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Wednesday 28 February 2018

Session 5



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Scottish Parliament

Wednesday 28 February 2018

[The Presiding Officer opened the meeting at 13:30]

Business Motion

The Presiding Officer (Ken Macintosh): The first item of business is consideration of business motion S5M-10743, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for tomorrow.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business on Thursday 1 March—

delete

12.45 pm Members' Business

delete

2.15 pm Parliamentary Bureau Motions

2.15pm Ministerial Statement: Scotland's plan to tackle climate change and reduce emissions

insert

1.15 pm Parliamentary Bureau Motions

1.15pm Ministerial Statement: Scotland's plan to tackle climate change and reduce emissions

after

followed by Stage 3 Amendments: Forestry and Land Management (Scotland) Bill

insert

followed by Scottish Government debate: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill – Emergency Bill—[*Joe FitzPatrick.*]

Motion agreed to.

Portfolio Question Time

13:31

Culture, Tourism and External Affairs

Tourism in Central Scotland

1. **Graham Simpson (Central Scotland) (Con):** To ask the Scottish Government how it promotes tourism in the Central Scotland region. (S5O-01824)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government fully recognises the importance of tourism to the economy of Central Scotland. The numerous attractions of the area, from the Kelpies at Falkirk and Coatbridge's Sumerlee heritage park to the United Nations educational, scientific and cultural organisation site at New Lanark, are actively promoted by VisitScotland through a range of digital and traditional channels and through domestic and international marketing campaigns.

Other public bodies also play a key role in supporting tourism and development in the area. For example, there is business and destination support from Scottish Enterprise, training and development through Skills Development Scotland, promotion and protection of cultural heritage and historic properties through Historic Environment Scotland and promotion and enhancement of the natural environment through Scottish Natural Heritage.

Graham Simpson: The heritage of North Lanarkshire is undersold, in my view. North Lanarkshire is rich in history but does not play to its strengths. Campaigners fighting to save greenbelt next to the old Monkland canal at Calderbank believe that it could become a country park and celebrate the history of the area, including what could become a canal heritage trail. It could be a big tourist attraction. Does the minister agree that such a project is worth investigating and will she agree to look at what can be done to progress the idea?

Fiona Hyslop: On that latter point, the campaigners might find a discussion with Scottish Canals to be a helpful first step. Certainly, with the Kelpies and the developments on the Union canal and in Linlithgow, we have seen the benefits of those attractions for the wider area. Looking at leisure and recreation as an economic stimulus is really important. It is a good opportunity to tell the rich and deep heritage stories that we have in Lanarkshire and elsewhere. I am interested in the project, and if Graham Simpson can keep me in touch with what is happening we can perhaps

identify the appropriate organisations to help those who are seeking to pursue that development.

Brexit Negotiations (Progress)

2. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government what progress there has been on Brexit negotiations following the recent joint ministerial committee meeting. (S5O-01825)

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): The latest meeting of the joint ministerial committee on European Union negotiations took place on Thursday 22 February. I was clear going into the meeting that I would continue to make the case for Scotland remaining in the single market and the customs union. As "Scotland's Place in Europe: People, Jobs and Investment" shows, remaining in the EU is the best outcome for Scotland. Short of that, membership of the single market and customs union will best protect us from the worst economic damage.

However, the United Kingdom Government is still insisting on a hard Brexit, regardless of the cost to jobs and living standards and, as we have seen today, even regardless of the damage that it might do in Northern Ireland.

In relation to our involvement in the process, the terms of reference of the JMC make clear that all four UK Governments should have oversight of the negotiations with the EU, to ensure, as far as possible, that agreed outcomes are secured. However, that has not happened. With just months to go before a final withdrawal deal has to be agreed, there are unfortunately still outstanding issues from phase 1 of the talks, no agreement on transition and no clarity from the UK Government on what it wants from the future relationship.

On the European Union (Withdrawal) Bill, I made it absolutely clear that what happens to devolved powers must be a matter for Holyrood. It is imperative that the devolution settlement is protected and the powers of the Scottish Parliament cannot be changed unilaterally by the UK Government.

Clare Adamson: Does the minister share my concern over the irresponsible comments made by some prominent Brexit supporters recently regarding the Good Friday agreement? Does he agree that their attitudes have the potential for disastrous impact and that their stance, as Ireland's Deputy Prime Minister put it,

"potentially undermines the foundations of a fragile peace process in Northern Ireland that should never be taken for granted"?

Michael Russell: I very much agree. I am increasingly concerned by the language that is

being used, as are many people in Ireland itself. When I gave evidence to the Joint Committee on European Union Affairs of the Oireachtas three weeks ago, I was asked specific questions about that. There is a strong feeling in Ireland that the language being used and the attitudes being shown are very wrong indeed. I found it difficult to believe what I read last night regarding the views of the Foreign Secretary. If the Foreign Secretary of the United Kingdom seeks to abrogate an international treaty in order to pursue his own warped view of what the United Kingdom should do, he is unfit for that office and the Prime Minister should be firing him rather than allowing him to continue to influence matters.

As far as we are concerned, the agreement that the United Kingdom and the European Union were meant to have come to last year, under which there would be no border and unfettered free trade, is the agreement that should stick. If the UK is trying to run away from that, it should be held to it by every means possible.

Dunfermline Heritage and Tourism Partnership

3. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government what support it is giving to Dunfermline heritage and tourism partnership to help develop the town into a major visitor destination. (S5O-01826)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Dunfermline offers tourists a growing range of cultural and historical attractions in its heritage quarter, and the Scottish Government, through our national tourism body, VisitScotland, will continue to ensure that it fully maximises its potential. VisitScotland already engages fully with the Dunfermline heritage quarter partnership, providing valuable input, helping to shape discussions and advising on successful funding bids. I had the pleasure of announcing that the newest attraction in the quarter, the Dunfermline Carnegie library and galleries, was the winner of the Royal Incorporation of Architects in Scotland Andrew Doolan award for the best building in Scotland for 2017, an accolade that is richly deserved.

Alex Rowley: The Dunfermline heritage and tourism partnership is doing a great deal of work. It is ambitious about bringing people to experience the arts, culture, hospitality and history of the former ancient capital of Scotland. The town was disappointed by VisitScotland's decision to close its tourist information centre. Dunfermline should have more support to fulfil its potential as a visitor destination. Will the cabinet secretary agree to meet representatives of the heritage and tourism partnership to discuss the future of Dunfermline as a major Scottish tourist attraction?

Fiona Hyslop: As I said, ministers do not directly promote individual towns in Scotland, but we do work with VisitScotland. As I understand it, one member from VisitScotland and one from Historic Environment Scotland sit on the partnership to advise on the best ways to promote Dunfermline as a tourist area. In relation to the VisitScotland office, I should say that the VisitScotland information partnership programme now has seven members in Dunfermline, including the Andrew Carnegie Birthplace Museum and a number of tourist attractions. It is working with the new library and galleries to ensure that it can be one of the partners, so that visitor information can be provided, and it also hopes to work with Abbot House. However, with the visitor centre experiencing a 32 per cent decline in numbers and very few people taking bookings from visitor centres, the issue is more about information and accessibility. I am happy to find out more about the work of the Dunfermline heritage quarter partnership, but unless Mr Rowley is citing any problems I think that the best thing to do is to ensure that the professionals in VisitScotland can provide professional advice, so that Dunfermline can become the tourist attraction that he and I both want it to be.

Alexander Stewart (Mid Scotland and Fife) (Con): In the light of the recent success and redevelopment of the Carnegie library and galleries in Dunfermline, what plans does the Scottish Government have to highlight that award-winning building, and what has it done to help businesses and local communities in south Fife to realise the tourism potential of the Queensferry crossing?

Fiona Hyslop: Work is on-going with local councils in particular to make sure that the tourism potential of the Queensferry crossing is realised. They want to take their time to consider how they might want to do that but, through VisitScotland, we are certainly actively involved in that work.

I have visited the Dunfermline Carnegie library and galleries and I have helped to promote it. It is a great place. As Alex Rowley pointed out, it has unrealised potential. We need all parties to work together to help to promote it, because it is not that far from the centre in terms of geography and transport links. Combining the accessibility and the profile of the Queensferry crossing with Dunfermline, I think that there will be great opportunities for Dunfermline as a tourist attraction.

LGBT Tourism in Scotland

4. Kezia Dugdale (Lothian) (Lab): To ask the Scottish Government what assessment it has made of Scotland's potential as a destination for

lesbian, gay, bisexual and transgender tourists. (S5O-01827)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Scottish Government-funded research in 2014 found that lesbian, gay, bisexual, transgender and intersex visitors attach significant importance to the warm welcome they can expect from a destination, how they will be treated in their accommodation, and how safe they will be. Based on the research findings, the LGBTI component of VisitScotland's consumer website was redesigned in 2015. In addition, a number of initiatives are currently being developed by partners to further promote Scotland as a potential destination for LGBTI tourists. These include a project led by Leadership, Equality and Active Participation—LEAP—Sports, which aims to welcome LGBTI communities to the Glasgow 2018 European championships. That project is being supported by a funding contribution of £20,000 from the Scottish Government.

Kezia Dugdale: The cabinet secretary will also be aware that there are new Pride festivals popping up all over Scotland at the moment, notably in Fife and East Lothian. They are great for visibility and empowerment; they are also good for local economies. The Parliament is very proud of its record on LGBT rights and we consider Scotland to be a great place to be gay, but I encourage the cabinet secretary to reflect on whether we do enough to tell the world about that and I ask her to instruct VisitScotland to assess what financial support it could provide to Pride festivals as tourist attractions.

Fiona Hyslop: I do not have to instruct VisitScotland because it is already actively looking at producing materials that will help to promote that very welcome and the sentiments that the member has just described.

In relation to funding, contact was made by an individual who represents the Pride events. He has been responded to but has yet to take up the offer to meet VisitScotland and Scottish Government officials to look at how we can take forward some of those initiatives on better promotion. I look forward to his response.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): How will the Scottish Government support the Scottish tourism sector to tackle the stigma and prejudice that can be faced by the LGBTI community?

Fiona Hyslop: The tourism industry must take every step to address the historical stigma and to make sure that, in the here and now, everybody is made to feel welcome.

I was due to attend a Scottish Tourism Alliance conference tomorrow; I understand that the

conference is no longer happening, but initiatives can take place at such conferences to help people understand how they need to behave and what they need to do to make sure that everybody who visits Scotland, wherever they come from, feels welcome. I wish all those delegates who are either staying in Glasgow or making their way home well. Obviously, that is a missed opportunity to have such an initiative.

Tourism (South Scotland)

5. Michelle Ballantyne (South Scotland) (Con): To ask the Scottish Government what initiatives it has planned to promote tourism in the South Scotland region. (S5O-01828)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Our programme for government clearly sets out our commitment to the promotion of tourism in the south of Scotland. In the coming year, we will provide VisitScotland with an additional £500,000 to develop a marketing strategy that further highlights the unique tourism opportunities in the south of Scotland. We have also allocated £500,000 of capital funding to develop forest tourism, enhancing visitor experiences and growing leisure activities in the Tweed valley forest park and the Galloway forest park and on the Solway coast. The new south of Scotland economic partnership will also have a focus on developing the important contribution of tourism to the region, stimulating sustainable economic growth and encouraging tourism businesses to capitalise on what they already have to offer.

Michelle Ballantyne: Tourism forms a key part of the Borders economy, contributing more than £200 million to the region each year. It is a sector that looks set to grow, particularly as the effects of the Edinburgh region city deal are felt. What provision is the Scottish Government making to improve skills and employment opportunities in tourism for young people in the Scottish Borders?

Fiona Hyslop: We have a tourism investment plan. We are actively engaged in using the developing the young workforce proposals to make sure that we can grow the opportunities for young people. Skills development is one of the vital parts of what we need to do to develop the tourism sector, to make sure that people realise that tourism is everybody's business and that there are multiple careers that people can have in tourism. We need to make sure that it is a career of choice. It is an aspect that we are actively involved in, using the programmes that I have just described.

Galloway Hoard

6. Colin Smyth (South Scotland) (Lab): To ask the Scottish Government what progress has

been made towards ensuring that the Galloway Viking hoard is displayed in Dumfries and Galloway. (S5O-01829)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): National Museums Scotland and Dumfries and Galloway Council have been in negotiations over a partnership agreement on displaying the hoard in the refurbished Kirkcudbright art gallery. As the council has felt unable to accept the agreement as yet, I have offered to meet the convener of the council's communities committee.

Colin Smyth: When I raised this issue with the cabinet secretary last June, she informed Parliament that she would host a summit involving National Museums Scotland and Dumfries and Galloway Council in order to broker an agreement on displaying the hoard in the region. Although a date for the summit was set, it was cancelled by the cabinet secretary. Nine months later, she said that there would be a meeting, but there is still no date for it, despite the fact that Kirkcudbright art gallery is due to open in the next few weeks.

Does the cabinet secretary acknowledge the huge frustration felt in Dumfries and Galloway that a major tourism opportunity for the region is being missed because of the current impasse between National Museums Scotland and Dumfries and Galloway Council, in particular the barriers that are being put in place by NMS? Moreover, will she urgently intervene to ensure that we have a significant exhibition in Dumfries and Galloway sooner rather than later?

Fiona Hyslop: I was very keen to hold a summit and bring people together in order to broker an agreement but, at the request of Dumfries and Galloway Council and National Museums Scotland, it did not happen, because they felt that progress was being made in their negotiations and discussions and that such a summit would therefore not be appropriate. Despite officials' advice to Dumfries and Galloway that it should accept the proposal put forward by NMS, that has not happened yet.

I am very keen to break that impasse, but there are a number of misunderstandings to address, not least what will be on offer. I am also keen to ensure that this happens with the Galloway hoard—which is what, I must stress, it should be called, and not, as the member has said, the Viking hoard. I have seen some of the collection, and it includes various things from different parts of our history.

These opportunities absolutely exist, and I have made my commitment to the Parliament and the people of Galloway that a significant part of that hoard will be on permanent display in Kirkcudbright art gallery and that the people of

Galloway have that as a tourist attraction. I am determined for that to happen, and I have been very keen to intervene and meet the council to find out what the problems that it has in this respect are.

North Coast 500 Route

7. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government what plans it has to build on the impact that the north coast 500 route has had on tourism. (S5O-01830)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The north coast 500 continues to be a huge success in encouraging visitors to the north Highlands, one of Scotland's most outstanding areas of scenic beauty, and the Scottish Government remains committed to ensuring that the increase has positive outcomes for communities and local businesses along the route. The NC500 working group, chaired by Highlands and Islands Enterprise, has expanded on its work to address the issues and opportunities that have been identified with regard to community engagement, infrastructure development and protection and enhancement of the environment, and its delivery plan will be available in the summer. VisitScotland is also actively working with partners for the benefit of the wider area to make sure that people visit outwith the summer season, and off the main route.

Rhoda Grant: Highland Council has to maintain more than 7,000km of road, and the north coast route makes up more than 830 of that. A constituent recently said to me, "We used to drive on the left-hand side of the road—now we drive on what's left of the road." What assistance is the Scottish Government giving Highland Council for repairing and upgrading this iconic route?

Fiona Hyslop: I am not the transport minister, and the Highland Council is responsible for the roads that it administers. However, we are very conscious of the infrastructure issue; indeed, the reason why Highlands and Islands Enterprise is chairing the working group is that it can look at the issue and work with the council and other bodies to ensure that there is an offer across the north coast 500 that suits visitors' needs. However, I think that talking in extremes is not a good advert for the north coast 500, and members should be very careful about what is reported with regard to whether people can access the route or not. I think that what the member has just said is very dangerous.

Edward Mountain (Highlands and Islands) (Con): I want to drill down into that answer a wee bit more. Actually, the leader of the council wrote to the First Minister last August, requesting an additional £2.5 million to fund essential repairs on

the north coast 500, particularly to sustain tourism. Will the cabinet secretary confirm whether she discussed the matter with the First Minister and, if so, what advice she gave her on that request relating to tourism?

Fiona Hyslop: The member asks about advice to the First Minister. Both the Conservatives and the Labour Party voted against the budget. The member expects additional funding, but he cannot come here and ask for more money when he voted against the budget.

Justice and the Law Officers

Law Firms (Support)

1. Bob Doris (Glasgow Maryhill and Springburn) (SNP): To ask the Scottish Government what work it is carrying out in partnership with the Law Society of Scotland to support putting Scottish law firms on the global map. (S5O-01834)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The Scottish Government is working in partnership with Scottish Development International and the Law Society of Scotland to promote Scottish legal international, an exciting new initiative that is designed to raise the profile of Scots law and our justice system with an international audience and to seek opportunities for inward investment in legal services in Scotland.

The work of Scottish legal international, along with other strands of work, will allow us to bring to bear the unique Scottish legal system. It will also allow us to contribute to the global effort among international partners to tackle dynamic threats, such as those in cyberspace, which can impact on Scotland's citizens, its businesses and its public services.

Bob Doris: Many people appreciate the quality of the Scottish legal system, but they—and I include some law firms in this—might not consider that there is an international opportunity for Scotland's legal sector. How will the newly launched Scottish legal international initiative, in partnership with SDI, help law firms grasp global opportunities to contribute to Scotland's economic growth?

Annabelle Ewing: Scottish legal international is chaired by Paul Carlyle of Shepherd and Wedderburn. It is a joint initiative developed by Paul Carlyle and nine of Scotland's top commercial law firms, in partnership with Scottish Development International and the Law Society of Scotland. It works collaboratively to promote all that Scotland has to offer as a place to invest in legal services and as a trading partner that offers

the very best of legal knowledge, expertise and networks to a global audience.

Criminal Justice Social Work (Statistics)

2. **Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government what its response is to the criminal justice social work statistics that were published on 6 February 2018. (S5O-01835)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): “Criminal Justice Social Work Statistics in Scotland: 2016-17” contains valuable information about criminal justice social work activity at a national level, ranging from diversion from prosecution to community sentences such as the community payback order and statutory throughcare.

We have protected criminal justice social work funding for local authorities at record levels of £100 million a year.

The Scottish Government’s shift towards more community sentencing, including the introduction of CPOs, has greatly benefited Scotland’s communities.

Gordon Lindhurst: The minister will be aware that completion rates for community payback orders have fallen for the third year in a row, resulting in a community justice system that lets one in three convicted offenders—nearly 6,000 criminals—off the hook. What action is the minister taking to address the mess of numerous delays in the system, with a third of CPO work placements failing to start within the Scottish Government’s seven-day target?

Annabelle Ewing: The 2016-17 statistics show that completion rates were only slightly down on the previous year—I think that it was down by 0.4 per cent, which is a marginal decrease. It may also interest the member to know that completion rates for community payback orders in his region have increased since the publication of last year’s stats, with all areas—aside from East Lothian—improving.

Ensuring that CPOs are completed is entirely a matter for the relevant local authority. A CPO is a court-mandated order, and accordingly the Scottish Government would expect local authorities to prioritise ensuring that they are completed.

CPOs deliver tangible benefits to communities by making individuals pay back for the damage caused by their crimes by carrying out unpaid work.

It is important to reiterate that we know that the evidence shows that individuals who are released from a custodial sentence of 12 months or less are reconvicted nearly twice as often as those who are given a CPO.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Will local authorities be provided with guidance on managing breaches of community payback orders?

Annabelle Ewing: Social work case managers have a number of options open to them in cases of breach, including returning the case to court. The legislation provides the courts with a range of sanctions in such cases, including imposing a fine and varying the CPO. We will, of course, continue to seek opportunities to strengthen and support the use of community payback orders. In fact, work is on-going to update the national practice guidance, which will help to bring greater clarity to breach and compliance processes.

Daniel Johnson (Edinburgh Southern) (Lab): The minister will have seen from the statistics that the number of community alternatives to prison has failed to grow in recent years. Indeed, the statistics show that short sentences of under three months still make up around three in 10 prison sentences. The Government has a presumption against short sentences, which are apparently failing to work as intended. Therefore, will the minister now look at what needs to be done to reduce the number of ineffective and expensive short sentences?

Annabelle Ewing: The member will be aware that, as indicated in the programme for government, we are seeking to extend the presumption against short sentences because we know—as I think he recognises—that short custodial sentences are not effective. That is, indeed, what the evidence shows. However, it is fair to say that the current diversion measures are continuing apace, including not just CPOs but fiscal work orders, for example. I think that the completion rate over the past year or so was around 80-plus per cent—it is important to bear that in mind.

There are also drug treatment and testing orders. Completion rates for those fluctuate annually, which reflects the overall downward trend in court volumes and the fact that such orders are targeted at individuals with entrenched drug problems and chaotic lifestyles, which means that achieving significant increases in completion rates is challenging.

I think that it is fair to take into account what the relevant diversion measures seek to do and who they are directed at. However, the member is correct to say that we need to look now at extending what is, indeed, only a presumption with regard to custodial sentences.

Drug Use in Prisons

3. **Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government what

action it is taking to reduce drug use in prisons. (S5O-01836)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Prison Service takes a dual approach to reducing drug use in prison, focusing on both health and security measures. From a health perspective, the Scottish Prison Service's strategy framework for the management of substance misuse in custody reflects the aims and objectives of the Scottish Government's national drug and alcohol strategies, and it adopts the principle of recovery to reduce the harm caused by drug use. As the member will be aware, prisoner healthcare is the responsibility of the national health service, and addiction services in prisons are provided in line with local NHS boards' strategies. The Scottish Prison Service has delivered the drug misuse pathway programme to help those in its care lead a meaningful life free from substance misuse and offending.

In terms of security measures, the Scottish Prison Service deploys a variety of strategic, tactical and technological responses to reduce drug use in Scotland's prisons and it invests in the development of new technology and staff training to detect, deter and reduce the availability and supply of illegal substances in Scotland's prisons. The Scottish Prison Service and Police Scotland work collaboratively and are committed to sharing information and intelligence in respect of criminal activity emanating from, or impacting on, our prison estate, and both organisations are committed to seeking convictions for those introducing illegal substances into the estate.

Alexander Burnett: The 2017 prisoners survey shows that nearly 40 per cent of Scottish prisoners have witnessed illegal drug use in jail. We know that drug use in prison is rising and that the number of prisoners caught taking drugs is at an eight-year high, according to Prison Service's most recent annual report. It is a simple truth that drug addiction is an obstacle to rehabilitation, so when will the Scottish National Party ensure that our prisons are the secure environment that they are meant to be?

Michael Matheson: Unfortunately, the member takes a rather simplistic view of the matter. He should recognise that some 70 per cent of those who come into the Scottish prison estate for periods in custody clearly have an illegal drug use problem and that the vast majority of them will be imprisoned for very short periods of time. Quite frankly, it is naive to expect the Scottish Prison Service, along with the national health service, to be able to unpick these matters over such a short period of time, given that we are often talking about individuals who have entrenched, long-standing drug problems.

