scotland?

**Shona Robison:** My response to Dr Richard Simpson was along similar lines. Following publication of the Francis report and, more recently, the Morecambe Bay report, we have written to all NHS boards asking them to take account of the reports' finding and to assess themselves against their recommendations.

Health Protection Scotland currently reviews reports from outside Scotland and provides relevant guidance if a report contains recommendations that are not already covered in Scotland. Richard Lyle should be assured that wherever a report is from—whether it is issued in another part of the United Kingdom or internationally—we will always look to see whether there are any lessons to apply to the health service in Scotland.

**The Presiding Officer:** That ends the statement from the cabinet secretary. I offer my apologies to Dennis Robertson.

## Provisional Outturn 2014-15

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement from John Swinney on the provisional outturn for 2014-15. The Deputy First Minister will take questions at the end of his statement, and there should therefore be no interventions or interruptions.

15:00

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** I welcome the opportunity to update Parliament on the implementation of the 2015-16 Scottish budget and to provide a statement on the provisional budget outturn for the 2014-15 financial year.

The recently announced additional summer budget, scheduled for 8 July, is expected to set out further information about the United Kingdom Government's approach to future public expenditure. It will be followed by a comprehensive spending review, conducted by the UK Government, which is likely to report in the autumn.

The Scottish Government's 2016-17 budget will be presented after the publication of the UK spending review, and I will liaise with the Finance Committee on timings for the announcement of the budget once the date of the UK comprehensive spending review is made clear.

Turning firstly to this year's budget, I know that many in Parliament share my concern about the impact of the Chancellor of the Exchequer's announcement on 4 June that he is making further budget reductions in 2015-16. For Scotland, those amount to reductions of £91 million in our resource departmental expenditure limit budget and £16 million in our capital DEL budget, which come to a total of £107 million. Those reductions should be seen in the context of the 9 per cent real-terms reduction that we were already facing in our fiscal DEL budget over the current spending review period.

I have already made it clear that, in my view, it is unacceptable for reductions to be imposed in this financial year to a budget that has already been agreed by the Scottish Parliament. I met the chancellor on 8 June and urged him to reconsider his approach both to the in-year cuts that he has just announced and to his plans for future public spending. In parallel, the First Minister wrote on 4 June to all Scottish party leaders, inviting them to make similar representations to the UK Government.

The Scottish Government will continue to argue for an end to austerity and for a moderate increase

in spending on public services of 0.5 per cent a year in real terms between 2016-17 and 2019-20. That would allow us to continue to invest in our public services while ensuring the sustainability of the public finances. However, while we continue to pursue that case, we have to consider how we might meet the challenge that is presented by cuts to our budget this year and the prospect of further cuts to come.

I confirm to Parliament that the Scottish Government will do everything possible to mitigate the impact of those cuts, and all decisions that we take will ensure that we continue to focus on our priorities of growing the economy, protecting public services and tackling inequality.

We await clarity from the UK Government about the detail of its intentions, but the Institute for Fiscal Studies has estimated that future cuts to departmental budgets will amount to around £24 billion, with a further £12 billion in cuts to welfare. The scale of those future challenges could require us to tackle some of the chancellor's 2015-16 budget reductions during this financial year. Those could be given effect at the autumn or spring budget revision.

I will consider the impact of the reductions in this year's budget in light of any further information that is provided by the UK budget on 8 July, and I will advise Parliament of the actions that I intend to take to address this issue after the summer recess.

Parliament should also be in no doubt, however, that as we approach the 8 July UK budget I will continue to make the firmest possible representations to the chancellor for a change in the UK Government's strategy. Furthermore, I will continue to stress the importance of proper and effective consultation with the Scottish Government—and, indeed, other devolved Administrations—ahead of future budget announcements. I would welcome members' support in those efforts.

I turn to the provisional outturn statement for the financial year 2014-15. Today's outturn figures must be set in the context of continued UK Government reductions to the Scottish budget. Since 2010-11, the Scottish Government has managed a 25 per cent real-terms cut to the capital budget as part of dealing with the near 9 per cent real-terms decline in discretionary public spending over that period. We have managed that issue while doing all that we can to boost the economy and invest in public services.

Under the current devolution settlement, the Scottish Parliament is not allowed to overspend its budget. Attempting to spend the exact amount that is contained in the budget carries a considerably

increased and difficult-to-justify risk of breaching the budget cap.

As a consequence, I have consistently adopted a position of controlling public expenditure to ensure that I live within the budget cap but remain able to carry forward any spending power resources for use in a future year. That is now a common—and, I would argue, prudent—feature of the Scottish Government's financial strategy that drives the Parliament's annual budget process.

In 2014-15 the Scottish Government has again demonstrated sound financial management. I can report to Parliament that within the fiscal DEL—the resources over which this Parliament has discretion—the provisional outturn for 2014-15 is expenditure of £28,598 million against a limit of £28,790 million.

That means that there is an overall fiscal DEL cash carry-forward of £151 million in resource spending and £41 million in capital spending. On resource, that reflects the carry-forward of budgets as part of our financial planning over the years 2014-15 and 2015-16. On capital, the £41 million reflects some movements in the profile of capital investment projects in 2014-15, such as the saving of £5.6 million in Glasgow's fastlink programme and £16 million in housing capital receipts, among a range of other changes. The full £41 million, along with the £151 million in resource spending, will be carried forward for reinvestment in 2015-16.

There is also a provisional outturn of £12 million in respect of financial transactions that are ring fenced for loans and equity investment outside the public sector. That will be carried forward to support the investment programme in 2015-16.

Overall, including the financial transactions, that means that we will be carrying forward 0.7 per cent of the total 2014-15 Her Majesty's Treasury budgets. My intention is that the full amount will be carried forward, utilising the budget exchange facility that has been agreed by the devolved Administrations and HM Treasury. That will ensure that there is no loss of spending power to the Scottish Parliament.

As I have previously informed Parliament, at this stage £150 million of the 2014-15 resource DEL carry-forward, together with a further £300 million of non-cash budget cover from HM Treasury, has been earmarked as contingency while the outcome of the Office for National Statistics classification review of the Aberdeen western peripheral route non-profit-distributing project is awaited.

The Scottish Government remains committed to the NPD programme, which is supporting additional economic activity and is delivering benefits in communities throughout Scotland. The Scottish Government and the Scottish Futures

Trust believe that current project arrangements demonstrate consistency with the relevant classification guidelines, but while the ONS review remains in progress it is prudent to retain the contingency arrangements that are in place. The ONS operates independently, and I am therefore not in a position to advise when the process will finish, although the review is well under way.

Turning to non-cash DEL, based on the provisional outturn position, expenditure is lower than budget by £153 million. As the description suggests, those resources are not cash in nature; rather, they provide budget cover for differences between estimated accounting adjustments and the final amounts that are calculated. For example, £30 million relates to a lower than expected write-down of the carrying value of the income-contingent repayment student loan book. That is essentially an accounting adjustment.

When I reported those figures last year, some parties suggested that that money could be spent at my discretion on Scottish Government responsibilities. I make it absolutely clear to members in the chamber that those non-cash figures are not resources that are available to fund other spending. That is not at my discretion. I wish it were not the case, but it is a basic fact of Government finance that under rules set out by the Her Majesty's Treasury over many years such budgets cannot be used to fund other services.

Today's 2014-15 provisional outturn figures demonstrate once again this Government's firm grip on Scotland's public finances. As for 2015-16, I have made clear my view that it is unacceptable for reductions to be imposed in this financial year to a budget that has already been agreed by the Scottish Parliament.

**The Presiding Officer:** The Deputy First Minister will now answer questions on issues raised in his statement. I intend to allow 20 minutes for questions. It would be helpful if members who wish to speak could press their request-to-speak buttons now.

**Graeme Pearson (South Scotland) (Lab):** I thank the Deputy First Minister for early sight of his statement.

In 2007, the Scottish budget was over £32 billion, and the current budget sits at £35.4 billion. For eight years now, Mr Swinney on behalf of his Government has stated his commitment to social justice, rightly decrying the failures of previous Administrations and Governments in that regard. Mr Swinney might remember that, in his initial presentation of the 2014-15 budget in September 2013, he made no specific mention of inequality and, at stage 1 of the budget bill, he failed to mention the term again, even though Iain Gray and Michael McMahon highlighted the absence of

a discernible long-term plan or strategy to reduce inequality and eradicate poverty. Indeed, Mr Gray pointed out, unchallenged, that a £1 billion anti-poverty programme had been missing since 2007.

In that light, the report in today's *Herald* about the centre on constitutional change's update for the David Hume Institute makes sobering reading. This morning, Jim Eadie honourably commented from the back benches on the implications of the report—

**The Presiding Officer:** Can we have a question, please?

**Graeme Pearson:**—which highlights the gap between the super-poor and the super-rich, and the Government's statement shows evidence of a lack of ambition in dealing with that matter. Will the cabinet secretary explain why he was unable to better manage Government moneys to ensure that a proportion of his annual DEL underspend, which currently stands at £151 million, was targeted at strategies designed to further protect the poorest in our society?

**John Swinney:** First of all, I see that Mr Pearson is making an issue of the fact that the accusation that we had somehow abolished £1 billion-worth of anti-poverty programme expenditure went unchallenged. I have to say that I have heard the Government challenge the point on countless occasions. When it came to office in 2007—in fact, in my first budget in the autumn of 2007—the Government devolved to local government programmes that had previously been delivered as part of the fairer Scotland fund, in one of the biggest acts of decentralisation that any Government has presided over. We gave local authorities the ability to adapt that expenditure to meet the challenge of inequality at local level and in our communities. Local authorities might have chosen to act in different ways with that expenditure, but that is a matter for which local authorities are accountable. This Government cannot be accused of not equipping them with the measures and resources to enable them to act at local level to tackle these issues.

