



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 27 March 2013

Session 4

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# Scottish Parliament

Wednesday 27 March 2013

[The Presiding Officer *opened the meeting at 14:00*]

## Portfolio Question Time

### Infrastructure, Investment and Cities

#### Homecoming Scotland 2014 (Cities Infrastructure)

**1. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what additional support will be provided to cities such as Stirling to ensure that adequate infrastructure is in place for the year of homecoming. (S4O-01955)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** Building on Scotland's already impressive track record of delivering highly successful major events including homecoming Scotland 2009, the Scottish Government and partners on the homecoming Scotland 2014 strategic group, including VisitScotland and the Society of Local Authority Chief Executives and Senior Managers, are working together to help to ensure that the appropriate infrastructure is in place to support the inspirational programme of events and activities that will take place in cities, towns and villages across Scotland throughout the year.

**Dr Simpson:** In launching the events programme for homecoming 2014 today, the First Minister stated that the city would be one of the epicentres for homecoming, with events such as the celebration of the 700th anniversary of Bannockburn and its role as a transport hub for the Ryder cup. Given that each event will involve 50,000 visitors, will the cabinet secretary undertake to ensure that the Government funds the necessary upgrading to local infrastructure and to have an early meeting with council leaders to plan for the success of the events?

**Nicola Sturgeon:** The First Minister is absolutely right to point to Stirling's central role in the 2014 celebrations, in which the year of homecoming and the 700th anniversary of the battle of Bannockburn are two of the obvious events. The Scottish Government is working hard with partners to ensure that the events are the success that we all want them to be and I and the Minister for Transport and Veterans are happy to discuss with Stirling Council and, indeed, other councils how we prepare properly for events that I know we all hope will be a roaring success.

**Bruce Crawford (Stirling) (SNP):** Does the cabinet secretary agree that infrastructure already in place as a result of fantastic expenditure from the Government and organisations such as Historic Scotland, which has been used to create the fantastic new James V palace at Stirling castle and to upgrade the Bannockburn site, represents a fantastic investment? I also understand that Creative Scotland is making available £250,000 to help the National Trust for Scotland to stage a fantastic event on the Bannockburn field. Does that not stand in stark contrast to the problems being caused by the Tory and Labour-led Stirling Council, which has now cut expenditure for 22 cultural organisations at a time when we are dealing with the 2014 celebrations?

**Nicola Sturgeon:** Local budgets are obviously a matter for individual local authorities, but I note that Stirling Council is making cuts to cultural projects in the run-up to 2014 and hope that councils ensure that their decisions are in line with the ambitions that we all have for the success of the events that we will celebrate in 2014. As the member rightly said, the Scottish Government has invested in infrastructure as heavily as we can, given Westminster's reductions to our capital budget, and that investment includes some very important investment in Scotland's cultural infrastructure. The James V palace at Stirling castle that Bruce Crawford mentioned is a fantastic example of that kind of collaborative investment and one to which I am sure visitors will flock both in 2014 and in other years.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The cabinet secretary should be aware of the concern in the Stirling area about potential traffic congestion in and around the Bannockburn site during the 700th anniversary event because of the lack of parking facilities in the area. What plans does the Scottish Government have to support park-and-ride facilities to avoid disruption to local residents?

**Nicola Sturgeon:** Substantial plans are in place to ensure that we can cope with the influx of visitors that we all hope will happen in areas such as Stirling. That will be a thoroughly good thing; indeed, I know how enthusiastic Murdo Fraser is about the 700th anniversary of Bannockburn celebrations. The Minister for Transport and Veterans will be happy to write to the member and, indeed, other members to set out in detail some of the specific park-and-ride plans for Stirling and other areas where such facilities will be necessary.

#### Rail Passenger Services (Franchise)

**2. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government to provide an update on the

progress to retender the franchise to operate rail passenger services in Scotland. (S4O-01956)

**The Minister for Transport and Veterans (Keith Brown):** The retendering of the franchise to operate rail passenger services in Scotland is proceeding according to the arrangements laid out before the Parliament on 6 December 2012. It will begin in summer 2013 for a handover on 31 March 2015 at the end of financial year 2014-15.

**Bob Doris:** I draw the minister's attention to the lack of a Sunday service on the Glasgow to Maryhill line. If such a service was introduced, it would provide significant benefit to the constituents whom I serve. Can the minister explain what provisions could be placed in any tender document to enhance services on such lines? Will he look specifically at the case for a Sunday service on the Maryhill line?

**Keith Brown:** The retendering process for the ScotRail franchise will require bidders to demonstrate the adaptations that they will make to timetables to accommodate variations in demand, such as the example that Bob Doris has mentioned and those that result from seasonal variations in passenger numbers due to public holidays and special events such as the Christmas and new year period. I am sure that those who are interested in bidding for the franchise will listen closely to any representations that Bob Doris might make to them.

**Richard Baker (North East Scotland) (Lab):** The minister said previously that he would welcome a bid from a mutual or not-for-profit organisation in the franchise tendering process. Why then, in a written answer to me today, has he ruled out the possibility of civil servants being seconded to work on such a bid, although that would be the only way of creating a level playing field with the private companies, which will have scores of staff employed in their bid teams?

**Keith Brown:** Richard Baker's question betrays an appalling lack of knowledge about the bidding process. The idea that we could second civil servants to help with a particular bid in a competitive process is just nonsensical. Of course it is possible for a mutual or public sector-related organisation to be involved in the bidding process. We have asked the Westminster Government specifically whether we could have a public sector bid, but we have been told that that is not possible—the question has been asked a number of times in the past. As we have made plain before, if people can demonstrate experience of running railways, which is a prerequisite laid down by the United Kingdom Government, it is possible for them to make a bid. However, the idea that we could second civil servants to help with such a bid is a non-starter.

### **Journey Times (Dumfries to Glasgow and Edinburgh)**

**3. Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government what it is doing to improve road and rail journey times from Dumfries to Glasgow and Edinburgh. (S4O-01957)

**The Minister for Transport and Veterans (Keith Brown):** The Government recognises the importance of efficient and effective transport links to deliver sustainable economic growth. Since 2007, we have invested more than £1.2 billion in improving the trunk road network in the south-west of Scotland. Those enhancements have improved journey time reliability and safety and delivered further overtaking opportunities, which obviously alleviate frustration. We have also delivered incremental improvements to rail services from Dumfries, which have provided enhanced commuting opportunities, improved connections and reduced journey times.

**Joan McAlpine:** I am aware of the Government's considerable—indeed, record—investment in the south-west road network, in particular on the A75. However, Dumfries is the south-west capital and it is badly served by slow train services to the central belt and by the A701 road, which is an accident black spot. What more can the Government do to address that situation in the future?

**Keith Brown:** On the one hand, as I have mentioned, we will require bidders for the next ScotRail franchise to outline their fleet and deployment strategies to deliver both new and specified services across the network. I will expect bidders to demonstrate how they will improve the comfort and suitability of the trains that operate on longer-distance routes.

Road safety is, of course, of paramount importance to the Government. The accident rate for the section of the A701 between Beattock and Dumfries is lower than the national average. In 2011, for example, we invested a further £75,000 in the route to improve safety at Amisfield on the A701. That investment included the installation of vehicle-activated chevrons around a challenging bend. Obviously, we keep such issues under review and will continue to invest in that part of the country to achieve improvements in road safety and accessibility.

**Elaine Murray (Dumfriesshire) (Lab):** We would all appreciate faster road journey times between Dumfries and Glasgow, but I am sure that the minister will agree that speed limits should be observed while undertaking the journey.

As regards rail journey times, is the minister aware that, although Thornhill is on the Nith Valley line, its residents need to travel 14 miles south to Dumfries or 13 miles north to Sanquhar to catch a

train? Can he advise what progress is being made on distributing moneys from the stations fund? What community support would he expect to be demonstrated in any successful bid to reopen Thornhill station?

**Keith Brown:** As I have said on a number of occasions, the stations fund will start in April next year, although it is possible for people to put together bids at the present time. On the member's question about the process and support that will be required for such bids, there should be support from the local authority or regional transport partnership, which should be involved at the early stages to ensure that the bid is the preferred and most efficient option for the area. There is no reason why the regional transport partnership and the council cannot get together at this stage to work with local people on putting together a bid. However, as I said, the actual disbursement of funds will take place from April next year.

#### **Broadband (South of Scotland)**

**4. Aileen McLeod (South Scotland) (SNP):** To ask the Scottish Government what progress is being made on the delivery of next-generation broadband for the south of Scotland. (S4O-01958)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** The delivery of next-generation broadband in the south of Scotland is being progressed through the rest-of-Scotland procurement exercise, which is part of the Scottish Government's step change 2015 programme. The tender process for the rest of Scotland commenced in September last year, and that was followed by a detailed supplier engagement process and an invitation to tender, which was issued in January 2013. The project remains on track to meet the commitment to award the final contract by the end of June this year.

**Aileen McLeod:** The cabinet secretary will be aware that there are communities across the south of Scotland, in particular in Dumfries and Galloway, that do not have access to broadband at all yet. How will those communities benefit from the roll-out of next-generation broadband?

**Nicola Sturgeon:** I know that Aileen McLeod has taken a close interest in this issue. I absolutely understand the frustration that people feel when they have inadequate access to broadband, and that is why the step change programme is so important. With the rest-of-Scotland programme, matched with the Highlands and Islands programme, the contract for which was signed yesterday, we have a £240 million package of public sector funding that will help us towards our aim of delivering world-class digital access to all of Scotland by 2020. There is also the important

interim milestone of having infrastructure with the capacity to deliver next-generation broadband to 85 to 90 per cent of premises by 2015. The constituents to whom Aileen McLeod is referring will clearly benefit substantially from that.

There will still be a small number of people who do not have the access that we want them to have, but we are continuing to work—often in innovative ways—to extend coverage further. There is no doubt that the step change programme will deliver just that—a step change in access to next-generation broadband technology.

#### **Scottish Communities League Cup (Values)**

**5. George Adam (Paisley) (SNP):** To ask the Scottish Government how successful this year's Scottish communities league cup has been at promoting its values of respect, responsibility and tolerance. (S4O-01959)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** It has been a great success. Our sponsorship of the Scottish communities league cup is a commitment to build on what is good about the game, taking the passion from the grass roots and communities and providing a positive message to the rest of football and indeed society. We have been working in partnership with the Scottish Football League, the Scottish Premier League, the Scottish Football Association and clubs to engage with communities and educate young people to understand the three pillars of the cup: respect, responsibility and tolerance.

**George Adam:** As the cabinet secretary will be aware, the famous Paisley St Mirren recently won the Scottish communities league cup. Will the cabinet secretary agree with me that, on the day of the final, St Mirren and Hearts fans indeed promoted the values of the tournament? Will she note the amount of community involvement that St Mirren has sustained for so many years, including in the run-up to and after the final? In Paisley, we are lucky to have such a great community-based club. Does the minister agree that sports clubs such as St Mirren, engaging with their local communities in that way, can only be positive for those communities?

**The Presiding Officer (Tricia Marwick):** Mr Adam, you could not help yourself.

**Nicola Sturgeon:** As someone who supports another team that plays in black and white, I am sure that George Adam's shirt and tie combination today is completely coincidental. I take this opportunity, however—as I am sure the First Minister would also wish to do—to congratulate St Mirren Football Club on what was indeed a famous victory in the cup final.

I agree on the rest of George Adam's question. Our national game is a powerful means of engaging with young people, and the sponsorship has been an ideal way to build on all the excellent work that clubs are doing to help place football clubs back in the heart of communities. In recognition of the important role that St Mirren and other clubs play in communities, our £1.8 million sponsorship package this year includes a community engagement fund of up to £500,000 to help all 42 league clubs to develop their community programmes.

I know that the Minister for Commonwealth Games and Sport was impressed, on a recent visit, to see the community activities of two clubs, Motherwell and Airdrie United. She has plans to visit more clubs in the coming months, and I am sure that she would agree that a visit to the communities league cup winners would be an ideal opportunity to see their work in action.

**Bruce Crawford (Stirling) (SNP):** On a matter of black and white, I hope that we can save the famous Pars, who play at East End park—and I hope that members agree on that. I will be going along to the game tonight to watch them playing Falkirk, and anybody else who wants to join me should feel free to do so. I hope that the Deputy First Minister agrees that it would be great if Dunfermline Athletic came through their current difficulties successfully.

**Nicola Sturgeon:** As somebody with nephews in Dunfermline who support that team who play in black and white, I say in all seriousness that I think everybody in the chamber will understand the severity of the situation that Dunfermline Athletic Football Club faces just now. I echo Bruce Crawford's comments. I am sure that all fans of that club will get behind it and we all wish it every success as it tries to pull through its current difficulties.

### Public Transport (Fares)

**6. John Finnie (Highlands and Islands) (Ind):** To ask the Scottish Government what it is doing to ensure that fares on public transport do not become so expensive that people are priced back into their cars. (S4O-01960)

**The Minister for Transport and Veterans (Keith Brown):** The Scottish Government provides substantial funding for rail and bus services in Scotland, including subsidies to make public transport an attractive alternative to the private car. In the coming year we will offer £187 million in national concessionary travel reimbursement to ensure free bus travel to people over 60 or with disabilities and £50 million in bus service operators grant, which helps to keep fares lower than they would otherwise be. Within our £5 billion package of improvements for the rail

network, we support almost 75 per cent of the cost of a rail ticket through Government subsidies.

**John Finnie:** State-run East Coast has been widely regarded as a success, with more than £600 million in premiums and profits paid into the United Kingdom Government coffers in the last three years. Does the minister agree that a state-run service can be a success? Will he make representations to the UK Government not to return East Coast to the profiteers of the City of London? Will he outline what plans he has to return Scotland's rail network to successful public ownership?

**Keith Brown:** Part of the answer lies in the response that I gave previously to Richard Baker, which is that we are prohibited from doing that. We have asked the UK Government about that. It is of course something of an anomaly that a state-owned organisation in Germany can bid for the public rail services in Scotland and yet we cannot currently have a public sector bid in Scotland. It is also very surprising to me that I was not contacted by the UK Government on the question of the east coast mainline. For my part, I was very surprised that it should see that as a priority, given the state of the franchising process for other franchises. I will take up that matter with the UK Government.

### Hub North Scotland Ltd (Meetings)

**7. Tavish Scott (Shetland Islands) (LD):** To ask the Scottish Government when the Cabinet Secretary for Infrastructure, Investment and Cities last met hub North Scotland Ltd and what matters were discussed. (S4O-01961)

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** I have not met hub North Scotland Ltd directly, but officials regularly brief me on hub developments. Hub North Scotland is making good progress with regard to delivering new infrastructure projects for the public sector.

**Tavish Scott:** From the briefings that the minister has received, is she aware that the new Anderson high school in Lerwick is to be built by the tier 1 bidder Miller, and yet a local consortium of three Shetland building businesses was not allowed to bid? Will she look into why that happened and give me an explanation as to why taxpayers and value for money were not helped by having a broader tender?

**Nicola Sturgeon:** I am more than happy to write to Tavish Scott with the full background to the question that he asks and to give him the detail that he requests. I am aware of the situation around Anderson high school. I am also aware of some of the community benefits that are envisaged to be achieved through the project,

such as targets around having one apprentice and one graduate trainee per £6 million of capital expenditure.

I am aware of the plans that hub North Scotland has to hold industry days and meet-the-buyer events to engage locally with small and medium-sized enterprises, which might be interested in getting involved with those projects, and of its commitment to work with companies that have the required skills, experience and resources. It is anticipated that local companies will come forward and demonstrate that they have the required experience and skills and are able to compete for the work that is available. I am sure that Tavish Scott would agree that that would be a desirable outcome to achieve in order that we could get the fantastic new facility for Shetland while ensuring that the economic impact of constructing it is felt in the local community.

#### **Caledonian MacBrayne Ferries (Wi-fi)**

**8. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government what progress has been made towards introducing wi-fi on all Caledonian MacBrayne ferries that serve the Inner and Outer Hebrides. (S4O-01962)

**The Minister for Transport and Veterans (Keith Brown):** CalMac Ferries Ltd has undertaken a number of trials of several wi-fi delivery methods, including satellite, point-to-point wireless and 3G. CalMac hopes to tender and introduce a new service model during 2013 and has started the formal procurement process for the introduction of wi-fi on all its ferries that serve the Clyde and the Inner and Outer Hebrides.

**Angus MacDonald:** As a regular user of CalMac ferries I appreciate the progress that is being made. However, the minister will be aware that CalMac is trailing behind NorthLink Ferries Ltd in the introduction of wi-fi on its vessels. Given the loss in productivity associated with the lack of wi-fi on long and short sea crossings, what can the minister do to ensure early introduction of wi-fi on CalMac ferries sooner rather than later?

**Keith Brown:** First, I point to the difference in scale between CalMac and NorthLink Ferries and the number of routes that they serve. However, I agree with the member and am convinced of the benefits of wi-fi to ferry users who want to make the best use of their business and leisure time on board CalMac ferries. As I have said, CalMac is in the process of preparing a full business case.

I am keeping in touch with CalMac on the issue, but I can also tell the member that Castlebay school on Barra was one of the instigators. Pupils wrote to CalMac with a petition and CalMac has done an awful lot of work to ensure that MV Lord of the Isles and other vessels are converted to wi-

fi as quickly as possible. Progress is being made and CalMac intends to implement systems this year.

## **Culture and External Affairs**

### **Highlands and Islands (Culture)**

**1. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government what steps it is taking to directly promote, sustain and develop the unique culture of the Highlands and Islands. (S4O-01965)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government is a strong supporter of the unique culture of the Highlands and Islands. Along with our national agencies and other partners, we have been working to sustain and celebrate the heritage and cultural life of the Highlands and Islands and promote the area. We are particularly keen to support our Gaelic heritage, which is why Creative Scotland provides regular funding to Fèis Rois to support its important work in the area.

This year as we celebrate the year of natural Scotland, we have a further opportunity to spotlight, celebrate and promote the outstanding natural beauty and landscapes of the region to our people and our visitors. The programme for the year comprises more than 40 potential flagship events including the Hebridean Celtic festival in the Western Isles. In addition, Creative Scotland has provided more than £100,000 as part of the year of natural Scotland open fund to support cultural projects in the Highlands and islands. Of course, Historic Scotland is investing in a major representation of Iona abbey, 1,450 years since St Columbus first settled on Iona.

**Rhoda Grant:** The minister will be aware that Moray Council has cut its arts funding by 100 per cent, which will mean the closure of more than seven libraries, the loss of an arts development officer, the withdrawal of funding for museums, and an impact on the viability of 33 local arts groups in Moray. What discussions has the Scottish Government had with Moray Council to mitigate those swingeing cuts? What is the council's statutory responsibility to the arts?

**Fiona Hyslop:** On the latter point, the council's only statutory responsibility is in relation to libraries, as the member might well know. It is deeply disappointing that Moray Council has taken that step, and it is in contrast to the actions of many other local authorities. Indeed, only last week I visited East Ayrshire Council, which really embraces culture in every aspect, and Moray Council would do well to learn from the experience of East Ayrshire Council.

Moray Council is an autonomous body, as the member well knows. A flat cash financial settlement was provided for local authorities across Scotland, and it is quite clear that many local authorities are doing what East Ayrshire Council is doing. The Scottish Government has worked hard to protect local government and cultural spend and it is deeply disappointing that councillors in Moray have done otherwise. I hope that they will revisit their decision but, at the end of the day, as I reported to the Education and Culture Committee in Parliament, national Government cannot be the funder of last resort in decisions that have been made by autonomous local authorities. Those councillors will have to face their own electorate on that.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** In addition to the cuts in Moray that Rhoda Grant has talked about, I understand that the number of principal teachers is likely to be cut. Does the cabinet secretary agree that cultural appreciation starts in schools and it is very much to be regretted if the Independent and Tory-led council in Moray makes those cuts as well?

**Fiona Hyslop:** Education and culture clearly go hand in hand, and the Government has provided its creative education toolkit. I reiterate the importance of music, drama and arts in our education system.

Last night I attended a fantastic performance at my local school, Linlithgow academy. The spring concert saw hundreds of youngsters performing and celebrating their creativity, arts and culture. Tribute should be paid to the principal teacher of music in that school, and to all the teachers across Scotland who keep alive the burning spirit and enthusiasm for arts and culture.

**The Presiding Officer:** Question 2, in the name of Alex Fergusson, has not been lodged for understandable reasons—Alex Fergusson was on Parliament business in Malawi at the time.

### Computer Games Industry (Women)

**3. Alison McInnes (North East Scotland) (LD):** To ask the Scottish Government what action it is taking to encourage more women to enter the computer games industry. (S4O-01967)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Computer games are a sub-sector of the creative industries—one of the seven growth sectors of our economic strategy. We are working with our partner organisations to review our approach to developing support for the creative industries sector. That work includes the development of a skills investment plan, led by Skills Development Scotland.

We expect the skills investment plan to address the results of the British Academy of Film and Television Arts career pathways survey that was published in November 2012, which identified clear gender issues in the industry. The skills investment plan development process will also help to support and encourage new recruits and to develop skills in the sector.

**Alison McInnes:** I am interested to hear that update. Computer games technology is worth around £30 million to our economy. The expanding industry is young and dynamic and of course it has a strong presence in Dundee. However, only 18 per cent of the students who are studying games-related courses at Abertay university are female. Surely the full potential of the industry will be better realised if it can draw on a diverse workforce, so I urge the cabinet secretary to ask Scottish Enterprise, Skills Development Scotland and the universities to work together to develop that action plan.

**Fiona Hyslop:** I hope that I have given the member reassurance on that with my previous answer regarding the skills investment development process that is taking place. It is important that we encourage more young women into science—including computing science—and engineering at schools so that they are in a position to be encouraged to go into the games industry. Decisions about career courses at Abertay university will be made while young women are at school. Therefore, I hope that the work that Angela Constance, our Minister for Youth Employment, is taking forward with regard to careerwise and the science, technology, engineering and mathematics support that she is providing for young women, with the announcement of £250,000 to encourage girls to consider careers in science—including computing science—and engineering will be of assistance in that regard.