However, along with the NHS, the Scottish Prison Service undertakes a range of work to tackle drug misuse among prisoners once they come into its care. Alongside that, the SPS has put in place extensive measures to tackle the problem of drugs being brought into the prison estate. I am sure that, if the member were to consider the issue in any detail, he would realise that the bringing of drugs into the prison estate is not peculiar to the Scottish prison system. He will be aware of the significant problems in England and Wales, which have contributed to the marked problems with violence in recent months.

The SPS takes robust measures to prevent drugs from coming into the prison estate. Where appropriate, it takes action, alongside Police Scotland, to deal with people who might be planning to bring in drugs or who have drugs on them when they are within the prison estate.

Clare Haughey (Rutherglen) (SNP): As the cabinet secretary acknowledged in his previous answer, many people who enter prison have a drug problem. Does he therefore agree that it is vital that we continue to invest in programmes to tackle drug use?

Michael Matheson: As I mentioned, tackling the use and the impact of drugs is not a challenge that is peculiar to Scotland or the Scottish Prison Service. The member will be aware that, under the national local delivery plan standard, 90 per cent of people are expected to receive access to appropriate drug and alcohol treatment within three weeks. The latest figures show that, of the 1,223 people in prison who started their first drug and alcohol treatment between July and September 2017, 99 per cent waited three weeks or less.

Ms Haughey and others will be aware that health ministers have indicated that they are committed to refreshing our national drugs strategy, which offers us an opportunity to reinvigorate our approach to the changing drugs landscape in Scotland. As part of that refresh, prisoner healthcare will be looked at. The agencies that are responsible for dealing with such matters will be challenged to identify new and more effective ways of tackling the issue. As was set out in the programme for government, that work is backed by an additional £20 million.

The Presiding Officer: Pauline McNeill let me know earlier that she would be unable to make it for question 4.

Scottish Fire and Rescue Service (Proposed Changes)

5. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government how the proposed changes to the roles of Scottish Fire and Rescue

Service personnel will impact on retained fire stations. (S5O-01838)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The Scottish Fire and Rescue Service is currently consulting its staff and members of the public on its service transformation proposals in the document “Your Service, Your Voice”. For retained duty system fire stations, the service proposes to recruit new whole-time rural manager positions in key locations across Scotland. Those managers will support the delivery of local RDS training, undertake preventative work and ensure the availability of appliances in RDS stations. The service is also exploring the safe and planned introduction of new technology and vehicles in RDS fire stations that can be safely deployed with a revised crewing model.

Liam McArthur: I thank the minister for her response and welcome the measures that she set out. She will be aware of the challenges that many part-time fire crew members face in balancing work and home commitments with their duties as firefighters, notably the training requirements, which are a particular challenge in an island community such as Orkney.

Will the minister therefore keep a weather eye on the issue and on any additional training requirements that have to be met in pursuance of the reforms and which make recruitment and retention of retained duty fire crew any more difficult than it already is in Orkney and other rural areas?

Annabelle Ewing: Liam McArthur will well know that the challenges that are faced with the retained duty system are not unique to his island, the north or Scotland as a whole, but are shared in many other countries, because people no longer live and work in the same community. I am well aware of the interest that he has shown in ensuring that the vital nature of training is duly recognised and that there is resource available in the northern isles.

I will be happy on this snowy day to keep a weather eye, as Mr McArthur asked me to do, on ensuring that the SFRS maintains its absolute determination to ensure that training is at the fore of its activity.

Maurice Corry (West Scotland) (Con): I understand that the fire service aims to recruit 20 full-time rural firefighter posts each year for the next three years, to reach a total of 60 by the end of 2020. Does the minister share that ambition?

Annabelle Ewing: I am happy to say to Maurice Corry that I share the Scottish Fire and Rescue Service’s vision for the transformation of the service. Discussions are on-going with the unions and the workforce as to how exactly that transformation should look. The proposals that are

included in its consultation document are interesting, exciting and innovative and I encourage all members and the general public to consider responding to them. There are a lot of exciting and innovative proposals to ensure that our fantastic Scottish Fire and Rescue Service can continue to meet the emerging risks for the 21st century in Scotland.

Police Scotland and British Transport Police (Merger)

6. Jamie Greene (West Scotland) (Con): To ask the Scottish Government whether it will provide an update on the proposed merger between Police Scotland and the British Transport Police. (S5O-01839)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Government is committed to delivering the benefits of a single command structure to provide integrated infrastructure policing in Scotland. The joint programme board that was set up to oversee the integration has been advised by Police Scotland and the British Transport Police Authority that operational aspects of the integration will not be ready by April 2019 as planned. As I set out in Parliament last week, we have therefore agreed that a replanning exercise should take place in the coming months to ensure that all aspects have a clear and realistic delivery plan in place. A safe and secure transition to the full integration of the British Transport Police in Scotland and Police Scotland remains our aim and a clear focus on public safety is paramount.

Jamie Greene: Last week, I asked the cabinet secretary if he would listen to HM Inspectorate of Constabulary in Scotland and be forthcoming about the risks and drawbacks of the merger. He responded:

“The HMICS report came before we had published the explanatory notes and policy memorandum that went with the legislation”—[*Official Report*, 21 February; c 7.]

However, the Railway Policing (Scotland) Bill was published in December 2016, and the HMICS report took place between February and April 2017. Will the cabinet secretary correct his previous comments? Will he consider commissioning an independent, transparent, arms-length analysis of the merger, as many experts are calling for?

Michael Matheson: No. As we set out in detail when the bill went through Parliament, the real benefits will come from integrated policing, with the BTP integrated with Police Scotland in a broadly similar way to that which the Conservative Party set out in its manifesto before the last election to integrate the BTP with civil nuclear police and Ministry of Defence policing. I assure Jamie Greene that, in undertaking the replanning

exercise, the joint programme board will consider all the key issues that need to be addressed—as it has been doing—to make sure that there are detailed plans in place for the areas where progress still has to be made.

James Dornan (Glasgow Cathcart) (SNP): Does the cabinet secretary agree that the Tories' constant criticism of the decision to merge Police Scotland and the British Transport Police is rank political opportunism and incredibly hypocritical, given that they committed—just as he has said—to merge the Ministry of Defence police and the British Transport Police?

Michael Matheson: I do not know whether it is for me to point out to the Conservative Party the hypocrisy in the matter, but it stands out, given the party's manifesto commitment to abolish the BTP—something that they seem to want to conveniently ignore when it suits them. The actions that we are taking, given the policy that has been pursued by the United Kingdom Government to abolish the BTP, are to ensure that we have an appropriate infrastructure for policing in Scotland and to do so with a single command structure to deliver a safe and appropriate service to the travelling public in Scotland on Scottish railways.

Police Scotland Estate (Consultation)

7. Gail Ross (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government whether it will provide an update on Police Scotland's consultation regarding its 53 buildings that are no longer required. (S5O-01840)

The Cabinet Secretary for Justice (Michael Matheson): Police Scotland undertook a consultation on the disposal of 53 unused police premises across Scotland. That consultation ran from 1 November 2017 to 31 January 2018. Responses are being collated and analysed and will be presented to the Scottish Police Authority board in due course. Responsibility for the police estate sits with the Scottish Police Authority.

Gail Ross: I note that five of the 53 premises that are no longer required are in my constituency. Will the cabinet secretary give an assurance that, where there is a desire within the community to take ownership of those buildings, everything will be done to help to facilitate that?

Michael Matheson: I can confirm that Police Scotland has used its recent consultation on the disposal of unused police properties to raise awareness of the opportunities for community ownership that are provided by the Community Empowerment (Scotland) Act 2015. I and my other colleagues in Government are supportive of the potential benefits that can flow from communities owning land and buildings, and, for that reason,

the Government set up the community ownership support service. The member might wish to make her constituents aware of the provisions that are available under the support service, which could assist them in potentially taking over some of those properties. However, Police Scotland remains very open to the possibility of community ownership of some of the properties, where there is a local case to be made for such a transfer to take place.

UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a statement by James Wolffe on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. The Lord Advocate will take questions at the end of his statement.

14:11

The Lord Advocate (James Wolffe): So far as I know, there is no precedent for a law officer making a statement about the legislative competence of a bill to this Parliament on the introduction of the bill. However, this is an exceptional case and, accordingly, it is appropriate that, as the Scottish Government's senior law officer, I should give a statement about the bill that was introduced yesterday: the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

Presiding Officer, you and I are each obliged to consider the legislative competence of any Government bill. The Government cannot introduce a bill unless it is accompanied by a statement that, in the view of the responsible minister, the bill is within competence, and the ministerial code requires such a statement to be cleared by law officers. I can confirm that I cleared the certificate of competence in relation to this bill.

You, for your part, are also required by the Scotland Act 1998 to decide whether, in your view, the provisions of the bill are within competence. Yesterday, you stated your view that the provisions of the bill are not within the legislative competence of the Parliament. I am grateful to you for the careful and serious consideration that you have given to the matter and for the way in which you have expressed your conclusions. In stating that the Government disagrees with those conclusions, I would not wish it to be thought that I am expressing any criticism of you.

Your statement does not prevent this Parliament from considering and, if so advised, passing the bill. However, this is the first time that a Government bill has been introduced to the Parliament with a negative statement from the Presiding Officer. In the circumstances, I owe it to the members of the Parliament, as the Scottish Government's senior law officer, to state publicly and in this chamber that the Government is and remains satisfied that the bill is within the legislative competence of the Parliament.

Members will understand that, when I clear a ministerial statement on legislative competence, I

am concerned, as you are, Presiding Officer, only with the question of whether the bill is within the competence of the Parliament. That is a legal question, and one that could, ultimately, if necessary, be tested in the courts. It is to that question that I will address myself in this statement, and I will gladly leave political questions about the bill—questions that are, frankly, irrelevant to the issue of legislative competence—to others.

I remind members that, as far as the 1998 act is concerned, the Parliament's general legislative competence is constrained by section 29 of that act. Unless one of those statutory constraints applies, the bill would, if enacted, be within the legislative competence of the Parliament.

Presiding Officer, you have stated in your own assessment of competence that the fundamental question at issue in the case of this bill is whether it would, if enacted in its present form, be incompatible with European Union law. I respectfully agree that that is the fundamental question and I accordingly propose to focus on it.

Section 29(2)(d) of the Scotland Act 1998 in effect states that a provision of an act of this Parliament that is incompatible with convention rights or with EU law is not law. The purpose of that provision is to ensure that acts of this Parliament do not breach the United Kingdom's obligations under the European convention on human rights or under EU law. So far as EU law is concerned, the same constraint applies, as long as we are members of the EU, to all public bodies within the UK, including the UK Parliament. The question that must be asked is, accordingly, whether any provision in the bill is incompatible with EU law.

Presiding Officer, the legislative competence of the provisions in the bill falls to be considered in the light of the following facts. First, the United Kingdom Government has taken steps under article 50 of the Treaty on European Union to withdraw the United Kingdom from the European Union, and by virtue of the terms of article 50, in the absence of agreement otherwise, the UK will leave the European Union next March. Secondly, EU law will thereupon cease to apply and, on the basis of the Supreme Court's analysis in the Miller case, the EU law constraints on the powers of this Parliament and on the Scottish ministers will cease to have any content. Thirdly, there is an urgent practical necessity to make provision of the sort that is contained in the bill to enable the law to operate effectively immediately upon and after the UK's withdrawal from the EU.

Against that background, let me make these observations about the provisions of the bill. The legal obligation on ministers to comply with EU law will endure until the UK leaves the EU. The bill

does not change that obligation. Ministers will continue to be subject to legal requirements to transpose, implement and otherwise abide by EU law so long as the UK remains a member of the EU. The bill does not alter those requirements. The bill does nothing that will alter EU law or undermine the scheme of EU law while the UK remains a member of the EU.

What the bill does is to make provision for the continuity of the law immediately upon and following withdrawal from the European Union. It does this by two principal mechanisms. First, it provides for laws that are in force before the UK leaves the European Union to continue in force in domestic law after departure. To make such a provision is plainly not incompatible with European Union law. Secondly, the bill confers powers that will enable the law to be adjusted as required so that the law will continue to work effectively immediately upon withdrawal from the European Union.

The terms of the bill ensure that its provisions will not come into effect, and those powers cannot be exercised, so as to alter or affect the law before the United Kingdom leaves the European Union if to do that would be incompatible with EU law, so the grant of those powers and their exercise in accordance with the bill is not and cannot be incompatible with EU law.

In short, the bill is designed to achieve two things. The first is to enable the continuing effectiveness of the law upon and following the UK's departure from the European Union—in other words, to secure a smooth transition in a manner that is consistent with the European Union law principle of legal certainty in the context of a withdrawal process that is itself provided for by European Union law. The second is to make sure that that is done in a way that does not involve any breach of European Union law and does not put the United Kingdom in breach of its obligations under EU law for as long as the UK remains a member of the EU.

It is not incompatible with EU law to make provision to deal with the inevitable consequences in domestic law of withdrawal from the EU in that way. Indeed, that appears to be the basis on which the UK Government's own European Union (Withdrawal) Bill, on which the continuity bill has been modelled, proceeds. If that is right, and if, contrary to the view of the Scottish Government, the continuity bill is incompatible with EU law, the same reasoning would apply equally to the UK Government's bill.

Presiding Officer, in your assessment of legislative competence, you have put your finger on the central point that arises in relation to the bill—that it contains provisions and empowers ministers to make provisions by regulations that, if

they were to come into force before the UK leaves the EU, would be incompatible with EU law. You characterise that as involving an exercise of competence before the competence has been transferred, but the Scottish Government's view is that the bill is framed to ensure that any provisions that would have that effect can come into force only when the UK leaves the EU. As the Presiding Officer of the National Assembly for Wales has concluded in the context of the Welsh Government's bill, that makes all the difference and ensures that there is, and can be, no incompatibility between the provisions of the continuity bill and EU law.

The bill has been carefully drafted so that it is not incompatible with EU law. Nothing can be done under it that would put the UK in breach of its obligations under EU law. This is not a case where the Parliament is being asked to exercise a competence before that competence has been transferred to it. Rather, the Parliament has competence at this time to deal, in the way that the bill provides, with the consequences for our domestic law of leaving the European Union.

Finally, I appreciate that members have an interest in the legislative competence of the bill, and I look forward to answering, to the extent that I properly can, questions that members across the chamber may have.

Adam Tomkins (Glasgow) (Con): I thank the Lord Advocate for his statement and for early sight of it. I have two quite detailed legal questions to ask him, if I may.

First, in his answer yesterday to Bruce Crawford's parliamentary question, the Lord Advocate stated that the constraint in section 29(2)(d) of the Scotland Act 1998, that this Parliament may not legislate incompatibly with EU law, will, when the United Kingdom withdraws from the European Union

"cease to have any content."

Those were his words. The policy memorandum accompanying the bill says that the section "will empty of meaning." Can the Lord Advocate clarify why he thinks that, and what he means by it?

I say with great respect that what the Lord Advocate has said strikes me as being really rather odd, in that it implies that the Parliament, as a public body, can be constrained by EU law only for as long as the United Kingdom is a member state of the European Union. However, that is not the case, is it? The Westminster Parliament, when creating this Parliament, could have legislated to prevent us from enacting law that was contrary to EU law irrespective of whether the UK is a member state of the European Union, but the policy memorandum refers to paragraph 130 of the Miller case in the context of the matter,

although that paragraph does not support the conclusion that, after Brexit, section 29(2)(d) will

“cease to have any content.”—[*Written Answers*, 27 February 2018; S5W-14945.]

My second question concerns the difference between legal effect and legal validity. It is true, as the Lord Advocate said, that the bill is carefully drafted to ensure that provisions that would be contrary to EU law will not come into force until after exit day, but that consideration goes to their legal effect in the future, not to their legal validity now. The question of competence, when it comes to compatibility with EU law, is a matter of legal validity, not future or anticipated legal effect. That is the critical point of legal analysis on which the Presiding Officer relies: I think that it is correct. Why does the Lord Advocate not agree?

The Lord Advocate: On the first point, about the effect of withdrawal from the EU, my analysis—and that of the Scottish Government—reflects the analysis of the Supreme Court in the Miller case, as I understand it. The analysis of the Supreme Court, in its application to the definition of EU law for the purposes of the European Communities Act 1972, was that withdrawal from the EU would empty section 29(2)(d) of content. On the Scottish Government’s analysis, that flows through to an effect on the definition of EU law within the Scotland Act 1998. Paragraph 130 of the Supreme Court judgment in the Miller case said this:

“The removal of the EU constraints on withdrawal from the EU Treaties will alter the competence of the devolved institutions unless new legislative constraints are introduced. In the absence of such new restraints, withdrawal from the EU will enhance the devolved competence.”

While recognising that respectable legal minds may sometimes disagree, I respectfully adhere to the approach that has been taken in the analysis of the bill.

On the second point, about the distinction that Professor Tomkins has made between validity and effect, section 29(2)(d) of the Scotland Act 1998 is concerned with compatibility with EU law. The purpose of that provision is to ensure that the Scottish Parliament does not, when passing legislation, act in a manner that would put the United Kingdom in breach of its international obligations under EU law. The continuity bill has been carefully framed so that nothing that might be done under it could or will put the United Kingdom in breach of those obligations. For those reasons, I suggest that nothing in the bill is incompatible with EU law.

Neil Findlay (Lothian) (Lab): I thank the Lord Advocate for his statement. As I stated yesterday, Scottish Labour will always defend the principles of devolution and the settlement in Scotland, and

we support the Scottish and Welsh Governments in their efforts to make the UK Government fulfil the commitments that it gave on the devolution of powers. We urge the UK and Scottish Governments to get back round the table to resolve clause 11 issues, because we want to see a workable and competent bill introduced, and will work with others to find a solution to the situation.

We note the statement from the Presiding Officer and that of the Lord Advocate. We find ourselves in a regrettable situation, but given that the Government is now seeking support to circumvent the normal conventions of this Parliament, it is incumbent on all members of the Parliament to ensure thorough scrutiny of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

I therefore ask the Lord Advocate what the differences are between the bill that has been introduced to the National Assembly for Wales and the bill that has been introduced here. Has the Lord Advocate consulted his counterparts in Wales about how they managed to introduce a competent bill and why that has not been replicated here? Can he advise what precedent will be set here if a bill is introduced and passed without the Presiding Officer’s approval? On what legal basis is this being done through emergency legislation, and what is the longest period for which parliamentary scrutiny can take place without affecting implementation?

Has any previous bill from a UK jurisdiction been given royal assent when it has not been deemed competent by the its Parliament and, given the Government’s previous defeat on Brexit issues in the Supreme Court, how confident is the Lord Advocate of defending the case?

Finally, the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill has the potential to impact on a huge number of organisations, citizens and communities the length and breadth of the country, who must be allowed and enabled to have their say. It is our job in Parliament to ensure that that happens. The bill throws up many questions and challenges for the Government, Parliament and its members. Does the Lord Advocate agree that rushed legislation is rarely good legislation, and that extensive scrutiny is a good thing in such a complex area?

The Lord Advocate: The first point to make clear is that the Scottish Government is satisfied that the bill falls within the Parliament’s legislative competence. Although the Welsh constitutional settlement is different from the settlement in Scotland, and despite differences in the approach that has been taken in the two bills, I am not aware of any relevant difference that bears on the critical issue on which the two Presiding Officers have disagreed with each other.

Secondly, as I think the Presiding Officer acknowledged in his statement yesterday, a Presiding Officer's negative certificate does not prevent Parliament from debating and, if so advised, passing a bill. Ultimately, the only authoritative view on the questions of law that arise in the context of legislative competence comes from the court.

Thirdly, on the question of the nature and extent of parliamentary scrutiny, that is a matter for the parliamentary authorities to consider. It is not one that is appropriate for me to comment on.

Patrick Harvie (Glasgow) (Green): We face extraordinary circumstances that neither this Parliament nor the people whom we represent have chosen to face. Is it reasonable to suggest that, where there are alternative interpretations in such a complex area of law, one of the factors that we need to bear in mind is the intention of Parliament—in this case, the Westminster Parliament—in introducing its bill? When we look at section 29(2)(d) of the Scotland Act 1998, which defines legislative competence in relation to European Union law, is it reasonable to suggest that no reasonable person could have imagined that the Westminster Parliament's intention would be to constrain us with regard to EU law in circumstances in which we were outside the European Union?

Secondly, if, during its scrutiny, the Scottish Parliament chooses to debate amendments that would change the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, perhaps to address some of the shortcomings that some of us perceive in the bill based on which it has been introduced, will the Lord Advocate or the Scottish Government continue to play a role in determining the competence of an amended bill?

The Lord Advocate: On the first question, given that the purpose of section 29(2)(d) of the 1998 act is to ensure that this Parliament does not put the United Kingdom in breach of its EU obligations, it follows that when the UK is no longer a member of the EU and EU law no longer applies to it, section 29(2)(d) will cease to impose constraints on this Parliament.

As for the second question, on amending the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, the statutory position is that at the end of a bill process, when a bill has been passed by Parliament, law officers have the opportunity to consider whether the bill, by virtue of any amendment, has gone outwith competence. They may then, on that ground, refer it to the Supreme Court. That is the statutory answer.

The practical answer is that if amendments are lodged that are, in the Government's view, informed by the views of law officers, outwith

competence, that will be communicated as appropriate in the course of parliamentary proceedings.

Tavish Scott (Shetland Islands) (LD): I ask the Lord Advocate to consider the third possible route that is described on page 5 of the bill's policy memorandum, under which the Scottish Parliament passes the bill and the UK Government does as the Scottish Government expects and deletes the devolved aspects from its withdrawal bill. Does the Lord Advocate accept that the only continuity legislation will be the Scottish act? If so, what would happen if the Supreme Court were to strike down that legislation as being outwith competence?

The Lord Advocate: I have spent a lot of time in my professional career avoiding hypothetical questions. [*Laughter.*]

From my perspective, the only question that needs to be addressed at this point is whether the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is within the legislative competence of the Scottish Parliament. It would be unwise for me to speculate about what might happen in an uncertain future.

Stuart McMillan (Greenock and Inverclyde) (SNP): Can the Lord Advocate confirm that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is designed to dovetail with the European Union (Withdrawal) Bill, based on the expectation that the United Kingdom Government will remove the devolved aspects from the withdrawal bill in the event that the Scottish Parliament does not pass a legislative consent motion?

