



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 26 September 2017**

**Session 5**



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## Scottish Parliament

*Tuesday 26 September 2017*

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

### Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business today is time for reflection, and our time for reflection leader today is the Rev Alec Stewart, minister at Maryburgh and Killearnan with the Free Church of Scotland.

**The Rev Alec Stewart (Minister, Maryburgh and Killearnan, Free Church of Scotland):** Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you today.

From time to time I get asked what I do for a living. On one occasion, I was having my haircut and, after a while chatting with the barber, he asked me, "So, what do you do for a living?" I told him that I was a minister of the gospel. He replied to me, "That's all right for you, working one day a week." If only it was just one day a week. I guess that, as politicians, you experience similar things: "What good do politicians do? Line their own pockets, that's all"—that sort of thing.

When I was training for the ministry, I often thought about the responsibility and burden of ministry, because I believed that I stood accountable before the Lord. Therefore, on many still nights, I would say to God, "Lord, I can't do this." I still pray that prayer, and I thank him for the help that he has given me over the years.

As politicians, you bear great burdens and responsibility on your shoulders. The decisions that you make or do not make have a direct impact on the people of this land—the people you represent, who elected you. With great privileges and accountability, you stand before the people and, I believe, God, who has called you.

Jesus, also, was a man who carried many burdens and responsibilities on his shoulders. Of him the prophet Isaiah said:

"Surely He has borne our griefs and carried our sorrows".

Jesus himself made an outstanding promise to all who were burdened, and I want to share it with you:

"Come to me, all you who are weary and burdened, and I will give you rest. Take my yoke upon you and learn from me, for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy and my burden is light."

That is, I believe, a promise for all you who serve in this chamber.

As those with great responsibilities and burdens for our nation, please be assured that the church of Christ prays for you, that God will grant you wisdom and courage to lead and to do that which is right and good. May you know that rest for your souls which Jesus spoke of.

## Business Motion

14:04

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-07894, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for today.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 26 September 2017—

delete

5.00 pm Decision Time

and insert

4.40 pm Decision Time.—[*Joe FitzPatrick*]

*Motion agreed to.*

## Topical Question Time

14:05

### Brexit

1. **Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government whether it will provide an update following yesterday's meeting with the United Kingdom Government to discuss Brexit. (S5T-00691)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The meeting with the United Kingdom Government was a useful opportunity for an exchange of views on Brexit, including discussion of the Scottish Government's proposed amendments to the European Union (Withdrawal) Bill, which were published jointly with the Welsh Government last week. The discussions were constructive, and we repeated our willingness to discuss where common frameworks may be required, provided that they proceed on the basis of agreement and with the required changes to the bill. We made it clear that the Scottish Government will not recommend to the Scottish Parliament that it gives its consent to the bill unless changes are made to protect devolution, as set out in our proposed amendments.

Mr Russell and I also stressed the need for the forthcoming meeting of the joint ministerial committee on EU negotiations to be a constructive discussion that allows us to contribute to the development of a negotiating position for the whole of the United Kingdom, in line with the agreed terms of reference.

**Joan McAlpine:** I understand that the talks were described as "constructive", but there remains no significant movement by the UK Government towards a withdrawal bill that respects the 1998 devolution settlement, respects this Parliament or even keeps the promises that were made by leavers, including Michael Gove, that Scotland's Parliament would become more, not less, powerful as a result of Brexit. Has the Scottish Government set a timescale for further talks, and what are its minimum expectations of the UK Government in the interim?

**John Swinney:** The Scottish Government has said that we will continue discussions with the UK Government and that there will be further contact at official level and at ministerial level in due course to take forward the discussions that Mr Russell and I had yesterday with the First Secretary of State and the Secretary of State for Scotland. We have had discussions on some of the issues in connection with the establishment of

frameworks, and further dialogue will take place on that.

The UK Government has also agreed to consider the amendments that we have suggested in partnership with the Welsh Government, as part of the consideration of the European Union (Withdrawal) Bill that will be making its way through the House of Commons in due course.

**Joan McAlpine:** Friends of the Earth Scotland last week said that the withdrawal bill would result in an alarming loss of control by Scotland's Parliament over renewable energy, climate change, air quality and fracking, which are all areas in which Scotland has led the UK. The charity Nourish has warned that the bill could diminish the quality of the food we eat, and NFU Scotland has said that the loss of agricultural payments could amount to £250 million a year. Does the Deputy First Minister agree that, for the sake of our environment and our rural economy, those powers must remain in Scotland, as Donald Dewar's 1998 devolution settlement intended?

**John Swinney:** I think that people in Scotland would not be in any way surprised to hear that the Scottish Government and, I believe, the Scottish Parliament would want to protect the settlement that was agreed in 1998 and which has been subsequently updated by transfers of powers on different occasions, most recently by the transfer of powers that was implicit in the enactment of the Smith commission proposals. I think that people would be perturbed if there was to be an attempt, as a consequence of the withdrawal bill, to essentially recast that settlement. That is why such a breadth of opinion in Scotland supports the position that has been adopted by the Scottish Government.

I make clear that we have no opposition in principle as a Government to working within UK frameworks where it is relevant and appropriate to do so, but it must be appropriate and relevant to do so, and doing so must respect the devolved settlement. We have openly marshalled very specific amendments to the withdrawal bill because they rectify what is wrong in the bill that could be damaging and prejudicial to the devolved settlement.

We will continue those discussions, but I assure Ms McAlpine and Parliament of the Scottish Government's determination to remain very clear about the issues of principle that are at stake in the withdrawal bill and to work at all times to ensure that we have in place a framework that protects the devolution settlement.

There is, of course, a wider debate to be had about the extension of powers to the Parliament as a consequence of the withdrawal bill. We have yet to hear specifics about what those powers,

which were promised during the EU referendum campaign, are likely to be when they materialise.

**Adam Tomkins (Glasgow) (Con):** I welcome the Scottish Government's recognition that there will be a need for UK-wide, or perhaps Great Britain-wide, common frameworks as we leave the European Union. Can the Deputy First Minister tell Parliament anything about the substantive policy areas where the Scottish ministers think that such common frameworks will be needed? Can he tell us anything about his understanding of the timing for the common frameworks?

**John Swinney:** Fundamentally, we have to engage in dialogue with the UK Government on those questions. We have been absolutely clear throughout the process that we have no opposition in principle to the development of UK frameworks, but they have to be appropriate and respectful of devolved competences. In my view and that of the Scottish Government, what has been proposed in the withdrawal bill goes about that in entirely the wrong fashion, because it presupposes that all the powers should be reserved to the UK Government, regardless of whether they were devolved in 1998. We need to reverse that process and establish the basis on which UK frameworks should be constructed, what their substance should be and, most important, how agreement should be reached on the operation of those UK frameworks.

The point is very material, because we cannot have a situation in which the Scottish Parliament cannot properly and fully represent the interests of the people of Scotland in the frameworks and finds that the outcome of the frameworks will be determined by decisions made by the UK Government. Those will be the issues that will be taken forward as part of the on-going discussions. However, I reiterate to Mr Tomkins the position that the Scottish Government has made clear to the Scottish Parliament, which is that the withdrawal bill in its current format is not a bill to which the Scottish Government could recommend giving legislative consent, because of that fundamental weakness in the bill's composition.

**Lewis Macdonald (North East Scotland) (Lab):** The Deputy First Minister will be well aware that UK ministers have made a couple of assertions about the withdrawal bill that I am sure he will want to test. First, there is the assertion that, of the powers that are coming to the UK under the terms of the bill, the UK Government will transfer without delay those that can be transferred directly to the Scottish Government. The Chancellor of the Exchequer said that during his visit to Scotland yesterday. The other assertion is that the UK Government is taking all the responsibilities for devolved areas as a temporary measure in order to put frameworks in place. Can

the Deputy First Minister indicate whether the discussions that he has had with the UK Government so far have identified some of the 111 devolved areas that the UK Government has no quibble with transferring immediately to Scottish Government responsibility or whether there has been any indication of the UK Government's intention to amend its bill in order to time limit the exceptional powers that it will take under the bill?

**John Swinney:** The way in which Mr Macdonald categorised the chancellor's remarks of yesterday is not consistent with what is in the bill. The bill says something very different from the way in which Mr Macdonald characterised the issue. Fundamentally, there has to be a change in the bill to avoid the situation that the Scottish Government is concerned about, with, I believe, broad support from the Scottish Parliament, because the proposal in the bill is to transfer all those powers to the United Kingdom. I can give Mr Macdonald no clarity about how temporary that would be. He said that the UK Government has said that it would transfer the powers "without delay" but, based on the discussions yesterday, I can give no guarantee to Mr Macdonald about that.

There is a material conversation to be had about the powers within the range of responsibilities in the list of 111 that was shared with the Finance and Constitution Committee last week. There are discussions to be had about what should be the subject of UK frameworks and what should not, but I cannot at this stage share with Parliament any outcomes from the discussions as to which powers fall into which particular categories. That is a material issue that has to be addressed in our dialogue.

**Patrick Harvie (Glasgow) (Green):** I recently visited a social enterprise in Glasgow that was set up to teach European languages to both children and adults. By necessity, it has found itself forced, in effect, to provide a support group for the many EU citizens and their families living in Glasgow, who find their lives in turmoil with the complete lack of clarity about their future.

Will the Scottish Government, in its discussions with the UK Government and others, place a high priority on the need to recognise and remember the position of people in Glasgow and elsewhere in Scotland who are part of this European country and who we value, and to make sure that the UK Government gives them the clarity that they deserve? So far, the UK Government has been unwilling to do that.

**John Swinney:** I agree whole-heartedly with Mr Harvie's point in his question. At a personal level, I met a week past Saturday representatives of the Polish community in my constituency, and I detected exactly the unease, the anxiety and,

frankly, the hurt that are felt by European citizens who have come here and are making their contribution to our society—both to the economy and to our communities, our schools and the lives that we all lead.

I completely accept Mr Harvie's point. I reassure him that, in the meeting yesterday, I made clear to the First Secretary of State the importance that the Government attaches to being able to give certainty to those individuals, but also to having an approach, once the UK has left the EU, to enabling the free movement of individuals. The substantial contribution that the migrant population has made to our population as a whole and our economy should not be understated by anyone in this debate.

These issues are very much on our agenda. We have tried to seek clarity on every occasion that has been available to us, and I assure Mr Harvie of our determination to make sure that that continues in all further discussions on the question. The joint ministerial committee on EU negotiations, which will take place in October, will be an opportunity for us to engage substantively on the discussions around the United Kingdom's negotiating position for the longer term. Again, I assure Mr Harvie that that will be a priority for the Government in those negotiations.

### **Needle Exchange Programme (Glasgow Central Station)**

2. **James Kelly (Glasgow) (Lab):** To ask the Scottish Government what discussions it has had with Network Rail regarding its decision to withdraw support for the needle exchange programme at Glasgow Central station. (S5T-00686)

**The Minister for Public Health and Sport (Aileen Campbell):** The Scottish Government is concerned at the decision that Network Rail has taken. The stance is contrary to the ambitions of our road to recovery drug strategy, which seeks to provide support and services to those who are most at risk from addictions, and it risks further stigmatisation of those who rely on needle exchange services across Scotland.

The Glasgow Central station needle exchange is one of the busiest in Scotland. It provides about 1,000 transactions per month to meet a significant public health need that was identified in the 2016 Glasgow public health needs assessment. Removing the service will not only displace but, potentially, exacerbate problem drug use in the area.

The Minister for Transport and the Islands has spoken to the managing director of the ScotRail Alliance, who has agreed, in light of the concerns, to look again at Network Rail's decision.



**James Kelly:** Network Rail's decision has caused a great deal of anxiety. The programme was set up in 2016 following a spike in HIV cases in Glasgow. It is used widely by 2,000 drug users and it has issued more than 40,000 clean needle kits. It is very much needed and, because of the facility's location in Central station, it can have opening hours from 7 in the morning through to midnight.

The decision is damaging and has to be reversed as soon as possible. I note what the minister said and I ask the Government to take the lead in working with the various partner organisations—the health and social care partnership, Glasgow City Council and the national health service—to press the case strongly with Network Rail to reverse the decision immediately.

**Aileen Campbell:** I largely share the concerns that James Kelly articulated. As I said in my original answer, the Minister for Transport and the Islands has spoken to the ScotRail Alliance, which has agreed to look again at the decision in light of the very real concerns, the public health need, the fact that there has been a spike in HIV cases in the city and the fact that the need was one of those that were identified in the 2016 Glasgow public health needs assessment. As I said in my original answer, the decision risks displacing and exacerbating the problem in the city centre.

James Kelly is right to acknowledge that the centre in question is very busy. It is centrally located and it provides an important public service. Discussions are on-going and, where we can ensure that there is discussion, we will do what we can. We will work with partners that have an interest in the matter. As I said, this is a cross-portfolio matter, and my colleague Humza Yousaf has engaged with Network Rail on the issue. We will keep Mr Kelly informed.

**Ivan McKee (Glasgow Provan) (SNP):** What approach will the refresh of the drugs strategy take to addressing substance abuse from a public health perspective?

**Aileen Campbell:** In announcing my intention to refresh the Scottish drugs strategy, I emphasised the importance of viewing and treating substance misuse through a public health lens. Scotland's drug problem is changing, and services need to adapt to meet the needs of those who are most at risk. We know that they face complex and wide-ranging social and medical issues. A key aspect of the strategy will be to consider how we can encourage those who are most at risk to engage with services and to look at how we can keep them there as a means of promoting the protective factors that are associated with being in treatment.

I will add something that relates to James Kelly's question. The issue needs to be seen in

the broadest possible context. It cannot be about just health professionals and those who are at the front line; it has to be seen across many disciplines and professions. When we refresh the strategy, my hope and intention is that we will engage as thoroughly and widely as we possibly can to ensure that we get the right strategy in place to adapt to and cope with the changing requirements across the country.

**John Finnie (Highlands and Islands) (Green):** The needle exchange programme is an excellent service in an excellent location. We know that community safety and harm reduction are inextricably linked. The service users must be supported, not displaced, as the minister said.

The community responsibility is largely discharged by the NHS, but what role is there for the Scottish Government? Has the Scottish Government assessed whether there are sufficient and robust arrangements elsewhere in the country to avoid a repetition of such an incident?

**Aileen Campbell:** I understand from NHS Greater Glasgow and Clyde that discussions were on-going so, from its perspective, there was never at any point a need to escalate the issue to the Scottish Government. As I said in response to James Kelly, my colleague Humza Yousaf has engaged with the ScotRail Alliance, which will ensure that Network Rail's decision is looked at again in light of the concerns that have been raised.

If we can press in other areas to ensure that what has happened does not happen again, we will take forward conversations where that is appropriate. I have certainly expressed my concern about the decision, which could exacerbate quite a significant problem for Glasgow. We—the different partners, such as the health board and others—need to work together across the different disciplines to get something in place and to ensure that discussions are always as open and considered as they possibly can be.

I understand that the Simon Community has agreed to allocate two members of staff to operate a backpacking exchange outside Glasgow Central station from 6.30 to 9.30 for the next two weeks. That is a temporary measure. The two-week period is a stopgap to give time to see whether the decision is reconsidered or for an alternative service to be established.

We will continue to keep members updated as things develop and we will ensure that, given that the situation is dynamic, those who have an interest are furnished with the appropriate information.

**Adam Tomkins (Glasgow) (Con):** A survey of 1,000 drug addicts in Scotland revealed that fewer than 5 per cent of them wanted help with injecting

safely and that the overwhelming majority wanted to become drug free. What action is the Scottish Government taking to help those addicts to achieve the goal of abstinence?

**Aileen Campbell:** Adam Tomkins might be interested in the fact that we very recently hosted in his Glasgow region the first-ever gathering of our recovery communities. That brought together a number of groups from across Scotland, which were able to articulate the importance of recovery for them. That is an important plank of the road to recovery strategy, which will be refreshed.

At the end of this month, a recovery walk will take place in Dundee. If the member is interested in attending, I am sure that those involved would be glad to have the support and to have what they have achieved in trying to cope with their addiction recognised. We will keep the member informed of the strategy refresh.

There is a flourishing recovery community, of which we should all be proud. Its members have done enormously well to get to a position where they are not only able to cope with their addiction but able to help and support others through similar troubles.

## Youth Football

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-07801, in the name of Johann Lamont, on petition PE1319, on improving youth football in Scotland.

14:25

**Johann Lamont (Glasgow) (Lab):** I am pleased and privileged to open the debate on behalf of the Public Petitions Committee.

The committee will consider a report on its work on petition PE1319 in due course, but we felt that it would be useful to afford the Parliament as a whole the opportunity to be part of the debate and for members to be able to contribute any comments or suggestions about youth football and how the improvement that is called for can be delivered.

This petition is the longest-running petition currently being considered by the Public Petitions Committee. The fact that it has been under consideration for so long—it has been kept open across three sessions of the Parliament—indicates how seriously we take the issues that have been raised. It is evident that committee members over a long period have been exercised by a desire to ensure that youth football not only produces the stars of the future, but provides opportunities for young people simply to enjoy the sport and to be at the centre of youth football, and not just as a by-product of commercial interest.

Football, for good or ill, holds a special place in our society. Those with the talent, ambition and commitment to achieve success at a professional level should be supported to realise their goals. Equally, those who want to take part in football on a non-professional basis should have every opportunity to do so, and all of us should value the game at that level, too. We should also value the volunteer coaches and organisers who provide so much of their time, allowing young people throughout our country to enjoy themselves every night of the week. Striking the appropriate balance between those professional and non-professional interests is at the heart of this petition.

Before I go on to discuss some of the themes that the petition raises, I pay due recognition to the petitioners, Scott Robertson and Willie Smith. Both Scott and Willie should be commended for their commitment and dedication to youth football, evidenced not only by their continued engagement—nay, persistence—with the petitions process, but by the years that they have given to sustaining youth football at a local level. Their work goes beyond the petition; it has led to pleasure and opportunity for many young people across the country over many years.

That the petition has been under consideration for such a long period indicates that the Public Petitions Committees—I use the plural advisedly—have not been satisfied that the outcomes achieved to date are the best that can be delivered. That said, recognition should be given to the movement that has taken place on the parts of the Scottish Football Association and the Scottish Professional Football League. Changes have been made, which could be positive. Examples of the steps taken include the introduction of a standard registration pack for all players; clarification that young people registered with football academies can continue to play for their school team; and the introduction of staff to support child wellbeing and protection. However, we remain concerned that, in balancing up the various interests that are at play, the system does not always ensure that children and young people's interests are as absolutely central as we believe they must be.