### BBC Scotland (Job Losses)

**4. Rob Gibson (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government what its position is on the call from the National Union of Journalists for a moratorium on job cuts at BBC Scotland and its decision to bring forward redundancies before the end of the financial year. (S4O-01968)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Ever since the BBC published its proposals for handling its reduced budget as a result of the licence fee settlement that was negotiated behind closed doors over 48 hours by the United Kingdom Government, the Scottish Government has consistently stood up for BBC jobs in Scotland and

for high-quality news and current affairs coverage by BBC Scotland.

The First Minister and I have repeatedly expressed our concerns over budget decisions, job losses and the potential impact on quality to the director of BBC Scotland, the chair of the BBC trust and respective directors general of the BBC. Only last week, on 18 March, I met the deputy chair of the BBC trust, Diane Coyle, and the BBC trust member for Scotland, Bill Matthews, and once more reiterated my concerns.

I am pleased to learn that some progress has been made with regard to protecting jobs at BBC Scotland, with the NUJ announcing on Thursday 21 March that it had reached an agreement with BBC Scotland management to delay the termination date into April for at-risk staff. I am pleased that the BBC and the NUJ have reached that interim agreement, but I strongly urge both parties to continue their discussions and reach a constructive resolution.

**Alex Johnstone (North East Scotland) (Con):** Will the Government take the same constructive and engaged approach with regard to Scotsman Publications and job losses?

**The Presiding Officer:** Excuse me, Mr Johnstone. I will take your question in a minute. It has just been pointed out that Mr Gibson did not get the opportunity to ask a supplementary.

**Rob Gibson:** Thank you, Presiding Officer.

I am aware of—and I welcome—the delay in applying redundancies at the BBC, but I deplore the excessive front-line staff cuts by a BBC Scotland management that displays a macho approach to ordering redundancies ahead of any other BBC region or nation. What assurances can the Scottish Government get that full news coverage in my area in the Highlands and in other areas of Scotland will not be shrunk below current levels?

**Fiona Hyslop:** As I said, the First Minister and I have repeatedly requested assurances from the BBC on coverage, particularly with regard to quality in news and current affairs. That should apply to all parts of Scotland and I am conscious of the sheer geographical size of the Highlands and Islands and the importance of providing that coverage.

Clearly, the BBC had a licence fee freeze imposed on it by the United Kingdom Government, but there is no escaping the fact that BBC Scotland made a choice to front-load its cuts in the first year of the new licence fee period. At this important period in Scotland's history, it is important that we get the quality of news coverage that the people of Scotland deserve. That should

be borne in mind during the BBC management's decision making.

**Alex Johnstone:** I refer the minister to the question that I asked some moments ago, regarding the Government's attitude to a similar problem at Scotsman Publications.

**Fiona Hyslop:** It is important that we have quality news and current affairs coverage in all branches of the media. It is disappointing that job losses are being announced across the Scottish media at this important time in Scotland's history. It is important that we work with different publications. I am conscious of the independence of newspapers—they are clear in stating that to us. However, I have deep concerns about the announcements, which are disappointing.

### Fair-trade Products

**5. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to promote the use of new fair-trade products in Scotland. (S4O-01969)

**The Minister for External Affairs and International Development (Humza Yousaf):** The Scottish Government funds the Scottish Fair Trade Forum, an independent body whose role is to promote fair-trade products in Scotland. On 25 February, at the start of Fairtrade fortnight, I had the great pleasure of announcing that Scotland had achieved fair-trade nation status. Achieving that status raises awareness of all fair-trade products.

On the same day, I launched the Fairtrade footballs initiative. This worthwhile project aims to supply Fairtrade footballs to youth and sports groups in disadvantaged areas across Scotland.

In addition, the Scottish Government continues to lead by example by specifying the provision of fair-trade options in our catering services framework contract, and we have issued guidance to the wider public sector on how fair and ethical trading can be supported through public procurement.

**Neil Bibby:** I welcome the minister's comments about the Fairtrade football campaign. It is estimated that 70 per cent of the world's footballs are hand-stitched by child labour in one town in Pakistan. I am sure that we would all agree that that is a shocking statistic.

The first challenge is to improve awareness of Fairtrade footballs, particularly among young people. What action will the Scottish Government take to encourage the use of Fairtrade footballs in our schools?

**Humza Yousaf:** I want to place on record my acknowledgment of the work that Neil Bibby did over Fairtrade fortnight to raise awareness of the

Fairtrade football initiative. I will write to him with some of the detail of what we are planning to do in schools and youth groups, and I would be happy to meet him to discuss the issue because, of course, it is not only schools that are important—other organisations are, too.

The Commonwealth games in 2014 give us an extra push, and we have to drive ourselves to ensure that we use fair-trade products—footballs or otherwise.

Again, I place on record my recognition of the efforts that Neil Bibby made in his local area with regard to a football tournament. He might be reticent to mention it, as I noticed that he did not win the cup, but I nevertheless welcome the initiative. More initiatives like that, across Scotland, can only be positive.

**The Presiding Officer:** Question 6, in the name of Adam Ingram, has not been lodged. The member has provided me with an explanation.

### Film Making

**7. Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what it is doing to promote film making in Scotland. (S4O-01971)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Creative Scotland has lead responsibility for the promotion of film making in Scotland. Creative Scotland administers a fund for film and broadcasting and has allocated funding to Film City Glasgow to examine the feasibility of a film studio project, with substantial funds earmarked for further development opportunities. Additionally, Creative Scotland is working with Scottish Enterprise to explore film studio projects.

Last year, the First Minister hosted a film investors evening to attract further inward private investment into film. The Scottish Government also provides funding to the Edinburgh international film festival, through the expo fund.

**Alison Johnstone:** Edinburgh attracts many international productions, the benefits of which are realised across Scotland. However, that business is dependent on local expertise and a healthy film culture. Edinburgh's ill-fated Marketing Edinburgh has decided to reduce the Edinburgh film focus team to one film officer, to the dismay of producers across the country. What steps will the cabinet secretary take, along with national film-making interests, to ensure that film making in Edinburgh and its outlying districts is protected and enhanced?

**Fiona Hyslop:** Clearly, this is a matter for the City of Edinburgh Council. I have concerns about the announcement—I think that it is short-sighted and sends the wrong signals. In terms of the

revenue that can be generated from film making, I encourage the City of Edinburgh Council and Marketing Edinburgh to take up Creative Scotland's offer for discussions on the issue to see whether there is a way forward.

### Creative Scotland (Film and Television Production)

**8. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** To ask the Scottish Government what recent discussions it has had with Creative Scotland concerning film and television production. (S4O-01972)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government is in regular contact with Creative Scotland about a range of activities, including film and television production. On Thursday 21 March, I attended a Creative Scotland board meeting at which film and television issues were discussed. At that meeting, I was briefed on Creative Scotland's recently commenced film review. I also had a meeting with Scottish Enterprise about the creative industries last week at which opportunities for film were discussed.

**Patricia Ferguson:** I am grateful to the cabinet secretary for that update. It seems to be progress. However, will she explain to the Parliament how co-operation with Scottish Enterprise is being taken forward and what action is being taken to ensure that, whenever a chief executive of Creative Scotland is appointed, film and television production are considerably better looked after than perhaps the industry thought they were in the past?

**Fiona Hyslop:** It is interesting that the film industry has provided positive feedback on the support to date. However, Patricia Ferguson is absolutely right to identify the importance of continuing support with the appointment of the new chief executive. That is precisely what I discussed with Scottish Enterprise last week. We need to ensure that there is good connectivity between its work on business development for some of the high-growth sectors and the indigenous film industry to ensure that we have links with Creative Scotland.

### Book Week Scotland 2013

**9. Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I draw members' attention to my entry in the register of members' interests as chair of the Scottish Library and Information Council.

To ask the Scottish Government what its plans are for book week Scotland 2013, following the successful launch of book week Scotland in 2012. (S4O-01973)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** I note the member's particular enthusiasm for the project. Book week Scotland in 2012 was Scotland's first national celebration of reading. It took place between 30 November and 9 December 2012. It was a manifesto commitment that was managed by Creative Scotland and delivered by the Scottish Book Trust.

Book week Scotland 2012 raised the profile of books and reading through a wide variety of events and activities for all ages throughout Scotland, including in public libraries. Plans for book week Scotland in 2013 are currently in development and will be announced shortly.

**Fiona McLeod:** I thank the cabinet secretary for telling us that the plans are in development. The Scottish Library and Information Council looks forward to working in partnership to ensure that 2013 is as successful as 2012.

**Fiona Hyslop:** I agree with that. Indeed, I am pleased to have the support of the Scottish Library and Information Council.

On the reach of book week Scotland 2012, we had authors throughout Scotland, and there was a real enthusiasm for reading and for our literature. It is a great way to celebrate our literature and our heritage. It is also a great opportunity, particularly on St Andrew's day, to recognise that rich culture.

### **Drama (Social Issues)**

**10. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government what support it gives to organisations that use drama to raise awareness of social issues. (S4O-01974)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government believes that culture, particularly the performing arts, can be a powerful way to raise awareness of social issues. That is why in 2012-13, together with Creative Scotland and our national performing companies, we have funded a wide range of projects and organisations that have sought to use the arts to address inequality and intolerance.

That funding includes an investment of £116,000 by the Scottish Government in the Citizens Theatre for the production of "Divided City" in Christina McKelvie's constituency. "Divided City" is a drama-based exploration of division and exclusion within communities that considers issues such as sectarianism and immigration. The play, which is the product of workshops within the area, was performed in Hamilton in February and was very well received.

**Christina McKelvie:** It was indeed.

The cabinet secretary will be aware that, at 6 o'clock tonight in the garden lobby, I am hosting the first ever live performance outside Hamilton of the street project. The street uses hard-hitting and immersive theatre to teach young people about the potentially serious and dangerous consequences of actions that are all too common in their environments and backgrounds. It is designed to challenge those who dare to take part in a way that has never been done before using gritty, hard-hitting theatre and top-quality youth work. The street takes theatre in education to a new level.

Will the cabinet secretary join me in congratulating everyone at the street, especially the young people involved, on the Convention of Scottish Local Authorities award that they recently won, and will she offer whatever support she can to that worthwhile project?

**Fiona Hyslop:** I indeed congratulate those young people and encourage all members to attend the parliamentary premiere. It is an excellent initiative that uses arts and culture to address hard-hitting issues and ensure that young people are able not only to tell their own stories but to reflect on that experience and change people's views and opinions.

## Emergency Question

14:39

**The Presiding Officer (Tricia Marwick):** Under rule 13.8 of standing orders, I have selected an emergency question from Jackie Baillie. The text of the question is in the revised *Business Bulletin*.

### Bedroom Tax (Emergency Legislation)

**1. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government whether it will bring forward emergency legislation to protect tenants from eviction as a result of arrears arising from the so-called bedroom tax, and financial support to help local authorities and housing associations to mitigate its impact.

**The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon):** This morning I met Iain Duncan Smith and reiterated the Scottish Government's view that the bedroom tax should be withdrawn. [*Applause.*]

The Scottish Government has written to all social landlords making it clear that tenants who genuinely cannot make up the shortfall that will be created by the bedroom tax should be protected from eviction. We have also made it clear that no Scottish National Party-led council will evict tenants in those circumstances—a policy position that has been rejected by the Labour-Tory Administrations in Aberdeen and Falkirk. Labour's rhetoric on the bedroom tax is, therefore, exposed as being empty, by its actions at local level and at Westminster, where it has failed to give any commitment to scrapping the tax.

We believe that the approach that we are taking is the right and sensible one. In line with existing legislation, we expect the same sensitive approach to be taken to tenants who get into financial difficulty as a result of other aspects of welfare changes. The change that is proposed in the question would create an anomalous situation and would provide no additional protection for people who get into difficulties as a result of welfare cuts other than the bedroom tax. Further, it would involve the Scottish Government taking £50 million out of other areas of public spending, with inevitable consequences for vulnerable people across the country. [*Interruption.*]

**The Presiding Officer:** Order.

**Nicola Sturgeon:** It is a fact that the only way for Scotland to be fully protected from welfare cuts that would be imposed by Westminster is for this Parliament to be independent. As soon as we have the power to do so, this Government will scrap the bedroom tax.

**Jackie Baillie:** Nicola Sturgeon really needs to stop politicking. [*Laughter.*]

**The Presiding Officer:** Order.

**Jackie Baillie:** The SNP clearly thinks it is a joke, but the bedroom tax will come into effect on Monday. Although the majority of members will agree that the bedroom tax is an abhorrent policy, it is not sufficient for the Scottish Government simply to shift responsibility to individual councils. The Scottish Government has the power to do something about it now.

Does the cabinet secretary agree that it essential to have across Scotland, rather than a postcode lottery, a common legislative approach that protects all tenants, whether they are council or housing association tenants, and which is backed by resources to mitigate the impact? Our repeated calls for action have been echoed by the Convention of Scottish Local Authorities, by many housing organisations and by organisations such as Children 1st.

I know that the Minister for Housing and Welfare has already said no, and John Swinney has already said no to amending the Local Government Finance Order 2013. Will the cabinet secretary today act in the interests of all Scotland's tenants? Will she forgo her holiday and return to the chamber during recess to pass emergency legislation? In so doing, she would protect the 100,000 vulnerable Scots who will be affected by the bedroom tax and who need our help now. [*Interruption.*]

**The Presiding Officer:** Order.

**Nicola Sturgeon:** First, I say that it is my understanding that Jackie Baillie has in this chamber misrepresented the position of COSLA. I trust, if that turns out to be the case, that she will come back to the chamber later this afternoon and correct what she said.

The Scottish Government will continue to do everything within the powers and resources that we have to protect vulnerable people across Scotland. Labour's position on the issue is shamelessly hypocritical and has nothing to do with protecting vulnerable people. Behind Jackie Baillie's rhetoric, the reality is very different. First, we have the reality of Labour councils voting against a no evictions policy—[*Interruption.*]

**The Presiding Officer:** Order. Mr Henry!

**Nicola Sturgeon:** In other words, Labour wants the Scottish Government to legislate because it cannot persuade its councils to do the right thing voluntarily.

Secondly, we have a point-blank, and disgraceful, refusal by Labour to say that it would

scrap the bedroom tax if it was re-elected to Government.

Thirdly, we have the grotesque situation of Labour saying that it opposes welfare cuts while being joined at the hip with the Tories in a campaign to keep the powers over welfare in the hands of the Tories, instead of arguing for this Parliament to have the power to decide. Instead of grandstanding—*[Interruption.]*

**The Presiding Officer:** Order.

**Nicola Sturgeon:** Instead of grandstanding—may I say that it is rather belated grandstanding—Jackie Baillie and Labour should be getting behind the Scottish Government's efforts to protect vulnerable people and joining us in a united front against the Tories, and not touring the country telling us that we are better together with the Tories. That is the reality.

**Linda Fabiani (East Kilbride) (SNP):** Is the cabinet secretary aware that Iain Duncan Smith, following a severe heckling by victims of his brutal welfare cuts in Edinburgh this morning, is on his way to meet Welfare Reform Committee members? The meeting will be held in private, at his request.

Does the cabinet secretary share my disappointment that instead of showing a united front to prevent the cuts happening in the first place, the Labour Party here is choosing to act as a human shield for the Tories? Does she agree that Labour members should be utterly and completely ashamed of themselves?

**Nicola Sturgeon:** First, I agree that it is disgraceful that Iain Duncan Smith, the architect of the bedroom tax and other welfare cuts, will not meet the Welfare Reform Committee in public, where he could publicly defend the policies that he is imposing on Scotland.

Secondly, Linda Fabiani has made the important point that today's question is a fig leaf for Labour. Labour wants to divert the Scottish people's attention from the real issue. The real issue is this: because powers over welfare remain at Westminster, we have to put up with a Tory Government that we do not vote for imposing welfare cuts and the bedroom tax on Scotland. *[Interruption.]*

**The Presiding Officer:** Order.

**Nicola Sturgeon:** If Labour members really cared for vulnerable people across Scotland, they would have a united front with the Scottish Government against the Tories; they would not be in a campaign with the Tories to keep welfare powers at Westminster.

**Alex Johnstone (North East Scotland) (Con):** Is it possible to get an answer from the people

who lodged the question on why a policy announcement that was originally made in June 2010 has only become an emergency nearly three years later, on the day when Iain Duncan Smith is visiting Edinburgh?

Given that the Welfare Reform Committee is about to meet Iain Duncan Smith, what will the Government—and Jackie Baillie, for that matter—do to help people who are in overcrowded accommodation and who are waiting for radical action to address their housing needs and to deliver effective use of Scotland's existing housing stock?

**Nicola Sturgeon:** First, we will not take any lectures from a Tory who is part of the party that is imposing the cuts and changes on Scotland.

As anyone who is watching will know, the question is a diversionary tactic. It is a diversion from the reality of a Tory Government that we do not support imposing policies on Scotland—*[Interruption.]*

**The Presiding Officer:** Order.

**Nicola Sturgeon:** The question is also a diversion from the fact that Jackie Baillie clearly cannot persuade Labour councils to do what SNP councils have done, and say that they will have a no evictions policy, like the one that we announced at the weekend. Labour would do far better to get its own house in order before it comes to Parliament to lecture the Scottish Government.

It is interesting—and it is another sign of the panicked move that we are seeing from Jackie Baillie this afternoon—that as far as I am aware, the petition that calls for the legislation that the question talks about was lodged in Parliament on 16 March: some Labour MSPs have signed the petition, but some Labour MSPs—including Jackie Baillie and Johann Lamont—have not signed the petition. *[Interruption.]*

**The Presiding Officer:** Order.

## Post-16 Education (Scotland) Bill: Stage 1

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-06059, in the name of Michael Russell, on the Post-16 Education (Scotland) Bill.

I remind all members that time was already extremely tight and that we have now lost 10 minutes of the debate. That means that later speakers will get their time cut. I implore everybody to keep to the time limit that they are given. The cabinet secretary has 14 minutes.

14:51

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I am delighted to open this debate on the principles of the Post-16 Education (Scotland) Bill.

I thank everyone who has contributed to the development of the bill so far. In particular, I thank the members of Education and Culture Committee for their detailed scrutiny and comprehensive stage 1 report, which I welcome and which we are happy to respond to. I want to go on working with the committee, of course, as we continue to develop and improve the bill.

Most of all, I want to thank all the staff, students, colleges, universities, employers and others who have given their views not just during the committee's evidence gathering, but through the numerous consultations and reviews that have informed and shaped the bill.

The Government's record shows our undoubted commitment to education and delivering better opportunities and outcomes for learners. We have ensured that learners can benefit from a world-class education without the fear of tuition fees, and we have maintained student places in our colleges while promoting full-time, job-focused learning. We have delivered record funding for our universities and introduced the most comprehensive student support package currently available in the United Kingdom. We have delivered a record 25,000 modern apprenticeships and, through opportunities for all, we have acted to prevent the scarring effects of long-term youth unemployment, in which there has been a drop of 34,000 in the past year—the largest annual fall on record. Those achievements are good, especially as they have been delivered during the worst economic climate in living memory, but they do not represent the limit of our ambitions for Scottish education.

I believe that our reforms of the post-16 education system will deliver enormous benefits for learners and for Scotland. As the legislative

arm of post-16 reform, that is precisely what the bill sets out to achieve.

Let me open up the ideas in the bill.

The bill reflects our strong belief that access to higher education should be extended to all, especially those in our most deprived communities.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** You rightly say that the objective of the reform is to widen access to education for people in deprived areas, for example, and vulnerable people with learning difficulties. A thousand learners are in James Watt College for precisely that reason. How will we ensure that the bill will ensure the best outcomes for people with learning disabilities? How will it ensure that they are not pushed out of our colleges as an unintended consequence?

**Michael Russell:** The process of regionalisation will be part of the process of widening the offer. I am glad that the member has raised that issue, because last week, I met the cross-party group on learning disability. I am sure that it would have welcomed you—the member—too. We discussed—and I have discussed this with the charities involved—additional investment that we can put in place to ensure that there are no unintended consequences. I have recently approved two schemes that will attempt to guarantee that, and I will go on attempting to guarantee that with those involved.

**Neil Findlay (Lothian) (Lab):** Today, I received an email from Unison, which has done a quick survey around the City of Glasgow College and identified almost three pages of courses that have been cut. The courses, which ran last year but are not running this year, are: the higher national certificate in engineering; courses in electrical engineering, mechanical engineering, sports science and sports coaching; the European computer driving licence; and additional needs courses. The list goes on and on. How does that widen access?

**Michael Russell:** I am not really surprised that Mr Findlay is behind Ruth Davidson in raising those points. She raised them some months ago but, unfortunately, she has not come to the chamber to withdraw them as she should have done, given that she discovered that some of those courses had not been withdrawn and that others were available in nearby colleges. *[Interruption.]*

**The Deputy Presiding Officer (Elaine Smith):** Order.

**Michael Russell:** The process of regionalisation is providing wider opportunities across the college

sector and across Glasgow. It is doing precisely that.

**Liz Smith (Mid Scotland and Fife) (Con):** I take your point about various aspects of the issue and that we have to weigh up other things in the balance. Could you be specific? College regionalisation is on-going in any case. What specifically in the bill will widen access?

**Michael Russell:** There is a guarantee of widening access to higher education in the outcome agreements, and the regionalisation process will ensure better offers for every student. I would have thought that that was axiomatic.

I will continue to outline those points as I go through the bill.

**Margo MacDonald (Lothian) (Ind):** I thank the minister for giving way—he is taking a great number of interventions. Perhaps he should be absolutely bare-faced and honest: we will widen access to education when we have fewer poorer people. Perhaps the ball should start not in the court of people who are looking for education but in the court of those who are looking for jobs.

**The Deputy Presiding Officer:** Members should use members' full names.

**Michael Russell:** Margo MacDonald is, as ever, wise, but the bill is about opening the door and creating the opportunity. Of course, moving people away from poverty in Scotland is important, and she and I agree exactly on how to do that, which is to have independence in Scotland.

The bill reflects our strong belief that access to higher education should be extended to all, especially those in our most deprived communities. The bill will end once and for all the perception in those communities that a top-class education is an opportunity that is designed for others. The distinguished Toronto educator, Avis Glaze, says that "poverty is not destiny". The bill will make yet clearer that in Scotland, post-16 education is for everyone with the ability, drive and ambition to pursue it.