The Lord Advocate: It is the Scottish Government's view that if the Scottish Parliament is unable to consent to the European Union (Withdrawal) Bill, the constitutionally correct position would be for the UK Government to remove devolved matters from that bill and for the Scottish Parliament to pass its own provision to deal with legal continuity. The skilled parliamentary draftsmen who draft Scottish Government legislation have worked hard to seek to align the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, so far as is consistent with certain policy differences, with the provisions of the United Kingdom Government's bill.

Donald Cameron (Highlands and Islands) (Con): The Lord Advocate has already touched on this in his statement, but does he disagree with the Presiding Officer's statement that the

"consistent approach to interpreting the powers of the Parliament has been that legislation cannot seek to exercise competence prior to that competence being transferred"?

The Lord Advocate: The important thing to consider is the particular provision of section 29(2)(d) of the 1998 act. Under other parts of section 29, questions such as whether a bill relates to a reserved matter or whether a bill would modify or infringe schedule 4 of the 1998 act could arise. Again, it would not be wise or appropriate for me to express a definitive view on a hypothetical question, but I suggest that it is important not to read across an approach that might be taken in relation to other parts of section 29 to the particular issue of whether provisions in the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill are incompatible with EU law.

Emma Harper (South Scotland) (SNP): Can the Lord Advocate confirm that the European Union (Legal Continuity) (Scotland) Bill is simply about preparing Scotland's laws for what will happen after the UK leaves the EU, and that the bill has been drafted so that right up until that time, the Scottish Parliament will continue to act at all times in a way that is compatible with EU law?

The Lord Advocate: The short answer is yes—but perhaps I can make two further points. The negative point is that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is drafted to ensure that nothing will be done that is incompatible with EU law before withdrawal from the EU. However, the bill positively provides a practical mechanism for securing the EU law principle of legal certainty in the context of a process that is specifically provided for by EU law, which is the process of withdrawal in which we are engaged.

Claire Baker (Mid Scotland and Fife) (Lab): It is highly regrettable that we are in the situation of the Lord Advocate and the Presiding Officer having conflicting views. The Parliament needs to be confident about the competence of the legislation that we are considering. The Lord Advocate has argued that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill is legally competent and has said that there has been significant effort to align the bill with the UK Government's withdrawal bill. Can he comment on the route of combining the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill further with the withdrawal bill and is he confident that that could secure a smooth transition, as identified as a key objective of the bill in his statement?

The Lord Advocate: The Scottish Government has been clear that its preferred position is a single piece of United Kingdom legislation to which the Scottish Parliament could consent: that remains the position. However, that is not the point that we are at. That is the context in which the UK

Withdrawal from the European Union (Legal Continuity) (Scotland) Bill has been introduced.

As I said in an answer a moment ago, the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill has been drafted by skilled parliamentary draftsmen in such a way that, as far as possible, the approach aligns with the approach that is taken in the United Kingdom Government's European Union (Withdrawal) Bill. Again, it would be wrong for me to speculate on the way in which either bill might develop as they continue through their parliamentary processes.

Ash Denham (Edinburgh Eastern) (SNP): Does the Lord Advocate think that the bill that has been prepared by the Welsh Government is attempting to achieve the same aims as the Scottish Government's UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill?

The Lord Advocate: Again, the short answer is yes—as far as I am aware, the purpose is the same. There are differences that reflect differences in the particular situations of the two constitutional settlements.

Maurice Golden (West Scotland) (Con): In his statement, the Lord Advocate focused on compatibility with EU law. As he knows, that is not the only constraint on this Parliament's competence. Can he explain why, in his view, no provision of the bill trespasses on matters that are otherwise reserved to the UK Parliament?

The Lord Advocate: In my statement, I sought to focus on what I and the Presiding Officer regard as the fundamental issue. Members may take it that the Scottish Government is satisfied that the bill does not go outwith the legislative competence of Parliament in any other respect.

Clare Haughey (Rutherglen) (SNP): Can the Lord Advocate confirm that, through the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, and contrary to some suggestions elsewhere, the Scottish Government is not attempting to use powers that are reserved to the Westminster Parliament?

The Lord Advocate: I am sorry; I did not quite hear the question.

The Presiding Officer: The question sought an assurance that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill would not take reserved powers from Westminster.

The Lord Advocate: There is nothing in the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill that would affect any of the limits on the competence of this Parliament, other than the limits that are imposed by EU law.

James Kelly (Glasgow) (Lab): Bearing in mind the seriousness of the situation, in that we have differing legal advice from the Presiding Officer and from the Lord Advocate, can the Lord Advocate state whether he took additional external legal advice, separate from that of his in-house legal team?

The Lord Advocate: As members will be well aware, the Scottish Government does not disclose the sources of its legal advice. There is one express exception in the ministerial code, which is that Government may state what is a matter of public record, which is that law officers will clear any certificate of competence of a bill. That is the basis upon which I have confirmed that I cleared the certificate of competence for the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. I am here today as a member of the Scottish Government and, like any other minister, I am explaining to Parliament the Scottish Government's position in relation to its legal analysis.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): The Lord Advocate made a number of references to, and comparisons with, the UK Government's European Union (Withdrawal) Bill. For clarity, can the Lord Advocate confirm that it is the case that any arguments that suggest that the Scottish Government is acting in a way that is incompatible with EU law could also be used to argue that the UK Government's bill is incompatible with EU law and that, therefore, if one is compatible with EU law, the other is as well?

The Lord Advocate: Again, the short answer is yes.

Alex Neil (Airdrie and Shotts) (SNP): I welcome the Lord Advocate's statement. Can he confirm that the Supreme Court's decision in relation to the Gina Miller case on article 50, in which the Supreme Court dismissed the Sewel process as a convention and not law, would nevertheless make the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill justiciable and likely to succeed as valid, if it were to end up in the Supreme Court?

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): That is a hypothetical question.

The Lord Advocate: Indeed.

The question of whether any bill of this Parliament is or is not within legislative competence can ultimately be adjudicated on by the courts. Again, I will not anticipate a hypothetical possibility that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill may end up in a particular forum.

Neil Findlay: On a point of order, Presiding Officer. I asked the Lord Advocate on what legal basis the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill had to be dealt with as emergency legislation, but he did not address that issue in his answer. Can you address that point, Presiding Officer? Why must the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill be done as emergency legislation?

The Presiding Officer: I note Neil Findlay's question. He asked a number of questions of the Lord Advocate, including questions such as that one, that are more for the Parliamentary authorities or the Minister for Parliamentary Business. The question whether a bill needs to be dealt with as emergency legislation is one for the whole Parliament.

The Parliamentary Bureau will discuss the matter and will take a view or make a recommendation. It might not make a recommendation, but we will bring the issue to Parliament. It will then be for Parliament to debate and to decide on whether it wants the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill to be treated as emergency legislation. Therefore, in the end, it is up to you, Mr Findlay, and all the other members.

Early Years and Childcare

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-10650, in the name of Michelle Ballantyne, on early years and childcare.

14:47

Michelle Ballantyne (South Scotland) (Con): I am pleased to have the opportunity to bring the motion to the chamber. Early learning and childcare is one of the most important areas for any Government, because it not only shapes the lives of whole generations but creates the foundation for Scotland's future.

High-quality early learning can play a key role in reducing the attainment gap by giving all Scotland's children a level playing field on which to build their learning. There is compelling evidence to show that early access to high-quality early learning and childcare can significantly reduce the impact of socioeconomic disadvantage before starting school.

High-quality early learning provides nurturing, stimulating experiences that help children to grow and develop. It can also support parents, particularly mothers, to access education, training and work, as well as provide support to vulnerable families.

The provision of early learning and childcare is, quite simply, a policy that no one would want to oppose. It is an investment in the very fabric of our society, which is why I have brought this debate to the chamber today.

The Scottish Government has, in its words, set out

"the most ambitious plans to extend childcare and early learning that the Parliament has ever seen."—[*Official Report*, 22 February 2018; c 15.]

However, it did so without undertaking the level of planning and consultation that might reasonably have been expected, thereby creating significant challenges to its flagship policy.

Today is an opportunity to explore those challenges in what I hope will be a constructive and thoughtful manner. Today is about ensuring that the issues raised in the joint report issued by the Accounts Commission and the Auditor General are scrutinised and that we, in this chamber, and perhaps more important, those in local authorities and nurseries, as well as the childminders and the parents who are trying to navigate their way through what is being offered, ensure that the end result is something to be celebrated.

I will cover a number of the issues raised in the report and in my visits to local authority and

private nurseries and my many conversations with early years practitioners and childminders.

On Thursday last week, the First Minister told the Parliament that

"we delivered"

the commitment

"on 600 hours when many people across the chamber were sceptical that we would do so."

She also said:

"We delivered it; we have shown a track record in delivering expanded childcare, and we are on track to deliver the next expansion."—[*Official Report*, 22 February 2018; c 21, 15.]

However, the report by the Accounts Commission and the Auditor General states:

"The Scottish Government failed to set out clearly the improved outcomes for children and parents that the expansion to 600 hours was designed to achieve".

Furthermore,

"There is a lack of evidence that increasing funded hours in the way that the Scottish Government has done will deliver improved outcomes".

I therefore ask the minister to say, when she comes to speak, how she is measuring the success of the 600 hours roll-out. How do we know that it is being delivered and has been a success?

It is clear to me that the Scottish Government failed to set out clearly the improved outcomes for children and parents that the expansion was meant to achieve and how it would assess the impact of that additional investment. There were no measures to indicate success, nor was the baseline data available. Those basic steps should have been addressed in 2014, if not earlier. It appears that those issues have carried over to the 1,140 hours expansion, with a recent freedom of information request from Reform Scotland revealing that

"the Scottish Government has confirmed that it does not know how many children are currently eligible and entitled to pre-school provision but are unable to access it or are on a waiting list."

In addition, research by the Scottish Government, the National Day Nurseries Association and fair funding for our kids has found that one in five children is missing out on their current funded hours, yet the Scottish Government claims that there is 97 per cent registration for funded childcare. Are we talking about registration or childcare that is being accessed and delivered? When planning an expansion on this scale, should not the Scottish Government start by getting those essential facts right? I say that not because we want to pull them up on it or because we want to make an issue of it, but because, if we do not get

the expansion right, we are going to get it wrong for our children—a generation of children who will not get a second opportunity.

The Scottish Government needs to be clear about the priority for this policy. Is it for children, is it for parents or is it for both? In its current state, it largely fails to achieve the outcomes for both. In January, the Scottish Government published an initial evaluation of the expansion of early learning, in which it stated:

“The expansion from 475 to 600 hours in 2014”

is

“not expected to lead to a measurable change in children’s outcomes.”

We have seen that mirrored in parents’ responses to the expansion, particularly around flexibility, accessibility and payment. Research by fair funding for our kids has found that, after the implementation of the expansion to 600 hours, nine out of 10 parents who want to change their working situation said that their main barrier is lack of appropriate childcare.

The Scottish Government estimates that the cost of delivering the 1,140 hours of early learning and childcare will be about £840 million a year. Councils, on the other hand, have placed their initial estimate for the expansion at about £1 billion a year. That is far higher than the Scottish Government’s estimate. It raises serious questions about the feasibility of the policy and risks councils being left to deal with a £160 million black hole.

To add to the confusion on funding, there is a big difference between what the Scottish Government and local authorities are saying is needed for essential changes to childcare infrastructure. Local authorities have said that they need to set aside £690 million of capital funding between 2019 and 2020, but the Scottish Government has allocated only £400 million for that purpose. At a time when councils across the country are feeling pressure on their budgets, they will struggle to make up the shortfall.

Stuart McMillan (Greenock and Inverclyde) (SNP): If Michelle Ballantyne is seriously concerned about funding, will she say how her party would have funded the policy, given that there is going to be another £500 million reduction to the Scottish budget?

Michelle Ballantyne: If Stuart McMillan had taken the time to read what our manifesto says about our approach, he would have found that we would not have gone about things in the same way. We would have taken a staged approach, starting with the most vulnerable one and two-year-olds and working forwards. In many ways, what matters is the planning; it is not just about having a good intention. We do not disagree with

the intention—the question is whether we can deliver it. I say “we” because, ultimately, the issue is one that concerns all of us, all the local authorities and all our children.

One of the authorities that will struggle is Midlothian Council, which is the fastest growing authority in Scotland. It will be particularly hard hit as it struggles to find the revenue funding and capital funding that are needed to implement the policy. That will only be compounded by pressures on partner providers, such as after-school clubs, which are already struggling and whose rents are being raised as budget cuts are made.

In addition to those financial pressures, the Scottish Government has estimated that an additional 8,000 whole-time equivalent staff will be required to implement the expansion, yet council estimates show that 12,000 more staff are needed, including staff in training and central staff. I am aware that the Scottish Government has launched a recruitment drive, but we are still talking about a daunting figure and a significant difference in numbers.

Last Thursday, the First Minister told the chamber that the Scottish Further and Higher Education Funding Council is offering about 1,500 additional places and that there are 836 additional graduate-level places. I am not decrying the efforts that are being made, but will we really have enough staff to enable us to complete the proposed ambitious expansion of childcare in Scotland?

Research by Skills Development Scotland has cast doubt on that. It shows that although partner providers are optimistic about retaining existing staff, 63 per cent of them are already finding it difficult or fairly difficult to recruit suitable new employees. Indeed, partner providers might well struggle with the introduction of the 1,140 hours of provision, because 41 per cent of them are not confident about their ability to accommodate the expansion. That might be partly due to a loss of staff, because there is a drain from the partner providers to council providers, which can offer more generous pay and conditions. I noted that on a recent visit to a nursery that is an exemplar when it comes to how the 1,140 hours can be delivered. It had a purpose-built building and all the staff that it needed, but it was heavily oversubscribed.

We have to give some real thought to how our partner providers will cope. I have visited several private nurseries across the country and spoken to many of their managers and owners, who have confirmed that they are losing their staff. If partner providers continue to lose their most qualified staff, that will impact on the future quality of the childcare that is available to parents, as well as push up the fees, as nurseries seek to retain their

staff. In turn, that could limit parents' choice in finding a local high-quality nursery, and it could lead to private nurseries closing down.

I would be very interested to hear what the Government's position is when it comes to the money. The partner provider offer, which usually sits between £3.45 and £3.75 an hour, will not cover the costs that need to be met if private nurseries are to be able to deliver the provision that is intended.

The Minister for Childcare and Early Years (Maree Todd): I can absolutely understand why the member is concerned, because in England, where the Tories are in charge, the NDNA has said about the expansion process:

"The Chancellor has given a clear message that this Government is not interested in properly investing in early years and just expects the sector to get on with it while faced with all these increases. NDNA will continue to lobby the government to address this appalling situation until a fair hourly funding rate and business rates relief for nurseries are forthcoming."

Do you agree that, in contrast—

The Deputy Presiding Officer: That is a good point, but it was a long intervention, so I will give you the time back, Ms Ballantyne.

Michelle Ballantyne: I have two points to make in response to that. If the minister, having read about the issue, feels that there are real issues south of the border, that should serve as a learning curve for her in relation to what to do.

It is an interesting point, because the 1,140 hours are being rolled out. At the moment, parents in England are accessing the 1,140 hours, and the complaint is not about their ability to access that provision. I think that there is learning to be had, both negative and positive, but that does not immediately address the issues that I have raised, and the question was not one that was pertinent to what I said.

The Accounts Commission has added that many councils' expansion plans do not include detailed information on how they plan to recruit all those additional staff. Often, the plans do not take account of the numbers of staff required by partner providers, and I wonder whether that may account for some of the differences that we are seeing between the Government numbers and the numbers that are coming forward from local councils.

There are many other issues that I am sure will be raised today, but my key point in all of this is that we have to do right by our children and by our parents. We will do right by our children only if we have high-quality provision. We know, and evidence shows us, that poor quality provision will do more harm and will actually lessen the life chances of children, particularly our more

vulnerable children. We cannot have high-quality provision unless we have good-quality staff, which means that we need to roll out provision that is staffed by people who themselves have good-quality learning, good qualifications and experience. I worry that, in the rush, there will not be time to develop those staff adequately, so many of our initial children will suffer from a poorer quality of provision than we intend to give them.

I move,

That the Parliament recognises the strong cross-party support for the expansion of childcare, but expresses its grave concern regarding the findings of the recent Accounts Commission report, *Early Learning and Childcare*, which stated that there were "significant risks" that local authorities would not be in a position to deliver the Scottish Government's target of 1,140 hours by 2020 because of the difference in estimated budget costs and additional pressures on staffing and additional infrastructure; notes the concerns expressed by the commission that the Scottish Government failed to undertake the necessary cost-benefit analysis of the 600 hours provision, therefore failing to assess the impact on parents and providers of expanded childcare provision, particularly in terms of eligibility and the accessibility and flexibility of provision, and demands that the Scottish Government takes immediate action to address the concerns of the Accounts Commission and to engage constructively with groups, such as Fair Funding for our Kids, the National Day Nurseries Association Scotland and local authorities, to agree a comprehensive strategy that will deliver quality provision across Scotland.

The Deputy Presiding Officer: I call Maree Todd to speak to and move amendment S5M-10650.3.

15:02

The Minister for Childcare and Early Years (Maree Todd): The expansion of funded early learning and childcare will transform our children's life chances. By 2020, we will provide all three and four-year-olds and eligible two-year-olds with 1,140 hours of high-quality nursery education, and we will ensure that all our children get the best start in life. Such ambitious plans always come with challenges. I do not deny that those challenges exist, but we are absolutely committed to addressing them in partnership with local authorities and other delivery partners, and we are on track to deliver that expansion.

Michelle Ballantyne: Can the minister tell me how, and on the basis of what evidence, the Government is on track to deliver?

Maree Todd: Audit Scotland has looked at the process at a point when there is still some distance between our figures and local authority figures. It is right and proper that both sides take the time to challenge and refine cost estimates, and that is exactly what is happening at the moment. The gap is currently closing. We have said that we will fully fund that provision. We are

working in close partnership and we expect to reach agreement in the next few weeks.

Expanding funded early learning and childcare is the right policy. The socioeconomic gap in cognitive development starts before primary school, and it is widely acknowledged, including by the Organisation for Economic Co-operation and Development, that universally accessible and high-quality early learning and childcare help to provide children with skills and confidence that they can carry into school education. That is a cornerstone for closing the poverty-related attainment gap.

Parents recognise the benefits of high-quality early learning and childcare for their children. In fact, Audit Scotland's own research found that parents were "overwhelmingly positive" about the quality of the early learning and childcare that we are providing. Quality will absolutely remain at the heart of our expansion plans.

We are offering children new and richer experiences through that expansion. I, too, visit many nurseries, and last week, I visited the City of Edinburgh Council's forest kindergarten at Lauriston castle. I saw how outdoor learning affects children's confidence and wellbeing and how it can encourage a lifelong love of the outdoors. We are working with Inspiring Scotland and councils to encourage much greater use of outdoor environments as part of the expansion. It is an opportunity to change the offering that we provide, and we are investing more than £800,000—

Liz Smith (Mid Scotland and Fife) (Con): No members deny that there are a lot of good things in the report, particularly on the Scottish Government's strategic objectives. However, the Scottish Government does not appear to have any convincing analysis of the benefits of or the output from the delivery of the 600 hours policy. Why has that analysis not been done?

Maree Todd: There is a huge body of evidence from around the world on how delivering such provision closes the attainment gap. Is Liz Smith suggesting that we wait longer before we have the expansion? I know that the Conservative Party does not support the expansion, but we do, and we are going to do it.

We must never forget that the fundamental purpose of the policy is to improve our children's early years experience. However, the policy will also support parents and help to lift families out of poverty. By increasing the number of funded hours of childcare, we will support parents to work, train and study, unlike the offering down in England, which is for working parents only.

The full entitlement to 1,140 hours will save families more than £4,500 per child per year and

remove the burden of massive childcare costs. The near doubling of funded entitlement offers parents greater flexibility of provision. Flexibility should be determined by local authorities engaging with their communities to understand and respond to their needs within a framework of high-quality provision.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The feedback that I have been getting from parents is that childcare provision is inflexible. Does the minister agree that that inflexibility is preventing women from getting back into the workplace?

Maree Todd: The issue is that the number of hours is limited to 600, which is precisely why we are expanding the number to 1,140 hours.

We are committed to fully funding the expansion, just as we more than fully funded the expansion to 600 hours and the introduction of eligibility for two-year-olds. We recognise that reaching timely agreement on a multiyear funding package for expansion is absolutely critical, which is why the programme for government commits to agreeing that funding package and why we have been working closely with local authorities to reach a shared understanding of the investment that we need to make. I am confident that we will do that by the end of April.

Daniel Johnson (Edinburgh Southern) (Lab): The minister made a point about the eligibility of two-year-olds. A quarter of two-year-olds are eligible for free childcare but, according to the Audit Scotland figures, it is only being taken up for 10 per cent of two-year-olds. Why is that the case?

Maree Todd: There are a number of challenges involved in identifying the eligible two-year-olds and targeting the offering to their families. We are working with local authorities and the Department for Work and Pensions on sharing data to identify and target them. I accept that there is an issue.

There is a huge body of work going on behind the scenes to deliver the expansion. In the past year alone, we produced an early learning and childcare quality action plan, about which, members will be interested to hear, the NDNA said:

"It really shows that the Scottish Government has listened to and worked with the sector, including NDNA Scotland, in its proposal to improve quality in early years."

We also produced a skills investment plan; an online resource for childminders; plans for an additional graduate in nurseries in Scotland's most deprived communities from August this year; a multidisciplinary delivery support team to work with local authorities to provide innovation and redesign capacity; phase 1 of a national workforce recruitment marketing campaign to positively

promote careers in ELC; and updated guidance for careers advice organisations.

Many of those actions relate to the need to expand the workforce, and we estimate that up to 11,000 additional workers will be required by 2020, creating job opportunities around Scotland. The investment to do that is already well under way. To support the first phase of the workforce expansion in 2017, we provided local authorities with £21 million in additional revenue funding, boosted ELC capacity in colleges and universities, and increased ELC modern apprenticeship starts by 10 per cent.

Daniel Johnson: Will the member take an intervention?

Maree Todd: I am afraid that I am in my final minute.

We estimate that the combined effect of that investment will have supported more than 2,000 additional practitioners to enter the ELC workforce in 2017-18.

We will build on that. Next year, in 2018-19, there will be an additional £52 million for local authorities for workforce expansion. We are providing 1,700 additional higher national certificate places, more than 400 additional graduate places and a further 10 per cent increase in ELC modern apprenticeship starts.

Our approach to phasing in the expanded entitlement prioritises the communities where children need it most. Families in Scotland are already benefiting from early roll-out of the expansion, with more than 3,000 children receiving the expanded entitlement.