Given the success of the senior Scottish women's team in its recent qualification for the 2017 European championship tournament, members will perhaps forgive me for expressing our hope that, whatever the future for the regulation of youth football, the plans that are put in place will allow an investment in elite level girls' football that is comparable with that in elite level boys' football.

I will highlight three issues of particular concern to the committee: the registration period for players in the 15 to 17 age group; the payment of compensation costs; and appropriate payment of the minimum wage to young players.

Currently, players in the 15 to 17 age group are signed for a three-year registration period. That differs from registration in the 10 to 14 group, which is on an annual basis. Concern has been expressed by the footballing authorities that a shorter registration period in the 15 to 17 age group might result in English clubs seeking to recruit Scottish players to the detriment of both our clubs and the educational and family life of young players. A question that we have asked on a number of occasions is why the best interests and wellbeing of a child or young person are matters that should be determined by football systems rather than by the parents and guardians of the young people concerned or, indeed, the young people themselves.

Within the three-year period, a player is not able to move between elite professional academies unless financial compensation is paid. We understand that the compensation payment is a FIFA requirement; the amount of compensation due is calculated on the basis of a matrix, with the acquiring club making a compensation payment commensurate with the value of the training that it

would have provided up to the relevant point in a player's career. In other words, for a player moving from an academy rated gold to an academy rated bronze, a compensation payment is made based on the value of training at bronze level. A number of organisations have suggested that it would be fairer to make the compensation payment only at the point at which a player signs his first professional contract, and our understanding is that a compensation system that operated in that way would be compliant with FIFA rules. The committee is clear that the issue of registration is not being conflated with the issue of professional contracts that might be signed by players aged 16 and over. However, the terms of registration and the current compensation system are, in our view, unduly restrictive on players and should be changed.

On contracts, we have recently considered the issue of minimum-wage payments. Although the issue is not explicitly addressed in the petition, it is another element on which concern has been expressed to the committee about the football authorities' approach. Minimum wage is a legal requirement about which there can be no equivocation. In evidence to the committee, the footballing authorities set out their position on why it might not be immediately clear what payments are being made to a player and how many hours they might be required to work. Against that, numerous submissions referred to contracts that gave a figure of £1 a week for the payment due to a player. We have also had discussions about what might or might not be involved in calculating the hours worked by a player and about other payments that might mean that, overall, an individual is being paid at least the minimum wage.

I think that the committee is clear that if a player's contract includes payment of an appearance fee, that payment should be taken into account only by way of an actual appearance; it should not be a means of topping things up so that it looks as if the minimum wage is being paid. There has been debate with the footballing authorities about their approach in instances in which below-minimum-wage payments have been brought to their attention. In the cases that they have considered, their main focus has been on ensuring that any player receives what was due to them. I note that a change in approach has been discussed, which would enable the football authorities to enforce a penalty against a club found not to be in compliance with minimum-wage requirements.

That is, of course, welcome, but it remains a source of frustration to the committee that, after the authorities became aware of a number of instances in which questions were raised about minimum-wage compliance, they did not join the

dots more rapidly to recognise that the problem was more than an isolated incident. Saying that no one had complained about it cannot be a defence; that is just not sustainable. It must be the duty of the regulatory bodies to ensure that there is no exploitation, particularly where a young person's ambitions and dreams and their families' ambitions for them might make it difficult for that young person to complain or, indeed, might lead them to accept what others might regard as exploitation.

I do not want to paint a picture of professional football club academies being full of disgruntled young people either being held against their will or not being supported to fulfil their ambition or potential. I do not think that that is the case; indeed, the committee is looking forward to the visits that it will soon be making to clubs that are part of the current academy system. However, we are concerned that the system's design is not as robust as it could be to best serve the welfare of the children and young people concerned.

Recently, the committee's consideration of the petition has been taking place against the backdrop of project brave, the SFA's proposed overhaul of the elite youth academy system in Scotland. One of the proposals in the initiative is to reduce the number of boys in the elite academy system from 2,500 to 1,200. In announcing project brave and its intention to reduce the number of elite academies, the SFA noted that Scotland had 29 elite academies for a population of just over 5.5 million, while the German system had 54 academies for a population of over 83 million. Although we understand that work on the proposals encompassed within project brave will be on-going, we hope that it can be seen as an opportunity to address the issues raised by the petition, so that the rights and wellbeing of the children and young people concerned are fully recognised and protected.

We are clear that for Scottish football to thrive, an attitudinal shift is required. The question of whether the current processes that are in place for youth football, at both elite and recreational levels, are sufficient for child protection has been considered by both the Public Petitions Committee and the Health and Sport Committee, and I understand that the deputy convener of the Health and Sport Committee will address those concerns in her contribution.

In June 2016, the Minister for Public Health and Sport wrote to the Public Petitions Committee noting the on-going concerns of Tam Baillie, the former Children and Young People's Commissioner Scotland, but saying that she believed that

"there would be merit in giving these new measures some time to take effect before considering whether any further action may be required."

At the time, the minister indicated that she would continue to work with Mr Baillie and was

"not ruling out external regulation, but would prefer to assess the effectiveness of the voluntary steps the Scottish FA and SPFL have put in place first."

In a further letter of August 2016, the minister stated:

"The Scottish Government will continue to monitor these new measures, and would be happy to discuss with the Public Petitions Committee and other stakeholders—including the Children and Young People's Commissioner in Scotland—how we can provide appropriate oversight to ensure the human rights of children and young people are reflected."

Mr Baillie's thinking on the issue is well summarised in his letter to the committee of July 2016, in which he stated:

"my overall impression is that they have gone as far as they are prepared to go or are able to do so within their governing structures. This is not a matter of 'giving new measures some time to take effect' as suggested by the Scottish Government, but more facing up to the fact that for real change to occur, external regulation has to be imposed on bodies which, to my mind are either unwilling or incapable of taking appropriate action to safeguard the rights of children."

I hope that today's debate will afford the minister the chance to offer her assessment of whether further action may now be merited. I would be interested to know her timescale for establishing whether the voluntary action is effective and to hear that she recognises and understands the scale of the anxiety that many people around youth football have expressed about the way in which matters are currently conducted.

The debate is an important and essential one. The petition is driven by a desire to sustain youth football and to ensure that, in its governance and financial dealings, it is fair to all concerned. I believe that it is important to establish proper rights for young people who find themselves in the youth football world, so that they are not exploited and so that they and their families can have confidence in the system that they are in.

I welcome the debate and the Parliament's further interest in the work of the Public Petitions Committee in this regard.

I move,

That the Parliament notes public petition PE1319 on improving youth football in Scotland.

14:37

**The Minister for Public Health and Sport (Aileen Campbell):** I thank the Public Petitions Committee for its work on the matter and, like Johann Lamont, pay tribute to Willie Smith and Scott Robertson of RealGrassroots. Scott has since become a constituent of mine. They have

shown great tenacity and determination and have been driven by a desire to do their best and ensure the very best for young people in Scotland. That motivation is shared by us all. We each want to see young people flourish, to have opportunity and to be happy in what they choose to do in their future. We also want to create a country and a culture that respect the rights of children and support their wellbeing.

The programme for government made it clear that we will seek to audit the most effective and practical way to further embed the principles of the United Nations Convention on the Rights of the Child into policy and legislation, including by exploring the option of full incorporation. That is a clear and explicit commitment to furthering children's rights in Scotland. Article 4 of the UNCRC makes it clear that Governments have a duty to do all that they can to ensure that every child can enjoy their rights and to create systems and pass laws that do that. The reach of those rights must be felt across all aspects of life, including sport and football.

The petition has been considered by the Parliament for seven years. It has generated passionate debate and discussion, much like the beautiful game itself. Football excites and disappoints; it is our national game and, as fans, we feel every dip and turn in the emotional rollercoaster that it creates. Last week in the chamber, we praised Hibernian's game changer project and welcomed the flourishing development of lesbian, gay, bisexual, transgender and intersex fan groups. We have also celebrated past sporting achievements and the work of football trusts. This week, we fully deliberate the improvements that are still required to deliver positive change.

During its life, the petition, which has been aided by the children's commissioner and a huge amount of perseverance, has influenced football authorities to make considerable changes and we must recognise that. Those changes are welcome, as was acknowledged by the former children's commissioner, although I recognise that they do not address all the concerns. The SFA has sought the views of children and young people in order to incorporate their voices into its work, and there is a commitment to provide more information. The SFA has also appointed a safeguarding manager who is dedicated to children's wellbeing.

The SFA has established a young congress to help the views of young people shape its activity. That work has also led to a formal partnership with UNICEF—the SFA is the only football governing body in the world to have such a tie-up.

The young person's wellbeing panel has been established to assist with issues between clubs and players. Within Club Academy Scotland, clubs will commit to a player for a minimum of one year.

The 28-day rule will allow players with professional clubs to exercise notice and leave the club to return to recreational football. The game-time rule has been introduced, allowing players to leave if they do not play for 25 per cent of game time with their club. That package of measures represents an encouraging step forward from where we were when this issue first came before the committee in April 2010.

However, while those changes are encouraging, we cannot be complacent. Those changes will require vigilant examination to ensure that they are effective. It will also require collective effort to remain fleet of foot, in order to identify further room for improvement and to act accordingly. That work must be done through a partnership among our governing bodies, Parliament, the Government and others, to ensure that we shift the discussion into a space in which we can be positive about the changes being made and that we develop a pride that it is our national game that seeks to be at the forefront of children and young people's wellbeing.

I am optimistic about achieving that, and my original offer of a round-table discussion, as set out in my letter to the then children's commissioner last December, still stands to allow us to consider the best way to proceed.

Among the remaining concerns expressed by the petitioners and others is the potentially one-sided nature of the arrangements between young players and clubs. The former children's commissioner described a "power imbalance" in January 2017, and that has been a recurring theme since. That is because, subject to some caveats, a young player can still be held to their registration at the mercy of their club. We need to ensure that the balance is right.

Under SFA procedures, a player who is aged 10 or above may be registered as a youth player by a professional club. The registration of a youth player in the age groups from 10 to 14 lapses automatically at the end of each season, and the player is free to sign for another club thereafter. However, the registration of a youth player for the 15-year-old age group allows a club to extend the player's registration forward to the 16-year-old age group for the following season. That can happen again at the 16-year-old stage.

Although the football authorities have made concessions, the key issue is that it is the club, not the child, that can terminate the registration at any time. While the language around that can be emotive, clubs do make a significant investment in the development of young players. The registration system means that clubs receive compensation should the child move to another club within the Club Academy Scotland set-up. Again, however, we need to ensure that the appropriate checks and balances are in place,

given the unique place and rights that children and young people have in society.

The petitioners also highlighted cases of SPFL clubs not paying young players the national minimum wage. Following that, the SPFL chief executive Neil Doncaster announced on 31 January 2017 that the SPFL would “toughen the league’s approach” to ensure that all clubs pay their players at least at the national minimum wage. We understand that all clubs concerned have now addressed the issue. While the national minimum wage is a reserved issue, we are clear that all clubs must meet their legal obligations.

Thousands of children enjoy football. My wee boy is one of them and, like many other children of his age, he dreams of scoring a cup final goal at Hampden or pulling on a Scotland shirt. Not every child will become a professional star. Regardless of whether the individual child simply enjoys playing for his or her local team or is potentially the next Dennis Law or Gemma Fay, what unites them is their inalienable rights as children. The wellbeing of children should be the main consideration for us all.

We must recognise that Club Academy Scotland is aimed at developing the elite footballers of tomorrow. That cannot be done without sacrifice, without determination and without coaching. However, the pursuit of excellence and ensuring a child’s wellbeing are not mutually exclusive.

I believe that a system can be devised that absolutely safeguards the child’s welfare, while encouraging the clubs to invest in developing the next generation of elite Scottish footballers.

Working with the Parliament, the committee, the commissioner, the petitioners, the clubs and the football authorities, and using the opportunities of project brave and other projects, I believe that we can find the right balance.

**Johann Lamont:** Will the minister take an intervention?

**Aileen Campbell:** Of course.

**Johann Lamont:** The minister is on record as saying that she recognises that there may be a need for regulation at a later stage, and that she wants to assess the effectiveness of the proposals that have been developed.

I asked if there was a timescale for that. That would give people reassurance that there was not simply an open suggestion that things would go on as they are. If the minister were to consider regulation, at what point would she make that assessment to decide whether voluntary action by the regulatory bodies has been sufficient?

**Aileen Campbell:** I take that on board; I was going to come on to it. Presiding Officer, may I check how long I have?

**The Presiding Officer:** Only eight minutes.

**Aileen Campbell:** Only eight minutes, so I will say now—although I might come back to this in my closing remarks—that we will reflect on the reach of our programme for government’s commitment to the UNCRC. I have also asked my officials to discuss the issues further with the Union of European Football Associations, to make it clear that our overarching interest is the wellbeing of children and to explore that issue with it. I will continue to keep the Public Petitions Committee informed about that work, and I will be happy to expand on it when I make my closing remarks. The issue is one on which we want to continue to engage. We have made the offer of a round-table session to explore the effectiveness of the changes so far. We will continue to work with the committee and the authorities to make progress in assessing that effectiveness and, as I have said, will keep the committee updated on our work with UEFA. On that note, I will draw my opening remarks to a close.

**The Presiding Officer:** Minister, you will have probably another seven minutes at the end of the debate.

14:46

**Brian Whittle (South Scotland) (Con):** First, I declare interests in that I am a senior level 4 athletics coach, a former chair of the Scottish Athletics Coaches Association, a member of the European Athletics Coaches Association and a member of the west of Scotland board of the National Society for the Prevention of Cruelty to Children.

I have heard evidence from the SFA and the SPFL twice as a member of the Public Petitions Committee and once as a member of the Health and Sport Committee. Suffice it to say—and as has already been alluded to by Johann Lamont—they were less than impressive when it came to the treatment of child players and the pathway for child participation and development, not to mention child welfare. Given that many other speakers in the debate will probably scrutinise the evidence given by the SFA and the SPFL, I want to use some of the time that I have to highlight what good practice should look like in youth participation and development.

Sport and physical activity have such potential as a force for good that engenders confidence, resilience and social inclusion—all of which can impact on overall health and wellbeing as well as on attainment and health inequalities. Physical education, physical activity and sport are all linked.

One feeds off the other—especially when participants are at a young age. When young boys and girls take their first steps into physical activity or sport, that early experience will dictate their lifelong relationship with it. If it is a good experience, with fun and positive learning, there is a likelihood that they will stay in sport for at least a while, with a good chance that the physical education that they receive as youngsters will encourage them to remain active throughout their lives. As I have said before, we all know the importance that physical literacy has for both physical and mental health as well as for social interaction.

However, if that experience is poor, a young person's exit from what should have been a great experience can leave a lasting reluctance to engage again in sport and physical activity, with a reduction in opportunities for interaction. It cannot be highlighted strongly enough that those at the forefront of their sport when they young, or who are pushed too hard, are very rarely the ones who make it at senior level. Children develop at different rates, with some maturing earlier than others. Early bloomers have an advantage for a while. In other words, we cannot tell which ones will be the superstars until much later in their development. Stories abound of young sportsmen and women who were going to be the next great thing, only for them to fade away as others caught up with them physically or they drifted away from the sport, unable to live up to the dreams heaped upon them by others.

Scottish football is a key example of that. Fewer than 1 per cent of young players who go through the Scottish youth academy system go on to sign any kind of senior contract, so what happens to the other 99 per cent of that talent pool? Crucially, the football powers that be cannot tell us, yet they should be responsible for all levels of the game. Very few players get to pull on an international jersey, but there should always be a destination for them to continue to enjoy participation. Performance in a Scotland jersey is of huge importance as a shop window for encouraging participation as well as a sense of national pride. However, if the football authorities are unwilling to accept responsibility for ensuring positive destinations for talent that has been discarded from the youth performance system, paradoxically, they do so to the huge detriment of the senior national team. As I have stated, most professional sportsmen and women were not the best among their peers when they were younger.

I have even heard the national coach criticise the academy system, although what would he know, apart from what it is like to play in world cups and even score in the finals against Germany? I come from an era when Scotland always qualified for the world cup. I remember—

hazily—Billy Bremner and co in 1974. I even got to play golf with the great Peter Lorimer recently. They say that you should not meet your heroes, but he was such a gentleman. I will swiftly pass by Ally's army in 1978 and move on to 1982 and 1986. I have watched the Dalglishes of the world, along with the Davie Coopers, the Hansens and the Sounesses. Where are the superstars now? If the current system is so good, where is the world-class talent? That talent is still abundant in the towns and cities of Scotland; it is just that the route to access it is strangled.

**Aileen Campbell:** Discussions about football always offer the opportunity to reminisce about past glories, but I am trying to work out whether the member is saying that we should emulate the youth structures from back then. I am not sure whether that is what he means, but I am keen to know.

**Brian Whittle:** We should never go backwards. The systems back then would not work today, but they produced a litany of world-class players. They used to train by kicking a ball against a wall and putting down jumpers for goals. If they could do it then, why can we not do it now, with all the modern technology that we have?

The vast majority of coaches out there in all sports, including football, do a fantastic job and selflessly give up their free time. As with their charges, it is important that they are nurtured and encouraged if the sport is to flourish and grow. In any successful sport, we see a long-term commitment to coaches and coach development.

From everything that I have heard from the SFA and SPFL representatives, including what they said in answering questions in committees, I have to say that child welfare and improving youth football are not high on their agenda. They show either a worrying lack of knowledge on coach development and what constitutes essential child welfare or, worse, they have a blatant disregard for those essential elements, for which any governing body is responsible. There is an unwillingness to accept responsibility and intransigence when there is any suggestion that they need to re-evaluate their approach. To every question about child welfare, their answer was almost always about looking out for the clubs that they serve, and it was noted that not once did they mention bringing young girls into the game.

My assertion is that the great work that is being done out there in football clubs around the country is being undermined by an arrogant and self-serving governing body that is archaic in its principles and approach, and that that is to the detriment of all levels of football right up to the national team. Furthermore, if that body is unwilling to recognise child welfare as a core principle of its responsibilities, I will lobby the

Parliament to legislate and force the change that football so desperately needs if it is to flourish. This issue will not go away.

14:53

**Lewis Macdonald (North East Scotland) (Lab):** Football is indeed the field of dreams. Many of us who have raised children will have watched them play for their school, youth organisation, local village or community. Some of us will have played in such teams, although in my case, perhaps unlike Mr Whittle, I did not play very well and it was a long time ago.