The bill will allow us to ensure that Skills Development Scotland has the information that it needs to identify young people who are at risk of dropping out of education. It will allow us to cap tuition fees for students from the rest of the United Kingdom and impose a related condition of grant on the Scottish Further and Higher Education Funding Council, which will ensure that such students are not charged more than they can access in fee support from their own administrations. We abhor the monetisation of higher education that has been set in train by the UK Government; unfortunately, that is the reality, and this Parliament has had no alternative but to take action.

The bill will substantially improve the governance of both college and university sectors. That is right and proper, and it is commensurate with the assurance and accountability required for public investment of £1.6 billion each year.

The bill will establish the structures that are necessary to deliver the full benefits of college regionalisation. As many commentators have observed, a regional system of planning and delivery will allow a much sharper alignment of provision and economic need, which will boost the employability of learners and deliver the skills that are necessary to drive forward the Scottish economy. Finally, the bill will give the SFC an explicit power to initiate a formal review of Scotland's post-16 educational offer, to ensure that it effectively meets the needs of learners and the economy.

I am pleased to say that the evidence presented to the committee has revealed strong support for those principles, which is in stark contrast to the impression created by some Opposition members last week. The clear message that I hear from learners, staff and institutions is that the policy objectives that we have identified are the right ones.

To take just one example, on widening access, Robin Parker of National Union of Students Scotland clearly told the committee: "The legislation must happen." However, that should come as no surprise, because we did not arrive at the bill's principles on our own.

In the early autumn of 2011, we embarked on a process of detailed consultation and engagement. We published "Putting Learners at the Centre" in September that year. With the funding council, we consulted on detailed proposals for college regionalisation in November. Professor von Prondzynski and Professor Griggs consulted widely during their respective, independent, reviews of university and college governance. All that has led to a constructive process full of challenge, discussion and debate, to which we have listened carefully. We have taken that on board and have made improvements, and we will go on listening and looking at those ideas and influences as we progress with the bill.

However, I do not claim that there is consensus on the detail of every provision—it would be surprising if there was. Throughout the process, I have been clear that I welcome constructive challenge, and I will go on doing so because my priority is to work with staff, students and institutions—and this Parliament—to produce the best possible bill: one that maximises benefits for learners and for Scotland.

Today we are talking about the bill's general principles—that is our focus. Looking ahead, I

encourage all members, whether they are on the Education and Culture Committee or not, to come forward with suggestions that can help us to achieve a better bill.

I turn to some of the issues that were highlighted in the committee's report. I noted with interest the differences that emerged. For example, some of the concerns over the provisions relating to college regionalisation are founded in perceptions of complexity. However, there is broad acceptance that a regional model of planning and delivery will achieve substantial benefits for learners, institutions and employers.

It has been suggested that, in allowing for both single and multicollege regions, we are creating an overly complex system. However, the bill allows for those different structures because we want colleges to determine the best model for learners in their region. Ian McKay, a former college lecturer and trade union official who is now regional lead for Edinburgh, put it well in his evidence to the committee when he said:

"In a place as diverse as Scotland, it will be necessary to have a degree of variance in the way in which we exercise control over a national structure. It makes sense that there should be such variance."—[*Official Report, Education and Culture Committee*, 19 February 2013; c 2026.]

An alternative approach would have meant forcing colleges to merge. We are not going to do that. Those who criticise our plans for regionalisation cannot at the same time oppose the flexibility that the bill allows.

Opposition parties have united to call for a delay to the bill, but at every stage we have answered the questions put and have addressed the issues raised, and we will go on doing so. Delaying the bill would be the wrong thing to do because college leaders are already seizing opportunities for post-16 reforms and are delivering the benefits of those reforms at an unprecedented pace.

**Liz Smith:** Will the cabinet secretary take an intervention?

**Michael Russell:** I am sorry, but I am very short of time. Perhaps I will do so in a moment.

It is college leaders who, right across the country, are presiding over the emergence of colleges of scale and distinction. I do not think that delay would serve any purpose at all. I have made clear my intention to listen to any concerns that are raised and to address those at stage 2. Colleges themselves have set timetables for change, and I will back their efforts for learners as strongly as I can.

I will also back the development of wider collaborative models. Let me make clear my support for the work that continues between the local authorities and higher education bodies in

the unique venture at the Crichton campus in Dumfries. I am looking to the funding council and the institutions involved to ensure that that model and others are recognised in outcome agreements.

Widening access is another principle for which there is strong support. Let us discuss how we can get that principle into action. In 1894, John Caird, the then principal of the University of Glasgow, said:

"It is the glory of our Scottish universities that they have never been places of education for a class, that no costly arrangements render them possible for only the rich or well to do."

However, 119 years after that remark was delivered, we still have not adequately widened access to our poorest communities—a point that Duncan McNeil just made. Almost everyone in the chamber would agree that widening access is intrinsically good. The question is not whether something should be done, but how best to do it—and, in particular, whether it is necessary to legislate. I believe that the evidence shows that we must.

I do not dispute that progress has been made. I applaud the innovative programmes that are being developed. However, there is no getting away from the fact that participation from Scotland's most deprived areas has increased by just 1 per cent in the past nine years. That is unacceptable. We invest more than £1 billion a year in Scottish universities, and that investment must yield a return for all young Scots who have the ambition and determination to succeed, whatever their background or circumstances.

That does not mean that there should be any displacement. We do not want to increase access for one group of learners by restricting opportunities for another. By opening access in the truest sense, we have already created an additional 1,700 places in anticipation of an increase in the number of learners from deprived backgrounds. That is why we provide the Scottish funding council with £29 million every year for those activities.

**Liz Smith:** Will the cabinet secretary give way?

**Michael Russell:** No. I am sorry, but I am coming to the end of my opening speech. I will genuinely try to take an intervention later in the debate.

I turn to the issues that were raised by the committee with regard to governance. The bill will allow ministers to require institutions to comply with principles of governance that appear to constitute good practice. A code is being developed by the chairs of court, who have been consulting. It is appropriate that the committee has a role in scrutinising that code, and I am pleased

that there is going to be further evidence on it. Nevertheless, the code is not explicitly referenced in the bill and is not, therefore, a substantive part of the legislation that is under scrutiny. The scrutiny that will take place will be necessary, but it has not impeded the progress of the bill.

I have set out the principles of the bill and the benefits that I believe it will deliver for Scotland. It has been suggested by some in the chamber that none of this is necessary and that, although our intentions are laudable, legislation is not necessary or essential for their achievement. However, the bill is necessary and essential. It is necessary and essential for the Scottish businesses that are looking for the skills that they need to grow. It is necessary and essential for the ambitious learners who want to acquire the skills to enter quality employment. Above all, it is necessary and essential for the young people in our deprived communities who dream of a better life.

I move,

That the Parliament agrees to the general principles of the Post-16 Education (Scotland) Bill.

15:04

**Stewart Maxwell (West Scotland) (SNP):** I thank the cabinet secretary for addressing in his speech many of the issues raised in the Education and Culture Committee's stage 1 report on the bill and for his quick response—in time for the debate—to the report. I also thank those who provided evidence to the committee, the clerks, and the Scottish Parliament information centre, which provided assistance throughout the stage 1 process.

I make it clear that I am speaking in my capacity as committee convener, which provides me with an opportunity to discuss the main issues in our report in more detail. I will also look ahead to stage 2—assuming that the bill passes stage 1.

The committee's report sets out various areas where further information is required before we will be in a position to consider amendments. The report notes the broad and strong support for the general policy direction; it also raises a number of questions about some of the specific approaches that are being adopted.

I should say at this point that the committee was split on whether to support the bill's general principles. The majority of members supported those, whereas others expressed concern about whether the legislation would achieve them. All members noted some concern about the specific means by which the bill would achieve some of the general principles. I will address some of those concerns and questions as I go through our views on the bill, provision by provision.

I doubt that any member is unaware of the educational, cultural and economic importance of Scotland's higher education institutions. Our universities punch well above their weight internationally, and I believe that no Government—or party—would seek to jeopardise their world-class reputation. Although university reform should therefore be conducted with caution, the Parliament should not run the risk of being overly timid in its approach. Higher education institutions spend considerable amounts of public money, and we rightly expect to derive a public benefit in return.

A major aim of the bill is to improve university governance. The trade unions that provided evidence forcefully made the case for that, citing universities' weakness in relation to scrutiny, transparency and widening access as reasons for reform.

The Scottish Government's response to those perceived weaknesses is set out in section 2 of the bill. Essentially, higher education institutions are

“to comply with any principles of governance or management”

identified by Scottish ministers.

It is fair to say that university principals and chairs are worried that the provisions on governance may give too much power to Scottish ministers and jeopardise their institutions' responsible autonomy. In other words, they expressed the belief that universities can best deliver public benefit when they have clear autonomy to do so. In our report, we have asked the cabinet secretary to explain whether those concerns should be addressed by amending the bill at stage 2.

While we were scrutinising the bill at stage 1, a steering group was developing a new Scottish code of good higher education governance. We understand that the code—which is due to be published in April—will become the “principles of governance” referred to in the bill.

The committee had a number of questions about the code, and in our report we have asked the cabinet secretary to explain how it will be signed off, whether it will address the issue of gender inequality on university governing bodies, and how it will avoid straying into the management, as opposed to the governance, of universities. Given that the code was not available before the end of stage 1, the committee will take further evidence on the content of the code before commencing stage 2.

I hope that everyone present agrees that our universities should be places where all those with the ability to flourish are admitted. However, it is

strikingly apparent from the evidence that we heard that some groups of people, particularly those from disadvantaged socioeconomic backgrounds, are not as well represented in university as others. The bill seeks to address that deficit.

The committee welcomed the principle of widening access and the cabinet secretary's recent financial commitment to that policy. However, we have asked for further information from the Scottish Government.

First, we want to know how the risk that universities will adopt weak access targets can be avoided. We do not want—or anticipate—such an outcome but, to put it charitably, progress on widening access could perhaps have been a little quicker over the years. As the cabinet secretary acknowledged, universities will maintain autonomy in determining admissions. We also heard from Scottish Government officials that universities are unlikely to face financial penalties for failing to hit targets. Therefore, the committee has requested some clarification on how the bill will be made to work.

Secondly, we have asked for confirmation that the very welcome Scottish Government funding for retention activities will continue in future years, because there is not much point in widening access if the students who benefit then simply drop out of university.

Although the bill allows for the establishment of widening access agreements, what is crucial is whether the intended outcomes are delivered. We have therefore requested an annual update from the Scottish funding council on the progress that is being made on access and retention. I welcome the cabinet secretary's comments in his reply to the committee's report in that regard.

Much has been said inside and outside the Parliament about tuition fees. In the evidence that we took on the provision on tuition fees, the arguments that we heard were well rehearsed and were undoubtedly familiar to all members. The unions restated their opposition to tuition fees and said that students from the rest of the UK who studied in Scotland could face the highest-cost education system in the UK, but Universities Scotland challenged that evidence. It pointed out that the average Scottish fee is "spectacularly" below the average English fee, and that around 30 per cent of degree courses in England last for four years or more.

In effect, the bill puts on a legislative basis an existing agreement that Scottish institutions will cap the level of tuition fees that they charge students from the rest of the UK. The committee supported the general principles of the Scottish Government's approach to the fees cap.

I turn to college regionalisation, which forms the most substantial part of the bill and on which we took a large amount of evidence. There was praise for the bill's aims and the wider reform process, but several witnesses criticised the bill and the wider process. The changes that the bill proposes and the separate continuing process of college mergers will result in a significant restructuring of Scottish colleges. There will be regions with a single college—that will be the case here in Edinburgh, for example—as well as multicollege regions in Glasgow and Lanarkshire. New regional boards will be created for Glasgow and Lanarkshire, which will distribute funding and plan provision across the region. Individual colleges in those areas will be known as assigned colleges.

In the light of comments by the Scottish funding council, we particularly asked the cabinet secretary for a detailed explanation of the relationship between regional boards and assigned colleges. Specifically, the committee sought clarity on lines of funding and accountability between the two levels of governance. We also wanted to understand how regional boards will meet the needs of students and business without becoming overly bureaucratic or consuming precious resources.

The bill will also allow the funding council to review the provision of fundable further and higher education to ensure that it is provided in a coherent manner. Such a review could include consideration of the number of post-16 education bodies and of the learning and courses that they provide. The provision in question does not appear to radically alter the funding council's existing powers in that regard, although Scottish Government officials said that it would give the funding council

"a clearer mandate to discuss with institutions evidence of, for example, unnecessary duplication that is to the detriment of learners and wider public investment."—*[Official Report, Education and Culture Committee, 15 January 2013; c 1745.]*

Universities Scotland criticised the proposals. It said that it was not the funding council's responsibility to decide on the number of fundable higher education institutions and went on to set out some of the potential problems that a higher education institution could face if it were known that it was under review. Although the cabinet secretary and the funding council sought to reassure Universities Scotland, we have asked the Scottish Government to consider whether the bill could be amended to provide further reassurance to universities.

I turn to the provisions in the bill that concern data sharing. If the bill is passed, a legal duty will be placed on relevant bodies to share data with Skills Development Scotland to help it to identify

young people who have disengaged with learning or training, or who may be at risk of doing so.

Although the cabinet secretary stressed that a relatively minor change is being sought, our understanding of the provision was not at all helped by the evidence that we received. In particular, we struggled to understand how a database—or a data hub, as it was called—could identify young people who were

“at risk of disengaging with learning or training”.

I had some difficulty understanding the evidence that we received from SDS. Our comprehension was not helped by the fact that the policy memorandum does not explain what the phrase means, nor does it say how many young people it could cover or exactly how they would be helped.

Although a minor change is being sought, the underlying policy is of immense importance and we took some time to disentangle the provision from the wider policy. We also asked SDS for a detailed explanation of how it will proactively support young people who may be

“at risk of disengaging with learning or training”.

The committee, by majority, supports the general principles of the bill. We have taken our responsibilities at stage 1 extremely seriously and have taken evidence on all the key issues from a wide range of interested parties. As ever, their input has been invaluable and I would like to thank all those who provided written submissions or oral evidence. I restate my—and, I am sure, the committee’s—thanks to the clerks and SPICe for all their support during the stage 1 process.

Our report summarises the bill’s strengths and weaknesses. Witnesses and the committee have made it clear that greater clarity on the bill is required, and I very much welcome the cabinet secretary’s commitment to work with the committee to ensure that the bill can and will be improved at stage 2.

15:14

**Neil Findlay (Lothian) (Lab):** As a member of the Education and Culture Committee, I, along with my colleagues, sat through many hours of evidence on the bill, and my view on it has been shaped by what we heard from the students, staff and relevant interested parties—those who know most about further and higher education—who appeared before the committee.

As parliamentarians, we have a duty—particularly in our committee work—to interrogate and question what is brought before our Parliament. The Education and Culture Committee has done that to good effect, as is apparent to anyone who reads the committee’s report or who listened carefully to the convener’s speech.

I say at the outset—so that there is no room for misrepresentation, pretence or false indignation—that I and probably all the committee’s members support the broad aims of the bill. I certainly support the aim of improving the governance, transparency and accountability of universities, for which students and trade unionists have called. I support the reform of tuition fees for rest of UK students, for which student leaders have called. I support improvements to and the democratisation of college governance. I recognise the need to improve collaboration between colleges and universities, and I support improved data sharing to support people into employment.

I bow to no one in my support for widening access to higher education. A college education changed my life by providing me with the opportunity to enter higher education, and for many students like me it is the route to university. However, the evidence that we have heard has raised some serious concerns that strongly suggest that the bill as it stands is deeply flawed.

For example, the committee’s ability to fully comprehend the provisions on higher education governance was severely hampered. The Scottish funding council was supposed to commission a working group to develop a new and improved code of governance for universities, but instead the chairs of court took it upon themselves to undertake that work and appointed a steering group. The code has been neither published nor scrutinised by the Education and Culture Committee, and that is wholly unsatisfactory.

Indeed, the group’s development of the code was heavily criticised in evidence from the University and College Union Scotland, the Educational Institute of Scotland and NUS Scotland, which complained bitterly about the lack of student and staff representation on the group. Despite the unrepresentative composition of university boards, the university chairs told the committee that

“there is no particular problem with governance in Scotland to be solved.”—[*Official Report, Education and Culture Committee*, 19 February 2013; c 2011.]

Given that their assertion was contradicted by students and unions, I have some concerns about the steering group’s findings—whatever they may be. I am also concerned that the findings will be accepted entirely by the Government, with the result that the code

“would effectively become the ‘principles of governance’”.

Professor von Prondzynski himself said that governance was overwhelmingly excellent. Those views were rightly challenged by the UCU and NUS Scotland, and if Professor von Prondzynski thinks that governance is currently excellent, that raises the question of why a new code is needed.

There is also an apparent difference of opinion between the cabinet secretary and the chair of the funding council on whether the new code would be voluntary or compulsory, which is a pretty fundamental issue. We do not know whether the new code will deal with issues such as gender equality or staff and student representation on university boards of governance.

Section 3 of the bill relates to widening access, which is a subject that is close to my heart, but many questions that were asked about that subject remain unanswered. How is the objective to be achieved? What actions are to be taken by institutions to improve access? What is the target? Which groups are to be targeted? Who will be counted in the widening access total? What rate of improvement will be deemed a success? Which initiatives have been successful, and which have failed? How are admissions staff to be protected if they apply contextualised admissions? Will there be displacement? How will access be widened with no extra funding? What is to happen if universities do not play ball?

Government officials said in evidence that financial sanctions were unlikely in the event of a failure to widen access, but only today the cabinet secretary said in his letter to the committee that financial penalties may indeed be imposed.

What about retention, which is so vital to widening access? How can we talk about widening access when the very students who—like me when I went through the system—are most likely to access higher education through college are at present being denied a college place as part-time places and adult learning provisions are slashed? What relevance does widening access have for them?

I think that we all want access to continue to be widened and for the pace to increase significantly, not least because—as we heard in evidence—some institutions are failing miserably.

However, although the bill may reinforce widening access efforts, the questions that I have raised need to be answered first, particularly those that relate to funding and displacement. In the interim, through the conditions attached to the university grant process, the Scottish funding council could tackle the issue now, which is indeed what it should be doing.

College regionalisation is another element in the bill about which there are many concerns. The committee's report states clearly that, in the policy memorandum,

“there is very little information provided about why changes require to be made.”

There are major concerns about the complexity and bureaucracy of the proposed college

landscape, which will include regional strategic bodies, regional boards with assigned colleges, regional colleges and a completely different set-up for the University of the Highlands and Islands. David Belsey, of the EIS, summed up the situation very well:

“If it's the Government's wish to create a nationally incoherent FE structure with a myriad of different types of colleges, governing bodies and funding mechanisms with separate regulations for each, then this Bill is the way to go about it.”

Some witnesses expressed the view that the changes to the structures and bureaucracy of colleges are simply a cover for cuts—we know that another £25 million is to be taken from college budgets. The submission from Angus Council community planning partnership stated:

“However, in practice, recent changes to college funding for school-college partnerships have already restricted the range and volume of provision available to young people. It would be unwelcome if college regionalisation compounded this by diverting time, energy and money from core functions.”

Unison argued that

“the whole thrust of regionalisation is not really about taking a regional approach. Rather, it is about delivering budget cuts”.

The Unison representative went on to say that colleges are being forced into merger because

“they are afraid that if they do not, they will be cut out after the regional boards start to distribute the funding.”—[*Official Report, Education and Culture Committee*, 5 February 2013; c 1953, 1957.]

There are many more issues on which clarity is needed. How will relationships between the regional bodies and assigned colleges work? Will that result in a bidding war? Will some colleges be preferred over others? Will the charitable status of colleges remain, given the increased ministerial powers and less autonomy? How will academic freedom be maintained? Will there be centralisation of courses? What will happen to local access? We have already witnessed the impact of regionalisation on local access with the closure of Edinburgh College's construction campus at Dalkeith.

**Margo MacDonald:** Those are good questions, but does the member have any answers to them? It sounds to me as though they could be issues for debate.

**Neil Findlay:** What a fantastic question from Ms MacDonald. I just wish that she had put that point to the minister.

**Stewart Maxwell:** Sorry, but I do not want members in the chamber to get the wrong impression of what occurred in the committee. The member raised many of those questions—he listed them in the way that he has done today—

when the cabinet secretary gave evidence to the committee. In response, the cabinet secretary said:

“If the committee asks questions about each of the issues that you referred to, I will address them.”—[*Official Report, Education and Culture Committee*, 26 February 2013; c 2073.]

Why did the member not ask the cabinet secretary any of those questions when he had the opportunity?

**Neil Findlay:** The committee asked the cabinet secretary question after question after question, as did the people who gave evidence, so that is utter nonsense.

What about the strategic forum? How will that work? What are the costs of regionalisation and the projected savings? Is £50 million realistic? Is increasing ministerial powers over the appointment and removal of chairs desirable?

**The Deputy Presiding Officer:** You are in your last minute.

**Neil Findlay:** Section 14, on “Review of further and higher education”, is a provision on which Universities Scotland has raised concerns.

Finally, on section 15, following the committee’s evidence session with SDS—Mr Maxwell also alluded to this—it would be fair to say that the committee was not much further forward in understanding the data-sharing proposals, on which many questions remain unanswered.

Although we largely agree with the aims of the bill, the bill itself is badly drafted, ill defined and clumsy. It is a confused piece of legislation. Anyone who reads the committee’s report will see that. Question after question remains, so a far greater degree of clarity is needed. The NUS, Colleges Scotland, Universities Scotland, the UCU, the EIS, the chairs of university courts, college principals, Unison, the Scottish funding council and members of all three Opposition parties on the Education and Culture Committee—and, indeed, Scottish National Party members of the committee—have all raised repeated and serious questions about the bill.

**The Deputy Presiding Officer:** You must conclude.

**Neil Findlay:** I take no pleasure in saying that the bill is not fit for purpose. The Government should recognise that, withdraw the bill and come back with one that the sector can support.