Yes, there are challenges, but we are on track and we are confident that we will meet them. I hope that all parties that are represented in this Parliament can unite behind our ambitions for Scotland's children and support us in working in partnership with local authorities, private and voluntary providers and parents to deliver the expansion in entitlement.

I move amendment S5M-10650.3, to insert at end:

“; acknowledges the Audit Scotland finding that, since 2016, the Scottish Government and councils have been working closely together to plan how they will deliver this expansion and assess its impact; believes that the expansion of early learning and childcare will transform the life chances of children in Scotland, helping to give all children the best start in life; agrees that, by the end of the current session of Parliament, staff, including in partner providers, delivering funded early learning and childcare, should be paid at least the living wage; believes that the early learning and childcare delivered through the expansion must be high quality if the benefits to children are to be realised, and considers that the Audit Scotland finding, that parents were overwhelmingly positive about the quality of the provision and the benefits for their

children, provides a strong foundation for the expansion to 1,140 hours by August 2020.”

The Deputy Presiding Officer: I am currently giving speakers time back if they take interventions, but I warn members that there are only a few minutes left to spare. I am sorry to say that just as you are about to speak, Mr Gray.

15:11

Iain Gray (East Lothian) (Lab): Thank you, Presiding Officer. I expect to get the time back from your intervention—

The Deputy Presiding Officer: Now, now. Never challenge or have a go at the chair.

Iain Gray: There is a certain irony in our having this debate on a day when the childcare arrangements of families across most of Scotland have collapsed under the weight of the snow, with nurseries and schools closed. I bow to no one in my capacity to blame the Government for almost anything, but even I cannot expect it to stop the snow falling.

We should acknowledge, however, that parents face the collapse of childcare arrangements on a regular and entirely predictable basis. It happens every time schools or nurseries go on holiday and every time a child reaches the age of five and suddenly has to be at school later or finish earlier than the previous arrangements allowed for.

Parents really need childcare to be full time, flexible, for all ages, year round and affordable—beyond the free hours that might be on offer at nursery. That is the message that the independent commission for childcare reform gave us so strongly only a few years ago. The existence or otherwise of breakfast clubs, after-school clubs and early morning and twilight wraparound care can make or break childcare, especially in as much as such facilities allow parents, particularly women, to work.

Let me be clear. The commission supported the expansion of free nursery hours, and so do we. However, the commission was critical of a Government that was focusing exclusively on free hours for three and four-year-olds to the detriment of other elements of childcare.

Nonetheless, that has been the approach of this Government, with the increase to 600 hours per year and the promise of 1,140 hours by 2020, so that is the policy that Audit Scotland and the Accounts Commission considered. Their report is not positive, although it contains a few positive comments, all of which the minister harvested for her amendment. On the current provision of 600 hours, the report makes clear that the expansion was not properly planned, that no economic

modelling was carried out and that no appraisal was made of options for delivery.

The Government has never made clear whether the measure was intended to allow parents to work or to improve educational outcomes for children. The Government has always talked about high-quality childcare—I agree that we should have that—but Audit Scotland says that the Government never tells us what it means by “high quality”.

John Swinney: I am interested in what Mr Gray thinks the Government should have done in identifying the purpose of the measure as being either to improve outcomes for children or to enable parents to get back to work. What would his judgment have been?

Iain Gray: My judgment is that both are important, as I think that Mr Swinney agrees, but primarily this is about improved educational outcomes for children and addressing inequality. However, Audit Scotland makes clear that some decisions about how the policy is delivered have been based not on that view but on the view that it is about making it possible for parents to work.

The figures appear to suggest that most three and four-year-olds access funded hours, but Audit Scotland is clear that the effect of multiple registration makes those figures highly unreliable. Further, as Mr Johnson indicated a moment ago, only half of eligible two-year-olds are registered. The purpose of the policy is apparently to allow parents to work, but most parents tell Audit Scotland that the 600 hours has had a limited impact on their ability to work—I think that the minister acknowledged that in responding a moment ago to an intervention. That certainly reflects the research that the fair funding for our kids campaign has done, with parents repeatedly raising the issue of families being unable to access their entitlement because of inflexibility.

However, the Audit Scotland report saves its greatest concerns for the implementation of the new promise of 1,140 hours. The report identifies significant challenges and major risks, and points out that detailed planning should have started earlier than it did and that, even when it did start, councils were asked to plan in the absence of clear information that they needed from the Scottish Government. The report provides chapter and verse on risks around finance, infrastructure and workforce. On finance, as we have already heard, by 2021 there will be a £160 million black hole between the annual running costs estimated by councils and the finances promised so far by the Government. The story is the same for infrastructure but largely worse, with councils planning to spend £747 million on new accommodation and buildings but the Scottish Government currently proposing, indicatively at

any rate, to provide not much more than half of that requirement.

However, the biggest challenges lie with the workforce. Councils estimate that they will need 12,000 full-time equivalent additional staff to deliver the policy, which is a 128 per cent increase. The truth is that the Scottish Government does not know where those staff are coming from. At First Minister’s question time last week, the First Minister reeled off what she said was her plan to deliver increased numbers of apprenticeships and graduate places, and we heard the minister repeat that plan today. However, the trouble is that those measures are right here in the Audit Scotland report but Audit Scotland simply concludes that they will provide only a very small number of the additional places needed—it is not enough. To be honest, the Scottish Government is to workforce planning what Eddie the Eagle is to ski jumping.

When the self-same First Minister was health secretary, she had a plan for the nursing workforce, did she not? What do we have now? We have a fourfold increase in unfilled nursing posts. In her top priority of education, she has managed the incredible outcome of losing 3,500 teacher posts and still creating a shortage of teachers and hundreds of unfilled vacancies. There is no rational reason or credible evidence to allow us to believe that the Scottish Government can find and train 12,000 early years workers to deliver its policy. That is what Audit Scotland tells us in the report in its always polite, courteous and understated way when it states:

“it is difficult to see how all the challenges can be overcome in the time available.”

The minister might be confident that he is going to reach agreement and resolve all the challenges, and that it is all going to be fine. However, Audit Scotland is telling him that it does not believe him. There is not enough revenue funding, not enough capital funding, not enough staff and not enough leadership from the Scottish Government to deliver its flagship policy. That is the wake-up call that the report delivers.

The Deputy Presiding Officer: You must conclude.

Iain Gray: The Government should listen—

The Deputy Presiding Officer: No. Please conclude, Mr Gray—I am moving on.

Iain Gray: The Government should listen and take urgent action.

The Deputy Presiding Officer: You were given an extra minute and the clock did not start, in fact, until you stood up to speak, so I was quite generous. Oliver Mundell is next, to be followed by Jenny Gilruth in the open debate.

15:19

Oliver Mundell (Dumfriesshire) (Con): I have been extremely disappointed by the Government's tone so far. We have heard from this side of the chamber a very reasonable and considered argument that recognises some of the benefits of the policy and some of the success that it has had for families, but all we have heard in return have been moans and groans about what is happening south of the border. It is time that the Scottish Government went away and took a serious look not only at what members across the chamber are saying but at what is being said by outside bodies with responsibility for scrutinising the Government, by parents and families and by providers and local authorities. It seems a bit of a coincidence that everyone else feels a degree of doubt about the policy's achievability, but the Government still has full confidence in itself.

I recognise that many families are already benefiting from this policy, but the whole process is far too random. In fact, in some cases, it is entirely a postcode lottery. In rural communities such as mine in Dumfriesshire, we are not seeing a good level of flexibility for parents, people do not have a lot of choice and providers themselves recognise that they are struggling to deliver the quality of early years childcare and learning that they wish to provide and be associated with. I am very pleased to find out today that the minister has agreed to meet me and some private and voluntary providers to hear their concerns. I am gravely worried by the fact that all 20 private providers in Dumfries and Galloway have told the council that they wish to halt the procurement process, because of worries about not having the capacity or the staff to deliver these policies and because they have not had access to the required capital funding.

Gillian Martin (Aberdeenshire East) (SNP): It is really interesting that the member and Michelle Ballantyne come from the same part of the world. Have they made representations to the local authority's education committee to ask why these things are not happening?

Oliver Mundell: I say gently to the member that people who live in Dumfries and Galloway consider themselves to come from a different part of the world than the Scottish Borders.

As for approaching the council, I have met it on a number of occasions; I have taken council staff to meet providers; and I have facilitated conversations. I think that the council has also met the Scottish Government on a number of occasions to express concern and worry about how it will find enough staff for its own in-house nursery provision and what that will mean for private and voluntary providers. Everyone is on

exactly the same page, apart from, it seems, the Scottish Government.

We have got to this point because the Government has decided to overpromise without giving any thought to how it will actually deliver. It is the same thing that we see time and time again with the policies that come forward. It is all well and good to say that there are good intentions behind these things, but if they cannot be delivered on the ground, all the promises and warm words are meaningless.

I am very worried by the fall in the number of providers. Since the Government came to power, we have lost 637; indeed, we have lost the sole childcare provider in my home town of Moffat.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Will the member give way?

Oliver Mundell: Yes.

The Deputy Presiding Officer: I am afraid that you cannot, Mr Mundell, because you are in your last minute. You must stop at five minutes.

Oliver Mundell: I thought that I had six minutes.

The Deputy Presiding Officer: I beg your pardon—I am dreaming. I call the cabinet secretary.

John Swinney: I share Mr Mundell's concerns about providers leaving the industry, which is why I am so anxious to ensure that there is good dialogue between local authorities and providers about having a role in the expansion of early learning and childcare. Does he agree with the importance of that dialogue in having breadth of provision and in assisting with ensuring that contributions are made to the delivery of this policy objective?

The Deputy Presiding Officer: Mr Mundell, I will give you your time back. I have no spare time after that.

Oliver Mundell: Thank you very much, Presiding Officer.

I absolutely agree with the minister, and that is why I have contacted him to arrange a meeting to make sure that all parties are working together. The private and voluntary sectors are absolutely vital and we cannot overestimate their importance, because at present only one in 10 council nurseries is open between 8 am and 6 pm. In Dumfries and Galloway, certainly, the sole funded provision in the vast majority of communities comes from private and voluntary providers and they do not feel well supported at the moment. They feel that they are being asked to do something unrealistic.

Those people are absolutely committed to the sector and they have juggled a lot of challenges and changes, most of which they welcome and recognise are important. All they want is a fair hearing, and for the Government to stop and take stock of the suggestions that are being made and the concerns that people have from across the parties. I urge the Government to listen, and to work constructively with all those involved.

15:26

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I remind members that I am the parliamentary liaison officer for the education secretary.

"They're easie-oasie up there so I can just change my hours [at short notice]... You can just pay for extra hours. [The nursery's] open all day. I can just tell them how long I want Layla to be there for."

That is parent story 18 on page 24 of the Accounts Commission report.

"She did start speaking just before she went to nursery and since then it's come on leaps and bounds...more articulate, new words ... honestly, things I don't have time to sit and do with her on a regular basis".

That is from parent story 26.

"[The funded hours allowed] me to get qualifications that I wouldn't have otherwise got. So looking for a job might be a wee bit easier because I've got qualifications, it's gave me skills. It makes me feel more useful, like I can actually do something... It gives you confidence."

That is parent story 21.

Those are real examples from the Accounts Commission report. Let us not throw the baby out with the bath water. For some parents, carers and children, the policy is working and it is working well. The Government commitment to fully fund the expansion of early learning and childcare to 1,140 hours by 2020 is undoubtedly ambitious, but it is also about growing the economy, tackling inequality and, crucially, closing the poverty-related attainment gap, as Michelle Ballantyne alluded to in her opening speech. Indeed, the report cites the 2014 study by the Joseph Rowntree Foundation, "Closing the attainment gap in Scottish education", which found that the gap between children from low-income and high-income households can be 10 to 13 months by the age of five.

Today's Conservative motion begins with a recognition of

"the strong cross-party support for the expansion of childcare".

While there is general agreement on the principles behind the policy, it is also clear from the Accounts Commission report that individual experiences of ELC provision vary across the country.

Page 28 of the report details the differing models that are used to deliver the ELC entitlement. The number of councils using the part-day model, which allocates three hours and 10 minutes, has remained relatively static between 2014-15 and 2016-17. However, the key difference that is highlighted is the increase in provision of shorter part-days, longer part-days, full days, additional funded hours for flexible use and extended periods beyond the school term time. Crucially, in 2016-17 more councils were looking at a range of models. I think that we should all be cognisant of the different needs of families; there can be no one-size-fits-all approach to childcare provision.

The Accounts Commission states that councils do not always provide clear information to help parents to understand how the complex system of ELC works. The report highlights the confusion of parents and carers over the application process required for a funded place, with some administered centrally and others unclear about the use of a catchment area for nurseries. Parent story 3 illustrates that:

"It took me a full year to get him somewhere. What they said was you get a form and you put in 3 choices, so I put in 3 choices but none of them could take him... It's just as well I went to [another nursery] as he still didn't get a place at the ones on my form".

The expansion of early learning and childcare is predicated on accessibility. It is, therefore, essential that all local authorities ensure that they have systems in place to engage parents with a wide variety of childcare options that best meet their needs.

The report highlights the differing admissions criteria that are used by councils, with some prioritising older children, others children with additional support needs, and others looked-after children. Through the work of the care review, it is obvious that the Government is committed to care-experienced young people. I hope that it will now consider looking at how local authorities work to prioritise children in terms of their ELC entitlements, especially children who are looked after.

The report recommends that

"Councils ... Develop the range of ELC on offer locally in response to parental consultation, and design choice around this."

However, 10 councils, including Fife Council, Moray Council and East Lothian Council, restrict the numbers of children whom they will fund in partner providers.

I have previously highlighted Fife Council's refusal to use childminders in the entitlement offered. Fife is a rural and an urban local authority area, and childminding is a popular method of

childcare for many working parents and carers, so the authority's blocking of such provision arguably limits the potential flexibility offered by ELC.

Maggie Simpson, the chief executive of the Scottish Childminding Association, told me yesterday:

"It certainly is not a case of simply providing more money. We need to be looking to provide a balanced range of places—not necessarily bigger nurseries—but the sensible use of the small family based services provided by childminders that also allow outdoor learning and support for parents."

Rachael Hamilton: Will the member give way?

Jenny Gilruth: I will finish the quotation first. Maggie Simpson continued:

"The policy is not what is really at fault but the implementation from local authorities."

Rachael Hamilton: The SCMA says that some local authorities are biased towards childminders. Does the member consider that to be true? If that is the case, how can the Scottish Government improve its relationship with childminders to enable more flexibility and more hours of childcare to be delivered?

Jenny Gilruth: I am not sure that I can comment on whether local authorities are biased towards childminders; as a Fife MSP, I have experience only of Fife. I know that Fife does not use childminders in the entitlement offered, but if it were to invest in childminders, we could move forward.

Last October, the Scottish Government published an action plan to ensure that quality is at the heart of ELC provision. The plan set out 15 actions to strengthen the quality of childcare provision, including promoting

"greater use of outdoor learning"

and empowering parents

"to make choices about the right ELC setting ... for their child."

Therefore, councils such as Fife need to reflect on how they are empowering parents and carers to have that choice.

I return to the purpose of the legislation, particularly its aim to drive productivity. The report acknowledges that access to childcare is a factor in helping women back into work. Some women, including my mum, had to give up their careers in the 1980s to have their families, because that was expected of them. Unlike their mothers, they often had to return to work, as the unpaid hidden labour that they carried out in the home—providing the state with free childcare—had not allowed them to progress up their career ladder.

The Deputy Presiding Officer: And there you must conclude. I am sorry, but I said that I had no

time in hand and that members would have to absorb interventions. I am grateful that you took one, but we must move on. Please sit down.

15:32

Jenny Marra (North East Scotland) (Lab): This afternoon, we are discussing the obstacles to the expansion of childcare and what Audit Scotland has identified as the difficulties in the delivery of increased hours. I will focus on outcomes, which Audit Scotland has addressed in its report.

There seems to be a huge gap in what we are expecting childcare to deliver and how to measure that. The Audit Scotland report says:

"The Scottish Government failed to set out clearly the improved outcomes for children and parents that the expansion to 600 hours was designed to achieve ... It did not identify what measures would indicate success or ensure baseline data was available."

The key question from the report is that if childcare is to help close the attainment gap and improve outcomes for children—not just in their childhood, but throughout the rest of their lives—we must find some way of measuring that, and we must find some benchmarks to assure ourselves about what quality childcare provision is.

The document states that a Scottish Government policy aim is for childcare to improve outcomes for children. That policy aim accepts the premise that the quality of childcare improves when the parents hand over the child to the nursery or childminder. In some circumstances that may be true, but I find that a difficult premise for society to accept blithely—that when children are put into nurseries or childcare settings the quality of the care that they get improves drastically enough to affect their outcomes. It is a bit sad for our country to accept that blithely on a policy level.

A few years ago, social workers were able to support parents in their own childcare preventative work. Social workers had the time and capacity to convene parenting groups and share with parents techniques around play, language, games and discipline in order to give them stronger parenting skills. Now there is precious little if any time for any of that work to be done in our communities. I know that, in Dundee, social workers are now completely consumed by high-tariff statutory cases, which must of course be properly and sensitively managed. However, that leaves a gap around the provision of support for parents who want to improve their parenting skills—and I think that all parents recognise that they need to do that regularly.

I would like to make an observation that might be a little controversial. Just last month, the "Cities

Outlook 2018” report told us that 260,000 jobs, I think, across Scotland will go by 2030 due to automation and that, in my city of Dundee, 25 per cent of jobs will disappear. Nobody welcomes those figures or is prepared to accept an economy where that scale of job losses is realised. However, we must realise that, even if we try to reverse or curtail that change, there will be more parents looking after their own children in the future. It is therefore vital that we support more parenting work in that context, and in a preventative context, so that we can support parents to achieve their own aspirations to provide the highest quality of care.

On outcomes in the childcare setting, the Government must strive to continually improve the quality of childcare. Audit Scotland points out that the Scottish Government stresses the importance of high-quality childcare but fails to define what it means by “high quality”. Is that not a huge omission in policy making? When I was choosing childcare, quality was one of my highest priorities, so why is there no benchmark of quality for parents throughout the country who make such choices?

I conclude by drawing the attention of the minister to the fact that, in Dundee, the council still does not know what its capital revenue funding will be in 2018-19, as the Scottish Government has not decided on its distribution by local authority. Perhaps the cabinet secretary can update me on that today.

John Swinney *rose—*

Jenny Marra: I am happy to take an intervention from the cabinet secretary on that point.

The Deputy Presiding Officer: It is up to you, Ms Marra, but you are in your last minute and you will get no extra time.

Jenny Marra: Perhaps the cabinet secretary will update me in his speech later.

Overall, Audit Scotland has given the Government a stark warning not only on the implementation of its policy on childcare hours but on the policy objectives behind childcare and how we improve quality and measure outcomes.

15:38

James Dornan (Glasgow Cathcart) (SNP): While recognising the concerns that were expressed by the Auditor General, I begin by welcoming the positive comments in the Audit Scotland report on expanding childcare from the existing provision of 600 hours to 1,140 hours. I also welcome the cross-party support for the principle of the policy, given the huge importance of the proposal. I note that Iain Gray’s speech was

the usual ray of sunshine, delivered in his Eddie the Eagle type of way: lots of complaining and no positive suggestions with regard to how we can improve the roll-out of this important policy.

Iain Gray: I said what Audit Scotland said.

James Dornan: I see that he is still with us.

There is absolutely no doubt that the role of the parent has changed. Long gone are the days when the male worked and the female stayed at home with the children. Families have changed and work patterns have changed, and childcare needs have, of course, changed alongside those changes.

Given the cross-party support that I mentioned, I have no doubt that every member in the chamber recognises the fact that childcare issues are a huge barrier that prevents many women and, indeed, men from returning to the workplace. Many parents and guardians who, at one time, would have sought out childcare from older relatives such as aunts, uncles and grandparent now find that, with the pension age constantly increasing, that is no longer a viable option.

The Scottish Government has set out a further plan to rectify some of those many issues—issues that not only prevent parents from seeking gainful employment but stand in the way of a sure start for our young children.

Members will note my use of the word “plan”. As with any plan or major project, a lot of work, an investigative process and adjustments are required in the early days. It is clear that the Scottish Government is taking a responsible approach to implementing the policy. Positive conversations are taking place with local authorities to produce a multiyear funding package, and it is not unusual—actually, it is extremely common—at this point in the life of a major project for people to have different ideas as to the final costs. What is not in doubt is that the Scottish Government has pledged to fully fund the policy. The Scottish Government is working towards having full agreement with the Convention of Scottish Local Authorities on the matter by the end of April.

During its consideration of the draft budget, the Education and Skills Committee, of which I am convener, explored the expansion of early years provision with the Deputy First Minister and Cabinet Secretary for Education and Skills. We asked him, among other things, about funding to support the expansion and upskilling of the early years workforce. Also, in the committee’s concluding letter on the draft budget, we asked the Scottish Government for more details on the number of qualified teachers in the early years workforce who would be supported in the 2018-19 budget.

Looking forward, the committee is holding a series of evidence sessions with ministers in March, and Audit Scotland's overview of the early years sector will give that work a valuable context. The committee will hear from the Auditor General for Scotland on 21 March, and that session will be followed directly by evidence from the Minister for Childcare and Early Years. The committee will be looking for questions for the session with the minister from individuals and stakeholders via social media, so she has that to look forward to.

The Parliament, through my committee at least, will be keeping a close watch on the progress of the expansion of childcare. Having previously commended the Conservatives for their support in principle for the expanded target, I must comment on the difference between the way in which this Government is supporting early years and the approach taken by the party of government of which Michelle Ballantyne is a member. The early years national funding formula, which was intended to abolish the funding disparity across England, has in fact reduced the average nursery's budget by £13,000, due to Westminster's underfunding. One nursery owner said:

"Let's not be lectured on well thought out policies that are beautifully executed by the Tories when counties such as Suffolk are seeing preschool establishments ... resorting to bucket collections and will see the likely closure of"

many

"early learning establishments".

Liam Kerr (North East Scotland) (Con): Will the member take an intervention on that point?

James Dornan: There is no time for interventions, unfortunately.

I understand that there is concern around funding, but the project is ambitious, as I have said several times. It is absolutely fair to say that sufficient groundwork and research will need to be done to ensure that we can meet the proposals as set out, and the Scottish Government has pledged to do just that. Although I accept that there is much to do to achieve our ambitious targets, it is clear that the Government is serious about making life better for children and families. I would have been happier to hear our opponents come up with practical ways in which we could help to achieve that, rather than hear the suggestion that we postpone the policy until some unknown date in the future.

Expansion of childcare to three and four-year-olds and eligible two-year-olds has been welcomed by parents, care givers and educators across Scotland. It is about time that all parties came together to ensure that we deliver it.