On the wider question of the management of the 2014-15 budget, the budget advances a range of different propositions to tackle inequality, not least of which is the £100 million that I have provided for and which the Government is using to ensure that we do what we can—and I stress that phrase “what we can”—to deal with the implications of the UK Government's welfare reforms. If the Government had not taken the steps that it did, 500,000 low-income households would be paying more council tax as a result of the cut to the council tax benefit scheme that was imposed by the Conservative Government.

I simply ask Mr Pearson to reflect on some of those examples, not least of which is the Government's economic agenda, which is focused on getting people into employment. I note that Scotland has the highest employment rate of any country in the UK; indeed, we have just seen a 14,000 increase in the number of people in employment, which demonstrates the effect of the Government's focus on boosting employment in Scotland. The Government will continue to support the agenda at the heart of its programme of encouraging the creation of employment opportunities and tackling inequality.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the Deputy First Minister for the advance copy of his statement.

The £192 million cash underspend that the Deputy First Minister is carrying forward into the current year rather puts into context the in-year budget reduction of £107 million that he is so exercised about—the underspend is nearly twice as much. In all his complaints about UK austerity, there is no mention of the super-austerity that would hit us with the Scottish National Party's policy of full fiscal autonomy.

I will ask the Deputy First Minister three questions. First, can he confirm that he has had Barnett consequentials totalling £242 million for 2015-16, meaning that, even with a reduction of £107 million, the Scottish budget has seen a net increase of £135 million? Secondly, given that the area with the largest underspend is infrastructure, investment and cities, can he provide more detail of how that sum was arrived at? Thirdly, can he tell us how much was invested under his flagship NPD programme in 2014-15?

**John Swinney:** I welcome Murdo Fraser to his post as the Conservative finance spokesperson and I look forward to debating these issues with him in the months and years to come.

There is a fundamental difference between the £192 million of resources that the Government is carrying forward into 2015-16 and the reduction in our budget of £107 million that has been applied in year by the Conservative Government. The difference is that we will be able to spend the £192 million that we are carrying forward—that will remain part of our spending power—whereas we have lost the £107 million in spending power. It is a very simple concept to grasp that the sensible management of our public finances to ensure that we comply with the Treasury requirement to live within the budget cap enables the Government to carry forward a limited amount of resources to spend in the current financial year, whereas the Conservative Government has removed £107 million from our budget once and for all—that money will not return, according to the chancellor.

I hear Mr Johnstone muttering about the Barnett consequentials. All the discussions about the Barnett consequentials must be considered in the context of the 9 per cent real-terms reduction in the budget that the Government is wrestling with. It is all very well for Mr Johnstone and Mr Fraser to cherry pick elements of the budget, but it is my duty to inform Parliament of the comprehensive position—as I always do—and not succumb to the Conservatives' cherry-picking tendency on the issue.

As Mr Fraser will appreciate, there are a number of factors that contribute in different ways to the position of the infrastructure budget. There has been an underspend on rail services given that the costs of mobilisation for the Commonwealth games and the franchise were not as great as we estimated. However, there has been an overspend on the roads maintenance budget to ensure that we did more roads maintenance—I would have thought that that might go down well with Mr Johnstone and Mr Fraser, among others. A variety of other factors also relate to the overall infrastructure budget.

I do not have to hand a precise figure for NPD project expenditure over the course of the year, but I can say that there has been expenditure on the M73/M74/M8 improvements at Raith—which took me on a few detours when I passed through there the other day—and on the Aberdeen western peripheral route, to name just two projects that are on-going. The Scottish National Blood Transfusion Service project is also under way. I will happily write to Mr Fraser providing a comprehensive explanation of the NPD expenditure for this year.

**The Presiding Officer:** I need to finish this session at 15:30. A number of members wish to ask questions, so I ask for brief questions and fairly brief answers.

**Mark McDonald (Aberdeen Donside) (SNP):** Will the budget that is carried forward from the underspend be utilised to fund public services and benefit the people of Scotland? Does the cabinet secretary, like me, find it quite telling that the Conservative Party seems to think that it is fine to take money away from public services in Scotland but not so much to invest in those public services?

**John Swinney:** I assure Mr McDonald that the resources that are carried forward will be used to support public services. A substantial proportion of those resources is already factored into the budget.

To save the cost of a stamp for a letter to Mr Fraser—given that we are being so efficient—I can advise him that £614 million was deployed on NPD programmes and £428 million was deployed on regulatory asset base enhancements for the

rail network, giving a total additional capital expenditure, because of those two channels, of more than £1 billion in 2014-15.

**Willie Rennie (Mid Scotland and Fife) (LD):** I thank the Deputy First Minister for advance sight of his statement. I do not wish to intrude on the private spat between Murdo Fraser and John Swinney, mainly because I do not have to defend these matters any more. However, I observe that a £107 million Westminster Conservative cut is punishment but a figure of almost double that amount is apparently prudent. I observe the contrast between the two.

On the ONS review of the NPD programme—this is a serious question—does the Deputy First Minister have an estimate of the level of contingency that he may require if the outcome is not in his favour? How confident is he that the conclusion of that review will find favour with the Government?

**John Swinney:** First, I reiterate something that I think needs to be reiterated given Mr Rennie's comment, although I thought that my explanation to the Conservatives was crystal clear. The difference with the £192 million is that we can continue to spend that money, but we cannot spend the £107 million, because it has been taken away from us. It is as simple as that. The £192 million remains within our control to be deployed on future projects. We have lost the £107 million; we will not get it back unless the chancellor changes his mind, so we cannot spend it.

On the ONS review, my officials have engaged substantively with the ONS in the process that is being undertaken. What we have put in place for 2014-15 is essentially a potential contingency of £450 million—£150 million from the Scottish Government and £300 million in non-cash contingency provision from the UK Government. I say to Mr Rennie in the spirit of openness to Parliament that, at this stage, I do not think that that will be required even if a decision is unfavourable to us. However, as he will appreciate, I have to make provision to enable us to live within the resources that are available to us. I do not think that that level of provision would be required if the decision is unfavourable to us.

I believe that we have taken all considered steps that could be taken to ensure the private sector classification of the Aberdeen western peripheral route project, but I obviously respect the fact that that is ultimately a matter for judgment by the ONS, and its word on this matter is final.

**John Mason (Glasgow Shettleston) (SNP):** Does the cabinet secretary share my frustration that after he has spent hours and hours setting a budget with an overall budget cut of 9 per cent since 2010 and the Finance Committee has spent

hours and hours—as have other committees—looking at it, we face this in-year reduction of £107 million? Surely no organisation, be it a charity, a company or a Government, should be making cuts like that in the financial year.

**John Swinney:** Bluntly, I think that it is bad practice. It leads to Governments having to review and reconsider priorities that have been carefully evaluated by not just the Finance Committee—I say that with the greatest of respect, because the Finance Committee carries out that process diligently—but other committees, which look at different portfolios into the bargain. I have made it clear that we object to it and I assure Mr Mason that we will do all that we can to mitigate the effects of such actions.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I thank the cabinet secretary for his statement and, indeed, Murdo Fraser and Willie Rennie for pre-empting my questions on the infrastructure budget and the ONS review. I have a particular interest in the latter, as the north-west Edinburgh partnership centre, which will serve my constituency, is delayed by it. As I think that this is the first time that the matter has come up in the chamber, could the cabinet secretary go into a bit more detail about the precise ONS issue and say how the project would have been classified under his assumptions and how it may be classified if the worst comes to the worst?

**John Swinney:** The issue is the application of new accounting regulations by Eurostat. The European system of accounts 2010—ESA10—is a set of accounting rules that looks at a variety of questions, some of which touch on the classification of projects and how they affect the total volume of debt that is carried by individual member states of the European Union. The process is designed to provide a comparable estimate of the level of debt that is carried country by country across the European Union so that the levels of debt can be assessed on a comparable basis. Frankly, those definitions are constantly changing and are also then the subject of reinterpretation.

The issues broadly relate to the governance of projects and whether they are controlled by the public sector or the private sector, and the acceptability of the approach to profit capping that is implicit in the NPD programme. Those are the issues that are being explored. That is part of the Government's efforts to put in place a more fiscally sustainable approach to investment in our public estate that is more affordable and efficient than private finance initiatives and which strips out what we consider to be the unhealthy profits that were implicit in PFI. That is the Government's approach to tackling that issue and securing investment in our public estate.

**Kenneth Gibson (Cunninghame North) (SNP):** In the cabinet secretary's statement, he mentioned that he met the chancellor and asked him to reconsider his approach to in-year cuts and his plans for future public spending. I commend the cabinet secretary for securing a £70 million reduction in the proposed cuts. He added that, on 4 June, the First Minister wrote to all Opposition leaders asking them to make similar representations.

**The Presiding Officer:** I need a question, Mr Gibson.

**Kenneth Gibson:** What has been the response to that?

**John Swinney:** I am not aware of responses to that point from Opposition leaders, but I can certainly assure Mr Gibson that the Government will be very clear in articulating its concerns and its opposition to the changes.

**Nigel Don (Angus North and Mearns) (SNP):** Somebody ought to point out that being within 0.7 per cent of a budget is not only prudent but extraordinarily good cash management. On the other hand, my constituents will be very concerned to know—

**The Presiding Officer:** I need a question, Mr Don.

**Nigel Don:** I am sorry—the question is coming. My constituents will be concerned to know what the cabinet secretary is able to do to continue capital expenditure on flood, road and other schemes in my constituency. Could he give me some assurance about what we will be able to do in the future?

**John Swinney:** The capital budget for 2014-15 from the UK Government totalled £2.778 billion. That will decrease to £2.693 billion in 2015-16. However, as a consequence of the additional investment streams that the Scottish Government has put in place, the total capital budget for Scotland in 2014-15 was just above £4 billion. In 2015-16, it will be £4.5 billion, despite a reduction from the UK Government. That is because of the investment that we are making through the regulatory asset base, the NPD programme and other measures. Therefore, I can assure Mr Don of the Government's absolute commitment to maintaining capital expenditure as a central part of how we deliver economic recovery in Scotland.

**Richard Baker (North East Scotland) (Lab):** Given the current pressures on public services, can the cabinet secretary confirm whether the underspend on resource DEL, which he has discretion over, has gone up or down this year?