15:24

**Liz Smith (Mid Scotland and Fife) (Con):** We can all agree that this is a very important time in further and higher education. There are a huge number of challenges involved in facing up to a

fast-changing world and in ensuring that our colleges and universities are fit for the future as regards their competitive edge, their flexibility and their ability to adapt to the needs of an ever-increasing diversity of students.

We should not underestimate the scale of that challenge. It was quite right that the Scottish Government was mindful of whether government had a legislative role to play in assisting with meeting that challenge. The Scottish Government, in conjunction with colleges, universities and the Scottish funding council, needed to decide which policies would best deliver excellence in our institutions, would maintain and enhance their international reputations and would respond to the economic and social needs of local economies. I hope that that decision is based on building on the current successes of our institutions. If a legislative route was seen to be desirable, it would be clear in its intentions, practical and acceptable to the institutions involved.

It was against those criteria that the Scottish Conservatives set out to examine the Post-16 Education (Scotland) Bill. At the start of the process we were genuinely open-minded, largely on the basis that we had sympathy with some—albeit certainly not all—of the main policy intentions. As time has gone on, and following lengthy committee meetings examining a large amount of evidence—meetings that were ably and objectively chaired by Stewart Maxwell—we have increasingly come to the view that this is a bad bill. It is a bad bill not just because of its poor drafting; it is a bad bill because of the complete lack of clarity about the relationships between the new structures, which is particularly the case with regard to colleges. The bill has botched the balance between public accountability and autonomy, and it is a bad bill because there is so little evidence that it is needed and is able to deliver on the intentions behind it.

Alastair Sim of Universities Scotland summed it up well when he said:

“the bill has come adrift from the policy intentions.”—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1977.]

I agree. Apart from those presentational problems, which formed a substantial part of the evidence, there are, for the Scottish Conservatives, some major policy issues with the bill, and I will consider those in the context of an increasingly competitive international situation for our universities.

Good governance is not in doubt—indeed, I do not believe that it ever was. If there was compelling evidence and serious examples of bad governance harming education and holding back our institutions, there might be a case for new legislation. However, the policy memorandum did not identify any such problems, and Professor von

Prondzynski was at pains to say that he thought that the existing structures were “excellent”. That begs the question why the Scottish Government is so intent on such an unnecessary overhaul.

**Michael Russell:** The member cited Professor von Prondzynski. To be fair, she should not give the impression that Professor von Prondzynski said that everything was fine and that we should leave it at that. Professor von Prondzynski’s report is lengthy and detailed, and it makes many recommendations for improvements in governance. I am sure that the member will wish to acknowledge that.

**Liz Smith:** I acknowledge that, but the whole point is that Professor von Prondzynski was saying that there is no need for a radical overhaul, particularly—

**Michael Russell:** But change is necessary.

**Liz Smith:** Forgive me, cabinet secretary, but an overhaul is not needed, particularly not on the governance of universities. The Government’s proposals are also intent on interfering in the management of universities and the sector has asked the Government to remove that key provision.

Although I respect the views of those with a slightly different perspective, who have argued fairly on the point of social justice, I cannot find the hard evidence, regarding some of the situations to which they have referred, that the bill will deliver better education than we have now.

We are very nervous about legislating to insist on statutory requirements to have specific quotas on university courts or college boards. Apart from the complications involved, such as ensuring private sector representation on the boards of colleges that have significant links to businesses, that proposal removes the flexibility of governing bodies and their ability to reflect the diversity of our institutions, which is so important.

I will turn to the more deep-rooted concerns, specifically about the Scottish Government’s desire to have more powers over our colleges and universities, for example in extending the circumstances in which ministers could remove board members or oversee the management as well as the governance of universities. Apart from our fundamental opposition to that measure, because it threatens to undermine the autonomy of our tertiary education sector, I can see no logical evidence to move in that direction.

If the cabinet secretary cared to look around the world, he would see that those nations that are faring best in higher education in terms of academic success rates and retention rates, as measured by the Organisation for Economic Co-operation and Development, the World Bank and

the Shanghai ranking, are those whose Governments are less involved rather than more involved.

Indeed, in Finland—a country whose ideas on education the cabinet secretary is always keen to promote—in 2010, state influence was specifically removed from universities because it was stifling autonomy. We will not accept that aspect of the bill, which goes too far when it comes to Government meddling in our institutions. We cannot accept that, which is why we will not support the bill at stage 1.

**The Deputy Presiding Officer:** We come to the open debate. I remind members that I cannot call them to speak unless they have pressed their request-to-speak buttons. The Presiding Officer has already indicated that members who are speaking later in the debate will have their time cut to five minutes. The members who will be affected have been advised of that. Otherwise, we will have speeches of six minutes, and I am afraid that it is a very strict six minutes.

15:30

**George Adam (Paisley) (SNP):** It is important that we ask what we want from the bill. I will talk about the issues on which we should all agree. We should agree on the principles of the bill. Some members have mentioned that we agree on certain parts, so we should work towards making the bill everything that it possibly can be. We agree on more than we disagree on, so let us not let personal politics get in the way of progress.

For me, access to higher and further education is one of the main issues. The exciting provisions in the bill are those about ensuring that, regardless of financial or social background, young people in Scotland have the opportunity to be all that they can be. To illustrate that, I will tell a short story about my grandparents, who worked in a cotton mill in Ferguslie Park in Paisley all their lives, which was not unusual for people from Paisley. I use them as an example of how things have changed and why we must adapt and work differently in the FE and HE sectors today, which is the important point.

When my dad eventually came along and went to school in Ferguslie, in what was junior modern secondary in those days, like many of his generation he was deemed at a very young age to be not clever enough to have a more complex formal education. When he was 15, he left school and was told by my gran to get himself a trade. He was lucky that, at that time, there were opportunities in the town, educationally and through apprenticeships with companies. He managed to get an apprenticeship with a local engineering firm and trained as an armature

winder. He served his time and was extremely happy in his work.

He met my mum and eventually my grandfather and mother persuaded him that he would probably be better off if he worked for himself. My grandfather, being a Paisley man who was clever and shrewd when it came to money, had stashed away quite a bit. That was the fork in the road that changed my family's future and changed their life. It was my father's vocational training that made the difference and that made that opportunity available to him in the 1960s.

The reason for the story is that the cotton mills are no longer in Paisley and the place where my dad served his apprenticeship is now a private housing estate. That is why I support the Scottish Government's commitment to further and higher education and why I feel that it and the bill are important. The bill supports the premise of providing education and vocational opportunities for all our young people in today's competitive and challenging times. The world that we live in is literally a lifetime away from the world that I spoke of earlier. I support the bill because of what it will provide for my children's future and for the current generation of young people who are trying to make their way in the world.

That is why, for me, widening access to higher education is the most important part of the bill and something that we must strive to achieve. It is one issue on which, allegedly, we all agree. It has been said in the Education and Culture Committee that we agree on that. However, the status quo is clearly not delivering wider access. Research that was published last year by the NUS in Scotland predicted that, at the current rate of progress, it will take 40 years to achieve a fair balance of rich and poor students at Scottish universities.

Robin Parker, the president of the NUS, told the Education and Culture Committee that "The legislation must happen." He continued:

"There are examples of good practice on widening access; they just need to be stepped up and done on a wider scale. Every university needs to do more."—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1985.]

In my area, the University of the West of Scotland, which I have used as an example on numerous occasions, has continued to do extremely well on access but, as Mr Findlay mentioned, we have to ensure that universities retain those students. Until now, progress on ensuring that more students from poorer backgrounds attend university has been slow. Participation among those from the most disadvantaged areas has increased by just 1 per cent in the past nine years, but some would lead us to believe that we do not need legislation to make a difference on that.

**Liz Smith:** We all want progress on this issue and the cabinet secretary was quite correct when he said in his opening remarks that there are different ways of doing that. Does the member accept the point that was made by the university principals that the criteria for widening access need to be as broad as possible and that a lot more progress has been made that has not been represented in some of the statistics that we have to hand?

**The Deputy Presiding Officer:** You are approaching your final minute, Mr Adam.

**George Adam:** No, I would say that 1 per cent in the past nine years is unacceptable and is why we need legislation to improve the situation.

Much has been said about university governance, but the idea of the bill is to recognise the principle of responsible autonomy and to give legislative support to a Scottish code of conduct that has been developed by the sector. As the Scottish Government continues to invest record amounts in the higher education sector, it is only right that we have the highest standards of accountability in return.

The bill supports the Scottish Government's ambitious FE reforms, which deliver learners in the economy from 2014-15 onwards, creating efficiencies of £15 million. We should also talk about the £61 million that will be put into that sector during the next two years. Scottish colleges are on record as saying that that money will go a long way towards helping them to deliver regionalisation.

There is so much in the bill that we cannot say, as has already been said, that it is a bad bill. We have to work together and make sure that the bill is passed so that access is widened. We need to ensure that young people in Scotland can be all that they can be and that they get the opportunities that we are all striving to get for them.

15:36

**Neil Bibby (West Scotland) (Lab):** As Neil Findlay has already said, we can share much of the Government's policy aims and objectives but that does not mean that the proposed legislation is justified or desirable.

Of course we support the aim of improving the education system for learners, but the question that we must ask is whether the Post-16 Education (Scotland) Bill makes that more likely to happen. I am not yet convinced that the bill makes that more likely. I will go further: I believe that, from start to finish, the bill in its current form has raised significant concerns that it could make matters worse.

There are concerns about the lack of detail in the bill about university governance and college reform, because there was a lack of meaningful consultation with institutions, trade unions, students and other stakeholders before the legislation was drafted. There are questions about whether legislation is even needed in certain areas, and there are concerns that the bill will not achieve better outcomes in widening access and improving colleges because they are being undermined by other Scottish Government policy choices.

I do not have time to concentrate on all those points, but I will focus on three areas—university governance, college reform and widening access.

I am sure that we all want to improve university governance.

**Margo MacDonald:** Will the member give way?

**Neil Bibby:** Not just now, sorry.

As we know, the bill states that institutions will have to comply with any principles of governance or management that appear to constitute good practice but, as the Education and Culture Committee report states, the bill does not specify the particular principles of governance that are to be adopted.

The Education and Culture Committee has not seen the content of the governance code, which is not expected to be published until sometime in April. The steering group that was set up to draft the code had no staff or student representation. I firmly believe that changes that will affect university governance should be developed with staff and students if we want to get it right.

We need to listen to the concerns that our universities have raised. Professor Von Prondzynski's review of higher education helped to initiate the bill and his recent evidence to the Education and Culture Committee on the code of governance said:

"it is not yet clear what particular principles of good governance might be enforced by the legislation. Moreover, the fear has arisen that the provision could be used to apply some other unspecified set of principles of good governance, or might even at some future date be used to apply the views of particular politicians or officials."

**Margo MacDonald:** Will the member give way?

**Neil Bibby:** I am sorry but I do not think that I will have time to make all my points.

Professor Von Prondzynski went on to describe two ways of dealing with that. One was to delay the legislation and the other was deal with it outwith a legislative framework. Neither involved voting at 5 o' clock today to proceed with the bill.

Witness after witness raised significant concerns about the college reforms that are

proposed in the bill. Colleges Scotland said about the two-tier structure:

"There does not appear to be any precedent for this model".

Susan Walsh of Cardonald College said:

"clarity is still required on how the assigned college boards will work with the regional strategic boards."

Mandy Exley of Edinburgh College said:

"We are concerned about accountability and autonomy".—[*Official Report, Education and Culture Committee*, 5 February 2013; c 1914-15.]

The Scottish Government should be listening to the weight of evidence presented to the Education and Culture Committee.

Widening access is an aim that we fully support—I am sure that we all fully support it. The debate is timely in that regard because just last week figures were published that showed that a pupil from a state school in England has more chance of going to university than a pupil from a state school in Scotland.

There are, of course, questions to be raised on university admissions policy, but questions also need to be raised about Scottish Government policy. Tinkering at the edges is not good enough. Substantial progress will not be made on widening access unless substantial investment is targeted at improving life chances in pre-16 education. This Government's lack of prioritisation of pre-school education is incompatible with the widening access agenda, as are the massive cuts to colleges.

As the committee report states, there was little information in the policy memorandum on levels of representation or on the relative success of various initiatives. That is not surprising because, as officials admitted, there has been something like only a 1 per cent improvement over the past nine years. The policy memorandum also does not explain how the bill would improve access or the rate of improvement that is being sought by the Scottish Government.

When challenged on that point by the committee, the cabinet secretary said that he did not expect an overall target to be set. If the Government was serious about widening access, it would be serious about answering such questions. Officials even downplayed the possibility of financial penalties if universities did not meet targets—something that the cabinet secretary has now talked up. All of this is to be achieved without a new and additional budget and there will not be any displacement either. If it sounds too good to be true, it is because it probably is.

Those are not just our concerns. Concerns have been raised by a number of organisations. The

Open University, which was created by a Labour Government in the 1960s, is an institution that probably knows more about widening access than any other organisation in the UK. Like us, it supports the Scottish Government's commitment to increase the number of students from non-traditional backgrounds but it would like to see

"greater policy direction in this area".

I can sum up my argument in five words. This bill is a mess. It is quite telling that Mike Russell has basically pleaded with members of the Education and Culture Committee to lodge amendments at stage 2 to make the bill better.

**The Deputy Presiding Officer:** You must close.

**Neil Bibby:** The bill is not in a fit state to proceed. The Education and Culture Committee has done its job in scrutinising the bill. The Scottish Government has not made a decent case, never mind a compelling case, for the bill. Therefore I join the consensus outwith the SNP in calling for the bill to be delayed and reconsidered.

15:42

**Clare Adamson (Central Scotland) (SNP):** I welcome the Post-16 Education (Scotland) Bill. The areas that it addresses are key to ensuring that our higher and further education sectors can meet the economic challenges ahead.

**The Deputy Presiding Officer:** Ms Adamson, can you pull your microphone round, please? Thank you.

**Clare Adamson:** Sorry. The bill is about better support for jobs and economic growth and about improving life chances, especially for our young people. It is about fundamentally changing the provision as regards skills and other forms of post-16 education by aligning learning to the labour market, and about ensuring the Scottish Government's aspirations to improve economic participation and productivity and, ultimately, to increase the economic prosperity of our country.

It is important to remember why the reforms are necessary. The 1990s Tory model of incorporated colleges led to competition and duplication in the sector. Variations and questionable policies on college reserves resulted in £200 million being tied up and not being used for the benefit of the students and there was industrial unrest. I will quote from the EIS in that respect:

"The EIS believes that this poor financial situation stems from the funding basis of incorporation, which promoted deficit management as the norm and allowed deficits to grow ... It is a matter of record that the further education sector has among the worst record of industrial relations and industrial unrest in the public sector in Scotland. While accepting that this situation relates in part to problems arising from historical funding deficits, the EIS believes it

also clearly indicates poor personnel and financial management on the part of those Principals and Board members charged with those very important functions."

That is a quote from 2004—it is from the EIS's further education lecturers association's response to the Scottish Executive's consultation paper on the implementation of measures resulting from the review of governance and accountability in the FE sector.

I suggest that the Labour Party had a chance to address some of those issues and do away with that Tory model and its resulting problems, but failed to do so.

I know that members from the opposite benches have raised some concerns about where we are with regard to the bill and the matter of the governance guidance not being available. However, the committee knows that, when the guidance is published, it will be taking further evidence on it, and it will be scrutinised prior to stage 2.

There were questions about widening access agreements and what implications there were for ensuring that access is widened. However, the outcome agreements have been largely ignored by those on the Opposition benches. I suggest that the outcome agreements are key to ensuring—

**Jenny Marra (North East Scotland) (Lab):** Will the member take an intervention?

**Clare Adamson:** Labour members would not take an intervention from Margo MacDonald, so I am not prepared to take one now.

Many questions were raised about the reduction in part-time places—I think that Mr Findlay quoted Unison claims in that regard. We have to examine the issue in more detail. Mr Findlay has been on record claiming that time reductions in modern apprenticeships have somehow made them less valuable. However, in 2008-09, colleges enrolled 79,588 students in programmes that were designed to be completed in under 10 hours. Those programmes averaged five hours each, while a full-time further education student was required to study for at least 720 hours.

I note that full-time student numbers increased by 22 per cent from 2005-06 to 2011-12, and that we now have 119,448 full-time-equivalent students in Scotland—the highest level that there has ever been. Those figures come from Scotland's Colleges' baseline report for the academic year 2011-12.

I will say a little bit about widening access. I have spoken in the chamber before about how important education was to my family—to my father, who went back to university as a mature learner after losing his job, to my siblings and to

me. Today, I was at the launch of the roll-out of the routes to empathy initiative, which encourages young children to empathise in relationships and understand others' emotions, with the aim of reducing violence and aggression. The launch took place in Berryhill primary school in Craigneuk, which, following Thatcher's closure of Ravenscraig, remains one of the poorest and most socially deprived areas in Scotland. I want those children to know that higher and further education are available to them and that they have a right to them, in a Scottish climate.

Johann Lamont comes to this chamber claiming that the SNP's constitutional agenda and the referendum in 2014 has put Scotland on hold. I regret that the better together parties also call for a delay in the implementation of the bill. As a former project manager, I know that delay costs. It creates uncertainty and leaves people in a bad place.

The Opposition parties were wrong when they called for a further delay in the implementation of the curriculum for excellence, and they are wrong to call for a delay in this bill. It is the better together parties that are putting Scotland on hold and preventing the progress of our nation.

15:48

**John Pentland (Motherwell and Wishaw) (Lab):** After reading all the criticisms, it is difficult to imagine how the Scottish Government can argue that the bill is fit for purpose. Indeed, it is difficult to see how it can argue that the bill is not fatally flawed or, at best, in need of a major overhaul. There has been widespread criticism of the bill—not least because of its centralisation of power in the hands of the cabinet secretary.

I will start with what might seem to be the mildest criticism in the committee's report on the bill—until it is translated to take account of the understatement of the cabinet secretary's allied majority on the committee. The overall conclusion states:

“The Committee has some concern”.

This is not a minor concern of the sort that would not survive the private meeting in which the report was finalised, and nor is it the sort of concern that could languish in obscurity in lesser paragraphs. The concern is too serious to be restricted to the lesser conclusions of the report, but is so great that it forms a significant part of the overall conclusion. The concerns, which are

“expressed in the relevant sections of the report”,

are more about the specific means by which the bill will achieve its principles. In other words, it is not clear how it will do what it sets out to do. The report says:

“The Committee has asked the Cabinet Secretary for various pieces of information that will provide reassurance”, which could be translated as, “Captain! Our shields have failed!”

What about the “relevant sections”? On university governance, there is something fundamentally undemocratic about seeking powers to ensure compliance with principles that are not in the bill and are not yet defined or agreed elsewhere. Tony Brian of Glasgow Caledonian University noted:

“The provision seems to give future ministers the ability to choose any code of governance that they want”.—[*Official Report, Education and Culture Committee*, 19 February 2013; c 2013.]

The governance code, which the university chairs are drafting, will not be ready until after evidence taking on the bill, so holding back the bill would allow such failings to be addressed.

The cabinet secretary has recognised some of the shortcomings, such as a lack of gender balance in governance. Encouragement to lodge Opposition amendments at stage 2 tacitly acknowledges the bill's weaknesses. Perhaps, in the spirit of political consensus, we should take the entire bill away for a while and overhaul it for him.

I welcome the recognition of the obstacles that face people who live in areas of high deprivation, which is a major factor in people not realising their potential. However, it seems to be unnecessarily restrictive and lacking in flexibility to have certain postcode areas as the sole indicator of deprivation. As Lead Scotland noted, that will not help other disadvantaged groups,

“such as disabled students and carers”.

The cabinet secretary claims NUS Scotland support for his agenda, but I note that NUS Scotland seeks clearer legislative action, including an annual review by Parliament

“to ensure that we are on track to get to greater fair access in less than 40 years.”—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1988.]

However, the bill and its accompanying documents shed little light on how such improvements will happen, or on the consequences for universities that fail to deliver.

**Michael Russell:** Will John Pentland give way?

**John Pentland:** No.

I have previously expressed my doubts about the motivation behind college regionalisation, and have highlighted the lack of evidence of any educational benefits. It seems to be clear that the main impetus for college reform is cost saving, with inevitable consequences for students, staff and courses. Many of the changes are already

under way in a hasty and haphazard fashion. What does the bill add to that mess?

There may be good reasons why the cabinet secretary wants more power to get rid of chairs and other board members, but without the principles that underpin such powers being explained, people will think the worst. It might have helped to allay suspicions if there had been meaningful consultation on the appointment of interim regional chairs, and wider involvement and more transparency in the appointment of board members.

I am concerned about the regional strategic bodies, which seem to have a somewhat undefined but potentially damaging scope to act as mini funding councils, thereby adding another layer of controlling bureaucracy rather than enabling bureaucracy. If we add that to the extension of powers for the Scottish Further and Higher Education Funding Council, we have a nice accumulation of power and resources that are being taken away from those who provide education.

All in all, the impact of the bill seems to be to build barriers to transparency and to concentrate power in the hands of central Government and its obedient satellites. If that is not the intention and the bill is really meant to improve the quality of education, it would be a good idea for the cabinet secretary to take it away for a while to address the committee's concerns and to reassure it.

15:54

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I apologise for having a rather croaky voice, Presiding Officer.

The bill is important. I believe that the education sector is taking a serious view of the proposals and is engaging positively with the Scottish Government in seeking an effective outcome. There are still matters to be clarified, as Stewart Maxwell highlighted in his speech, but that is to be expected with such a comprehensive and necessary piece of legislation. There is clearly a requirement to cut costs in the light of Westminster's proposed budget cut, but it is clearly possible to create efficiencies that will deliver better and more targeted services to students. That is rightly where the bill's focus is: positive steps to create positive outcomes for students.

For me, one of the bill's most important elements is that it will widen access for students from disadvantaged backgrounds. As someone who could have benefited from that, I welcome it. Progress has been too slow to ensure that students from poorer backgrounds attend university. In the past nine years, participation by

students from disadvantaged areas has increased by only 1 per cent, which is a clear indication that the current process is not working as it should. The bill will ensure that all universities will make progress on widening access, with £29 million funding each year and 1,700 extra places.