I see that I have a wee bit of time in hand, and I am more than happy to take an intervention if Mr Kerr wishes.

Liam Kerr: I thank Mr Dornan for that. I will try to remember what I was going to ask.

Mr Dornan was talking about the United Kingdom Government. Does he welcome the UK Government's scheme of tax-free childcare, which can save parents up to £2,000 a year in childcare costs?

James Dornan: That is part of the whole overall package that has resulted in many nurseries and early years places closing. Anything that benefits parents would of course be welcome. Most people would be surprised if it came from the UK Government, but we would still welcome it.

On that note, I close by saying that I support the Government's amendment.

15:43

Alison Johnstone (Lothian) (Green): Research has shown that the rate of child development is greatest in the first five years of life. By the age of three, almost half of our language capacity is in place, and by the age of five, when many children first enter primary school, the figure is as high as 85 per cent. The evidence from psychology, neuroscience and biology is clear—our experiences in our early years are the greatest determinant of our capacity to grow into confident and resilient adults who are able to handle life's ups and downs. That is why the expansion of free childcare is hugely welcome—but only when it is high-quality childcare. I have some sympathy with the points that Jenny Marra raised about support for parents looking after their children.

The increase in provision of childcare is clearly an ambitious move from the Government in respect of the scale of change that is needed in the early years and childcare sector. That need goes some way towards explaining some of the problems that are raised in the Audit Scotland report that is mentioned in the motion. On staffing, the Scottish Government has estimated that between 6,000 and 8,000 whole-time equivalent additional staff will be needed to deliver the expansion by 2020; however, councils estimate that 12,000 might be closer to the mark. That is a huge increase.

Audit Scotland's report shows that pay for childcare staff is substantially lower in the private partner provider sector: the average salary for practitioners in local authority settings is estimated at £28,000, but is only £15,000 in partner provider settings. On average, the public sector spends two thirds more on an early years practitioner than the

voluntary sector and 80 per cent more than the private sector on staff-related costs including wages and pensions. The same report says that that might be explained by the higher proportion of practitioners who are still in training in the partner provider sector, but the matter is far too important to theorise about. As welcome as it is, we do not want the expansion of free childcare to be delivered by an increase in the number of low-paid childcare workers who lack good pensions and decent pay, and of whom the vast majority are women.

Shortages in the care sector will impact on staffing in the childcare sector. I would like the minister to address those issues in her closing remarks—in particular, how she will ensure that recruitment of the additional staff who are needed will be done in concert with the Scottish Government's fair work principles. Childcare and early years work are really important and should be highly valued and well paid.

I warmly welcome Jenny Gilruth's support for childminders. Recruitment of more childminders will be crucial to ensuring that the 1,140 hours can be delivered to everyone. Childminders sometimes feel as though they are treated as the poor relation in the early years and childcare sector—I know that from experience. They can offer excellent care and do so with great flexibility. It is an area that needs to be focused on. I am pleased that Audit Scotland estimates that childminders will deliver 6.5 per cent of total funded hours for eligible two-year-olds by 2020-21, compared with just 1.6 per cent in 2016-17.

Daniel Johnson raised low take-up of the means-tested entitlement for two-year-olds. He is right to state that about 10 per cent of all two-year-olds were registered for funded ELC in September 2017—that is less than half of the 25 per cent of two-year-olds who are entitled. The Audit Scotland report suggests that registration figures do not include provision for two-year-olds that is offered through childminders, and that councils do not get information from the DWP and HM Revenue & Customs about eligible children in their areas. The minister addressed that to some extent, but I would be interested to hear exactly what the minister is doing to access UK Government data for that purpose, especially because that was recommended to the Scottish Government as a major priority in a report that was commissioned in March last year. I do not think that those are insurmountable problems, so I am interested to hear what the Government is doing to solve them.

The same research shows that parents and professionals identified that personal contact and relationships with health visitors and other professionals, and with friends who use ELC, are key to promoting provision and encouraging take-

up. That chimes with the healthier, wealthier children project that is being rolled out nationally, which has helped parents to access thousands of pounds a year by training health visitors and midwives to signpost benefits advice. There is an opportunity in all this for the new social security system, in that some of the new forms of assistance that are being established are similarly means-tested. Ministers have pledged to increase take-up of benefits by raising awareness and helping people to apply for what they are eligible for, so there are lessons to be learned from the lower-than-desirable take-up of the offer on two-year-olds, and from considering what we can do about that. It has been agreed in Parliament that our youngest citizens would really benefit from an earlier introduction to early learning and childcare. Too many of them are not accessing that provision.

As well as the total amount of childcare and its flexibility and accessibility, we should use the roll-out to explore new innovative models of childcare. The City of Edinburgh Council, as the minister noted, is piloting the forest kindergarten approach, in which children spend the majority of the time outdoors in woodland settings, learning through exploring nature. I saw the photos, and the minister was clearly having a fun day, but I would like her to touch on what further innovation could be introduced to the sector so that it is as fulfilling as possible for those who receive the provision, as well as for those who deliver it.

15:49

Tavish Scott (Shetland Islands) (LD): I take Alison Johnstone's point about childminding. Edinburgh schools will be closed tomorrow, as she will well know, so I have been doing some childminding arrangements by text in the past half hour or so. That is probably not allowed, but hey ho: these things have to be done. At the moment, the choice seems to be between sledging down Arthur's Seat and organising five-a-side football in the garden lobby. We will see how that goes. I am still trying to make the comparison between the First Minister and Eddie the Eagle, but I have not quite got there yet. Anyway, that is neither here nor there.

I want to take as the theme of the debate the vision of expanding childcare—an ambition that few members, if any, would disagree with—compared with the policy's implementation. I hope that the Government's front-bench team understands that many of us—certainly, those of us in the Liberal Democrats—are in absolute agreement with the Government on what it seeks to achieve through expansion of childcare, for all the right reasons. Many colleagues from across the Parliament have set out the cogent arguments

for that expansion of provision. The minister rightly mentioned the international research that exists on the issue, which should not be discounted. It is pretty important stuff.

However, that differs from the policy's implementation. Many of us, regardless of which part of Scotland we represent, have concerns that are fair and need to be articulated in Parliament. Audit Scotland and the Auditor General are not to be dismissed in that regard: they brought most of those concerns together in the report that was published a few weeks ago.

I understand the point that the Government makes about the financial gap between councils and the Government; of course that gap will exist. However, there are a number of steps behind that that I want to touch on, which I hope the Government will concede are important in resolving the matter and in making sure that things are brought together.

Some councils received the revenue letters for the 2018-19 financial year only last Friday and, as yet—I am very happy to be corrected on this—they have not had confirmation of the capital that they are to receive for the 2018-19 financial year. I hope that the Government's front-bench team will accept that it is difficult, particularly on the capital side, for councils to plan effective spend and value-for-money projects if the information on the amounts that they are due to receive is not forthcoming.

John Swinney: I am grateful to Tavish Scott for giving way, because it gives me a chance to address the point that Jenny Marra raised.

The resource allocations have been made and distributed to local authorities. Capital allocations are discussed by the settlement and distribution group, which involves local authorities. The local authorities asked us not to distribute the capital allocations until we had made further progress on resolution of authorities' individual plans. The Government has said that there is £150 million on the table to be allocated, but we have been asked by the settlement and distribution group at this stage not to allocate it. The Government would happily allocate it today, but we are not being encouraged to do so.

Tavish Scott: As I am sure Mr Swinney will accept, that might show the difference that exists between individual local authorities and the Convention of Scottish Local Authorities as a whole—[*Interruption.*] The cabinet secretary can wave his hands around as much as he likes: I am not criticising the Government. I can never understand why John Swinney gets so worked up when he is on the front bench. Some councils are making the case—which I think is a pretty reasonable one—that, given that they have not

received their capital allocations and it is now the end of February, it is a tall order for them to plan capital projects in the next financial year. If COSLA is saying—I will be happy to check this with COSLA—that it does not want the capital allocations to be made until the plans are finished, I will be interested to hear that argument.

However, I think that it is important to separate the allocation for the 2018-19 financial year from the three-year funding deal, which has yet to be resolved. Last Thursday, the First Minister made it clear that that is due to be concluded by the end of April, so we can assume that councils will hear in May what the deal is. What is important about that is that the three-year allocation will provide a basis for the longer-term capital allocations that will be necessary to meet the objective of expanding childcare provision, as well as the revenue amounts, which relate to the workforce. Many colleagues have made the point about the scale of the workforce challenge.

The bit that I have not understood, as a member of the Education and Skills Committee—whose role James Dornan mentioned earlier—is that when both John Swinney and the previous education minister have given evidence to the committee, they have led evidence that 12,000 staff would be needed across the whole sector. We can all go and check the *Official Report* about that afterwards. The number that is being presented now is very much fewer than that. I will be very grateful if the Government sets out in its winding-up speech why the figures are so far apart, as Audit Scotland pointed out.

The Audit Scotland recommendation that appears to me to be the most important one is that the "Scottish Government and councils" must

"Urgently finalise and implement plans for changes to the workforce and infrastructure"

that are necessary for delivery of the policy. To do that in the required timescale will be exacting, but it must be achieved.

15:55

Rona Mackay (Strathkelvin and Bearsden) (SNP): Everyone in the chamber wants the best start in life for our children and appreciates how crucial it is that children are given quality, flexible and affordable care as early as possible. Doubling entitlement to free early learning to 1,140 hours per year by 2020 for all three and four-year-olds and eligible two-year-olds provides an historic opportunity in Scotland. Quite simply, no other policy has such potential to transform the lives of children and their families while improving the prospects of Scotland's economy in the short and long term, as Michelle Ballantyne acknowledged in her opening speech.

Of course, achieving that vision and reshaping how we care for our children cannot happen overnight and will require substantial increases in the workforce and investment in infrastructure, as well as new, innovative and flexible models of delivery. If concerns are raised by stakeholders, it is right that they are listened to and that we address them. That is why we are working collaboratively with those in the early learning profession and with local authorities to make the policy work. Why on earth would we jeopardise this historic chance to put Scotland on a progressive and groundbreaking path by simply ignoring the people on whom we depend to make it work? We will not do that.

We are engaged in meaningful dialogue with all concerned parties. We are listening and will act on any concerns; it is in no one's interest not to do that. That is why I am dismayed and a bit depressed by the Opposition's negative approach to this fantastic initiative. Instead of welcoming such a transformative plan, Opposition members instead choose to play politics with it and dish out their "SNP bad" card.

The recently published Audit Scotland report recognises that the

"Scottish Government and councils have worked well together to expand provision."

Michelle Ballantyne: Does the member recognise that the figures that members on all sides of the chamber have brought up today and the concerns that we have raised are contained in the report by the Auditor General and the Accounts Commission? That is not playing politics; it is visiting some very real concerns by people outside politics who are looking independently at what is going on.

Rona Mackay: Yes, I understand that, but that is why we are stressing that we are listening to them and working to make the policy work. It is important that we do that. We are not dismissing those concerns, but we just think that the negativity might not be helpful.

Jenny Marra: There has not been any negativity in the debate.

Rona Mackay: There has been, actually.

As I said, the recently published Audit Scotland report recognises that the

"Scottish Government and councils have worked well together to expand provision. Parents are positive about the benefits".

I received several emails in the summer from concerned parents whose children were about to begin attending a nursery in my constituency that is piloting the 1,140 hours scheme. Their concerns reflected the issues that are contained in Michelle Ballantyne's motion. However, I am pleased to say

that all their fears proved unfounded by the time that their children began nursery last August. When I visited the nursery just after the term had begun, I learned that the concerns that parents had had at the outset were also shared by staff but that they had worked alongside the local authority during the summer and had eradicated the problematic issues by the time the term began. Parents subsequently reported to me that there was increased flexibility, huge savings in childcare costs and amazing benefits to their children's social development.

The Government is working with councils to help them develop their expansion plans and recently reached agreement with COSLA on the multiyear funding that is needed. As the First Minister outlined at First Minister's question time last week, the Government plans

"to have full agreement with the Convention of Scottish Local Authorities on the matter by the end of April."—
[*Official Report*, 22 February 2018; c 15.]

The Scottish Government is striving to make Scotland the best country in the world for a child to grow up in. Policies such as the baby box and the expansion of early years provision are paramount in that regard and are crucial to growing our economy, closing the attainment gap and tackling inequality. There will be challenges and difficulties along the way, as there would be with any scheme as ambitious as this one, but the Scottish Government is on track to deliver by the target date of 2020. That has not changed, and neither has the saving to Scottish families of £4,500 per child per year.

We have invested in early years apprentices, with a record number expected to start this year, and the plans are to recruit 20,000 new practitioners. I said in our previous debate on early years provision—and I am happy to say again today—that early years practitioners are not glorified babysitters. They are skilled, qualified workers who do one of the most important jobs there is.

Jenny Marra rightly asked about the quality of childcare. Like Alison Johnstone, I agree that support for parents at home is vital and should be considered.

The new practitioners will learn about the importance of the attachment-led ethos and about adverse childhood experiences, which can affect every aspect of a young person's life. Their skill and knowledge will enrich our children's lives, so our programme is not all about quantity. It is about quality, first and foremost, and childminders, too, must be a pivotal part of the initiative.

To address Alison Johnstone's point, I note that fair pay is at the heart of our plans. We will enable

payment of the living wage to all childcare staff delivering the funded entitlement by 2020.

I ask members to look at our record. Since the Scottish National Party came to power, we have increased nursery entitlement by 45 per cent for three, four and vulnerable two-year-olds, saving families, so far, up to £2,500 a year. However, it is a bit like groundhog day. The Opposition told us then that we could not deliver it, but we did. Let us not forget that the purpose of the policy is to improve the experience in our children's early years and prepare them for their school years and beyond, and it is about helping parents to work without having massive childcare costs to pay.

I urge the Opposition to work with us on the policy and not to be negative from the sidelines and shout, "SNP bad". This is about our children's and our grandchildren's futures—

The Deputy Presiding Officer (Linda Fabiani): You must close.

Rona Mackay: —and it is more important than politics.

16:02

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Everyone in the Parliament agrees that childcare is of the utmost importance. Good-quality childcare is crucial for our children's development. The SNP tells us that its plans to double free childcare are ambitious. They may indeed be ambitious, but ambition does not mean that the SNP Government should not listen to those who have raised concerns, for what it needs is an achievable ambition, and what that means in simple terms is an ability to listen to constructive criticism and act accordingly.

I know that the SNP does not like taking lectures from the Tories—that is another favoured phrase—but will it take lessons from Audit Scotland, which has said that there are "significant risks" in the implementation of its childcare plans? Figures compiled by the Care Inspectorate for its report on early learning and childcare statistics show that childcare availability has decreased for poorer families while increasing for more affluent families. The findings demonstrate that, in 2013, there were 54.4 childcare providers per 10,000 residents in Scotland for the most-deprived families, which shrank to 53.6 by 2017. That is in stark contrast to the figures for the least-deprived families, where the figure was 107.3 in 2013, rising to 110.3 last year. That is a significant issue as the evidence suggests that the gap starts in pre-school and only widens throughout the years, making the attainment gap ever harder to close. That is another reason why it beggars belief that childminders have been sidelined throughout the expansion plans. We should be utilising them to

ensure that every parent has fully flexible, high-quality childcare.

John Swinney: The purpose of my intervention on Oliver Mundell was to stress the diversity of provision that we are interested in encouraging. Indeed, in the pilots that we have undertaken, 10 of the 14 trials involved childminders. That is hardly sidelining childminders. We have provided for 10 of the 14 trials to include childminders to make sure that they are central to delivery of the policy.

Rachael Hamilton: I disagree with John Swinney. The figures that I have seen show that, of the 6,000 childminders in Scotland, only 100 were included in the partnership process. We can argue over those figures, but Scottish Borders Council is saying that the childminders support more than 800 families, offering them care all year round, including the elusive hours before and after school, as well as during school holidays. That flexibility is crucial for working parents. Even though John Swinney is trying to defend the pilot projects and the partnerships that have been going on within those projects, I hope that he will listen to the concerns of childminders. As I said, only 100 of those 6,000 childminders in Scotland are being commissioned by local authorities to deliver funded childcare. That highlights a serious issue with delivery and represents another example of the SNP Government being committed to an idea but not to delivery.

Audit Scotland makes it clear that the SNP Government did not carefully consider delivery and that it did not identify measures of success before committing almost £650 million, which makes it difficult to assess

"whether the investment is delivering value for money".

It also said that the Government agreed to the expansion

"without evidence that it would achieve the desired outcome for children and parents and without considering other ways of achieving those objectives."

Maree Todd: Will the member take an intervention?

Rachael Hamilton: I will take an intervention, but that was a quote.

Maree Todd: Does the Conservative Party support the expansion or not? It seems that Conservative members are saying that it is a great idea but that we should hang on, research it a bit more and do it in the future. The Conservative Party's budget proposals would take £500 million out of the budget. Can the member make it clear that Conservative members are not willing to fund the proposal, that they do not think that it is affordable and that they do not agree with universality?

Rachael Hamilton: Audit Scotland said that the SNP's expansion of funding provision for the 600 hours of childcare—I stress that I am talking about the 600 hours—was done without considering the range of different options to improve outcomes for children and parents. That lack of foresight, which led the Government to fail to explore alternative methods, is characteristic of the way in which the SNP Government decides on an end goal and then pursues it regardless of the costs or results. If the member disagrees with Audit Scotland, she should write to it.

Those quotes from Audit Scotland highlight glaring omissions and show a lack of focus when it comes to attempts to fulfil what the SNP has itself described as a flagship policy.

Scottish Borders Council is already struggling to deliver childcare and will again struggle to meet the SNP's aims—[*Interruption.*]

Rachael Hamilton: Can I speak, please?

The Deputy Presiding Officer: I ask members to stop shouting from seated positions.

Rachael Hamilton: That problem is not one that will be felt only in the Scottish Borders. Graham Sharp, the chair of the Accounts Commission has said:

“The scale of change needed over the next two years is considerable and there are significant risks that councils will be unable to deliver that change in the time available.

There is now an urgent need for plans addressing increases in the childcare workforce and changes to premises to be finalised and put in place.”

However, we have seen nothing that resembles a plan.

The report also found that parents said that funded ELC had a limited impact on their ability to work, due to the hours available and the way in which those hours were provided. Further, concerns were raised that increasing infrastructure to the required levels and increasing the workforce in the short time that is available will be difficult to achieve. In fact, Audit Scotland has said that the SNP Government

“should have started detailed planning with councils earlier, given the scale of changes required.”

The Scottish Conservatives have a plan—a cunning plan, at that. We want parents to have access to free hours of childcare wherever and whenever they want—

The Deputy Presiding Officer: You must close.

Rachael Hamilton: We want the childcare system to be much more flexible and responsive to parental demand.

The Deputy Presiding Officer: No, you must close, Ms Hamilton.

Rachael Hamilton: I will sit down.

16:08

Gillian Martin (Aberdeenshire East) (SNP): For me, the policy of doubling free childcare in Scotland is potentially the most transformative policy of this Government in relation to families, education and the economy. Is the plan bold? Yes. Is it a challenge to effect such a massive change? Absolutely. However, in my experience, the things that make the biggest difference are the things that are the hardest to achieve.

Better provision of high-quality and flexible early years education and childcare is at the heart of every piece of evidence that has been given to every inquiry into the gender pay gap, the inequality of women, household income and the attainment and wellbeing of our children. It is the key part in the jigsaw of unlocking our children's potential and our country's economic potential and providing a good quality of life for families. It is the part of the SNP manifesto that I genuinely think is the most transformative.

Liam Kerr: Will the member take an intervention?

Gillian Martin: Let me get started—I may let Mr Kerr in later.

The policy recognises that there are shortcomings in existing provision, which—as Jenny Gilruth rightly pointed out—varies from local authority to local authority.

I totally agree that flexibility must be built in. To take my own situation, I absolutely chose to go with child minders and nursery provision as a combination for my children because that is what worked for me and for them, and it fitted in with my job and my husband's job.

Something so transformational is not going to be easy to put into place, but succeed it must. That is why, as I look at the Conservative Party motion, I hope that the Conservatives' criticism is constructive and well meaning and that they want to see this Government's endeavours succeed.

I am happy to take an intervention from Liam Kerr now.

Liam Kerr: I do not necessarily disagree with the set-up but does the member agree that the SNP Government appears to have failed to model the transformational impact and the economic impact—the markers of success—when it brought in the 600 hours?

Gillian Martin: I probably place less importance on that than on actual delivery. We are working

with councils to deliver the policy. We have a bold ambition. We want to get it done to a timescale that will be meaningful for families who have children now, so I am not totally hung up on that; I am more hung up on the fact—

Oliver Mundell: Will the member give way?

Gillian Martin: No, I will not take another intervention because I have taken one already and I have lots to say.

I would be delighted if today's motion signals a change in Conservative Party policy across the UK, because my brother and his wife are considering starting a family and they look to us in Scotland and wish that they could have a commitment to free childcare. A change in direction from the Tories to help women across the UK is long overdue, but maybe it is just too difficult—maybe it is just too radical. Michelle Ballantyne seems to think so—she wants us to take a step back and do lots of reviews and audits. Thank goodness we have the can-do Maree Todd leading the programme.

Frankly, the picture that is coming from Conservative members is one that I do not recognise. In my area of Aberdeenshire, preparations for the flexible provision of 1,140 hours are well under way through a range of partnership approaches involving child minders, private nurseries, Aberdeenshire Council-run nurseries, colleges and schools.

Innovative approaches are also being considered. For example, Garioch sports centre in Inverurie, which is a community-led organisation, is gearing up to provide childcare to meet demand in relation to the target for my area. It already provides after-school care but is currently expanding and recruiting. I was the chair of my local after-school club for three years, and facilitating the expansion of such clubs—taking an existing facility and talent base and realising their potential—could be a real focus.

In the next few weeks, Aberdeenshire Council's expansion plans will begin to release additional places, starting with nine local school settings and focusing on those who need places most. During the next academic session, the council hopes to add an additional 20 settings, meaning that 30 per cent of local authority nurseries will be offering 1,140-hour places well ahead of the 2020 deadline.

Of course, we need many more people to consider childcare as a career—both adults transitioning from other careers and young people assessing options for their future. As members will know, I worked at North East Scotland College for many years and I am encouraged to hear of its plans to train many of the north-east's childcare workforce, which of course it has a long history of

doing. It is at the forefront of ensuring that we have the highly qualified workforce that we need.

NESCol is a key partner in the early education and childcare academy, which is due to be launched on 6 March at the beach ballroom in Aberdeen. The academy is made up of representatives from Aberdeen City Council, Aberdeenshire Council, Moray Council, Skills Development Scotland, NESCol and the University of Aberdeen, and partners from private nurseries and senior schools. Already, extensive work has been carried out to create a one-stop shop to allow anyone who is interested in an early years career to quickly access the information that they need on the flexible nature of training and education in the area as well as how to progress within the industry.