**John Swinney:** The resource DEL underspend is slightly higher than it was last year. The figure is

£151 million compared with £144 million last year, which is an increase of £7 million since 2013-14.

**Stuart McMillan (West Scotland) (SNP):** Can the Deputy First Minister confirm that the Scottish Government will continue to do all that it can to mitigate the impact of the welfare cuts on the Scottish people?

**John Swinney:** Yes, we will do all that we can. However, as I said in my original answers, we are now spending about £100 million on welfare reform mitigation measures and, because of the changes in welfare, that requirement will become ever more significant in the years to come. The Government will do all that it can within its budget process to protect individuals, but we have to make those choices within the resources that are available to us.



## Scottish Elections (Reduction of Voting Age) Bill: Stage 3

15:30

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is stage 3 proceedings on the Scottish Elections (Reduction of Voting Age) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP bill 66A as revised; the marshalled list, which is SP bill 66A-ML as revised; and the list of groupings, which is SP bill 66A-G.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

### **After section 1**

**The Deputy Presiding Officer:** Group 1 is on power to make provision in connection with legal capacity of detained 16 and 17-year olds to vote. Amendment 5, in the name of Alison McInnes, is the only amendment in the group.

### **Alison McInnes (North East Scotland) (LD):**

Today, members will rightly celebrate the fact that we will finally grant 16 and 17-year-olds the right to vote in Scottish Parliament and local elections in Scotland from next May. We all agree that that is long overdue. However, with that opportunity come both moral and legal obligations. The bill will not extend the franchise to every 16 and 17-year-old: as it stands, around 100 young people held in young offender institutions will still be denied the right to vote.

Those young people are already among the most disengaged youths in our society. We know that to reduce reoffending we must do more to ensure that offenders are equipped and prepared to rejoin our communities, and part of that is ensuring that they are more aware of their responsibilities as citizens. Why, then, are we choosing to reinforce the sense that they are alienated and that we have given up on them? Why are we saying that their rights do not count?

Amendment 5 would enable Scottish ministers to lift the blanket ban on those young offenders voting by amending its source, which is section 3 of the Representation of the People Act 1983. Thereafter, through regulations and after consultation, the amendment would enable

ministers to make their own arrangements, compliant with the European convention on human rights, and to decide which young people in penal institutions should be granted the vote. That decision could be based on various considerations, including the nature of the offence, the length of the sentence or the time still to be served.

The blanket ban in the UK and Scotland on prisoner voting is not legal, fair or progressive. The ban is shamefully unique among developed democracies in Europe, and the courts have repeatedly found it to be in breach of the European convention on human rights. The Scottish Parliament's founding principle of respect for human rights, enshrined in section 29(2)(d) of the Scotland Act 1998, requires us to ensure that any legislation that we pass is compatible with the ECHR. However, if the bill were to be passed without the inclusion of amendment 5, Parliament would risk doing just the opposite.

The bill amends section 2 of the 1983 act, on the voting age, but it is not clear what, if anything, in the section 30 order would prevent the Scottish Parliament from also disapplying section 3. Indeed, we must remember that the 1983 act is silent on the subject of 16 and 17-year-olds. That is why it is so important that amendment 5 is debated and the Parliament's competence and obligations in the area put to the test.

The cabinet secretary will no doubt seek to persuade Parliament to vote against amendment 5, conveniently relying on the view that the section 30 order is narrowly drawn. It is a plausible argument and has some merit, but in his response to the amendment, the cabinet secretary must not only rely on that rather timid argument, but explain why the Government is satisfied that the bill does not contravene the ECHR.

Today is an opportunity to be bold, to take a different approach and to show that Scotland upholds everyone's human rights, even when some might find that distasteful.

I move amendment 5.

**Elaine Murray (Dumfriesshire) (Lab):** There is a debate to be had regarding whether some offenders in custody should be eligible to vote in elections and what the criteria for eligibility should be. For example, should short-term prisoners or offenders who are coming to the end of their sentence as part of their rehabilitation programme be eligible to vote? For those who make a country's laws, there is also a strong argument that when someone is imprisoned for a serious infringement of the law, part of their punishment is the suspension of the right to vote for part or all of the period of detention.

However, the bill before us is not the vehicle for a rehearsal of those arguments; the bill is about 16 and 17-year-olds being able to vote next year. Amendment 5 would enable the franchise to be extended to 16 and 17-year-old offenders in prison, but not to older offenders in prison. I suspect that that could be the basis of a human rights challenge or an argument about age discrimination with regard to offenders over the age of 18 who, unlike younger offenders, would not be able to vote.

We will therefore vote against amendment 5, although we agree that the question whether all offenders in prison should be disenfranchised for the entire period of their imprisonment needs to be thoroughly examined in another forum.

**Annabel Goldie (West Scotland) (Con):** Alison McInnes's amendment 5 raises two issues: one is the technical issue about human rights, to which she referred; and the other is a more general issue of principle, to which Elaine Murray referred.

On the technical issue, my recollection is that it was exhaustively and comprehensively investigated when we debated lowering the voting age for the independence referendum, and that reassurances were given that such a proposal was compliant. I therefore consider that the human rights argument in this instance is not well founded.

The issue of the general principle is an important one; it is quite simply the issue of whether, in the case of somebody who has had their liberty removed from them because they offended against society and the court saw fit to detain them, one of the consequences should be a suspension of their right to vote. In my opinion and that of my party, it is reasonable to take the view that that right should be suspended, and I think that that view is supported by the broader spectrum of public opinion. For that reason, my party will not support amendment 5.

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** The issue of prisoner voting is determined, defined and constrained by the terms of the Representation of the People Act 1983, section 3(1) of which provides that a

“convicted person ... detained in a penal institution in pursuance of”

their

“sentence is legally incapable of voting”

in any election in the United Kingdom.

The Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc) Order 2015 does not give the Scottish Parliament the legislative

competence to alter section 3 of the 1983 act or to make any other provision about when someone is or is not “legally incapable of voting”. It therefore remains outwith the Scottish Parliament's legislative competence for us to make provision in respect of participation in elections for people of any age—the issue that Dr Murray raised—who are in prison “in pursuance of” a sentence; existing United Kingdom law determines that entitlement.

I hope that, as a consequence of that explanation, it is understood by members that even if Parliament considered that what amendment 5 proposes would be a desirable thing to do, it would be outwith the Parliament's legislative competence to act in that way. On that basis, and on the basis of the policy question, the Scottish Government opposes Alison McInnes's amendment 5.

Alison McInnes asked me to consider the issue of compatibility with human rights legislation, and she raises an important question in that regard. I understand the arguments that Alison McInnes and others have made about the European convention on human rights, but I think that there are strong and clearly stated arguments as to why the bill is entirely compatible with the ECHR.

Section 29(2)(d) of the Scotland Act 1998 provides that any provision in an act of the Scottish Parliament that is not ECHR compliant is outwith competence; provisions must be ECHR compliant to be within competence.

The Scottish Elections (Reduction of Voting Age) Bill does not contain any provision that is outwith competence. Apart from the reduction in voting age, the franchise is a reserved matter. The narrowness of the section 30 order—about which I make no complaint, I should add—constrains Parliament to consideration of the reduction in the voting age and associated provisions. It does not provide Parliament with a general power to amend the eligibility provisions and the questions of franchise, which remain a reserved matter in terms of section 3 of the Representation of the People Act 1983.

In addition, the bill as introduced attracted a certificate of legislative competence from both the Scottish Government and, more important, the Presiding Officer. The bill does not and cannot make any provision that interferes with reserved matters. The matter of prisoner voting is reserved by section 3 of the 1983 act and its effects.

The Scottish Parliament does not have the necessary powers to change the position on prisoner voting. Once the remaining powers in relation to Scottish parliamentary elections and local elections are devolved to Parliament through the Smith process, which is of course the subject of the Scotland Bill that is currently being

considered by the House of Commons, it will be for the Scottish Parliament to consider whether to change the current position on prisoner voting. However, the Scottish Government has no proposals to amend the rules on prisoner voting.

On the basis of two points—the point about policy that I have just set out and the point about legislative competence—the Government opposes Alison McInnes's amendment 5.

**Alison McInnes:** The section 30 order hands this Parliament the power to legislate for 16 and 17-year-olds—not just some 16 and 17-year-olds. The Law Society of Scotland does not agree with Mr Swinney's interpretation of whether it is competent to use the section 30 order to do what my amendment proposes. It is appropriate, I think, to test it.

Following a meeting earlier this month with Liberty, the First Minister said:

"Scotland and the United Kingdom have a strong record on human rights".

When it comes to prisoner voting, however, that is simply not true. We are not just stubbornly trailing behind international best practice; Scotland and the UK are breaking international law. The Scottish National Party and other parties represented in the Parliament should not pick and choose which human rights to uphold and which to brush under the carpet because they might generate uncomfortable headlines.

Ms Goldie mentioned the petition for judicial review following the Scottish Independence Referendum (Franchise) Act 2013, saying that the matter had been properly tested. Of course, that is a different issue, as the question, and the ruling, which went all the way to the Supreme Court, made quite clear. The ruling from Europe did not relate to referendums; it was limited to elections.

It is not good enough to blame a legal catch-22. We need to break the impasse. Mr Swinney uses the reductive, circular argument that we are not allowed to make laws that do not comply and that, therefore, if we have made a law, it complies. That is not sensible at all.

**Mark McDonald (Aberdeen Donside) (SNP):** Will the member give way?

**Alison McInnes:** No—I am just closing.

I appeal to the First Minister and the Cabinet Secretary for Justice: do not be timid about this; do the right, progressive thing.

Members should vote for amendment 5 and, if need be, we can allow the courts to decide whether we have overstepped the scope of the section 30 order. Scotland will be the better for that, and we will have shown that the Parliament is prepared to stand up for human rights and to take

a different approach from that taken by Westminster. [*Interruption.*]

**The Deputy Presiding Officer:** Order, please.

**Alison McInnes:** I hear sedentary interventions about the rights of all 16 and 17-year-olds being taken away, but that will not happen. As we have seen before, when there is a challenge to such a piece of legislation, it is expedited all the way through the courts within weeks.