**Margo MacDonald:** Colin Beattie must have had some of the same experiences as a young person leaving school and looking for a future as I had. I went on to higher education because there was a grant, or bursary; I had enough money and my mother could do without a wage. I put it to the member that exactly the same considerations exist in similar households today.

**Colin Beattie:** That is a good point by Margo MacDonald. Indeed, I think that she, I and others have benefited in the past in that regard.

The NUS Scotland president, Robin Parker, told the Education and Culture Committee:

"A year ago, it would have taken 40 years if things had carried on at the current rate."—[*Official Report, Education and Culture Committee*, 19 February 2013; c 1988.]

He also stated that the "legislation must happen". I would be shocked if Opposition parties wished that proposal to be put at risk.

I am pleased that a cap for RUK tuition fees is being put in place. That will help to manage the existing and inevitable marketisation of the education sector, and ensure that students are not disadvantaged and do not face fees that are above the level of the tuition-fee loan that is available to them. I note that the universities have indicated that fees are substantially lower in Scotland than they are in the rest of the UK.

Governance, both in universities and colleges, has been carefully and fully explored by the Education and Culture Committee. Liz Smith in particular made a number of thoughtful and useful contributions in that regard. Concerns have been raised about the subject of responsible autonomy and whether the Scottish Government might seek to erode the independence of education institutions. However, the bill is not about the Government taking control of universities. A Scottish code of conduct is being developed that will be given legislative support and will recognise the important principle of responsible autonomy. We are investing record amounts in the higher education sector, so it is right that we demand the highest standards of accountability.

The bill supports and reinforces plans to reform the college sector. Quite simply, regionalisation makes sense, and most education institutions support the bill. It is perhaps appropriate to quote a few of the comments that have been made in that regard. Adam Smith College stated:

"The Board ... of Adam Smith College ... generally supports the reform programme as it applies to Further Education".

Edinburgh College stated:

"We are supportive of the aims of the Bill."

North Highland College stated:

"Broadly we support the regionalisation agenda."

Edinburgh University Student Association welcomed

"much of what is included in the Post-16 Education (Scotland) Bill."

Families Outside said that it

"welcomes the aims of the Bill".

East Dunbartonshire Council said that it welcomes

"the bill's intention that educational provisions would be delivered at the local level as part of a coherent regional offer."

From those quotations, it is clear that although some stakeholders were looking for clarification on aspects of the bill, its aims and broad approach have been welcomed and supported. I believe that the Scottish Government's support to colleges, despite unprecedented budget cuts by Westminster, is commendable.

The 2013-14 budget will deliver an additional £61 million over two years, thereby setting the funding floor of £522 million, which colleges must welcome in the current tight financial situation. The Government is investing £2 billion over the four years to 2014-15. College resource budgets are higher than they were in every year under Labour. The fall of 4.4 per cent in the college budget in 2012-13 and 2014-15 is hugely less than the fall in comparable budgets in England, which have suffered a 15.7 per cent fall.

The scaremongering by Labour over so-called college waiting lists is reprehensible. Labour's playing politics with our education system is wholly unjustified. Labour claimed that there were some 21,000 students on college waiting lists, despite the cabinet secretary clearly setting out the issues to do with data collection. Last week, the audit of college waiting lists that the cabinet secretary requested found that only 4 per cent of the 21,000 students are on waiting lists.

The Scottish Government is to be congratulated on introducing the bill. I look forward to the bill's progress.

16:00

**Liam McArthur (Orkney Islands) (LD):** I thank everyone who gave evidence to the Education and Culture Committee, and I thank our clerks and the Scottish Parliament information centre.

I acknowledge the efforts of Stewart Maxwell, who worked hard to ensure that the committee came to as united a position as possible. On the broad policy objectives, of course, that was straightforward: there was unanimity.

Like other members, I know that widening access to our universities is essential if everyone is to have an opportunity to fulfil their potential. Progress has been made in recent years, but it has been too slow—in some cases it has been all but non-existent.

Likewise, there is no disagreement about improving the governance and accountability of our colleges and universities. The delivery of high-quality further and higher education to students of all ages, in all parts of the country and beyond, is an ambition that we all share. The fact that we can point to excellence in our colleges and universities does not mean that we can rest on our laurels, or that improvements are not possible or needed.

I think that we are agreed on the policy aims and objectives—the question is whether the bill advances those aims. To be fair to Mr Russell, I will say that in his relatively conciliatory speech he accepted the question, although I disagree with the conclusion that he drew.

Let us not forget that Parliament should seek to legislate only when necessary—when alternatives do not exist or would not deliver the outcomes that we want to achieve. During the past few months, I, like other committee members, have been left with the impression that in too many of the areas that the bill covers the evidence suggests that that test is not met. The risk of legislating "just in case" is that we put in place rigid structures that have unintended consequences.

Parliament can take great pride in having passed laws that are radical, progressive and hugely beneficial. However, we still seem to be happier to pass laws than we are to check, in due course, whether those laws are doing what was intended of them. It is not difficult to understand why that is: decreeing in law that something should or should not happen has its attractions. When we are challenged on what we have done to address a particular problem, it can feel reassuring to be able to point to new legislation. However, for the reasons that I gave, we should always question whether legislation is necessary and whether it is the best or only way of achieving our objectives.

**Marco Biagi (Edinburgh Central) (SNP):** Will the member take an intervention?

**Liam McArthur:** I will do so later, if I can. I am sorry.

Where is the evidence for statutory underpinning in this case? College regionalisation

is well under way, accelerating a process that has been going on for years and reflecting an approach that was pioneered in the Highlands and Islands. The policy should be driven by a focus on delivering the best education for learners of all ages and for the communities in which they live. It is unclear why Mr Russell feels the need to give the college sector such a hefty statutory kick up the backside.

The fact that Mr Russell is seeking powers to review course content and provision across a region seems to undermine the argument for having strategic regional boards, and offers the prospect of ministerial meddling on an unprecedented scale. His seeking expanded hiring and firing powers reinforces that impression.

On access, progress is being made, albeit that it is being made from a low base and is not nearly fast enough. The minimum income guarantee will help, as I am sure Margo MacDonald acknowledges, and fair access agreements are in place. Such agreements, along with the funding levers that ministers have at their disposal, can help to ensure that access becomes core to the mission of our universities. Indeed, that seems to be explicit in NUS Scotland's call for

"a defined link between the public funding universities receive, and the public benefit they provide."

Given that the Government has made it clear that it does not envisage using the financial penalties that legislative provision would offer, it is difficult at this stage to see what such provision would add.

In passing, I pay tribute to the success of the Open University, which during the past 10 years has managed to double the number of students coming to it from poorer backgrounds. The OU, in which my mother was formerly a tutor, makes the fair point that using the Scottish index of multiple deprivation risks excluding many people on lower incomes who live in less densely populated or rural areas.

On a similar theme, the Scottish children's services coalition argues that efforts to widen access should be broadened to include children with complex needs, including learning difficulties. The committee was sympathetic to that case, although again it is debatable whether that could not be achieved through fair access agreements and targeted funding.

I appreciate that there are other issues, but I will finish on governance and section 2 of the bill. In his report, Professor von Prondzynski accepted that there has been no "systemic governance problem" in our universities. Nevertheless, the committee heard sufficient evidence of areas in which improvement should be made—not least in making governing bodies more representative. Evidence also suggests that, internationally, the

best-performing universities are those that have greatest autonomy. I accept that, in using their responsible autonomy, universities must now respond to the legitimate concerns that have been raised.

The difficulty is one of timing. A code of good governance is currently being developed and may yet address the concerns that have been raised. If it does not, there would still be time to act, notwithstanding that conditions of grant and outcome agreements also remain persuasive tools that are available to ministers and the funding council.

The Scottish Liberal Democrats fully support the objectives that the cabinet secretary is pursuing. Widening access, improving the accountability of our universities and colleges and delivering the highest quality of education are sensible goals that require that changes be made. The question is whether those changes can only be delivered, or are best delivered, through the legislative measures that the cabinet secretary has proposed. Serious doubts remain on that point. Mr Russell sees himself as a great reformer, of course—that has led him to a spot of bother in the past—but I hope that he recognises the challenge that he faces in convincing Parliament, and not only his party, that his approach to achieving entirely legitimate objectives is the right one.

Given the Government's majority, the bill will be passed at stage 1, but the task that we face at stage 2 to ensure that we do good and avoid doing harm should not be underestimated by anyone.

16:06

**Joan McAlpine (South Scotland) (SNP):** The Post-16 Education (Scotland) Bill has its origins in reports and reviews by Ferdinand von Prondzynski and Russel Griggs. Given the constraints of time and the wide-ranging nature of the bill, I intend to concentrate on Professor von Prondzynski's review of higher education governance.

Professor von Prondzynski's report on higher education governance drew both support and opposition. It tended to divide people along similar lines to the expressions of support for and criticism of the bill. The professor wanted to rein in the pay of principals and make governance more transparent and open, and he made the point that our universities, many of which date back to the middle ages, have myriad governance arrangements, including a few that were founded by papal bull.

Among the eminent people on von Prondzynski's review panel was the then rector of the University of Edinburgh, Iain MacWhirter, who was, of course, elected by and spoke for the students. Mr MacWhirter said at the time that the

proposed reforms were very much in the Scottish tradition of education. He wrote, of the phrase “the democratic intellect”, that

“There has been much debate about what George Elder Davies, who coined that phrase in the 1960s, really meant. But Professor Ferdinand von Prondzynski ... has finally discerned its settled meaning. Scotland’s universities should be seen as engines of social and cultural improvement—not just for the benefit of the individual, but for society as a whole.”

He went on to say—I fully endorse this—that the democratic intellect “means no tuition fees”. It means not allowing our universities to become finishing schools for the well off.

The bill is a continuation of the Government’s commitment to free education, which is enshrined in its proposals to widen access.

**Jenny Marra:** Given that endorsement of the professor’s report, can Joan McAlpine tell me why none of his recommendations is included in the bill?

**Joan McAlpine:** I do not know what bill Jenny Marra has been reading, because that is not the case. The University and College Union has welcomed the fact that the cabinet secretary intends that Professor von Prondzynski’s recommendations will be carried forward in the governance of universities. I am not quite sure where Jenny Marra is coming from.

Mr Russell told the committee that the von Prondzynski review should be the basis of new governance structures that arise from the bill. I welcome Mr Russell’s stated regret about the lack of student and staff representation on the steering group that is developing the Scottish code of governance and I am pleased that his statements in that regard were welcomed by the University and College Union.

It has been suggested by some members that von Prondzynski is in agreement with the Opposition parties, so it is important to go back to what his review says about universities’ governance. In the introduction to his report, he praises the considerable achievements of Scotland’s universities, but he is far from uncritical. He said:

“In the recent past ... there have been various issues that have attracted adverse publicity and prompted avoidable disputes, which indicate that there are questions to be addressed. Some of the evidence submitted to this review, speaks of concerns about the extent to which the university community of staff and students is now able to participate in collective self-governance”.

He was also extremely critical of the way in which principals are paid. I raised that issue with the chairs of the university courts when they appeared before the committee. They did not seem to see any need to reform the way in which

principals are paid, even though some principals are paid far more than the Prime Minister.

The commitment to widening access is possibly the most important part of the bill. It has been welcomed by NUS Scotland, which said—as others have mentioned—that current progress means that it would take 40 years to achieve true equality of access. The principle of widening access has also been welcomed by Inclusion Scotland, Capability Scotland, the British Medical Association Scotland, the centre of excellence for looked-after children in Scotland, and by Mark Batho, the chief executive of the Scottish funding council.

Some people have questioned the need to legislate for widening access. However, Mr Batho put it very well in oral evidence to the committee when he said:

“Setting out that intention in legislation gives extra force to what already exists—namely, the outcome agreements that we are developing at the moment, which are not referred to in statute.”—[*Official Report, Education and Culture Committee*, 26 February 2013; c 2036.]

Michael Russell has been open-minded in seeking ways to improve the bill, and given that we all claim to support its principles, I urge Opposition parties to enter the spirit of consensus, to preserve Scotland’s democratic intellect and take it into the 21st century.

16:12

**Mary Scanlon (Highlands and Islands) (Con):** First, I remind George Adam that further and higher education is not exclusively for young people. It is a mark of its success that so many mature students have entered further and higher education. Secondly, and perhaps unusually, I truly thank Stewart Maxwell. It is very refreshing to hear an SNP committee convener give such a balanced contribution. He is not here, but I am sure that he will hear that.

I refer members to my entry in the register of interests.

As Neil Findlay did, I want to record how much I appreciate further education. I went into further education to prepare for university as a mature student and a single parent of two very young pre-school children. It was in further education that I spent 20 years lecturing in economics, prior to coming here in 1999.

I am very pleased to speak in this debate, at a time when the future of further and higher education is very prominent on the political agenda. We are now in a position to review all the evidence that has been submitted on the bill and the Education and Culture Committee’s response.

I am also pleased to speak in the debate because of my experience of further education when colleges were going through previous changes. In 1992—I do not recognise that time to be as Clare Adamson remembers it—colleges were given far greater autonomy and the ability to enjoy greater flexibility when meeting the differing needs of students. I was at the coalface at that time and I am very clear that those changes meant that our colleges could respond much better to the demands of communities and to the needs of employers, mature students, those who wanted to study part time or through distance learning, and young people.

As a lecturer at Inverness College, I tutored people who were incarcerated in prison, prison officers, people who worked on oil rigs, people who worked in different parts of the world in the oil industry and people in the most remote areas. The sector is one of success. The changes were good for our colleges and they are largely the reason for their success today. That is why it is so deeply unfair that those same colleges have ended up taking the full brunt of SNP education cuts.

I hope that, even at this late stage of the stage 1 debate, the cabinet secretary will respond to the reasonable concerns that have been raised both in committee and across the chamber. I am sure that Mike Russell would prefer to see consensus as he moves forward with the bill, rather than be isolated and see it pass simply on the SNP majority.

I want to talk about college structures and governance. In particular, I would like to look at the University of the Highlands and Islands, which is unique and not the same as FE colleges under a regional structure. In asking for some clarity around the issue, I quote from a letter from UHI's Perth College that was sent to my colleague Liz Smith, of which the cabinet secretary also has a copy. It states:

"The highlands and islands is the only region where a university is identified as a regional strategic body for the provision of FE. This pluralistic function is untried and unique."

What concerns me is this:

"The proposed arrangements are a very real threat to our ability to plan to meet local needs for FE and to effectively deliver the quality of HE and research required to enable UHI to succeed."

**Michael Russell:** Will the member give way?

**Mary Scanlon:** My time has been cut; I have only five minutes.

**The Deputy Presiding Officer (John Scott):** I will give you a second more in which to take an intervention.

**Michael Russell:** I have seen the letter and I reassure the member that it is very clear, from the

agreement on the structure of UHI, that the further education committee should be central to what is being done. I saw the letter only yesterday. I give Mary Scanlon the reassurance that, if the arrangements in the Highlands and Islands do not match those expectations, it will be possible under the bill to set up alternative arrangements and I will do so because the college needs that help.

**The Deputy Presiding Officer:** I will allow another 40 seconds.

**Mary Scanlon:** I am grateful to the cabinet secretary for that reassurance. I am sure that it will be heard.

My final point is on the need to legislate. Since 1999, we have had health targets, health improvement, efficiency and governance, access and treatment—HEAT—targets and other targets, and the Public Audit Committee is looking at waiting times targets. I think that we need to be very specific about targets that will be part of an outcome agreement. We need to set out precisely how those targets can be measured and what happens if the targets are not met. It is easy to say that we will have a target; it is far more difficult to measure that.

What strikes me about the debate is the consistency in the evidence that has been provided about the lack of clarity in many key sections of the bill, and the many questions about why it is needed. That does not sound like a good base for legislation in any Parliament.

16:18

**Marco Biagi (Edinburgh Central) (SNP):** I contribute to this debate with two hats on—as a committee substitute and as the constituency member whose constituency has the second greatest concentration of university jobs and students of any constituency in the country.

In my constituency, we have the University of Edinburgh, which we are always able to celebrate as being the best performing Scottish university in international league tables. We sometimes do not celebrate that enough because we are Scottish and do not talk about our successes. The University of Edinburgh has chosen to compete in international league tables ranked according to research excellence, teaching excellence and cosmopolitan nature, while others have chosen to do other things.

I believe that access must be fundamental to what all institutions do. A university is not fulfilling its objectives if it excludes. The University of Edinburgh has taken fantastic steps in being an early adopter of contextual admissions and in making great attempts to reach out into the local area.

No university can have an excuse for creating artificial barriers, and it is clear to me, from looking at the data, that the national status quo is not an option. It is incumbent on those who say that legislation is not necessary to say what else they would do. After all—as Liam McArthur mentioned—this is stage 1. If members agree with the bill's general principles, it is incumbent on them to support it at this stage and then work to improve it at stage 2. I fundamentally agree with the general principle of widening access. I accept that the Conservatives have a principled disagreement and therefore I would not include them in that characterisation.

**Liz Smith:** Mr Biagi should be under no illusions: we are not against widening access.

Mr Biagi makes a good point on the advances made by the University of Edinburgh. However, it and many other universities have achieved that without legislation. Why is the legislative process so important? Why can that access not be delivered through other means?

**Marco Biagi:** I will clarify my point. I was stating that the Conservatives have a principled opposition to how autonomy is dealt with in the bill, whereas other parties that seem to have broad support for the bill's principles are nonetheless poised to vote against it.

Targets are strong at concentrating the mind and increasing scrutiny. We must move from an inputs to an outputs model, so that we are measuring the results of each institution. I must say that the University of Edinburgh has been slightly disappointing when one looks at the SIMD measure.

That leads me—with very little time left—on to the SIMD measure issue that others have mentioned. SIMD is a good base but, just as the legislation is not the last word and the issue is the flexibility that is shown and how we go on from that, we need to look further than that measure.

The average population of a SIMD zone is 803. That can contain significant diversity, especially in small settlements or in places such as Edinburgh, where there has been a deliberate attempt to pursue mixed housing approaches to planning. Students from the lowest income backgrounds are the least likely to travel. I want universities to get credit for reaching not only the hardest to reach but those who are genuinely underrepresented.

We should look beyond SIMD. We should also look at subjects in institutions. For example, medicine and law show tremendous levels of segregation by socioeconomic class. That situation has continued for many years. When I suggested that to the NUS, it was somewhat resistant because of a fear of dilution. If we looked at the NS-SEC—the national statistics

socioeconomic classification—approach, we would still have a stretching target.

I ask the cabinet secretary to consider whether there is scope to amend the bill at stage 2 to introduce a process so that students at institutions are consulted when widening access agreements are being drawn up. In that way, a genuine upwards pressure would be placed on how ambitious those targets would be. Further input should also be taken from people who are in a good position to say what could be achieved in widening access.

Sometimes I wonder what would happen were I to speak to younger versions of myself about what I am doing now. The Marco Biagi of 10 years ago was a full-time student representative at the University of St Andrews Students Association. I think that we would get on well in relation to what I am doing now. I am not sure whether that is a good or a bad thing; rather than make an observation on that, I will simply sit down.

16:23

**Jenny Marra (North East Scotland) (Lab):** I associate myself with Mary Scanlon's remarks on the impact of the bill on mature students—especially female mature students—because concerns about that have been represented strongly to me by colleges in my region.

I will focus my remarks on university governance. Professor von Prondzynski produced 17 far-reaching recommendations, which the cabinet secretary has repeatedly accepted since February last year. For governing bodies, the report advocates greater student participation, majority lay representation and the introduction of gender quotas, which is an issue that he knows that I have brought to the chamber before and which we on the Labour benches have been arguing for. The professor suggests greater inclusion in the selection process of university principals, training for governors and a distinct Scottish code of conduct, to name but a few recommendations.

When we look at the bill, we see that not one of the 17 recommendations has been introduced. I know that Joan McAlpine and, I think, the cabinet secretary, contested that point so to check, in preparing for the debate at the weekend, I tweeted Professor Prondzynski and asked him directly whether any of his recommendations are contained in the bill. He tweeted back:

“Not directly, no. But I believe there will be legislation later in the parliament.”

I suggest that the cabinet secretary commissioned the report knowing that the bill was to come forward. I am not quite sure why he wants to delay the implementation of Professor von

Prondzynski's recommendations, given that he has accepted all of them since February last year. He might want to clarify that in his closing remarks.

Despite the fact that the cabinet secretary commissioned the professor's report and has accepted it, all that the bill does is provide for the Scottish ministers to withhold funding from a university that does not comply with their vague idea of good governance. As was pointed out in the committee's evidence session last month, the provision in question is too vague to scrutinise without a clear definition of good governance alongside it. In the absence of a proper definition of good governance in the bill, it is not clear when and how sanctions will be used.

To his credit, the cabinet secretary has sought to reassure the committee by commissioning a code of good governance, but I understand that that code will not be available to scrutinise until after the bill has passed through the Education and Culture Committee, on the understanding that a further bill will be produced in 18 months' to two years' time. It seems to me that the calls for a delay seem very sensible in view of the fact that the code of governance will not be produced soon and things will not be ready in time.

As a result, concerns have been voiced across the sector. Alan Simpson from the University of Stirling said:

"we envisage a future minister being able to impose things that may not relate to the new code ... because there is no reference to a particular code in the bill."—[*Official Report, Education and Culture Committee*, 19 February 2013; c 2015.]

That sentiment has been echoed by Ferdinand von Prondzynski, who said:

"it is not yet clear what particular principles of good governance might be enforced by the legislation. Moreover, the fear has arisen that the provision could be used to apply some other unspecified set of principles of good governance, or might even at some future date be used to apply the views of particular politicians or officials."

As I have put to the cabinet secretary previously, I would like to see gender quotas provided for in primary legislation. I would like us to enshrine in statute a student's right to choose their governing body, and I believe that it would be progressive to enshrine the election of academic boards in our law. I think that the bill that is before us represents a good opportunity to do that.

As many of the cabinet secretary's front-bench colleagues have told us, there is a great deal of pressure on the legislative programme in the current parliamentary session, so there might not be room for his second bill. Why does he not take the opportunity to legislate on those matters now?