NESCol has already created an additional class for an HNC in childhood practice. There are currently 60 students, and the college reckons that at least 50 of them will move directly into employment on graduation.

I will end on a personal note. My 14-year-old daughter is currently applying for work experience and has expressed an interest in early years education. I hope that she will be one of the highly qualified workforce of childcare professionals who deliver this key Government policy. I would be really proud if she did that, and it would be testament to her child minders and nursery teachers, Carol Marshall, Susan Steen, Mrs Forsyth and Mrs Thow, who delivered her early years education and who still mean so much to her.

The Deputy Presiding Officer: You must close, please.

Gillian Martin: Maybe we should be having a debate on how we can encourage more men into childcare.

16:15

Daniel Johnson (Edinburgh Southern) (Lab): It is with a degree of irony and guilt that I stand up to speak in a childcare debate on a day such as today. My wife is working from home and looking after our two daughters because the school and nursery that we use are closed.

That underlines a brutal reality: although we talk about flexibility in childcare, there is a brutal bottom line of inflexibility, in that parents have to provide childcare because we have to look after our children, so we must flex our work around whatever childcare arrangements we may have available. That is why childcare has such a huge and significant impact on equalities issues. Unless people have access to quality, affordable childcare, they cannot work. If they cannot work,

that will impact on the means available to their family and whether their family is in poverty. In addition, many members have spoken about the impact that early years education can have on the attainment gap. That is why the issue is so important.

Iain Gray touched on the independent commission on childcare reform. We should always look back at its recommendations, which included 50 hours a week of year-round childcare that is capped with a sliding scale so that childcare costs do not exceed a certain proportion of family income. Most important, it recommended that childcare should be flexible to parental need, to remove the stress of mixed provision. That should be our benchmark and our ambition.

To those who have decried Opposition members for being critical or negative, I say that we have made our comments not because we want the Government to fail but because we want the Government to succeed. We make the criticisms and comments not because we think that the issue is easy—we know that it is hard—but because we know that the Government needs to be serious and have clear and coherent plans if it is going to be successful. Above all else, we want the Government to bring forward its plans and to have credible proposals, and to ensure that we have the investment that we need and, importantly, measurable outcomes. There is an issue about the progress and the reality of what has been delivered so far under the Government's proposals. The provision of 600 hours has delivered a great deal, but any childcare provider or parent will say that, although what has been provided is welcome, there remain the real issues of funding, availability and flexibility.

Two key components in the delivery of childcare are partner nurseries and local authority-funded nurseries, and both sectors have issues. The partner provider sector says that, first and foremost, we should not talk about "free" hours—they are funded hours. In the breakdown of funding, it is clear from the NDNA's figures that £3.64 per child per hour will not leave much when staff ratios are 4:1 and the living wage has to be paid. That is pretty obvious. The NDNA states that, for every three and four-year-old who is looked after, a partner nursery makes a loss of £1,000 per year. That is an important point, because partner providers make up 20 to 30 per cent of provision and are a critical part of the expansion.

Likewise, there are issues and constraints around local authority provision, particularly in relation to flexibility. The campaign group fair funding for our kids has found that one in 10 local authority nurseries does not operate beyond the hours of 9 to 5, and provision is marked by fixed

slots of morning or afternoon sessions. Last year, figures from the financial review of childcare showed that more than half of local authorities could not even provide lunch. When we talk about flexibility, the reality on the ground is that parents have to provide flexibility around the provision that is available to them; flexibility is not provided for parents. That explains why fair funding for our kids found that 40 per cent of parents were dissatisfied with their childcare arrangements.

We should welcome the Audit Scotland report, because it confirms and reinforces many of the findings that many of us have been trying to raise in the chamber for a number of months and years. It reinforces the inflexibility and the complexity in the system that many have found. When we look at the take-up rates for two-year-olds, we see the issues with the intended provision. Above all—this is one of the starkest findings in the Audit Scotland report—we do not know how many three and four-year-olds are benefiting because of the double counting in the Government's own figures.

The situation has led Audit Scotland to conclude that

"The impact of the expansion on outcomes for children is unclear as the Scottish Government did not plan how to evaluate this"

and that

"There is no evidence that the additional investment has improved the quality of ELC services."

Those are concerning and worrying insights.

The expansion of free early learning and childcare to 1,140 hours is hugely ambitious—it is almost a doubling of capacity. Audit Scotland is clear that there are shortcomings with recruitment. The minister has acknowledged that 11,000 additional staff are required, but we know that the Scottish funding council has provided only 1,000 additional places. On the basis of the minister's assessments, we need to train 4,000 people a year, but we will be short of that figure by almost two thirds unless we do something radical in the next 12 to 24 months. The situation is similar with buildings—we are short by almost a half in relation to the capital expenditure required.

The Deputy Presiding Officer: You must close, please.

Daniel Johnson: I will close on that note.

The Deputy Presiding Officer: Thank you.

16:21

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Despite some of the to-ing and fro-ing, I have enjoyed the debate. The Scottish Government amendment will not delete one word of the motion that we are debating, so

there is a lot of agreement—although people would not know that from the tone of the debate from time to time and the political snowballs that have been thrown back and forth.

An issue that is raised in the motion is the difference in the estimated revenue and capital costs of the planned childcare strategy. It is worth noting that, in the coming financial year, £243 million of additional money is being put into childcare, with an additional £54 million specifically for workforce funding, and £150 million to build the bricks and mortar and to renovate much of the fabric of the estate. Some of that might have been completely lost in the debate. On top of that spend, an additional £52.2 million of revenue has been allocated to local authorities.

Indicative budgets show that by 2021 childcare investment will have doubled to £840 million. Let us not forget that: it is, by any measure, a hugely significant investment in the sector.

It is only fair to say that if the Tories have a cunning plan about childcare, it cannot be to take £500 million out of the Scottish budget. The Conservative Party has no credibility in respect of the subject under debate. I have a better plan. Let us not do the Tory Baldrick plan; let us do the Jerry Maguire plan: he said “Show me the money.” The Tories will not show us how they will raise one single penny for childcare; they just want to cut, cut and cut while promising the earth. I am throwing that political snowball back at the Conservatives. As I said, they have no credibility in the debate.

Let us look at the money that it takes to build the fabric of childcare facilities. I convene the Local Government and Communities Committee and have been here long enough to know that Governments, including SNP Governments, seek to fund as efficiently as possible any new initiatives that they give to local authorities. I also know that local authorities like to maximise projected costs: there are low-end and top-end projections and they eventually get there. I trust that that is what will happen on this occasion. That is not just the responsibility of the Scottish Government, but of the Convention of Scottish Local Authorities and individual local authorities. I am confident that we will get there.

We need more information on multiyear budgets. We are hoping that the blockage that the Deputy First Minister mentioned on allocations across local authorities will not be unblocked only for the coming financial year, but for the multiyear indicative budgets for three years ahead so that councils can get on with planning. I am keen to hear about that in the minister’s summing up.

I would also be keen to know about the massive amounts of capital expenditure that are going to

local authorities, and how third sector organisations in the partner nursery sector might be able to bid for some of that to invest in their businesses in order to develop extra childcare capacity. I would like more information on that from the Government.

Much has been made about a cost benefit analysis being done on the money that we are investing in childcare. I appreciate that that is vital for audit and accounting purposes, but we know the benefits of good-quality childcare, so putting audit and accounting to one side—not to dismiss it, because the Government should address those issues—let us look at the benefits. I am reminded of Sir Harry Burns, the former chief medical officer, who would be at his wits’ end about being told to provide more evidence on pro-health opportunities. He just used to say, “We know what works. Can we get on and do it?” That was also what Gillian Martin said. If it is good enough for Harry Burns, it is certainly good enough for me.

Jenny Marra made some important points on measuring the quality and benefits of childcare. It is absolutely right to look at it qualitatively. My wee boy who is two years old does one day a week at nursery. We have seen him come on in leaps and bounds in terms of socialising with other kids, and it has been wonderful to see how nursery has helped him. That is my experience; we have to capture such experience in a non-anecdotal and more structured way. On capturing evidence on improvement and benefits, I ask the Scottish Government how it is capturing the views of parents about the difference that they see in development of their children—when the child goes from having no nursery place to getting one, or from having a part-time place to a full-time place at nursery. We capture patients’ opinions about the national health service, so let us capture parents’ opinions on the childcare sector. Such evidence would be very powerful.

We have to iron out a couple of things. Some nurseries have partnership status and others do not, but that can change during the course of a child’s time at that nursery. A kid could start off at a partner nursery with the parent paying for it, but the council could decide overnight that that nursery is no longer a partner nursery, so if the child were to qualify for a childcare place, they would not get partnership funding. We need more stability for parents.

Of course there is room for improvement in this massive and ambitious plan, but like all such things, we will upscale towards the end of the plan. I have every confidence that we will come together as a Parliament, that the SNP Government will deliver the plan and that Parliament will support it.

16:27

Liam Kerr (North East Scotland) (Con): In November 2014, the SNP pledged to almost double childcare provision from 600 hours a year to 1,140 hours a year by August 2020. In principle, I support the increase in the number of hours provided on a targeted basis, and I speak as someone who has relatively recently availed themselves of the current provision.

I accept that effective provision of childcare to new parents—subject to matters that have been raised by many members—could assist children’s educational attainment and close the attainment gap. However, it also has an economic impact. The challenges around Scottish productivity and growth have been well rehearsed in debates in Parliament, and regardless of one’s view of the causes, I cannot imagine that anybody doubts that removing unnecessary barriers to entering the workforce is a key prerequisite of economic activity.

Further, it is a gendered issue. The Scottish Government’s own figures from the growing up in Scotland study show that as many as 70 per cent of all adult women in Scotland are currently in employment, but the figure falls to 62 per cent for mothers of children 10 months old, and 21 per cent of mothers of five-year-olds have not been in paid work since they had their child.

There is also a socioeconomic angle, which Rachael Hamilton touched on: 66 per cent of mothers of three-year-olds from the most-deprived areas seek work but are unable to find it, but in the least-deprived areas the figure is only 3 per cent. Having a child appears to affect one’s ability to work, particularly for women and people in more deprived areas. Childcare being extended to those who need it most should assist in closing the attainment gap from an early age, but it could also ensure that mothers who want to get back into the workforce are able to do so.

However, that will work only if the childcare is accessible, which is where there is a fundamental underlying problem. If the increased or even the current places are neither accessible nor compatible with work commitments, it can be argued that they become valueless in terms of economic activity.

Let us assume that a parent has a 9-to-5 job. To be of value, the childcare must fit around those hours to allow the primary caregiver to return to work. However, the fair funding for our kids campaign stated just last week that 90 per cent of council nurseries do not provide full-working-day ELC places; just 10 per cent of council nurseries are open between 8am and 6pm or longer, and those are the hours, according to campaigners, during which parents need childcare.

Although 23 councils claim to offer some children full-day places, in fact only 3 per cent of all council nursery children have places starting at 8 am or earlier, and only 2 per cent have places ending at 5.15 or later. I have not even touched on the fact that most local authority nurseries offer places that are available only during school terms. Iain Gray made that point earlier.

What is particularly interesting in the context of economic activity and poverty is that the more-deprived areas seem to have less choice in providers and longer hours, which has a practical impact. According to the fair funding for our kids campaign, 90 per cent of parents say that lack of appropriate childcare is the main barrier that holds back their career. Daniel Johnson reported that 40 per cent of parents feel dissatisfied with their childcare arrangements, but the report that I just mentioned goes on to say that half of that 40 per cent said that the hours that are available are too short or do not suit their working requirements.

Furthermore, of course, parents who need to go back to work and who do not have access to childcare have to pay for the necessary childcare themselves. Scottish Government research has established that two thirds of families with pre-school children have experienced difficulties in finding the money to pay nursery fees. According to a report from last October, on average, childcare costs parents 41 per cent of their salary. Again, it is all very well having the extra hours, but if parents cannot access them or take advantage of them, the perfectly laudable aims are defeated.

Gillian Martin: Does Liam Kerr agree that it is also important that people who want to train as childminders get access to flexible education? Being a member for North East Scotland, Mr Kerr will know that North East Scotland College has flexible course arrangements for people who want to make the transition into that sector.

Liam Kerr: I agree with that and think that the point is well made. I will turn to childminders, but I note that the Audit Scotland report makes a point about linking education and training to parents going back to work.

On the solution, we have long said that parents should be able to access their free hours of childcare wherever and whenever they want. The most straightforward way to do that is to give parents the freedom to redeem their entitlement whenever they need it, at approved childcare providers. That would ensure that funding follows the child. It is what families, childcare providers and the Conservative Party have been calling for, so I hope that the SNP will act on that.

On that note, we also look to increase accessibility to a broader range of accredited childcare providers, including childminders. I heard

John Swinney say in an intervention earlier that childminders are not excluded from the expansion plans, but just a few months ago the Scottish Childminding Association said that its members are being excluded, and suggested that of the 6,000 childminders in Scotland, only 100 are currently commissioned by local authorities to deliver childcare. At a time when there are fewer childcare providers, fewer qualified teachers—particularly in the north-east—and limited flexibility, it is absurd to ignore childminders who can provide high-quality flexible childcare.

John Mason (Glasgow Shettleston) (SNP): Will the member take an intervention?

The Deputy Presiding Officer: There is no time.

Liam Kerr: The SNP has made a flagship commitment to improving the hours of childcare, but there is no point in extending hours if they cannot be used effectively. Parents need to be given real choice about the provider that they use, and the flexibility of the hours should be tailored to their needs. That is the sort of innovation that will deliver the real benefit of the hours that have been promised, deliver women back into the economy and deliver access to early learning and childcare that will help to give our children the start that they deserve.

The Deputy Presiding Officer: The last speaker in the open debate is Clare Haughey. [*Interruption.*] Excuse me, Ms Haughey, you are not turned on, if you will excuse the expression. Perhaps you can take your card out and put it back in again.

16:33

Clare Haughey (Rutherglen) (SNP): From listening to today's speeches, it is clear that, no matter what party we are in, we all agree that supporting our children in their earliest years enables them to have the best opportunities in learning and development. The upbringing of our children will help to shape the people that they turn out to be in later life, so the benefit of the time and effort that we give them in the early stage of their development is immeasurable.

As has been clearly outlined during this debate, the SNP is committed to ensuring that all of Scotland's children get the best start in life, no matter their background. This flagship policy for supporting children during their early years is a massive expansion in good-quality flexible childcare. It is a policy that will help to lift families out of poverty and reduce inequality.

It would be remiss of me not to concede that the expansion will be difficult, but it is a challenge that the Scottish Government has pledged to meet. It is

not unusual at this point in the life of any major project for people to have different ideas as to the final outcomes and costs, but what is not in doubt is that the Scottish Government has pledged to fully fund the policy. The plan to nearly double early learning and childcare entitlement is Scotland's single most transformative infrastructure project, and it will make a vital contribution to our priorities to grow our economy, tackle inequality and close the attainment gap. It may not be as structurally challenging as the Queensferry crossing, but it will be equally demanding. As we have heard, it will require substantial levels of investment in infrastructure over the next three years, alongside the recruitment of up to 20,000 additional qualified workers.

Today's motion quite rightly argues that the Scottish Government should engage closely with local authorities to deliver on that target. As the Audit Scotland report states,

"The Scottish Government and councils have worked well together to expand provision."

It is local authorities that deliver early learning and childcare, whether through their own provision or through partnerships with the private and third sectors, so it is vital that the Government and COSLA can continue to work constructively together.

On Saturday, I will be officially opening a partner-provided nursery in my constituency of Rutherglen. ACE Place is an innovative nursery that is committed to supporting our young children. The children in its care spend the majority of their time outdoors, and the particular nursery that I am opening in Burnside has been expanded to take into account the increased childcare provision support by the Scottish Government.

Alison Harkin, the director of ACE Place, told me:

"Every year of a child's life is precious, however when it comes to their development, the first few years are the most important. Our overriding priority is the health and happiness of our children and if we can achieve this, then we will ensure our children get the best possible start in life.

That is why I welcome the ongoing commitment by the Scottish Government, and their recognition of the role that Private and Third Sector nurseries have in meeting their ambitions for expansion ... The plans are incredibly ambitious and if realised it will be a revolution in early years' education and childcare in Scotland."

As an MSP representing a South Lanarkshire constituency, it would be remiss of me if I did not mention today's events in South Lanarkshire Council headquarters, during the setting of the local authority's budget. It is rich that the Tories are trying to portray themselves as the party of families and of early childcare. I have with me the text of the Tory amendment for the council budget,

which was passed in Hamilton today—thankfully, without the Tory amendment, which contains cut after cut. The SNP administration's proposals for holiday lunch clubs in areas of high deprivation would have been cut from the budget, as would its proposal for uplifting school clothing grants and automatic enrolment, and the proposed extension of concessions for under-16s clubs. From the Tories amendment, it appears that they wish to remove those new initiatives, all of which would help the most vulnerable people in my constituency and their families, so that they can save households a few pounds per year in council tax. The SNP administration in South Lanarkshire shares the concerns of the SNP in Holyrood that our overriding priority should always be our children, and that should certainly not be compromised for the sake of the richest in our society.

Working towards educational excellence for all and closing the gap in attainment between young people from the most and least deprived communities is a defining mission of the SNP and one that I am extremely proud of.

16:38

Mary Fee (West Scotland) (Lab): In closing for Scottish Labour today, I want to thank the Conservative Party for bringing this important debate to the chamber. The Audit Scotland early learning and childcare report is a crucial analysis of where we are as a country in delivering for the needs of children, and of parents. Although the report highlights some good aspects, it does not make good reading for anyone who is hopeful that the policy of almost doubling free early learning and childcare will be ready for 2020.

Four years on from the announcement, and only two away from the proposed implementation, Audit Scotland warns that

"There are significant risks that councils will not be able to expand funded ELC to 1,140 hours by 2020."

Those warnings are addressed in the motion by Michelle Ballantyne MSP and they have our support.

We want to ensure that children in early years education and childcare receive the very best start in life. The increased provision of free nursery education is a necessary tool for reducing inequality and narrowing the attainment gap that follows far too many children as they move into primary and secondary education and on into adult life. High-quality, affordable early learning and childcare are essential for children from poorer backgrounds. However, the reality is that nursery fees in the UK are some of the highest in Europe and, within the UK, Scotland's fees are higher than those in many regions of England.

The savings in monthly childcare costs will be a welcome relief for many, as will be creating the opportunity for parents, especially mothers, to return to the workplace. When women have the opportunity to return to the workplace, it should not have to be in a reduced capacity in terms of hours, role or status. The reality is that three quarters of women continue to play the role of primary care giver, meaning that they are too often restricted in the type of employment that they can access. A contributing factor to that is the availability and flexibility of early learning and childcare.

The recent findings of the fair funding for our kids campaign show that only one in 10 council nurseries is open from 8 am to 6 pm—other speakers in the debate have highlighted that issue too. That situation might be suitable for a minority of parents, such as those working in 9-to-5 jobs with a short commuting distance or parents not in work. However, for the majority, nursery hours must be more flexible. Many parents who work in shift patterns or on zero-hours contracts will find themselves with additional problems in balancing their childcare commitments. Many parents are lucky to have a support system of friends and family who can help, but we should be doing more to make childcare much more flexible and to create a wraparound system that meets parents' needs and, most important, their expectations.

The Audit Scotland report warns us that the current uptake of 600 hours of free childcare is lower for vulnerable two-year-olds than it should be. There are issues to do with making parents aware of their entitlement. Again, that has been highlighted in the debate. The Audit Scotland report makes some strong recommendations for promoting childcare hours. However, for those vulnerable children missing out now it could be too little, too late when it comes to improving their life chances.

We will support the SNP amendment. However, it is important to point out that, in highlighting some positives, the amendment ignores the many negative aspects that both the Audit Scotland report and parents have raised as concerns. The SNP needs to come back to the chamber to address those concerns. Action is needed now to ensure that we have a system that works and provides the service that parents want and children need. We need more than a positive spin that gets us through a debate in the chamber by talking about the good and completely ignoring the negative.

The Government's lack of oversight in planning for the roll-out of the 1,140 hours is a concern. As I said earlier, the policy was announced in 2014 but, with two years left in the timetable, the Audit Scotland report shows the mismatch between the Scottish Government's financial estimates and

those of local government. As councils prepare for cuts in their budgets in the coming weeks, the Scottish Government should be working to ensure that every council is fully funded to meet its childcare policy. That is what Scottish Labour would do. We would create a more flexible, all-age, all-year, wraparound, affordable childcare system that benefits every child.

16:44

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): If I have succeeded in anything this afternoon, without even uttering a word, it has been to rebalance the contents of what might have been approved by Parliament tonight by putting in place positive reflections on the contents of the Audit Scotland report. Mary Fee questioned why the Government amendment has no negative parts. We thought that there were enough in the Conservative motion to begin with, so our amendment simply rebalances the debate.

The debate has been constructive and I thank the Conservatives for bringing it forward, because it has given us an opportunity to reflect on an important report about the roll-out of early learning and childcare. I agree with Iain Gray that the purpose of the roll-out must be not only to contribute to the achievement of the best outcomes for children, but to create greater opportunities for their parents to enter the labour market.

Iain Gray: Will the member give way?

John Swinney: I will, in a moment.

John Swinney: Some of those opportunities will come in the expansion of the workforce that arises out of the changes that we are making.

Iain Gray: I appreciate Mr Swinney's point. I wanted to ask him the question that he asked me, and I am glad that his answer was, I think, the same as mine. Does he accept Audit Scotland's point that sometimes the primacy—if that is the right word—of outcomes for the children are not clear? The Audit Scotland report stated that it is not always

“clear ... which priority ... should be given greater weight.”

Is he suggesting that that will be the case in the future?

John Swinney: Mr Gray will not be surprised to hear that I part company with Audit Scotland on some of its analysis. Given the Government's wider policy framework and our intense focus on getting it right for every child, it is obvious that that is the policy driver of this agenda. A number of colleagues, including Gillian Martin and Clare Haughey, have made the point that the early years

of young people's lives are utterly critical in the formulation of their cognitive ability. That is crystal clear, so I question why Audit Scotland challenges the Government about the business case and the rationale that we should apply to the policy.

Bob Doris cited Sir Harry Burns, who said—I have heard him make this point numerous times in my ministerial life—that we have looked at all the evidence and we know what we have to do, so we should just get on and do it. That is how I feel about the policy. We are trying to get on and do it, so I question why Audit Scotland labours so extensively on the need for us to have looked at alternative business cases when we know that the evidence tells us that early intervention to support the cognitive development of young people through quality early learning and childcare is invaluable.

