



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 12 March 2015

Session 4

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# Scottish Parliament

Thursday 12 March 2015

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

## General Question Time

### Self-directed Support (Glasgow)

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

To ask the Scottish Government what progress has been made in implementing self-directed support in Glasgow. (S4O-04114)

**The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn):** Self-directed support is an important part of the Scottish Government's health and social care reforms. The change that we want to see in Scotland is greater flexibility, choice and control for individuals and carers who need support. In order to fully achieve our goal, a major culture change is required and that will take some time.

To help with that transformation, Glasgow City Council has received £2.4 million of funding from the Scottish Government between 2011 and 2015, and a further £279,000 has been allocated for 2015-16.

**James Dornan:** I have been contacted by a number of constituents who have worries about the way in which the legislation is being interpreted by Glasgow City Council. There is a belief that, in many cases, it is being used to cut budgets rather than for the benefit of service users.

Will the minister meet me to discuss further some of the concerns that I have?

**Jamie Hepburn:** I will start with the bottom line—self-directed support is not a mechanism for delivering cuts. The Scottish Government expects individual needs to be met by the local authority in accordance with the legislation. If it is implemented correctly, self-directed support can help people to achieve better outcomes within whatever level of resources is available. There are a number of very positive examples of that approach, and local authorities should draw on them in their delivery of self-directed support.

Mr Dornan will appreciate that it is not always possible for the Scottish Government to assist with an individual case. I am sure that he will know about the routes for seeking redress that exist and will be advising his constituents accordingly, but I would, of course, be very happy to meet him to discuss further any concerns that he and his constituents have.

**Michael Russell (Argyll and Bute) (SNP):** Will the minister also agree to meet me to discuss the case of Achievement Bute, which is being threatened by the difficulties with self-directed support funding from Argyll and Bute Council? There is a lot of support for self-directed support across the community in Bute, but that will be eliminated if good organisations such as Achievement Bute cannot survive.

**The Presiding Officer (Tricia Marwick):** Minister, the original question was about self-directed support in Glasgow. I think that Mr Russell has gone a bit wide of that, but if you want to give a general response, that would be helpful.

**Jamie Hepburn:** Rather than incur your wrath, Presiding Officer, I will simply agree to meet Mr Russell.

**The Presiding Officer:** Well done, minister.

### NHS Ayrshire and Arran (Staff Numbers)

#### 2. Kenneth Gibson (Cunninghame North) (SNP):

To ask the Scottish Government how many additional whole-time equivalent staff are employed in NHS Ayrshire and Arran compared with 2007 and what impact this has had on patient care. (S4O-04115)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** As at December 2014, 8,697 whole-time equivalent staff were employed in NHS Ayrshire and Arran compared with 8,114 whole-time equivalent staff in September 2006. That represents a 7.2 per cent increase of 582.9 whole-time equivalent staff under this Government. In the same period, there was a 56.8 per cent increase in the number of medical consultants and a 77 per cent increase in the number of emergency medicine consultants.

Local patient care in NHS Ayrshire and Arran has undoubtedly benefited from this Government's investment in staff. For example, there have been falls of 76 per cent in levels of C difficile infection in patients over 65 and of 62 per cent in levels of MRSA since 2007, and there were falls in mortality ratios of 14.5 per cent for Ayr hospital and 34.2 per cent for Crosshouse hospital between the quarter ending December 2007 and the quarter ending September 2014.

**Kenneth Gibson:** I thank the cabinet secretary for that very full answer. Can she please advise the chamber what the impact from the point of view of reducing mortality of having so many additional staff has been on the number of patient lives saved?

**Shona Robison:** The impact on mortality has been significant. The measures that have been taken under the patient safety programme have resulted in the data indicating that, nationally,

15,000 lives have been saved since data collection commenced. That is a testament to the significant investment that we have put in and, more important, to the very hard efforts of our staff in the national health service.

### **Young People not in Education, Employment or Training (2014 School Leavers)**

**3. Alex Rowley (Cowdenbeath) (Lab):** To ask the Scottish Government how many young people who left school in 2014 are not in education, employment or training. (S4O-04116)

**The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham):** From the school leaver destinations initial return published by Skills Development Scotland, 3,976 pupils who left from the school year 2013-14 were not in education, employment or training in October 2014. That is a rate of 7.7 per cent.

**Alex Rowley:** I thank the minister for that response. I know, from the most recent figures that are available, that 93,000 young people under the age of 24 are not in education, employment or training. For me, that is a national scandal—particularly as, under this Government since 2007, 54,000 fewer young people under the age of 24 are attending college.

The minister has stated in the past that we should not focus on headline figures. However, does she agree that we need to invest in our young people—to give them opportunities to gain the skills and get the jobs—and that the best way of doing that is to invest in our colleges, in training and in skills?

**Roseanna Cunningham:** This Government is investing in young people. We have better rates of youth employment than the rest of the United Kingdom; we have lower unemployment rates of young people than the rest of the UK; and we have lower inactivity rates than the rest of the UK. By all accounts, those are achievements that should be welcomed.

I said that 7.7 per cent of the young people who left school are currently NEETs; in 2007-08, that rate was 13.6 per cent. We have returned the figure to pre-recession levels and we have done that by sustained investment over a number of years. That includes investment and refocusing within colleges, where a considerable amount of work is being done on young people's engagement at college level. I would be very happy to talk to Alex Rowley in greater detail about the issue if he wishes to have that conversation.

**The Presiding Officer:** Question 4 is in the name of Mark McDonald. For understandable reasons, he cannot be here today.

### **NHS Western Isles (Well North and Keep Well Programmes)**

**5. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Government what discussions it has had with NHS Western Isles about the well north and keep well programmes. (S4O-04118)

**The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn):** The Scottish Government has maintained regular communication with all national health service boards with regard to keep well throughout the lifetime of the programme. That has been managed through the joint managers network and via NHS Health Scotland—the specialist health board that is tasked with managing the programme on behalf of the Scottish Government.

**David Stewart:** Does the minister share my view that staff in NHS Western Isles deserve praise and recognition for their first-class work in delivering the well north and keep well programmes?

As chair of the cross-party group in the Scottish Parliament on diabetes, I am particularly interested in diabetes screening using a biochemically stable test, which means that screening can be done at any time of the day rather than requiring a fasting sample. Will the minister agree to draw that excellent initiative to the attention of every health board in Scotland as an exemplar of best practice?

**Jamie Hepburn:** I thank Mr Stewart for raising the issue and I acknowledge his long-standing interest in the subject matter. I am always happy to praise our hard-working NHS staff, be they in the Western Isles or elsewhere in the country. I certainly agree that keep well has been invaluable in demonstrating that large-scale national programmes cannot be delivered in a one-size-fits-all manner. It will always be important that NHS boards learn good practice from one another, so I would be happy to draw that initiative to the attention of other boards.

### **Scottish Police Federation (Meetings)**

**6. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government when it will next meet the Scottish Police Federation. (S4O-04119)

**The Cabinet Secretary for Justice (Michael Matheson):** I meet representatives of the Scottish Police Federation on a regular basis.

**Linda Fabiani:** The cabinet secretary will be aware of the evidence given by the SPF to the Justice Sub-Committee on Policing with reference to police officers falling foul of data protection legislation, including the view of the SPF that

“The whole approach is just wrong.” —[*Official Report, Justice Sub-Committee on Policing*, 5 February 2015; c 19.]

Since the case of my constituent was highlighted in the press, other serving officers have come forward. Will the cabinet secretary undertake to discuss the issue at his next meeting with the SPF?

**Michael Matheson:** I am aware of the long-standing case that Linda Fabiani has highlighted and of the evidence that was provided at the Justice Sub-Committee on Policing.

Police Scotland’s professional standards division is working with the Crown Office criminal allegations against the police department in order to consider some of the issues around the level of data protection legislation cases that are reported to the Crown Office and the number that are not taken forward for prosecutions. My understanding is that they intend to hold further meetings in order to discuss the issue further.

The member might be aware that the Scottish ministers do not have a direct role in police complaints and conduct issues. However, the Scottish Police Authority has recognised that there is an issue with data protection legislation cases, relating to the timescale that is involved in dealing with criminal allegations in general and the impact that that can have on individual officers. Therefore, it might be appropriate for the SPA to ask Her Majesty’s inspectorate of constabulary for Scotland and the Inspectorate of Prosecution in Scotland to consider undertaking a joint inspection on the whole issue of criminal allegations against the police. I am more than happy to raise that matter with the chair of the SPA when I meet him later this afternoon.

### **Type 1 Diabetes (Insulin Pump Therapy)**

**7. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government what its position is on how long patients with type 1 diabetes should have to wait for access to an insulin pump. (S4O-04120)

**The Minister for Public Health (Maureen Watt):** The Scottish Government expects all people who meet the clinical criteria and who would benefit from insulin pump therapy to receive it in a timely manner. Diabetes teams invest time in ensuring that patients who commence insulin pump therapy are highly motivated to self-manage their diabetes and are fully prepared for the change in their diabetes management. That includes undergoing appropriate structured education. The time that is taken in supporting the initiation on to insulin pump therapy is tailored to meet each individual’s needs.

**Sarah Boyack:** Does the minister have a reasonable timeline for that education process? One of my constituents has been informed by

NHS Lothian that, even after they have been selected for insulin pump treatment, they will have to wait at least a year to get a pump. Surely that is an excessive time and is not acceptable. Does the minister have guidelines on how long patients should have to wait to access an insulin pump once the education process has been completed? I am told that the issue arises because of a lack of specialists. What plans does the Scottish Government have to look at the issue? Will she investigate it personally to find out what is at the root of the problem?

**Maureen Watt:** I am certainly prepared to look into that individual case if Sarah Boyack provides me with the details. Most boards have met the targets that they have been set, but I am prepared to look into that case in Lothian for her.

### **Spring Budget Revision**

**8. Gavin Brown (Lothian) (Con):** To ask the Scottish Government whether it will provide an update on the spring budget revision. (S4O-04121)

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** As the member is aware, I provided evidence to the Finance Committee during its scrutiny session on the spring budget revision yesterday. As always, the Government has taken action to maximise the effectiveness of public expenditure through in-year adjustments to the budget, which were set out to the Finance Committee yesterday.

**Gavin Brown:** When the Deputy First Minister gave evidence to the Finance Committee yesterday on the spring budget revision, he said that there would be an underspend of about £150 million in 2014-15. Approximately what proportion of the £150 million underspend will be revenue and what proportion will be capital?

**John Swinney:** I imagine that the revenue-capital split will probably be about eight to one in favour of revenue. I think that that will be the breakdown. That is my best estimate at this stage, although some weeks in the financial year remain. As Mr Brown knows, because of the attention that we pay to maximising the effectiveness of public expenditure and ensuring that we deliver the underspend, which has already been factored into the 2015-16 budget that Parliament has approved, we can maximise the resources that we have available to support programmes for which Parliament has already committed expenditure.

**Jackie Baillie (Dumbarton) (Lab):** Given that money is so tight, I am sure that we are all astonished to hear about the scale of the underspend. In what portfolio areas has the underspend arisen?

**John Swinney:** Jackie Baillie might need to spend a little bit of time scrutinising the management of public finances. If she believes that it would be prudent for any finance minister to try to achieve an absolute balance in a very small amount of public expenditure when the facility exists to carry that forward and use it in the forthcoming financial year with absolutely no loss to the taxpayer, that illustrates the Labour Party's pathetic understanding of public finance management. Michael McMahon and others are shouting from a sedentary position about underspends but, before I became the finance minister, that bunch of incompetents had failed to spend £1.6 billion, so they are in no position to lecture me about underspends.

### E-cigarettes

**9. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government what its position is on the use of e-cigarettes. (S4O-04122)

**The Minister for Public Health (Maureen Watt):** Although electronic cigarettes are almost certainly less harmful than tobacco and might have the potential to help people quit tobacco or nicotine use altogether, their long-term impact on public health is not yet known. The Scottish Government has recently consulted on a range of proposals to regulate e-cigarettes. Those proposals aim to prevent young people from accessing e-cigarettes and to limit their appeal to young people and non-smokers. At the same time, we intend to balance that approach against the potential harm-reduction benefits to smokers if they can use such devices to quit tobacco.

**Roderick Campbell:** I am aware that the consultation response is still awaited, but will the Scottish Government prioritise designating e-cigarettes as an age-restricted product that is to be purchased only by adults aged 18 and over?

**Maureen Watt:** The Scottish Government has been clear about our commitment to introducing an age restriction on e-cigarettes to protect young people aged under 18 from the harm to their health of developing a nicotine addiction and becoming accustomed to behaviour that mimics smoking. The proposal was included in our recent consultation and will be taken forward as part of the public health bill.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I thank the minister for her response, because juvenile use is an important issue. The safety of the contents and the delivery devices is also important. Will she talk to her colleagues about ensuring that adequate funding is available at least to pilot inspections by trading standards officers, who are under huge pressure? Such devices can explode and we need to be on top of that public safety issue.

**Maureen Watt:** I am happy to undertake what Richard Simpson has asked for and to get back to him.

### Land Reform

**10. Alex Johnstone (North East Scotland) (Con):** I draw members' attention to my entry in the register of interests.

To ask the Scottish Government what plans it has to address the reported concerns of smaller landowners regarding its land reform proposals. (S4O-04123)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** The Scottish Government believes that Scotland's land should be owned and managed in the public interest. The consultation on the future of land reform in Scotland closed on 10 February. More than 1,200 responses were received from a wide range of organisations and individuals, including a number of landowners. We are carefully considering all the responses as we develop our proposals for land reform.

**Alex Johnstone:** The minister will be aware that the process, which appears to be designed to deal with the fact that Scotland is largely owned by a few large landowners, is failing to recognise that the vast majority of landowners in Scotland are small landowners and that the policies that the Government's proposals pursue will damage the structure of land ownership in many communities. Will she reconsider the proposals to ensure that she does the right thing by those small landowners?

**Aileen McLeod:** Scotland's land makes a huge contribution to Scotland's economy and society. The people of Scotland want Scotland's land to be owned for the benefit of the many and not the few.

**John Scott (Ayr) (Con):** I declare an interest as a farmer. Is the minister certain that the land reform proposals that are under discussion will comply with the European convention on human rights, bearing in mind the recent Salvesen decision? Are the proposals that are under discussion fair to all the affected parties?

**Aileen McLeod:** We will consult soon on changes to our succession law, including the extent to which partners and children should be protected from disinheritance when the distinction between heritable and moveable estate is removed. That means that it will still be possible for families to plan and agree how interests in and ownership of farms should be passed on to the next generation.

**The Presiding Officer:** Before we move to the next item of business, members will wish to join me in welcoming to the gallery His Excellency



Andris Teikmanis, the ambassador of Latvia to the United Kingdom. [*Applause.*]

## First Minister's Question Time

12:00

### Engagements

**1. Kezia Dugdale (Lothian) (Lab):** To ask the First Minister what engagements she has planned for the rest of the day. (S4F-02653)

**The First Minister (Nicola Sturgeon):** Later today I will be confirming that the just-published recommendation of the national health service pay review body, for a 1 per cent consolidated pay rise for all agenda for change staff, will be accepted in full by the Government. Parliament will recall that, last year, Scotland was the only part of the United Kingdom to accept the pay review body recommendation.

**Kezia Dugdale:** We very much welcome that.

Yesterday the First Minister confirmed that she still supports full fiscal autonomy for Scotland within the United Kingdom. That means that all tax and spending from Scotland remains in Scotland. Can the First Minister confirm that full fiscal autonomy means scrapping the Barnett formula—yes or no?

**The First Minister:** So much for the new-style, patriotic Scottish Labour Party. It did not really last long, did it? Labour has grabbed the first opportunity to get right back on to the same side as the Tories, to gleefully tell Scotland how useless it thinks we are.

The Barnett formula will of course remain in place until such time as this Parliament is in charge of our fiscal and economic decisions. It is members of the unionist parties, on all sides of the chamber, who pose the risk to the Barnett formula in the meantime.

The only cuts that are on the horizon for Scotland, this year or the following year, are the cuts that are planned by Westminster, regardless of whether it is the Tories or Labour in government. It is only a few weeks since Labour trooped through the Tory lobbies to vote for £30 billion of cuts. It is Labour that, left to its own devices, will impose cuts on Scotland. The only way to stop that is to vote for the Scottish National Party, because only the SNP offers an alternative to Tory austerity.

**Kezia Dugdale:** Labour voted against austerity in the House of Commons last week. [*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Order.

**Kezia Dugdale:** Where were SNP members? They were posted missing, just as they were the night of the national minimum wage vote.

As the First Minister well knows, full fiscal autonomy does mean scrapping the Barnett formula. Only in the world of the SNP would we stop paying into a UK-wide system but expect the same system to continue to pay out to us.

Last year, the First Minister said that scrapping Barnett would cost Scotland £4 billion. Yesterday, Scotland's official accounts confirmed that she was absolutely right. Does Nicola Sturgeon still agree with herself that scrapping Barnett would have cost Scotland £4 billion last year? *[Applause.]*

**The First Minister:** Everybody will be noticing that the people applauding most loudly for Kezia Dugdale were her colleagues on the Tory benches. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** Kezia Dugdale referred to the motion that Labour tabled and voted for in the House of Commons last week. Luckily, I brought a copy of that motion with me today. I will read it to Kezia Dugdale. It calls on the Government to take an approach that involves "reductions in public spending". In other words, in the House of Commons last week Labour voted for further cuts to be imposed on Scotland. It is because the SNP does not propose cuts that we voted against Labour's austerity motion in the House of Commons. *[The First Minister has corrected this contribution. See end of report]*

We face a choice—*[Interruption.]*

**The Presiding Officer:** Order. Let us hear the First Minister.

**The First Minister:** This is the choice at the heart of the figures that were published yesterday. We can decide that we want to stay at the mercy of never-ending Westminster cuts, which have already cost the Scottish budget £12 billion and which are estimated to cost it £14.5 billion over the next five years—that is £1,000 for every person in Scotland—or we can take more control over our own finances, so that we can build a better future. I know what side of that choice I am on. I also know what side of that choice Kezia Dugdale and Labour are on: the same side as the Tories.

**Kezia Dugdale:** The First Minister has said repeatedly that scrapping the Barnett formula would have cost Scotland £4 billion last year. The SNP leaflet that I have here, which is being put through doors at the moment, says that scrapping Barnett would lead to billions of pounds-worth of cuts—SNP cuts.

Given the plummeting oil price, the independent experts at the IFS say that the cost to Scotland will rise to about £6.6 billion, which would mean massive spending cuts over and above what we would get if the Tories were to win in May. That

would mean huge cuts to the budget for our NHS and our schools. It is austerity on a scale never seen before in Scotland. It is austerity max.

Can the First Minister tell us how many jobs in Scotland would be lost under the SNP's plans to scrap the Barnett formula?

**The First Minister:** It will not have escaped anyone's notice that Kezia Dugdale has just said that Westminster Governments pose a threat to NHS funding in Scotland. I seem to remember that during the referendum Labour denied point-blank that that was the case. It is because they know that they cannot trust a single word that Scottish Labour says any more that people in Scotland are deserting the party in their droves.

Kezia Dugdale has a nerve to come here and scaremonger about mythical cuts, when just 60 miles away the most senior Labour councillor in the country is calling on the Scottish Government to take away old people's bus passes, introduce tuition fees and start charging again for prescriptions. Labour needs to sort itself out before coming to the Parliament to lecture anybody else.

**Kezia Dugdale:** I asked the First Minister very specifically about jobs. According to the SNP Government's own economic modelling, reducing Government spending in Scotland by £6.5 billion would mean a cut of around 5 per cent in our gross domestic product. Forget the dry, theoretical numbers—that means 138,000 Scottish jobs, which is one in every 16 jobs, and thousands of families facing the prospect of being out of work and struggling to make ends meet. The cause of that would be the SNP's reckless plan for full fiscal autonomy.

After years of telling us that only the SNP stands up for Scotland, we know now that the reality is different. Far from standing up for Scotland, is it not the case that the SNP's Barnett bombshell would cost well over 100,000 Scottish jobs?

**The First Minister:** If anybody is wondering why Labour is in the dire straits that it is, they only have to listen to Kezia Dugdale today. She has the temerity to mention jobs. Under this SNP Government there is lower unemployment and higher employment than any other part of the UK. People in Scotland know that I—*[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** They know that I, the SNP and the Scottish Government do not propose cuts. We want to grow our economy so that we can protect Scotland from Labour and Tory cuts. The only people who are proposing cuts are the Tories, the Liberals and the Labour Party. We know that they want to impose more cuts on Scotland, and

the only way to prevent that is to send SNP MPs to Westminster to force them into an alternative.

### Prime Minister (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when she will next meet the Prime Minister. (S4F-02652)

**The First Minister (Nicola Sturgeon):** I have no current plans to meet the Prime Minister, unless he finds the backbone to join the leaders' debate on television on 2 April.

**Ruth Davidson:** I am pleased by the announcement that we heard in the last hour that all of the four main party leaders in the Scottish Parliament have agreed to an STV debate, just a month before the election.

I want to ask the First Minister about a recent speech in which she said that she wanted Britain to borrow an extra £180 billion, landing the United Kingdom even deeper in the red. Yesterday, my colleague Gavin Brown asked the Deputy First Minister when, under the Scottish National Party's plans, Britain would finally eliminate the deficit. The Deputy First Minister replied, "Much later". Can I ask the First Minister to be more specific? How much later? In which year, under her plans, would the UK no longer be in deficit?