Even if the cabinet secretary is unwilling to take those steps, I urge him to consider the concerns of the committee and stakeholders, and those that have been expressed during the debate, and to give us some clarity on what governance reforms he will commit to.

16:28

**John Mason (Glasgow Shettleston) (SNP):** As far as I can see, there has been a pretty widespread welcome for the majority of the reforms that are laid out in the bill. It is clear that the universities and the colleges are hugely important to Scotland and our people, especially our young people.

The main points of the bill are to do with governance and organisation. I am particularly interested in the colleges, as they play a key role in the east end of Glasgow and other needy parts of the country, especially among those who are most marginalised. Of course, the universities are important, too, and many of us have benefited from free university education—in my case, at the University of Glasgow. There is a balance to be struck between universities and colleges.

There is also a balance to be struck between making cost savings and avoiding duplication, which larger organisations can often do, and keeping close to neighbourhoods and having close-knit community involvement, which smaller organisations can do.

When I moved to Barlanark in the early 1990s, John Wheatley College did not have a great name, and local students would often travel further afield to attend an institution with a stronger reputation. That situation has changed dramatically, and John Wheatley College now has a very good reputation in the city and beyond. In particular, it has a strong reputation for engaging with the local community and drawing in people who might otherwise be cast adrift by society.

As a result, I was concerned when I first heard of this idea of mergers and regionalisation. Would it mean weaker links with local communities? That issue is touched on in paragraph 124 of the committee's stage 1 report. Moreover, given that the universities were all over the papers with poor governance issues, why was it the colleges that were being reorganised?

I have to say that my concerns have been allayed to some degree. The three colleges in my area—John Wheatley, North Glasgow and Stow—have thrown themselves into merger talks with some enthusiasm and I believe that the story is similar in the south and west of Glasgow with Langside, Cardonald and Anniesland colleges. The merger consultation document, which is out

for comment, very much emphasises the opportunities.

**Neil Findlay:** Will the member give way?

**John Mason:** If the member will be brief, yes.

**Neil Findlay:** I know that Mr Mason will have discussed this with the colleges but is he aware of the number of courses that have been cut as a result of the merger process?

**John Mason:** There is some doubt about the cutting of courses—some courses have been renamed and new courses that have been introduced have not been taken into account—but I will leave that for others to deal with in a bit more detail.

Before that intervention, I was going to quote from the merger consultation document from John Wheatley, North Glasgow and Stow colleges, which states:

“The scale of the social and economic challenges we face in this part of Glasgow is different; New College is designed to meet them. Building on our past, but looking to the future, our merger offers the potential for a college that is distinctive and special. This proposal sets out how we shall make that happen.”

If members allow, I will dwell on the Glasgow situation a little bit more. We are heading towards a region with three assigned colleges, two of which will have multiple campuses away from the city centre, including in some of our most challenging areas. The other—the City of Glasgow College—is in the city centre and draws not only from all over and beyond Glasgow but internationally.

The colleges appear to be quite different animals and I am glad that, in Glasgow, there will be a regional approach with three distinct colleges. It will be a challenge for the regional board to balance the different requirements and to avoid one part dominating the others. I am glad that the Education and Culture Committee has examined the issue in paragraphs 133 to 144 of its report, and I especially agree with its recommendation in paragraph 141.

I hope that in practice there will be not only a good working relationship between the colleges but a fair degree of autonomy and subsidiarity. For example, John Wheatley College currently has two campuses, one in Easterhouse and the other in Haghill, to encourage as many students as possible to participate; even more locally, classes are run in the community itself. Some folk already travel from, say, the east end of the city to specialist courses in Clydebank or Motherwell, but doing that incurs travel and childcare costs. Indeed, that very issue is touched on in the Unison submission that members received for today's debate; I did not agree with all of the union's

comments, but it made good points both on this matter and on the problem of territorialism.

I am not saying that we should accept the issue in the longer term in Glasgow, and I acknowledge that good work is being done to tackle it. However, if we want to engage as many people as possible and draw in those who are furthest from employment, we need to make college provision as local as we can. We need to strike a balance, but I am not saying that that will be easy.

Overall, I believe that the bill brings about a major change in the organisation of our universities and especially our colleges. I note the openness to amendments at stage 2 and look forward to seeing them.

16:33

**Liz Smith:** This has been a very good debate.

In her speech, Clare Adamson asked us to assess the stage 1 process against the criteria that the Government initially set out. If I remember correctly, she said that those criteria are whether the bill provides better support for jobs and economic growth, whether it improves students' life chances and whether it fundamentally changes the provision of skills to link with demands in local communities. Those are important questions for the chamber.

The Scottish Conservatives have taken the process seriously and have listened very carefully to the views of a range of stakeholders right across the college and university sectors on how they see the bill in relation to those specific objectives. As the committee convener and Liam McArthur have both rightly pointed out—and as the committee report makes clear—there is no particular objection to the overall policy direction, with the very considerable exception of the increase in ministerial powers, about which there is genuine concern.

The greatest difficulty with the bill lies in the detail and, on that basis, people have come to doubt whether it is the most effective way of achieving the objectives that have been set out. Indeed, that feeling has been heightened by the Government, which almost every time it talks about colleges and universities says that they are already delivering the valuable skills training our young people and mature students need and are already beginning to take substantial steps to widen access and tackle youth unemployment.

Given that the policy memorandum and financial memorandum do not provide sufficient evidence on why the bill, as opposed to other measures, will improve education in our colleges and universities, it is important that all of us, including the cabinet secretary, reflect on that point as we move

towards stage 2. The Scottish Government has argued that the bill is necessary because of the technical and administrative underpinning that it will give to the reforms of colleges and universities. That may be correct up to a point, but I certainly do not think that we need a bill of such ungainly size, whose considerable lack of clarity has muddled matters.

On the question of college structures, which is the main focus of the bill, the committee received a substantial degree of evidence that the regional boards are a new layer of governance and that there is still some doubt as to how the funding mechanism will work or what the lines of accountability will be for meeting the financial requirements of the assigned colleges.

**John Mason:** Does the member agree, though, that it is better to have three separate colleges in Glasgow rather than pile them all into one?

**Liz Smith:** I entirely agree with what the member said about the need for diversity, but we can have that diversity only if we are absolutely clear about the lines of accountability. On that basis, the bill falls seriously short. Even the Scottish funding council seems a little unclear as to how, within a regional plan, it will appropriately apportion funds to the assigned colleges.

In that context, I ask the cabinet secretary to consider carefully the small doubt that exists about one aspect of charitable status, which relates to situations in which the trustees of a college—which, obviously, would be defined as a charity in this context—do not agree with the direction of travel being implemented by the Scottish Government and the Scottish funding council. The Office of the Scottish Charity Regulator has given a ruling that seems encouraging, but there is still a small area of doubt.

Secondly, universities and colleges have raised concerns about the powers that are to be vested in the Scottish funding council to review the number of post-16 institutions and the learning and teaching that they provide. Those concerns are very much at the centre of the wider perspective about excessive Government involvement in the further education sector, just as there were concerns expressed about Government meddling in the management and governance of universities.

I was pleased by the cabinet secretary's response to Mary Scanlon's question about UHI. In the case of UHI, which is obviously an exceedingly important institution given the local dimension of its delivery in many rural and remote communities, we need some clarification.

In addition to those points, there is the problem of timescales. The Scottish Government is asking us to weigh up whether the legislation is needed to

improve university governance, and yet the code for that new governance, which is being drawn up by the steering committee that was appointed by the university chairs, will not be available until—if I am not mistaken—9 April. Until that time, we are left without the substantial information on which we are being asked to decide whether we need the legislation. We need that information to know whether what is currently in place would be better than what might be provided under the bill.

Let me finish on the issue of widening access, on which Marco Biagi made a very thoughtful contribution. In fact, I thought that Marco Biagi made the case for not legislating on widening access. He correctly pointed out that the University of Edinburgh and several other institutions have made widening access a key issue without the need for legislation. We should accept that some of the focus is required in schools rather than in colleges and universities.

**Marco Biagi:** Will the member give way?

**The Deputy Presiding Officer:** No, the member must finish.

**Liz Smith:** Otherwise, I would have taken Marco Biagi's intervention.

In closing, let me say that the bill lacks an awful lot of necessary clarity and we are not persuaded that it will actually deliver better education, which is the most important thing.

16:39

**Hugh Henry (Renfrewshire South) (Lab):** There are undoubtedly times in a parliamentary process when issues of political difference need to come to the fore and when the different political parties can argue about their respective policies as they try to show the weakness in the cases put by the other parties. There are also times when we are required to do our job as parliamentarians and when we need to consider our responsibilities not just to the people we represent but to Parliament as an institution in holding Government to account.

When I was convener of the Public Audit Committee, there were a number of occasions when I was extremely critical of events that had happened when I was a minister in the previous Administration, because that was the right thing to do when the evidence presented itself. I took my responsibility as a member of that committee seriously. This is an occasion when we need to reflect on the role of committees on behalf of Parliament.

The Education and Culture Committee has attempted, within certain limits, to do a job on behalf of Parliament. The role of committees is to scrutinise, comment and criticise in cases where things are not as they should be. Unfortunately,

we can perceive a weakness in the Scottish Parliament if we compare ourselves with what happens at Westminster. We have taken pride and delight at times in criticising the inefficiencies and ineffectiveness of what happens there, yet in Westminster we see the robustness of the reports published by committees that are led by members of different political parties, who are prepared to stand up to the Government of the day and tell the facts as they really are. There are times when we need committees of this Parliament to do exactly that job. The scrutiny of the Post-16 Education (Scotland) Bill is one of those times when we need the committees of the Parliament to stand up and tell the Government where our concerns lie.

We do not disagree with the fundamental principles that have been outlined by the cabinet secretary. We do not disagree with the need to widen access. I do not disagree with the need to widen governance. When I was a committee convener, George Foulkes and I criticised the membership of college boards on a number of occasions, and we highlighted how complicit and cosy some of them were in relation to college principals, because that was the right thing to do. Some of our concern is reflected in comments that the cabinet secretary and others have made. On a number of occasions, George Foulkes and I criticised the unseemly way in which university principals had hiked their pay at a time when the pay and conditions of many members of their staff were being severely constrained. There are times when we need to tell things as they are.

Our concerns do not lie with the principles and doing the right thing—we will stand shoulder to shoulder with the cabinet secretary in trying to effect improvements where they are necessary. Our concern is about the detail of the bill. Time after time, the evidence from witnesses has shown that there are flaws and concerns with it. That does not mean ditching the bill and its never seeing the light of day again. We are saying that we should take our time to get the legislation right and ensure that it is effective. While we are arguing about that, let us use the powers that we have that do not require legislation, including those in areas such as widening access, as Liz Smith and other members have mentioned.

The debate is about a parliamentary process, not the rights and wrongs of a bill. As I have said, I agree on issues of governance and widening access. Stewart Maxwell said that Parliament should not be overtimid in its approach. That is right—but the committees of the Parliament should not be overtimid in their willingness to hold the Government of the day to account.

**Stewart Maxwell:** I am interested in what the member is saying, and I am trying to understand his point. Is he criticising the Education and

Culture Committee's report? I firmly believe that its report is fair and balanced, that it takes into account all the evidence that was supplied and that it takes into account both the support for the bill and some of the strong criticisms of the bill. We have done a good job in expressing all that fairly and in a balanced manner.

**Hugh Henry:** I did not criticise the report—if Stewart Maxwell had listened to me, he would have heard that. Where I have a difference is on the conclusion that Stewart Maxwell and the other SNP members drew in saying that the report represents support for the bill, when the evidence in the report demonstrates that that support is not there. That is where there is a need to stand up and be counted.

As Liz Smith said, the bill lacks clarity. Stewart Maxwell used the word “clarity”. If he went back to the report, he would find that word used time after time. Indeed, the report says that “greater clarity” on the bill is required. That is why we think that more work needs to be done.

George Adam gave yet another interesting history of his family. Some of the things that he said absolutely give the reason why action needs to be taken to widen access. However, that does not mean that the bill is good or that the measures in it are the right ones at this time. It does not mean that the Government should not pause and reflect on what needs to be done.

**Margo MacDonald:** The member says that the bill is basically good and has good intentions and that he has no criticism of certain aspects of it. We have heard about the aspects that he has criticisms of—I do not necessarily disagree with them—but what would the member say is good about the bill?

**Hugh Henry:** Actually, I did not say that it is a good bill; I said that the intentions and principles are good, but I share Liz Smith's and Liam McArthur's concerns that the bill is bad and is flawed. It is badly constructed.

We need to put in efforts to widen access. As Liz Smith said—and to repeat—we do not necessarily need legislation but, if legislation can help, by all means let us have it. If we need legislation to improve the gender balance, as Jenny Marra talked about, or to widen involvement for trade union members, by all means let us have it.

There are issues on which more work needs to be done, but the problem is that the bill as it stands has not been well constructed and all the criticisms and concerns that have been expressed have not been answered. I do not want to put the bill into the dustbin of history. However, Scottish Labour believes that, because the criticisms in the Education and Culture Committee's report are so

substantial, the cabinet secretary is required to go away, reflect and come back to us with something that is more fit for purpose.

16:48

**Michael Russell:** I agree with Mary Scanlon—sorry, I mean Liz Smith. I nearly always agree with Mary Scanlon, although not today. I agree with Liz Smith that, by and large, the debate has been productive. I disagree with a great deal that has been said in it—I will come on to that in a moment—but the debate has been interesting. I thank the Education and Culture Committee and its convener for their work and I welcome the convener's speech. He and other members will be aware that I have responded today to the committee's stage 1 report in some detail. Some of the questions that members from across the chamber have raised will be addressed in that detail.

**Neil Findlay:** Not many.

**Michael Russell:** I had hoped that the mood of the debate would continue and that I would not be hectorred by Mr Findlay. Let us hope that that will happen.

Actually, I was going to address one point that Mr Findlay raised. He raised a range of questions that he said I have not answered. The committee convener fairly pointed out my comment in the *Official Report* when I said that I recognised those questions but Mr Findlay had not asked me them. If he wants to ask me them again, I will answer them, but at an appropriate time.

**Neil Findlay:** Will the member take an intervention?

**Michael Russell:** No—I will answer them at an appropriate time. I have lots to say and I want to make progress. However, I will answer one of those questions now, which is about the code. The member claimed that he knows nothing about the code; that there is nothing about it in the bill; and that, on that basis, the bill cannot proceed. He should know that the code development has continued apace. For example, I met Lord Smith, who has chaired the steering group, again yesterday. The group has had 18 meetings and has consulted 350 people. I believe that Lord Smith will come to the committee to talk about the code.

Indeed, the code is not referred to in the bill and I made that point earlier.

**Liz Smith:** Will the cabinet secretary take an intervention?

**Michael Russell:** No, I really have to make progress. I am sorry, but I have hardly any time.

Section 2 of the bill says:

“2 Higher education institutions: good governance

After section 9 of the 2005 Act insert—

‘9A Higher education institutions: good governance

The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment to a higher education institution under section 12(1), require the institution to comply with any principles of governance or management which appear to the Scottish Ministers to constitute good practice in relation to higher education institutions.”

That is clear. The code is not referred to. A code already exists and it is observed. If there is to be a new code, I am delighted that the Education and Culture Committee will look at it. However, it is not referred to in the bill and it is not part of the bill, and that is very important. The UCU made the argument that it should be in the bill and the committee members could lodge an amendment to that effect.

**Liz Smith:** Will the cabinet secretary give way?

**Michael Russell:** However, I have to make a point about governance and management, and I suspect that that is the point that Liz Smith would like to make. The phrase “governance and management” to which she took such enormous exception is a phrase from the 2005 act's fundable bodies criteria. If Liz Smith speaks to Mary Scanlon, who is sitting next to her, she will find that Mary Scanlon voted for the 2005 act with those very words in it. If there is a requirement to change those words, I will be sympathetic to that change.

Some members have said, in essence, that the bill's policy aims and objectives are correct. Mr Bibby and Mr Henry said it, but of course they cannot vote for the bill. Mr Henry mentioned Westminster and there is an old Westminster convention that the vote follows the voice. Stage 1 is about the general principles of the bill. In response to Margo MacDonald, Mr Henry said that the principles of the bill are good—those are the very words that he used—so, if the principles are correct, he must vote for the bill. In the circumstances, those who listed what is good about the bill but then said that they could never vote for it are in a strange position indeed.

**Jenny Marra:** Will the cabinet secretary take an intervention?

**Michael Russell:** No, I am sorry but I will not take any interventions at this stage, especially not from Jenny Marra because she said things that were not true. I hope that she will look at what she said, realise that she made a mistake and come back to correct the record. The code will be available in April and other members said that.

I have talked several times about an underpinning statute, which is why Ferdinand von

Prondzynski replied in the way that he did. He knows that and other members know it, too.

**Margo MacDonald:** Will the cabinet secretary give way?

**Michael Russell:** No—well, for the member I will.

**Margo MacDonald:** I take it that Mr Russell is giving way for age rather than for beauty.

If the minister accepts that there are flaws in the bill and the Opposition says that the bill's intention is good, will he undertake to take out the parts that most of the Opposition agrees should be taken out because they are details, which need to be taken out of the bill?

**Michael Russell:** As ever, I am glad that I took Margo MacDonald's intervention because she talks good sense. I said at the beginning and say again now that I am happy to discuss amendments and improvements to the bill. I suppose that I am done for if I do and done for if I don't. When I said that at the beginning, Mr Findlay and Mr Pentland seized upon what I had said and said that I was making a desperate attempt to get the bill through. I make the commitment to members that I am keen that we make a collaborative attempt to ensure that the bill passes. That is the heart of the matter and I want members to reflect on that.

If the bill does not pass, certain things will happen. We will not get better governance or wider access; I will talk about those points in a moment. That would be very serious indeed, but that is what we are talking about. Mr Henry said in his speech that the bill is a wonderful idea, although he said at times that he is not sure that it is needed. He does not disagree with any of it but he will not back it—I am afraid that that will not wash, because no bill that comes to the Parliament is perfect. That is why we have a clear process for legislation, which allows for the improvement of bills at every stage.

The legislation process was agreed by all parties when the Parliament was established and it should be known to every member in the chamber. Members talk about a bill being withdrawn or not proceeding, or something similar happening, but that is not in the process. The procedure says that the Parliament either agrees or disagrees with the general principles of the bill and that is where we are today. What would be achieved if the bill were to be withdrawn? Nothing at all. We cannot achieve anything if there is no bill. Only amendment and progress can change the bill, yet those members who oppose it do not want to amend it and do not want it to progress.

We have heard the committee's intention to take evidence about the code, so if that is the reason

for members not supporting the bill, members know that there will be evidence at stage 2, which is possible under the process. Labour members need to remember that further delay would simply mean that the positive proposals in the bill would fail to take effect because the final stage of the bill's progress would not take place according to the timetable that has already been agreed. Wider access, better governance, more focus on employability, essential improvements in data quality, and regionalisation would not happen. That is clearly, alas, what the Tories want. The sad reality—unfortunately I have become convinced of this today and I was getting convinced of it anyway—is that the Tories do not want the type of open access that there should be in Scotland.

**Liz Smith:** Will the member give way?

**Michael Russell:** I am sorry, I have to finish—I do not have the time. The member has had her say and I want to have my say now. That view of education is an elitist one; it is one that refuses to take the next step. [*Laughter.*] I am coming to Labour in a moment. I hope that Labour members will be ready for it.

That view insists that universities and colleges cannot change and cannot improve. South of the border, the Tories have been the wreckers of higher education. If they are followed today, they intend to try and wreck it north of the border with fees, more barriers for poorer students, and no change to the unaccountable system of college governance that was put in place by Margaret Thatcher. No one in Scotland will be surprised that those are the Tory attitudes. The surprise will be that Labour will back them.

There was a glimmer of hope in the Lib Dems' position—that is not referring to Mr Rennie, who is always a glimmer of hope. Mr McArthur said that he required to be persuaded. Let me persuade him of one thing: we are open to serious amendment. If he comes forward with good ideas, we will certainly look at them. There could be a collaborative process of change and I would welcome that.

The position of the Labour Party is the most extraordinary one. I care a lot about Scottish education; I care about widening access and I care about employability. People do not have to believe in an independent Scotland to see that those issues are important. The vast majority of Labour voters believe that, too. They believe in good education, creating employment opportunities, accountability, and a single national set of terms and conditions. They believe in the general principles and the particular policies in the bill.

The NUS and the UCU have pleaded with Labour to back the bill and now the moment of choice has arrived.

**Neil Findlay:** Your nose is growing.

**Michael Russell:** Labour cannot wriggle out of it again by abstaining. It cannot abstain on the issue of widening access. It cannot abstain on the issue of employment. [*Interruption.*]

**The Presiding Officer (Tricia Marwick):** One moment, cabinet secretary. Mr Findlay, I will not have you shouting across the chamber. You have chuntered along and some of the remarks that you have been making are completely unacceptable.

**Michael Russell:** Labour cannot abstain on issues of better governance. There is a choice between good and bad, and that choice means making the good and necessary step of backing the bill. That is the key decision for the Labour Party today: will it address that issue? Will it put behind it last week's fence-sitting extravaganza? Will it ignore the fatal political miscalculation of the Labour front-bench members, which has led Labour to this? Will it choose the good move rather than the bad one?

I hear Jenny Marra laughing at the prospect of wider access to education. That is a disgrace. Labour has a choice to make in a minute or so—will it let down the lecturers, the support staff, and above all the students, just as it did when it abstained on tuition fees? It is time to make that choice and that choice will tell us a lot about what Labour is today.

**The Presiding Officer:** That concludes the debate on stage 1 of the Post-16 Education (Scotland) Bill.

## Post-16 Education (Scotland) Bill: Financial Resolution

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-06018, in the name of John Swinney, on the financial resolution to the Post-16 Education (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Post-16 Education (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Michael Russell*].