**The Deputy Presiding Officer:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division, I suspend proceedings for five minutes.

15:44

*Meeting suspended.*

15:49

*On resuming—*

**The Deputy Presiding Officer:** We will now proceed with the division on amendment 5.

**For**

Finnie, John (Highlands and Islands) (Ind)  
Harvie, Patrick (Glasgow) (Green)  
Johnstone, Alison (Lothian) (Green)  
McArthur, Liam (Orkney Islands) (LD)  
McInnes, Alison (North East Scotland) (LD)  
Scott, Tavish (Shetland Islands) (LD)  
Urquhart, Jean (Highlands and Islands) (Ind)  
Wilson, John (Central Scotland) (Ind)

**Against**

Adam, George (Paisley) (SNP)  
Adamson, Clare (Central Scotland) (SNP)  
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Baxter, Jayne (Mid Scotland and Fife) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Biagi, Marco (Edinburgh Central) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Brodie, Chic (South Scotland) (SNP)  
Brown, Gavin (Lothian) (Con)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Buchanan, Cameron (Lothian) (Con)  
Burgess, Margaret (Cunninghame South) (SNP)  
Campbell, Roderick (North East Fife) (SNP)  
Carlaw, Jackson (West Scotland) (Con)  
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Davidson, Ruth (Glasgow) (Con)  
Dey, Graeme (Angus South) (SNP)  
Don, Nigel (Angus North and Mearns) (SNP)  
Doris, Bob (Glasgow) (SNP)  
Dugdale, Kezia (Lothian) (Lab)  
Ewing, Annabelle (Mid Scotland and Fife) (SNP)

Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division on amendment 5 is: For 8, Against 86, Abstentions 0.

*Amendment 5 disagreed to.*

### **Section 15—Looked after children: promoting awareness and providing assistance**

**The Deputy Presiding Officer:** Group 2 is on persons in relation to whom duty to promote awareness and provide assistance applies. Amendment 1, in the name of the Deputy First Minister, is grouped with amendments 2 to 4.

**John Swinney:** These amendments arise from evidence given to the Devolution (Further Powers) Committee by the centre for excellence for looked after children in Scotland.

Although CELCIS welcomes the provision in section 15 to place a duty on local authorities to ensure that looked-after children were aware of, and given assistance with, the appropriate arrangements to register as local government electors, it argued that the duty should be extended.

Section 15 currently covers young people who are looked after by a local authority under the terms of section 17(6) of the Children (Scotland) Act 1995. CELCIS suggested that the provisions in the bill should be extended to include young people who were formerly looked after and are now either continuing in the care placement or receiving aftercare services.

Having considered the issue, including during its oral evidence session on 23 April, the committee expressed sympathy for the proposed extension in its stage 1 report. However, the committee felt that “consideration needs to be given as to how a local authority could be expected to deliver on such a duty”.

During the stage 1 debate, I said that Scottish Government officials would discuss the issue with the Convention of Scottish Local Authorities to determine whether there was a proportionate and practical approach that could assist, while avoiding unreasonable burdens on local authorities. I am pleased to say that COSLA has since confirmed that local authorities would be happy, in principle, to support young people who are continuing in care or who have left care in registering to vote.

However, like the committee, COSLA was keen to ensure that the extended duty should be framed in a way that recognises the practicalities of delivering aftercare and that account should be taken of any practical issues with the delivery of the duty.

The amendments that we have lodged for consideration by Parliament at stage 3 are designed to extend the duty to the relevant group of young people while allowing local authorities to decide how best to put the extended duty into practice.

After it has promoted awareness of the relevant registration arrangements among members of the relevant group, it will be for the local authority to “take such action as the authority considers necessary” to help them register.

Our discussions with COSLA have identified the need for clear and practical advice in that area. We have agreed to develop such advice, in consultation with local authorities, CELCIS and others.

Statutory guidance on corporate parenting duties under the Children and Young People (Scotland) Act 2014 will be published next month. That guidance has been produced in close collaboration with local authorities and relevant stakeholders, and I would expect the guidance on electoral registration to be produced in a similar manner.

It is right that, where there is an identified need for assistance to ensure that young people are able to register to vote, that assistance is given to them. In particular, and as CELCIS said,

“Where young people are in receipt of aftercare services, it is consistent with the intention of the Children and Young People (Scotland) Act 2014 that the ‘advice, guidance and assistance’ referred to in the Act should include help for the young people concerned to register as local government electors”.

It is also right that, for the arrangements to be effective, we need to make sure that local authorities can deliver. Therefore, subject to Parliament agreeing to the amendments, the Scottish Government will work with all those concerned to develop effective guidance.

I move amendment 1.

**Lewis Macdonald (North East Scotland) (Lab):** We welcome the amendments because they clarify the duty on local authorities to advise and assist looked-after children in using their right to vote, and they do so in a proportionate and practical way.

As the cabinet secretary said, CELCIS provided very detailed evidence to the Devolution (Further Powers) Committee. It noted, among other things, that last year

“local authorities varied considerably in the extent to which they helped looked-after young people, who live in quite complicated situations.”—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 17.]

CELSIS did not intend to suggest that any councils were other than keen to be helpful and to provide appropriate assistance.

What the Deputy First Minister has described is an appropriate approach: it leaves discretion with local authorities, and it allows young people who have moved on but would still benefit from advice

and assistance to access it. Voting may not always be a young person’s highest priority when they move into a new tenancy, for example, but having access to those citizenship rights can help to address the disadvantage that those young people often face.

**John Swinney:** I welcome the productive outcome that has been achieved as a consequence of input from CELCIS and agreement across the chamber.

*Amendment 1 agreed to.*

*Amendments 2 to 4 moved—[John Swinney]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## Scottish Elections (Reduction of Voting Age) Bill

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-13529, in the name of John Swinney, on the Scottish Elections (Reduction of Voting Age) Bill.

15:57

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** I am pleased to open the stage 3 debate on the Scottish Elections (Reduction of Voting Age) Bill. This is the final legislative step in the process to give 16 and 17-year-olds a vote permanently in Scottish elections, and I thank everyone who has been involved in getting us to this stage. In particular, the thorough and detailed scrutiny by the Devolution (Further Powers) Committee has been invaluable in shaping this important legislation. I am especially grateful to the convener, the committee members, and the clerks for their constructive and helpful contributions, particularly given the challenging timescales that we have all been working to.

The section 30 order transferring the necessary powers to allow this Parliament to consider whether to lower the voting age came into force on 20 March this year. Less than two weeks later, I introduced the bill and the committee started its examination of our proposals that morning. Members will know the importance of giving electoral registration officers sufficient time to put in place the arrangements to allow 16 and 17-year-olds to be able to vote next May. That gave us our deadline for getting the legislation in place and, subject to this afternoon's vote, we will meet that deadline.

In the development of the bill, we have sought detailed views from experts in electoral administration and child protection. We have listened carefully to the range of views expressed and, where it was appropriate to do so, we have amended our proposals accordingly. We have taken on board detailed comments from registration officers and the Electoral Commission on the technical aspects of the bill and sought advice from experts in data protection and child protection to ensure that the bill's provisions addressed any concerns that were advanced.

We also worked closely with the Cabinet Office to develop a solution allowing young voters to enter their details online in the same way as older voters, which will ensure that the registration process is consistent for all electors and that young people have the same experience as other voters. That co-operation builds on the pragmatic approach that both Governments took to the

discussions to agree the detailed terms of the section 30/63 order, which transferred the necessary powers for the Scottish Parliament to lower the voting age. Like the bill, the section 30 order was developed and agreed to a challenging timetable.

At this stage, I place on record my thanks to the Secretary of State for Scotland and his officials for the way in which they have assisted us to meet that challenging timetable. It is not often that a narrative of co-operation between our two Administrations is celebrated in this chamber, but let me be the one to celebrate it this afternoon and to acknowledge the co-operation that has existed to enable us to undertake the reform and to do it in a timescale that has enabled electoral registration to be undertaken in the professional and thorough manner that all of us expect and require it to be undertaken.

### **Mark McDonald (Aberdeen Donside) (SNP):**

Although I agree with John Swinney regarding the timescale and the co-operation that has existed, does he agree that there is a regrettable juxtaposition? Although this Parliament will legislate today to give 16 and 17-year-olds the vote in Scottish elections, it looks as though the United Kingdom Government will resist efforts to give those same 16 and 17-year-olds the right to vote in the upcoming European Union referendum.

**John Swinney:** That is regrettable, but I am trying to be charitable, as is my wont. The experience of enabling 16 and 17-year-olds to vote in the independence referendum last September, which has been acknowledged as both an enormous political decision and a political responsibility that was taken immensely seriously by the young people who could vote in it, rather vindicated the strength of the argument to allow 16 and 17-year-olds to vote in elections. It is a real missed opportunity, on the part of the UK Government, not to enable 16 and 17-year-olds to vote in the EU referendum, which, like the independence referendum, is on a matter that is inextricably linked to the future of the country and therefore an issue in which young people will have more than a significant interest.

Continued constructive engagement with all those involved in the process to date has allowed us to progress the bill to a tight timetable, in order to ensure that the legislation will be in place in time to allow details of young voters to be collected during the 2015 household canvass. I thank all those involved for their willingness to engage and to share their knowledge and expertise.

It has been a long-standing policy of this Government to lower the voting age to 16 where we can, and I am pleased to say that that policy now has cross-party support across the chamber. I

am delighted to have reached consensus on the principle. Building on that, I have been impressed by the thoughtful, impassioned contributions that young people have made to the debate on the current proposals to extend the franchise permanently. Those contributions have made the case for extending the franchise, and Scotland's young people can and should be extremely proud of that.