Kids play football for fun, to be part of a team or for the satisfaction of winning a game with their mates but, for a few thousand children and young people across Scotland, it is more serious than that. Talented youngsters getting the chance to shine at what they do best should be a cause for celebration but, as we have heard, the way that it happens in this country is also a cause for concern. The field of dreams turns out to be a disappointment for many young people who sign up with professional football clubs. To a degree, that is inevitable, as we have heard. Just as with dancers, musicians and other creative people, there will always be some whose youthful potential is fulfilled and others who lose interest or simply fail to make the grade. The problem with football in Scotland appears to be, at least in part, that far more kids are engaged with the professional game at a tender age than can ever possibly achieve success.

The convener of the Public Petitions Committee mentioned the Federal Republic of Germany, which is an exemplar in areas such as fan ownership of football clubs and sporting success at the highest level. Germany has 4,500 children in its football academy system, while Scotland, with a very much smaller population, has more than 2,500.

The Dutch, who invented total football in Mr Whittle's youth and mine and who led the world in youth development, have 12 football academies. As Johann Lamont said, we have 29. It would be good to believe that the numbers involved in our youth development system mean that we are playing in the same league as the Netherlands and Germany—sadly, that is not the case.

It would be good to give more kids a taste of top team football if it were a fair deal, if the children and their families knew what the likely outcomes would be and if the youngsters' education and wider development were not affected—even more sadly, that appears not to be the case, either.

Football in Scotland has always had a special place. It can rightly claim to be our national sport. It is played and enjoyed in all our cities and in

most of our rural communities, too. It is, increasingly, a game for women and girls as well as men and boys. For many young people, the opportunity to play professionally for their favourite football team really seems like a dream come true. That makes it all the more important that professional football clubs do everything in their power to support and sustain young players, rather than appear to take advantage of their enthusiasm.

As we have heard, the current system seems to fail that test. Clubs have agreements in place with under-16s that are of doubtful legal standing but that children and their families believe are binding contracts that the young players dare not breach. Payments are made that apparently pay no heed to minimum wage legislation, and so would not stand up to scrutiny in a court of law. Young people and their families enter into agreements when the young person is aged 15 that have the effect of limiting their choices between their 16th and 18th birthdays, and that can leave young people at that critical stage in their development without access to full and regular employment but no longer within the formal education system. Compensation payments between clubs appear to go well beyond the limits that are supposedly set and raise questions about the rights of young people to make their own choices about where they go and what they do with their talents.

All of those facts and allegations should focus minds and should require active and effective regulation and monitoring by the sport's governing bodies, but, as we have heard, those elements seem to be missing. I have not been at the meetings of the Public Petitions Committee, where evidence has been taken from representatives of the Scottish Football Association and the Scottish Professional Football League. I can only go by the records and recordings of those meetings and the views of those who were present, and it is fair to say that many people—including, of course, the petitioners who are behind today's debate—have been unconvinced by what they have heard.

Where progress has been made, it has been slow, and important issues remain that have yet to be addressed at all. The right of youngsters to play for their school as well as their club has been affirmed, but only a number of years after it was raised by the petition; how far it is applied in practice remains an open question. I was delighted when my local secondary school, Hazlehead Academy, was named as one of seven SFA performance schools across Scotland. That good initiative was launched in 2012 to ensure that young players could continue with their existing curriculum while receiving football support from an elite coach based at the school—in the case of Hazlehead, that support also involves assistance from Aberdeen Football Club. That is the kind of



partnership approach that can help young people in football and beyond, and we need to see more of it. The SFA has put in place a child protection officer and a children's rights officer, which is certainly to be welcomed, as the committee convener and minister have said. However, the debate must encourage a more urgent and proactive approach to issues of children's and young people's rights in the areas of player registration, payments of 16 and 17-year-olds and money changing hands between clubs.

As has been said, it is highly unusual for a public petition to the Parliament to attract the attention of members and committees in three successive sessions, and that should focus the minds of those responsible for running the professional game in Scotland. It should also focus the minds of ministers. The disbursement of public funds is, ultimately, their responsibility, no matter how many hands those funds pass through on the way. Any failure to protect the interests of our young people in our national game is, ultimately, a matter that the Government must take an interest in as well as the sport's governing bodies.

I hope that we will hear at the end of the debate that the Government shares that view. I know that the minister has promised to lay out more about the essential timetable that underpins the commitments that she has made today. I hope that the football authorities will hear that and understand that benign neglect is no longer enough when it comes to young people's rights in sport in the 21st century.

**The Presiding Officer:** Before we turn to the open part of the debate, we have a speech from Clare Haughey on behalf of the Health and Sport Committee.

15:00

**Clare Haughey (Rutherglen) (SNP):** Thank you for the opportunity to speak in my capacity as deputy convener of the Health and Sport Committee. Our committee's inquiry on child protection in sport has a valuable contribution to make to the Parliament's consideration of how we can improve youth football in Scotland.

Our work has focused on seeking assurances that safeguards are in place across football and other sports to ensure that sexual abuse of children could not happen today in sport. We must ensure that sport, including football, is a force for good. The committee has emphasised that sport has the ability to make a profound and positive impact on the health and wellbeing of individuals, communities and the wider society. However, our findings in relation to current safeguards in football have left us with severe concerns regarding the

current protections that are being afforded to youth footballers in Scotland today. The insights that our inquiry has afforded us into the operation of the SFA and the Scottish Youth Football Association have found the two associations woefully lacking in relation to the application of current rules governing the protecting vulnerable groups scheme.

Our evidence sessions with the SFA and the SYFA have demonstrated their failure to communicate and work together to ensure that child protection policies are in place and monitored. We have found that, underpinning all of that, as others have already highlighted, there is an alarming failure by the SFA and the SYFA to recognise or address the power imbalance in the relationship between professional football clubs and children and young people. The approach that is taken by those football organisations to engaging with the committee has left us concerned that they have failed to grasp the gravity of the situation. The protection of children who participate in sport is paramount.

I will address some of the details that led to our worrying findings. Last December, the BBC reported that 2,500 coaches working in youth football had not been PVG checked. We pursued with the SYFA whether the figures that were reported were accurate. We found that the information that the SYFA provided to us was not consistent in relation to the rate of churn of its membership and the number of checks that were undertaken. We concluded in our report that the SYFA had misled Government officials and the Health and Sport Committee in relation to the levels of backlog in PVG checks that were being experienced since at least August 2016. The PVG scheme is an important component of the child protection measures that are used by football clubs. That that most basic protection measure is not operating effectively was an alarming finding.

Throughout our inquiry, there seemed to be clear attempts by the SFA to place the blame in relation to the responsibility for this mismanagement solely at the door of the SYFA. The SFA insisted that the SYFA was an autonomous organisation, but affiliated to it. We were advised that this meant that the SYFA has its own constitution, rules, regulations and board and has responsibility for managing its own business, although at the same time, the SFA is able to issue directives that are binding on all its members.

The SFA detailed some tightening up on governance. There was an appointment of a child wellbeing and protection manager. The SFA also determined that greater consistency should be sought in relation to child protection measures and agreed a directive to be implemented by its

members. It was described as being a “soft-touch approach” to ensure that policies were in place, as opposed to ensuring that they were being implemented. “Soft touch” might have been the previous buzz word but we are clear that that can no longer be applicable.

The committee believes that—whatever it claims—the SFA has responsibilities. We detailed in our report that the current approach is simply not working effectively to protect children and young people who participate in football and we said that, in our view, the ultimate responsibility for that lies with the SFA as the governing body. We also said that the SFA has the power and procedures available to it to address that and called for the current failings to be eradicated, failing which we want all Government funding, grants and other moneys stopped.

That ultimately brings us to the central concern that is at the heart of all these issues: power, and the power imbalance that is apparent in football. That has manifested itself in various guises throughout our engagement with the SFA and SYFA. Primarily, the “power imbalance”, as it was termed by the then Children and Young People’s Commissioner, Tam Baillie, lies in the relationship between professional football clubs and children and young people. Mr Baillie stated that the imbalance was unique to football and arose

“because it is in the clubs’ vested interests to have complete control of the children.”

He emphasised that

“everything is done to the advantage of the professional football clubs and to the disadvantage of the children involved.”—[*Official Report, Health and Sport Committee, 7 February 2017; c 34.*]

What was alarming was that the chief executive of the SFA, when asked, stated that he did not believe that there was a power imbalance because there had been a number of changes to the organisation’s procedures to address such issues. The committee did not accept that statement as credible. Only last week we saw accusations in the press that, in the case of Celtic Boys Club, kids are being bullied and put at risk with no consequences for the alleged perpetrator.

It is important to note that, when I asked the SYFA at the most recent committee evidence session what the PVG process would be if I was to present myself to a soccer academy wanting to volunteer, the representative’s response referred to “he”. The clubs are clearly hardwired when it comes to coaches. The automatic assumption is that only men can become involved in those roles, which indicates that we have a long way to go in opening football organisations to all. We need to end outdated and gender-biased attitudes wherever they are to be found.

We have also seen the SFA, rather than taking responsibility for the concerns that we have highlighted regarding its approach to child protection, attempting to exert power by deflecting blame. That included, upon publication of our report, launching a personal attack on our convener to deflect from the fact that Neil Findlay was merely expressing our consensual committee views on our concerns with the SFA’s performance.

For improvements to be made in youth football, fundamental changes need to be made. To speak the language that those in the SFA and SYFA will understand, we believe that they have to play by the rules, that their conduct has not been in the spirit of the game, and that they need to show that kind of behaviour the red card.

**The Deputy Presiding Officer (Christine Grahame):** We come to the open debate, in which we will have speeches of six minutes.

15:07

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I remind colleagues that I am the parliamentary liaison officer to the Cabinet Secretary for Health and Sport. I am delighted to have the opportunity to speak in the debate, and I would like to start by paying tribute to the organisers of the petition, Scott Robertson and William Smith, as others have done, for the massive amount of time and energy that they have put into getting the issue to the debating chamber today.

Grass-roots football is an issue that is important to everyone in Scotland. Whether you love it or hate it, football is a part of all of our lives and communities. As others have said, football, like other sports, has the power to change lives positively. Colleagues will be aware that I have recently started a cross-party group on the future of football in Scotland and I am sure that the issues that are raised in the petition will be discussed at length over the coming months and years. On that note, I encourage members across the chamber to come along and join in the group’s discussions.

The petition raises some serious issues that we all care deeply about, and I do not think that they could be put any more passionately than they were in the speech by my colleague Clare Haughey, who expressed the views of the Health and Sport Committee. As a father, I want to know that, when my children join a football club, they are safe. There has been progress by the SFA in recent months on ensuring that boys and girls who are involved in clubs are trained by people who are fully vetted and qualified. I welcome that progress, but I would also like to note that, as has

been mentioned by Clare Haughey and by the minister, there is still lots of work to be done in that area, and I echo the calls that have been made.

As part of the process of forming the cross-party group, I held a series of meetings at Hampden last month with various stakeholders in the game. I can assure colleagues that the main issues in the petition—contracting children to individual clubs, compensation and participation outwith the clubs—were very much on the agenda.

There can be no denying that it is an issue that talented youngsters are snapped up by the larger clubs in Scotland and there can also be no denying that some of them will get little or no actual game time. The changes in rules to stop clubs preventing young people playing for their school or local club are an excellent step forward. I have heard local stories of talented youngsters travelling from Coatbridge to Aberdeen for a match day and coming on in the 89th minute. I am not a football coach, but I know that we are not going to develop the next Kenny Dalglish or Graeme Souness from instances such as that. Young footballers need to be playing the game, and I am delighted to have heard at recent meetings that that will now be happening.

On compensation, the situation is difficult. I can see both sides of the story. I am an Albion Rovers Football Club supporter. That is my local club, and bringing through young players is how clubs like ours survive. If Albion Rovers invests time and money in a player from 12 years old and then, for talking's sake, Hibernian FC or Heart of Midlothian FC comes in when he is 16 and snaps him up for free, how do clubs such as Albion Rovers realistically survive and invest in the next generation of players? That said, I completely understand the frustration of a player who is trapped in the reverse of that situation, having been told that he will not make it to the first team but not being allowed to move on because the smaller clubs cannot afford to pay the compensation. There is no doubt that it is a tricky issue. I promise that it will be on the agenda for the cross-party group soon. I will welcome contributions from the petitioners at the time, if they are willing to make them.

As others have done, I will talk about grass-roots football. There are many things that we do right in Scotland and many things that we could do a lot better.

Many members have already touched on both. Members might be aware that this week is UEFA grass-roots football week. Last Thursday, I attended the grass-roots football awards at Hampden. It was amazing to see and hear about the fantastic work that is being done up and down our country and throughout our communities, mainly by volunteers who put in a huge amount of

their own time and effort—sometimes, up to 35 or 40 hours a week—as well as doing other jobs.

I heard about the work that the SFA, its partners such as McDonald's, the SPFL and the SPFL Trust are doing to break down some of the gender barriers about which other members talked. More women and girls are involved in football than ever before. To cite an example from my constituency, when Bedlay Community Football Club in Moodiesburn started two years ago, it had nine girls and 30-odd boys; it now has 56 girls and 33 boys. If practices such as Bedlay's could be implemented elsewhere, that would be a step in the right direction.

The same night, I heard about the rise in disability teams and the joy that such teams bring to many children and parents. It was heartwarming to see people get up and speak to that. I got the impression that, from a youth development point of view, our game is in a good place.

I have raised this issue before in the chamber and I make no apology for doing so again: one challenge that boys and girls youth clubs as a whole face is the accessibility of facilities. Cost is an issue. My inbox, like those of other members, I am sure, is full of complaints about not being able to access some of the new AstroTurf pitches. I received a letter from a young person from Chryston who, along with his friends, was moved off such a pitch. The police were involved and, although the right steps might have been taken, we must surely do more to make such pitches that are lying empty more accessible.

It is the job of us all to ensure that more children and adults can get involved in football and that they are safe. Their safety must be the most important thing. I hope that the SFA and other organisations take that on board.

15:13

**Maurice Corry (West Scotland) (Con):** I am proud to speak in the presence of an international athlete, Brian Whittle, and an international cricketer, Liz Smith.

Football is undoubtedly one of Scotland's favourite sports. It plays an important role in many young people's lives. As well as providing the health benefits that regular exercise gives our young people, participation in youth football can build confidence, improve communication and social skills and increase focus. Regular physical activity prevents obesity and ill health in children throughout their lives. It should be whole-heartedly encouraged.

The petition on improving youth football that we are debating highlights a number of concerns about contracts, transfer payments, physical

education in schools and public funding. As a former member of the Public Petitions Committee, I have had the opportunity to consider the petition for some time. It raises a number of important questions and I welcome the opportunity to debate some aspects of it in the chamber.

One issue that concerns the petitioners is the amount of physical education in our schools. They call for PE targets in schools to be raised from the current two hours to four hours. Scottish Government figures show that only 11 per cent of Scottish children achieve the current recommended levels of daily physical activity.

In addition, obesity is a growing concern. Scotland has one of the worst obesity records among Organisation for Economic Co-operation and Development countries. In 2015, two thirds of adults were overweight and 28 per cent of children were at risk of becoming overweight. Any effort to improve that damning situation has to be welcomed and, although initiatives such as the daily mile are a step in the right direction, they do not go far enough.

Any problems that prevent children from, or put them off, playing sport should be reduced. Members on the Conservative benches believe that a cross-governmental strategy is required to tackle Scotland's obesity and inactivity problems—a strategy that focuses on prevention rather than cure, and which puts the importance of reducing childhood obesity and inactivity right at the top of the Government's agenda.

Another of the petitioners' major concerns relates to the Scottish Youth Football Association and the contracts that children were being placed under. The Children and Young People's Commissioner Scotland found that

“there appears to be a gap in regulatory activity by Government and Governing Bodies in ensuring that the best interests of the child ... are respected, protected and fulfilled ... In the youth football registration process”.

In a report that looked into the petitioners' concerns, the commissioner goes on to say that

“There is a problem with the system generally in terms of how it recognises the rights of children and young people to make choices which are respected. A child or young person is encouraged to be a passive recipient of the opportunity, not an empowered actor in the process.”

Children as young as eight and nine are being required to sign commitment forms for SFA member clubs, which they believe are contracts. The SFA has argued that such registration is not a contract; rather, it is a form that binds a player to the club. That requires closer scrutiny. A minor is certainly in no position to make binding commitments to any club, and I would question whether they should be expected to do so.

The Scottish Conservatives have concerns about the Scottish Youth Football Association and believe that further steps need to be taken in relation to the wellbeing of young players. As Clare Haughey rightly pointed out, many registered coaches did not even have PVG clearance last year. That situation urgently needs to be rectified, and I welcome the commitment by the SYFA to prepare “significant” plans to tighten procedures from April 2018.

I want our young people to have opportunities to participate in sports at all levels, and I recognise that a great many options come from committed volunteers who give up their evenings and weekends to take training and organise matches. I see that happening now in my West Scotland region, in Dumbarton, the Vale of Leven, Renton, Helensburgh and other communities. In my home town of Helensburgh we now have two youth football clubs. They are expanding well: they are well managed and well coached. It is absolutely vital, however, that we have the safeguards in place to protect our young and vulnerable people, and that is why PVG certification is so important.

Sport can be a force for so much good. It brings people together, it improves both physical and mental health and, most of all, it is fun. All children should be encouraged to exercise and play sport, and sports clubs of course play a vital role in that regard. It is also important to have programmes in place to harness the talents of young sportspeople and to encourage young sportsmen and sportswomen into elite sports. We want elite clubs to find, harness and build talent, as Brian Whittle said, to bring on the next generation of elite athletes. However, no child should ever feel trapped or face undue pressure under such a programme.

15:18

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** As my colleagues on the Public Petitions Committee have said, this is one of the longest-running petitions in the Scottish Parliament's public petitions system. It dates back to 2010. That fact alone, in my opinion, speaks volumes about the complexity of the issue; it also gives an indication of the intransigent nature of the hierarchy in Scottish football. The committee has tabled the petition 27 times. Its consideration has included discussions, the commissioning of reports and, on a number of occasions, the gathering of evidence from key people in Scottish football, ministers, the petitioners themselves and many other relevant stakeholders.