**The Presiding Officer:** The question on the motion will be put at decision time.

## Business Motion

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-06077, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 16 April 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate: Universal Services

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 17 April 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Education and Lifelong Learning

*followed by* Scottish Green Party and Independent Group Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 18 April 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Infrastructure and Capital Investment  
Committee Debate: Public Sector  
Procurement

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 23 April 2013

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 24 April 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Finance, Employment and Sustainable  
Growth

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 25 April 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time—[Joe FitzPatrick.]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of five Parliamentary Bureau motions, S4M-06078, S4M-06080, S4M-06081, S4M-06083 and S4M-06085, on approval of various Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2013 [draft] be approved.

That the Parliament agrees that the Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 [draft] be approved.

That the Parliament agrees that the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 [draft] be approved.

That the Parliament agrees that the Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 [draft] be approved.

That the Parliament agrees that the Renewables Obligation (Scotland) Amendment Order 2013 [draft] be approved.—[*Joe FitzPatrick.*]

**The Presiding Officer:** The questions on the motions will be put at decision time.

## Point of Order

17:00

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Presiding Officer, I wish to raise a point of order under standing order 8.17.

Earlier today, in an emergency question, Jackie Baillie asked the Scottish Government to consider whether it would introduce emergency legislation on the bedroom tax. In her exchange with the Deputy First Minister, Ms Baillie suggested that that proposal goes along with calls for action that are echoed by the Convention of Scottish Local Authorities. Later, an email was sent to COSLA's head of media and communications to ask whether COSLA had made a call for Scottish Government legislation to prevent bedroom tax evictions, or for the Scottish Government to meet the rental income deficit. The reply was no, to both questions.

Presiding Officer, can you advise what opportunity exists for members—perhaps under rule 7.3.1, which talks about members behaving in a “courteous and respectful manner”—to correct the record when they have misled the chamber?

**The Presiding Officer (Tricia Marwick):** Members know very well—because I said the same thing as recently as yesterday—that the Presiding Officers are not responsible for what members say in the formal proceedings of the Parliament. However, as Mr Hepburn and others are aware, if any member believes that they have misled the chamber, there are opportunities, which are set out in our procedures, for correcting the *Official Report*.

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. Far from correcting the record, I shall say that it is clear that COSLA passed a motion asking the Scottish Government to amend the Housing (Scotland) Act 2001 in terms of the bedroom tax. Nothing is more clear than that, and nothing is more clear than the deafening silence from the Scottish National Party Government in terms of protecting people.

**The Presiding Officer:** Ms Baillie knows that that is a debating point, not a point of order.

## Decision Time

17:02

**The Presiding Officer (Tricia Marwick):** There are seven questions to be put as a result of today's business. The first question is, that motion S4M-06059, in the name of Michael Russell, on the Post-16 Education (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)

Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Walker, Bill (Dunfermline) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 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)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Abstentions**

Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 MacDonald, Margo (Lothian) (Ind)

**The Presiding Officer:** The result of the division is: For 64, Against 54, Abstentions 3.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Post-16 Education (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S4M-06018, in the name of John Swinney, on the financial resolution to the Post-16 Education (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Post-16 Education (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The next question is, that motion S4M-06078, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2013 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-06080, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-06081, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-06083, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S4M-06085, in the name of Joe

FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Renewables Obligation (Scotland) Amendment Order 2013 [draft] be approved.

## David Livingstone Bicentenary

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

I am sure that members will wish to join me in welcoming to the gallery the special envoy for the Commonwealth Parliamentary Association Scotland branch, Annie Lennox OBE. [*Applause.*]

The final item of business is a members' business debate on motion S4M-05547, in the name of James Kelly, on celebrations of the bicentenary of Dr David Livingstone's birth. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament commemorates the life and legacy of Dr David Livingstone, considered Blantyre's most famous son and Scotland's greatest explorer and missionary; understands that, at the age of 10, Dr Livingstone began working in the Blantyre Cotton Mill as a piecer and, despite working a 14-hour day, he persevered with his studies and, after qualifying as a doctor, became a missionary and explorer in Africa, where he played a key role in ending slavery, especially in Malawi, which continues to have strong links to Scotland; applauds Dr Livingstone's contributions in Africa generally and Malawi specifically and considers that, during his 30 years in Africa, he contributed enormously in the fields of education, healthcare, trade and commerce; notes that the bicentenary celebrations in Blantyre are being supported by funding from the National Trust for Scotland, Scottish Government, South Lanarkshire Council and the Scotland–Malawi Partnership, which promotes links between the two countries; believes that the 200th anniversary of Dr Livingstone will give people the opportunity to learn of the explorer's early home life in Blantyre and encourage further interest in his achievements and explorations; considers that Scotland enjoys important links with Malawi and reaffirms its commitment to the cooperation agreement between the countries that was signed in 2005 by Lord McConnell and President Mutharika, which pledges engagement on "civic governance and society, sustainable economic development, health and education", and looks forward to what it hopes will be a series of successful events in honour of a man whom it believes to be one of Scotland's greatest figures and whose legacy continues to have a positive impact on the people of Malawi.

17:07

**James Kelly (Rutherglen) (Lab):** It gives me great pleasure, as the MSP for the Blantyre area—the birthplace of David Livingstone—to open this evening's debate.

I thank all the members from across the chamber who signed the motion commemorating the bicentenary of David Livingstone's birth. In particular, I thank Jim Hume, who was a core supporter of the motion and is a descendant of David Livingstone. I am sure that he will give us some unique reflections on the Livingstone family.

I welcome members of the Commonwealth Parliamentary Association and—to reiterate the Deputy Presiding Officer's welcome—special

envoy Annie Lennox, who has been a terrific ambassador for the CPA on issues relating to Africa. I also welcome to the gallery representatives from Blantyre, particularly the young children from St Blane's primary school in Blantyre, which has a special place in the Livingstone story.

The debate is the culmination of a number of successful events over the past fortnight, including the special service at Blantyre Livingstone memorial church last Sunday, which was attended by President Joyce Banda and the First Minister.

It is poignant that President Banda returned to Blantyre and the location of the Blantyre mill where David Livingstone grew up, because that is where the Livingstone story began—and what a story it is. Although he worked 14 hours a day in the mill and walked many miles during the course of the day, such were his family's dedication to giving him a good education and his own perseverance that he would return home at night and, in poorly lit conditions, read until midnight. That gave him the platform to go to the University of Glasgow. Every Monday, he used to walk the 8 miles from Blantyre to the university, from where he qualified as a doctor with the skills that were relevant to the time that he spent in Africa.

There are three main factors in David Livingstone's life that stick out for me. First and foremost, he was an explorer who undertook three trips through Africa over a 30-year period; he was a powerful missionary for the Christian faith in Africa; and he was a very strong anti-slavery campaigner. The point to bear in mind about those three aspects is that they were difficult activities to undertake 200 years ago. The infrastructure and travelling conditions in Africa at that time were very different from those in Africa today. Travellers were very exposed to disease. The Christian faith was not as widespread as it is today and the culture was not conducive to an anti-slavery campaigner such as David Livingstone getting their message across. The perseverance, grit and determination of the man is shown by what he did, and the hard-working ethics that he learned in the mills of Blantyre served him well throughout his life and his travels in Africa.

It is worth paying tribute to Mary Moffat, David Livingstone's wife, and recognising the important role that she played in supporting her husband in his work in Africa. Much of the Mary Moffat story has been untold for many years, but some of it has been uncovered by Julie Davidson in a very interesting book that recently came out. If we consider the loyalty of Mary Moffat and what she gave up to follow and support her husband—her personal sacrifice in losing a young child and eventually dying before David Livingstone through

acute malaria—we can see the sort of person that she was.

The question that we need to ask today is what David Livingstone's legacy is in 2013. Four aspects come to mind, one of which is the fair-trade mission, which is so relevant for us because of the recent launch of Scotland as a Fairtrade nation. I see David Livingstone very much as Scotland's first fair-trade campaigner, because he took that message to Africa. He really wanted to bring those communities forward, not only to give them something to live for but to give them something sustainable that could take their lives forward and improve their quality of life.

Secondly, we can see the strong links between Scotland and Malawi, which were established by the previous Scottish Executive and have been carried forward by the current Scottish Government in the Scottish Malawi Foundation. The work on that and the co-operation between the two countries benefit both greatly.

Thirdly, in Blantyre, David Livingstone's birthplace, the Livingstone memory and legacy are still very much alive, particularly at the David Livingstone centre, which is located where he worked in a mill all those years ago. I know that the Blantyre community is a strong, loyal and very cohesive one in which people pull together strongly, not just in support of Livingstone's memory and legacy but in support of all the individuals and groups there.

The fourth aspect is the work of the Commonwealth Parliamentary Association. Sarah Boyack and Alex Fergusson recently undertook a visit to Malawi, and there was a reciprocal visit here by MPs from Malawi. It was great to welcome them to Blantyre last Sunday and to talk about common parliamentary traditions. I think that each Parliament can learn a lot from the other. There are a lot of good lessons and good practice that can help the Parliaments and the communities in our two countries on issues such as poverty, human rights and AIDS awareness, which the CPA and its envoys are very effective in championing.

This bicentenary has given us a great opportunity to reflect on and celebrate David Livingstone's rich life. However, it also gives us an even greater opportunity to look to the future and build links between Scotland and Malawi, and to celebrate Livingstone's legacy and make it relevant in today's Scotland so that it can continue to serve us well both here in Scotland and abroad in Malawi.

**The Deputy Presiding Officer:** The debate is heavily subscribed. We will have speeches of four minutes. Jim Hume has indicated that,

unfortunately, he must leave early, so I will call him first.

17:15

**Jim Hume (South Scotland) (LD):** Thank you, Presiding Officer. I apologise, as I have to leave early to convene a cross-party group. I congratulate James Kelly and thank him for allowing me to support his motion before it was officially lodged.

This feels a little like groundhog day, given that it is just two weeks since we had a members' business debate on David Livingstone. I will not bore members too much with my Livingstone bloodline—of course, I am happy for others to do so. However, it is worth using this debate to consider what maketh the man. What drove Livingstone to go where no European had been, find the source of the Nile, spread Christianity and be a shining light in the fight to end slavery?

We often ask whether we are products of genetics or our environment. I think that Livingstone was heavily influenced by his family roots, by his environs and by external circumstances. In his autobiography, he talks of his fascination with his grandfather's stories—that is my five-greats grandfather, I think. His grandfather was originally from the island of Ulva, where he tended a small farm, but he had a large family and needed to seek employment elsewhere—hence the move to Blantyre.

Livingstone's grandfather was keen that David should not forget his islander values and would delight the boy with stories of old. David's great-grandfather had fallen at Culloden, supporting the old line of kings, as he called it. His grandfather could tell stories that went back six generations, passing on the wisdom of his ancestors. Later, David recalled that stories that he heard in African communities were "wonderfully like" his grandfather's stories, which shows that our world is small and our values similar.

According to David, one of his ancestors had said to his family:

"I have searched most carefully through all the traditions I could find of our family, and I never could discover that there was a dishonest man among our forefathers. If, therefore, any of you or any of your children should take to dishonest ways, it will not be because it runs in our blood ... Be honest."

I think that that family value ran true in David's blood and was the life force that gave him the strength to tackle what we know was wrong but was the norm at the time: slavery. The honesty gene also helped David's father Neil when he worked in the mills. He was so highly esteemed and trusted that he was put in charge of conveying large sums of money from Glasgow to Blantyre.

Honesty was recognised and led to trust, and at an old age Neil was pensioned by the mill, spending his last years in ease and comfort.

David was steeped in the Livingstone family values and, as well as being honest, he had a work ethic that would put us all to shame. He attributed his ability to completely abstract himself from surrounding noises and therefore study in any circumstances to his time working as a piecer in a noisy mill. No one would have criticised the young Livingstone for putting his feet up after a hard day at the mill, but he needed a challenge and a purpose. That led him to study Greek, medicine and divinity. He joined the London Missionary Society, which he described as “unsectarian”.

David did not originally intend to take his missionary work to dark Africa. His focus had been on China, but the opium wars put an end to anyone from Britain travelling there, as the empire closed. I wonder whether Livingstone would be celebrated today if he had gone to China. We do not know. It is doubtful, as Christianity has not taken off too well there so far. Because he could not travel to China, he turned his attention to Africa, and of course the rest is history.

Livingstone was a product of his family and their values, and of his environs. There is no doubt of that. External circumstances, such as the Chinese opium wars, also played a part in his story. Two hundred years after his birth he remains a role model for us all, due to his hard work, honesty and belief in what is right and what is wrong.

17:19

**Bob Doris (Glasgow) (SNP):** I congratulate James Kelly on securing the debate.

As Jim Hume said, it is around two weeks since we last debated David Livingstone’s bicentenary, in a members’ business debate on a motion that I had lodged. At that time, I said that this month was likely to be “Malawi March”, and it is certainly turning out to be that way, but that is no bad thing. The highlight may yet be tonight’s debate, of course, but so far it has been the address by the President of Malawi, Joyce Banda, to the Parliament last week. A number of things struck me about that, and I took a number of messages from it. One was that Malawi is open for visitors and tourism and for business. There was a strong message that Malawi wishes to forge even deeper social and economic links with Scotland. That process was started many years ago and formalised in 2005 by the First Minister at the time, Jack McConnell. From 2005, £3 million a year was spent on international development in connection with Malawi and the figure has been £4.5 million since 2010. I am sure that we as a Parliament

agree that, in our commitment to Malawi and in the bilateral connection that we have made with Malawi, the Parliament and the Government are in it for the long haul.

**Liam McArthur (Orkney Islands) (LD):** I am interested in Bob Doris’s points about expanding the tourism market and business opportunities. Does he agree that flight availability, particularly from hub airports, is critical to that? Diverting through Nairobi and Johannesburg has to be a disincentive to trying to progress that objective, which I think we all share.

**Bob Doris:** I completely agree with that comment. We have to look at practical ways of taking that matter forward. That is a point well made.

My time is limited, and I want to draw on some of the things in David Livingstone’s legacy that have resonated with me.

First, as people have said, not enough has been made of Mary Moffat’s legacy. She was the first white woman to cross the Kalahari desert, and she did so while she was pregnant. That is no mean feat in itself. There is the active role that she played herself, not just the support that she offered to David Livingstone. She is an inspiration to many women. Often in history, the roles of great men overshadow the significant contributions of remarkable women. As has been said, we have to tease out Mary Moffat’s role to women today. There are some sacrifices that they should simply not have to make as they go forward in life. I think that many of the young girls from St Blane’s primary school who are here will take that on board. It is not an either/or question when somebody is committing to a relationship or ploughing their way in the world. People should be able to do both.

We can take the fact that David Livingstone came from a humble background and went to university as a strong theme. We all think that Scotland’s steadfast commitment to free education for all is vital. The Scottish Government’s commitment to spend £100,000 to put 50 gifted but underprivileged Malawians through masters degrees is, of course, part of the legacy.

I wanted to say so much, but I will be brief. When the bicentenary fades from public attention, we have to ensure that the moneys that are invested in the David Livingstone centre in Blantyre go beyond the current commitment to 2014, and that we have a strong action plan to have the centre as a hub for David Livingstone and associated activities. It should not just be for celebrating the bicentenary; it should be fit for the next 200 years, as I said a couple of weeks ago.

I thank James Kelly for bringing the bicentenary to our attention.

17:24

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I, too, congratulate James Kelly. It is appropriate that the debate has been led by the member whose constituency Blantyre is in.

Over the past two weeks, we have witnessed the celebration of Dr David Livingstone's bicentenary in Scotland. President Joyce Banda addressed members of the Scottish Parliament and told us about the improvements that she is trying to put in place in her country. She explained the difficult economic situation that her country faces and her determination to improve the lives of the citizens of Malawi, and she talked about the partnership agreement between our two countries, and the benefits that it had brought to Malawi. She also spoke of our shared legacy from David Livingstone and the esteem in which his memory is held in Malawi. Testament to that legacy is that an estimated 85,000 Scots have some involvement in a project that is connected to Malawi.

This is the second time that we have debated David Livingstone in two weeks, but a bicentenary is surely worthy of two debates. My contribution in the previous debate focused on the man and his motivation and, although I do not plan to reprise that speech this evening, I want to return to its central theme.

David Livingstone most likely died of a cocktail of tropical diseases: malaria, bilharzia and dysentery, to name but a few of those that he is thought to have endured. His wife, Mary, died of malaria and many of the European missionaries and traders who followed in Livingstone's footsteps also died, often at a very young age, of the same diseases. That was a tragedy, and a visitor to Malawi will inevitably be taken to graveyards in which names of entire families are inscribed on the gravestones. I can testify that that experience is very moving, but the real tragedy, which should motivate all of us, is that many of those diseases still exist and still kill in Africa to this day.

To that list we must now add HIV/AIDS. Of course, HIV/AIDS is not confined to Africa, but parts of that continent have been ravaged by the virus. In recent years, some of the work of non-governmental organisations funded by the Scottish Government has been directed at tackling HIV/AIDS, as has some of the work of our CPA branch's special envoy, Annie Lennox. As we will hear later at the reception that will follow the debate, the work of Annie Lennox and her aptly named sing campaign has been undertaken with her unique blend of determination and sensitivity. The sing campaign has identified a number of important aims, including raising awareness of

HIV/AIDS, the treatment and care of children with the virus, and empowering women to make decisions about their lives and communities.

David Livingstone was a man of many parts: missionary, explorer, cartographer, doctor and, of course, a fierce campaigner against slavery, which he described as a "sore upon the world". His determination was legendary, even in his lifetime, and I believe that his pioneering work on identifying the sources of disease and finding cures is one of his most important legacies. He would have been proud of the work done by all those who work in Africa and Malawi but would perhaps have been shocked that, 140 years after his death, we still have so many of the diseases with which he was familiar and that HIV/AIDS has reaped such havoc in Africa. For me, the most inspiring message from Annie Lennox's sing campaign is that it works towards a global commitment to an AIDS-free generation—a message that David Livingstone would surely have endorsed.

17:28

**Margaret Mitchell (Central Scotland) (Con):** I thank James Kelly for bringing this important debate to Parliament and for providing an opportunity to acknowledge and celebrate David Livingstone's life and work. I am speaking in the debate as a member of the CPA Scotland branch executive committee, and I would like to touch on Livingstone's early life, his missionary work, his work as a doctor, some of his connections with Africa and some personal connections. I understand that Sandra White is not going to speak today, in order to cut down the number of speeches.

As James Kelly said, the David Livingstone story is truly inspirational. He was born in March 1813 in a single-apartment home in a tenement building called Shuttle Row in Blantyre, which was built to house the workers of the cotton-spinning mill on the banks of the River Clyde. He left school at the age of 10 and was taught to read and write by his father. As other children in the village did, he worked in the mills from very early in the morning until 8 at night. His day did not end there: he attended night school and studied far into the night.

He taught himself Latin and developed a love of natural history. At the age of 19, he was promoted and with his increased wage had saved enough money by 1836 to enter Anderson's University in Glasgow to study medicine. David Livingstone is clearly an example of some of the best Scottish traits: the work ethic, the thirst for knowledge and the recognition of the importance of education. In 1840, he moved to London to complete his medical studies and, at the end of the year, he

qualified as a licentiate of the Faculty of Physicians and Surgeons of Glasgow. In the same month, he was ordained as a missionary by the London Missionary Society.

From 1841 until his death in 1873, Livingstone explored the interior of central and southern Africa. He was one of the first medical missionaries to enter southern Africa and the first in central Africa. He was also often the first European to meet local tribes. He won their trust as a healer and medicine man, and he gained such a reputation among the villages that he visited that he eventually had to limit his treatment to people with serious illnesses.

Much of David Livingstone's time in Africa was spent in what we now know as Malawi. I believe that he would have been immensely gratified to see that the connection that he first made is not only still present but is growing through the work of the Parliament and a number of varied initiatives including the efforts of churches and schools throughout Scotland.

I well remember Sunday school visits as a child to the David Livingstone centre in Blantyre, where—as I remember it—the sun was always shining. I thought that it was a very special place to honour a truly remarkable Scot. As an adult and MSP, like other MSPs I was involved in the happily successful campaign, on behalf of the central Scotland community, to save the centre from closure in 2009.

Given all that, it was a particular privilege to represent the CPA Scotland branch in the company of Malawian MPs when we attended the David Livingstone bicentennial commemorative service last week at Westminster abbey, where Livingstone's body is buried. His heart remains in Africa, of course, where he also left his mark. To this day, missions are set up using his 19th century model, with a church, a school and a hospital.

Tonight's event will see Annie Lennox, our special envoy, give a presentation. I am delighted that she is accompanied by her new husband, Mitch Besser, as I know that Malawi is special to both of them.

17:32

**Tavish Scott (Shetland Islands) (LD):** As a famous United States senator said some years back,

"just because everything has been said doesn't mean everybody's said it."

I bow to the superior knowledge of James Kelly, Bob Doris and the many others who have opined sensibly on the history of Livingstone and what he means for today. I want to make a couple of

remarks on James Kelly's latter point about lessons for today.

However, first, with my Commonwealth Parliamentary Association branch hat on, I thank my colleagues for the role that the CPA has played in the partnerships, internships and MP visits, as well as for sending Sarah Boyack and Alex Fergusson to Malawi. We found out in a meeting earlier that that was an extremely useful visit on which they brought to bear their considerable knowledge of Parliament. To impart that knowledge to colleagues in another country is sometimes the most useful work that we can do.

I also congratulate Patricia Ferguson—this has nothing to do with the debate—on being elected to a national body in the CPA. The British Isles and Mediterranean region elections have just taken place, and her election is a notable achievement for the CPA Scotland branch in the context of the debate around the Commonwealth.

I have two points to make in respect of Livingstone and his legacy. First, when the President of Malawi delivered a speech here in the chamber just a couple of weeks ago, she mentioned business investment. Maureen Watt and Jamie McGrigor made two very sensible suggestions about what we could do in our role as parliamentarians and what the Government could do, too. The first suggestion was on oil and gas. Maureen Watt rightly pointed out that our history, involvement and experience in dealing with American multinationals—multinationals that have the ability to make a difference not only to Aberdeen, but to my part of the world—would be of relevance and use to that part of Africa.

The second was Jamie McGrigor's suggestion about the old Highlands and Islands Development Board model, which represented a notable change in public policy back in the 1960s and achieved practical things on farming and agriculture. Given what I have learned from listening to the special envoy, Alex Fergusson and Sarah Boyack in our meeting, that seems to be a beneficial model.