**The First Minister:** It is no secret that I take a very different approach on austerity from that of Ruth Davidson and her colleagues. Under the plans that we have published, which would see modest increases in public spending that would help us to invest in skills, infrastructure and innovation, invest more in our public services and invest to protect the vulnerable, whom Ruth Davidson's party's policies are hitting so hard, debt and deficit as a share of our national income would reduce every year over the next Parliament.—[*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** I do not pretend other than that I argue for a slower debt and deficit reduction than the Tories do. I want an alternative to austerity: I do not want the cuts that the Tories are proposing to go on hammering the most vulnerable and harming our public services. That is the difference between us.

**Ruth Davidson:** That was a pretty long answer, but I asked for only a short one: just one year. That is all I asked for, but it is clear that the Scottish National Party has not a clue. It has no answer on its plans for Britain, so I will ask the First Minister about her plan for Scotland.

Yesterday, the First Minister was quoted as saying:

"Short of independence, I believe we should have full fiscal autonomy".

In response to yesterday's figures in "Government Expenditure and Revenue Scotland 2013-14" and to that statement, the impartial Institute for Fiscal Studies said that full fiscal autonomy would result in

"substantial spending cuts or tax rises in Scotland",

with income tax rises equalling 15p for every earner in Scotland.

I repeatedly asked the First Minister's predecessor to give a detailed rebuttal to IFS projections, but he never did. I am asking this First Minister to tell us now, in the chamber, why the IFS is wrong.

**The First Minister:** Let us look in detail at yesterday's IFS statement that Ruth Davidson talks about. The view that she quoted was predicated on Scotland being fiscally autonomous in 2015-16. For Ruth Davidson's information, 2015-16 starts in two and half weeks' time, and we are not going to have a full fiscal autonomy by then.

Perhaps more fundamentally—[*Interruption.*]

**The Presiding Officer:** Order. Order. Let us hear the First Minister.

**The First Minister:** Perhaps more fundamentally, if Ruth Davidson had the honesty to complete the IFS's sentence about tax rises or spending cuts, she would find that the last part said:

"unless ... credible policies to boost the growth of Scotland's onshore economies and revenues can be developed."

That is the whole point: we have a choice. We can accept never-ending Westminster cuts from the Tories, the Liberals and Labour, or we can take more control of our own finances and build a better future for this country. I know which side I stand on.

**John Mason (Glasgow Shettleston) (SNP):** Given that this is Commonwealth week, can the First Minister affirm the Government's commitment to the Commonwealth games legacy in my constituency and in the rest of the east end of Glasgow? Will she welcome the Auditor General's report on the successful management of the games?

**The First Minister:** As today's Audit Scotland report shows, Glasgow 2014 was a spectacular success that was delivered under budget. We are firmly committed to securing a lasting social, cultural and economic legacy from the games for the east end of Glasgow, and indeed for the whole country.

At the heart of that success is the transformation that we have seen in the east end of Glasgow, with world-class sporting facilities and venues, new community facilities, improved infrastructure and an award-winning housing development at the athletes village, which I recently saw for myself.

Today, we have announced £600,000 of funding for the Clyde Gateway to ensure that the legacy continues and that more communities across the east end are helped by providing training and employment opportunities and by encouraging people to get more active. I would hope that every member in the chamber would welcome that, and I take the opportunity to congratulate again everybody associated with the success of Glasgow 2014.

**Jenny Marra (North East Scotland) (Lab):** Dundee's last independent mid-sized builder, Muirfield, has applied to the court for the appointment of an administrator. What can the Scottish Government do to support the 250 people whose jobs are under threat? What does the First Minister think about an economic situation in which local firms of that size and importance in our communities are unable to survive?

**The First Minister:** Jenny Marra raises an important issue, and we must do everything that we can to protect local companies. In the particular case that she cites, the Government will be in contact, partnership action for continuing employment arrangements will be in place, and we will be in dialogue with Dundee City Council. There will be a huge construction boost to the city of Dundee through the Victoria and Albert museum of design, and we should welcome that. However, we should also ensure that we do everything that we can to support smaller businesses as we recover from the recession.

### Cabinet (Meetings)

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-02651)

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

**Willie Rennie:** On Monday, the First Minister was wrong on her plan to borrow £180 billion. She said that debt would go down, but yesterday John Swinney admitted that it will go up. Her whole Government was wrong to base its plans on an oil boom, and yesterday's "Government Expenditure and Revenue Scotland" figures were the final devastating blow to her economics. When she gets so much wrong, what economic plan does she have left?

**The First Minister:** I would have thought that money might be the last subject that the Liberal

Democrats wanted to talk about today. We have had an interesting insight into how they deal with the indebtedness of their own party.

On the specific question that Willie Rennie raises, I absolutely stand by what I said about the opportunity for an additional £180 billion for modest increases in spending. At 0.5 per cent a year in real terms, I think that that is preferable to the painful cuts that the Tories and the Liberals are imposing. However, even if I am very charitable and accept in full the Treasury's methodology in the paper that it published this week, in order to get debt reducing in every year and to be lower at the end of the Parliament, we could still spend £165 billion. I am happy to compromise with Willie Rennie: if he is happy to have extra spending as long as we can get debt reducing, why do we not settle on £165 billion?

**Willie Rennie:** The First Minister needs to come clean about—[*Interruption.*]

**The Presiding Officer:** Order. Order. Let us hear Mr Rennie.

**Willie Rennie:** She said that debt would go down as a proportion of gross domestic product, and it is going up. John Swinney admitted that yesterday, and she should have the courage to admit it as well. The United Kingdom economic record is sound. Let us just remember that we have record high employment, wages outstripping—[*Interruption.*]

**The Presiding Officer:** Order.

**Willie Rennie:** Members should listen to this, because they said that it would never work. We have record high employment, wages outstripping inflation, the highest growth in the G7 and the prospect of balancing the books so that we do not have to borrow to pay for day-to-day services. [*Interruption.*]

**The Presiding Officer:** Order.

**Willie Rennie:** That is the economics that the First Minister said would not work. Her plan adds £4.7 billion-worth of debt interest to the books. That is 180 secondary schools not being built every year, because we have to pay her debts. How is that fair to future generations?

**The First Minister:** Let me go back to the start of Willie Rennie's question. There is certainly somebody who needs to come clean today in politics, but it is nobody on the SNP benches.

Willie Rennie also says that the policy of the Tory-Liberal Government is working. The policies of the Tory-Liberal Westminster Government are hitting the 10 per cent poorest in our country hardest. If he is proud of that, that is his prerogative, but if that is what the Liberal Democrats have come to stand for, it is no wonder

people cannot wait to give them a complete doing at the ballot box on 7 May.

People watching today's session of First Minister's questions will have come to a very clear conclusion: if they want cuts, they can vote for any one of the Tories, the Liberals or Labour; but if they want a clear and principled alternative to austerity, the only way to get it is to vote SNP.

#### **Postal Services (Collection Times)**

**4. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what the impact on rural businesses and communities will be of Royal Mail's decision to reduce collection times at 3,300 Scottish postboxes. (S4F-02654)

**The First Minister (Nicola Sturgeon):** I am concerned about any decisions that would have an adverse impact on Scotland's rural businesses and communities. The United Kingdom Government mishandled the unwanted sale of Royal Mail. It must now ensure that a privatised Royal Mail provides a service that suits Scotland's needs—in particular, the vital service to our remote and rural communities.

**Kenneth Gibson:** Does the First Minister agree that the inevitable job losses among postal workers and the effect that the reduced services will bring is a negation of the spirit, if not the letter, of the universal service obligation? Does that not show the detrimental impact that the privatisation of Royal Mail is having?

**The First Minister:** This Government opposed the privatisation of Royal Mail. The sell-off is inevitably leading to concerns over Royal Mail's ability to deliver the universal service obligation. Any job losses are to be deeply regretted and, of course, will make it more challenging for Royal Mail to meet its obligations.

The report from the House of Commons Business, Innovation and Skills Committee, "Competition in the postal services sector and the Universal Service Obligation", recognises that market conditions are changing rapidly. Ofcom, the postal regulator, must ensure that it closely monitors the situation in Scotland and responds quickly if needed. The vital lifeline for many of Scotland's communities absolutely must be protected.

**Hugh Henry (Renfrewshire South) (Lab):** Kenneth Gibson is absolutely right. The situation has been caused by the privatisation, but the specific problem has also been driven by Ofcom. Will the First Minister ask Ofcom to insist that later collections be protected? Will she support the Communication Workers Union in asking Royal Mail to provide better information to customers about collection times?

**The First Minister:** I am certainly happy to communicate that view to Ofcom and to support the general concerns that Hugh Henry has expressed. I hope that we can get a degree of consensus in this Parliament that some of the changes that we are seeing pose a risk to some of our communities and that it is absolutely essential that we do everything that we can to protect the lifeline service that so many of our communities rely on.

#### **University Students (Support)**

**5. Iain Gray (East Lothian) (Lab):** To ask the First Minister what support the Scottish Government is giving to the poorest university students. (S4F-02659)

**The First Minister (Nicola Sturgeon):** One of this Government's proudest achievements is the restoration of free higher education. In addition to free tuition, our minimum income guarantee provides students from the poorest households with £7,500 of living-costs support every year. That support has helped to ensure that record numbers of 18-year-olds from the most disadvantaged areas are being accepted to university.

However, we recognise and I believe strongly that we must do much more. That is why I announced in the programme for Government that we will form a commission on widening access to advise on the clear milestones that we must meet to ensure that every child has the same chance of going to university, and what practical measures we need to take to ensure that we achieve that ambition.

**Iain Gray:** The fact of the matter is that this Government in recent years has systematically cut maintenance grants for the poorest university students. In fact, such students in Scotland now receive a maximum of £1,750. Students in their position in England and Northern Ireland receive twice that, and in Wales they receive three times that level of grant support. Indeed, apart from Iceland, where there are no maintenance grants—

**The Presiding Officer:** Can we get a question, Mr Gray?

**Iain Gray:**—every single country in western Europe provides more support for poorer students than Scotland does. The First Minister has talked a lot about hypothetical cuts today—

**The Presiding Officer:** Question.

**Iain Gray:** I am talking about a real cut. Will the First Minister reverse it, as Labour has promised to do?

**The First Minister:** Of course, the students in England to whom Iain Gray refers pay tuition fees. Students in Scotland do not pay tuition fees. For

students who are living at home, our minimum income guarantee of £7,500 a year for students from the poorest backgrounds is the highest in the UK.

I agree that we need to do more. I hope that Iain Gray and I can perhaps accept that we agree on this. We have to do more to support students from the most disadvantaged parts of our country to access university if that is what they want to do. That is why I have already announced the intention to set up the widening access commission.

However, I think that people should be cautious about believing a word that Labour says when it comes to student support. After all, it was Labour that said in the 1997 election that it would not introduce tuition fees, but did introduce tuition fees after the election. It was Labour that said in the 2001 election that it would not introduce top-up tuition fees, but then after the election did introduce top-up tuition fees.

I stand by this Government's record on student support. We will continue to take action to improve it. I do not think that people will believe a word that Labour says when it comes to students.

**George Adam (Paisley) (SNP):** NUS Scotland described the Scottish Government's student support package as

"the best support package in the whole of the UK".

Does the First Minister agree that it is a bit rich for parties that were pro-tuition fees to try to rebrand themselves as parties for students?

**The First Minister:** As I said, people cannot believe a word that Labour says. Labour has consistently broken its promises on tuition fees.

**Iain Gray:** What about "Dump the debt"?

**The Presiding Officer:** Order.

**The First Minister:** I know that Labour does not like hearing this, but it fought the 1997 election on a "No fees" promise: it broke that promise. It fought the 2001 election on a "No top up fees" promise: it broke that promise. I heard somebody shout, "What about in Scotland?" When Labour was in office in the Scottish Government it moved tuition fees from the front door to the back door, but it still imposed tuition fees. You cannot trust Labour on student support. You can trust the Scottish National Party, because we abolished tuition fees.

**John Scott (Ayr) (Con):** The First Minister will be aware of the high drop-out rate of students from Scottish universities, particularly from the University of the West of Scotland. What help can the Scottish Government give to both students and universities to address that difficult, sensitive and complex problem.

**The First Minister:** That is a difficult and complex problem and it is an important challenge. I want the widening access commission to look not just at how we support and encourage more students from the poorest backgrounds to access university, but at how we support them to carry on through their university courses, complete those courses and graduate. As the widening access commission is set up and developed, I will be very keen to share our thinking on that with members from across the chamber.

I am absolutely determined that we will do everything that we can to ensure that every young person in Scotland has an equal chance of going to university and completing that university education. I hope that all of us across the chamber, regardless of our party, will come together to support that.

**Liam McArthur (Orkney Islands) (LD):** In the recent budget negotiations, Scottish Liberal Democrats urged the Deputy First Minister to increase the earnings threshold for repaying student loans from just under £17,000 to £21,000, which is the threshold in the rest of the United Kingdom. That could save young graduates £268 a year and the Government could do it immediately, with no impact on its budget. The First Minister says that she wants to do more, so will she explain why her deputy rejected that move?

**The First Minister:** We will continue to consider those issues. Although the different threshold that Liam McArthur referred to is in place, when students here pay back their loans they pay them back at a lower rate of interest to compensate for that. Nevertheless, Liam McArthur has raised a legitimate issue that he has raised before, and it is one that the Government will continue to consider.

#### **Cancer Patients (Assistance with Day-to-day Tasks)**

**6. Roderick Campbell (North East Fife) (SNP):** To ask the First Minister what assistance the Scottish Government provides to cancer patients for day-to-day tasks. (S4F-02655)

**The First Minister (Nicola Sturgeon):** The Government recognises that there are physical, financial and often emotional consequences associated with a cancer diagnosis, which is why our cancer action plan, "Better Cancer Care", focuses on supporting people living with and beyond cancer. We work with a number of support organisations, including Macmillan Cancer Support, to ensure that cancer patients are getting advice on the benefits and support to which they are entitled.

**Roderick Campbell:** The First Minister may be aware of Macmillan Cancer Support's recent

research paper, “Hidden at Home”, which revealed that half of cancer patients throughout the United Kingdom who have support or personal care needs receive care only from friends and family. What more can the Scottish Government do to provide support for those patients and their carers?

**The First Minister:** Anybody who has read the Macmillan “Hidden at Home” report will recognise that supporting cancer patients outwith and beyond their clinical treatment is absolutely essential to ensuring that those patients get the best possible care and outcomes. That is why we are working with Macmillan Cancer Support to take forward the transforming care after treatment programme. The programme is an excellent example of the third sector and the Scottish Government working together to improve how care is delivered to people following a cancer diagnosis.

**Rhoda Grant (Highlands and Islands) (Lab):** The First Minister will be aware that the report highlights that council cuts are impacting on people with cancer and other long-term conditions. Will she make it a priority to look at the services that are delivered to those people and ensure that they are in place to support them?

**The First Minister:** We have to ensure that all agencies—the national health service, local authorities and third sector organisations, which have a big part to play—are equipped as well as they need to be to support people who are diagnosed with cancer. That is one of the many reasons why we are working to integrate health and social care services so that there is a genuinely joined-up approach to care.

We in Scotland should be proud of the cancer treatment and care that we provide for patients. When I was Cabinet Secretary for Health and Wellbeing, I regularly saw how difficult it is for patients who are diagnosed with cancer not only to get through their treatment and the clinical part of their care but to cope with all the other consequences, whether financial, work-related or emotional. We have a duty to ensure that we provide adequate support across all those issues.

**James Kelly (Rutherglen) (Lab):** On a point of order, Presiding Officer. I note that during exchanges between the First Minister and Kezia Dugdale on last week’s debate in the House of Commons, the First Minister stated that the Scottish National Party members voted against a motion. In actual fact, they abstained. [*Laughter.*]

**The Presiding Officer:** Mr Kelly—

**James Kelly:** In order that the record is accurate, I ask the First Minister to acknowledge her inaccuracy and have the record corrected during this meeting.

**The Presiding Officer:** Mr Kelly—you have made your point.

## Libraries

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

The next item of business is a members' business debate on motion S4M-12195, in the name of Colin Beattie, on the importance of libraries. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament notes that 7 February 2015 marks National Library Day, a UK-wide day of events that allows users to celebrate libraries and their staff; notes that the events cover a wide range of activities, including book swaps, treasure hunts and author visits; considers that National Library Day is of great importance in highlighting the role that libraries play in communities, including in Midlothian North and Musselburgh; considers that this role can include access to valuable information that would not otherwise be easily accessible to low-income families and households; notes that 3.6% of libraries in Scotland were closed between 2008 and 2013, compared with 7.9% in England and 11% and 11.5% in Wales and Northern Ireland respectively in the same period, and celebrates libraries for their significance in providing culture and education to the people of Scotland.

12:32

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I must begin with a confession: I am a bookaholic. From a very early age, I was a member of the local library in my home town of Forfar. I could not afford to purchase books, but the local library opened a window into a new world. Somehow, I found time to read several books a week. Books—fiction and non-fiction—were all grist to the mill. My vocabulary improved and I learned about places and peoples from around the world. In those days, when even television was limited—and before the internet—that was the only real way to discover the world that we live in.

I have never lost my love of reading or my love of books—it must surely be a coincidence that I married a fellow book junkie, thus compounding the problem. As the years have passed, we have collected more and more books, and now our house groans under the weight of around 8,000 of them. One day, I will go through them and dispose of duplicates and so on but, for the moment, it is one-way traffic.

Members can therefore imagine that I feel strongly about libraries, their importance and their place in our communities. Libraries still represent a vital route to learning and development, not just through their conventional supply of books but because of all the added-value services, such as their provision of audio books, CDs, DVDs, internet access and all the rest.

Libraries have played a vital role in our history. They have been a part of Scottish culture for

centuries, and some Scottish universities can trace the history of their libraries back to the 15th century. Of course, those university libraries were for students and faculty only. The public had no access and, indeed, the ruling class was not keen that the ordinary man be educated. It was not until the 19th century, when the Public Libraries Act 1850 was passed, that communities were allowed to build public libraries that offered free access, thus giving citizens the right to inform themselves from information that libraries provided.

A huge boost came in the form of Andrew Carnegie, who recognised libraries as one of the best ways in which he could give back. As a young boy, he understood the importance of libraries, which is why, when he could not pay the \$2 price of a library card, he wrote to the library administrator in protest. The administrator denied his request for free access to the library, so he had his letter published in the local newspaper. Eventually, the library caved in to the public pressure that was brought on by the letter and opened its doors to working men and apprentices.

It should be no surprise to learn that Andrew Carnegie regarded his experience with reading and libraries as one of the keystones of his success and saw free public libraries as essential for the future success of any community. During his lifetime, he funded the building of more than 2,800 libraries worldwide, the first of which was established in Scotland in 1883, in his home town of Dunfermline. Many more Scottish Carnegie libraries followed, from Dumfries to Aberdeen, and they all helped their communities by offering invaluable information to those who had previously had no access to books.

Scotland has more than 500 public libraries, where members of our communities can go to enjoy library facilities free of charge. However, the tradition of genuinely free public libraries, which is now almost two centuries old, finds itself somewhat at risk. Across the United Kingdom, libraries are disappearing, and some people are asking what their purpose is. Between 2008 and 2013, 3.6 per cent of Scottish libraries were closed. Although that number is not welcome, it is still much smaller than numbers from around the UK. In England, 7.9 per cent of libraries have closed their doors, while the figures are 11 per cent in Wales and 11.5 per cent in Northern Ireland. Such closures have often been a result of the pressure on councils to make cuts, but I fear that councils are sometimes a wee bit too eager to close publicly funded libraries.

As I have said, a small number of people wonder why, in this digital age of laptops and tablets, we need stacks of old dusty books, but such an assertion is easily addressed when we realise that our modern-day libraries are much



more than just stacks of books. Scottish libraries are community centres that have kept to their original tradition of embracing equality without regard to income or background. Through the generations, libraries have continued to allow those from all backgrounds to come, learn and enjoy. Children of all ages can pick up and read a book for free, which is important for those from lower-income families who would otherwise have no place where they could access such materials or expand their imagination and knowledge.

Libraries not only help people to improve their understanding of the world but offer public meeting places where people with common interests or needs can come together and where people who are searching for a social group to belong to can find one. Another essential service is access to free wi-fi and to computers. That is particularly crucial for those who are disadvantaged, who are on a low income or who, like 39 per cent of people in my Midlothian constituency, do not have internet access in their own homes. For those Scottish citizens, libraries are vital, and the addition of free wi-fi and computer access is proof that our libraries are continuing to adapt and evolve to better meet our communities' needs.

I recognise that access to the vast amount of information available on the internet has in some ways replaced the need for students and researchers to rummage through piles of books in libraries to find facts or other data. However, in a world where every two days we create more data than was created from the beginning of human history to 2003, it is important to have a place where information is organised and stored and where experts are available to guide people through it all, free of charge.

Libraries across the country and in my constituency were very much involved in celebrating national library day on 7 February through various services and a number of diverse activities. Book groups for all ages were created throughout the country; there were many special visits from famous authors, who read and discussed their works with Scottish communities; Harry Potter night celebrations were held; there were iPad tutorials; and Dalkeith library in my constituency held a build a biscuit city activity for children and a textiles workshop at which knitting, crochet and needle felting were taught. National library day 2015 was a great success for all the participating libraries, and I trust that it will continue to be so in the years to come.