There are a number of issues involved in the petition, but the main issues of concern, which I will expand on, include the contractual arrangements between children under 16 years of

age, professional clubs and the SFA, and, in particular, the social, educational and psychological effects and legality of clubs banning children from participating in extra-curricular activities such as playing for their school team. It was only last year—six years after the petition was lodged—that the SFA lifted that ban, but there has been no monitoring of the situation, and even now many young people are still under the impression that they cannot play for their school team. Being banned from enjoying a more relaxed game of football with their friends has the effect of isolating the young players from their peers and restricting their participation in the game that they love. For many, the effect is also complete disillusionment with the sport, and they end up cutting all ties with football.

In addition, we must ask how appropriate it is for there to be compensation payments between SFA member clubs for the transfer of young players under 16. There are also questions around accountability in relation to the audit process, as well as accountability for the public funds that are held by the SFA and distributed to member clubs.

For me, child welfare is at the core of the petition. It is about children being used as commodities by male-dominated, top-down organisations that are intent on getting value for money and discovering the next Kenny Dalglish. The reality is that the organisations' actions shatter the dreams of many young people, and in my opinion they are trading on that. They are the dream shatterers, not the dream catchers.

The many excellent, hard-working youth coaches with a desire to help young people throughout Scotland reach their potential and progress in the sport are in no way to blame. Two people with close family connections to me work in youth football coaching. I know that they do it because football is their passion, they genuinely care about the welfare of the youngsters in their charge and they do their utmost to help them realise their dreams. However, they are a world away from the men in suits in the SFA and the SPFL who run football in Scotland.

As we have heard from members across the chamber, the petition raises a number of other serious issues. A child who signs a registration form at age 15 can be held by the professional football club for three consecutive seasons, up to their 18th birthday. The operation of the compensation scheme has not changed and continues to cause concern, as payments between clubs have been made beyond the parameters of that scheme. In addition, contracts between professional clubs and 16 and 17-year-olds contravene minimum wage legislation, with some players being paid £1 per week. Last but not least, there is a lack of appropriate child protection

checks being carried out on football agents who engage with children, as highlighted so powerfully by my colleague Clare Haughey.

In May of this year, the former children's commissioner Tam Baillie—a staunch supporter of the petition, and someone who maintains a strong connection with the subject—sent a letter to Her Majesty's Revenue and Customs informing it of the petition and the implications arising from it in respect of payments by professional football clubs in Scotland that contravene minimum wage legislation. He reiterated the concerns that the Scottish Football Association and the Scottish Premier Football League have been intransigent with regard to change, and he told of the documentary evidence that has been produced that confirms that 16 and 17-year-olds have signed with professional football clubs for wages ranging between £1 and £10 per week.

In evidence to the Public Petitions Committee, Neil Doncaster, the chief executive of SPFL, stated:

"We do not have sight of the contracts between clubs and players. Effectively, eligibility to play in SPFL competitions arises from a Scottish FA registration. So, no, I did not have knowledge of any clubs paying £1 a week."—*[Official Report, Public Petitions Committee, 22 December 2016; c 36.]*

Even when it was brought to their attention, they failed to act. In response to a letter on the minimum wage from the petitioners, the SFA and SPFL stated:

"This area of legislation is complex, and it is not always apparent from a contract how many a player may be working in a relevant pay period."

"The focus of both bodies is to ensure that players are paid the minimum wage rather than punishing clubs for non-compliance."

I believe that that response proves that the football authorities are not prepared to find out where the minimum wage is not being paid and are not interested in finding out what is happening to young players in their stewardship.

It is true that during the petition's lengthy passage, there have been some positive developments, such as the appointment by the SFA of a child protection officer and a children's rights officer, and the introduction of some limited changes to children's rights while they are signed to a professional football club. As the minister said, the Scottish Government has indicated a desire to work with clubs to address outstanding issues. However, due to the inactivity and intransigence of those who hold positions of power in the SPFL and the SFA, Tam Baillie is calling for legislation to address the matter, as we have heard.

The fact is that children under the age of 16 are being asked to sign contracts despite not having the legal power to do so. Many parents do not understand the small print of those contracts and, in any case, are so overwhelmed that their child is being given a chance to progress to professional football that they do not want to rock the boat and ruin their dreams.

The purpose of the petition is to expose the abuse of power and the control of children by professional football clubs in Scotland. To date, children's rights have been contravened and football mandarins have adopted the approach that they are untouchable. That is simply not good enough. How many more years do we have to wait until that imbalance is kicked into touch? Let us hope that change is imminent.

15:24

**Colin Smyth (South Scotland) (Lab):** It is a privilege to speak in this important debate. I commend the Public Petitions Committee for the considerable and lengthy work that it has undertaken in tackling with vigour issues that have remained unresolved in Scottish football for far too long. I am not a member of the Public Petitions Committee, but I am a member of the Health and Sport Committee, which, as Clare Haughey explained, has undertaken an inquiry on a topic that is very much related to the Public Petitions Committee's work on youth football—child protection in sport. I will focus my brief comments on that issue.

We all know that sport, including football, has the power to inspire our young people, make them healthier and develop in them a real sense of achievement: in short, to be a force for good. That is in no small part thanks to the tireless and selfless commitment of the thousands of dedicated and mainly volunteer youth coaches right across Scotland. They give up their time, often at personal cost, to make a profound, inspiring difference to the lives of the young people whom they work with. It is important that we recognise the positive impact that those coaches make on the health and wellbeing of individuals, local communities and wider society.

In recent months, however, we have all heard of the tragic cases of former youth footballers who have come forward to tell their personal stories of historical sexual abuse in football, with a small minority of abusers—they are not coaches—using their position of influence to perpetrate sickening crimes. It is those tragedies that prompted the Health and Sport Committee to undertake its inquiry. The inquiry's purpose is not to examine those tragic cases, because that is very much for the police and courts, but to seek assurances that the current safeguards that are in place in sport

are such that child abuse could not, and would not be allowed to, happen today.

The committee considered a number of areas, with a particular focus on the protecting vulnerable groups scheme. Ensuring that adults who work as coaches or are in similar roles have undergone the necessary PVG checks should be a fundamental starting point for safeguarding children and young people. However, the committee learned that participation in the PVG scheme is not mandatory for those who work with young people in sport and that there is no requirement for talent scouts and other intermediaries to undergo PVG checks.

Although it is an offence knowingly to employ a person on the barred list, evidence from Disclosure Scotland to the committee's inquiry confirmed that for an organisation

"it is not an offence ... to employ somebody if it did not know they were barred."

Presumably, that includes cases where the organisation has not had a PVG check carried out.

It was clear to committee members that there is a need to be more explicit about when PVG checks are required. The committee said in its recommendations that there is a

"compelling case for the PVG scheme to be made mandatory"

and concluded that

"the current system may not be preventing unsuitable people from doing regulated work."

The inadequacies of the present voluntary system were dramatically brought home to the committee by what can only be described as the shambles of the Scottish Youth Football Association's handling of PVG checks. As Clare Haughey said, during our inquiry, the BBC claimed in December 2016 that 2,500 coaches working in youth football had not been PVG checked. When the Scottish Youth Football Association appeared before the committee to give evidence and to be questioned on the number of outstanding PVG checks, the figures that it provided lacked consistency—frankly, the committee was misled. We found out that the SYFA had rejected offers from Disclosure Scotland and Volunteer Scotland of assistance in clearing the backlog of PVG applications.

Throughout all that, the Scottish Football Association took the view that the SYFA was an autonomous organisation that was simply affiliated to the SFA. As the committee concluded, such a soft-touch approach by the SFA simply was not working effectively to protect children and young people in football—as the committee convener said, the SFA was "asleep on the job". Although the SFA and the SYFA are not accountable to Parliament, the SFA and other sporting bodies

receive public funding. The committee took the view that, in future, such grants should be conditional on adequate child protection procedures being put in place and adhered to.

Although the PVG system is a vital part of the safeguarding process, we know that it alone is not enough to guarantee safety. The Professional Footballers Association Scotland made that point in its evidence to the committee. It stated that

“PVG checks only raise issues when an individual has a criminal record”.

The committee heard that since 2002, Children 1st has worked with sportscotland to deliver the safeguarding in sport service. That support goes well beyond PVG checks and maintains a set of minimum operating requirements, which are currently being updated to

“take a broader ... more child-centred and rights based approach.”

That is something that I very much welcome.

It is fair to say that, since the Public Petitions Committee and the Health and Sport Committee began their inquiries and shone a light on many of the issues described in the debate, there have been a number of improvements. For example, the SYFA has made improvements in dealing with PVG checks, and the SFA has issued a new directive to ensure that its members follow the child and wellbeing policy and is conducting an internal review that is taking place at the same time as the current PVG review and the child abuse inquiry.

However, whatever processes or procedures are slowly being put in place, a recurring theme in the evidence to the Health and Sport Committee was the fundamental cultural problem in sport whereby children are not properly valued and their wellbeing is not at the centre of people’s thinking. That theme is also evident in the work of the Public Petitions Committee.

Children 1st told the Health and Sport Committee:

“The recent allegations of historical child abuse in sport are the latest manifestation of society’s collective failure to listen to, believe and respond to children who have been abused.”

Former Children and Young People’s Commissioner for Scotland Tam Baillie raised specific concerns about the culture and power imbalance in football and the unfair treatment of children, arguing that

“it is in the clubs’ vested interests to have complete control of the children”

and that

“everything is done to the advantage of the professional football clubs and to the disadvantage of the children

involved.”—[*Official Report, Health and Sport Committee, 7 February 2017; c 34.*]

When giving evidence, the chief executive of the SFA denied those claims but, as we have heard today, it is a denial that, frankly, lacks credibility.

It is clear from today’s debate that the two committees share the view that the football authorities have an overriding duty to eradicate the imbalance and, indeed, any perception of it. The Health and Sport Committee is very clear that, if that is not forthcoming from the football authorities, the Scottish Government should act through legislation.

15:31

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I am grateful to Johann Lamont and the Public Petitions Committee for raising this important issue for debate in the chamber. The conduct of our national game and the induction of our children into it have seldom attracted the chamber’s focus but, after seven years in committee, and for the reasons that the petitioners outlined, we are right to address the petition today, and not before time.

The revelations that under-16 players had been induced to sign contracts for payments of as little as £1 a week by agents who were operating without any kind of child protection checks were, to be frank, astonishing. That Karamoko Dembele, at the age of 13, should feature in an under-20s match for Celtic against Hearts and become subject to speculation in the betting markets with insufficient consideration for his wellbeing is a grave concern, and repeated reports that clubs have forbidden up-and-coming young child stars from engaging in any other form of extra-curricular activity should sound a clamour of alarms for us as legislators. If such practices were found in any other industry, we as a Parliament would surely have cried foul long ago yet, for some reason, the church that we have built around Scottish football means that it has avoided the Parliament’s scrutiny and rebuke.

It is small wonder that former Children and Young People’s Commissioner for Scotland and my friend and colleague Tam Baillie, who we have already heard quoted several times today, said of the practice:

“the clubs ... are trading on the dreams and aspirations of those children and young people. But at the end of the day they are exploiting them for monetary gain.”

In those words, we see a measure of the power imbalance that naturally exists between young people who are ardent to achieve the international glory of their heroes and idols and who must follow a narrow and deeply competitive path to success,

and the coaches, talent scouts and club managers who hold all the ladders to that success.

From a desperately early age, young people who seek to rise to such heights in the game become aware of what is required to climb those ladders—an obsessional focus on following the training regime set by the coach, loyalty that is cemented in legally binding contracts that can lead to everything but sometimes lead to nothing, and the patronage of talent scouts and agents for whose attention they must jostle with hundreds of other young players.

It is partly because of our recognition of such power imbalances that we passed child protection legislation in the past. I suppose that we assumed that the Protection of Vulnerable Groups (Scotland) Act 2007 would be sufficient to protect children from people who would seek to exploit or abuse them in locker rooms or on playing fields, but we never stopped to think about the industry that now surrounds the elite end of the game. We should therefore, as a matter of urgency, seek to re-evaluate and regulate not just the agency and contractual side but the undertaking of police checks of such people, who hold sway over these young lives but who are not currently covered by the legislation.

**Fulton MacGregor:** Does Alex Cole-Hamilton think that the named person legislation could help with some of the issues that he has raised?

**Alex Cole-Hamilton:** To be frank, no. We are talking about child protection legislation and the Protection of Vulnerable Groups (Scotland) Act 2007.

The lackadaisical attitude of those who preside over the game in this country to not just the rights of children who seek to make a career in football but their protection within it is one of the most shocking things that I have learned about in my short time on the Health and Sport Committee. As some of my fellow committee members have said, our inquiry in the immediate aftermath of serious allegations of historical child abuse in Scottish football revealed a shocking level of inaction by the sport's governing body, which I thought to be nothing short of a dereliction of duty. I know that my committee colleagues agree with that. That the Scottish Football Association should finally issue a directive to the SYFA to have all its coaches PVG checked before the summer—Colin Smyth referred to that—which was a full 10 years after the legislation came into force, demands our immediate attention.

Youth football has a great capacity for good in this country. If it is properly managed, it can engender an enormous and positive social impact. For example, Spartans Community Football Academy in north Edinburgh, which was set up in

2008, now reaches more than 2,000 young people every year, many of whom are from my Edinburgh Western constituency. Apart from the more obvious reasons why such a club might be so important, it is educating those who might fall through the cracks. Its alternative school provides young people who find school challenging or who are at risk of exclusion with a different way to learn in classes a few times a week. The subjects include English and maths, in addition to the physical activity that the game of football provides.

Spartans have been a vital partner in the stronger north initiative and operation Soteria, which is working to reduce motorbike crime in north-west Edinburgh, and they are the nexus of a suite of youth work interventions that are making a lasting impact on a range of social problems in that part of our nation's capital.

Put simply, football is a language that can connect with even the hardest-to-reach young people in our society, and early support from such community clubs can transform lives. Whether they are aspirant footballers from the fringes of our society or at the very top of their game, children of any ability must enjoy the full protection of the Parliament from any form of exploitation or molestation, and we have rightly turned our attention to that today.

15:37

**James Dornan (Glasgow Cathcart) (SNP):** I congratulate Willie Smith and Scott Robertson on their perseverance in ensuring that the Parliament heard what was in their petition. Everything that they do is for the benefit of young players throughout the country, and we owe them a great deal of thanks. I must also mention my old colleague Chic Brodie, because of all the work that he put into the issue in the previous session, Tam Baillie and, of course, Johann Lamont—who has gone for a cup of tea because I was to speak—and the rest of the Public Petitions Committee for the fabulous work that they have done in holding the football authorities to account.

I have been involved in football for as long as I can remember—as a young fan, a very mediocre player, a coach, a manager of amateur and juvenile clubs, a proud father and a grandfather. Two things are most relevant in that context. My two sons were good players, and my younger son signed for Celtic and played for Scotland. When he was asked to sign for the club that he and our family had always supported, wild horses could not have dragged him away, despite offers from high-profile English clubs. I will be honest: I do not remember even looking at the contract. Back then, young footballers were just food for the beast. A person made it or they did not make it; as far as the club was concerned, *c'est la vie*. I honestly



thought that things had changed dramatically since then, but reading the committee papers and listening to the representatives of the SFA and the SPFL at the two meetings of the Public Petitions Committee that I attended showed me that any movement has been superficial and slight.

I welcome some of the moves that the governing bodies have made at the behest of the committee and the Scottish Government but, at all times, they appear to have been dragged kicking and screaming to those positions. For example, there is the aforementioned six years that it took from the lodging of the petition for the SFA to issue guidance that children should be free to play for their school teams, but there has been no monitoring to ensure that children and young people are aware of that change.

That highlights what I saw when I attended the committee meetings and asked the SFA and the SPFL questions. There was arrogance, dismissiveness and blinkeredness. They seemed to be driven by the chosen few at the top of the game and to have very little regard for the impact of their decisions on the young people of Scotland—the young people whose dreams, as Rona Mackay eloquently put it, they are shattering and not upholding.

We have a duty and a responsibility to make sure that, when people leave professional football, they still love the game and go on to take all the benefits that come from it—the camaraderie that a person feels and the lifelong friends that they make, as well as the fitness and health benefits that go along with any sport.

My good friend and comrade Neil Findlay, who is the convener of the Health and Sport Committee, wrote to Stewart Regan. One of Neil Findlay's many questions was:

“Does the Scottish FA use profits from coach education courses”—

which are paid for by youth organisations—

“to, in any way, fund individuals associated with professional football clubs?”

The answer, which was a typical response from a football body, was:

“If you are asking whether we take profit from the grassroots game and give it to the professional game, the answer is no. If you are asking whether we offer discounted places to individuals associated with professional clubs, the answer is yes.”

Those two elements do not match; they cannot both apply.

That is bad enough, but the end result is that clubs such as Campsie Black Watch go to the wall. I used to run Netherlee under-21s. We had a really good team but, over six years or so, we beat Campsie Black Watch only once. Gerry Marley

was running them; I think that he is now 85. Campsie Black Watch had been there for 74 years, and I believe that Hillwood Boys Club has been on the go since 1966—members would not know that from looking at Willie Smith, as he looks only about 40.

We must protect clubs such as Campsie Black Watch. We should never allow clubs at that level to pay for professional football. Money should travel downwards; it should not travel upwards to those who make a good living and plenty of money out of football. It certainly should not be youth football that has to pay. The profits from courses should be used to protect our children and to improve the quality of our children's football, but that is not what we get from the SFA and the SPFL.

The football organisations were questioned about the payment of the national minimum wage and whether youth footballers were getting paid £1 a week and signing three-year contracts. I could be here for another 40 minutes talking about all that—I am only kidding, Presiding Officer; I know that I cannot do that.

In committee, the football organisations said that appearance money was part of the £1-a-week contract and that that brought the payment up to the minimum wage level. First, I believe that to be illegal. Secondly, when I asked the organisations whether someone who trained three nights a week then travelled to Aberdeen for a game but sat on the bench and never got on the park was paid only £1 a week, the answer was to mumble, “Mmm.” There was complete waffle; there was nothing. That is what we are dealing with.

If we leave the issue to the SFA and the SPFL, I do not believe that we will end up in a place where our young kids continue to be enthusiastic about football. A long time ago, I saw what happened with my boy. He became fed up with Scottish football and left to play in Australia. We should not be in the same situation 25 years later. The SFA and the SPFL must be made to do the right things because, I assure members, they will not do that of their own accord.

**The Deputy Presiding Officer:** Thank you very much. I do not know what the official report will make of your mumbling, but we will find out.

15:43

**Liz Smith (Mid Scotland and Fife) (Con):** I am pleased to take part in the debate. I will not call James Dornan my comrade—that would go against the grain. Nonetheless, he spoke with considerable passion and identified in an interesting way an awful lot of the issues that the petition has thrown up, and I thank him for doing that.