Sandra White ended that meeting by observing that our best investment in the future of Malawi would be to make that investment long-term and sustainable. If that is the lesson that James Kelly rightly drew from his earlier remarks, and if it is the long-term theme that the minister and—because I hope that this will be an enduring theme—those who come after the minister in Governments of whatever persuasion will have, it is well worth having not one, but two members' debates on it. No doubt there will be more to come.

**The Deputy Presiding Officer:** A number of members wish still to speak in the debate. Therefore, I am minded to accept a motion without

notice, under rule 8.14.3, to extend members' business by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*James Kelly.*]

*Motion agreed to.*

17:36

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I thank James Kelly for creating the opportunity to have the debate.

It is appropriate that I acknowledge the achievements of Jack McConnell. He will be remembered on two fronts over the long term. First, he will be remembered for the anti-smoking legislation for which as an asthmatic I am grateful, and secondly—and fundamentally—he will be remembered for creating the formal links with Malawi. Tavish Scott was correct to talk about that as something for the long run that will endure the vicissitudes that inevitably accompany political elections. When I was a minister, I was delighted to play a small part—as many others have—in developing the relationship with Malawi.

James Kelly's motion is well crafted and comprehensive and it contains a number of important points that I want to address. Fundamental are David Livingstone's part in the anti-slavery movement, his contribution to bringing modern medicine to Africa and his focus on education and trade. Those were all key parts of his life in Africa.

Of course, David Livingstone's life in Scotland illustrates that he was genuinely a man of the people. He was not privileged, he moved from being a worker to being a professional and, in gaining his qualifications, he had a much harder road to travel than those of us in the modern era who went to university largely funded by the state, and certainly not with competing interests or holding a day job while we undertook serious intellectual study. He must have been a fine intellect indeed, as well as a hard worker. Of course, he benefited from the broad base that was provided by the Scottish education system.

The monument to David Livingstone in Malawi is inscribed "Christianity, Commerce and Civilisation." In some ways, that misses the point. In Victorian times, we probably failed to recognise adequately that civilisation existed before the white man came along; rather, it was a different civilisation, and one from which we should learn in the modern era.

David Livingstone saw commerce as being a key part of displacing the slave trade and he believed that finding a new commerce was the way to get the slave trade under control. His

efforts were recognised through his appointment as the United Kingdom consul for East Africa.

I thought that James Kelly might want to pair up with Malawi's Blantyre MPs, so I had a look to see who they were. I found out that they are Felix Njawala and Jeffrey Ntelemuka. Interestingly, one of them has just crossed the floor, and the rules of Parliament there mean that a member who does that is automatically ejected from the Parliament because it is necessary for members there to stay with the party of which they were a member when they were elected. That is probably not a system that we would copy, but it is interesting for all that.

Blantyre in Malawi is a memorial to David Livingstone: it has a population of three quarters of a million people and is home to the Malawi Stock Exchange, the college of medicine, the Malawi Broadcasting Corporation and the Malawi Supreme Court.

I conclude by putting Livingstone in an international context. When Henry Morton Stanley said, "Dr Livingstone, I presume?", he was, of course, representing *The New York Times*. The interest in Livingstone was no parochial interest; he was an internationalist who attracted international attention.

17:40

**Sarah Boyack (Lothian) (Lab):** I add my congratulations to James Kelly on securing the debate.

It was an immense privilege to be in Malawi last week—along with Alex Fergusson and Fergus Cochrane, one of the Parliament's senior clerks—as part of the Commonwealth Parliamentary Association delegation. It was an incredibly busy five days. Alex and I blogged on our visit: I did a daily blog and Alex provided a fantastic blog at the end of the week, in which he summed up his thoughts.

As someone who has now visited Malawi twice, it was clear to me from my second visit that Malawi continues to face huge challenges on health issues, especially—as colleagues have mentioned—on HIV and AIDS and maternal health. Although I feel that the projects that we visited are making a positive contribution, we need to see long-term, sustainable health projects. Access to education—particularly access to secondary school education for young girls—remains vital for the future of Malawi. The third issue that Malawi faces is the economic challenge, which includes the cost of food and the problem of inflation. Those issues are affecting Malawians on a daily basis. We could sense the real challenge that ordinary Malawians are experiencing.

There is much that we can be proud of. The 2005 agreement, to which James Kelly's motion refers, should be our starting point. We have a fantastic historical relationship with Malawi, but I report to members that the people of Malawi and its Parliament regard that 2005 co-operation agreement as a living document that is incredibly important to their country. It is highly valued.

Last week, we saw fantastic local projects in action. Earlier today, at the meeting with Annie Lennox, Patricia Ferguson commented on the fact that 80,000 Scots have a direct link with Malawi. In a country of 5 million, that represents an immense resource. Our challenge is to develop the strategy and a sustainable long-term relationship.

On our visit, we looked at local projects. Practical links have been established with our twins in the Malawi Parliament—10 MSPs are twinned with 10 members of the National Assembly of Malawi. We delivered a workshop on financial scrutiny and audit, and we took part in the women's caucus seminar, which focused on empowering women. A huge exchange of knowledge and expertise is going on, and making that a long-term relationship is the key for us in Scotland.

I was privileged to visit the constituency of my parliamentary twin, Christina Chiwoko. We visited the joyful mothers project, which is a local project that looks after young babies who lost their mothers during childbirth. I think that that was one of the most moving experiences that I will ever have. I spoke to the chief of a village with six families in it. He had a new granddaughter. It should have been a fantastic celebration, but two days previously his daughter-in-law had died in the process of giving birth.

As well as hearing about that family's tragic experience and the village coming together to support the young baby, we heard about the village not being able to make the most of its agricultural produce. When the weather is good in Malawi, the people produce fantastic fruit and vegetables—but they cannot sell them to anyone. Those rural villages do not have the agricultural co-operatives that our farming communities have, and that is a real issue.

In fact, my second visit highlighted to me those kinds of agricultural and economic development issues, especially in relation to smallholder farmers. Both the Government and the Parliament need to think about how we address such issues in our work with Malawi; after all, as with health and education, we have a huge amount of expertise in this area. The fair trade movement provides a massive stimulus, but I have to wonder what more we can do to support smallholders, many of whom are rural women farmers.

As part of our technical assistance programme, we gave a seminar on financial accountability and scrutiny in the Scottish Parliament. On the journey there we wondered how exciting that would be, but I have to say that the questions from the Malawian MPs showed the importance of the issue to them. We take it for granted that if we want a minister to come before a committee to account for themselves and the budget they will come and be asked serious questions; in Malawi, however, those kinds of democratic structures are younger and not as strong.

**The Deputy Presiding Officer:** I must ask you to come to a conclusion.

**Sarah Boyack:** In that case, I will let Alex Fergusson talk about the fantastic women's seminar.

For me, the key question that the Malawian MPs asked was how they could scrutinise our work in this Parliament, the work of non-governmental organisations and donor Governments' investment in their country and communities. There is the Scotland Malawi Partnership; we now have the Malawi Scotland Partnership. There are two sides to this relationship and the fact is that it will be sustained only if it is a relationship of equals.

17:46

**Alex Fergusson (Galloway and West Dumfries) (Con):** I am sorry if I disappoint Sarah Boyack and others by not talking about the women's caucus but I probably will not have the time.

Like others, I congratulate James Kelly on securing this debate. It comes hot on the heels of Bob Doris's debate two weeks ago; at least this evening I can say that I have signed the motion before us, unlike Bob Doris's. However, nothing should be read into that other than woeful inconsistency on my part.

I thank the CPA, to which I will be forever grateful and to which I will report more fully on our visit in due course. Two Sundays ago, I attended Sunday worship in Bandawe mission in the Livingstonia synod of northern Malawi. It was a two-and-a-half-hour church service and I would willingly have stayed for another two and a half hours, such was the sheer exuberance and enthusiasm of the packed congregation.

Less than 10 years ago, that congregation had had to build a new church because the original brick-built church could no longer contain it and, indeed, it had recently sought permission to split into two because it was growing too fast to be contained within the current structure. I have to ask myself what our own kirk would give for such problems.

The service was effectively a thanksgiving service for the life of David Livingstone and the missionaries who followed him. That several of those missionaries are buried alongside their wives and children at Bandawe is a stark testament to and reminder of the hardships and sacrifices that they endured to do what they believed they were put on this earth to do.

Throughout the whole service, the name of David Livingstone provoked the most consistent and obvious reaction from that congregation of all ages. It is quite clear that his memory and legacy are still held in the very highest esteem, and I can only imagine that the reasons for that are the characteristics that were highlighted so well in the debate two weeks ago and again by James Kelly and other members this evening: his hatred of slavery and his determination to end it; his belief that education and commerce would provide the route to freedom; and his preaching of Christianity in a way that sought to persuade and encourage instead of his forcing his beliefs on an unwilling audience.

David Livingstone was clearly a man of great understanding and enormous sympathy who empathised with those with whom he worked to such an extent that he earned not their acquiescence but their heartfelt love. That love has passed down through the generations and is as alive today as it has been through the past two centuries since Livingstone's birth.

At Bandawe mission, there is a nursery, a primary school, a secondary school for girls, a special school for the deaf and a medical clinic, all of which provide as good a quality of service as is possible in conditions that we would scarcely believe unless we saw them for ourselves—and I really mean that. Given the paucity of those conditions, what is delivered is truly remarkable; it is also the most incredible testament to David Livingstone's life, beliefs and, indeed, passions and the ethos that he taught and personified.

I felt incredibly humbled to be in that location just two days before Livingstone's 200th birthday. It was an immense privilege to be there, just as it is to relay that experience to the chamber this evening.

17:50

**Siobhan McMahon (Central Scotland) (Lab):** I congratulate my colleague James Kelly on securing tonight's debate, particularly as it gives me another opportunity to speak about my visit to Malawi. I never tire of speaking about the subject, and I hope that I have not exhausted the patience of those who have to listen to me recount my experiences again and again and again.

In my previous speeches, I have spoken about the schools and prisons that I visited while I was in the warm heart of Africa in June. I have also expressed my admiration not only for the people whom I met in Malawi, but for those who travelled with me from Scotland, especially the pupils of Coatbridge, St Andrew's and St Margaret's high schools in Lanarkshire. However, when reflecting on today's motion, I decided that I will talk about another aspect of my visit that I have not shared with many people since I returned.

As members will know, Dr Livingstone is known for his missionary work. Although he is recorded as having converted only one African to his religion during his life, we know that the success of his work went much wider. As a Catholic, I found my visit to Malawi very difficult at times. We attended numerous services while we were there, including a mass to celebrate Corpus Christi, which was a three-hour service in the heat of Africa. It was not the weather that was particularly troubling—although it makes me glad to attend my local parish in Motherwell knowing that I will not get sunburnt or get sore knees from kneeling in the gravel. No—it was the fact that I was questioning my faith so much during that journey. Why would my God not save the children from this fate? Yet, the Malawians walked for miles in their Sunday best, and stood for hours singing and dancing and rejoicing with others. That image has consoled me since I returned to Scotland and was at the forefront of my mind as I began my holy week preparations.

I am sure that I am not alone in having questioned my faith during a visit like that, and I am sure that Dr Livingstone went through some of that. However, he overcame that to better our understanding of what the people of Africa, and of Malawi in particular, want and need from us. We need only ask them and listen carefully to their answer to get a true understanding of human nature. "Friendship" was the most common answer that I got when I asked the question, "What can I do for you?"

While in Malawi, I met a beautiful young girl called Rebecca, who is severely disabled. Being disabled myself, I was asked to meet Rebecca to provide her with some words of comfort and encouragement. Never before have I felt so much out of my depth than during my encounter with that amazing young girl. We all know that in Malawi, as in Africa in general, women are viewed as being inferior to men and young girls do not have the same opportunities or access to education as their male counterparts. One can only imagine how a person like Rebecca is treated. Some disabled people are shunned by their families and communities because they cannot afford to look after them, or because they think that their disability is a result of witchcraft.

Rebecca is fortunate in that regard, as she still has her mother. Her mum walked with her daughter on her back each and every morning to ensure that her daughter got to school—a journey of 40 minutes. The mother also picked up the girl from school and returned her to the village, where she can play with her siblings. Think for a minute how difficult it must be for that mother and what sacrifices she has made to allow the simple act of her child going to school to happen.

Thankfully, Rebecca now has a wheelchair, which she pedals with her hands, that takes her to and from school and enables her to participate in her community, but what happens to others like Rebecca? Part of the answer is, of course, provided by missionaries. They are the individuals whom disabled people in Malawi and beyond rely on. That is possible only as a result of David Livingstone's legacy, which is something in which we should all take pride.

We must all learn from David Livingstone and what he was trying to promote. It is simply not enough to leave it up to others to do the work for us. A wheelchair costs less than £100, yet a friend of Rebecca with a similar disability is still going without. She has to walk, without shoes, on the gravel road and paths to get to school. She and others like her need our help. Therefore, I ask members in the chamber and those listening in the public gallery and beyond to take up the challenge, which David Livingstone laid down for us, by doing our own piece of missionary work to better the lives of others, both at home and abroad.

17:54

**James Dornan (Glasgow Cathcart) (SNP):**

Like everybody else, I thank James Kelly for bringing the motion for debate in the chamber. As a new member of the CPA, I am delighted to have this opportunity to speak on the subject.

We have heard a lot about David Livingstone's enduring legacy, and the worldwide celebrations commemorating the 200th anniversary of the boy of Blantyre's birth are a clear testament to the impact that he has made. Events have been held in Zambia, South Africa, Westminster abbey—which I believe the minister attended—and all over Scotland, including in Edinburgh, Glasgow and Hamilton. That is testament to the impact of the work that Dr Livingstone undertook across Africa and to the mark that he has left on Scotland. His personal legacy endures in the many memorials to him and in the places that are named in his honour across the world, including the city of Livingstone in Zambia, Livingstonia in Malawi, countless streets and schools across the world and his statue standing near the base of the Scott monument not 10 minutes' walk from here.

I do not know whether anyone in the chamber saw it but, in the run-up to the anniversary of Dr Livingstone's birth, there was an interesting article on the BBC website about the gentleman to whom Siobhan McMahon has just referred—the only person Livingstone managed to convert to Christianity in 30 years or so as a missionary in Africa. His name was Sechele, and he was the chief of the Bakwena tribe, which was based in what is now Botswana. Livingstone did not consider Sechele to be a full convert to Christianity, because he continued to practise polygamy after his baptism, but the article mentioned the huge influence that Sechele had as a missionary himself, after meeting Dr Livingstone. I was struck by the ripple effect at work. Livingstone affects one person, who goes on to make an impression on others and so on and so forth. We should take that as a lesson about the power that our actions can have.

That is even more remarkable because, although Livingstone's religion was hugely important to him and it was the original reason for his being in Africa, it appears to have become almost secondary to the role that he played in helping to improve the lives of the many people who crossed his path. That help was most stark in his opposition to slavery and the slave trade, as has been mentioned.

As an explorer of Africa and the finder of the extraordinarily beautiful Victoria Falls, and as someone who was searching for the source of the Nile at the time of his death in 1873, he famously said in a letter to the *New York Herald*:

“And if my disclosures regarding ... slavery should lead to the suppression of the east coast-slave trade I shall regard that as a greater matter by far than the discovery of all the Nile sources together.”

Those who know me well know that I am not a particularly religious man. As was personified by Dr Livingstone and the many who have followed in his footsteps, however, we are continually shown the important role of churches in bringing aid and assistance and in offering comfort to people across the world including, perhaps primarily, in Africa. That was never more evident to me than during my visit to South Sudan and Uganda last year with the charity Glasgow the Caring City and one of its partner organisations, Emerge Poverty Free. The Caring City's roots are firmly within the Church of Scotland but, although religion clearly plays an important part in its work in Africa, that was no barrier to aid, and anyone and everyone has benefited from the good works that it has carried out.

I have never been to Malawi, although I hope at some stage to get there. Having listened to people who have been there, I think that it is clear that there are many similarities between Malawi and

South Sudan. The people of those countries suffer from some of the highest infant mortality rates, and the women there have to put up with terrible conditions, as do many other citizens.

We went to see some projects for which equipment had been delivered through the Caring City's work in Africa. That included equipment for education facilities, ranging from nurseries to colleges, as well as agricultural equipment. Matthew's farm was created, or rather paid for, by Ross Galbraith, a member of the Caring City, in South Sudan. It is very much a community-based facility, and it allows people to grow fruit and sell it on to the market. Help is also given to rehabilitate child soldiers.

The breadth of the work that I saw the organisations doing took my breath away. It opened my eyes to the hardship that is faced by many people, but also to the great resilience and ability that people are imbued with. Jim Hume mentioned David Livingstone walking 8 miles to university, which registered with me, as I saw some kids who walked up to 5 miles, sometimes without shoes, to attend school every day.

Livingstone was a man who worked to change the world, and who believed in the ability of one person to make the world a better place. His legacy remains as a continuation of work in that vein in Scotland and throughout the world. We all have a duty to do what we can to follow in his footsteps.

17:59

**The Minister for External Affairs and International Development (Humza Yousaf):** As I said when I was privileged and honoured to be appointed to my role, I undoubtedly have the best job in Government. Not only do I get to speak in debates that bring the whole Parliament together, but I get to do so twice.

In that respect, I thank James Kelly for bringing the debate to the Parliament. I enjoyed seeing him over the few days when we celebrated the bicentenary. There have been some fantastic speeches from across the chamber. I echo the many comments thanking and welcoming our guests in the public gallery. Some of them are from the Malawian diaspora, but we also have schoolchildren and representatives of the Commonwealth Parliamentary Association.

Here we are, celebrating the bicentenary of Dr David Livingstone, 200 years on from his birth. The values that he represents undoubtedly spell out who we are as a nation. What a joy it is that, 200 years on, the legacy of that great man is being carried on by our children. That was evidenced in the bicentenary celebrations, in which children were involved at every step of the way. I welcome

the children in the public gallery from St Blane's primary school. The fact that they are still in their school uniform after 3 o'clock is almost like overtime, so I think that they should get the day off tomorrow for that. Luckily, my colleague the Cabinet Secretary for Education and Lifelong Learning is not here to hear me say that.

Children were involved at the heart of every event in the celebration of the bicentenary. We had a great picture of Martha Payne with the President of Malawi. Children were involved when we rightly showed off our civic society links at an event that was organised by the Scotland Malawi Partnership, which must be thanked for its efforts. I had the great pleasure of being at the David Livingstone centre to bury a time capsule with pupils from five schools in James Kelly's constituency. On a day when it was snowing and there was a blizzard, they were in fantastic voice. Perhaps I helped them to get in that good voice, because a teacher told me afterwards, "I think you're the type of person that induces hyperactivity in children." I took that as a compliment, even though I do not think that she meant it in that way.

During the civic society event, we were treated to a fantastic chorus of children singing the Malawian national anthem as the President came in. That was continued by a spontaneous choir of ladies from the Malawian diaspora who decided to sing to the President as she left. The bicentenary was a fantastic occasion in all senses of the word.

The President's visit started in the perfect way. She made a speech with the First Minister and we announced some of the 15 projects that we have funded thus far in the current Malawian development round. Her sentiments and the warmth that she and her delegation had for Scotland were tangible. The President's first words in her opening remarks on the Sunday when she arrived were that, for her, coming to Scotland was a pilgrimage. She likened it to going to Mecca for the Muslims. I sat next to John Bande, the MP for Blantyre in Malawi, who turned to me and said, "I've come home." That is how he felt when he arrived in Blantyre in the thick snow. The warmth was most definitely tangible.

I am pleased that the Scottish Government chose to support the bicentenary celebrations by contributing £400,000 towards ensuring a sustainable legacy. Bob Doris correctly made the point that the David Livingstone centre is at the hub of that. I hope that the celebrations will go a long way towards continuing to spark interest in David Livingstone and that the centre continues to develop and to be sustainable.

One of the best projects that we have funded is the David Livingstone bicentenary scholarship programme. The £100,000 for that programme will

give young and gifted but underprivileged Malawian students the opportunity to study at a Malawian further or higher education institute. I am pleased about that, because it contributes to the sustainable development legacy that we want to leave in Malawi.

Many members have spoken about the idea of legacy. We must live by the principles of Dr David Livingstone, whom the first President of Zambia called "Africa's first freedom fighter". He stood for abolishing slavery and poverty. Patricia Ferguson made the point well in this debate, and in the previous debate that Bob Doris introduced, that there are still forms of slavery. They might be different from previous forms, but there are still forms of slavery in Africa and even in Malawi. Tied aid, poverty, and gender inequality are all forms of slavery. Having to fight those illnesses that eventually fatally affected David Livingstone and his family is still a form of slavery that we must all speak up about and fight.

Tavish Scott and Sarah Boyack made a good point about the idea of how we make a sustainable development legacy. The truth is that, during the past half century, more than \$1 trillion in development funds has been thrown at the African continent. Some countries have progressed but many have either stagnated or, worse, have regressed. The poverty is even worse than it was previously. How do we use our aid more effectively?

Tavish Scott made the point very well, as did Sarah Boyack, that we have to look at long-term sustainable economic development. I was therefore delighted that, when the President visited, she brought over trade ministers and the minister for mining, and that, with the help of Ann Gloag, we brought together some of Scotland's top entrepreneurs and investors to discuss how we can increase the trade and investment links between Scotland and Malawi.

On top of that, we discussed how we can strengthen the agricultural sectors. There are definite opportunities in oil and gas, mining and fisheries as well. We will develop those links and have offered the opportunity for a secondee to come from the Malawian Government trade and investment centre to Scottish Development International to see whether we can increase Malawi's potential for foreign direct investment.

We all live in difficult financial times—we know that—but we must never give in to the naysayers of doom. We must learn from David Livingstone's legacy and, even if it is difficult to speak out in challenging times, we must continue to show compassion because that is who we are and it will be our legacy. In the year of David Livingstone's bicentenary, I hope that his legacy will have an effect on us, our children and future generations

so that we can continue to fight for those who are the most vulnerable not just at home but across the world.

*Meeting closed at 18:07.*

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