No debate on our libraries would be complete without highlighting the staff who work in them. Librarians and their staff are in a unique position as they support our communities and continue the tradition of dedicated services from which we all

benefit. Without them and their commitment, our libraries would not be the success that they are.

All of us in the chamber and across Scotland have a responsibility to ensure that our public libraries have a secure future. Libraries need our support, and it is our responsibility to provide that support and protect their future in Scotland.

**The Deputy Presiding Officer:** We are very tight for time, so if members could limit themselves to four minutes or thereby, I would be grateful.

12:39

**Stewart Maxwell (West Scotland) (SNP):** Andrew Carnegie famously said:

"A library outranks any other one thing a community can do to benefit its people. It is a never failing spring in the desert."

Like many others, I share Andrew Carnegie's passion about the importance of libraries, so I thank Colin Beattie for securing today's valuable debate.

National library day was marked on 7 February. It was an opportunity for us all to celebrate the contribution that libraries make to communities across Scotland. In East Renfrewshire in my region, where I live, national library day coincided with the opening of brand new library facilities at the Barrhead Foundry. Since its opening, the Barrhead Foundry has quickly become a community hub for residents that offers first-class library services alongside enhanced sports facilities, a business resource centre, digital services and a cafe. The new home of Barrhead library offers a range of services for people of all ages and includes a great collection of books and other resources. Across the country, public libraries such as that are at the heart of communities, giving people the chance to enhance their learning and develop a passion for reading.

The Cabinet Secretary for Culture, Europe and External Affairs has previously highlighted the key role that libraries play in overcoming barriers to literacy and educational attainment. A few weeks ago, I spoke in the debate on educational attainment and outlined some of the work that the Education and Culture Committee is undertaking in that area.

Evidence from the 2009 programme for international student assessment survey suggests that increasing reading engagement has the potential to reduce approximately 30 per cent of the attainment gap that is associated with poverty. It is clear that libraries have a vital role to play in breaking the link between poverty and educational attainment, especially as studies show that children from poorer backgrounds tend to have

fewer books at home and are less likely to be read to by their parents.

It is important that we engage as many young people as possible with reading from an early age, so I am delighted that the Scottish Government has introduced a pilot scheme to look at ensuring that every child is automatically given membership of their local library. The project is being run by the Scottish Library and Information Council with the support of the Scottish Government's public library improvement fund, and I look forward to hearing the outcome of the pilot scheme once it is complete. I also very much welcome other initiatives introduced by the Scottish Government to encourage reading and improve literacy standards, including book week Scotland, the play, talk, read campaign and the recently announced read, write, count initiative.

I will conclude by focusing on the provision of school library services, which the Scottish Library and Information Council has been looking at in great detail recently. Research carried out by Professor Dorothy Williams of Robert Gordon University has found considerable evidence of the positive impact that school libraries have on learning. Professor Williams found that school libraries not only contribute to better educational attainment but help to successfully deliver curriculum outcomes and promote positive attitudes to literacy and reading.

When my daughter went to secondary school, she was a beneficiary of that very process. Going along as a new pupil at a secondary school—nervous, as new pupils are—she went to the library and found not only a place that was full of books but somewhere to meet friends, join book clubs, get a book buddy and have teachers, and the professional librarian in particular, help her to help herself with her own literacy and expand her reading capacity. I was greatly concerned to learn that some local authorities have brought forward proposals to reduce the provision of full-time professional librarian services in schools, particularly in the light of the Scottish Government's focus on tackling the educational attainment gap.

The "Read On. Get On." report published last year suggested that 40 per cent of families from the poorest households have fewer than 10 children's books at home. Studies also suggest that a significant proportion of children do not visit public libraries, so the only place that many children are exposed to books is at school, which makes the service offered by professional school librarians even more important. I therefore ask the cabinet secretary to outline the Scottish Government's view on the importance of school library services and their role in raising attainment and literacy levels among children.

Libraries have been a vital educational tool for ordinary people for more than a century. Let us make sure that we support and maintain our public libraries and our school libraries.

12:43

**Hanzala Malik (Glasgow) (Lab):** I thank Colin Beattie for lodging the motion. As a previous city councillor and now as a parliamentarian, I have seen at first hand the provision offered by and the positive effects of the 33 Glasgow City Council libraries. Those public institutions play such an important role in providing equal access to information, services and media, especially for people in low-income households, who are often denied access to the internet and wi-fi, which is so important in today's world. Scotland's libraries offer 8.5 million hours of free internet access each year.

Scotland has prided itself on education and literacy since the 18th century. It is through our libraries that we continue that great tradition, by providing people with free access to information in books and online or through other media, such as CDs, DVDs and Braille. People who speak foreign languages are not excluded, and they are provided with the same services, including newspapers from overseas.

Libraries have begun to change with the times to better match the public's needs. An excellent example of the potential of libraries is the partnership between Glasgow libraries and Macmillan Cancer Support. Through Glasgow's libraries, Macmillan has begun to offer the people of Glasgow access to community-based cancer information and support services.

**John Mason (Glasgow Shettleston) (SNP):** The member mentions Glasgow. Does he also welcome examples such as the library at the bridge, where the library serves the public and the college, with a swimming pool at the same venue?

**Hanzala Malik:** Absolutely. Those are just some of the good examples that we have in and around Scotland.

The partnership that I mentioned is just one way in which libraries can be better used to serve the communities around them.

I welcome the celebration of national library day on 7 February, when we showed our pride in Glasgow's libraries. Although we celebrate national library day, we must work hard to maintain our libraries. We must ensure that local authorities are funded so that libraries not only maintain provision at the current level but increase their facilities.

It is important to note that local authorities quite frequently use the excuse of relocation to close

libraries. That must change. We must be more serious about how we provide our libraries to the communities around us. Attaching libraries to schools, colleges and universities is a good example. In addition, when we rebuild libraries, we should ensure that we do not allow the services that they provide to citizens around Scotland to be eroded.

Many people have experienced good services through libraries. We want that to continue. If libraries attach themselves to educational institutions, particularly schools, that will ensure that people are introduced to libraries at a very early age, which is when they will benefit most.

12:48

**Cameron Buchanan (Lothian) (Con):** I commend Colin Beattie for bringing the debate to the chamber. Libraries are clearly one of the most important assets in any community for a variety of reasons. Celebrating their work is an important duty of any elected member, not least because they are so preciousy regarded by the majority of our constituents. National library day gives us, and them, the perfect opportunity to do that.

Of course, there are many types of libraries these days and they can no longer be viewed in quite the same way as they once were, as bastions of silence, presided over by formidable-looking librarians who would not countenance the slightest degree of inappropriate decorum from the reading public. I remember at school being terrified by the school librarian, who wanted a reason for every book we took out, so we never took out any books referring to sex, drugs or rock and roll.

When Andrew Carnegie built his first library in 1883 in Dunfermline, he required recipients of his philanthropy to demonstrate two key things: first, that the community was in need of the facility, which in 19th century Scotland was possibly self-evident, and, secondly, that services would always be free. The extraordinary revolution that Carnegie created has clearly changed over time but it is just as important as ever, as libraries have been transformed from silent spaces of reading into bustling hubs of activity covering all aspects of community living.

It has been pointed out that libraries host free classes and events for local people that would be unavailable to many were it not for the Carnegie model, which became the basis for all the library services in the United Kingdom. Libraries run hugely popular and successful activities for children and schools and are often the focal point for local communities. That is particularly true in many rural communities that might have seen a reduction in other rural services, such as their post

office, local shop or police counter. Even the library bus is eagerly awaited in many rural communities. Library buses can give much-needed comfort to many elderly citizens who would not find it easy to move further afield. In other words, libraries have a huge social value that can never be overestimated.

It is clear that a seismic shift has been brought about by the internet. Now, the majority of us carry the entirety of human knowledge in our pockets and bags. Smartphones and tablets mean that we have instant access to information and a seemingly limitless supply of books available at our fingertips wherever we are. The nature of our need for libraries may be changing but, as is demonstrated on a weekly basis, as a meeting place, community centre, learning hub, coffee shop and even swimming pool, the library continues to play a vital role for communities across Scotland.

The proliferation of digital communication is far from being a major stumbling block. That proliferation has whole-heartedly embraced the Scottish library system. Many people's first interaction with the internet takes place in a library. Indeed, I would strongly argue that libraries have become more and not less attractive as a result.

Notwithstanding that, there are pressures on libraries. Those pressures often come from local authorities, which are finding it increasingly difficult to maintain library facilities on the same basis as before with spending restraints. How many times have we heard members of the public raise concerns when the first cuts that are made by a local authority are in those areas that are not seen to be front line, such as museums, libraries and galleries? It is not just about low-income families accessing facilities; it is about everybody using them.

As I said before, libraries are the hub of local rural and urban life.

12:51

**Liam McArthur (Orkney Islands) (LD):** I join others in warmly congratulating Colin Beattie on securing the debate. I hope that he was not subject to a late fine for its scheduling.

On 7 February, James Dornan and I, finding ourselves far from home, pitched up at the Blantyre library in Malawi. Unfortunately, it was on a Sunday and the library was closed, but I think that our note of solidarity did not go unremarked upon.

Despite the delay, it is important that we are having this debate, as Colin Beattie acknowledged. At a time when many libraries across the United Kingdom feel or are under threat

of cuts or closure, it is important that we acknowledge the value of public and school libraries and, indeed, celebrate the contribution that they make.

In a digital age, the question of the relevance of libraries and even the value of books—possibly even including the noble tome that the former First Minister is preparing to unleash very shortly on an expectant world—has been raised. The Orkney library and archive provides a compelling answer to that question. That library is one of the most successful libraries, and I understand that it is the oldest—it was founded in 1683 as Bibliothek of Kirkwall. It is embedded in the local community, but it has done a great deal to enhance its reputation nationally and internationally. The examples that underpin that are certainly the history and heritage resources that it has available, the innovative use that it has made of social media—I will touch on that in a moment—and the focus on providing the highest levels of customer service. They are probably reflected in libraries across the country.

Access is fundamental to the role that libraries play across the country. Physical access is important. I remember the libraries in Kirkwall and Stromness providing a bolthole from the elements. People can go into libraries out of the rain, and they invariably stay longer than they intended.

Delivering library services in an archipelago provides particular challenges. It is to the great credit of the libraries in Orkney and Shetland that they have done that for over 60 years. I remember from when I was younger that the black plastic library boxes that were delivered to the house were eagerly anticipated treasure troves. Sixty years on, in collaboration with its counterparts in Shetland, Orkney library undertook the 24 islands/24 hours series of events, with the authors Ann Cleeves and Lin Anderson leading the way.

Obviously, things have moved on. The use of web-based models and e-books is a modern approach to delivering services in the community that I represent. Although that may not be as exciting as the arrival of the small black boxes, it is probably more practical.

That rising to the challenge of the digital age is reflected in the move to reach out to new users. Orkney library has an award-winning social media presence—it has won two golden tweets. I should make special mention of Stewart Bain for his tweets and Facebook posts. It is invidious to draw out one, but I will do so. His 12 days of Christmas tweets recently culminated in a picture of Steve Coogan's autobiography tucked inside the autobiography of a former Dr Who actor under the title, "And a Partridge in a Pertwee".

The access that the library provides goes beyond the access that it provides to books. It acts as a hub for bookbug sessions and one-to-one information technology tuition. The fact that it has been used as a hub for health visitors to deliver health checks and to promote early years developmental activities and has been involved in partnerships with the Orkney Talking Newspaper, the Orkney Family History Society and the George Mackay Brown Fellowship demonstrates the breadth and reach of the library.

To avoid any accusation of bias on my part, in concluding by quoting from Lin Anderson's "A Love Letter to Kirkwall Library", I will replace "Kirkwall" with "Orkney", as I am sure that she did not mean to exclude Stromness. She wrote:

"Orkney has embraced the future of books with enthusiasm and determination."

She also said:

"Orkney library is to my mind everything that is wonderful about libraries and the services they bring to people."

I again thank Colin Beattie for giving Parliament an opportunity to put on record our collective gratitude for the contribution that libraries and their staff make to communities right across the country.

12:56

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I, too, congratulate Colin Beattie on securing the debate. Incidentally, this will be my second speech in a debate on libraries in as many weeks, but I do not mind, because I have loads of time for libraries. I boast that I passed higher English at grade A as a result of coming across critiques of Shakespeare in Blackhall library.

In my early days as a teacher in Woodmill in Fife, I and the librarian, the redoubtable Dorothy Devlin, took the mystery and the horror and fear out of libraries. Many young people were inhibited from crossing their thresholds. That was 40 years ago and a lot has changed since then.

I am still an aficionado of libraries but mostly now through my surgery visits to Newtongrange and Gorebridge libraries on the first Friday of each month—that was a free ad. This month, Newtongrange library, which has flowers on the counter—take note Gorebridge, which has no flowers—had its burst n books project. Incidentally, it is also celebrating its 50th anniversary. That project was set up in Mayfield library in Colin Beattie's constituency with national health service funding and was headed by Isobel Allen, the manager of Mayfield library, with input from staff and pupils from Mayfield primary. The aim of the project was to support and interest

particularly boys between the ages of six and eight whose reading ages were below par and who, in general, would give books a body swerve.

So what is the project? In Newtongrange library, there are 20 themed bags full of goodies, which cover a range of topics, including deadly creatures, horrible histories, mental maths, terrible T rex and mobile monsters; I want to get one myself. It is not just books that are inside the canvas bags—there are theme-related toys, DVDs and so on. It is a real Santa Claus present. The library service provides funds for those materials from its budget. It is a great idea, and I should point out—I do not wish to stereotype—that girls can get the bags, too.

As for Gorebridge library—I look forward to the new carpeting; I promised that I would say that—it, too, was humming with activity when I visited, and not just in the computer room. The midspace people such as Fiona Sharp were at the ready to advise on local services on mental health and wellbeing, and Jonathan Coward was there to provide support for vulnerable people who have been affected by welfare reform and who do not have computers at home—Colin Beattie mentioned that. The aim is to help them to use the library's personal computer suites. I was there, too, of course, sitting among the autobiographies, meeting constituents and reading some of the autobiographies when business was a bit slack.

I want to put on record my thanks to the librarians at both those libraries for their good humour and, in Newtongrange library, the cup of coffee and the biscuit—take note again, Gorebridge—and for looking after me and everyone who steps over their thresholds. Members can see all those good people and the facilities on my Facebook pages. I also want to congratulate Midlothian Council—for once—on its commitment to continuing to support those libraries, which are community centres.

I have a message for Cameron Buchanan and Liam McArthur with regard to the former First Minister's forthcoming autobiography: I understand that there are currently no plans to include references to sex, drugs or rock and roll; he assures me that he is leaving those for the sequel.

**The Deputy Presiding Officer:** Thank you for that vibrant speech.

12:59

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank Colin Beattie for bringing the debate to the chamber and offering us the opportunity to discuss the important role that our libraries play. Not only do they ensure that everyone can take pleasure in reading, regardless of their economic situation; they broaden our personal education and ensure

access to our culture. They encourage a love of reading and they offer choice and depth to the reader not only through what is on the shelves but through ordering and requesting books from all across Scotland.

National library day is a day to celebrate all that libraries give us. Libraries play a huge part in family life and the day gives us a chance to recognise that and celebrate everything that they offer. My local library was very important to me as a child and I can remember the excitement and anticipation of reaching the age of 14 and being able to move up to the adult section of the library—although perhaps I was not looking for the same books as my colleague Mr Buchanan.

As a student at the University of Edinburgh, I was able to use the National Library of Scotland, and we should all recognise the importance not only of our local services but of the service that the National Library provides.

Libraries have changed and modernised. Even in an increasingly digital and technological age, with many more entertainment and relaxation choices available to us, libraries are still hugely important. In Fife, we have seen investment in our libraries, with the refurbished Kirkcaldy library and galleries opening a few years ago. That has created a fantastic multipurpose space with a gallery, a library, a cafe, a museum and family history services.

Of course, the first of Carnegie's public libraries was in his birthplace, Dunfermline. Opened in 1883, the library building displays a stylised sun with the carved motto "Let there be light" at the entrance. The library is being invested in for the 21st century and it is a great example of our continuing commitment to libraries.

However, there is more to do across Scotland to improve access to e-books in particular through our lending service and to improve wi-fi access in libraries, which can be quite patchy across the country.

How do we ensure a culture of reading in Scotland so that we reap the educational benefits that that brings for the individual, our society and our economy? Last week, we had world book day. Like many parents across the country, I was pulling together a favourite character costume for my child. Events such as world book day promote and celebrate reading and it is wonderful to see children enjoying reading.

Over the summer, lots of libraries offer the big reading challenge, which encourages reading outside the school term. In South Australia, they have a very successful reading challenge that has increased in popularity over the years. Labour would look to introduce a First Minister's reading prize, which would encourage schoolchildren to

read at least 12 books during the school year. In South Australia, 95 per cent of schools take part in the challenge; among those taking part in the challenge there is an almost 50:50 split between boys and girls; and the cost is minimal. In 2013, the budget for the programme was 340,000 Australian dollars. Due to the uptake, that was less than 3 dollars per student.

Evidence from across the world shows a correlation between general reading and academic achievements. We need to inspire our children to get into the habit of reading and using libraries. The knock-on benefits for the Scottish book scene would be very positive. We should also be looking at ways to support our Scottish publishing sector through the procurement process.

Public sector finances are under severe pressure and local authorities and cultural trusts will be looking at the services that they provide. I urge them to exercise caution around the library service. That is not to say that there should not be any change—they need to look at the viability of individual libraries, at the borrowing numbers, and at better ways of delivering services—but libraries are vital. They are publicly funded, they are accessible, they remove educational barriers and they should be valued now and well into the future.

13:03

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Welcome to this annual meeting of bookaholics not very anonymous. I am very privileged to be part of that group.

Libraries are a valuable source of information. They also protect our heritage over the long term. It is no accident that one of the first things that totalitarian regimes and extremists generally go for is books and libraries. ISIS has destroyed 100,000 books in Mosul in recent weeks. In April 2003, the national library and archive of Iraq—hundreds of thousands of books—was all but lost.

When the Japanese went to China during the second world war, one of their first targets was to destroy books, and more than a million books and documents were destroyed. Of course, in the 1930s, the Nazis notoriously burnt books with which they disagreed.

Books can be radical and extreme and they are highly varied. We should value them in all their variety, because they tell us about where we come from and inform us about where we are going.

Like, I am sure, many other members, I use libraries considerably. The local libraries in Buckie and Fraserburgh play host to my surgeries there. While I am waiting, I can pop next door and see what is going on, read the newspapers that the libraries get or dip into books. Surprisingly, no one

so far has mentioned the National Library of Scotland, which is absolutely—[*Interruption.*] I beg members' pardon; it has been signalled that I was not listening correctly. I have my reading card for the National Library of Scotland with me. Disappointingly, I note that it is due for renewal on general election day, so I have a suspicion that I might not manage to get along that day to renew it.

In places such as the National Library of Scotland, there are unique opportunities to find out information that can be found nowhere else. I am interested in genealogy—both my own and other people's. I know that my great-grandfather earned £70 a year in 1862 as a missionary for the Scottish Coast Mission. There seem to be only four pieces of paper left about that institution, and one of them—an annual report that shows how much my great-grandfather earned—is in the National Library of Scotland. Archives and libraries go hand in hand. I have a tiny bit of paper showing that my great-great-great-grandfather served in the Navy. I was able to go to the Public Record Office at Kew and get the ship's logs from 1780, when he served on HMS Medway.

Let us have a wee think about the electronic world. The National Library of Scotland is doing a great deal to address the transient nature of so much of our electronic information. I invite Liam McArthur to think carefully about whether the modern electronic world is better than the paper world that we have been used to. Whenever I can, I sit in a bath with a cup of tea and a book in my hand. I can assure members that my wife sweats less when I drop a book in the bath, because a hairdryer is all that is needed to remedy that, but dropping an e-book in the bath is another matter altogether, not because of the electrical implications but because the e-book tends to suffer a bit.

I congratulate Colin Beattie on giving us the opportunity to think about literature and libraries. I hope that we will hear some interesting things from the cabinet secretary about the future security of our library services.

13:08

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** I, too, congratulate Colin Beattie on securing this members' business debate and on his eloquent speech.

The motion highlights the great work that libraries do not just on national libraries day but all year round. As Christine Grahame pointed out, this is the second opportunity that the Parliament has taken to debate libraries in recent weeks, following James Dornan's debate on 3 February

on Langside library's 100th anniversary. I welcome the opportunity to continue the discussion and to reflect on the passion that members have for their local libraries. Stewart Stevenson gave us an international perspective when he reflected on the power of books and the cultural outrage caused by the destruction of libraries in times of conflict and war.

The Scottish Government places great importance on our public libraries, because they bring real social benefits to people and communities. Cameron Buchanan reflected on the Carnegie legacy, but it is important that we emphasise that libraries are changing—and that is not just about the carpets in Gorebridge, or the Fife refurbishment to which Claire Baker referred.