I have been very much involved in school sport for the best part of 40 years. Although I am by no means an expert in football or in football coaching, I hope that I can speak with some authority about the relevance of some of the issues that the petition raises.

I give credit to the minister for taking the time three weeks ago to come to Stirling to look at a new initiative called beyond boundaries, which I declare an interest in. I thank her for coming, which shows how the Scottish Government is supporting those who are trying to develop sport for people who perhaps would never have had any chance to get involved.

As Johann Lamont said, football is very much part of the national psyche. The reason for that is not always a good one, but generally the sport has a positive influence, and the country's collective mood is most easily read by observing the fortunes of those in dark blue at Hampden. For all but the chosen few, the national obsession is taken little further than sitting in the stands or watching a match on television, but today's debate investigates the experience of those who come closer than most to making it as professional footballers. As we are aware, the petition's focus is wide; I will touch on a couple of elements that are worthy of further investigation.

Youngsters grow up in the hope of emulating their idols and, for many, the opportunity to train or play professionally is seen as too big to miss. Not surprisingly, the vast majority do not end up playing for the senior side or even professionally, but some of Rona Mackay's comments about that were absolutely apt. We need to take on board exactly what effect disappointment can have on youngsters and particularly the very young.

Beyond the emotional issues, there are practical difficulties. For example, children often sacrifice parts of their traditional education to pursue football, but I note that this year young Scottish internationalists who were playing in a tournament abroad were accompanied by a Scottish Qualifications Authority invigilator so that they could sit their exams. I do not imagine that such a situation is conducive to studying and getting good grades, but the example serves to illustrate the pressure on many young people who are seeking to balance their sporting lives and their education. The demands of international sport are increasing, and not always in a good way.

For the youngsters who do not make it, clubs must be on hand to offer the proper emotional and mental health support. Dealing with setbacks might be part of life, but few children will experience such a brutal education in disappointment as those who lose out at such a young age.

A couple of speakers have said that football is like no other industry, which is true. The finances in elite football operate in a different world, with clubs routinely paying for potential rather than established talent. Just this summer, an 18-year-old was signed for €147 million. Nurturing a talented child into a fully developed professional is clearly big business, and no one should say anything else.

The fact that Scotland has the world's richest and biggest league on its doorstep undoubtedly complicates matters for youth academies. Clubs that invest in coaches and facilities would not do so if a rival were able to swoop in and sign a player without having to pay compensation. In any other industry, it would be perfectly normal for a business to seek protection for its investment, but in football, the investment is often in a youth player. A fairer balance therefore has to be struck between the child's wellbeing and protections for clubs, and that is probably one of the most difficult issues that we have to deal with.

With players registering at younger ages and only 55 per cent of parents saying that they fully understand the terms of registration—James Dornan referred to that—many people feel not only intimidated by but shy about professional representation. I was shocked to learn of children as young as 12 having intermediaries and their own agents, and I was even more shocked to learn that, for the most part, those agents are not required to have passed any of the expected checks. That situation is clearly not acceptable.

I will finish by looking at one of the opportunities that we might have. Iceland has invested a huge amount in indoor facilities and has more UEFA coaches per capita than any other country in Europe. Last summer, we saw the clear fruits of that investment. I know that many in the chamber enjoyed that experience—I cannot think why. Nevertheless, people in Iceland have made it their business to get behind many of their youngsters who are excluded from the game. Providing indoor facilities and improving the availability of coaches, including professional ones, has had much to do with making that possible.

I am running out of time. I congratulate not only the petitioners but the parliamentarians on taking up the issue with considerable enthusiasm and passion. It is incumbent on us all to address the issue and do something positive to ensure that all our children, whatever their standard, can benefit.

15:49

**Maree Todd (Highlands and Islands) (SNP):**

As a member of the Health and Sport Committee, I became aware of the petition during our consideration of child protection in sport over the

course of this year. Not only have the petitioners highlighted matters of serious concern in the petition but, through their tenaciousness and the Scottish Parliament's process of diligent scrutiny, other matters have come to light. As other members have said, it is a measure of the cumulative concerns that exist that the debate is taking place. I am grateful to the Public Petitions Committee for bringing this important discussion to the chamber. I also thank Tam Baillie, the former Children and Young People's Commissioner Scotland, for his work on the issue over the years and for the briefing that he provided for the debate, much of which I will cite in my speech.

The Health and Sport Committee began looking into the systems and processes of child protection in sport in the wake of allegations of historical child sexual abuse in football. Given those allegations and the fact that the BBC uncovered a large backlog in PVG checking in youth football, we wanted to assure ourselves that today's systems prevent unsuitable folk from undertaking regulated work with children in any sport.

Over the course of the year, it became clear to us that improvements had been made in football, but the SFA and the SYFA have been sluggish, if not actively evasive, in their response and certainly not proactive. They began overhauling their procedures only following criticism. Nevertheless, there have been some encouraging changes to address problems. In fact, at our most recent evidence session on the topic, Disclosure Scotland chief executive Lorna Gibbs told us that the SYFA was

"on a journey to a better place".—[*Official Report, Health and Sport Committee*, 5 September 2017; c 26.]

I am delighted with that progress, but the SYFA needs to go further. During that evidence session, it became apparent that neither of the two members of the SYFA who were present—Mr Duncan Mayze and Mr John McCrimmond—had completed child protection training despite their being senior members who had been involved in youth football for many decades and in the current SYFA since 1999. That is incredible, given their need to demonstrate leadership and awareness of child protection issues. PVG checking is just a small part of child protection, so it is impossible for the committee to have complete confidence that the SFA and the SYFA are aware and proactive around the entire issue.

As Tam Baillie says, the defining mission of the petition is to expose the abuse of power and control over children and young people by professional football clubs in Scotland over many years. The concern is that football clubs cynically exploit the ambitions of young people, that they exert unacceptable levels of restriction and control and that football authorities defend current

processes and demonstrate an intransigence to change. The consequence of all that is that football authorities pay scant regard to their monitoring role and children have weak protection of their rights.

As other members have mentioned, the vast majority of children who get involved with professional football clubs do not have long-term employment prospects and many are left disillusioned. In a letter to the Health and Sport Committee, Tam Baillie said:

"My main concern is the power imbalance and unfair treatment of children involved with professional football clubs. This places the professional football clubs in a very powerful position with children desperate to realise their dreams and as a result, vulnerable to exploitation. In my experience, the system in place gives scant regard to the best interests of the children involved."

Just a few weeks ago, at the evidence session on 5 September, Stewart Regan of the SFA again appeared in front of the Health and Sport Committee and reiterated—yet again—that he does not believe that there is a power imbalance. We raised concerns about the commodification of children, with terms such as "investment" and "compensation" being used, but he disagreed, saying:

"What we are talking about is a pathway to develop elite players, which works in every other country across Europe. There is a process to ensure that clubs that are investing a lot of time, energy and resource in developing elite players have a suitable compensation mechanism. We have a duty to develop elite players if we want to be successful on the international stage. The process is clear and transparent. Parents are aware of it and the clubs have all signed up to it. We have been talking to the children's commissioner about that mechanism for a number of years."—[*Official Report, Health and Sport Committee*, 5 September 2017; c 18.]

I remind members of the children's commissioner's words about intransigence to change.

Mr Regan may think that the arrangements are sufficient, but it seems obvious to me and to fellow committee members that there is a power imbalance. There is a power imbalance between clubs and children, because of the contracts that children and young people sign and the conditions that are imposed on them.

A contract—the clubs may call it a registration—is involved that, while offering opportunity and benefits, also limits freedom. Power, in this situation, is the amount of control or influence that one party has over another, and how much influence there is over decision making. Add to that picture the fact that the coaches themselves are often heroes and become idolised and positioned as powerful figures in the lives of young athletes, and that the clubs are packed with their idols.

There is an exchange relationship, with coaches and clubs contributing knowledge and expertise, and athletes contributing willingness to learn and a high level of effort and compliance. Of course, in this view it is the coaches and clubs that hold the power in the relationship. A relationship in which one individual is fully compliant to the other can be seen to have an imbalance of power—

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

**Maree Todd:** —and control and can lead to the potential for abuse of power.

The committee remains concerned about the power imbalance and the cultural attitudes within youth football. The football organisations must acknowledge those concerns before they can address them.

15:56

**James Kelly (Glasgow) (Lab):** This has been an excellent debate, which has shown Parliament at its best. Members from across the chamber, members who have been on the committees and some who have an interest in sport have brought their depth of feeling to the debate. Some excellent points have been brought out.

As others have done, I thank the petitioners for raising the issues. They did so not just because of their own concerns, but on behalf of the many boys and girls, parents and volunteers who participate in youth football throughout the country.

There are two issues that I want to bring out—lack of concern for the wellbeing of children participating in football, and how we improve participation and access. On wellbeing, as many have said, many kids participate in the sport hoping that one day they may go on to score a winning goal in a cup final. Aileen Campbell mentioned that. Some kids just enjoy going along and the camaraderie. Whatever they do, they are entitled to be properly looked after. It is clear from what the members of the Public Petitions Committee and the Health and Sport Committee have said that, in a lot of cases, that is not happening.

Listening to members and reading the evidence, there has been a real failure in terms of contracts and registration. The fact that under-16s can be tied up on three-year contracts and kids as young as nine can be signed up on registrations is an absolute scandal and just should not happen.

Clearly, payments are made that are below the legal requirements and at an inappropriate level. The theme that runs through all this is that there is a complete lack of any audit process. It would appear that the view of the SFA and the SPFL is complacent and lackadaisical. They ask why we

are bothering about those things. Those things matter because many thousands of kids participate every weekend up and down the country and they deserve to be treated properly. Surely it is not beyond the wit of the football organisations to ensure that there is a central registration process with minimum requirements so that our kids are looked after properly.

James Dornan spoke about the way in which money flows in football and how the grass roots are not properly supported. That is also shocking. There is a real reluctance from the football bodies to allow an audit, not just of public money and how it is used, but of how the money flows. Supporters, participants and those of us with an interest would have real concerns about the lack of transparency.

The fact that the petition has been running since 2010—and that many of its issues still have not been addressed—is a real problem. The attitude of the SFA and the SPFL has been shocking. I know that in her closing remarks the minister will address the Government's way forward. There is a real issue for the Government. It is clear that the SFA and the SPFL will not take the action that is required. The Government now needs to set out how it will enforce responsibility for that.

There is another issue around participation in sport. I enjoyed Brian Whittle's trip back in time through all the world cups. I remembered them all well. Some bright spark over here said, "Why did he not mention Costa Rica?" [*Laughter.*] Aileen Campbell rightly challenged Brian Whittle on why we could do it then and not now. A lot of it relates to lack of participation. When I go back to the area that I grew up in, in Halfway, the two large grassy parks—they were not even formal football pitches—in the middle of the scheme are still there and still well maintained by the local housing association. The difference is that they are completely empty, whereas, when I was growing up, people played on them all through the summer and the winter. They played not just football but golf and even the odd game of cricket. I know that members will find that hard to believe—cricket being played in Halfway. The serious point is that I think that the reason for Scotland being so successful in football back in the 1970s and the 1980s is that there was a lot more informal participation in the sport. In order to participate nowadays, it seems that someone needs formally to be part of a club or to have a lot of equipment, which can be a barrier to people taking part.

Presiding Officer, I am getting to my final point. We need to have an honest discussion about funding. If we want to have 4G pitches, to have higher levels of participation and to bring on more skilled players, we need to talk about how we will fund that.

**The Deputy Presiding Officer:** I am very loth to cut speeches short, Mr Kelly—I am enjoying them all—but I am afraid that I have to.

16:02

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I remind members that I am parliamentary liaison officer to the Cabinet Secretary for Education, as, during my speech today, I may speak about some of my experiences as a teacher.

As we have heard from many of today's contributors, youth football, for most, starts in school. For me, it started in primary school. I well remember the day in 1995 when, as a striker for the P6 Ceres primary school girls' team, I scored the winning goal against the P5 boys' team. The thing is, Presiding Officer, the boys thought that they had it in the bag. Sure, we were one year older—but we were girls and they were boys. We annihilated them that day. I also remember having a buzz of adrenalin as I dodged the ball around the goalie's feet, and the sweet look of disbelief that was in his eyes. So while today's debate is about youth football, we should also be cognisant of gendered stereotypes when it comes to sport and its accessibility.

Indeed, in written evidence to Parliament's Health and Sport Committee just this morning, Scottish Rugby stated:

"For young females in general, sport is a social activity which is about fun, friendship and family".

I beg to differ. Sport, for girls, is as much about the winning as it is for boys.

I am proud that, by maintaining the sporting equality fund, with £300,000 of investment, the Government is encouraging more girls to take up sport. Furthermore, the establishment of a women and girls in sport advisory group shows the Government's commitment to showcasing the contributions of football clubs in delivering positive outcomes. Scotland will hold the first-ever women and girls in sports week, from 1 to 8 October this year, to promote the benefits of a more active lifestyle.

Getting it right for every child is the framework on which the school curriculum in Scotland is predicated. We say in our schools that, to get it right for every child, they should have equality of access when it comes to their learning—but that is often not the case when it comes to sport. It is often not the case in our secondary schools, where the availability of certain sport options is largely dependent on the specialism of the PE teacher present—or, indeed, the hockey-playing modern studies teacher.

Furthermore, it remains the case that sporting opportunities in Scottish schools are gendered. When the petition first came to Parliament back in 2010, I was teaching in a school not far from here where, for female pupils, dance was the main sport. For boys, it was rugby and football. Improving youth football should not just be about the boys as, sadly, the image on the Scottish Youth Football Association website would have us believe.

We know that more children are active today than previously. An SNP manifesto commitment has resulted in an increase in children doing two hours or periods of PE a week from less than 10 per cent in 2004-05 to 98 per cent in 2016. We know that PE has a positive impact on pupils' health. Furthermore, sport helps to focus children in class, improving their attainment and achievement, as Brian Whittle alluded to. Anyone who has ever taught a class of teenagers after PE will know that that is the case.

Child protection is a fundamental part of teacher training. In Fife Council, for example, a child protection annual update is provided to schools in June, which is presented to all staff, including janitorial staff, travel escorts and catering and cleaning staff, by the headteacher or child protection co-ordinator. I accept that youth football is different, in that it is largely staffed by volunteers, so let us look at the scouts, whose policy states that all adults who are involved in regulated work—for example, leaders—undertake a PVG check and are required to complete induction training prior to taking up their role. That induction includes mandatory safeguarding training, and it is a requirement that safeguarding training be renewed at least every five years.

However, as my colleague Maree Todd has alluded to, in an evidence session with the Parliament's Health and Sport Committee earlier this month, it transpired that two senior members of the Scottish Youth Football Association had had no recent child protection training and only one of them held a valid PVG certificate. The SYFA spoke about a "PVG night", as if it were a hoop to be jumped through rather than a serious part of training and supporting young people in football. The chairman of the SYFA told the committee that the association held "child welfare" training nights, but that those nights were not compulsory. Child welfare is very different from child protection.

As Rona Mackay mentioned, last September, the SFA appointed a children's rights and wellbeing officer, which is to be welcomed. However, in the same evidence session, the SFA could not tell me what impact that individual has had or whether they worked with individual clubs to ensure that child protection training happens as a matter of course.

There appears to be a systemic lack of understanding in the SFA and SYFA of the child protection training that should accompany the PVG application process. That was epitomised by the consistent conflation of children's rights with child protection throughout that evidence session. The fundamental issue at play when it comes to improving youth football in Scotland is that there is currently no consistent approach to child protection training, which should sit alongside any PVG application. As an individual who spent most of her professional life as a teacher, I simply cannot believe that, in 2017, child protection is not being taken seriously by those who work in youth football. There also appears to be a chronic lack of understanding about what child protection is.

I understand that the Minister for Public Health and Sport has written to all sporting governing bodies in Scotland to ask them to reflect on their current policies and procedures and to check that those are adequate to protect children who take part in sport, and I am sure that my fellow Health and Sport Committee members would welcome any update that the minister can offer on that.

Just as we aspire to get it right for every child in the classroom, we should aspire to do so on the football pitch as well. I congratulate the petitioners on their efforts to improve youth football for all.

16:08

**Michelle Ballantyne (South Scotland) (Con):** I echo other members' thanks to the petitioners for raising this important subject, and to the convener of the Public Petitions Committee for bringing it to the chamber.

Throughout Scotland and the world, there will be countless boys and girls who have, at least once, dreamed of scoring the winning goal for their club or country. Childhood is the time for such dreams, and we can and should encourage our children to pursue their ambitions, but not blindly. When a child becomes involved in youth football, perhaps when joining their first club or academy, many will see that as the first step on the road to a professional career and the fulfilment of their dreams. However, the reality for most is very different.

Football is now a global business, but the commercialisation of the game has been a process, not an event. Gradually but evidentially, the money circulating through the veins of the beautiful game has grown exponentially. Billions of pounds are paid for premier league television rights; there are six-figure weekly wages; and almost £200 million was paid for the transfer of a single player this summer. Sadly, youth football in Scotland has not been immune to the trend. The Public Petitions Committee has heard that children

and young people are being treated as commodities by the very clubs that are supposed to nurture their talent and encourage their development.

The mental and physical wellbeing of those young athletes often comes a poor second to the perceived needs of the club. We have seen that problem manifest itself particularly in the form of registration of players as young as 10. I understand completely the need to incentivise clubs to invest in the next generation, but children are being tied to onerous arrangements; it is clear that there is a prevailing imbalance of power between club and child. Brian Whittle was absolutely right when he said at the Public Petitions Committee that clubs are trading on the dreams of young players.

In that context, I do not accept the submission that Neil Doncaster made to the committee in December 2016 in his capacity as chief executive officer of the SPFL that the existence of an SFA dispute resolution mechanism renders that system acceptable—it does not. Let us put ourselves in the position of a young player who believes that their dream is within their grasp. Would we complain, when it could mean that we are not selected for the team, sidelined altogether or released from contract? The club holds all the cards in that registration agreement, and we need to see action taken at the top level to address that.

The need for further robust protection of young people in that context is particularly potent in the case of 15-year-olds tied to inflexible three-year deals with clubs. As Rod Houston of the SFA noted at the December committee meeting, the years between 15 and 17 are a tumultuous time for many young boys. They are faced with the twin realisations that a football career may never materialise and, therefore, that education and exams actually count. To snare a young person to a rigid deal for three years is neither fair nor constructive. I agree with the former children's commissioner, Tam Baillie, that we should move toward a system of annual lapse in registration and, further, towards empowering young people to terminate registration with notice.