Michelle Ballantyne: Will the minister give way?

John Swinney: I will develop my point a little bit further and then give way.

That brings me to Jenny Marra's point about outcomes. A survey was undertaken about the impact of the 600 hours. I am not trying to suggest that the 600-hour provision is a panacea—indeed, we are building on that provision, so we cannot believe that it is a panacea—but paragraph 60 of the Audit Scotland report highlights parents' views that the policy has led to

“improvements in speech and language ... improvements in cognitive development ... improvements in social skills ...improvements in behaviour”

and improvements in children's ability to be ready for school when they start school. Those are some of outcomes that have been achieved as a consequence of the existing policy.

Michelle Ballantyne: Mr Swinney talks about the evidence of what has happened, what we should be doing to roll out the policy and whether other approaches are necessary. Would not the vulnerable one and two-year-olds benefit incredibly from having targeted early years input and childcare? The uplift of and advantages in care for three and four-year-olds are not demonstrated as they are for the one and two-year-olds.

John Swinney: There is a blend. We plan comprehensive provision for three and four-year-olds and targeted interventions for eligible two-year-olds to meet their needs. However, the Government makes a host of other interventions through our getting it right for every child agenda to ensure that we tackle the vulnerability issues that young people face.

I will talk a little bit about delivery. The Audit Scotland report recognises that we are working

well with local authorities to formulate the plans. I welcome that, as well as the contribution of local authorities. However, we have to go through a process of understanding fully and properly the financial estimates of local authorities. If we did not do that, Audit Scotland would be on our backs for not doing it; that would be in its next report. Audit Scotland does not suggest that the Government has its numbers wrong; it suggests that there is a gap, and we are addressing that gap.

I would be failing in my duty to the finance secretary and to Parliament if we did not properly scrutinise those local authority plans to make sure that they are value for money.

Liam Kerr: Will Mr Swinney give way?

John Swinney: If Mr Kerr will forgive me, I have a couple of other points that I need to make before closing.

My intervention during Mr Mundell's speech was designed to be helpful, because I want childminders and partner providers to be part of the solution. I do not want to see them carved out of this—I say that clearly to Parliament. However, I need local authorities to embrace childminders and partner providers. Colleagues in all parties have colleagues who lead local authorities around the country. Many local authorities are led by my party; the Conservatives and the Labour Party are in the same position. It is important that we use our political influence to encourage our local authority colleagues—

Oliver Mundell: Will Mr Swinney give way on that point?

The Deputy Presiding Officer: There is no time, Mr Mundell.

John Swinney: I will happily speak to Mr Mundell later on.

I want to give the clearest signal to Parliament that the Government wants to broaden that participation but we need our local authority partners to be with us in so doing and any support in that respect will be welcome.

The last point that I want to make is about the workforce. We estimate that we will need around 11,000 people—a headcount of 11,000—to deliver the policy. We have made an early start on that and we anticipate training about 3,000 people this year. That will rise in the course of the next two years to ensure that we are ready to implement the policy. It is a big challenge but we are taking forward the very active communication campaigns to ensure that we can motivate individuals to participate in early learning and childcare and in creating the best possible outcomes for the children of our country.

16:52

Michelle Ballantyne: I apologise on behalf of Liz Smith, who should be closing for the Conservatives today. The Presiding Officer has kindly allowed her to leave to deal with a family issue related to the weather.

The debate has shown clearly the considerable importance that all parties attach to the expansion of childcare, but it has also shown clearly the extent of the challenges, especially those that are faced as we try to strike the right balance between extending the number of available hours and the qualitative issues around ensuring better accessibility and flexibility, both of which are so important to parents. Those will be the defining issues in whether Scotland succeeds in delivering a world-class childcare system. There is no point in extending hours if they cannot be used effectively—as was mentioned by Jenny Gilruth and Jenny Marra.

There is a supply and demand issue running through the whole debate; we need to accept that there are some tensions, which I will speak more about in a minute. An effective policy ought to be underpinned by a solid evidence base. It is on that that I want to concentrate my early remarks. We cannot hope to know what will allow the most effective delivery of childcare if we have not undertaken the necessary cost benefit analysis and assessed what works and what does not work. The Audit Scotland and Accounts Commission report was scathing in its comment to the effect that although the ambition is in line with national strategic objectives, the Scottish Government did not undertake effective analysis once the 600 hours provision was in place. We are now five years on from that point.

The Scottish Government implemented the increase in hours without comparing the cost and potential outcomes of expanding childcare, and without looking at the different economic models of childcare and how they compare in terms of delivery. In other words, it did not identify what measures would indicate success or what baseline data was available.

John Swinney: I would be grateful if Michelle Ballantyne would set out what other models the Government should have examined. If she believes that we should have examined some other model, she does not agree with us that we should be expanding to 1,140 hours provision.

Michelle Ballantyne: The matter is not as simple as that. When we talk about other models of delivering effective childcare, there are models in use all over the world. We choose to look first at those who are most vulnerable and focus on them, but my point is that the Government chose not to and is ploughing on with its policy regardless.

The Government has not evaluated the impact of £650 million of additional funding, so there is, crucially, no evidence to show how increasing the amount of time that three and four-year-olds spend in nursery is advantageous to them. I make the point about evidence because outside bodies have criticised the Scottish Government for a lack of good data in other areas of policy—assessment of curriculum for excellence being an important example.

Likewise, the Audit Scotland report highlighted the fact that the Scottish Government still has much work to do with the Department for Work and Pensions and HMRC to establish exactly where the eligible two-year-olds are, so that they can be the focus of more accurate targeting.

Perhaps one of the most telling parts of the report is the criticism that the Scottish Government has not defined what it means by “high-quality childcare”, so I want to dwell on that. Ask any parent, and we hear that that matter—rightly—has the highest priority. First, parents talk about the need for the right numbers of fully qualified staff. We know that the number of early learning staff has fallen by 44.8 per cent since 2008. Not only is that the main reason behind local authorities’ having projected an additional £160 million in costs above what the Scottish Government has estimated—that is largely to address the staffing shortfall—but there is also the issue of the different staffing ratios that are required for different age groups. Some of that analysis does not appear to have been factored in appropriately.

Likewise, in an age when many professionals feel less secure in their jobs, additional training is required to ensure that staff are fully qualified to meet the modern challenges of early learning. We hear from staff that those are more substantial than many of us might have realised.

Although the quality of the staff is probably the main concern for parents, they are also concerned about the quality of the learning environment. Herein lies the issue about providers. There are now 848 fewer early learning and childcare services than there were in 2008—a decline that has occurred predominantly in the more-deprived areas. That has coincided with a decline in the number of childcare services that are rated “good” or “better”, which now stands at its lowest point in half a decade—and those are just the ones that we know about. Last year it was reported that nursery inspections had fallen by a third since 2011, so there is a strong message there for the Scottish Government about the quality of delivery.

The questions that I have about provision relate to whether the emphasis is in the right place. Our local authorities are not showing strong levels of interest in provision for one-year-olds and two-year-olds. The Conservatives believe that that

should be the most important focus, especially when it comes to our most vulnerable children. We base that on extensive research about where early learning makes the most substantial difference.

Related to that is the fear among many private sector providers that local authorities are more likely to concentrate on provision for three-year-olds and four-year-olds, in which it is easier to deliver economies of scale and cost savings than it is in the more staff-intensive provision for one-year-olds and two-year-olds. That imbalance would be unfortunate, so I urge the Scottish Government to think carefully about the potential repercussions.

Once again, I ask the Scottish Government to reconsider the illogicality of its plans to allow private, profit-making nurseries to enjoy the full 100 per cent business rates relief, but not to allow that for not-for-profit nurseries that are within charitable foundations, despite their being in a position to provide additional places to assist local authorities in meeting increased demand. That makes no sense at a time when parents are applying pressure for a better service. Those nurseries can also often offer more flexible hours.

We should also remember that many parents look to ensure that the nursery feeds into their primary school of choice.

The Scottish Conservatives believe that flexibility is of primary importance and that it is therefore crucial that we listen to the providers and parents about what exactly they want when it comes to making the important distinction between choice and flexibility. The two issues are related, but they are also different, and that matters. We want parents to have real choice of provider, but we also want them to enjoy the additional advantage of flexible hours, as the fair funding for our kids campaign has continually argued. Its published research shows that only one in 10 local authority nurseries provides sufficient care to cover the full working day. The fact that there are no public nurseries covering the full stretch from 8 am till 6 pm in 19 out of Scotland’s 32 local authority areas must surely tell us something about the lack of incentives within the system.

If we are to live up to parents’ aspirations for top-quality childcare, flexible access is key. I thought that the Scottish Government was moving in the right direction on the issue, but things seem to have got stuck. On 23 March 2017, when Liz Smith asked Mark McDonald, the then Minister for Childcare and Early Years, what he was proposing when he mentioned the possibility of a childcare account, he said:

“My officials will work in partnership with local authorities to develop the detail of the funding model and the national standard, and I can announce that we will commission a feasibility study to explore potential costs and benefits of

introducing an early learning and childcare account in the future.”—[*Official Report*, 23 March 2017; c 44.]

Liz Smith welcomed that at the time, because the Scottish Conservatives are quite sure that the account-voucher system is the best way of delivering more choice and greater flexibility. In areas where local authorities have moved closer to that system, including Edinburgh, there seem to be more satisfied parents and better provision. Therefore, I ask Maree Todd what progress has been made on the feasibility study. When will we see a childcare account?

The Presiding Officer is indicating that I should wind up.

It is abundantly clear that the latest reports have laid bare the extent of the challenges that we face. I hope that the minister has listened to the comments that have been made and that her sense is not of a Parliament that wants to attack the Government, but of one that wants the proposed expansion of childcare to succeed. However, if we are to achieve that, we need the minister to listen to everybody.

Business Motions

17:02

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two business motions. Motion S5M-10721 sets out a business programme and motion S5M-10722 is on a stage 1 timetable. I invite Joe FitzPatrick to move the motions.

Motions moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 6 March 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Widening Access to Higher Education

followed by Scottish Government Debate: Local Government Finance (Scotland) Order 2018 [Draft]

followed by Stage 1 Debate: Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Bill

followed by Financial Resolution: Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 7 March 2018

1.30 pm Parliamentary Bureau Motions

1.30 pm Portfolio Questions
Education and Skills

followed by Stage 3 Proceedings: Forestry and Land Management (Scotland) Bill

followed by Scottish Government Debate: Convention for the Safeguarding of Intangible Cultural Heritage

followed by Business Motions

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

followed by Members' Business

Thursday 8 March 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.15 pm Parliamentary Bureau Motions

2.15 pm Scottish Parliamentary Corporate Body Questions

followed by Scottish Government Debate: International Women's Day

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 13 March 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 14 March 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions Health and Sport

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 15 March 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 8 March 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Prescription (Scotland) Bill at stage 1 be completed by 15 June 2018.—[*Joe FitzPatrick*]

Motions agreed to.

Parliamentary Bureau Motions

17:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of five Parliamentary Bureau motions. I ask Joe FitzPatrick, on behalf of the Parliamentary Bureau, to move motion S5M-10724, on the designation of a lead committee; motion S5M-10725, on referral of the local government finance order; motion S5M-10726, on the approval of a Scottish statutory instrument; motion S5M-10746, on the designation of a lead committee; and motion S5M-10751, on meetings of committees.

Motions moved,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Management of Offenders (Scotland) Bill at stage 1.

That the Parliament agrees that the Local Government Finance (Scotland) Order 2018 [draft] be considered by the Parliament.

That the Parliament agrees that the Community Empowerment (Scotland) Act 2015 (Supplementary and Consequential Provisions) Order 2018 [draft] be approved.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee, and that the Culture, Tourism, Europe and External Relations Committee be designated as a secondary committee, in consideration of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, committees of the Parliament can meet, if necessary, at the same time as a meeting of the Parliament from 1.15pm to 2.00pm on 6 March 2018.—[*Joe FitzPatrick*]

Decision Time

17:03

The Presiding Officer (Ken Macintosh): The first question is, that amendment S5M-10650.3, in the name of Maree Todd, which seeks to amend motion S5M-10650, in the name of Michelle Ballantyne, on early years and childcare, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-10650, in the name of Michelle Ballantyne, as amended, be agreed to.

Motion, as amended agreed to,

That the Parliament recognises the strong cross-party support for the expansion of childcare, but expresses its grave concern regarding the findings of the recent Accounts Commission report, Early Learning and Childcare, which stated that there were “significant risks” that local authorities would not be in a position to deliver the Scottish Government’s target of 1,140 hours by 2020 because of the difference in estimated budget costs and additional pressures on staffing and additional infrastructure; notes the concerns expressed by the commission that the Scottish Government failed to undertake the necessary costbenefit analysis of the 600 hours provision, therefore failing to assess the impact on parents and providers of expanded childcare provision, particularly in terms of eligibility and the accessibility and flexibility of provision; demands that the Scottish Government takes immediate action to address the concerns of the Accounts Commission and to engage constructively with groups, such as Fair Funding for our Kids, the National Day Nurseries Association Scotland and local authorities, to agree a comprehensive strategy that will deliver quality provision across Scotland; acknowledges the Audit Scotland finding that, since 2016, the Scottish Government and councils have been working closely together to plan how they will deliver this expansion and assess its impact; believes that the expansion of early learning and childcare will transform the life chances of children in Scotland, helping to give all children the best start in life; agrees that, by the end of the current session of Parliament, staff, including in partner providers, delivering funded early learning and childcare, should be paid at least the living wage; believes that the early learning and childcare delivered through the expansion must be high quality if the benefits to children are to be realised, and considers that the Audit Scotland finding, that parents were overwhelmingly positive about the quality of the provision and the benefits for their children, provides a strong foundation for the expansion to 1,140 hours by August 2020.

The Presiding Officer: I propose to put a single question on the five Parliamentary Bureau motions. The question is, that motions S5M-10724, S5M-10725, S5M-10726, S5M-10746 and S5M-10751 be agreed to.

Motions agreed to,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Management of Offenders (Scotland) Bill at stage 1.

That the Parliament agrees that the Local Government Finance (Scotland) Order 2018 [draft] be considered by the Parliament.

That the Parliament agrees that the Community Empowerment (Scotland) Act 2015 (Supplementary and Consequential Provisions) Order 2018 [draft] be approved.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee, and that the Culture, Tourism, Europe and External Relations Committee be designated as a secondary committee, in consideration of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, committees of the Parliament can meet, if necessary, at the same time as a meeting of the Parliament from 1.15pm to 2.00pm on 6 March 2018.

Eating Disorders Awareness Week 2018

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-09834, in the name of Clare Haughey, on eating disorders awareness week 2018. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that 26 February marks the beginning of Eating Disorders Awareness Week 2018; acknowledges that these disorders are serious mental health conditions that affect people psychologically, socially, and physically; understands that approximately 1.25 million people in the UK have an eating disorder, of which an estimated 89% are female; praises the Scottish Eating Disorders Interest Group and the charity, Beat, on providing what it sees as vital help for people with such conditions and their families; notes that the Scottish Government's Mental Health Strategy 2017-2027 commits to working toward the development of a digital tool to specifically support young people with eating disorders; highlights the programme, See Me, which it considers has been instrumental in tackling the stigma and discrimination associated with mental health issues, including eating disorders, and notes the calls for all stakeholders to continue to working together to ensure that the appropriate help is available and that early intervention is essential in reducing unnecessary deaths.

17:05

Clare Haughey (Rutherglen) (SNP): It is a great honour to open the debate three days into this year's eating disorders awareness week, which runs until 4 March.

At this point in proceedings, I was going to ask members to welcome visitors who should have been in the gallery today; unfortunately, the weather has beaten them. However, I would like to mention the Eating Disorders Association, which is known as Beat, and the Scottish Eating Disorders Interest Group, both of which helped greatly in my preparation for the debate.

Before I start, I refer members to my entry in the register of members' interests, in that I am a registered mental health nurse and hold an honorary contract with NHS Greater Glasgow and Clyde.

Most people will be aware of anorexia, bulimia and binge eating disorder. However, they may not be aware that such eating disorders are actually serious mental illnesses. They are conditions that are diagnosed according to a list of expected behavioural, psychological and physical symptoms but, sadly, they are often misunderstood as being merely diets gone wrong or phases.

Evidence shows that, over the past three or four decades, instances of eating disorders have

increased to such an extent that Beat estimates that approximately 1.25 million people in the United Kingdom live with one. The most recent figures for Scotland show that, in 2015-16, a total of 726 people were treated in hospital for an eating disorder, which represents a 66 per cent increase on the corresponding figures a decade earlier. However, the rise does not necessarily have to be viewed as a negative, nor may it indicate a rise in suffering. It could, instead, point to increased awareness on the part of healthcare professionals and improved access to treatment, which, as I have been a mental health nurse for over 30 years, is an assertion with which I would agree.

Although many people have been diagnosed and are receiving treatment, many more remain undiagnosed and at risk. The risk of not treating any mental illness can be incredibly dangerous. However, for eating disorders that is even more true. They are responsible for more loss of life than any other form of psychological illness, with anorexia nervosa having the highest mortality rate of any mental illness. Even when eating disorders are not fatal, they can still lead to severe long-term physical health consequences, such as organ damage and fertility issues, and can increase the risk of heart problems and type 2 diabetes. The deniability, secrecy and stigma that are associated with such disorders will prevent many from seeking help and others from taking responsibility for helping a sufferer. However, the latest available figures for Scotland are only the tip of the iceberg, as most people are treated in community out-patient settings and have no need or desire to visit a hospital.

The systems that currently operate in Scotland and England are different and should not be directly compared. However, for information's sake, the Scottish Government has set a target that all patients, no matter their age, should not have to wait longer than 18 weeks from referral to the start of treatment for mental health conditions, including eating disorders. In my own constituency, the average time to refer an adult to appropriate services is within 15 days—a fact that I checked yesterday—while urgent cases are seen within the day, which is much quicker than the standard target. Although I appreciate that that is not the case everywhere, good practice is to be found across the country. In England, for under-19s only, the target referral time for non-urgent eating disorder cases is four weeks and for urgent cases it is seven days. Scotland is already doing tremendous things in tackling mental illness, with the groundbreaking "Mental Health Strategy 2017-2027", and I have full trust in our Minister for Mental Health. Nonetheless, we can always look to see how we can improve things, and it may be the case that the successes in my constituency

could be looked at to be replicated across Scotland.

When preparing for today's debate, I had the pleasure of hearing about Beat's ambassador programme from its senior national officer, Sara Preston. Beat's ambassadors all have lived experience of eating disorders and, through their own knowledge and expertise, they help others who are going through similar situations.

Ballari Conner from Glasgow is a Beat ambassador—she was going to be with us in the public gallery today. Ballari has the rare experience of having previously suffered from anorexia nervosa and now suffering from bulimia. She spoke bravely to me of her difficult and challenging battles. One of the positives of her experience is the help that she has received through peer support groups. Many years ago, after growing impatient and frustrated with being unable to access services, she began to meet up with others in Glasgow and they created their own support service to assist one another through their journeys to recovery. Groups such as the Glasgow eating disorder support group are easily found online, so I hope that, from coverage of today's debate, people will know that they can look on the internet to find help from others who are in similar situations.

Another great example of online support is the tremendous website that is managed by Eva Musby; it is called anorexiafamily.com. Eva's daughter fell ill around 10 years ago, and she now devotes a substantial portion of her time to helping other parents and sufferers. Her website and the book that she has written are great resources for those who are looking for further help. From a parent's perspective, her website assists with general information and practical advice, as well as offering the companionship of someone who knows what it is like to support a child with an eating disorder, all while providing hope and confidence.

I cannot thank Eva and Ballari enough for their assistance to me in preparing for today's debate, and I hope that they will be encouraged by what they have heard so far.

I wish to pay tribute to former MSP and current councillor for Stonehaven and Lower Deeside, Dennis Robertson. Dennis was supposed to be here for today's debate but, sadly, due to the weather, he is unable to attend. By bravely sharing his own harrowing experiences, Dennis was the main driver behind me lodging today's motion for debate. Nearly seven years ago to the day—25 February 2011, to be exact—Dennis lost his daughter Caroline to anorexia. She had suffered from the illness for five years.

In a heartfelt speech marking eating disorders awareness week two years ago, Dennis recalled the death of his beloved daughter. He said:

"I felt the pain then and I feel the pain now, but the pain that I feel now is perhaps slightly different. It is not just grief. I miss Caroline very much, as do Ann and Caroline's twin sister, Fiona. Of course we miss her, but we continue to try to establish a pathway so that other people do not have to go through the pain and anguish that we have gone through."—[*Official Report*, 23 February 2016; c 111-12.]

I am incredibly sorry that Dennis is no longer an MSP to continue his campaign at Parliament. However, I wish to reassure him that there are others such as me who will continue to fight the fight for him.

17:12

Annie Wells (Glasgow) (Con): I thank Clare Haughey for bringing this important topic to the chamber today.

Eating disorders are complex mental illnesses and anybody can develop one, no matter their age, gender or background. We know that around 1.6 million people around the UK are affected by an eating disorder, so it is important not only that we provide the proper support to those who need it but that we work together to raise awareness among the population at large about who can be affected and what having an eating disorder means.

Our views about who can be affected are sometimes distorted, so our response in identifying and supporting friends, family and colleagues who might be struggling can also be distorted. Studies suggest that around one quarter of people with eating disorders are male and that sufferers might not show visible symptoms, as 80 to 85 per cent are not underweight. Further, data from Beat shows us that 15 per cent of the phone calls that were taken by its helpline in 2015 were from those aged 40 and over.

As a society, we are constantly bombarded with messages about food, weight and body image and, to an extent, many of us are affected by emotional eating, using food as a means to reward or to improve self-esteem.

There is no specific cause for an eating disorder and people might not have all the symptoms that pertain to one specific type. The term "eating disorder" refers to a broad number of conditions, which is another reason why it is so important that we raise awareness by encouraging everyone in Scotland, whether currently affected, knowingly or not, to go online and look at websites such as those of the charities Beat and SEDIG. These sites were invaluable to me in broadening my knowledge of different types of eating disorders, their signs and their symptoms.

I strongly feel that, in supporting people with eating disorders, we should work towards improving identification and treatment of such disorders before the people involved are hospitalised. It is worrying that the number of people being hospitalised has risen by about two thirds over the past 10 years and that, in 2015-16, the number in my Glasgow region increased by 15 per cent from the previous year. That said, it is crucial that people can be admitted to hospital.