Libraries offer crucial support to help people help themselves. They support literacy, digital participation, learning, employability, health, culture and leisure; they improve the quality of people's lives; and they support people to engage in the democratic process. Hanzala Malik talked about the Macmillan partnership, which is an important development. Stewart Maxwell talked about Barrhead library and raised an important point about attainment and school libraries. I undertake to ensure that the education minister responds to him. I emphasise that we see school libraries as a vital part of supporting our literacy campaigns.

As noted in the motion, there have been fewer library closures in Scotland than in the rest of the UK. We should recognise that libraries in Scotland are performing extremely well—in fact, Scottish library services have won the UK's library of the year accolade at *The Bookseller* industry awards for the past three years. Midlothian won last year, which is an amazing achievement for the second smallest mainland local authority in Scotland. All that is great news but I am sure that members will agree that there is no room for complacency.

The Scottish Government recognises how important libraries are in delivering national priorities. Specific Government support for public libraries comes through funding for the Scottish Library and Information Council so that it can offer leadership to the sector. SLIC also distributes our £500,000 per year public libraries improvement fund, which is available to contribute to local projects.

We also support SLIC as it works with the Convention of Scottish Local Authorities and other partners to develop a strategy for public libraries in Scotland. The strategy group is chaired by the chief executive of the Carnegie UK Trust, Martyn Evans. Building the strategy gives local authorities and other partners the opportunity to agree a clear vision for the future of public library services. The strategy is due to be published later this year. I

undertake to identify the scope of the school library issue that Stewart Maxwell brought up.

SLIC has refreshed its quality assurance toolkit, which allows local authorities to self-evaluate their library services. "How Good is our Public Library Service? A Public Library Improvement Model for Scotland", which was published in August 2014, is designed to recognise the requirements of the public library service and its role in supporting other areas of policy. It forms part of our "How good is our culture and sport?" framework, which local authorities use to assess the performance of cultural services.

Libraries have a crucial role to play in helping to tackle inequalities and empower communities. Liam McArthur addressed that well in his speech. The support that libraries give to digital skills development is a great example of community engagement. Libraries provide equipment and internet access for those who do not have it and they offer training to those who are unsure of how to go about getting online.

Those opportunities are about finding new ways of creating new partnerships and ventures and exploring new ways of reaching out to and inspiring new audiences in our communities. They are very important, and the library sector is engaged in developing a vision for the sector through work on the strategy.

On national libraries day, SLIC announced a really exciting pilot project to give every child in Scotland an automatic library membership card. The every child a library member pilots will take place in partnership with local authorities and I am delighted to say that 30 local authorities have expressed an interest in being involved. That would be a rather big pilot, but that level of interest shows the enthusiasm that exists. The development of the pilots is still at an early stage but the intention is to give children a completed library card at various stages from birth to primary school.

**Christine Grahame:** I can narrow the field down from 30 to one. I suggest that the pilot should start in Midlothian because it has done so well with awards over the years and has the smallest council area.

**Fiona Hyslop:** We should be generous to all the other areas and share the opportunity.

The pilots, which are being supported by the public libraries improvement fund, will run in the next financial year and will encourage Scotland's children and their parents to enjoy books from an early stage. That builds on our existing commitment to encourage reading and improve literacy standards through two initiatives that I have launched as a Government minister: the play talk read campaign, which has been running for

some time, and book week Scotland. We have also just announced the read write count initiative.

National libraries day is one of many opportunities for libraries to promote their activities and host special events. Another example is world book day, which was last week, on Thursday 5 March, as Claire Baker said. I had a bit of a problem with that. My 10-year-old does not like getting dressed up so, when I asked him what he wanted to do to help to celebrate, he decided to put on a hoodie and be Percy Jackson from “The Lightning Thief” stories. I thought that that was a very creative way of dealing with a challenge while celebrating world book day. World book day is an opportunity to encourage library visits, with author events, school and nursery visits to libraries and special bookbug sessions.

World book night on 23 April is the next significant date for spreading the love of reading. We should all get behind those initiatives—world book night, world book day, national libraries day and book week Scotland—and use the opportunity to celebrate.

Libraries have been particularly important in the book week Scotland initiative, which has been running since 2012 and is a very important initiative. In 2014, approximately 481 events were held in libraries across all local authority areas, attended by 17,000 people. Musselburgh library was one of five libraries to receive a commissioned artwork as part of book week Scotland 2014.

As I have said before, one thing that libraries could do better is market themselves, to remind people of all that they have to offer and what they do for people all over the country. I am sure that the libraries strategy will help them to do that. As for other activities and how we can demonstrate the value of libraries, SLIC has developed a Scottish reading strategy with local authorities. There is a calendar of events that allows SLIC and libraries to maximise their impact on audiences.

As the motion recognises, libraries are an important and powerful part of our communities. Their offer is universal and democratic, and we should be very proud to support them as a cornerstone of our society.

13:15

*Meeting suspended.*

14:30

*On resuming—*

## **Local Government Finance (Scotland) Amendment Order 2015 [Draft]**

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

Good afternoon. The first item of business this afternoon is a debate on motion S4M-12623, in the name of John Swinney, on the Local Government Finance (Scotland) Amendment Order 2015.

I call on John Swinney to speak to and move the motion. Deputy First Minister, you have a maximum of eight minutes, as we are short of time this afternoon.

**The Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy (John Swinney):** On 5 February, Parliament approved the Local Government Finance (Scotland) Order 2015, which enabled Scotland’s local authorities to set their revenue budgets for the forthcoming financial year.

The Scottish Government has treated local government fairly in providing a degree of protection in very difficult economic circumstances, and with the approval of the amendment order before Parliament today total funding for this year will be confirmed at £10.8 billion. It will also be confirmed that, with extra money for new responsibilities, the total funding for next year will increase to over £10.85 billion.

It is worth comparing the 2015-16 position with the position this time last year. When we debated the Local Government Finance (Scotland) Amendment Order 2014, the total funding package for 2014-15 was confirmed at £10.6 billion. If we take into account the impact of the reprofiling of capital funding, the funding set out in this order represents, with the allocation of additional moneys for new responsibilities such as the expansion of early years childcare and free school meals provision, an increase of more than £250 million or 2.4 per cent.

I believe that in return for that protection it is only fair and reasonable to ask local government to give specific commitments. When their budgets for next year were set, local authorities were asked that in return for this increased level of funding they should freeze their council tax levels for an eighth consecutive year. They were also asked to maintain each individual council’s teacher numbers and teacher pupil ratios at 2014-15 levels and secure places for all probationer teachers who required one. I am delighted to say that all 32 councils have budgeted to fulfil in 2015-16 both



the continuation of the council tax freeze and the educational commitments at 2014-15 levels.

On the council tax freeze, the Scottish Government has not only put in place the resources required to freeze the council tax as part of the overall cash settlement for local government but gone beyond that with extra money for new responsibilities. That is a fair settlement at a time of almost zero inflation and when local authorities are expected to achieve annual efficiency savings of 3 per cent that they are able to retain and reinvest. We have, of course, provided £70 million to recompense councils for freezing their council tax levels. Under the current financial constraints facing the Scottish budget, I believe that that represents a fair and reasonable settlement, and the continuation of the council tax freeze for an eighth year will be particularly welcome news for hard-pressed council tax-paying households across the country.

The Scottish Government also believed that it was necessary to take action to protect teacher numbers, because the teacher census, which was published in December 2014, showed that, despite the agreement between the Government and local authorities, those numbers had not been maintained. I accept that the Government's approach was not universally welcomed by all local authorities, but we believe that it was the right thing to do to safeguard the number of teaching posts across Scotland in 2015-16.

We have also agreed to provide a further £10 million on top of the £41 million already included in the 2015-16 figures in this amendment order to give councils further support in delivering the commitments on teachers. That £10 million is not included today, but following confirmation that those commitments have been met I will add it to the 2015-16 funding allocations in the main order for 2016.

In view of the 2015-16 budget process having been concluded, this amendment order seeks approval for the payment of each local authority's share of the £70 million set aside to compensate councils for the council tax income forgone as a result of the continued council tax freeze.

Today's amendment order also seeks parliamentary approval for the distribution of more than £26 million, which represents the initial 80 per cent allocation of the discretionary housing payments funding for next year. This arrangement of distributing the majority of the funding until such time as more up-to-date information becomes available has been agreed with the Convention of Scottish Local Authorities. By holding back 20 per cent at this stage, this will ensure that the Government's commitment to fully mitigate the impact of the bedroom tax can be achieved.

Following my announcement as part of the 2015-16 budget bill stage 3 debate that I intended to invest £11 million to match the poundage cap for business rates south of the border, I am required to increase the general revenue grant by £11 million and correspondingly reduce the distributable non-domestic rate income total by the same amount. Those changes are already included in today's amendment order.

There is one other small change included in this amendment order: the transfer of £2.254 million for the business gateway marketing project. It was previously paid to Renfrewshire Council, which then forwarded it on to COSLA, but, following the decision of Renfrewshire Council to cease membership of COSLA, the responsibility for administering that sum has transferred to Dundee City Council.

Taken together, those changes will add around £107 million to the amount of general revenue grant that we will be distributing to local authorities next year, over and above the sums included in the original 2015 order. As mentioned above, the distributable non-domestic rate income will reduce by £11 million—a net overall increase of £96 million. That confirms that the total revenue funding in 2015-16 will be almost £10 billion and the overall total funding, including capital, will be more than £10.85 billion.

I take this opportunity to make two further adjustments to the 2014-15 revenue funding allocations since the 2015 order was approved on 5 February. The first change is the addition of £6.5 million to support local government's contribution to the early implementation of "Developing the Young Workforce—Scotland's Youth Employment Strategy", which arises out of the work of Sir Ian Wood on the Wood commission.

The second very small change will add £90,000 to the City of Edinburgh Council as part of the Scottish cities alliance initiative. Those changes add a further £6.6 million to the revenue figures for 2014-15, giving a total of £9.9 billion and an overall total, including capital, of almost £10.8 billion.

In summary, the approval of the amendment order will authorise the distribution of a further more than £96 million for 2015-16 and a further £6.6 million for this year to local government to support the essential services that our local authorities deliver for our communities.

The approval of the amendment order today is vital as the funding included in it has already been taken into account by local authorities in setting their 2015-16 budgets. The loss of more than £100 million in funding would have serious consequences for all local authorities, the

communities they serve and the people of Scotland, who rely on these vital services.

The distribution of funding set out in this amendment order is essential to enable Scotland's local authorities to implement their approved budgets.

I move,

That the Parliament recommends that the Local Government Finance (Scotland) Amendment Order 2015 [draft] be approved.

14:38

**Alex Rowley (Cowdenbeath) (Lab):** Scottish Labour will support the motion put forward by the Deputy First Minister.

I want to pick up a few points that the Deputy First Minister made. He talked about teacher numbers and the teacher pupil ratio. What came across clearly at the time when Mr Swinney broke off his negotiations with COSLA was that the majority of local authorities—certainly the ones that I spoke to—were not in favour of reducing the number of teachers that they have but that there are some real difficulties in their being able to provide teachers.

This morning, for example, I talked to Fife Council. When the previous teacher number survey was conducted, Fife was 83 teachers short. That was not because it did not want to fund 83 teachers; it was because it was not able to recruit 83 teachers. I raised that point with the Deputy First Minister previously.

Fife Council's advertising for this August closed yesterday. Applicants were some 20 per cent down from last year. The council has a major recruitment problem. This morning, I was told by education officials in Fife that the problem is not just one that Fife is facing but one that all 32 local authorities are increasingly facing. I ask the Deputy First Minister to take up that point and look at the situation. It is fine for him to say that he will impose financial sanctions on authorities that do not meet the teacher numbers, but if they are not able to recruit the teachers we will have a problem.

Fife Council is talking to the General Teaching Council for Scotland. It is launching a major advertising campaign. For the first time ever, the council has had to go out again to recruit and to open up its recruitment. I am told that there is a major problem with recruiting teachers to primary school and to STEM subjects—science, including biology and chemistry, technology, engineering and mathematics—as well as English, maths and drama. There are major issues, so I would suggest that the Scottish Government cannot simply say,

“You will provide or we will cut your funding” if the teachers are not coming through.

I understand that, this year, there is an increase in the number of probationary teachers coming through, but the Scottish Government cannot ignore what I am saying. I ask for an assurance that the Deputy First Minister will take that on board and look at the situation.

On this year's settlement, we are again seeing a real-terms cash cut in funding to local government. John Swinney says that he is fully funding the council tax freeze. Local authorities would beg to differ: they would argue that the figure is short by £10 million and that up to £80 million should be going in this year.

John Swinney would probably say that the Scottish Government's budget has been cut by 10 per cent and that that is being passed on. However, some authorities are taking substantial cuts. For example, Edinburgh faces a 20 per cent cut, while Renfrewshire faces a 17 per cent cut. It needs to be recognised that some authorities' cuts are larger than others.

Under the present circumstances and given where the Government is at, the settlement may seem reasonable. I do not want to get into an argument about whether it is, but I will say that—this has been acknowledged previously—local authorities will find this year very difficult and they will find it more difficult as they go forward. The settlements fail to take on board the increasing level of demand for services, such as health and social care. As that demand grows and budgets fall, even though local authorities are working hard they are finding it difficult. This year, we will see front-line service cuts right across Scotland.

We must look at how community planning partnerships are delivering. The demographics tell us that people are living longer, so the demand on health and social care services is increasing. We are also seeing that the number of children being taken into care is on the increase. That is adding massive pressure on to local authorities' budgets. Therefore, we must have a strategy that looks at the underlying causes of poverty, so that we can start to address the issues. That takes us back to the Christie commission report. It was hailed as the way forward for public services, but I am not sure to what extent we are delivering on it.

In the brief time that I have left, I will raise one other issue. Local authorities fund care home services by buying the places in care homes. I want us to focus on delivering the living wage to staff. What is a care worker worth? In the private sector, the majority of workers are paid only the minimum wage. We must address that situation.

14:44

**Cameron Buchanan (Lothian) (Con):** It is welcome that the draft amendment order on the money that is to be distributed to local government is before Parliament. As I have said before, it is important that local government finance orders are kept transparent and open to scrutiny, especially when local authorities across Scotland face significant financial difficulties.

Only this week, the Accounts Commission published a report that details local authorities' financial positions at present and going forward. In summary, the report makes it very clear that councils are facing unprecedented pressure on their budgets. In that context, the stand-off that we have seen over teacher numbers in the lead-up to this debate has set a worrying precedent on central Government's intervention.

The Accounts Commission report "An overview of local government in Scotland 2015" highlighted the serious financial difficulties that councils across Scotland face. It rightly cited a number of reasons for the strain on councils' finances, including demographic trends and the challenge of establishing effective health and social care partnerships. In addition, it was suggested that councils reform so that they provide a more responsive and efficient service that suits local needs and is financially sustainable.

The Scottish Government says in the draft amendment order that it has

"consulted with such associations of local authorities as appear to them to be appropriate."

What does that mean? What does the Government call "appropriate"? I am sure that the Deputy First Minister will answer that question.

A key pressure point that is highlighted in the report that I mentioned is the burden that is put on councils to deliver national policies. The clear message to be taken from that is that every penny matters to councils and that they must be allowed the freedom and flexibility to deliver local services in a sustainable manner.

It is clear that that message has not been reflected in the Scottish Government's behaviour in the lead-up to the amendment order. It is all very well to say that the full amount of moneys available to councils will be paid out with the amendment order, but that masks how the so-called agreement was reached. The Scottish Government stated in no uncertain terms that it would take money away from any council that did not agree to implement its targets on teacher numbers, so councils had the choice—it was like Hobson's choice—of losing out on millions of pounds of valuable funding or surrendering their autonomy. Given their financial difficulties, it is not

surprising that all councils felt compelled to agree to the Government's demands.

The point is not about the relative merits of higher or lower teacher numbers—I am sure that we all wish education standards to improve across the board; rather, the point is about flexibility and autonomy in local government, which I recall debating in the chamber only recently. As the Accounts Commission's report highlighted, councils should respond to increasing pressure on their services by adopting flexible and responsive approaches that engage extensively with communities to determine how the best outcomes can be achieved consistently. In other words, central Government should not force rigid targets on them. Rather than being faced with unaffordable demands, councils and their communities need to be empowered.

That takes me to the Community Empowerment (Scotland) Bill. Members will be aware that that bill is at stage 2 and I have been seeking to ensure that it realistically empowers communities. I remain concerned that, as it stands, the bill will empower communities only in name and not really in practice. In the interests of time, I will not go over the changes that I have sought, but true flexibility at a local level, free from central orders, is crucial.

Accordingly, I reiterate my conviction that, especially in times of financial difficulty, councils need to have the flexibility to deliver more responsive and efficient local government that is best for communities and the sustainability of their finances. Unfortunately, the Government is intervening where it sees fit and not allowing that to happen.

**The Deputy Presiding Officer:** We move to the short open debate. I have two requests to speak. Speeches should be of four minutes; less than that would be better.

14:48

**Kevin Stewart (Aberdeen Central) (SNP):** In the forthcoming financial year, the Scottish Government will provide councils with a total funding package that is worth more than £10.85 billion. That means that local government's revenue funding and capital share will be maintained on a like-for-like basis, with additional moneys for new responsibilities, including childcare commitments.

Although I disagree with what the Labour president of the Convention of Scottish Local Authorities, David O'Neill, said about universalism this morning, I agree with what he said when he made clear the stark contrast with local government in England. He said:

“Since 2010, in real terms, English local government has experienced 14% cuts in its budgets, whereas in Scotland we have experienced only 3%. Where we have maintained our share of total public sector spend or even increased it, in England this has gone down by 3%.”

Sir Merrick Cockell, the chairman of the Local Government Association in England, has said:

“Every year I meet my opposite numbers in Scotland, Wales and Northern Ireland and they listen to us in wide-eyed disbelief at the budget cuts we are enduring and they are not.”

In its recent report on local government funding, the Joseph Rowntree Foundation confirmed that Scotland has been protected from the drastic cuts that have been experienced in England. It also found that the current constitutional set-up limits the extent to which Scotland can follow a completely different path.

In previous debates on the issue, the Opposition parties have called for more money for local government. They have done so again today, albeit in more measured tones. They always fail to identify where those moneys should come from. Do they want to cut the health budget? Do they want to slash support for small businesses at a time when we are trying to grow the economy? Do they want to hit hard-pressed families by raising the council tax, which the Scottish Government has frozen?

**Alex Rowley:** In what I said today, I certainly was not banging a drum for more money. Does Mr Stewart recognise that there is a serious issue with the recruitment of teachers in Scotland, which local authorities across the country are having to deal with?

**Kevin Stewart:** Mr Rowley is to be congratulated on his measured tones. There is some logic in what he has said. There are recruitment problems in certain areas, and councils need to take measures to deal with them. The additional money will help them to recruit more teachers.

In 2014-15, Aberdeen City Council received £327.969 million in revenue funding, which will grow to £337.989 million in 2015-16. That increase of £10.02 million is very welcome, but it will come as no surprise to members that I am about to make the same appeal as I have made whenever we have discussed local government finance: I urge COSLA to review the local government funding formula, as I believe that Aberdeen City Council fares badly from a system that was designed more than 40 years ago. If COSLA agreed to undertake that task, it might be able to persuade Aberdeen City Council to return to the fold.

I put on record my gratitude to the Government for agreeing to establish the commission on local

tax reform, in line with the Local Government and Regeneration Committee's recommendation, and I wish all the commission's members all the best in their endeavours.

14:52

**Jackie Baillie (Dumbarton) (Lab):** I am grateful to have the opportunity to speak. There is no doubt that councils are experiencing tough times. They are on the front line of local service delivery, and they have a huge role to play in delivering social justice and ensuring that preventative activity, which we all value so highly, is taken forward at the community level.

I am afraid that Kevin Stewart is wrong—this is not a like-for-like budget. It represents a real-terms cut to local government, as the Scottish Parliament information centre has confirmed. I remember John Swinney talking about how much local government received from the Scottish Government and its ever-increasing share. It would be fair to say that he made a positive virtue of it. In 2010-11, local government received 38 per cent of the Scottish Government budget, but today the figure is 32 per cent. That is 6 per cent less, and it equates to a £1.8 billion cut. John Swinney no longer crows about how much local government receives.

In a recent report, the Joseph Rowntree Foundation told us that local government spending in Scotland had fallen by 24 per cent in real terms. Unison points to the significant reduction in the number of public sector employees, of which there are some 40,000 fewer, as evidence of the Scottish National Party's cuts. Contrary to what the cabinet secretary has claimed previously, SPICe confirms that local government's share of the budget is down.

Everyone says that there have been huge cuts, but the cabinet secretary remains in denial. He wrote to council leaders back in 2014—in October or November, I think—to tell them how challenging things were, how the UK Government had cut his budget by 10 per cent and how he had to pass that on. Never for a minute did they imagine that the SNP would take the Tory austerity cut from George Osborne and double it before passing it on to councils. Austerity max is exactly what the SNP has delivered to local government.

I will focus on the consequence of those cuts. Just yesterday, the Joseph Rowntree Foundation published another report, which considered the cost of the cuts for council services and deprived communities. The report looked at four local authorities across the UK—Renfrewshire Council was the only Scottish authority. Aside from identifying that Renfrewshire had suffered the fourth-highest reduction in spending from the SNP

Edinburgh Government between 2010 and 2014, the report suggested that there is evidence of an east-west bias, with councils in the west suffering a 7.4 per cent spending reduction compared with a 4.5 per cent cut for those in the east.