However, there is a deeper and more fundamental issue. It is clear from the abundance of contracts and compensation that football clubs and youth academies are casting their nets far too wide in order to reap the financial benefits from as many young players as possible. When only 4 per cent of so-called elite players go on to a professional career, it is clear that we are erecting a house of cards of speculation and false hope. The Public Petitions Committee has heard evidence about young people putting education on the backburner because "it doesn't matter; I'm going to be a footballer". For many, the dream will

not be realised. For many, the dream will end in disillusionment with a sport that they once loved. In that regard, there is much to learn from the German academy approach: tempering expectations, smaller intakes, more investment per head and an unwavering and equivalent emphasis on education.

I therefore welcome project brave and I hope that it will be the catalyst for the changes that are so badly needed. For young and old, football is a source of joy—and frustration, if we support the wrong team. It is still our national game. It can unite families, friends and colleagues and strangers from all backgrounds, behind one badge or one flag. It has the power to do so much good for communities up and down our country—just look at #Game4Grenfell, if an example is needed. However, the youth game is enveloped by profit orientation at the club level and intransigence at the governing-body level. It is time to move away from diamond prospecting and return to a focus on young people playing the game and developing their skills and a lifelong love of the game. If we continue down the path of putting balance sheets ahead of boys' clubs, the beautiful game will become very ugly indeed.

16:13

**Neil Bibby (West Scotland) (Lab):** I welcome the opportunity to close the debate on behalf of Scottish Labour. As we have heard, the petition is the longest-running open petition considered by the Public Petitions Committee. It has been seven years since William Smith and Scott Robertson lodged their petition on improving youth football and the imbalanced relationship between clubs and young people. During those seven years there has been some progress, but the fact that we are still talking about the petition clearly tells us that there has not been enough action in addressing those issues.

It is over two years since the then children's commissioner submitted both comprehensive research and a child's rights impact assessment to the committee on the very same issue. I remind the chamber what the submission said:

"Currently, too many children are signing what they genuinely believe is a contract from as young as 10 years yet children's choice and control do not appear to be features of the current system ... the terms are not fully understood"

and

"children and young people have no certainty of their rights ... The current system recognises the investment of private companies in developing young players. However the system does not recognise the investment of players and their families, emotionally, practically and financially, in developing young players' football skills. This imbalance is not recognised in terms of mutual rights and obligations."

We have in front of us a petition that raises questions about both the specific practices of football clubs and the football authorities and the wider inequalities and disparities in Scottish football. A range of members have covered both those issues in their contributions. I will focus on the progression from grass-roots football in communities such as those that I represent in Renfrewshire, through to the youth system. We need to make sure that the rights of young people are respected throughout that process.

As I am not a member of the Public Petitions Committee, nor indeed of the Health and Sport Committee, I have not followed the petition as closely as some other members, but in preparing for the debate I spent some time speaking with people in my region who have first-hand experience of youth football, including parents and coaches.

In Renfrewshire—like other areas in the west of Scotland, as Maurice Corry mentioned—there is an active community around the grass-roots game, with plenty of well-known, long-running football teams. The kids who play aspire to compete at the highest level and the parents want the best for their children—of course they do.

However, as local coaches such as Iain McMillan at Thorn Athletic in Johnstone have pointed out to me, although parents want their kids to go on to bigger and better things in football, we also have to recognise the heavy pressures and demands that are being put on young people in football. Not only will they be training a couple of nights a week, they will be playing a couple of games at the weekend. That is a huge commitment in itself. There is a lot of travel and cost involved as well.

It is not too bad for kids from my area if they are playing for St Mirren or Morton because that is not too far away, but a number of kids have to go to Motherwell, Hamilton, Kilmarnock or further afield at peak times. It means that their school day is different from other kids and it means that they get their tea later. Their school life can suffer as a result.

Opportunities should not be denied to young people because they choose to work through the youth system. Nonetheless, we have to recognise that not only do league clubs provide the best gear and the best pitches, they have a duty to provide the best conditions in terms of pay and all-round support.

It has also been said to me that too many kids from poorer backgrounds are missing out on opportunities, because of problems to do with travelling or cost or because they just want to play football with their mates. That tells us that the current system is not working for everyone. James

Kelly made an important point about participation in football.

Regardless of whether young people make it in football, the relationship that they have with clubs can, on too many occasions, be weighted against them. As James Dornan and James Kelly have said, money in football is far too top-heavy. Wayne Rooney, for example—who is approaching retirement—is on £150,000 a week. Certainly, members on these benches think that he could pay a little more tax. Celtic is reported to be making £30 million from its participation in the champions league.

There is plenty of money in football. It is just not getting shared out sensibly enough. If it was, we might have more support for local youth football teams and we might not have 16 and 17-year-old footballers in contracts that do not pay the minimum wage. Let us be clear—payment of the minimum wage is not optional. It is a legal requirement; it must be paid and it must be paid in Scottish football too.

We have also discussed the club academy registration and compensation system for younger children—a system that has been described as a transfer market in children. Over the years, concern has been expressed about regulated activity within the system and unregulated activity that some have said could be hidden from parents.

There has to be proper monitoring and parents must have confidence that young people are not at risk of exploitation. Since public funds go into the game, the Scottish Government could and should ensure that there is the kind of auditing and accountability that the petitioners have called for to shine a light on the disparities that have already been mentioned. Crucially, the minister should take action to challenge the SFA and SPFL to address the inequalities and injustices that too many young people signed up to one-sided contracts have to face.

We also need to support grass-roots football more generally. That means allowing young people to make use of good, well-maintained, affordable facilities. Many clubs in my community live week to week, month to month, and it is not easy just to ask the parents to keep on paying more.

Not only are there concerns about payments to players, but there are real worries about costs too. In my area, the recent Labour administration on Renfrewshire Council has reduced and then frozen charges on football pitches for the past five years. It was right to do so, after the former SNP council, led by Derek Mackay, had massively hiked up football pitch charges in the area. We have to sustain our facilities, but we cannot price youngsters off the football pitch.

The petition also calls on the Scottish Government to

“develop a long-term plan to provide quality artificial surfaces”.

There is no doubt that facilities are getting better, but we all know that there is growing demand, and the Scottish weather means that we need more artificial pitches. Again, I know from speaking to teams in my area that there is always a demand for pitches and that more investment is needed. At a time when council budgets are being slashed, there is a very strong case for the Scottish Government to look at ways of leveraging new investment into playing surfaces.

**The Presiding Officer (Ken Macintosh):** Mr Bibby, can you wind up and come to a conclusion, please?

**Neil Bibby:** I am not getting time added on today, unfortunately. We should properly fund our councils so that they can make those investments in football. Stopping cuts to council budgets will help that. We should acknowledge that there are a great many positives about the game in Scotland, and I think that the petitioners would acknowledge that too. There are more boys and girls playing football, but there is much more that we can do. We need to deliver fairness for young people in football, from the grass roots through to young professionals signing with major clubs. We look forward to hearing more from the minister on her timetable for action to ensure that those matters are addressed.

16:21

**Miles Briggs (Lothian) (Con):** I am pleased to be able to make a closing speech in what I believe has been a good and useful debate and another positive example of how our Parliament's Public Petitions Committee can bring important issues to the chamber for thorough discussion.

I too commend the petitioners, William Smith and Scott Robertson, whose original petition in 2010—now the longest-running open petition still being considered by the committee—raised many very important issues that have been the subject of subsequent investigations by our Parliament. I also pay tribute to the past and present Public Petitions Committee members and staff for the work that they have undertaken over a substantial period.

My great-grandfather played football for Scotland, and every time he played Scotland won, beating England, Ireland and Wales. Sadly, as members will be aware, that was not recently. It was, in fact, in 1884, the year in which the football team that I and the minister support, St Johnstone, was founded. As a Vale of Leven player in 1889, he was head-hunted by Blackburn Rovers, which



was strengthening its side by buying the best young Scottish players. I am proud of the fact that he was part of the teams that won five FA cups over eight years. I raise that point not just to tell a family story, but to highlight how his decision to play for an English team brought to an end his promising international career, as at the time Scotland did not select players playing in English teams.

Time has moved on, but I think that I speak for members of the Health and Sport Committee when I say that, during the evidence and the inquiries that we have undertaken, it has felt as if Victorian attitudes still dominate the high levels of football in Scotland. Brian Whittle and Michelle Ballantyne have clearly set out the continuing concerns that members from right across the chamber have about how the SFA and the SPFL have appeared reluctant and intransigent in terms of addressing key concerns such as the signing of contracts with children under 16, the operation of compensation schemes and the lack of auditing of the public funds of the SFA.

As we have heard, the committee's investigations into those issues led to additional concerns emerging about such issues as the contracts between professional clubs and 16 and 17-year-olds that contravene minimum wage legislation, and payments between clubs that have been made beyond the parameters of the compensation scheme.

Clare Haughey rightly talked about the critical importance of the safety of the youngsters involved, and referred to the Health and Sport Committee's work on the child protection in sport inquiry, which made a number of important recommendations and held the SFA and SYFA to account for their unacceptable failure to ensure that the PVG scheme was applied to all coaches and officials working with young players. As Liz Smith highlighted, those checks should, of course, also be carried out as soon as possible for football agents who are engaged with children.

Although the debate has at times focused on some of the negatives that exist around football, I also want to talk about some of the fantastic examples of youth football schemes across our country and to commend all those dedicated staff and volunteers who work with our young people week in, week out, helping to develop their confidence, skills and physical and mental health and wellbeing.

With other members of the Health and Sport Committee, I was pleased to visit the Spartans Community Football Academy in Pilton earlier this year. The work being undertaken by Spartans through their various programmes—from their FooTEA club, where youngsters enjoy sport and a nutritious evening meal, to their street football in a

safe place or safe playground—is outstanding and is making a real difference to many disadvantaged young people across north Edinburgh.

I have been particularly impressed with the Spartans' work to tackle holiday hunger. It is a major concern that I have raised on several occasions with ministers and, as a country, we can address it by bringing together every football and rugby club with supermarkets and sponsors to help provide in every community a service similar to the one that Spartans provides. As Alex Cole-Hamilton highlighted, Spartans has blazed a trail on the issue by working with local schools to offer a summer holiday camp from 11:30 am to 1 pm every day with a complimentary lunch.

Earlier in the year, I was also pleased to meet Steven Jardine of Street League in Edinburgh. The charity is doing brilliant work in supporting unemployed 16 to 24-year-olds to move into education, employment and training by combining professional football coaching with employability and work skills training. It has had many success stories and I pay tribute to all involved in that innovative and life-transforming programme.

I again welcome the debate and hope that the additional parliamentary focus will put pressure on the football authorities to respond more adequately and urgently to the petitioners' concerns, which it is clear are shared across the chamber. I also put on record our strong support for youth football and those who work in, and volunteer for it at grass-roots level. They are real champions of many of our communities. We need to recognise their dedication to, and support for, so much good work, as well as the role that they play in improving the physical and mental wellbeing of many young people in Scotland, now and in the future.

16:26

**Aileen Campbell:** I am slightly dumbfounded by Miles Briggs's sporting lineage. It is clear that 1884 was a very good year for football. Underneath his story, of course, he made many important points.

Across the chamber, the debate has been positive. It has highlighted the important role that football plays in Scottish life. Most members present are football fans and we want our national game to flourish. Many of us have also acknowledged the benefits that physical activity provides and the power of sport to bring about positive change.

Liz Smith talked about the beyond boundaries initiative. I too really enjoyed visiting that initiative. It is important to acknowledge the good work of our governing bodies, including Cricket Scotland, in reaching out to people in innovative ways.

Perhaps Cricket Scotland will take the game to James Kelly's constituency, because the aim of the beyond boundaries initiative is to reach out to areas of the country that have not traditionally played cricket and that would enjoy it. It is a fine sport. In fact, St Johnstone was a cricket club before it became a football club.

It is important to recognise that good work is being done not only by our governing bodies in terms of their social reach but, as members have acknowledged, by football clubs and community trusts, such as the gamechangers partnership from Hibs and Greenock Morton Community Trust. The Montrose FC community trust has recently won an award. Many clubs are doing fantastic work in their communities. Their reach is considerable and, sometimes, goes beyond that of Government, health boards and local authorities in promoting positive messages.

Although there are many positives, we need to recognise that there are still areas of the game that could do with some improvement. We all want our national team and our clubs to succeed at the highest level, but protecting the welfare and human rights of children can and should be compatible with that outline ambition.

Let me repeat what I said earlier: the welfare of the child is paramount. Everyone in the chamber agrees that it should be the main consideration. We share the ambitions of the football authorities and the clubs for our national game. We also share their determination to ensure that we develop the very best young footballers that we can. However, that must be done with the welfare of children at the heart of considerations. Those issues are compatible. As I said in my opening speech, I believe that a system can be developed that safeguards the child's welfare while encouraging the clubs to invest in developing the next generation of elite Scottish footballers. We will continue to work with all people who seek to achieve that.

Members have acknowledged that there has been some progress over the seven years of the petition, but concerns remain in spite of those changes. Members have mentioned continued restrictions on playing with schools. Clare Haughey and Colin Smyth mentioned the significant work that has been undertaken by the Health and Sport Committee regarding PVG checks. We welcome that committee's report, and we have been carefully considering its recommendations. Our review of the PVG scheme is now under way. Under that review, we will consider any action necessary to ensure that those taking part in sport are as safe as they can be, and that sport is enjoyable for children.

On the point about stopping all funding to Scottish football, sportscotland's funding is

conditional on safeguarding requirements. Colin Smyth outlined the broader approach that is taken beyond simply looking at PVGs. Although we do not want to disadvantage the thousands of young people who are enjoying youth football and benefiting from Government investment, we must ensure that the improvements that are necessary are made.

Points have been made about continued investment. There has been investment and, of course, we want to grow the game. We want to ensure that there are opportunities for young people to enjoy the sport. Since 2007, sportscotland has invested more than £74 million using national lottery and Government funding across its capital programme, the legacy 2014 active places fund and cashback for the development of football. With partner contributions, that total investment in football facilities is in excess of £399 million. That said, we still need to ensure that people in all communities have access to and the opportunity to use high-quality facilities, so that we grow the sport at a grass-roots level.

James Dornan raised members' continuing concerns about the lack of parental understanding regarding the registration process. I reiterate that, although the national minimum wage is reserved, all clubs must meet their legal obligations.

**Johann Lamont:** Does the minister recognise that progress has been made because of the petition, not despite it? In fact, there has been a lot of reluctance on the part of the regulatory bodies. Although the minimum wage is reserved, and clubs have an obligation, what role does the minister envisage for the regulatory bodies in ensuring that the exploitation is ended? Too many families will not make a fuss because of the consequences for their young person, and they are caught in a trap because of that.

**Aileen Campbell:** The member is absolutely right to raise that point. I was not saying that the national minimum wage is reserved for the simple point of saying that; I was saying that, despite that being the case, we absolutely expect clubs to undertake their obligations. We will work with anyone who wants to ensure that that progress is being made. We have heard on the record about some of the efforts that have been made by the SPFL in moving that forward. The point remains, and Johann Lamont is right to point it out, that that was brought to light in the parliamentary setting by the petition. For that, we should put our thanks on the record.

The fundamental issue that members have raised is what the former children's commissioner termed a "power imbalance" for young and up-and-coming players. We have strongly emphasised to both the SFA and the SPFL that

concerns on that issue and additional concerns raised through the petition must be taken seriously. Scottish football must ensure that the rights of children and young people are reflected in all its activities. While I am cognisant of any restraints that external influence might place on the governance of our domestic game, I am also cognisant of article 4 of the UNCRC and the role of Government in that regard.

Children get only one shot at childhood, and if a child or young person gets only one shot at fulfilling their dream of being a footballer, we must ensure that the right safeguards are in place so that that experience is positive, empowering and helps to develop new sporting talent.

We have an opportunity. Although there is not an explicit timescale of work, I hope that we have provided an indication and an outline of a significant package of measures and work that will help to develop our approach in future. We will certainly reflect on the reach of the commitment to the UNCRC principles in our programme for government, and I have asked my officials—as I said earlier in response to Johann Lamont—to discuss those issues further with UEFA and to make it clear that our overarching interest is the wellbeing of children.

I am keen to firm up my offer of a round-table meeting to allow a collective examination of the next steps. The rule changes have now been in place for a full season, so it is the right time to convene and to explore in more detail how effective the changes have been, particularly the young players wellbeing panels, and to discuss the remaining concerns with all interested parties so as to consider the best way forward. There is also opportunity to build on the progress that has been made by the SFA and the SPFL, and we can explore the opportunities that are presented through project brave ahead of its implementation next year. Alongside that, we can consider examples from other countries; I think that Iceland was mentioned.

Furthermore, I will carefully consider the recommendations of the Public Petitions Committee when it comes forward with its report.

Looking back—

**The Presiding Officer:** You need to conclude, minister, please.

**Aileen Campbell:** I apologise, Presiding Officer.

A considerable package of measures is in place that will allow us to develop an approach that will bring about improvements as well as build on the improvements that have been brought by the petitioners.

It is right and proper that we continue to work across parties, party-political divides and club

allegiances. We must work with clubs and governing bodies to collectively bring about the pace of change that is required to make the improvements that we seek. They will ensure that children and young people are nurtured, respected and valued through their progression, whether that means simply enjoying a game of football or—if they are lucky—moving into elite performance and hopefully scoring that winning goal for Scotland in a cup final some time soon.

Thank you, Presiding Officer. Thank you to the Public Petitions Committee for its work and, of course, thank you to the petitioners.

**The Presiding Officer:** I call Angus MacDonald to wind up the debate on behalf of the committee.

16:36

**Angus MacDonald (Falkirk East) (SNP):** Thank you, Presiding Officer. I am pleased to be able to sum up what has certainly been an excellent and interesting debate, and I note that the petitioners, Scott Robertson and Willie Smith, are here following the proceedings today.

There can be no denying that football plays an important role in Scottish society, whether at the elite professional level, as recreation for adults or as youth football, which we have focused on this afternoon.

As the committee convener indicated in her opening remarks, and as others have mentioned in the course of the debate, the petition on improving youth football is the longest-running petition that is currently being considered by the Public Petitions Committee. Having served on the Public Petitions Committee in the previous session as well as this one, I would like to say a little about the consideration that has been given to the petition since 2010.