The bill provides a detailed, workable and practical framework that will allow young voters to register for and vote in Scottish elections. As far as possible, we have tried to replicate the effect of the arrangements that were put in place at the referendum. We have taken particular care to ensure that the legislation strikes an appropriate balance between maintaining an effective, secure and transparent electoral registration process, and the clear need to ensure that data on the youngest voters is protected. I believe that the bill before us today achieves that balance.

The majority of the amendments that the Scottish Government lodged at stage 2 were the result of comments from stakeholders. For example, we lodged an amendment to ensure that no date of birth in respect of a 14 or 15-year-old would be printed on a household canvass form. That responded to concerns that were raised by registration officers and the Information Commissioner's Office, and it strengthens the protection of information on young people.

I am pleased to say that our discussions with the centre for excellence for looked after children in Scotland and Who Cares? Scotland before the bill was introduced have led to the inclusion of a new duty on local authorities to facilitate registration of looked-after children and promote awareness of registration among them. That duty has been extended to include young people in receipt of aftercare and continuing care, as a result of the amendments that Parliament agreed to this afternoon.

The next household canvass, which Scottish electoral registration officers will begin in August, will see young voters being asked to register for Scottish elections for the first time. We have worked closely with the UK Government and the Electoral Commission to ensure that the registration routes for young people—either online or through the use of a paper form—are clear, intelligible and easy to understand. We will continue to work closely with all those involved to ensure that the collection of data on young voters is as efficient and effective as possible, and that the arrangements set out in the bill translate into a workable registration framework.

I would like to return to the issue of political literacy, which has been the subject of much discussion during the bill's parliamentary passage.

Young people in Scotland have shown that they are more than ready to take on the responsibility of voting. I agree whole-heartedly with those in Parliament and elsewhere who have argued that young people deserve to have access to information on political events, and that information should be presented in a balanced and dispassionate manner. Such information will help young people with the choices that they have to make.

Political literacy is, and should be, a normal part of the school experience for young people. The current curriculum for excellence framework ensures that that is the case, by providing a framework for young people to develop political literacy skills through a balanced mixture of learning across the curriculum and through other activities, such as discussions, debates, mock elections and inviting visitors into schools. Education Scotland is in the process of reviewing its political literacy education resources for teachers. They are due for release in September and are designed to bring new and innovative ideas to the teaching of participation in democracy. I welcome the important work that Education Scotland has done on political literacy so far, and look forward to seeing the refreshed guidance when it is published.

During the stage 1 debate, I indicated that I would consider whether the Scottish Government could do anything further in the area. Political literacy is a crucial issue and I am keen that we do everything that we can to get it right for those young people who will vote for the first time May 2016.

I was struck by the contributions that Annabel Goldie and Rob Gibson made during the stage 1 debate on the apparent inconsistency of approach around the country. I am therefore pleased to say that Scottish Government officials will meet interested groups to discuss and agree the best way of achieving greater consistency. I expect those groups to include the Association of Directors of Education in Scotland, Education Scotland, the Electoral Commission and electoral administrators. If we have all the relevant experts around the table, I am confident that we can agree a way forward that ensures consistency and clarity of approach across Scotland. I will maintain a close interest in the work that is being done in that area to ensure that that happens, and I am keen to ensure that it commands all-party support.

The bill marks the final stage in the process to lower the voting age to 16 in Scottish elections. The engagement of young voters that was witnessed during the referendum, and the thoughtfulness and intelligence with which the debate was conducted, are a testament to Scotland's young people. I fully support the

extension of the franchise, and hope that we will soon see a UK-wide lowering of the voting age.

Presiding Officer, the bill is a moment in the history of Scotland and I am proud that our country will lead the way in engaging young people in our democracy.

I move

That the Parliament agrees that the Scottish Elections (Reduction of Voting Age) Bill be passed.

16:07

**Lewis Macdonald (North East Scotland) (Lab):** The bill is notable in that it delivers significant change with minimum fuss and maximum agreement. It has also been delivered quickly, in parliamentary terms. It is only three weeks since we debated the bill at stage 1, and it is only a week since the Devolution (Further Powers) Committee agreed amendments at stage 2 without division. It is less than three months since the bill was introduced to Parliament and less than five months since the power to introduce such a bill was devolved by a section 30 order at Westminster.

That speed reflects a cross-party consensus in support of the principle of votes at 16. It also reflects the shared objective of bringing in the new law in time for the Scottish Parliament elections in May next year. Both aspects are important. It would have been unfortunate to agree the principle but then not to deliver in time for the election.

It is also important to note that a consensus across parties in support of the measure reflects the wider consensus among the people whom the Devolution (Further Powers) Committee invited to offer their views on the bill. All witnesses had something to say—whether on specific aspects in their areas of expertise, or in general endorsement of the principle of extending the franchise. None of them opposed the basic premise, or identified any significant flaw in the way in which Scottish ministers proposed to proceed. Issues that were unclear at the outset were, largely, addressed in ways that allowed the consensus to be maintained.

Thanks are due to the committee clerks and my fellow committee members, who helped to take the bill forward so quickly; to the range of witnesses, who provided such clear and positive evidence; to the electoral registration officers, who ensured that the practical issues were addressed; to the young people who reminded us of the fundamental purposes of the change; and to all the others who have been involved in getting the bill to this point today.

Although the change that will be enacted by the bill is substantial, the bill itself is a modest piece of legislation. It consists of a series of modifications to the Representation of the People Act 1983, and to the Representation of the People (Scotland) Regulations 2001.

Three of its 12 and a half pages deal with service declarations. Young people who live with parents or guardians in the armed forces, the civil service or the British Council will be enfranchised by that route, up to the date of their 18th birthday. That is important, but not contentious—at least not in the context of the bill. It will be interesting to see whether extending the franchise promotes discussion among, for example, young people who are living in services accommodation overseas, where those from Scotland will have a vote at the age of 16 but those from elsewhere will not. That may add a little extra pressure in support of extending the franchise for United Kingdom and other elections.

I welcome what Mr Swinney had to say about political literacy initiatives; that is a welcome approach. I hope that in pursuit of cross-party support for his initiatives he will report back on progress in achieving agreement among those who are involved in providing education and support for our young people in that area.

Much of the bill is focused on striking the right balance between protecting the privacy of young people and enabling parties and candidates to canvass everyone who is entitled to vote at a given election. With a few amendments at stage 2, that balance has been struck, where privacy clearly comes first until very nearly the age of 16, but inclusion in the process on the same terms as other voters comes for those who will reach 16 before or during the election campaign in question. That is important, and essentially reflects the judgment that because 16 will be the voting age it should also be the point at which some of the protections that are offered to children should be replaced by adult responsibilities.

The bill also provides for young people who, in order to register, must show a local connection other than their residence, and for those who must register anonymously. Those provisions are important to allow vulnerable young people to participate, but with the right level of protection. The issue of awareness among looked-after children and young people who have been looked after and have a right to continuing support has also been addressed.

The bill will alter the franchise only in respect of the age of attainment—it makes an alteration there and there alone. That was what was agreed by the Smith commission, and devolved under the section 30 order in January. As the Deputy First Minister said, that is not contentious.



There will be other potential changes in the franchise, such as that which was mentioned by Alison McInnes: she was right to highlight voting in the context of rehabilitation of offenders, as Elaine Murray also did. Of course, the general power to alter the franchise lies elsewhere. We may return to that issue in the context of penal policy, but the legal constraints are clear.

The bill is brief and to the point, and it commands broad support. It also raises issues that must be acknowledged.

The bill has its roots—in Scottish terms at least—in last year's referendum campaign, although other countries have had votes at 16 for some time. As has been said, the referendum generated a lot of interest among young people on both sides of the debate; however, it is also important to say that that was true of all age groups in the population.

We will decide at the end of today to reject the argument that young people who are old enough to pay taxes have not lived enough or learned enough to pass judgment on the issues at elections to Parliament or to local councils. It is important that we send out the right signal that we truly are an inclusive Parliament.

Therefore, we should also reject the misguided view that our growing numbers of older voters have forgotten too much or lived too long to have a stake in the future of our country. In passing the bill, we should celebrate the democratic participation of all our citizens: the 100,000 16 and 17-year-olds, the 1 million over-65s and everyone in between. We are extending the franchise precisely because we know, from experience, that democracy works.

For the same reason, we should champion the case for votes at 16 in the referendum on remaining in the European Union, and for making the franchise for that as inclusive as possible.

Scotland has many times led the way in the context of its devolved powers—not least 10 years ago when it took action on smoking in public places. Today, we are leading the way again, and I have no doubt that others will follow that example.

16:14

**Annabel Goldie (West Scotland) (Con):** The stage 3 debate of any bill is a matter of procedural importance, but it is also the case that although some bills are highly contentious, others—for example, this one—are not. This afternoon, we have a bill that is important and uncontroversial, enjoys consensus and has required only technical amendments. None of that should diminish for one moment the significance of what the bill is doing,

so it is worth repeating that it represents an important development for our young people and for democracy.

The process that began with the Smith commission agreement and, as the Deputy First Minister indicated, proceeded with co-operation between the United Kingdom and the Scottish Governments—I thank him for his constructive remarks about the Westminster Government and the Secretary of State for Scotland—has enabled the bill to do something important, which is to be passed in time for electoral registration officers to do their job.

It is worth stepping back for a moment to the independence referendum, not just because I liked the result but because there were unsung heroes. We should acknowledge the role of electoral registration officers, the Electoral Commission and schools in securing a considerable level of registration for 16 and 17-year-olds.

Scotland's individual electoral registration roll-out was delayed so that it would begin from 19 September 2014, later than the rest of the UK, in order to avoid conflict with the referendum. It will be completed by the end of this year. We must continue to monitor the effectiveness of the registration of young people in particular in order for the extension of the franchise to be effective. The Deputy First Minister's amendments in that respect were welcome.

A number of issues arise from the process. In most cases, a national insurance number is the primary method of verifying identity. For younger voters, the ERO will have to look at local authority education data or request additional identity data from the young person who is seeking registration.