I hope that that concerns the cabinet secretary, because it has been demonstrated that deprived authorities and deprived communities are suffering disproportionately from the cuts. Measures to tackle prevention have not come from the Scottish Government but, rather, have occurred—where possible—at the councils' own initiative.

That is a damning indictment of the SNP and it exposes the SNP's empty rhetoric about tackling social justice. What we see is all warm words; there is no meaningful action and the SNP is being found out. It is little wonder that Renfrewshire Council and other local authorities are crying out for resources that will help them to address need in their communities.

Finally, I come back to an issue that I asked Mr Swinney about when we debated the then draft Local Government Finance (Scotland) Order 2015 and which he spoke about today—the mitigation of the effect of the bedroom tax. I heard what he said about holding some money back to make sure that it goes to the right areas. I think that that is in effect an underspend, but I would be grateful for his confirmation of that.

On top of that, the UK Government is reducing discretionary housing payments, so less money will be available for local authorities to mitigate the effect of the bedroom tax. Mr Swinney said that he would fully mitigate the effect, but the budget line has not increased at all. I ask him again whether he will help our most hard-pressed local authorities in some of our most disadvantaged communities to fully mitigate the effect of the bedroom tax and whether he will make up the shortfall.

14:56

**John Swinney:** On the question of being found out, Jackie Baillie has been found out on two counts. The first is that she has come to the chamber and bemoaned the funding settlement for local government, but she went through a budget process just a few weeks ago during which she asked me to spend all the consequential that the Government had available to it on the health service. She was dissatisfied that I did not do that. I took certain decisions to invest in education—which, the last time I looked, was a local authority service—and support attainment issues in some of the most impoverished areas in our country. What did Jackie Baillie do about that? She voted against it. That is the first count on which she has been found out. [*Interruption.*] She shakes her head and

says that she did not vote in that way. I am afraid that I have to tell her that she voted against the budget, which included money to tackle attainment in some of the most deprived areas in the country.

The second count on which Jackie Baillie has been found out is on some of her supposed like-for-like comparisons. I will go away and look at her like-for-like comparisons, but I think that those comparisons include looking at the budget when police and fire services funding is in the budget and when that money is out of the budget. That is not like for like; it is apples and pears. That is one of the many weaknesses of her approach.

**Jackie Baillie:** Let those in glass houses be the first to throw stones, cabinet secretary. The figures are from SPICe and do not make the assumptions that the cabinet secretary claims; indeed, he is the one who continues to count police and fire services funding in the allocations when such allocations no longer exist.

**John Swinney:** We will look at the SPICe analysis and we will give a response on what is involved in that.

Alex Rowley asked about teacher numbers and teacher training. The education secretary is heavily involved in tripartite discussions about workforce planning between the local authorities, the trade unions and the Government. The Government has always followed whatever recommendations have come out of those tripartite discussions. I appreciate the issues that Mr Rowley fairly raises on behalf of local authorities, and the education secretary will of course be engaged on all those points.

Mr Rowley also asked whether community planning partnerships are delivering within the themes of the Christie report. He poses a fair question. That issue is why the Government is intensifying its work on public service reform to ensure that, at local authority level and at CPP level, services are reconfigured to include a greater emphasis on preventative interventions.

In my view, the strategy is absolutely correct, and I am pretty sure that Mr Rowley agrees with the strategy and with the Christie report. There is a fair question about whether it is being delivered with intensity. To address Jackie Baillie's point, the Government cannot impose that—it has to be agreed and taken forward at local level in community planning partnerships.

Cameron Buchanan raised a number of points about the Accounts Commission's overview report. I thought that it was pretty complimentary about the way in which local authorities have managed the financial challenges that they face. The commission concluded that local authorities had managed the difficult financial situation effectively

and it encouraged them to continue to do so. I echo those sentiments.

The Accounts Commission report also talked about flexibility. One of the greatest elements of flexibility that the Scottish Government has given local authorities is the removal of ring fencing from £2 billion of local authority expenditure, which was in place when we came to office. That gives local authorities more flexibility to meet their priorities in local areas.

**The Deputy Presiding Officer:** I apologise, Deputy First Minister, but you must draw to a close.

**John Swinney:** I hope that that addresses the issues that Mr Buchanan raised.

I encourage Parliament to support the draft Local Government Finance (Scotland) Amendment Order 2015.

## Mental Health (Scotland) Bill: Stage 1

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

The next item of business is a debate on motion S4M-12624, in the name of Jamie Hepburn, on stage 1 of the Mental Health (Scotland) Bill.

I am afraid that I have to advise members that we are incredibly short of time and have no minutes in hand. I therefore ask Jamie Hepburn to speak to and move the motion as soon as possible. You have a maximum of 13 minutes, minister.

15:01

**The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn):** I am delighted to open this stage 1 debate on the Mental Health (Scotland) Bill, on a motion that the Parliament agrees to the general principles of the bill.

I am pleased that we are debating mental health for the fourth time in this calendar year. That reflects the importance of mental health and the interest that the Parliament has taken in it. I am heartened to hear the Presiding Officer say that we are short of time, as that indicates the number of members who wish to speak and emphasises the great interest that we have in the subject.

We have debated much of the work that we are doing to improve mental health and mental health services, and we have discussed the progress that we have made and the challenges that we face in improving further. Doubtless, we will debate those matters again.

I am pleased to be able to briefly update Parliament about the £15 million of innovation funding that we announced in November and which is part of that work. Demand for mental health services has increased in recent years, so we must ensure that services continue to be effective and of high quality. The additional investment in the next three years will help to drive further improvements in the quality and delivery of mental health services so that people get the help that they need, where and when they need it.

The funding of £5 million in each of the next three years will comprise four key elements. The first is an allocation to national health service boards to be used in partnership with the wider public and third sector to support improved access to child and adolescent mental health services, to support innovative approaches to delivering mental health services and to identify new ways of treating people. Secondly, there will be an allocation to NHS Education for Scotland to further develop the quality of child and adolescent mental

health services through training for staff in evidence-based psychological interventions. Thirdly, there will be an invitation to NHS boards and their partners to work with the Scottish Government on developing innovative approaches to working with people in distress. Finally, there will be an invitation to NHS boards and their partners to submit proposals to develop novel approaches to meeting the needs of people with mental health problems in primary care settings. We will soon write to NHS boards and their partners to set out more details on the fund, and I am happy to update members who are interested, if they would like me to do so.

Today, we are focusing on the Mental Health (Scotland) Bill, which is a key part of our mental health strategy and which looks to strengthen the rights of and protections for service users. The chief aim of parts 1 and 2 is to amend existing legislation so that it works as effectively as possible for service users. The bill seeks to address issues that were raised in the McManus review of 2009 and elsewhere. Part 3 introduces a victim notification scheme for victims of mentally disordered offenders in a way that respects the rights of victims and of vulnerable offenders.

I was pleased to note from the Health and Sport Committee's stage 1 report that the committee supports the general principles of the bill. I thank that committee, the Finance Committee and the Delegated Powers and Law Reform Committee for their work in considering the bill at stage 1.

I am grateful to the Health and Sport Committee for the manner in which it took evidence at stage 1. It invited a wide range of stakeholders to give evidence, in the spirit of drawing out the changes that will, in line with the aims of the bill, best improve the system for service users.

The evidence and the committee's report have been invaluable in helping the Government to reflect on whether we have the provisions exactly right, particularly when there is a range of opinions. I look forward to reflecting on members' comments before responding to the report in due course.

I will now speak about some of the key individual provisions in the bill. Section 1 seeks to benefit service users by giving them more time to prepare for their first tribunal hearing when a compulsory treatment order is applied for. The aim is to cut down on repeat hearings, which can be distressing for service users. I have noted the concerns expressed to the committee that the change could mean that service users are detained for longer before they automatically appear before a tribunal.

Members might have noted the evidence given to the Health and Sport Committee by Dr Joe

Morrow, the President of the Mental Health Tribunal for Scotland. Dr Morrow was very clear that the purpose of the proposed changes is to support service users by allowing them more time to prepare for tribunal hearings and to cut down on repeat hearings. I want to bring in changes that will help service users overall. We must balance the benefits that we are confident will result against concerns about extending the period of detention before the tribunal hearing. We are thinking hard about how best to achieve that balance and I will be happy to hear further views on that area.

One area that is raised in the committee's report is the capacity of the mental health officer workforce. I recognise the incredibly important work done by MHOs and their vital role in safeguarding service users' rights. As I noted to the committee, the bill does not quite reflect our intention on MHO reports when certain orders are extended. That caused some understandable confusion around costings, which was raised by the Convention of Scottish Local Authorities, and we will propose an amendment at stage 2 on that point.

The bill will introduce a very small number of duties for MHOs, most of which are considered best practice already and relate to only a few cases across Scotland. Although MHO numbers are ultimately a matter for local authorities, I am pleased to have seen an increase in the number of mental health officers who are receiving training. The Government has recently undertaken a scoping exercise to gather evidence about the issue. When the report of that work is available, we will, alongside stakeholders, identify any appropriate actions.

The committee noted comments on changes to suspension of detention. The Government based the provisions closely on recommendations in the McManus report and agrees with that report's aims that suspension of detention provisions should be flexible to meet patient needs and should also contain safeguards. Suspension of detention should not be used as an alternative to a less-restrictive community-based order, which is why the safeguard of a tribunal hearing is included.

The bill updates provisions in the Mental Health (Care and Treatment) (Scotland) Act 2003 on appeals against conditions of excessive security. As I noted at the committee, the framing of the provisions in the 2003 act no longer reflect the nature of the estate, meaning that we were unable to use existing powers, which talk about transfer from hospital to hospital, to bring in an appeals process. We intend to introduce regulations that set out the levels at which appeals can be made at an early stage.

Turning to the nurse's holding power, we feel that it is useful to clarify that the power to detain is for a maximum of three hours, and that it can be used for the purpose of a medical examination. That is not radically different from the current position; it just means that the period can be extended to three hours. I am very clear that, as now, we expect the power to be used in line with the principle of least restriction, and guidance will reflect that.

I have listened to the concerns about proposed changes to the timescales for appeal on transfer to the state hospital, when unwell patients might need longer than four weeks to lodge an appeal. I want to ensure that we strike the right balance, given other concerns about the effect of the current timescales. We are considering that matter carefully ahead of stage 2.

On named persons, I have been reflecting on whether we have the right balance between ensuring that service users have a named person only if they want one and protecting the most vulnerable. For many service users, the named person role is very important, and it is an important protection at a difficult time. It is therefore vital that we get the balance right, and I will lodge amendments at stage 2 that seek to do that.

One of the major changes in the bill is the introduction of a victim notification scheme for certain mentally disordered offenders, which will sit alongside the existing scheme for other offenders. We are introducing the scheme in response to a European Union directive on the rights of victims, which does not distinguish between the status of offenders. Furthermore, the Scottish Government has consistently shown its support to victims of crime.

We recognise that such offenders are vulnerable themselves. I will seek to ensure that we get the balance right while ensuring that the rights of victims to information are fulfilled. That is fundamentally important.

The committee acknowledged that the bill is intended to be a limited bill and is designed to make the 2003 act work as effectively as possible. I am aware that there are some long-standing issues that some people would have liked the bill to include, such as the issues that the Scottish Law Commission raised on incapacity and calls to bring incapacity and mental health legislation together. Those are very complex issues, but I make it clear that I have heard what people have been saying. There have also been some limited calls for consideration of whether persons with a learning disability on the autistic spectrum should be included within the scope of the 2003 act. I am clear that the bill might not be the best vehicle for those matters, and I want to consider them further before coming back to Parliament, separately from

the process around the bill, to update members on my thinking.

I conclude—somewhat ahead of time, I notice—by reiterating that the aim of this amending bill is to improve existing legislation to ensure that the system works as effectively as possible for service users, and to introduce a victim notification scheme for mentally disordered offenders.

I look forward to hearing members' thoughts on the bill. I hope that the Parliament will support its general aims, and I look forward to working with members of all parties as we continue to take it through Parliament to ensure that we have the most effective system in place for treating mental health disorders across the country.

I move,

That the Parliament agrees to the general principles of the Mental Health (Scotland) Bill.

**The Deputy Presiding Officer:** Many thanks, minister. Your concluding slightly early might allow me to call all members in the open debate.

I call Duncan McNeil to speak on behalf of the Health and Sport Committee.

15:11

**Duncan McNeil (Greenock and Inverclyde (Lab):** Stephen Fry said:

"One in four people ... have a mental health problem. Many more people have a problem with that."

I ask members here in the chamber, and indeed everyone in the public gallery, to think of a person they know who has a mental health condition. Who is that person—that individual who has popped into your head? Is it a family member, a work colleague or a friend? Or is it you? The reason I ask that question is that we must place at the heart of our consideration of the Mental Health (Scotland) Bill the person with the mental health condition. It is important that we consider the impact that the changes proposed under the bill would have on the individual requiring mental health care.

During the Health and Sport Committee's scrutiny of the bill, we have been mindful of the importance of the rights of the patient. As the minister said, that of course needs to be balanced against the administrative processes that are in place to deliver mental health treatment. Broadly, the bill has achieved the right balance. However, there are a number of areas, some of which were outlined by the minister in his speech, in which the committee believes there is a need for further clarification from the Scottish Government.

We welcome the minister's welcome of our stage 1 report. It would be remiss, however, not to express the committee's disappointment that the



Government's response to our report was not received in time for the debate. That means that some of my focus will be on areas that the minister has already mentioned. I hope that the minister will be able to offer us some assurances and clarification today on some of the following specific points.

The first area that I want to highlight is the automatic extension to the continuous period of detention that was alluded to by the minister. Thinking again about that from the perspective of the patient, there were positive comments from the Mental Health Tribunal for Scotland—as the minister said. The tribunal felt that the provision was about ensuring that patients were ready and prepared to proceed at their first tribunal hearing, thereby reducing the need for people to attend multiple hearings with all the associated problems.

As a committee, we recognise that it is important that measures are taken to ensure that tribunals do not exacerbate the circumstances and the stress for patients. However, serious concern was raised about that provision by the Scottish Human Rights Commission. The concern was discussed within the context of the European convention on human rights, the issue being whether there was sufficient and proportionate justification for a blanket extension that would apply to all patients.

To ensure that the provision is compliant with the right to “liberty and security,” it is vital that the Government assesses its implementation closely. Therefore I ask the minister to give us further clarification and to respond to the recommendations. First, the committee recommends that the Government provide a detailed plan of the estimates in relation to the reduction in multiple hearings that could be expected as a result of the provision. Secondly, we recommend that there is a clear monitoring regime that records the reasons for delayed, rearranged and repeat tribunals. Finally, we recommend that the Government clarifies how deducting the proposed extension time from the continuous period of detention will be calculated.

To quote once more Mr Stephen Fry, the president of the mental health charity, Mind,

“If ignorance is bliss, why aren't there more happy people in the world?”

I move on to another aspect of the bill that was mentioned by the minister: the provisions relating to placing new duties on mental health officers. There is concern about the capacity of mental health officers to deliver on those duties. They are already under pressure due to an increased workload, an ageing workforce and the clear difficulties in attracting new social workers into the role. In Glasgow City Council, for example, the

number of mental health officers has fallen from 120 in 2011 to just 94 in 2013.

It is important that the provisions relating to mental health officers can be delivered effectively. I therefore seek from the minister an assurance that some of the funding that he mentioned might find its way to support mental health officers and ensure that their provision is adequate to deliver what the bill proposes.

Another area of the bill relating to delivery of services by a specific profession is the proposed extension time for nurses to detain a person pending a medical examination. In the committee, Derek Barron of the Royal College of Nursing was frank in his assessment of the provision. He believed that there was no evidence that those changes would have any impact whatsoever.

Again, the issue of patient rights and administrative efficiency raised its head when Derek Barron told the committee:

“Our duty is to protect their human rights, not to make things easier for our workload.”—[*Official Report, Health and Sport Committee*, 7 October 2014; c 16.]

As a committee, we believe that any provision that restricts a service user's liberty must be fully justified by robust evidence. I seek assurance from the minister that that is the case. I also ask the minister what steps can be taken to increase the accuracy and detail of the data recorded on the nurse's holding power.

There are other aspects of the bill where the committee believes that there is a need for the Scottish Government to provide further information on the rationale and evidence that have informed its thinking. That includes the proposal to reduce the appeal period for people transferred from one hospital to another from 12 weeks to 28 days. Carolyn Roberts of the Scottish Association for Mental Health told the committee:

“The argument is that the time for appeal delays treatment that might be required urgently, but we neither understand that nor think that it has any substance.”—[*Official Report, Health and Sport Committee*, 11 November 2014; c 49.]

Again, the committee recognises the importance of protecting the patient's rights. I therefore ask the minister to respond to the suggestion that, should a transfer take place before the outcome of an appeal has been determined, the place that the patient has come from should be held until the appeal has been decided. It would be good if that could be offered as a guarantee to the patient.

**The Deputy Presiding Officer:** The member should begin to close, please.

**Duncan McNeil:** I will jump to the closing stage on your instruction, Presiding Officer.

In conclusion, I ask members not to forget whom they pictured at the start of my speech when I asked them to think of a person with a mental health condition. If we hold those individuals in our sights during the Parliament's consideration of the bill, we can ensure that it is a robust and fit-for-purpose piece of mental health legislation.

**The Deputy Presiding Officer:** I am afraid that, even with the minister generously giving time back, we are still tight for time. I call Richard Simpson, who has a maximum of nine minutes.

15:21

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I refer members to my declaration in the members' register of interests as a fellow of the Royal College of Psychiatry and honorary professor of psychology.

The new funds to which the minister referred are of course welcome, although I point out that, proportionately, mental health funding is £75 million a year down on what it was in 2009, so there is some way to go to make that up. I hope that some of the new money will be applied to tiers 1 and 2 of the child and adolescent mental health services to support interventions such as perinatal attachment work and groups such as Place2Be in primary schools where there is significant deprivation. That would help to reduce the growing demand on CAMHS at tiers 3 and 4, and support some of the 6,000 children whose referrals were rejected by the specialist CAMHS last year.

I think that we all agree that the bill is fairly modest. It arises from some of the McManus report recommendations, and seeks to address some of the perceived weaknesses that have come to light in the Mental Health (Care and Treatment) (Scotland) Act 2003, the Criminal Procedure (Scotland) Act 1995 and the Criminal Justice (Scotland) Act 2003.

Given that the bill is modest, I say at the outset that Scottish Labour will certainly support the principles at stage 1. However, we believe—as Duncan McNeil indicated—that there is a flaw in the proceedings of this Parliament that makes the debate much less meaningful than it might have been if we had received the Government's response to the committee's report. We could then have had a further debate in Parliament. I know that the rules at present do not require that, but I urge the Presiding Officer and the Scottish Parliamentary Corporate Body, along with the Government, to take a close look at that to see whether we can make such debates more meaningful. What we are doing today is asking questions. The minister has indicated today some movement on some of the issues, but we do not

really have time to appreciate and understand that. My comments may therefore not be totally pertinent, and for that I apologise.

Before considering the concerns that were raised by the committee and those who gave evidence, I stress that the committee, in taking oral and written evidence, perceived that there was a probable need for a wider review of the Mental Health (Care and Treatment) (Scotland) Act 2003 alongside the Adults with Incapacity (Scotland) Act 2000. Issues around human rights, and the provisions covering them with regard to learning disability and autism in particular, should be examined, and the complex interaction between the two acts with regard to capacity must be revisited. Detention is a very serious business, and we must ensure that we get it right and apply the Millan principle of using the least restrictive option to allow patients who are suffering from mental illness to go through the procedure as easily as possible, and feeling well supported.

I have concerns that some of the issues that were raised in the McManus report are not addressed in the bill. Issues are either not included or not adequately covered, and there are concerns regarding the absence of independent advocacy in the bill. If the minister wants to take a look at that with regard to the cabinet secretary's view, he might look at the 2002 debates on the 2003 act, in which I participated, and in which Shona Robison said that advocacy should be everyone's right. The bill does not complete what Shona Robison advocated in Parliament at that time.

There should be more focus, too, on the bit of the McManus report on groups subject to inequalities, such as asylum seekers, refugees and young people, as well as on sections 25 to 31 of the 2003 act, which deal with the obligations of local authorities to promote recovery and access to other services, including employability and education. He felt that those should be revisited, but there is no indication in the bill of any intention to do that. Finally, the report highlighted the expansion of mandated treatment to include psychological care for families where appropriate.

Those are some of the issues that the bill does not cover. Let us take a quick look at the issues that are covered; my colleagues will deal with some of them in more detail.

On the extension of the number of days for a tribunal hearing, the administrative situation is that the number of repeat hearings has been reduced under the current chair, and that is extremely welcome, but we cannot have a blanket extension that is purely for administrative purposes. I will move on this issue at stage 2 if the minister does not. The extension should happen only with the application of the individual to whom the matter

pertains, or with the consent of the individual or their named person in respect of not receiving an adequate report for the tribunal to consider, thereby avoiding repeat hearings. I would like two qualifications in the bill in order to ensure that the rights of the individual are protected and that we do not have a situation in which there is simply a blanket extension and a drift in the number of days in which people can have a hearing.