As members will be well aware, the committee seeks to work on a consensual basis wherever possible, and I am sure that we all agree that we have a good track record on that. The fact that the petition remains open is a reflection of the fact that, in different sessions of the Parliament, members from across the political spectrum have not been satisfied that we have reached the best possible outcome. When we talk about a petition that has been going on for so long, it is understandable if some questioning eyebrows are raised. However, to put it simply, we would not be doing our jobs if we did not continue to push for improved outcomes where we think that they can be delivered.

Consideration of public petitions is an iterative process. We have now considered this petition at 27 separate committee meetings. In that time there have been eight oral evidence sessions and

consideration has been given to many pieces of written evidence. There have been periods in those seven years when consideration has been paused for a number of months to allow substantial work to be done. Examples are the working party review that was carried out by the SFA, the SFL and the SPL in 2012 and 2013, and the work that was undertaken by the now-former Commissioner for Children and Young People, Tam Baillie.

Mr Baillie has continued to maintain a focus on the issue of youth football since he left that office, which is to be welcomed. His on-going interest highlights that the concerns that underpin the committee's work are about protecting the rights and welfare of our children and young people. Since undertaking an assessment of registration procedures from a child's rights perspective, Mr Baillie's position has changed to the point where he now calls for external regulation. I do not think that Mr Baillie would have made that call lightly, and the committee does not continue its work on this petition lightly either.

As today's debate has made clear, there are some issues of fundamental concern. However, before I go any further, I would like to say that I am grateful to Brian Whittle for highlighting how it can be done and for pointing out that there is good practice out there that can be followed.

In the course of this debate, other members—James Dornan, Lewis Macdonald, Claire Haughey on behalf of the Health and Sport Committee, Fulton MacGregor, former Public Petitions Committee member Maurice Corry and too many other speakers to mention—made excellent contributions. Some have raised concerns, which I share, about the fact that the SFA and the SPFL have confirmed that they do not monitor contracts between professional football clubs and individual players. As Tam Baillie and the petitioners have rightly pointed out, the SFA and the SPFL claim to investigate all instances of non-payment of the national minimum wage that come to their attention. However, we have seen no evidence of those investigations. As we now know, HM Revenue and Customs has previously investigated some instances of breaches of the national minimum wage, and HMRC is now engaged in a wider investigation of the contracts between professional clubs and 16 and 17-year-olds that contravene minimum wage legislation. That investigation highlights the complete lack of action on the part of the SFA and the SPFL on those issues.

I agree with Rona Mackay, James Dornan and others who suggested that it is the intransigence of the SFA and the SPFL that has made the petition one of the longest-running petitions, if not the longest-running, in the life of the Scottish

Parliament. It has taken six years for the SFA and the SPFL to agree that children who are signed to professional football clubs should be able to play for their school football teams. However, as the petitioners rightly point out, there is no monitoring framework in place to ensure that the SFA guidance is upheld by professional football clubs.

There has been a fair degree of consensus in this debate, during which it has become clear that members feel that there is a lack of governance by the SFA, and the debate has been useful in setting out the issues of concern. However, the petition will now return to the Public Petitions Committee for further discussion and I will now set out the next steps that the committee intends to take. In the coming weeks, we will take up the invitation to visit a number of club academies. That will allow us to hear from players, parents and coaches about their experiences with and perceptions of the current systems. I am glad that those visits will allow us to get to clubs of different sizes and with differing academy set-ups. I am sure that all members of the committee will find those visits of benefit. Personally, I am looking forward to visiting the Forth Valley football academy, and I hope to visit the Ross County Football Club academy in the not too distant future.

Once those visits have taken place, we will consider the petition again. Our consideration will include reporting back on the visits and reflecting on the issues that have been raised in this debate. It is the committee's intention to produce thereafter a draft report on the petition that will allow us to set out our conclusions and recommendations about what further action we would like to be taken and by whom. As always, we will welcome any contributions that other members of this Parliament and members of the public might wish to make that will inform our discussion of those next steps. Every contribution to the debate today has been excellent, and we look forward to further work on the petition in the near future.

## Decision Time

16:42

**The Presiding Officer (Ken Macintosh):** There is one question to be put as a result of today's business. The question is, that motion S5M-07801, in the name of Johann Lamont, on PE1319, on improving youth football in Scotland, be agreed to.

*Motion agreed to,*

That the Parliament notes public petition PE1319 on improving youth football in Scotland.

## General Practice (Recruitment)

**The Deputy Presiding Officer (Christine Grahame):** The final item of business is a members' business debate on motion S5M-07505, in the name of Jamie Greene, on general practice recruitment in West Kilbride and across Scotland. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes with concern the recent issue experienced at West Kilbride's General Practice (GP) surgery in North Ayrshire where it understands that the practice struggled to find sufficient replacement GPs to meet its demands, which could have led to its indefinite closure; further understands that, although locums were eventually found to keep it open until at least Christmas 2017, this issue is far from resolved; believes that the management of the surgery handed back their GP contract earlier in summer 2017 citing "concerns over the sustainability of continuing to deliver a safe and effective service" as their reason for doing so; highlights what it understands was RCGP Scotland's recent warning that Scotland could have a shortfall of 828 GPs across the country by 2021 and believes that this is well illustrated in the outcome of the West Kilbride practice; understands that West Kilbride is not the only area in Scotland where GP shortages have been highlighted and that other NHS boards, such as NHS Lothian, have also experienced problems with recruiting sufficient GPs; believes that interim locum solutions in staffing GP surgeries are not long-term solutions to a problem that has been highlighted to the Scottish Government on many occasions in the Parliament since the SNP administration took office, and considers that this identifies a clear lack of long-term strategy and vision over workforce planning of GP services across Scotland.

16:44

**Jamie Greene (West Scotland) (Con):** First, I thank MSPs from across the Parliament for supporting my motion and thus enabling us to have this very important debate. From the outset, I make it clear that all front-line national health service staff make a valued contribution to the provision of healthcare in Scotland.

West Kilbride GP surgery in North Ayrshire fell into crisis recently. In March, two of its general practitioners announced that they were leaving the practice and, in August, the three remaining doctors took the sad and very regrettable decision to hand back their practice.

The surgery is now under the control of the local health board and is being manned by locums. Since April, it has been operating with an on-the-day appointments system. Such practices, which are called 2C practices in the NHS, are thought to cost almost twice as much to run. In West Kilbride, adequate locum coverage is available until the end of November, but there are gaps in the December rota and, to date, no detail has been provided as to what will happen next year or, indeed, beyond.

That has left many local residents feeling understandably distressed and worried.

In their departing letter to local residents, the West Kilbride GPs noted:

“There has not been sufficient support in the form of further doctors ... Due to our significant concerns over the sustainability of continuing to deliver a safe and effective service we took the serious step of handing back our General Practice contract to the health board.”

The letter closed with the following, quite poignant words:

“General practice can often be more than a job; it is hard for us to be leaving the families we have been involved with over the past years.”

I therefore pay tribute to Doctors Struthers, Maxwell and Barbour on behalf of the local community and thank them for their many years of service.

However, this is a much wider problem across Scotland. No doubt we will hear some stories about that from other members. We know that 52 practices have returned their GP contracts to health boards. Since 2007, the number of patients being treated in 2C practices across Scotland has jumped from 83,000 to 160,000—a spike of more than 90 per cent. Why is that important? The knock-on effect is that our accident and emergency and acute services have seen huge increases in demand as people struggle to get access to a GP. The GMB union has described the ambulance service as being “at breaking point.”

Before any member on the Government benches—I note that they are few and far between—stands up and says to the Parliament that the problem exists in England and Wales, too, I will save them the bother. The provision of cradle-to-grave healthcare in Scotland has been devolved to this Parliament for 20 years, the SNP has been in government for 10 of those years, and the First Minister was in charge of health for five of them. The situation today has been a long time coming.

We should let the statistics speak for themselves. It is a fact that general practice in Scotland receives the lowest share of NHS spend anywhere in the UK. It is a fact that more than a quarter of practices in Scotland have a GP vacancy. It is a fact that three quarters of those positions have been vacant for more than six months. Some 90 per cent of GPs in Scotland think that their heavy workload is having a negative effect on the quality of care that they provide, and just 7 per cent think that 10-minute consultations are adequate.

The Government might mention the additional investment of £250 million that it has promised in general practice, but it is vital that there is a

commitment to recurring and sustained investment in primary care and a measurable plan for how it will address the recruitment problem. If the Government does not want to listen to me, it should listen to the experts. The British Medical Association and the Royal College of General Practitioners have provided many MSPs with detailed and constructive recommendations, and I urge the minister take them into account.

The problem did not arise overnight. Repeated warnings from across the board all pointed to the crisis that we face today: a chronic underfunding of general practice and a training and recruitment pipeline that has not met demand. It is the perfect storm. Given that a third of GPs plan to retire within the next five years, today’s crisis will be tomorrow’s disaster. There is a duty on this Parliament to do more than just talk. There is a duty to act and a duty to listen. It is a shame that the Cabinet Secretary for Health and Sport is not here to listen. We must act, and we must do it now. The clock is ticking. I hope that, by bringing the subject to the Parliament for debate, I will encourage the Government to focus its eyes once again on the crisis.

16:49

**Kenneth Gibson (Cunninghame North) (SNP):** I thank Jamie Greene for securing the debate.

I am concerned about the way in which the Tories have for weeks repeated the same factually incorrect mantra about the future of West Kilbride medical practice. They claim that it is set for closure and are worrying my constituents. To this day, we hear that the practice may stay open only until Christmas. That is simply not true, although undoubtedly the practice has been through a tough year with GP retirements and resignations. However, let me be clear that at no point has NHS Ayrshire and Arran ever indicated that the surgery will close; quite the contrary—I have always been reassured that the health board would not dream of leaving West Kilbride without a surgery and that closure was and is simply not an option. Indeed, all the other practice staff remain in place, and the practice manager has reported that patients have been very understanding of recent changes. The level of pharmacy input into the practice has also been enhanced through the SNP Government’s investment in primary care.

I was reassured by the primary care development support manager Karen Grant that at least two locum GPs are enjoying working at the practice so much that they hope to stay for at least another six months and might become salaried. Locum staffing is not ideal for continuity of care, and work is on-going to establish longer-term commitments to the practice. Ms Grant also

welcomes the £250 million incremental investment in primary care from the SNP Government, which enables investment in multidisciplinary teams around practices. With three doctors on most days, sometimes two and, today, four, the West Kilbride surgery is now better staffed than it has been for a long time.

I commend practice staff, our local health and social care partnership and NHS Ayrshire and Arran for their work in West Kilbride and their tireless efforts in utilising SNP Government initiatives such as the Scottish rural medicine collaborative in attracting doctors to the practice. Those professionals must be sick of hearing that what they are doing is not good enough, regardless of what we may have heard earlier this evening.

At one point, the incessant stream of misinformation about the practice was so bad that several constituents asked me which surgery they should go to “now that the one in West Kilbride has closed down.” In late August, I felt compelled to issue letters to inform every West Kilbride household of the real situation.

That brings me to the utter hypocrisy of Tory politicians presenting themselves as knights in shining armour galloping to the rescue of patients in West Kilbride. Their party has cut Scotland’s budget by 9 per cent—with more to come—but they stand up in the chamber demanding that the SNP Government does more with less.

Meanwhile, the Tories’ stewardship in England invites no faith in the Tory approach. In January, the British Red Cross declared that a humanitarian crisis was taking place in England’s NHS, in which junior doctor strikes took place not long ago. The *Financial Times* revealed that GPs are leaving NHS England at a rate of more than 400 a month, and it has been estimated that there will be a shortage of 12,100 by 2020. Recruitment agencies could be paid over £100 million by the English NHS to find GPs to replace the 5,159 GPs who left last year. Half of those replacements are being sought overseas. I wonder what impact the Tory Government thinks that its isolationist Brexit rhetoric will have on attracting those doctors.

The SNP Government is working with Scottish health boards to train, recruit and retain GPs. With one GP per 1,100 people compared with one for every 1,380 people in Tory England, one for every 1,378 people in Labour Wales and one for every 1,436 people in Northern Ireland, Scotland still has the best GP coverage per head of population in the UK by far. The measures to attract more GPs include a £71.6 million investment in direct support of general practice; activities to attract junior doctors and qualified GPs to work in general practice, including a GP returners programme; the Scottish international medical training fellowship

programme; widened access to medical education—and so on.

The SNP Government is committed to providing an extra £250 million annually in direct support for general practice by 2021 and increasing overall primary care investment by £500 million. The GP recruitment and retention fund is increasing this year from £1 million to £5 million, which will enable the expansion of and continued support to existing and new initiatives across Scotland. The British Medical Association’s Scottish GP committee chair, Dr Alan McDevitt, welcomed that as

“a very positive step in the right direction towards our shared vision of general practice”.

**The Deputy Presiding Officer:** I am sorry, but you need to close.

**Kenneth Gibson:** I trust that I have clarified what is really going on in West Kilbride medical practice. I have every faith in a healthy future at West Kilbride. The practice was never up for closure, and nor will it be.

16:54

**Miles Briggs (Lothian) (Con):** I congratulate my colleague Jamie Greene on securing the debate and on the good work that he is doing in representing the concerns of residents in West Kilbride about the future of their local surgery. He is entirely right to bring these serious issues to Parliament and to the attention of ministers. The GP recruitment crisis is one of the biggest challenges facing our NHS, and every MSP in the chamber will be acutely aware of the pressures on local GP services in constituencies and regions across our country.

The motion correctly identifies that RCGP Scotland warned in a submission to the Health and Sport Committee this summer that there will be a shortfall of 828 GPs across Scotland by 2021. It updated that figure just this week; the projected shortage now stands at 856. The RCGP was highly critical of the Scottish Government for giving the impression that an extra £500 million would be invested directly in GP services by 2021. The real figure is half that; the rest will be invested in primary care.

The RCGP stated starkly:

“If the longstanding underfunding and confusion that we are currently experiencing is to continue, we will keep witnessing a considerable number of general practices closing and transferring the running of their practices to Health Boards due to insufficient resource through which to remain solvent. Patients will continue to be found queuing outside practices for the uncertain opportunity merely to register with a GP.”

Ministers must heed such warnings and act urgently.

Jamie Greene's motion refers to the significant problems in my region, Lothian—a part of Scotland where the population is rising fast and, consequently, demand for primary care services is increasing dramatically. More than 40 per cent of GP practices in NHS Lothian are either full and not accepting new patients, or restricting registration. That is the crisis that we face in Scotland, and I hope that members across the chamber will start to recognise that.

Patients regularly contact me to complain about the difficulty, which Jamie Greene identified, of securing non-emergency GP appointments. The situation in the capital is particularly serious. On Friday, the Edinburgh integration joint board considered a report about the GP premises that will need to be provided in the next few years. That report contained serious warnings about the pressure on local services as the capital prepares for an additional 55,000 residents by October 2026. Since 2009, the GP list in Edinburgh has grown by approximately 5,000 per year—the equivalent of a new GP practice annually. The report states that, although primary care has been flexible in absorbing that new population,

“this elasticity is now exhausted in most areas of the city.”

We clearly need significant investment in new and expanded GP practices across Edinburgh and Scotland if we are to avoid a meltdown in GP services, which would lead to additional pressures on emergency and acute health services. The Scottish Government has known for years about the GP recruitment crisis and the demographic challenges facing many GPs. The consequences of its failure to do more on national workforce planning are of concern to us all across Scotland.

I acknowledge that the Scottish Government is taking forward a new graduate entry medical course. I have welcomed elements of that—especially bonding, which I hope will ensure that students who take up bursaries return to service in NHS Scotland—but I still have a huge concern.

**The Minister for Mental Health (Maureen Watt):** Will the member give way?

**The Deputy Presiding Officer:** The member is just closing.

**Miles Briggs:** I do not have time to take an intervention, but this might answer the point that the minister would have made. I am hugely concerned that the percentage of Scotland-domiciled students studying clinical medicine in Scotland—those who are most likely to stay and work in our NHS after they graduate—has fallen sharply under this Government, from two thirds in 1999 to just over half this year, because of an effective cap on the number of Scots who can study medicine.

**The Deputy Presiding Officer:** Please close, Mr Briggs.

**Miles Briggs:** I again welcome the debate and the opportunity to talk about this critical subject. Scottish Conservatives will continue to press the Government, and we will never be shy of bringing these issues to Parliament as we work to secure investment in our GP sector.

16:58

**Alison Johnstone (Lothian) (Green):** I apologise to members in advance that I will have to leave the chamber before the conclusion of the debate. I thank Jamie Greene for bringing this important matter to the chamber.

I and my Lothian colleague Andy Wightman are alarmed by the number of constituents who contact us because they cannot see their GP, whether that is because they cannot register on a list or because they are simply unable to get an appointment. As Miles Briggs pointed out, in Lothian, as in many parts of the country, constituents have been very severely affected by this issue. From Musselburgh in the east to Ratho in the west and in practices in Bangholm and Kirkliston and on Leith Links, challenges have been faced—and not only, as we have heard, when making an appointment to see a GP. I have heard from constituents who have had to queue up at certain times on certain days just for a chance to register with a GP. Of course, that is the very last thing that our GPs want.

Last year, Dr Elaine McNaughton of the RCGP told the Health and Sport Committee that professionals have spent 10 years highlighting “the retirement bulge”. The Government has been too slow to listen, and the effects on patients—and on GPs themselves—are becoming all too clear. Worryingly, as today's motion notes, the RCGP estimates that there could be a shortfall of 828 GPs across Scotland within the next few years.

I bear in mind the Scottish Government's recent action to improve access to careers in medicine, particularly the establishment of the new graduate school of medicine, which will help to embed students within a primary care training pathway and facilitate their placements in remote and rural regions. However, I worry that some of those steps have simply come too late, and I was concerned to see that the Scottish Government's health and social care workforce plans have not yet comprehensively addressed general practice. I welcome the recent action that the Government has taken to improve access to careers in medicine, but there is much more to do, and I am not sure that steps such as the new GP training bursary have yet had a significant effect on recruitment.



I am particularly concerned about the impact of the GP recruitment and retention crisis on patients who live—and GPs who work—in our most deprived areas. Analysis already shows that GPs practising in the most deprived areas of Scotland typically manage larger lists and have more patients with multiple health conditions, including mental health needs. However, it seems that, last year, GP practices in the most deprived 20 per cent of postcodes received £1.34 less per patient than practices in the least deprived.