In the stage 1 debate, I touched on the role of schools, to which the Deputy First Minister alluded today. We have long believed that it is important to increase turnout among younger voters—that is the case whether the voting age is set at 16 or 18. However, it is clear that many of the people who will be 16 at the time of the next election are still in school, which means that what we do in education now can and will have immediate effects. I thank the Deputy First Minister for expanding on what he sees as being the role of Education Scotland in that respect.

**John Swinney:** I would like to use the opportunity that is afforded by Ms Goldie's discussion of political literacy to reinforce a point that I made earlier, and which Lewis Macdonald mentioned, which is that it is important that that work be undertaken in a way that commands cross-party support in the parliamentary chamber. It is in all of our interests to have a well-informed and dispassionately advised group of young people who are able to form their own views on

such matters. We will put in place a process to ensure that that satisfaction can be achieved across political parties.

**Annabel Goldie:** I hope and anticipate that such cross-party agreement will be possible. I think that everyone is agreed that there is a core job to be done in that regard and that what matters to the young people is that, somehow or other, we pull together the necessary components to do it.

Members will recall that the Scottish Parliament information centre research disclosed divergent approaches to engagement between schools and pupils on the referendum. We in this part of the chamber believe in local autonomy and the autonomy of schools and teachers, but it is not healthy for our democracy to have such variation in approach, depending largely on the local authority's attitude and where the person happens to live.

Again, members will recall that 25 out of 32 authorities had developed guidance on how headteachers and other staff should approach the referendum. Many took a lead from the guidance documents that were produced by the Association of Directors of Education in Scotland and Education Scotland. In some cases, divergence in guidance reflected specific approaches. Although Renfrewshire Council did not permit debates in schools within school hours, there were organised hustings events in the area. That avoided clashes with the examinations diet and ensured that access was available to young voters. Approaches differed with regard to whether debates with outside speakers were encouraged, as well as to mock votes. There were also differences in approach to activities in the immediate run-up to the referendum—the *purdah* period—with 18 local authorities imposing no additional restrictions and 14 doing so.

This is quite a difficult area of policy and is one in relation to which, in the interests of our young people, a harmonised approach should be built. I should say, to reassure the Deputy First Minister, that I hope that we can have a cross-party approach in that respect, because we can improve on what happened in the independence referendum. None of the issues is insurmountable, but leadership and guidance are required, and it would be quite wrong to put that exclusively at the feet of the Scottish Government: other agencies must play their role.

The bill heralds an exciting era for our young people. It is an opportunity for them to continue their high level of engagement on topical affairs that we saw in the independence referendum. I have much pleasure in confirming my party's support for the bill at decision time.

16:20

**Bruce Crawford (Stirling) (SNP):** It is not the norm for a member to speak in a stage 3 debate as a committee convener. As members will find out later in my speech, I am certainly not speaking as the convener of the Devolution (Further Powers) Committee when I speak in a way that is slightly controversial, shall we say.

I will start in convener mode, by thanking first of all the clerking team, particularly Heather Galway, who helped us to steer the bill through as quickly as we could—as Lewis Macdonald noted in his speech—given the timescale. Without the clerking team's help and guidance, I am not sure that we would have got there.

I thank the Government too, as it picked up on a number of issues from the committee's stage 1 report, reflected on them and responded positively, particularly—as John Swinney mentioned—in the arena of political literacy. That was a very important area for the committee, and we wanted to ensure that there was much more consistency, so in that respect we were delighted—I certainly was—with the response from the cabinet secretary. I am pleased that Education Scotland is revising its guidance.

There have been many times since the Scottish Parliament came into being 16 years ago that I have felt very proud of the progressive nature of this institution. There has been legislation on land reform, smoking in public places, the scrapping of graduation taxation, climate change and equal marriage—to name but a few of the fantastic changes that we have made to our country that we should celebrate.

Tonight at 5 o'clock will be another one of those moments—when we pass legislation that will allow 16 and 17-year-olds to vote in elections to Parliament and to Scotland's local authorities. We will make a bit of history by joining the small band of countries that have given the franchise to 16 and 17-year-olds, and we will give a lead to the rest of the world.

I never had any doubts that extending the franchise is the right thing to do, until a meeting with a 16-year-old person just last week. As many of my colleagues will be aware, the Scottish Youth Parliament had a stand in the garden lobby last week to bring MSPs up to date with its work. I went along—as one does—to have a chat and to have the obligatory photograph taken. Cat, who is a member of my staff, was there to take a photograph of me alongside an SYP member. As we departed the stand, I commented that I would send out the image on Twitter as soon I could. At that stage, I heard the member of the SYP, in discussion with my member of staff, utter the words, "Will I show him how to use his Twitter

account? Does he know how to do it?" I know that I have my bus pass, but I think I still have my full faculties. For the briefest of moments, I wondered about the wisdom of giving the franchise to 16 and 17-year-olds.

Joking aside, however, my conviction that we should enfranchise 16 and 17-year-olds was turned into a burning desire by the fantastic response of Scotland's young people to last year's referendum. If anyone had any doubts before the referendum about the wisdom of extending the franchise, those doubts were, in the main, swept away by the enthusiastic engagement of our young people in deciding Scotland's future.

I say well done to the Conservative Party in Scotland for making the journey from opposing votes at 16 to fully endorsing the right of our young people to be heard—at least in Scotland. I know that the Scottish Conservatives will find it difficult to state publicly that they would support the extension of the franchise to 16 and 17-year-olds for the forthcoming EU referendum, but I hope that they are doing their best, quietly behind the scenes, to persuade the Prime Minister to change the direction of the UK Government in that regard. We will see what happens later on this afternoon in the House of Commons—Stephen Gethins from the Scottish National Party has tabled an amendment in that regard.

I began to realise just how deeply entrenched Conservative views at Westminster are when I heard John Redwood MP commenting on BBC Radio 4 that politically active teenagers are "a myth". After meeting so many 16 and 17-year-olds, I have to disagree strongly with that statement. It just does not reflect reality. I can only advise Mr Redwood to visit, say, Fort William and Levenmouth, which the Devolution (Further Powers) Committee visited to speak to many young people, and where the committee found that our young people had immersed themselves in the campaign every bit as much as the older generations—and perhaps with even more vigour and energy.

Louise Cameron, who is a member of the Scottish Youth Parliament, reflected on the issue at one of the committee's oral evidence-taking sessions. She said:

"We have disproven all the arguments against votes at 16 ... It would be a great thing for the UK system to have votes at 16 as well. Mr Cameron needs to seriously consider his priorities and have that discussion."—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 32.]

Quite. I could not agree more with Louise, so it is perhaps fitting that I leave the last word with her.

16:25

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Today is the culmination of not only a bill but a campaign with regard to parliamentary elections. As far as the bill is concerned, we should certainly pay tribute not only to Bruce Crawford's committee but to the Government for the way in which it has responded to the committee's recommendations by, for example, amending the bill to protect the personal information of young people on the register and, as the cabinet secretary has made clear, taking advice on the matter from data protection and child protection experts.

The campaign for votes for 16 and 17-year-olds has been going on for a long time. It has involved a coalition of diverse groups, but we should perhaps pay special tribute to the Scottish Youth Parliament, whose members have proved to be great campaigners, not least on this issue.

As we know, the independence referendum marked the first time in which the vote was extended to 16 and 17-year-olds. Eighty per cent of them registered and 75 per cent of them turned out to vote. As Bruce Crawford has suggested, that probably explains the transformation of the debate in Scotland; as far as I can see, anyone who had doubts before the referendum does not have doubts any more.

What a contrast that is to what is happening in the House of Commons as we speak. I happened to catch a little bit of the debate before I came into the chamber for the provisional outturn statement and heard a Conservative MP saying, "Well, we can't give votes to 16 and 17-year-olds, because they keep changing their minds." I am sorry to say that no one needs to remind Labour members that it is not just 16 and 17-year-olds who change their minds at parliamentary elections.

I note that the Devolution (Further Powers) Committee received more than 1,000 responses from many who took part in the referendum. For example, Louise Cameron said:

"The experience of the referendum was absolutely great. It has helped us to disprove all the arguments against votes at 16"—[*Official Report, Devolution (Further Powers) Committee*, 23 April 2015; c 16.]

I think that that is the case. Already more young people are getting involved in politics, and I believe that that trend will continue as the bill is implemented.

In that respect, we can point to evidence based on practice as well as theory. I have two quotations, but I might have time to read out only the first, which is based on practice. In what I think was evidence to the committee, Dr Jan Eichhorn said:

“all measures of increased political engagement have outlasted the referendum itself and apply to the general election context, even for the 16-17 year olds in Scotland. Comparing them with their English counterparts we found that 61% say they had talked about ‘how the UK is governed’ with members of their family in the last three months ... while only 37% of their English peers report the same.”

I was going to read out a more theoretical quotation from a 2004 book by Mark Franklin called “Voter Turnout and The Dynamics of Electoral Competition in Established Democracies Since 1945”, but essentially Mr Franklin was arguing on theoretical grounds that 15 or 16 is the best age for people to start voting.

**The Deputy Presiding Officer:** I can give you a bit of extra time if you need it.

**Malcolm Chisholm:** I have a few other things to say, Presiding Officer. I will read out the quotation at the end if I have time.

Of course, the key to the bill’s successful implementation is increasing the young population’s awareness of their right to vote and the need to make an informed decision. I note that the Electoral Commission outlined to the Devolution (Further Powers) Committee its plans to work with EROs on public awareness campaigns, with more of an emphasis on awareness raising through social media as well as through partnership working with a range of organisations.

We need to look to the future after today, as the bill is certainly going to be passed in half an hour’s time. In the longer term, we need to use the bill as a catalyst for further political or citizenship education—whatever we want to call it—in schools. I was pleased to hear what the cabinet secretary said about that today. I devoted some of my stage 1 speech to the matter when I talked about updated political education. However, as the cabinet secretary reminded us, this is already embedded in the curriculum for excellence. Today’s announcements about refreshed guidance and more consistency are entirely welcome and should address some of the concerns that were expressed on the matter at stage 1.