Duncan McNeil mentioned the new duties on MHOs, which are of considerable concern as workforce planning in that area is not good. We understand from the Government's response that COSLA got the number of additional reports wrong, but I remain to be completely convinced of that and I would like to see further evidence from the Government in its detailed response.

**Jamie Hepburn:** Does Richard Simpson recognise that I made it clear in evidence at stage 1 that COSLA got it wrong, but that I accepted that that was my fault?

**Dr Simpson:** I do, and that is exactly what I said. I am not convinced that either the figures that COSLA had or the figures that the minister has given us were correct, and I would like to see more evidence. Perhaps we can get into that at stage 2.

There is no evidence to justify the extension of the nurse's holding powers to three hours, and the human rights issue there is important. When the nurses are telling us that they do not think that it should occur, I think that it should be deleted from the bill.

I am concerned about the reduction from 12 weeks to 28 days for the right of appeal against transfer. One of the justifications for that reduction is to bring it into line with other appeals, but it is an area of such overwhelming importance that I would like to see some justification for the change other than an administrative nicety. Will the Government comment in its report on ensuring that, when there is an appeal or a proposed transfer, until the time limit of the appeal is up the bed should be kept open in the existing situation, so that if the appeal is upheld the patient can go back? That is not happening.

My colleague Rhoda Grant will deal with the named person in more detail, but we certainly have considerable concerns about that.

There are concerns from all of us on the underuse of advance statements, but what evidence is there of Government work to improve the uptake of such statements? They are now proposed to be held by the Mental Welfare Commission, which is reasonable, but they must be both secure on the one hand and readily accessible 24/7 on the other. There are concerns about the credibility of advance statements with

regard to implementation. There is not a general acceptance out there in the community that advance statements are worth making, and we need more research to understand why that is, before driving forward on the use of statements.

We also need to look at the concerns about currency in advance statements. In other words, they need to be updated, so they should not just be promoted, and there should not just be a requirement on boards or local authorities to promote them.

**Mary Scanlon (Highlands and Islands) (Con):** Will the member give way?

**Dr Simpson:** I do not have time, I am afraid. I may give way when I sum up at the end.

On the question of community leave, paragraph 78 of the committee's report refers to the issues associated with the proposal for extension by 100 days.

The question of detention in a medium-secure unit and transfer reduction is fine, but what about transfers within a hospital rather than to another hospital? I am not sure that that issue has been properly addressed. Then there is the question of the low-secure units, which do not feature at all in the bill, but low-secure units are still secure. Being held in such a unit is still a restriction of liberty, and there should be an appeal against that along with the appeal against medium-secure detention.

On the question of advocacy, I have already mentioned Shona Robison's speech in 2002, and I hope that at stage 2 the Government will consider reintroducing advocacy.

Presiding Officer, I will conclude early. In my summing up, I will also refer to the part of the bill on victims' rights. It is excellent, but it fails in one major regard in that the investigation of and reporting on homicides and serious assaults perpetrated by people who are suffering from mental illness is not included in the bill at all. There is a considerable disparity between the dysfunctional, fragmented system in Scotland and the much better system in England. I will return to that in my summing-up speech.

15:30

**Nanette Milne (North East Scotland) (Con):** We support the general principles of the Mental Health (Scotland) Bill but, as others do, we have a number of concerns that we believe the Government needs to address in the next stage of the parliamentary process. The Health and Sport Committee's stage 1 report mentions several issues that were raised by witnesses that require either clarification from the minister or amendments to strengthen the bill, although I must say that I find it difficult to address those issues in

a stage 1 speech without having had the Government's response to the committee's report ahead of this debate.

The Mental Health (Care and Treatment) (Scotland) Act 2003, which the bill seeks to amend, was an important piece of legislation that aimed to minimise interference in people's liberty and to maximise service users' involvement in their treatment by giving them a right to express their views about their care and treatment, a right to independent advocacy, a right to submit an advance statement about how they wish to be treated when they become ill and a right to choose a named person who can act on their behalf when necessary. The bill seeks to build on that by making changes to current practice and procedures to ensure that people who have mental health problems can access effective treatment in good time.

In the limited time that is available to me, I will focus on some issues in part 1 of the bill and a few matters of concern that are not included in the proposed amending legislation.

The new duties that are to be placed on mental health officers have raised the issue of workload for those specialist social workers in the face of an ageing workforce and difficulty in recruiting and retaining new MHOs. Although we accept the minister's explanation of the discrepancy between the policy memorandum, and the financial memorandum and his assurance that the bill's provisions will not result in a large increase in the number and cost of reports that are required from MHOs, we agree that there should be a strategic review of MHO provision with a view to improving recruitment, training and retention of that important category of staff.

I want to deal now with four key areas that were highlighted by SAMH and other witnesses, and which they consider require amendment. We agree that there is an urgent need to bring into force a right of appeal against excessive security, and we acknowledge the Government's proposed action—albeit belated—to introduce regulations on that. However, we see the logic of extending that right of appeal to people in low-secure settings, because there may well be different levels of security within low-secure accommodation. I hope that the Government will reconsider its stance on that.

I welcome the minister's comment to the committee that the right balance might not have been struck in the provisions on named persons. The bill allows a primary carer or nearest relative to be appointed by default if a named person has not been appointed, whereas the clear policy intention is that an individual should have a named person only if they choose to have one. I hope that that will be rectified at stage 2.

During scrutiny of the Mental Health (Care and Treatment) (Scotland) Bill in 2003, a lot of time was spent on provision of advance statements to encourage the involvement of service users in their mental health treatment. It is disturbing that more than 10 years on from enactment of that legislation, the right to produce such statements is underused and many service users are unaware that they have it. At committee, the Government accepted the need to raise awareness of advance statements, and I support the committee's recommendation that the minister consider placing on health boards and local authorities a duty to promote advance statements.

With regard to a register of advance statements, privacy and confidentiality are extremely important. I have some sympathy with SAMH's desire that the Mental Welfare Commission merely hold the information that a statement exists, when it was last updated and where it is kept. However, I also recognise the Government's position that a central depository would allow speedier access. We need an assurance from the minister that we can strike the right balance between availability and confidentiality.

The right of access to advocacy was raised repeatedly with the committee; there is widespread concern that the bill is silent on it. Although it is provided for in the 2003 act, access to advocacy is still patchy across the country, and where it is available the service is often explicitly targeted at supporting people who are subject to compulsory proceedings, whereas it could be of benefit throughout the system.

We need a proper assessment of advocacy services to establish whether we need to increase provision of and access to independent advocacy, and to ensure that local authorities are delivering on their duty to provide appropriate services. As other committee members have done, I welcome the continuing discussions with the Scottish Government about whether local authority advocacy provision could become part of the Care Inspectorate's review programme. Beyond that, we also need information on how assessment of advocacy provision in secure settings and hospitals can be ensured.

I want to deal with the concerns of people who have learning disabilities and of people who are on the autism spectrum, who feel strongly that current mental health legislation is inappropriate for them. Steve Robertson of People First Scotland made a powerful plea for learning disability to be defined as an intellectual impairment rather than a mental disorder, and other witnesses asked for a wholesale review of mental health and incapacity legislation because of the increasing knowledge of neurodevelopmental disorders. That clearly is not the intention of the bill, and it is important that an

open dialogue is maintained between the Government, the mental health sector and people with learning disabilities and ASD, with a view to developing future legislation to deal with those issues and to meet the needs of the people concerned.

A strong case was also made in the interests of patients and staff for more clarity regarding use of force, covert medication and restraint, bearing in mind the 2003 act's underlying principles and human rights standards.

Although we will vote for the bill at stage 1, we share the significant concerns that have been expressed by many witnesses and would like to see the Scottish Government give further consideration to a more comprehensive review of mental health legislation in order to ensure compliance with human rights, and to the development of specific legislation to meet the needs of people who have learning difficulties and ASD. We hope for a positive response from the Government to those concerns, as the bill progresses.

**The Deputy Presiding Officer:** We turn to the open debate. We are tight for time, so speeches should be a maximum of six minutes.

15:36

**Bob Doris (Glasgow) (SNP):** I thank all the witnesses who gave evidence to the convener, Duncan McNeil, me and the Health and Sport Committee, including the Scottish Government, whose engagement with us on the bill has been open and is on-going.

The committee took the proceedings seriously, because we are talking about restricting people's liberty, often against their will, and the very sensitive matter of mental health and how it affects not just the people who have mental health problems but their families and wider society. We took very seriously the section on informing victims of crime involving a mental health disorder, when we looked at it.

In a more positive frame of mind, in relation to mental health more generally, it should not matter whether a person has mental health problems or not; we all have health that we have to nurture and mental health is part of that. We should all take cognisance of that, because but for the grace of God any one of us could have our liberty restricted because of the need to protect society, and because people with mental health disorders have the right to be treated—sometimes against their will, unfortunately.

The minister and our committee convener outlined the main themes that must be covered; I will pick up on one or two of them. The real issue

in relation to the named person is whether someone becomes a named person by default. If a person does not have obvious next of kin to choose, another family member may become the named person. The committee heard powerful evidence from people who never chose to be the named person and who had found out things about their family members that, quite frankly, they never wanted to find out. We have to protect the privacy of the person who is allocated a named person and we have to respect their dignity, and consider how much family members wish to know about loved ones who may suffer mental health disorders. A little bit thought is needed on that. When a named person is not a family member, we have to ensure that they are still a conduit for appropriate communication to the family, to let them know what is happening to their loved one. There is a balance to be struck, so I ask the minister to reflect on that.

We have heard about the appeal against excessive security. I would like more information on why people in a low-secure setting will not be able to appeal. A bit more thought should be given to institutions that have different levels of security—that matter might have to be fleshed out. We have heard about going beyond a low-secure setting to a community disposal order of some description. I have concerns about that. What happens to someone who is subjected to a level of security against which they have no right to appeal? A person might have to wait two years until the next tribunal, so perhaps something should be done on how long people will have to wait for their security level to be reviewed.

A variety of things are important. On advance statements, one of the key messages that we got was that they are good things, and people wanted to know how we are seeking to promote and extend their use. SAMH raised privacy concerns with us in relation to how advance statements would be stored. I am not sure that I have any problem with there being central register of them, but I am aware that SAMH spoke about a central register merely signposting where the advance statements are held. I am not necessarily drawn towards that suggestion, but we should take on board the concerns about privacy that SAMH has drawn to our attention.

Another aspect that came up during evidence and which was mentioned by Duncan McNeil concerns application for a compulsory treatment order and extension of the associated period from five days to 10 working days. Dr Joe Morrow is content with that and believes that it would reduce further the need for multiple hearings, so I am fine with the proposal. I add the caveat that I would like to ensure that that does not mean that the responsible professionals see that as simply being an extended deadline for them to work to, but

instead seek to move as expediently and quickly as possible to holding the tribunal on whether there should be a compulsory treatment order. With regard to whether the period of 10 working days would be a blanket approach, I would be interested to know whether professionals currently work to the maximum deadlines. If the five-day period is not currently a blanket and uniform approach, the 10-day period will not be, either. I sound a note of caution about how we proceed.

The error in relation to additional cases for mental health officers turned out to be quite helpful for the committee, because we are now clear about what the additional pressures will be on mental health officers. For reasons of time, I will not read out what those are, but they are much narrower than was first thought. However, that issue gave rise to a positive scoping exercise to map out the pressures and requirements on mental health officers to ensure that local authorities, in partnership with the Scottish Government and the national health service, get that workforce and workload planning right.

**The Deputy Presiding Officer:** You need to close, I am afraid.

**Bob Doris:** I am delighted that the minister appears to be responding to those concerns and I look forward to amending the bill constructively at stage 2.

**The Deputy Presiding Officer:** I am afraid that members cannot go over their time.

15:42

**Margaret McDougall (West Scotland) (Lab):** Mental health problems can affect any one of us. They are not constrained by class, education or financial status, yet this is an issue that is often overlooked or misunderstood.

In the most recent Scottish social attitudes survey, 26 per cent of people said that they had experienced a mental health problem at some point in their life, 47 per cent said they would not want others knowing if they ran into difficulties and 17 per cent said that they would not want to talk to anyone about it. From those statistics, it is clear that, in Scotland, there is still stigma attached to mental health issues. If we are to overcome that, we need to ensure that people feel comfortable talking about mental health issues and that they get the help and support that they need.

In 2013 in North Ayrshire—which is part of the area that I represent—13 males committed suicide, compared to three females. Those figures are lower than the figures in some areas but, in my view, one death from suicide is one too many. The figures also highlight the need to tackle stigma and ensure that people are able to talk about their

mental health as they would any other health issue, and the need to ensure that that they can get support. It is no surprise that the suicide rate is higher among men, given that they are less likely to open up about their feelings, never mind to admit that they have a mental health issue.

It is vital that we in this Parliament get our legislation right by ensuring that it focuses on the individual and is strongly based on a human-rights-centred approach—an approach that banishes stigma and ensures that those who are experiencing issues feel comfortable about coming forward. With that in mind, although I agree with the general principles of the Mental Health (Scotland) Bill, I have a few reservations about it at this stage, some of which I will raise today.

First, the proposed changes to timescales in relation to the right to appeal and detention could be seen as stripping away the individual's rights. SAMH has said that the current plan to reduce from 12 weeks to 28 days the time to appeal against transfer to the state hospital is excessive, and that sentiment has been echoed by the Mental Welfare Commission. Although I understand that the reasoning behind the provision is to ensure that patients can access treatment quickly, such a reduction is not acceptable for someone who has a mental health condition.

Moreover, increasing the extension to short-term detention certificates from five to 10 working days was, according to the Mental Welfare Commission, designed to tackle an issue that has since been resolved through administration improvements in the Mental Health Tribunal for Scotland. If that change were made, a person could be detained for six weeks before there was any judicial scrutiny, which is completely unacceptable.

There is also a range of privacy concerns to address—specifically, the provisions on named persons and advance statements. With regard to named persons, if the patient has not appointed a named person, a primary carer or nearest relative is automatically appointed. That might be problematic if the patient does not get on with the appointed named person, because that person will receive substantial information and have the right to participate in hearings. I welcome the minister's indication that the issue will be revisited, and I look forward to seeing amendments at stage 2.

I think that advance statements are a good idea; indeed, their use and availability should be promoted to ensure that more people are aware of the option, so I ask the minister what the Scottish Government is doing to promote them. That said, I am, like SAMH, concerned about the requirement to share a full advance statement with the Mental Welfare Commission. After all, the statement will include highly personal information about the

patient's mental health, so keeping copies of the full document raises serious privacy concerns. No matter how careful people are, breaches in personal information can occur and mistakes can happen and, given the stigma that already attaches to mental health issues, it would be devastating if advance statements were released in full. With that in mind, I urge the Scottish Government to consider SAMH's suggestion that the commission's register simply note that a person has made an advance statement, when it was last updated and where it is kept.

As we have heard, the bill in its current form raises numerous other issues. I sincerely hope that they will be addressed as it progresses through Parliament.

15:48

**George Adam (Paisley) (SNP):** Although I am no longer a member of the Health and Sport Committee, I have retained an interest in this ongoing issue. As Duncan McNeil pointed out, many of us will both professionally and privately know some of the one in four people in Scotland who will experience a mental health problem this year. In fact, given that we are talking about one in four people, I think that it is mathematically impossible for us not to interact with some of those individuals. That is why, in considering this mental health legislation, we must ensure that people with mental health disorders are able to access effective treatment quickly and easily.

When we politicians talk about mental health, we often talk about stigma and the need to make our communities aware of that, to ensure that we talk about the issue and to ensure that, as my colleague Bob Doris has pointed out, people see physical health and mental health in the same way. The fact is that we can be fit mentally as well as physically and, if we do not look at the issue in that way, the stigma that I have mentioned will continue.

What is it like dealing with mental health issues in Scotland in 2015? To my mind, one of the most important issues is the support mechanisms that are available to people. Today, I spoke to Stephen McLellan, the chief executive officer of Paisley-based Recovery Across Mental Health. He told me that many of his clients have difficulty with isolation and loneliness. They lose touch with family and friends and their support mechanism there. RAMH has to come in and try to replace that support. Stephen McLellan calls it social poverty. People end up at home sitting in the house. His exact words were quite brutal, but they explain the situation. He asked how we can get someone mentally healthy if their only contact with the outside world is "The Jeremy Kyle Show" on television, because they have isolated themselves

from the world. That is quite a brutal way of putting it, but it is also quite powerful. We have to make sure that we get out to those people to ensure that they have social interaction, which is a basic human need if they are to get better.

RAMH in Paisley has offered that service for 25 years. Its purpose is to make sure that people with mental ill health are able to build independent, fulfilled lives. It says:

"The earlier we can provide the right services to people who need us, the more likely they are to recover quickly. We need to be able to respond to demand, grow and develop our services".

Much of that is reflected in the bill and in today's debate. RAMH has set out six ways that it can do that. It talks about providing immediate support in crisis situations; supporting people in their homes with individualised care; providing drop-in centres in their community; providing counselling to young people in their schools, which effectively is about getting over the idea of stigma; supporting carers, families and friends through education; and raising awareness and pointing out misconceptions about mental health. Those are all extremely important ways of dealing with this issue.

As I have said, the overarching aim of the bill is to ensure that people with mental health disorders are able to access effective treatment quickly and easily. It is welcome that the bill will provide an improved legislative system to help treat and care for people with mental health disorders, but it has to remove unnecessary procedures and make existing processes more effective and efficient for health professionals and, more important, for the patients themselves.

I take on board what many of the committee members have already said with regard to the central register of advance statements, which will improve the control that individuals have over how they wish to be treated or not treated should they become unwell and unable to make decisions for themselves. That issue was brought up by my colleague Bob Doris. Advance statements are documents in which mentally ill patients record how they want to be treated in the event of their losing the capacity to make their own decisions. We have to remember that we are talking about the individual and what we can do to enable them effectively to be part of society again.

The minister mentioned the £15 million that will be invested in mental health services over the next three years. That is welcome although, as other members have said, we have to make sure that it gets to the right people in the right places at the right time, so that we reach the individuals who really need support. When the then Minister for Public Health, Michael Matheson, announced the new funding, he said that it was to make sure that we could get there quickly to offer support when it

is needed. I have probably gone on about this at length, but I will close by saying that the World Health Organization says:

“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

We need to keep that in mind when we are discussing this issue. We need to remember the individual, who is the one dealing with it on a day-to-day basis.

15:53

**Jim Hume (South Scotland) (LD):** Lib Dems welcome the general principles of the bill but believe that it should adopt a patient-centred approach to keep within the Millan principles of minimising interference in people’s liberty and maximising the involvement of service users.

Of course there are some concerns. The Mental Welfare Commission for Scotland and the Scottish Association for Mental Health spoke in their evidence to the committee about administrative efficiency being given more weight than the rights of patients. We agree that red tape should be reduced and we need to keep in mind that the bill must have its focus on patients’ rights.

Professionals have concerns about the increasing role and duties that mental health officers must undertake while running on overstretched resources and reduced workforce numbers. MHOs are vital for patients and the NHS in general. The bill could make their job even more difficult.

**Jamie Hepburn:** I have heard what other members have said about the bill placing additional burdens on mental health officers. The Mental Welfare Commission has confirmed that, from November 2013 to November 2014, there have been only 11 occasions when reports have been required. That hardly seems an excessive burden.

**Jim Hume:** The minister must realise that, according to SAMH, two thirds of local authorities report a shortfall of MHO resources. There are only 57 MHO trainees, which is down from 108 in 2008, and one in three MHOs are aged 55 or older. There are concerns.

The Government has just cut funding for the mental health officer forum’s annual study and the “Mental Health Officer Newsletter”. The forum was identified by the Scottish Association of Social Workers as providing crucial MHO training and development and updates on tribunals. The Government says that the cut is to prioritise resources on implementing the bill over the next two years, but it is doing so at the expense of

some of the same people who will be needed to implement the bill.

A concern that was echoed by many experts is the right of appeal of those kept in secure hospitals. The Government has an obligation to introduce regulations for the purposes of the provisions on that. We have not received the regulations. They are essential in creating a fair system of appeals for patients because, as the Government’s policy memorandum says,

“there is at present ... no provision for an appeal against levels of excessive security for patients other than patients detained within the state hospital”.

SAMH supports the point that appeals should include high, medium and low-secure hospitals, and appeals against low-secure accommodation are not necessarily appeals against detention or a move into the community. We support the principle of applying the least restrictive alternative measures to the care of the users.

The Government should perhaps reconsider its position on the reduction in the time for appeal against hospital transfer to a third of the original time—down from 12 weeks to 28 days—the extension of nurse holding powers by an extra hour, and the impact those two measures would have on the overall safeguarding of patients’ rights and treatment with respect and care. The RCN stated that there is no evidence to support such provision and that

“Our duty is to protect their human rights, not to make things easier for our workload.”—[*Official Report, Health and Sport Committee*, 7 October 2014; c 16.]

SAMH is concerned that the reduction in appeal time

“appears to be a substantial reduction in rights without proper justification”.

There are serious concerns not just from members of the Opposition parties but from people who are involved in the area day to day.

The Royal College of Psychiatrists and SAMH have concerns about the broad scope of access to patient information. Advance statements are critical in engaging the rights and wishes of the patients and must truly reflect patients’ rights. It is crucial that the use of advance statements is increased but, as experts such as SAMH have pointed out, the scope of people who have access to such personal information must be tightened.