The shortage of GPs has terrible knock-on effects for the rest of our NHS services with regard to unscheduled hospital admissions and deepening health inequalities. I firmly believe that we still do not place enough real emphasis on preventative health. The fact is that anticipatory care begins in general practice. Just last month, I was able to visit the Edinburgh access practice to learn more about its GPs' fantastic outreach work on treating hepatitis C. If we do not protect and enhance funding for general practice, the ability to lead outreach work and tackle unmet need will be sorely diminished.

I have called for fairer funding for GPs in deprived areas. I fully agree that GPs across the country are stretched and stressed—the demands of working with elderly populations are very high, and working in remote and rural locations is challenging, too—but our young people in the most deprived areas of Scotland must not lose out as a result, given the long-term consequences that that will have. Ensuring that GP funding reflects the need to tackle health inequalities and ring fencing some of that funding for practice development would go a long way to redressing that historical imbalance, and initiatives such as the Govan SHIP—or social health and integration partnership—project show what can be achieved with a little additional support and funding to give patients with complex needs longer appointment times. I believe that that way of working might well have cross-party support.

We must work smartly to make our GP workload sustainable, and we must do all that we can to attract, retain and recruit GPs. After all, Scotland needs them badly.

17:03

**Colin Smyth (South Scotland) (Lab):** I thank Jamie Greene for lodging his motion, which has provided an opportunity to debate the GP crisis both in Ayrshire and across Scotland.

GP practices are at the heart of not only our NHS, but our local communities. As many as 90 per cent of patient interactions are with primary care, and for many, GPs are the vital first point of contact with our healthcare system. However, a

decade of Scottish Government cuts to the share of NHS spending for GP services and to training places has left that point of contact at breaking point in far too many of our communities.

It is estimated that in Scotland there are 171 GP vacancies, 73 per cent of which have been open for more than six months. Right now, a practice is being forced to close almost every month, with a total of 14 practices closing since 2016. In many communities, the situation is stark. Jamie Greene has rightly highlighted the particular problems facing North Ayrshire and NHS Lothian, but in my home region of Dumfries and Galloway, the number of GPs has fallen from 134 in 2012 to 118 in 2016. Villages such as Wanlockhead have lost their outreach surgery because of a shortage of GPs in the Moffat area who provided that service, and admissions to Thornhill hospital were closed because the local GP practice providing the cover at the hospital could not fill its vacancies.

That practice is not alone, as 42 per cent of practices in the region have a vacancy—that is 16 posts—largely unfilled for six months. NHS Dumfries and Galloway has had to take over the running of two GP practices, and that number is set to rise. The problem is set to get worse, because 26 GPs in Dumfries and Galloway are aged over 55 and are, therefore, likely to retire within the next five years. In addition, as a result of Brexit, applications from the European Union for health posts in the region have all but dried up. It is, frankly, a ticking time bomb—a crisis that is happening on the watch of this Government, and a crisis that the Government should have seen coming.

In 2008, Audit Scotland called on the Scottish Government to collect comprehensive data on GP and GP practice staff numbers to support proper workforce planning. In 2014, the Royal College of General Practitioners warned that the underfunding of GPs was putting patients at risk; yet, by 2015-16, the proportion of NHS spending that was allocated to GP services was at an all-time low. After 10 years of ineffective action and countless ignored warnings, tackling the GP crisis in the short term will not be easy, not least because the current shortage is adding to the workload of those GPs who remain, impacting further on recruitment.

It is also impacting on patient care. A recent BMA survey revealed that 91 per cent of responding GPs said they felt that the quality of care that their patients receive has been negatively affected as a result of their growing workload. Urgent action is needed. Professional bodies across the primary care sector support a move towards a multidisciplinary approach in GP practices to take pressure off GPs, provided that the crucial role of the GP is protected. Such

moves are simply not happening quickly enough, and Audit Scotland has rightly called on the Scottish Government to

“provide strong leadership by providing a clear framework to guide local development”.

There are clear examples of successful models such as the Govan SHIP project, which Alison Johnstone mentioned, which show that, if general practice is properly funded, major benefits can be achieved for patients, for GPs’ workload and for recruitment and retention.

Funding is the key, whether that is for a proper, high-profile recruitment campaign that reaches beyond the EU or an increase in the share of funding for general practice, which fell from 9.27 per cent in 2006-07 to just 7.2 per cent in 2015-16. It would be helpful if the minister could tell members, in summing up, whether the Government intends to ensure that 11 per cent of the total NHS budget will go to general practice to deliver improvements in patient services, reduce the strain on our GPs and help to make the profession an attractive choice of career for medical students again. Without fairer funding, there is no doubt that the crisis that we face in GP practices will continue.

17:07

**Tavish Scott (Shetland Islands) (LD):** Jamie Greene was right to say, in his opening remarks, that the situation exists not just in West Kilbride but across Scotland. “Crisis” is a much-used word in politics, but the figures that Colin Smyth and other members across the chamber have cited illustrate why the situation is exactly that. Learned bodies that represent GPs, organisations that represent carers and anyone who looks at the NHS budget and the consequences of the squeeze that is now taking place know that the crisis is hitting constituents the length and breadth of Scotland.

Colin Smyth was right to point to the 2008 report. I read it at the time, and it made clear recommendations to the Government. There could be some good parliamentary questions about what happened to those recommendations and why they have not been followed—because, discernibly, they have not.

The biggest change has been the move away from independent practice to salaried practices, which has been publicised in the newspapers in the past couple of days. That is now the reality for an awful lot of the delivery of primary care throughout Scotland, and members should not believe that salaried practices always work. In Lerwick, this morning—as on too many mornings at the salaried practice that is now the Lerwick health centre—people queued at 8.30 am to get

an appointment. There is nothing good about that. There is nothing that is working about that model, yet that is the reality in too many parts of Scotland. Alison Johnstone indicated that the situation is the same here, in the capital city.

The Government has some big questions to answer, and here is why: the health boards are a creature of the Government. The idea that they are an independent part of the process is complete nonsense. Health board chairs and chief executives are told to jump by the minister of the day. That happened under the Government of which I was a minister, and Alex Neil, the former health secretary, who is in the chamber tonight, knows how the system works. I am not making a political point about the current Government; I am saying that we have had that system since devolution and it is demonstrably not working. If ever a system needed change and reform, it is the health board system.

Jamie Greene rightly mentioned locums. NHS Shetland is spending £1.3 million on locums in the current financial year. Eight out of our 10 practices are now salaried. Eight of those practices are one GP short or more. That is the reality of the problems that now exist in one part of Scotland and no doubt more so in different parts, too.

**Jamie Greene:** What strikes me from the debate is the sheer geographic scale of the problem. Far from it being local scaremongering, does Tavish Scott agree that it is a crisis throughout Scotland and is aside from party politics?

**Tavish Scott:** That is the case. I hope that, in that sense, the Government will treat it with all the seriousness that it should, given the range of views across the Parliament.

I have a number of questions that I want to ask the minister. I hope that she will deal with them in winding up the debate. Is the Government’s policy still to support single-GP practices? In Shetland, the health board has just issued a letter to patients saying that it is NHS Scotland’s policy not to support single-GP practices. I hope that the minister will set out the position on that very clearly when she winds up.

I would also like the minister to deal with dispensing practices. Many GP practices across Scotland benefited from being dispensing practices. Most health boards have taken away that option. In Shetland, when Whalsay, Yell and Unst ceased to be an independent practice and became salaried, the health board removed the dispensing function. When Alex Neil was health secretary, I raised that issue, as many members across the chamber did, including members from his own party. The health boards appear to be

removing the dispensing abilities. That has a significant financial impact on the practice.

I have two final questions. First, I hope that Maureen Watt, who represents the north-east, will tell us what is going on with GP referrals in NHS Grampian. People in my constituency are now being referred to Newcastle for cardiology, when that service used to be available at the Aberdeen royal infirmary.

Lastly, the BMA ran a sensible programme this summer to encourage all MSPs to visit GP practices in their areas. I did that at home. The staff are incredibly valued, not just the GPs themselves but the practice nurses, and others who work in the practices. It is time that the Government recognised the pressure that those people are under, put in the money to support them and answered some fundamental questions about what model of primary care it wants for the future.

17:12

**Graham Simpson (Central Scotland) (Con):** I thank Jamie Greene for bringing the debate to the chamber. Members across the chamber have highlighted the scale of the crisis throughout Scotland. I will focus on locum GPs, which Tavish Scott mentioned. When we have a GP crisis, the cost of locums goes up, and that is certainly what has been happening throughout the country.

I have been passed letters that have been written by two GP practices in my area of Lanarkshire. I will read passages from those letters. One calls itself a cry for help from GP practices. It says:

“We are rapidly reaching a crisis point with trying to provide adequate GP locum cover. Trying to find locum GP cover for existing GPs already in place in general practice is becoming a major issue.”

According to that letter, locums have discovered their rarity to be a valid reason to try to hold GP practices to ransom.

The letter goes on to say that

“Most of us would usually pay between £230 to £260 per three-hour session for a GP locum cover and up to £500 for a full day. That has recently increased to up to £800 a day.”

That is quite a rise. It goes on:

“Along with this is the demand that locums will not do extra duties i.e. home visits, signing prescriptions, etc.”

Members really would not believe it. It says:

“It is incredibly time-consuming and frustrating”

and it relates a couple of instances of what locums have asked for, such as

“£650 per day to see no more than 30 patients, with no additional duties.”

Another one charged

“£764 per day to see no more than 24 patients with the cost of return flight from their home in the Isle of Man to be paid and to be picked up and returned from the airport.”

That is quite unbelievable.

A different practice says that the crisis in locum recruitment is a source of stress and frustration and talks about the spiralling financial demands of locums and their refusing to undertake duties other than seeing the requisite number of patients in the clinic, so they do no house calls, no routine script signing, no emergencies, no results commenting and no handling of any correspondence. If that is not a crisis, I do not know what is. That practice calls the situation unjust and morally unfair and it goes on to say:

“The situation is now intolerable and unsustainable, with many practices having to reduce their patient-facing time to avoid prejudicing the quality of the consultation.”

That situation is completely unacceptable. If the minister cannot respond to that and say what she and her Government will do about it, that is a disgrace.

17:16

**Alex Neil (Airdrie and Shotts) (SNP):** Having been the Cabinet Secretary for Health and Wellbeing, I could speak for hours on the subject. I welcome the debate, as it is good to discuss the issue openly. Rather than try to cover every single point, I will emphasise two or three issues that have not been highlighted so far.

We all recognise the inevitable challenges that there are in the worldwide shortage not just of GPs but of doctors in general. One of the consequences of Obamacare is that the United States of America has had to recruit nearly 20,000 additional doctors to cater for the extra demand that the policy has created. Sometimes, that has a knock-on impact on the destinations of medical graduates from the UK. A range of issues have influenced the matter. However, I will raise two particular strategic issues in looking forward to try to find a solution to the problem, rather than continually reiterating its nature. Those two issues have not been given enough attention in the debate or more generally.

The first issue is that we are not admitting enough young people to medical school in Scotland. In fact—as Miles Briggs referred to briefly—in some of our universities, less than half the medical students are from Scotland. That is not a nationalist point; it is a medical policy one.

There is clear evidence that, when medical students who come from a country such as Scotland graduate, most of them decide to practise in that country. Indeed, that goes further.

There is clear evidence that, if we take in more students from rural and island areas, they will return to such an area, although they might not return to their own area. When Mike Russell was the Cabinet Secretary for Education and Lifelong Learning, he and I deliberately increased the number of students from rural and island areas who gained entry to medicine. Such a policy does not pay off for five to 10 years—until those students complete their education—but, as well as dealing with some of the immediate issues, we need to look at the strategic ones.

One of the strategic challenges is to substantially increase the intake of medical students. The BMA has resisted that in the past, on the ground that it does not want any doctor to be unemployed. Given the exponential increase in the number of doctors who are needed—not just GPs but all doctors—the chances of any good doctor being unemployed are practically zilch, so that is not a good enough reason to resist a substantial increase in the intake of medical students.

I do not think that people realise the impact that the other strategic issue that I want to raise has had. Until 2010, medics—like many other people in the economy—were entitled to build up a tax-free private pension pot of £1.8 million. George Osborne reduced that—the figure went first to £1.5 million, then to £1.25 million and more recently to £1 million.

Most people would think that a tax-free pension pot of £1 million was a very substantial amount of money but, if senior doctors and GPs pay the maximum allowed contribution, they will build that up within 25 years of their working life. When the limit was £1.8 million, people had to work for 38 years at the maximum contribution to do that.

If we speak to doctors, they will tell us two things. First, they will say that the reason why many of them are retiring in their 50s—that is a major factor in the situation that we find ourselves in—is that the pension policy acts as a disincentive to continuing to work full time until anything near the normal pension age.

There is another specific effect. I remember that, when the measure was introduced, there was in Glasgow alone almost immediately a 40 per cent reduction in the number of GPs who were prepared to do out-of-hours work, because the more out-of-hours work they did, the earlier they would have to retire to gain the maximum benefit from their pension.

**The Deputy Presiding Officer:** You must conclude there, fascinating and invaluable though this is.

**Alex Neil:** We must address that issue, which is part of the problem.

17:21

**The Minister for Mental Health (Maureen Watt):** I welcome the opportunity to respond to the debate on this important subject, which Jamie Greene has raised. I thank members for participating and for the issues that they have raised. The public and members of every party recognise the great work that our health professionals across NHS Scotland do. I welcome that recognition, which we share.

As Colin Smyth said, GP practices are at the heart of our communities, and they are also at the heart of our NHS, which is why the Cabinet Secretary for Health and Sport announced in March that funding in direct support of general practice will increase by £250 million by the end of this session of Parliament, as part of our commitment to increase primary and community care funding by £500 million. That game-changing investment in primary care will deliver multidisciplinary teams that offer patients access to the right professional at the right time, and it will support GPs to do their job.

However, we are far from complacent. Even with the increases in the number of GPs under this Government—the number is up by 6.9 per cent, or 315 GPs, since 2006—we recognise that healthcare must adapt to meet the changing needs of people in Scotland. We are fully aware of the challenges of recruitment and retention of GPs in some areas, and we are taking action on multiple fronts to address them. Our long-term national workforce plan is helping to identify and address the key issues for every part of the workforce. Alison Johnstone wanted to know about primary care in that regard. It is covered in part 3 of the plan, which will be published following the conclusion of the GP contract negotiations.

We have heard about the situation in the West Kilbride practice. During this period of uncertainty, NHS Ayrshire and Arran has enhanced the level of pharmacy input into the practice, which is thanks to Scottish Government investment in the multidisciplinary team. Kenny Gibson was right to write to all his residents in West Kilbride to reassure them of the commitment on that, not only from NHS Ayrshire and Arran but from the Government.

NHS Lothian has indicated that its list restrictions are only a temporary measure, and I am confident that patient safety is always the top priority. We will continue to work with all boards to ensure that our investment delivers better care, better services and better value.

Kenny Gibson and Alex Neil were right to highlight all the factors that have led to the current situation, many of which are outwith our control, such as the pension issue.

**Jamie Greene:** Oh, come on.

**Maureen Watt:** The pension issue is a real problem, which Alex Neil was right to highlight. He first encountered it when he was working as health secretary.

It is absolutely disgraceful for Tory members to dismiss Brexit, because we know that it will have a direct effect on the Scottish workforce. People from the European Union who choose to live here, including doctors, nurses and others who provide healthcare, are welcome in Scotland, as the First Minister has made clear. However, the uncertainty is already leading to people deciding not to come here to live and work or to them deciding to leave. That is a problem.

We are addressing the day-to-day challenges that GPs tell us that they face. Two years ago, Scotland was the first country in the UK to remove the bureaucratic, tick-box quality and outcomes framework; instead, our GPs are working together to make services better. We are working hard with the BMA to deliver a new GP contract that will see our GPs focus more on the challenging work that they have trained to do, supported by a bigger multidisciplinary team.

**Colin Smyth:** I specifically asked whether the Government is committed to delivering 11 per cent of the NHS budget to GPs. On 24 May 2017, Dr Philippa Whitford told *Pulse* magazine:

“The GP contract is currently under negotiation but the Scottish government has committed to reversing the decline in the share of the health budget that general practice has had and bring it up to 11% by the end of parliament.”

Is that the case?

**Maureen Watt:** We are committed to bringing the proportion of the NHS budget up to 11 per cent. The GP contract is under negotiation, so it would be wrong to go into any detail on that. We have increased funding fivefold for GP recruitment and retention this year, to £5 million, and that is part of the overall £71.6 million package of investment this year in direct support for general practice.

**Tavish Scott:** The minister has spoken about multidisciplinary medical teams a number of times. How do they fit into single-GP practices in rural areas?

**Maureen Watt:** The member mentioned health boards; he knows that it is up to them to deliver Government policy according to the needs of their local populations. Across the country, GP practices and multidisciplinary teams are working together to give patients access to the right person at the right time. I will make sure that the member's particular question about single-GP practices is replied to.

As for Tavish Scott's query about dispensing practices, he will know that that trend was taking place long before this Government took office.

We are not only working with the BMA on the new contract but increasing the numbers of young GPs who are coming through the pipeline, as Alex Neil mentioned. To increase supply and widen access, we are investing £23 million in a medical education package, which includes an increase of 50 medical undergraduate places from 2016-17, a pre-medical entry programme to commence in the academic year 2017-18 and the establishment of Scotland's first graduate-entry medical programme—ScotGEM—which will commence in 2018-19. Those programmes—particularly the pre-medical entry programme—specifically address the point that Alex Neil made about getting into medicine people from more disadvantaged backgrounds and from our rural areas. They are precisely the people who are more likely to return to, and stay in, those rural areas.

We have heard concerns about board-run practices. As of 1 July 2017, of the 959 practices in Scotland, only 57 were run directly by NHS boards rather than as independent businesses. Sometimes that is the best solution for a local area; sometimes such practices will return to independent contracting. The point is that patients will always be able to see a GP, whether from an independent business or from a 2C practice. The safety of patients is always the highest priority.

We are committed to primary care and to GPs, who do a difficult job and do it well. As the needs of our population change, so too will our primary care services, as we shift the balance of care towards the community.

We are investing a huge £71.6 million in direct support of general practice this year, and the figure will be £250 million by the end of this session of Parliament. However, we know that we have more to do. Our work on the GP contract and our investment in GP recruitment and retention are on-going and are supported by our primary care fund investment.

We want everybody who is involved in primary care to get behind our vision for the future of primary care in order to help to make it a reality. I trust that all MSPs from all parties want that to happen, too.

*Meeting closed at 17:30.*



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