This is one of those occasions when all parties in the chamber are united. We can all feel proud that we are leading the way in the UK on the matter. Who knows? Perhaps we can even hope that, when our colleagues in the other Parliament read about this debate, they will be inspired to legislate for votes for 16 and 17-year-olds in the European referendum, which will be held around the same time.

16:31

**Alison McInnes (North East Scotland) (LD):**

Like the Deputy First Minister, I am delighted that both of Scotland’s Governments have worked together to extend the voting franchise. That prompt co-operation means that around 100,000 more young people will be able to decide as soon as next May who will best represent them. It is right that 16 and 17-year-olds will once again, after last year’s referendum, be trusted to have a say in the future of their local communities and the direction of their country.

Some folk think that lowering the voting age by two years does not sound like much, but those two years are a defining period in one’s life. At 16 or 17, a person could be leaving school, going to college, planning for university, taking on an apprenticeship or entering the world of work. Even compared to 18 and 19-year-olds, they will use public services differently and access entirely separate services. Therefore, they often have very different priorities and perspectives. It is also fundamentally unfair that, at present, the liability to pay tax is not accompanied by the right to elect those who collect and spend one’s contributions.

As Children in Scotland observed,

“it is clear that by this stage in life, young people have a stake in society and are significantly and directly affected by the policies and decisions of political parties.”

It is important that our democratic processes reflect that. Young people should not be forced to depend on older voters to represent their distinct interests and varied values. By fostering an interest in voting at an earlier age, we have an opportunity in the long term to reverse the trend of waning turnouts. It is to be hoped that the engagement that we see will, in a wee while, lead to a greater diversity in our council chambers and, indeed, the Parliament.

In the lead-up to the referendum, the Scottish Youth Parliament highlighted the thoughts of one 18-year-old from Dundee:

“At the age of sixteen, I knew much more than my parents about voting systems and UK politics, because I learned about it every day in school ... if you can nurture the interest in politics sparked by schools and teachers, and show them that their opinions matter, you’ll have a citizen who understands and uses their right to vote”.

I could not agree more. The bill is only the start of a process to ensure that teenagers are registered, educated and informed. Legislative reform must be accompanied by a strategy to increase awareness and political literacy. Therefore, I welcome the Deputy First Minister’s comments on the way forward on that.

Young Scot, the Scottish Youth Parliament and YouthLink Scotland, in their joint submission to the committee, highlighted that

“all young people, no matter where they live, should have equal access to high quality and well resourced political and civic education”.

Last year, many schools in my region held mature class discussions and hotly contested mock independence referendums. However, as we heard at stage 1, such provision was inconsistent across the country, so there is work to be done to ensure that every local authority is engaged with that task.

I am disappointed but not surprised that the Government was not able to support my amendment this afternoon. I accept the Government’s reluctance to test whether it would be competent to use a section 30 order to do what my amendment proposed—there is a sense that we must be cautious about it—but I was disappointed that Mr Swinney also rejected it as an aspiration; he said that he did not support it in policy terms. The SNP likes to paint itself as progressive but, in reality, that is not always the case. I hope that we can return to the matter—we will have to do so, as we know that we are not complying with international law. The legal impasse that we have reached about whose role it is to fix this needs to be resolved. If we can get our heads together on votes at 16 and move things forward on that, surely we can also get our heads together, between the two Parliaments, and sort this issue out—if there is a will to do so.

I hope that this bill is only the start and that further legislative changes at Westminster and Holyrood follow to ensure that all our young people always have the right to a say on the issues that affect them. Liberal Democrats, like many others in the chamber, have campaigned for this for many years. I am very proud to vote for the bill today.

16:35

**Stewart Maxwell (West Scotland) (SNP):** I join the convener of the committee and Lewis Macdonald in thanking our clerks, advisers, SPICe and those who gave evidence to the committee, which was most helpful to us in examining the bill.

I believe that we are here today debating this legislation to reduce the voting age not because a Government or politicians decided that it was what we should do, but because 16 and 17-year-olds have demanded the right to take part in the democratic process. They have demonstrated beyond any shadow of a doubt that they are as capable as any other citizen of this country when it comes to voting in elections and even referendums. Anyone who was involved in last year’s independence referendum knows that it was self-evident that 16 and 17-year-olds were passionate, articulate, well-informed and worthy participants in that debate.

I note in passing that only yesterday—I believe—Japan lowered the voting age to 18. I am sure that that is a welcome step for young people in Japan. Perhaps it will not be too long before they get round to following our example on 16 and 17-year-olds. There are different positions around the world on this, but the trend is towards lowering the voting age certainly to 18 and beyond in many countries, as well as Scotland.

Prior to the referendum we lived in a time of declining democratic participation, particularly among younger people. Scotland has changed in a way that I believe is unique among western nations. We now live in a society in which people are engaged and excited about politics. Sixteen and 17-year-olds have been at the heart of that positive change. It is only logical for the Scottish Parliament to now enshrine their voting rights for all future elections over which we have control. That phrase “over which we have control” is very important. It is unfortunate to say the least that the logical and reasonable position that we should extend the voting franchise is not one that is held universally. Many of our younger first-time voters were engaged participants in the independence referendum only to have the vote denied them in the recent general election.

The UK Government’s refusal to allow votes for 16 and 17-year-olds in the upcoming referendum on EU membership is just another example of the diverging political cultures north and south of the border. That has been clearly demonstrated by a recent University of Edinburgh study that found that two thirds of 16 and 17-year-olds in Scotland would have been very likely to vote in the general election had they been given the opportunity to do so. However, only 39 per cent of the same group said the same in the rest of the UK. That study also concluded that Scottish 16 and 17-year-olds were better informed, more likely to discuss politics with their family and more likely to have engaged directly with their member of Parliament than their counterparts elsewhere in the UK.

The message therefore is clear. If we want to rejuvenate democratic participation and increase engagement, Governments must take an open and inclusive approach to the voting franchise. It is clear to everyone that the referendum campaign empowered and educated the Scottish electorate like never before. Therefore, I believe that the work that has been undertaken by the Scottish Parliament’s Devolution (Further Powers) Committee has been very constructive in developing a strong, evidence-based approach to the benefits of extending the voting franchise to our younger citizens.

During our evidence sessions we heard directly from young people themselves, as well as from those who are involved in administering elections

and compiling registers. I was pleased that the evidence gathered during those sessions led to a general statement of support from our committee for the bill. However, the committee also found that we need to improve the manner in which colleges and schools approach the discussion of election issues. As others have mentioned, that was an area in which we found a variation in practice across the country. That needs to be resolved so that all young people are free to debate and discuss current affairs even during an election period. I very much welcome the Deputy First Minister's comments on that in his opening speech. He outlined a very welcome and positive move, which I hope will resolve the issue for future elections.

It is clear that Scotland's future success is dependent on the active participation of our younger citizens. We need their engagement, intellect, passion and interest in improving society for everyone's benefit if we are to succeed as a country. Their inclusion in the voting franchise is a natural extension of the progressive and inclusive politics that flourished during the independence campaign. I hope that we will show our faith in them by passing the Scottish Elections (Reduction of Voting Age) Bill.

Sixteen and 17-year-olds have already proven that they can make an important contribution to our national debate. My final point is therefore addressed to them. They should not be discouraged by Westminster blocking their right to vote. Their voice in this debate is welcome and valued, and it will be heard.

16:40

**Annabel Goldie:** If it hardly seems appropriate to say that the debate has been spirited and contentious, or that it has been a debate of high emotion, it has nonetheless been a passionate debate. I have respected the clear enthusiasm and sentiment that have been obvious from many contributors and their genuine pleasure in having secured such a change to the franchise in Scotland for Scottish Parliament and local government elections.

The issues have emerged in a chronology or sequence of their own. The process began with the Smith agreement and the section 30 order, and there have been some sweet moments—that is not a phrase that I often use about debates in the Parliament. The Deputy First Minister was the architect of one of those sweet moments with his fulsome praise for the United Kingdom Government and the Secretary of State for Scotland. That is very welcome for the present, and it might be a precedent for the future. I live in hope.

To be fair, Lewis Macdonald also referred to the smoothness of the bill's progress. As we have discussed, that was important because of the timetable and the work that will fall on electoral registration officers. Again, I join in praising the committee that looked at the bill and my friend, the convener of the Devolution (Further Powers) Committee—the parliamentary deity who is sitting patiently at the back of the chamber. I think that he said that this is a bit of history. Indeed, that is exactly what it is.

A number of members have commented on the new lexicon and "political literacy". I suppose that that phrase is apposite in its own way and descriptive, although it seems a bit sexless. Maybe we could come up with something snazzier. Nonetheless, the concept is vital. I am, of course, indebted to the Deputy First Minister for his comments on that, which other members echoed. If "political literacy" is the jargon that we are going to use, let that not detract from good old-fashioned literacy and numeracy, which, as the Deputy First Minister knows, are dear to the heart of my party.

In a thoughtful contribution, Malcolm Chisholm referred to the longer-term implications of what all this means. That contribution was interesting and reflective. The bill could be a catalyst for more education in schools. Obviously, that was conceived in the mind of the Deputy First Minister. I was struck by Mr Chisholm's spirit of ambitious adventure when he suggested that we might even proselytise to Westminster on its discussions on the merits of lowering the voting age. In all seriousness, the model that has been deployed in the Scottish Parliament for the independence referendum franchise and Scottish elections is just that: it is a model and a very good example of how to deal with legislation. Others in another place will have to come to their decision on the franchise for other elections.

On the broad theme of political literacy, Alison McInnes mentioned the need to resolve the inconsistencies of approach. I think that we have all been reassured by what the Deputy First Minister said on that front. We all recognise that that is an issue. As I said, it is not by any means insurmountable, but focused and wise leadership and guidance will be needed to ensure that we try to iron out those particular rucks in the material.

There have been very positive contributions about the legacy of all this—what we hope will be the outcome. For example, Lewis Macdonald highlighted that he hoped that there would be better engagement by young people with the political process. He hoped for heightened interest and specifically mentioned the Scottish Youth Parliament.