The Lib Dems support the direction of the bill, at least at stage 1. It is a step towards better treatment in the new mental health strategy, but we must also keep in mind the wider reasons why progress must be made: the protection of patients’ rights.

As the bill progresses, I look to ministers for assurances on the concerns that I have raised, as



well as on the provisions for wider education, training in awareness of patients' rights, independent advocacy, and building structures for monitoring compliance. The Lib Dems will support the bill at this stage but will look for assurances as the bill goes through stages 2 and 3.

15:59

**Roderick Campbell (North East Fife) (SNP):** I welcome the opportunity to participate in this stage 1 debate on the Mental Health (Scotland) Bill, although I am not a member of the Health and Sport Committee.

As the minister indicated, the aim of the bill is to ensure that people with a mental health disorder are able to access effective treatment quickly and easily. He also stated in his opening remarks that the bill does not deal with all aspects of mental health.

As Duncan McNeil indicated in his opening remarks, one in four people experiences a mental health problem in any given year. That gives us an indication of the importance of effective treatment.

The bill follows on from the 2003 act, of course, and from the McManus review. The very nature of mental health problems and their complexity create extremely difficult circumstances for patients and families, especially if the person is detained due to a compulsory treatment order. It is therefore right and proper that, before such orders are made or extended, adequate time is made available for representations and advice to be obtained.

Accordingly, the provision to increase from five to 10 working days the time by which a period of detention is automatically extended beyond the date at which short-term detention certificates would otherwise expire seems to be a sensible proposal. I hope that the risk of a longer period of pre-detention is more of a theoretical than practical issue and that Joe Morrow's comments can be accepted.

As a member of the Faculty of Advocates, I am happy to endorse the views of my namesake Kenneth Campbell QC, who is no relation, on the question of a blanket extension and his comments on the aim of involving the tribunal in procedure to ensure as far as possible that patients' convention rights are properly addressed. I note that, although the Law Society of Scotland was not in favour of a blanket ban, that was largely on the basis that it did not see any particular benefit to it.

I understand and agree with the committee's view on the need for clarity on the issue of how deducting the proposed extension of time impacts on the continuous period of detention.

On orders regarding levels of security, the fundamental Millan principle of least restriction ought to be a key feature of any mental health strategy, and it is clear that there need to be appropriate opportunities to appeal against orders that detain people in conditions of excessive security. Nevertheless, I agree with the minister's comments on low-security settings and note the committee's comments on that aspect.

On the time for appeal against transfers from one hospital to another or to the state hospital, the reduction in the appeal period from 12 weeks to 28 days is clearly substantial. I understand the difficulties that such a long period causes at the present time, as indicated in the policy memorandum, and I believe that getting an appropriate timescale for an appeal is not an easy task. I note that many stakeholders think that the change is too radical. It probably merits further consideration and certainly justification in respect of the extent of the reduction. However, I certainly agree with the view of others that any transfer that takes place should not impact on or prejudice a right to remain in the original hospital.

The importance of named persons must not be underestimated. The right of people in such vulnerable circumstances to choose someone to fulfil that role is fundamental, but that should be subject to an opt-out provision, as the Scottish Government already recognises. The question is how to make those opt-out provisions effective. Accordingly, I welcome the commitment to look further at those proposals.

I agree with the committee that the right to nominate a named person should be restricted to people over 16. People who are under 16 remain a particularly vulnerable section of the population and they certainly require protection, although I accept that there may well be many who are under 16 with the maturity to make that choice. I also accept that there are other areas of Scots law in which people who are under 16 can enter into certain arrangements on the basis of an acceptance of their maturity and understanding of the situation. Obviously, there are arguments about that.

Dr Jill Stavert of Edinburgh Napier University said that advance statements are

"an important form of supported decision making".—[*Official Report, Health and Sport Committee*, 18 November 2014; c 31.]

It appears that they are currently not used to quite the level that was originally expected and that there is a requirement for further increased awareness and training on their use. The committee seeks to promote them by considering placing a statutory duty on health boards and local authorities to do so. There is, of course, a difference between encouragement and

requirement. I would certainly favour a lighter touch.

On the care for children under the age of one, the right of a mother who is a patient to care for her child provided that she does not endanger it allows an essential level of normality for her and the child at a very important stage of development. To remove that maternal right would create an intolerable level of stress for a mother who is already suffering from a mental health problem. Therefore, I welcome the proposal to extend that right from the current provision, whereby it applies only to mothers who are suffering from post-natal depression, to other conditions.

I looked briefly at the provisions on cross-border transfers and absconding patients; I think that it is quite a complex area. All that I would say is that patients' rights should be a priority in that context.

We have recently extended the victim notification provisions in relation to offenders who are to leave prison, and a victim notification scheme for victims of mentally disordered offenders certainly seems appropriate. It is right that victims be fully recognised but, as is the case with other offenders, the notification provisions ought to apply to the more serious situations. I am also slightly concerned about the definition of the "exceptional circumstances" that would justify notification applying to compulsion and restriction orders. Clarification of that would be helpful.

As regards independent advocacy, there is concern in many parts of Scotland about the operation of the existing provisions. I believe that requiring the Care Inspectorate to assess the existing provision by local authorities would be a sensible first step.

**The Deputy Presiding Officer (John Scott):**  
You must close, please.

**Roderick Campbell:** Any strategy must be rights based and, as the Mental Welfare Commission has suggested, must have a strong focus on prevention. As with physical health, prevention is certainly better than cure.

16:06

**Rhoda Grant (Highlands and Islands) (Lab):**  
As Richard Simpson indicated, I will concentrate on the named person provisions. I welcome the minister's statement that he is keen to strike the right balance, but we do not have any detail on what he is considering. I hope that the comments that I make will be taken into account as he reassesses the bill.

As many members have said, a patient can appoint a named person to act on their behalf. If they do not have the capacity to do that and have not previously done so, their next of kin takes on

that role. That person becomes the patient's advocate, who will represent them at hearings. They will have a duty of care for the patient and they will even take decisions about their treatment. They will have full access to the patient's records to allow them to carry out that role.

The Health and Sport Committee heard of huge swathes of paperwork dropping on people's doormats, which they are supposed to read, understand and act on in the patient's best interests. The job is extremely difficult. Sometimes, the arrival of that paperwork is the first indication that people receive that they have been given that role.

Some patients would prefer not to have a named person, because there is no one whom they would trust with such extremely personal information. The bill will allow them to declare that they do not wish to have a named person. That is a step in the right direction but, if someone has not nominated a named person and has not indicated that they do not wish to have a named person, the position will revert to the one that was previously in place, whereby their next of kin will automatically take on the role.

We heard evidence from patients and carers organisations that that should not be the case. When a person has not nominated a named person, one should not be appointed on their behalf. That is because it is reasonably common for the trigger for someone's mental ill health to be something that happened as a result of close family problems. For example, if someone was abused by a parent, that same parent could have access to all the discussions about that abuse in the person's case notes. If they were abused by another family member, their next of kin might learn of that for the first time when the state appointed them as a named person. That cannot be right; it destroys family relationships and breaches a patient's confidentiality. It also means that a patient might not disclose information to professionals for fear that it will be divulged to family members in the future.

Carers also stated that they should be allowed to say whether they are willing to be a named person. The next of kin has that role foisted on them by the state, but they might not be able or prepared to take it on. They might live a long distance away or might have fallen totally out of contact with the patient. It might simply be that they are not fit or do not have the ability to carry out such a complex role.

Some people are keen not to be the default named person, and they want to be able to decline appointment as a named person by the patient. They need to be able to say whether they are willing to take on the role. I believe that there should be no default position and that someone

who is nominated to be the named person should have the ability to decline the role.

That brings us to the question of who can speak for the patient if they cannot speak for themselves. The patient needs access to advocacy and needs to have an advocate appointed to look after their interests.

Carers also have a role; they should be heard at a tribunal and have their input listened to by medical staff. They can also give an insight into a patient's health, wishes and the like. However, carers should not have any access to a patient's records, because that would be an abuse of privacy.

Carers have told me previously that they have received very little information and support from clinicians. Their loved one often comes home with no information about the best way to support them. Suicide risk is at its highest when someone is discharged from hospital. Carers need to know what they should be doing to support their loved ones and to ensure their wellbeing. If someone is discharged with a physical illness, it is normal for them to come home with a sheaf of leaflets that tell them what to do and what not to do, and that same information is available to carers. Surely we should have the same standard for people who are suffering from mental health issues.

Advance statements are a good thing, but they are too complex and should perhaps have more information about the patient when they are well—their tastes and what they like—to help with their recovery.

We should support the bill at stage 1 and improve it at stage 2. We need to ensure that care and treatment are patient centred and that we do all that we can to promote autonomy at a difficult time in patients' lives. If we do that, we will promote recovery.

16:11

**Linda Fabiani (East Kilbride) (SNP):** I state first and foremost that I am not on the Health and Sport Committee. I have a particular interest in mental health issues. Even though the bill is fairly small—it is an amending bill to the 2003 act—there is a lot in it. Different members this afternoon with far more knowledge than I have of the bill have spoken about many of its aspects.

I took the time to read the committee's report on the bill, which I found extremely useful. There was a lot of food for thought in there. I understand that the committee found the public response to the proposals generally positive. Although overall

"the Committee supports the general principles of the Bill and recommends to the Parliament that they be agreed to",

it noted that the bill could be strengthened and/or amended in relation to

"protecting the rights of patients"

while ensuring that they can access effective treatment quickly and easily.

It has been really interesting to hear everything that has been said. To be honest, I do not remember who made the point that, although some of the emphasis in the bill is on having more effective treatment more quickly and more easily, the emphasis might be more towards the service provider than the patient. If there is even a perception that that is the case, perhaps those sections should be looked at again, because central to everything that we are doing should be the patients and how we can make things better for them.

Yesterday, along with my Labour colleague John Pentland, I attended the spring members meeting of Lanarkshire Links in Strathclyde park. Lanarkshire Links is a very active service user and carer organisation with an involvement in mental health. We had representatives from the health board and from both Lanarkshire councils, as well as from the Mental Welfare Commission for Scotland.

The meeting was primarily to talk about health and social care integration, which is starting as a shadow exercise very soon and moving further next year. One thing that came out strongly at the meeting was that people feel that there is a great deal of difference between consultation and participation. Although it could be said that people were consulted, they often felt as though they had not been able to participate.

One thing that is particular to mental health issues is the right and the need for people who are affected and who are using services to be able to participate in the formation of those services. Although there were a great many consultees, I would like an assurance from the minister that there was real participation in considering how we move forward.

From the committee report, from speaking to people and from what colleagues who have more knowledge than I do of the bill have said today, it has come through strongly to me that the right of access to advocacy is not as strong as it could be. The system certainly has not met the intention of the 2003 act. The bill is an opportunity to make the process much more effective, and I would like to think that we will take that opportunity. Advocacy is an issue generally, and it covers issues that are way beyond the bill's scope but, in relation to people's treatment and the named person issues that arise from the bill, independent and trustworthy advocacy is extremely important. Assurances on that would be useful.

I do not have much time to go into my next point, but I was struck by the section in the committee's report that starts at paragraph 213 on page 31 about a review of legislation for those with learning disabilities and autistic spectrum disorders. It is time to look at that issue much more closely and in much more depth. I certainly do not have sufficient background knowledge and I have not been able to do enough learning of late to have definitive opinions on the issue, but the concerns that have been expressed in the committee and the acknowledgement that the minister gave to the committee about the need for on-going dialogue suggest that we have to take the issue seriously.

I note that the committee noted that no equality impact assessment was done to accompany the bill. Like the committee, I would appreciate clarification from the Government as to why that was not produced.

16:17

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I am pleased to speak on the bill, which is for the most part a series of amendments to the Mental Health (Care and Treatment) (Scotland) Act 2003, which was passed exactly 12 years ago to the month, at the very end of the first four-year session of the Scottish Parliament. It was certainly the longest bill of that session and it is generally recognised as being one of the most significant and groundbreaking. It set up the then new Mental Health Tribunal, strengthened the Mental Welfare Commission, created a new community treatment order, established the right to independent advocacy and introduced measures on named persons, advance statements and a great deal more.

Crucially, the 2003 act had novel provisions to ensure the protection of mentally ill people. Everything was governed by a set of principles, including the principle of

"the least restrictive manner and environment compatible with the delivery of safe and effective care".

That leads me to my first point, which is about sections 11 and 12 of the bill, which are to do with appeals against the level of security. The 2003 act is the only act of this Parliament that I can think of that has ended up in the Supreme Court, although there may be another example. If there is somebody whom we need to blame for that—although I do not think that "blame" is the right word—it is the two Governments that did not implement the regulations that Mary Scanlon demanded in an amendment in March 2003, which said that regulations on the issue had to be laid by 2006. However, those regulations were never laid by my Government or by the Government that took over in 2007.

**Jamie Hepburn:** Does Malcolm Chisholm accept that the 2003 act does not reflect reality now, so it was not possible to introduce the regulations, which is why we need to make the change to the 2003 act that is proposed in the bill?

**Malcolm Chisholm:** I do not agree with that. The fact is that the court judgment is interesting.

Another interesting thing about the court judgment is that the person who brought the case was under low security, but the bill says that people can appeal only if they are under medium security. The Law Society of Scotland says that that is "restrictive and discriminatory", and SAMH and many other organisations agree. It is clear in the 2003 act that that is a right for patients who are detained in hospitals other than the state hospital. There is also a right for people who are in the state hospital. There is no mention of medium-secure facilities, and intention is important. I also note that one of the conclusions in the Mental Welfare Commission's response to the bill consultation was that people in low-secure settings should also have the right to appeal. I hope that the Government will amend the provision on that at stage 2 or 3. I also hope that the Government will, crucially, tell us when regulations will be introduced because we do not want to wait the 10 years that we waited for the regulations from the previous act.

The concerns about changes to timescale have been referred to by many members, so I will not spend much time on those except to say that all four of them are well described in the Mental Welfare Commission's briefing for the debate. Ministers and MSPs should always pay very close attention to the Mental Welfare Commission for Scotland. It is concerned about all the changes to timescales that have been mentioned: the appeal against an order to transfer to the state hospital, which is being reduced from 12 weeks to 28 days; an extension of short-term detention pending the determination of a CTO application, which is going up from five days to 10; the current power of nurses to detain, which is going up from two hours to three hours against the wishes of the RCN and other nurses; and the extension from 14 days to 28 days in hospital for a mental health assessment in criminal cases. The MWC is concerned about all those and the Government should pay heed.

The Government should also always pay heed to SAMH, which has raised concerns about timescales, the level of security and the named person. The McManus review recommended that the default named person should be abolished, so let us abolish it.

SAMH is also concerned about the MWC holding advance statements that contain great detail about individuals' circumstances. SAMH believes that that is breach of privacy and we

should follow that advice. Everyone is saying that we should do more to promote advance statements so I support placing a duty on local authorities and the NHS to do that.

We have not heard too much about the victim notification scheme. It is better now than it was in the consultation document, but it would be helpful to have a clear statement on minor offences that are committed by individuals who have a mental disorder not being included in the victim notification. In other words, there are levels of offence that would not be in the notification scheme if the offender has a mental disorder. There needs to be equality between the levels of offence that we are talking about. People are concerned about section 48, under which the Government could introduce regulations to include people who are on a compulsion order. That is still a concern for many people.

I have one minute left to talk about what has been omitted from the bill. We need more on the local authority obligation in sections 25 and 27, but most of all the McManus report highlighted a number of issues around access to independent advocacy, including the appropriate level of provision, adherence to the Scottish Independent Advocacy Alliance good practice guidance, collective advocacy and advocacy for carers. There is nothing whatsoever in the bill on those issues. Section 259 of the 2003 act gave every person with a mental disability the right to access independent advocacy. Many areas apply that right only to people who are subject to compulsory measures, which is a misreading of the 2003 act. We must strengthen the duty of the NHS and local authorities to ensure the availability of independent advocacy.

16:23

**Sandra White (Glasgow Kelvin) (SNP):** I am not a member of the Health and Sport Committee but I have been following the bill closely. As other members have said, we just have to look at our constituents or families; we all know someone who suffers from mental ill health. If there is anything that we can do to improve their lives and that of their carers and others, it is incumbent on Parliament to do so. That is why I say that this is a very important bill.

The bill seeks to improve the Mental Health (Care and Treatment) (Scotland) Act 2003 and to implement the recommendations of the McManus review, which was set up in 2008. I note that Malcolm Chisholm picked up on that point; I will come back to it later. The bill will improve the operation and efficiency of the existing legislation, both for users and for practitioners.

Mental illness is one of the greatest challenges that we face in Scotland; indeed, depression is the leading chronic condition in Europe, and 400 million people suffer from it globally. Women are more likely to be affected than men. I thank Scottish Governments present and past for recognising the real challenges that the illness presents to sufferers and to the agencies that work with them. I am sure that members share those sentiments.

Many members have mentioned issues in their constituencies, including instances of suicide and of mental suffering. The bill will be a very important piece of legislation.

Duncan McNeil mentioned mental health officers. Concerns about the number and retention of officers in Glasgow have been mentioned before. I understand that there will be some crossover with the Adults with Incapacity (Scotland) Act 2000, which might cause difficulties. There is also some crossover with the Mental Health (Care and Treatment) (Scotland) Act 2003, as was mentioned by Malcolm Chisholm. The minister will be aware that there is provision under both the Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care and Treatment) (Scotland) Act 2003 for the appointment of mental health officers in cases of guardianship. Under those provisions, an application may be made, by those who are responsible for mental health or adult protection, to a local authority social work department for the appointment of a mental health officer.

Constituents have recently raised with me concerns that the process is leading to delay in the appointment of mental health officers. Given that the overarching aim of the Mental Health (Scotland) Bill is to ensure that people with mental health disorders are able to access effective treatment quickly and easily, I wonder whether the minister could in summing up say whether that will be addressed under the eventual legislation or falls outwith the bill's remit. That relates to Malcolm Chisholm's point about whether the 2003 act is being delivered appropriately. Individual MSPs, in particular members of the Health and Sport Committee, might wish to consider that. I would be grateful if we could consider and get clarification on whether there is a crossover between the 2003 act and the Adults with Incapacity (Scotland) Act 2000.

I welcome the minister's recognition of the difficulties that local authorities have regarding mental health officers and his assurances that the bill will not result in an increase in the number of reports that they will be required to produce.

I look forward to the bill making progress through Parliament, and I look forward to

continuing to take part in the scrutiny of various aspects of the bill.

16:28

**Alison Johnstone (Lothian) (Green):** I start by applauding the work of our front-line medical services in this area. They do a fantastic job with patients, who can present with some of the most complex needs in the NHS. Equally important are the community organisations that improve people's mental health with support services, social inclusion projects and other preventative actions, often under testing circumstances and with limited resources. Thanks to the hard work of campaigners, more people now feel able to talk about mental health but, as colleagues have said, there is still a long way to go to bring mental ill health in line with physical ill health.

As we know, a staggering one in four adults will be affected by some form of mental ill health in their lifetime, which is similar to the number of people affected by cardiovascular complaints.

The majority of people suffering from mental ill health do not require hospital treatment. General practitioners and other mental health professionals are often people's main contact with formal help, and they sometimes provide the only place where people feel they can open up, for fear of letting down family members or not wanting to worry loved ones—or perhaps just feeling afraid or ashamed. It is important to ensure that GPs have the support that they need.

There is a need to adopt and find more creative and innovative approaches to mental health care. For example, engagement in the arts is extremely beneficial to service users. It reduces medication consumption and hospital visits. Arts engagement not only helps patients but has been found to improve wellbeing among staff and to increase staff retention.

GPs are now prescribing exercise as an alternative or complementary treatment to medicine. A high-quality built environment and access to quality green space are well known to increase people's wellbeing and improve their mental health. Education about mental health and happiness, and how they contribute to general wellbeing, is also important, especially for young people.

People in poverty, and individuals and communities who may feel marginalised, for example refugees and asylum seekers, have disproportionately higher levels of mental illness in Scotland. That health inequality needs to be acknowledged and confronted.

Hospital treatment is still needed for the most vulnerable patients. We know that the target

waiting time for those with mental health issues is 18 weeks, although 4 per cent wait more than 35 weeks for treatment. Differences in targets for different illnesses and conditions should be based on sound medical reasons, and mental ill health should be treated on a par with physical ill health—the minister has pointed out that that is what the legislation requires.

I broadly welcome the new Mental Health (Scotland) Bill and the improvements that it will make to the treatment of those suffering from mental ill health. The Mental Health (Care and Treatment) (Scotland) Act 2003 was considered to be comprehensive and to provide better safeguards for patients in comparison to other parts of the United Kingdom.

In its briefing, SAMH indicates that appointing a patient's nearest relative as a named person may, in some cases, be inappropriate. I am pleased that the minister has promised to revisit that.

The briefing from the Royal College of Psychiatrists highlights the lack of secure facilities for women and young people in Scotland. The problem is so severe that it results in young people being admitted to Carstairs state hospital. The solution that is suggested by the RCP would be to designate part of one of the secure schools—this is for young people—so that it has in-patient status, preventing young people from being admitted to Carstairs.

Currently, female patients who require high-security treatment are being transferred to Rampton hospital in the east midlands. That could greatly hamper a patient's recovery, as they are far removed from friends and family and from an environment and community that they know. They are also being treated outwith the jurisdiction of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Concern has also been raised regarding the length of time it may take to transfer potentially acutely unwell prisoners to a psychiatric hospital for treatment.

Finally, Inclusion Scotland has highlighted the concern that people with learning difficulties and/or autistic spectrum disorders could be subject to a compulsory treatment order, whether they are suffering from mental ill health or not. It is vital that we get the balance right. Inclusion Scotland suggests that an alternative system is needed.

I broadly welcome the bill, but I encourage the minister to listen to the concerns and constructive suggestions from those with great experience.

We know that mental illness and physical illness are interlinked. People with depression suffer from tiredness and lethargy and an unwillingness to eat and their immune systems can be more

susceptible to other conditions. Mental health issues complicate health issues associated with old age, such as cardiovascular disease. Many eating disorders, which are certainly physically debilitating in many cases, have roots in mental ill health. That is why mental health needs to be treated with the same care as physical health.

**The Deputy Presiding Officer:** We move to closing speeches.

16:33

**Mary Scanlon (Highlands and Islands) (Con):** I commend the Health and Sport Committee for its scrutiny of the bill under the very able leadership of Duncan McNeil. Having listened to all the speeches today, I have to say that we may have leading mental health legislation in Scotland, but I am not convinced that we have leading mental health implementation. That is the issue that we are considering today.

Unfortunately, I cannot commend the Scottish Government for listening to and taking on board the recommendations of the Health and Sport Committee, given that we are still waiting for the response to our report. With no response after six weeks, today's stage 1 debate can look at only one side of the coin. That is unfortunate.

I seek your guidance, Presiding Officer, because normally at the end of the stage 1 debate, we go off, go through our speeches and hand in our amendments. I do not know when we should hand in our amendments because this is quite an unusual situation.

I will start with advocacy. In 2003, we spent quite a bit of time on advocacy, considering the right of access to advocacy and the right to independent advocacy. Again, we have a right to something, but if it does not happen, who do we go to? Nobody knows. That is my point about implementation—there is no sense in someone having a right unless there is something that they can do if it does not happen.

In considering the bill that became the 2003 act, I and many other members raised the issue of workforce planning. At that time, there was a need for more psychiatrists, psychologists, psychiatric nurses, social workers, care workers, mental health officers and so on, and today we face exactly the same problem. We have a workforce that is not sufficient to deal with existing demands, let alone with the new demands that the bill places on it, as the committee points out at paragraph 73 of its report.

It is difficult when the Government's own financial memorandum states that between 20 and 40 hearing reports will be required in a year, COSLA comes up with a figure of 563, and then

the minister comes to committee with an apology and a figure of 15. We have gone from 30 to 563 to 15, which is quite a variation.

**Jamie Hepburn:** Will the member give way?

**Mary Scanlon:** Not at the moment.

That experience alone justifies the need to be clear and unambiguous with the calculations for additional work, because that is the basis on which appropriate staff can and should be recruited, trained and retained for the future.

**Jamie Hepburn:** I recognise entirely that we must be clear in our calculations. I was very frank when I went to the committee. We made a mistake, and I flagged it up. As I pointed out earlier when I intervened on Jim Hume, the Mental Welfare Commission has said that the additional responsibility would have resulted in about 11 reports during 2013-14.

**Mary Scanlon:** Yes, but my point is that the policy memorandum in 2003 under a Labour-Liberal Democrat Administration stated that there were 29 vacancies for psychiatrists and that an additional 28 psychiatrists were needed in order to implement the 2003 act. Where is the assessment of the exact need for staff that will result from this bill, let alone a plan for addressing the current staff shortages?

Other members have mentioned the principle of the least restrictive alternative, which was a core principle of the 2003 act, as Malcolm Chisholm, who was the relevant minister at that time, and Richard Simpson both know. My understanding, during the passage of that bill, was that the principle applied to all restrictions on patients with mental health issues, not just those who were being held under excessive security.

We discussed the state hospital at Carstairs, and I lodged an amendment that secured action in that regard, but the state hospital had 29 blocked beds at the time, and there was a huge need for more medium-secure units. I succeeded in gaining the support of all parties in the Parliament for my amendment on providing more medium-secure units.

I wanted to ensure that mental health patients in a high-security setting could be discharged and placed under a level of security that was appropriate to their needs, on the understanding that a patient can endure excessive security in the state hospital, in a medium-secure unit, in a low-secure unit or in any psychiatric unit at each and every level. Again, the Government has not helped matters by failing to bring forward any definition of a qualifying patient and a qualifying hospital, which has resulted in only patients who are detained in the state hospital having the right to appeal. Malcolm Chisholm mentioned the Supreme Court

case in 2012. The Scottish Government must come forward with a proper definition to allow fairness and rights of appeal for all mental health patients, whatever the level of excessive security under which they are being held.

Duncan McNeil mentioned the section of the bill that relates to nurse holding powers. Like Linda Fabiani, I read the Health and Sport Committee's report, which highlights the comment from the Royal College of Nursing in evidence that

"We do not even know where the proposal came from; it certainly did not come from nursing."—[*Official Report, Health and Sport Committee, 7 October 2014; c 17.*]

Nurses will be getting more holding powers, but the RCN does not even know where that proposal came from.

On time for appeal, referral or disposal, the committee asked the Government for a clear justification that the proposals might benefit the patient. It is bad enough that the Government does not listen to nurses—I had hoped that it might just listen to patients, but it obviously does not.

Dr Simpson and many other members mentioned advance statements, which we spent a lot of time discussing in 2003. Rather than looking at who holds advance statements or what should be in them, why does the Government not just ask whether patients have confidence that statements will be adhered to and whether they think that it is worth while writing an advance statement, or whether they think that it will just be overturned at the first whim? The patients I have talked to do not have confidence in advance statements.

The committee is waiting for the Government to respond to its suggestion that both mothers and fathers be allowed to look after young children in hospital when the mother is being treated for post-natal depression. I pay tribute to a Labour member who is not here today, Bill Butler, because it was he who secured provisions for mothers and babies to be held in hospital together when the mother is being treated for post-natal depression. I hope that the Government will go that step further.

There is still no response on the use of force, restraint or covert medication. I commend Hunter Watson on his campaign against covert medication, which is reasonably based on experience in his own family.

The Conservatives support the general principles of the bill. I am sorry that we did not get the Government's response today, but we recognise that there is much more work to do.

**The Deputy Presiding Officer:** Thank you for raising those points. I draw to the chamber's attention that, under rule 9.7.5, a bill may be amended at stage 2 and notice of amendment

may be given by any member after the completion of stage 1, if the bill completes stage 1 today. Also, the Government is not obliged to respond to the stage 1 report before the stage 1 debate, but it must respond within two months. I hope that that is helpful.

16:41

**Dr Simpson:** Thank you for your clarification, Presiding Officer. I still think that the rules need to be examined. However, I want to deal with things in reverse order and take up the issue of homicides, which is not in the bill. I have been in discussions with a number of parties, since the committee heard evidence from John Crichton and others, about possible amendments covering the investigation and reporting of homicides and serious assaults perpetrated by people suffering from a mental disorder. I appreciate that the UK confidential inquiry into homicides and suicides is of some help and is relevant, but the intention of the amendments that I will lodge—at least for discussion—is to put in primary legislation clarity, consistency and accountability in relation to homicides and serious assaults, including attempted murder, involving someone with a mental illness who is already known to the services.

At present, the system is highly fragmented. Currently, out of 137 homicides committed by those with mental illness in the past 10 years, only two have been subject to a published report by the Mental Welfare Commission. Based on a freedom of information inquiry by Julian Hendy of the hundred families campaign, few of those incidents appear to have been subject to adverse incident reviews by boards. That should be compared to England where, out of 576 homicides, there have been 321 reviews, and it is suggested that as many as 25 or even 35 per cent of homicides might have been prevented by different actions. We need to address that area in the bill, and I will return to it.

The debate has been helpful and useful. We are all agreed that the bill is relatively modest, but the issues are becoming clearer. As Bob Doris said, the committee has received a broad spectrum of evidence, for which we are grateful. As he also said, the committee was acutely aware of the need to minimise detention or restriction; that is important. As Jim Hume and George Adam reminded us, safeguarding the Millan principles is at the core of Parliament's wishes. As Linda Fabiani said, we need to see people in a holistic way. She also emphasised that even giving the impression of sacrificing human rights on the altar of administrative efficiency or the convenience of the provider might be damaging, and that was an important point.



Malcolm Chisholm, who was the minister in 2003, was clear on the concerns about increased detention and the reduction in some times for appeals. All reductions in rights must be considered extremely carefully. The issue that Inclusion Scotland mentioned, and to which Alison Johnstone referred, around learning disability and autism needs to be examined in the context of a review by an expert group, which I hope the minister will announce within a relatively short period of time. There are concerns out there about that area, particularly in relation to learning disability and autism but also in relation to detention of people with other conditions. Is the 2003 act up to date in terms of our thinking now? I do not think that anyone argues with the principles of the 1999 Millan report, which are still relevant today, but there are concerns that some of the issues are still not being addressed.

Alison Johnstone mentioned asylum seekers, refugees and young people, and I think that that is an important area. A number of members including Nanette Milne mentioned sections 25 to 31 of the 2003 act, on local authority functions, and the need to revisit that area. We need more rigorous inspection by the Care Inspectorate and Healthcare Improvement Scotland to ensure that the issues in those sections are being properly covered.

An area that we have debated in considerable detail today is the extension of the number of days for a tribunal hearing. I still feel that the blanket extension has to be properly justified, as it has not yet been justified. We need to consider that carefully. If the extension is in the interests of patients, we must give patients rights in relation to it rather than making it a blanket extension. We might risk creating problems in relation to the ECHR if a seven-week deadline was to become general and not the exception.

**Bob Doris:** Does the member take on board the point that I made in my speech that there is already an extension protocol and that, if it is not used in a blanket way, extending it by a further five working days would not lead to blanket use? We should get more data on where it is currently used in order to get more information on that.

**Dr Simpson:** That is a helpful and valuable point, and I welcome Bob Doris's intervention.

A number of members spoke about mental health officers and the problems of that workforce, which are a concern. The fact that 52 per cent of patients do not have social circumstances reports when short-term detention certificates are being made is a problem, and the Mental Welfare Commission expressed concern about that.

I accept the Government's frank admission that the original bits under sections 2 and 41 were not

clear, but nevertheless we need to address workforce planning. There are concerns about the fall in the number of people who are undergoing training.

Mary Scanlon made the point about the nurse's holding power well and I do not need to add to it. I think that those provisions need to be stopped. I do not think that we need them, and I think they should be dropped from the bill.

A number of members mentioned appeals against transfer. Again, I do not think that we have had clear justification for the provisions on that. Margaret McDougall emphasised that we need to be sure that they will not be damaging to patients' rights. We will need to examine that closely at stage 2, and I look forward to greater justification from the Government of its decision.

Named persons were discussed extensively by Rhoda Grant, Bob Doris and Margaret McDougall among others. Rhoda Grant reminded us of the complex duties that people take on. Often, they are surprised to find out exactly what will be involved. The question of a default person being appointed really needs to be looked at again. At the very least, the person should be able to decline, but if they do that, it will affect their relationship with their relative, so we should look at default very carefully. Rhoda Grant also suggested that the role of carers needs to be clarified, and I agree.

We looked briefly at advance statements. Nanette Milne talked about that, as did Margaret McDougall, Jim Hume and Bob Doris. The issues are clear. How can we get good signposting to a secure register and ensure that individuals have confidence that it will be secure? How do we ensure that it will be implemented and that, if there is a failure of implementation, there is clear reporting to the Mental Welfare Commission? How can it do more to support advance statements being effective? We debated that area in 2003 and we regarded it as being of considerable importance in protecting people's rights and wishes, so we need to look at it closely.

Appeals against detention in various levels of security were discussed at length. Do I have another 20 seconds, Presiding Officer?

**The Deputy Presiding Officer:** Yes.

**Dr Simpson:** We need to look at the low-secure units as well as the medium-secure ones. We need to get that right, and we need to look at allowing transfer back and appeals against that. We also need to look at low-secure units in various settings.

I finish with a comment on advocacy, which Linda Fabiani mentioned. The current right is not extended to everyone. The time has come for a

right to advocacy to be available to anyone with a mental illness problem, and that should be enshrined in the bill.

16:49

**Jamie Hepburn:** I am grateful to members across the chamber for their contributions to what has been, as Richard Simpson said—and I agree—a very useful debate. It is encouraging to hear the passion and commitment from so many members who want to ensure that our mental health legislation works as well as possible for service users and those who support them and provide care in the system.

I will reflect on some of the issues raised. I am afraid that it will be only some, as the debate has been wide ranging. However, I will endeavour to ensure that the issues to which I do not respond are picked up in the Scottish Government's response to the Health and Sport Committee's report.

Having said that, I very much recognise the perspective of many that it would have been better for the Scottish Government to have responded in advance of the debate. The Presiding Officer set out the standing orders on such matters and I observe that Parliament's standing orders are not my sole responsibility; they are our collective responsibility. I will endeavour to get that response finalised as quickly as possible, and it will include issues that have been raised in the debate. As I go forward in my ministerial role, I will take on board the perspective that has been expressed in dealing with future legislation.

Duncan McNeil raised the issue of monitoring the increase from five to 10 days in the extension period for short-term detention certificates, until an application is determined. We are working closely with the tribunal to get further information and discuss that. Any changes under the bill will be accompanied by revised guidance, and the code of practice will reflect the Government's policy that the process should be in line with the principle of least restriction and should operate in the service user's interests.

Dr Simpson offered suggestions about how he might seek to amend the bill at stage 2. Should he wish to do so, I would be happy to meet him to discuss that and any other area. I will happily consider what he suggests.

The Government is developing regulations on appeals against excessive security and is committed to providing the committee with draft regulations during the passage of the bill, so that it can adequately assess the proposals. We want to provide a right of appeal for patients in medium-secure settings. Addressing that would fully deliver the Millan committee's recommendation that

"Patients should have a right of appeal to be transferred from the State Hospital, or a medium secure facility, to conditions of lower security."

I appreciate that some stakeholders have concerns about the area more generally, and it is important that we get the balance right on what is a complex matter. I will be happy to engage with stakeholders and members on that.

Bob Doris suggested that we look at the amount of time that a person might have to wait for a tribunal hearing as a way of dealing with matters. I appreciate that innovative suggestion, which we would be happy to look at.

Members should be assured that we are looking carefully at the matter, because we have to. Jim Hume and others made the point that there has been a Supreme Court ruling and that we must put in place provisions for appeals—it is a necessity that we do so. However, I observe that the Supreme Court was not specific about what the provisions should be. Malcolm Chisholm and others made the point that the patient who brought forward the challenge was held in a low-security setting, but the Supreme Court did not base the judgment on the appellant's level of secure accommodation. We must get arrangements in place and I will be happy to look at members' suggestions.

**Mary Scanlon:** Does the minister agree that, even though a patient can be held in the state hospital under a low level of security, that can still be considered excessive?

**Jamie Hepburn:** We need to consider the issue carefully, because we need to determine who considers the level to be excessive—the patient or an outside person. I make the general point that we are looking carefully at the issue and, should members care to make suggestions, as Bob Doris has done, we will consider them carefully.

I emphasise that the nurse's holding power provision is not about administrative efficiency or making things easier; it is about providing clarity for service users about the maximum time for which they can be held and the purpose of their detention. I am not particularly clear that the power is new, as has been suggested. Under the bill, as under existing legislation, no patient can be held for any longer than three hours.

I am not convinced that it is as clear as it could be under the current legislation that a patient could be held for three hours. The standard is two hours, and the period can be extended to three, whereas the arrangement that we are discussing would be clearer from the outset. Of course, the power will be accompanied by clear guidance in the code of practice, which will make it clear that the power should be used in line with the principle of least restriction and with guidance on reporting to the

Mental Welfare Commission. The provision will make it clear that the power is for detention of up to three hours, which can be for the purpose of a medical examination.

I recognise the concerns about the default position on named persons and the lack of appetite there seems to be for that. I am currently minded to propose an amendment to remove the provision. We want to move forward in a way that does not disadvantage the most vulnerable service users, and we are exploring how to strike the right balance.

I believe that the provisions on the registration of advance statements strengthen the position of the statements by ensuring that they are held in medical records. Scottish Government officials are working with the Mental Welfare Commission and other stakeholders to ensure that concerns about privacy and confidentiality will be met. Advance statements will be held in line with the strict controls on other patient information that the commission holds. It is important to emphasise that the commission already keeps personal data, so the process is not a new one for it. The commission has strict data protection protocols to ensure that records are accessed lawfully and appropriately.

Richard Simpson made the point that the statements should be available 24/7; Nanette Milne talked of having quick access to them; and George Adam said that the change is an important one that will make the system more effective. I think that we can strike the right balance between the need for privacy and the requirement for quick, 24/7 access to the statements.

I very much agree with the committee's belief that more can be done to promote advance statements. I want to ensure that that is done in the most meaningful way and in a way that has the most impact. I am not convinced that using legislation would necessarily achieve that. Instead, I am considering what can be done outwith legislation, perhaps by using specific and targeted guidance. However, if constructive amendments are lodged, I will of course actively consider them.

On advocacy and awareness of patients' rights, Mary Scanlon made the reasonable point that a person having rights does not have much effect if the person does not know that they have those rights. I very much agree with that sentiment. As part of implementing the bill, we will update our guidance for users. The Government will work closely with stakeholders on that and will take their views on how to promote awareness of rights through the work that we do.

There is a strong duty in the 2003 act on the right to advocacy. I recognise that there are calls for ensuring that there is adequate provision of

advocacy. I am a strong believer in advocacy, which greatly empowers people. I have noted calls for greater monitoring and we are discussing with relevant organisations how best to do that. I am not necessarily convinced that legislation is required to do that. However, as I have said before, if members want to lodge relevant amendments, I will happily consider them.

As I feared, time has not allowed me to cover every issue. I will close by saying that I recognise that the bill, as presented, might not be the final article. Bob Doris mentioned that he looks forward to engaging constructively on amendments at stage 2. I welcome that approach, which I will take and which I hope that we will all take. It is the approach that professionals, patients and the public expect us to take to ensure that we have the most effective system to support those who have an identified mental health disorder. I look forward to continuing that work at stage 2.

## Mental Health (Scotland) Bill: Financial Resolution

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

The next item of business is consideration of motion S4M-12285, in the name of John Swinney, on the Mental Health (Scotland) Bill financial resolution.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Mental Health (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.—[*John Swinney.*]

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

## Parliamentary Bureau Motions

16:59

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

The next item of business is consideration of three Parliamentary Bureau motions. I ask Joe FitzPatrick to move motions S4M-12498, S4M-12499 and S4M-12602, on approval of Scottish statutory instruments.

That the Parliament agrees that the Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland) Order 2015 [draft] be approved.

That the Parliament agrees that the Land and Buildings Transaction Tax (Sub-sale Development Relief and Multiple Dwellings Relief) (Scotland) Order 2015 [draft] be approved.

That the Parliament agrees that the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2015 [draft] be approved.—[*Joe FitzPatrick.*]

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

## Decision Time

17:00

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

There are six questions to be put as a result of today's business. The first question is, that motion S4M-12623, in the name of John Swinney, on the Local Government Finance (Scotland) Amendment Order 2015 [draft], be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, George (Paisley) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Buchanan, Cameron (Lothian) (Con)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 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)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

### Against

Hume, Jim (South Scotland) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 95, Against 5, Abstentions 0.

### *Motion agreed to,*

That the Parliament recommends that the Local Government Finance (Scotland) Amendment Order 2015 [draft] be approved.

**The Deputy Presiding Officer:** The next question is, that motion S4M-12624, in the name of Jamie Hepburn, on the Mental Health (Scotland) Bill, be agreed to.

### *Motion agreed to,*

That the Parliament agrees to the general principles of the Mental Health (Scotland) Bill.

**The Deputy Presiding Officer:** The next question is, that motion S4M-12285, in the name of John Swinney, on the financial resolution to the Mental Health (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Mental Health (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 Deputy Presiding Officer:** The next question is, that motion S4M-12498, in the name of Joe FitzPatrick, on the Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland) Order 2015 [draft], be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)

MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)

**Against**

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 89, Against 11, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland) Order 2015 [draft] be approved.

**The Deputy Presiding Officer:** The next question is, that motion S4M-12499, in the name of Joe FitzPatrick, on the Land and Buildings

Transaction Tax (Sub-sale Development Relief and Multiple Dwellings Relief (Scotland) Order 2015 [draft], be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Land and Buildings Transaction Tax (Sub-sale Development Relief and Multiple Dwellings Relief) (Scotland) Order 2015 [draft] be approved.

**The Deputy Presiding Officer:** The final question is, that motion S4M-12602, in the name of Joe FitzPatrick, on the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2015 [draft], 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 2015 [draft] be approved.

**The Deputy Presiding Officer:** That concludes decision time.

*Meeting closed at 17:03.*

## Correction

The First Minister has identified an error in her contribution and provided the following correction.

**The First Minister (Nicola Sturgeon):**

*At column 11, paragraph 5*

*Original text—*

It is because the SNP does not propose cuts that we voted against Labour's austerity motion in the House of Commons.

*Corrected text—*

It is because the SNP does not propose cuts that we did not vote for Labour's austerity motion in the House of Commons.





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