Bruce Crawford cited evidence from the referendum that indicated that young people's levels of engagement are very encouraging. I think that we would all agree with that.

On the question of legacy, Alison McInnes, looking ahead to the future, said that she hoped that there would be improved turnout, perhaps even in local authority elections. We would all welcome that, because it has been a concern for the wider electorate, not just for those in the political arena.

**The Deputy Presiding Officer:** Miss Goldie, could you draw to a close please?

**Annabel Goldie:** I was trying to pad out my speech as best as I could, Presiding Officer, so your telling me that I must bring it to a close is music to my ears. It has been a good debate and it has been a pleasure to take part in it.

16:45

**Duncan McNeil (Greenock and Inverclyde) (Lab):** I echo the comments of the Deputy First Minister and others in thanking everyone who has brought the bill in in time to allow 16 and 17-year-olds to vote in the Scottish Parliament elections. I was not on the Devolution (Further Powers) Committee at that time, so I can express fulsome congratulations to its convener on the committee's hard and speedy work. It was described by Lewis Macdonald as the minimum of fuss and the maximum gain. That sums up what the committee achieved in a very short time.

I welcome the other issue that was mentioned by the Deputy First Minister, Annabel Goldie and others, which is the question of political literacy. We must recognise that, although 16 and 17-year-olds will have achieved the right to vote, sustaining engagement is just as important.

Lewis Macdonald reminded us that it was not just young people but a whole lot of other people who registered to vote in the referendum and expressed an interest in politics.

I make the case for the Scottish Parliament and its legacy over the past 15 or 16 years. The Parliament's political education programme has allowed tens of thousands of young people—some of those who visited the Parliament many years ago were voters in the referendum—to recognise the Parliament as the focus of political discussion in Scotland, just as we all wanted it to be. They see it as their Parliament—open, inclusive and available to all.

**Bob Doris (Glasgow) (SNP):** I thank Duncan McNeil for affording me the opportunity to say that we met a number of 16 and 17-year-olds today in Parliament who are young carers and to put on record the vital role and contribution that they

make to society. Does he agree that they are a powerful example of why 16 and 17-year-olds in Scotland should be able to vote in Scotland's elections?

**Duncan McNeil:** Bob Doris makes a very good point, as did Bruce Crawford when speaking about the contribution of the Scottish Youth Parliament. Malcolm Chisholm mentioned the SYP's role in campaigning.

I make the same point for the committees of the Parliament. The level of engagement that we have had from young people is impressive: the Falkirk young carers who made representations on the Carers (Scotland) Bill; the young people who made representations to and worked with us to develop our report on access to community support; and the young people with whom we discussed the very difficult situation of poverty and inequality. All those young people have worked very hard.

In this debate and previous ones, people have reflected on the words of young people and how they express their desire to participate fully in our democracy in Scotland. However, what won them the vote, which they demanded, as Stewart Maxwell said—it is a gift, but not one that we give them; it is their demand—was their actions; it was not their words but their actions that were powerful. They did not just register to vote in record numbers; they participated in the campaigns and were active on both sides of the debate. Some joined political parties as a consequence and have remained active in other areas. They made the case for lowering the voting age by their actions, which were louder than words, and they deserve the result that they will receive tonight when the Parliament votes to give them the vote that they demanded.

On wider issues, we discussed at great length at today's meeting of the Devolution (Further Powers) Committee—the discussion might have been in private, but I do not think that the subject is secret—the work that is going on through that committee to bring about a citizens' guide to this whole process. I think that that could be very useful in helping to sustain the engagement in our democratic process of not only young people but the whole population of Scotland, given the new situation that we find ourselves in. We will have a new demographic bringing younger voters and more vibrancy to the process, balanced with the knowledge that our older voters have.

Like other members, I look forward to passing the bill into law tonight at decision time to give those young people the vote.

**The Presiding Officer (Tricia Marwick):** I call John Swinney to wind up the debate. Deputy First Minister, you have until 5 o'clock, please.

16:51

**John Swinney:** I begin with my colleague Stewart Maxwell's remark, which I think captured the sense of the debate: it is not the case that Parliament has concluded, after taking a lot of evidence and considering persuasive arguments, that it is now right to enable young people to vote in elections, but that 16 and 17-year-olds in Scotland have aspired to and argued for that right, and have delivered it. Winning that argument convincingly and getting to the point at which all political parties are signed up to that position is a particular achievement for the young people of Scotland. That is the climate of the debate today.

In getting to that point, we received from young people, across a range of different interventions, a lot of representations, including from the Scottish Youth Parliament. I have to say to members that that has been one of this Parliament's great innovations. I met members of the Scottish Youth Parliament this morning in advance of today's debate. We also received representations from organisations such as Young Scot, which also participated in the discussions that I had this morning, and NUS Scotland. All those organisations gave comprehensive evidence to the committee to inform the debate and to marshal arguments for why it is right and appropriate for young people to have the vote in parliamentary and local authority elections in Scotland. That right has been aspired to and delivered by the energy and commitment of young people in our society.

Duncan McNeil referred to the interesting implication of all that, which is that it has not been about young people just, in essence, turning up to vote on a particular day; it is about a degree of participation that, to be frank, many of us have not seen in our country for some considerable time. We should be enormously encouraged as a country that young people believe that they have an active and participative role to perform in our society—not just on the particular Thursday that happens to be the day when we all turn up to vote in an election, but in formulating wider thinking about the direction of our country. If we look at issues that Parliament addresses and considers, we find almost invariably that our deliberations are informed by the input, views and perspective of younger people who are able to contribute.

We should therefore look back at the whole process of how we have arrived at the situation whereby 16 and 17-year-olds will acquire the right to vote in Scottish and local authority elections by the unanimous view of this Parliament in just a few minutes. We should acknowledge that the situation has been created by the aspiration and willingness to participate in our democratic and civic process of the young people of Scotland.

Across the political spectrum, we should unreservedly welcome that.

That leads to a further challenge for us: we should not allow the process just to stop here. As Malcolm Chisholm pointed out in his speech, we have to find other ways to encourage and motivate young people to be active and engaged participants in a wide variety of elements of the democratic process.

Over the course of the speeches in the debate, the issue in which there has been new thinking is political literacy. I hear what Annabel Goldie said about the terminology; I would prefer a different term, because I find it rather difficult to say "political literacy" without pausing for too long. Perhaps we will work on finding a different term. In any case, I am determined that we do the proper work that is required for a much more consistent approach on that question than the one that Annabel Goldie expressed to Parliament at stage 1—an approach that I think, to be charitable, was at best inconsistent across the country. It needs to be more consistent.

On the political process that we have gone through, I know that there are more Conservative members in the chamber for this part of the debate than were here earlier, but I am sure that Miss Goldie will share with them the generous remarks that I made about the Secretary of State for Scotland and the process. It just goes to show that, where political will exists on both sides to make progress on devolution of powers and responsibilities, it can happen in a straightforward and orderly fashion.

I record my hope that, as we go through the further stages of devolution of responsibilities under the Scotland Bill, we will learn lessons from the Scottish Elections (Reduction of Voting Age) Bill and apply them to processes that, at the outset, look to me as though they are heading for pretty tortuous discussions, in respect of how we devolve responsibilities to this Parliament in a manner that is efficient and effective, such that it allows us to make the necessary progress in acquiring the powers and responsibilities where the evidence, information and consensus of stakeholder opinion would enable us to get there in a quicker and more decisive fashion. That approach will be pursued by the Scottish Government. I hope that we can also see some of that from the United Kingdom Government.

**Lewis Macdonald:** I share the Deputy First Minister's view that positive intergovernmental relations will be very important in the period ahead. For the avoidance of doubt, will the Deputy First Minister confirm that the Secretary of State for Scotland who progressed the section 30 order so quickly and efficiently is not the same the



Secretary of State for Scotland that we have today?

**John Swinney:** I am not sure that I follow Mr Macdonald's point. I do not think that that is the case, in fact; I am pretty sure that all this was done under Mr Mundell's stewardship. I will not get distracted on that particular point, however. I am sure that the record will speak for itself. I am not sure whether that was Lewis Macdonald trying to salvage something for Alistair Carmichael. If it was, good luck to him. In any case, it is important that good intergovernmental work can speed up the processes.

As we have been debating the bill, with Parliament about to vote unanimously to extend the vote to 16 and 17 year-olds, I am led to believe that the House of Commons voted by 310 to 265 against extending the voting franchise to 16 and 17-year-olds for the EU referendum. That is a democratic decision at which the House of Commons is entitled to arrive, but it illustrates the different political culture and the different political debate that is going on in Scotland today. We must consider the debate on this question in a fashion that allows us to come to a different conclusion; there are plenty of other issues on which we can come to different conclusions.

Members of Parliament need to think about the basis on which we take our decisions—the questions that influence those decisions and the factors, the evidence and the attitudes that prevail in the community in Scotland that say that it is a given that 16 and 17-year-olds should vote in parliamentary and local authority elections. We need to accept that that is different from the prevailing culture elsewhere in the UK and we need to reflect that difference in political culture in the decisions that we arrive at, one of which we are about to take.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There is one question to be put as a result of today's business. The question is, that motion S4M-13529, in the name of John Swinney, on the Scottish Elections (Reduction of Voting Age) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Scottish Elections (Reduction of Voting Age) Bill be passed.

*Meeting closed at 17:00.*

## Correction

Fiona McLeod has identified an error in her contribution and provided the following correction.

**The Minister for Children and Young People (Fiona McLeod):**

*At col 1, paragraph4—*

*Original text—*

We are also providing funding of £280,363 in each year from 2014 to 2016 through the third sector early intervention fund to support the work of Foster Network Scotland, which provides the fosterline support helpline and a range of other support services to all foster carers.

*Corrected text—*

We are also providing funding of over £280,000 between 2014 and 2016 through the third sector early intervention fund to support the work of the Fostering Network Scotland, which provides the fosterline support helpline and a range of other support services to all foster carers.



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