However, improving the provision of evidence-based psychological treatments in community settings across Scotland is fundamental in allowing people to access treatment quickly, particularly when around one in four children and adults are waiting too long for mental health treatment. I am pleased to see such examples; for example, NHS Lothian child and adolescent mental health services have partnered with Beat to provide online peer support for young people under 25 and their families to reduce the sense of isolation that an eating disorder can cause. Volunteers who have recovered from such a disorder and parents who have cared for a young person who has recovered are paired with young people or families who are currently experiencing these difficulties. I am also pleased that, this week, NHS Lothian CAHMS will be launching a website that is designed to support parents in the first few weeks of diagnosis and treatment. That kind of support will be essential in treating eating disorders in their early stages, and I am interested in seeing how that will be rolled out across Scotland.

I extend my heartfelt thanks to the charities supporting those with eating disorders such as see me, Beat and SEDIG. Raising awareness, reducing stigma and creating a clear pathway of help in the early stages of an eating disorder are absolutely key to ensuring that we provide the best support to those who need it.

17:17

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thank Clare Haughey for providing us with the opportunity to have this important debate. She mentioned our colleague Dennis Robertson, and it reminded me—and, I guess, others who were in the chamber at the time—of how Mr Robertson's first speech on this subject, which was about his daughter, made the hairs on the back of my neck stand up. I remember the personal and emotional charge that I felt as he talked about his personal circumstances. However, he turned what could have been a life-constraining tragedy into the driver of a very worthwhile campaign that we would all support, and I note that he continues his public service in

Aberdeenshire Council, where I see him regularly and continue to have good discussions with him.

We have all referred to the increase in the number of people presenting with eating disorders. I am delighted to hear that, in Clare Haughey's constituency, the 18-week target for being seen has been substantially bettered, but perhaps more interestingly—and more troubling—it takes, I am told, an average 149 weeks before those experiencing eating disorder symptoms seek help. Perhaps we should look in the mirror with regard to some of the ways in which we and wider society respond to people with eating disorders and perhaps, without meaning to, discourage them from seeking the kind of help that they really need. It is said that 34 per cent of adults in the UK cannot identify signs of an eating disorder, while 79 per cent do not know that there are psychological symptoms associated with such disorders.

Some of these anomalies lie in the fact that we still view those who suffer from eating disorders as having only one body type—skinny and sickly—and perhaps as being selfish. That is utterly wrong. Many believe that people of normal weight or who are overweight cannot be suffering from an eating disorder; unless you look very unhealthy and weak, people will assume that you are fine. It is a common misconception that sufferers are simply attention seekers.

Clare Haughey mentioned anorexia and bulimia, and gave us a list of other conditions that apply, of which there are a huge number that we need to pay attention to. I want to talk a little about social factors. I am disturbed—I do not know whether others will be—by the fact that Weight Watchers has started offering free six-week memberships to children as young as 13. I am sure that it has reasons for doing so and that part of what it will say is that it is fighting childhood obesity and other health complications. However, offering that kind of illusory opportunity to people who are potentially vulnerable emotionally and whose body shape is likely to be rapidly changing is not something that I feel comfortable to support. The simple consent of parents is all that is required for teens to be granted that imperfect opportunity to get that supermodel physique.

It has been some years since I have paraded my physique on the beach or at the side of a pool and there are good reasons for that, because I am somewhat short of that ideal shape. I can see that members around the chamber are nodding in agreement with that. However, we live in a society that glamorises that illusion of perfection, which is something that we should all seek to address. We need to educate people about symptoms and treatments and the fact that there is no condemnation in accepting that we have eating

disorders. We are endomorphs or ectomorphs from genetic disposition.

Again I congratulate Dennis on having first brought this issue to Parliament in the way that he did and I congratulate Clare on giving us the opportunity to discuss further a very important subject.

The Deputy Presiding Officer: Thank you, but I remind members that they should address other members by their full name, even in the usually rather more friendly members' business debates.

17:22

Mary Fee (West Scotland) (Lab): I thank Clare Haughey for bringing this important issue to the chamber. I will touch on two main points in my speech: first, the importance of improving general awareness of the symptoms of eating disorders to help aid earlier detection; and, secondly, the support that is available to children and young people who experience mental health problems, particularly those around eating disorders.

Knowledge of eating disorders is not extensive among the population at large, with anorexia nervosa often portrayed as the archetypal and only eating disorder. However, there are four classifications of eating disorders: anorexia, bulimia, binge eating and eating disorders not otherwise specified. The expression of each of those eating disorders is often discreet and unseen by the untrained eye of family and friends. It is important to raise general awareness of the key indicators of eating disorders to help family and friends identify an eating disorder in an individual as early as possible.

In advance of the debate, I posted on Facebook that this was eating disorder awareness week and that I intended to speak in the debate. I was contacted by a constituent who asked whether the issue of compulsive eaters could be raised because many people are eating themselves to death. The individual said that some people still see such individuals as just being too greedy. However, no sane or rational person wants to eat themselves to death for the sake of having an extra pudding. I know how heartfelt that constituent's comments are, because I know that person and know that they have been at both ends of the unhealthy weight spectrum. That individual acknowledged that they suffer from a psychological problem and said that the national health service needs to invest in the treatment of obesity as it would generate long-term savings.

A recent survey by YouGov revealed that one in three adults could not name any signs of an eating disorder and that 79 per cent were unable to name the accompanying psychological symptoms, such as low self-esteem. The Scottish Eating Disorders

Interest Group has a very useful section on its website that outlines a comprehensive, but not exhaustive, list of symptoms that might indicate that an individual is suffering from an eating disorder. The symptoms include self-induced vomiting, the use of laxatives and drinking large quantities of fluids before and after a meal.

Secondly, it is important to recognise that eating disorders commonly manifest themselves during adolescence. That is why it is so important that child and adolescent mental health services are able to provide the appropriate support to young people who are suffering from an eating disorder. However, at present, the provision of CAMHS across Scotland can be patchy and unsatisfactory. Too many children are waiting too long to be treated, resulting in their condition deteriorating significantly before they receive their first treatment. Simply put, too many children and young people face a postcode lottery in relation to their access to CAMHS.

The Government target is that 90 per cent of children and young people reporting mental health problems should be seen within 18 weeks. Last year, however, only 73 per cent of children and young people were seen within 18 weeks, and across the country there was a huge variation in waiting times. NHS Grampian saw only 33 per cent of children and young people within 18 weeks, and in Lothian the figure was only 57 per cent. We must ensure that we improve the provision of CAMHS across Scotland, to guarantee that all children and young people are given a service that provides the appropriate level of support for their condition, no matter where they live.

In Scotland, we should do more to identify and support individuals suffering from eating disorders, particularly children and young people. As a starting point, we must work to improve general awareness of the discrete physical and psychological symptoms of eating disorders and support greater investment in child and adolescent mental health services, to reduce waiting times and to reduce the geographical discrepancies in provision.

17:26

Alison Johnstone (Lothian) (Green): I thank Clare Haughey for bringing this important issue to the chamber for discussion, and I associate myself with her moving comments on the experience and contribution of our former colleague Dennis Robertson.

The motion reminds us that eating disorders are serious mental health conditions that have psychological, social and physical effects on those who suffer from them, but often those effects are

not clearly recognised by those suffering from an eating disorder or those closest to them. As Stewart Stevenson and Mary Fee noted, a recent survey by the charity Beat found that 34 per cent of adults could not name a single symptom of an eating disorder, reflecting the fact that these illnesses are not widely seen to be mental health conditions.

Symptoms are often not directly related to someone's physical appearance or weight, which may not always dramatically change, but the disorder can be revealed in their behaviour, from being secretive about what and when they eat, to social withdrawal, excessive exercising and displaying feelings of guilt and shame around food. A person's symptoms may also not be neatly classified as anorexia or bulimia, but may overlap multiple areas and be an unspecified eating disorder. Better understanding of the symptoms and range of disorders can help family and friends to support their loved ones and encourage those with an eating disorder to seek help.

We must change our view about who is affected by eating disorders. Around 10 to 15 per cent of patients are men and boys, although it is likely that a large number are not reporting their symptoms in the belief that these are illnesses that affect women only. Black and minority ethnic populations are also likely to be underreporting their symptoms. There remains a high level of stigma and shame around eating disorders, which prevents people from coming forward, and I applaud the work of Beat, the Scottish Eating Disorders Interest Group and the see me campaign in supporting people to open up about their mental health and providing a wealth of resources for understanding eating disorders.

In yesterday's healthy weight strategy debate, it was clear that there is growing awareness of the need to address issues around under and overeating with the utmost compassion, and I warmly welcome that. The resources that the organisations I mentioned provide emphasise the importance of supporting someone with an eating disorder in a compassionate way, but just as important is support for the family members and loved ones of those affected. Reducing carer stress can make a big difference in speeding up recoveries, because when carers are able to model self-reflection and self-care it is easier for an ill person to treat themselves with kindness.

I welcome the Scottish Government's 10-year mental health strategy and note its target to create a digital tool to support those with an eating disorder. I would be interested to hear more detail from the minister on what that tool might offer and when it might be delivered.

However, there is an urgent need to reduce the time that it takes for someone with an eating

disorder to receive professional mental health treatment. Beat estimates that it takes sufferers an average of 18 months to become aware that they have an eating disorder, that it can be another year before they seek help from their loved ones and that a further six months can pass before they approach their general practitioner. It can be about three and a half years before people receive specialist treatment, which is why the figures that suggest that only one in three requests for CAMHS are being met within the 18-week waiting time target are particularly worrying.

The research shows clearly that the earlier that health professionals intervene, the easier it is for a young person to recover from an eating disorder. Anorexia becomes much more difficult to treat after three years, so it is imperative that waiting times are kept to a minimum. The target in guidance in England is to reduce the waiting time for treatment of an eating disorder in those who are aged under 18 to four weeks by 2020-21.

I hope that the minister will reflect on those concerns and consider including actions to reduce the time to receive treatment for young people and adults in any future revisions of the mental health strategy. I thank for their efforts all those who are involved in raising awareness of such conditions, running eating disorders awareness week and working to help people into recovery.

17:31

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank Clare Haughey and pay tribute to her for the work that she does not just on eating disorders but on many aspects of mental health, and for the immense professional expertise that she brings to the chamber.

In yesterday's debate on the healthy weight strategy, Johann Lamont referred to the stark corollary between that debate and this debate. She reminded us that we spend a great deal of time in the chamber debating issues such as obesity but that we seldom address important aspects of the issues that we are discussing today. There is also a link to many debates that we have about mental health and pressure in the NHS and to the members' business debate a month ago, on a motion in the name of Gail Ross, on adverse childhood experiences.

Dramatic and significant life events, such as traumatic experiences that are beyond a person's control, can trigger any one of the four types of eating disorder that we have heard about today. Sometimes, an eating disorder involves a grief response—it is a person's subliminal attempt to regain some control of their life. Relationships can also be a cause, whether that is because the eating disorder is a response to abuse or because

it is an aspect of coercive control in an abusive relationship. We know that personality types and genetic factors are also some of the reasons for eating disorders.

To an extent, societal pressures are the most egregious factor, and in some respects we as a Parliament are most empowered to do something about them. We are all familiar with the pictures of airbrushed supermodels that we see in magazines, which create a narrow and punishing idea in society of what beauty should be. That is amplified by the body shaming that we see every week, particularly in tabloid newspapers, which involves privacy being invaded and photographs being taken without permission and exploited for sensationalist journalism. There is also the peer pressure that we have seen in the rise of online bullying, particularly with the advent of social media.

We have heard a lot about the statistics, but they bear repeating. Across the UK, 1.25 million people are experiencing some kind of eating disorder, and the impact is much wider. Anyone who has a family member with a mental health issue of any kind will know the strain and anxiety that that can cause to families.

We have heard a lot about Beat, which has launched a campaign with the hashtag #WhyWait. That is important, because it brings attention to the average time of three and a half years between the start of a disorder and first-line treatment. I thank Louise Allan and Louise Giboin from my constituency for bringing that to my attention; I did not know about it before.

In some parts of Scotland, that period is compounded by the two-year wait for first-line treatment in child and adolescent mental health services, by the lack of tier 4 in-patient bed capacity and by what our chief medical officer described to the Health and Sport Committee in referring to an “atlas of variation”—the postcode lottery that exists, which is absolutely made clear by the formation of the peer-led eating disorder support group in Orkney, where no eating disorder services are provided.

We need a transformational investment in mental health services, because that is the first-line treatment in our response to the problem. We need to ensure that each of our territorial health boards offers meaningful provision in this area. We need to build awareness in our society, but we also need to challenge society and to address body shaming. Many media outlets are complicit. We need to make it clear that there is help and that people need only ask for it.

The Deputy Presiding Officer: Four members still want to speak in the debate, so I am minded to

accept a motion without notice, under rule 8.14.3, to extend the debate.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Clare Haughey]

Motion agreed to.

17:35

Rona Mackay (Strathkelvin and Bearsden) (SNP): I thank my colleague Clare Haughey for bringing this important debate to the chamber and raising further awareness of a condition that has affected many people for decades but which, as she said, has often been misunderstood.

I think that most of us know, or have known in the past, someone who suffers from an eating disorder. Tonight, I am learning about many eating disorder variants that I was unaware of before the debate.

Two of my school friends suffered from anorexia nervosa throughout their teens and the condition has dogged them all their lives. Back then, little was known about that terrible condition and it was scary for people to watch their friends almost fade away before their eyes. I know now that those friends had suffered adverse childhood experiences. One girl was teased mercilessly in front of the entire class by a sadistic teacher about her appearance and build. She was hospitalised when her weight reached four stone and just pulled through. Her body was so damaged that she became infertile.

Stewart Stevenson and Alex Cole-Hamilton— and Johann Lamont in yesterday’s debate on healthy weight and obesity—made excellent points in speaking about the immensely damaging culture that glorifies thinness, resulting in body dissatisfaction, which mainly affects young girls, and which has devastating effects. Societal attitudes must change to allow our youngsters to feel happy in their own skin, without having to conform to some unrealistic notion of what looks good.

What is an eating disorder? One definition is that it is extreme shape and weight control behaviour that leads to the development of rigid rules about food. The most common conditions are anorexia nervosa and bulimia. The word “control” is the key here, but it is about someone taking control of their body in the worst possible way.

We know that psychological factors are a huge cause, because eating disorders are common among those who deal with depression, anxiety and obsessive compulsive disorder. They can develop due to a combination of, for example, genetic and biochemical factors. People with

eating disorders usually have abnormal levels of chemicals that regulate appetite, mood, sleep and stress. For example, it is known that people with bulimia and/or anorexia have higher levels of the stress hormone cortisol.

As I mentioned, if a person experienced an ACE or other trauma in their childhood, they are more likely to use eating disorders to cope. However, one size does not fit all and sometimes a child who has experienced a happy childhood and had loving parents can be affected for no obvious reason. At this point, I pay tribute to former MSP Dennis Robertson.

Clinicians rarely publish statistics about eating disorders, because the stats can be misleading; as Clare Haughey said, many people who are affected are not receiving treatment. Although every statistic on eating disorders is tentative, we know that anorexia nervosa affects, on average, about one in 250 females and one in 2,000 males. It has the highest mortality rate of any psychiatric disorder of adolescence.

To conclude on an optimistic note, I am delighted that the Scottish Government has announced new resources to give young people and families peer support, including an online peer support tool that allows young people to pair with a trained volunteer who has recovered from an eating disorder such as anorexia or bulimia. I am sure that we will hear more from the minister about the new resources in her closing speech.

For all those who are struggling with the condition and the families who are at a loss to know how to support their daughter or son, there is light at the end of the tunnel and, hopefully, the dark days of confusion and fear about how to cope with the terrible condition are coming to an end.

17:39

Jeremy Balfour (Lothian) (Con): I congratulate Clare Haughey and thank her for bringing the issue of eating disorders to Parliament's attention. I first became aware of the issue as a young teenager, when I attended the family funeral of a lady who died of an eating disorder. She was brought up in a loving family; the disease got her for different reasons and ultimately led to her death.

Mary Fee is absolutely right to say that we need to ensure that eating disorders, as well as how to identify the symptoms, are on everyone's radar. Too often, people are simply unaware of the problem. As the father of two young girls, I want to be sure that I look at them and their friends, so that I am aware if the symptoms appear.

This year's eating disorder awareness week campaign asks the question "Why wait?", which is

an absolutely valid question, particularly in relation to young people. The eating disorder charity, Beat, which has already been mentioned, states that, on average, nearly three years pass before those experiencing the symptoms of eating disorders seek help. As Alison Johnstone said, it becomes harder to treat the condition when there is that delay.

On top of that, a YouGov survey revealed that more than one in three adults in the UK who responded could not name any signs or symptoms of eating disorders. That low level of awareness, combined with delayed treatment, results in an increased risk of the illness becoming severe and enduring and, in some very sad cases, leading to an early death. Alison Johnstone also picked up on the surveys that show that as many as 25 per cent of people with an eating disorder are male. We need to recognise that and deal with it appropriately.

The causes of eating disorders are complex and may be linked to social pressure to be thin—as others have pointed out—mental health issues or issues from somebody's past. However they come about, eating disorders are serious. Ultimately, they are a form of mental illness, and they need to be treated quickly and appropriately. I welcome the recommendation in the Scottish Government's mental health strategy that a digital tool should be developed to support young people with eating disorders. I, too, ask the minister to give more details on that in her closing speech.

The Scottish Government has waiting time targets for access to treatment by NHS child and adolescent mental health services. As we have heard already, there is no accurate picture across Scotland, but it is the case that different health boards have different waiting times. I encourage the Scottish Government to work with health boards to ensure that they meet the target, as early intervention is clearly key in the treatment of young people with eating disorders.

As we approach international women's day on 8 March, I urge us all to use that important date to help and encourage teenage girls, young women and ladies of all ages to challenge the view, which is often portrayed in the media and in social media, that in order to be successful, accepted or attractive they must be skinny. Let us stop that expectation and instead support women of all ages to redefine success in ways that are healthier for them and for the rest of society.

17:43

Emma Harper (South Scotland) (SNP): I add my congratulations to my colleague Clare Haughey on securing this debate during eating disorders awareness week. I also pay tribute to

members of the Scottish Eating Disorders Interest Group. I know that they were intending to be here for the debate, as was former MSP Dennis Robertson, who deserves enormous credit for his heartfelt and continued campaigning on the issue.

As Clare Haughey and I are nurses, Dennis asked us both to carry on his work. Immediately after the debate, I was due to sponsor an event to highlight the work of SEDIG. Unfortunately, the red weather alert and the snow have prevented that from going ahead, but I hope to reschedule it as soon as possible. I hope that, when it happens, members who are present, as well as Dennis, will come along.

I ask members to visit the SEDIG website, which includes information about conferences and events to support affected persons and carers. The next event is on 10 March.

Prior to tonight's debate, SEDIG passed me a written account of anorexia from the point of view of a woman called Hazel. Reading her account, I was struck by the difficulties that she encountered in engaging with health professionals, who thought that she did not look thin enough. Because she was not thin enough, she was misdiagnosed by a psychologist as having a personality disorder and faced lengthy waiting times for counselling on the NHS. Clearly, more needs to be done to educate people about the reality of how eating disorders manifest themselves to ensure that help can be offered as quickly as possible. Similarly, a constituent of mine whose daughter suffers from an eating disorder was told that she would have to wait six months to see a psychiatrist. That is not optimal, especially as we know that early intervention is key to tackling the disease.

There is one condition that, as a person with type 1 diabetes, I am well aware of and would like to highlight: diabulimia. The term is common among the diabetes community; although it has not been officially recognised as such, it is a very real eating disorder. Diabetes Scotland is doing important work to raise awareness, and my colleague Annie Wells MSP led a members' business debate on the subject last year.

Individuals who have diabulimia reduce their insulin—or do not take it at all—in an effort to control their weight. When I was growing up, I knew a young lady who, sadly, died of the condition; had she survived, she would have been my age today. It is an incredibly dangerous condition. Research shows that people who have it have a much shorter lifespan. It can lead to severe diabetic ketoacidosis, which can be fatal, and to complications from diabetes such as retinopathy, neuropathy and nephropathy appearing much earlier. It is extremely complex and difficult to diagnose, and people who have it require mental health support over and above

support for the physical and medical needs that are associated with diabetes. The good news as far as Dumfries and Galloway is concerned is that NHS Dumfries and Galloway has a diabetes dietician with a special interest in diabulimia.

Research that emerged last year from Toronto suggested that 60 per cent of females with type 1 diabetes will have experienced a clinically diagnosable eating disorder by the age of 25, and the situation also affects men. Like any eating disorder, diabulimia is a mental health issue. As a result, healthcare professionals and the families and friends of those who have type 1 diabetes should be aware of the signs indicating diabulimia, which, according to Diabetes Scotland, can include: fluctuations in or loss of weight; regular symptoms of high blood glucose levels; secrecy about or fear of injecting; reluctance to be weighed; and lack of blood glucose monitoring or a reluctance to self-monitor. It is important that healthcare professionals are aware of diabulimia as a condition, and I ask the Scottish Government, in considering its approach to eating disorders, to put in place measures to ensure that sufficient time, resources and training are available to enable diabetes healthcare professionals to identify and effectively support people who have the condition.

17:47

Edward Mountain (Highlands and Islands) (Con): I, too, thank Clare Haughey for bringing this debate to the chamber. I had not planned to speak, but, having been prompted by quite a few constituents who have contacted me, I have decided to speak briefly in order to make a plea.

I doubt that there are many of us who do not have a family friend who has had the distressing experience of having a child with an eating disorder. A great friend of mine watched helplessly as their child starved themselves to the stage at which doctors judged their life to be in danger. Despite all that they did, they could not move their child on from their self-destructive actions, which were more about the child's wish to take control of their life as they felt that the rest of their life was spiralling out of control. Warm words, supervision, support and counselling do not always work, and sometimes it is only when the individual's body mass index gets so low and their weight plummets that medical care becomes available.

In this week highlighting eating disorders, I make a plea that we do more to support families who are struggling to cope as they watch their child wasting away in front of them. We should tackle the problem head on, with compassion, support and—I stress—early intervention when that is asked for. I am sad to say that I am not convinced that such intervention is as widely

available as it should be, especially in rural areas and the islands. I hope that that situation will change and that we can dramatically reduce the average three and a half years that it takes for treatment to be given post the diagnosis of an eating disorder. I give the Government an undertaking that, if it does that, I will do everything I can to support it.

17:50

The Minister for Mental Health (Maureen Watt): I am pleased to be able to respond to this debate on behalf of the Scottish Government. I congratulate Clare Haughey on continuing this Parliament's long-standing interest in eating disorders. It is disappointing that due to adverse weather conditions, we will not be able to have the reception that Emma Harper had planned to host tonight, although I look forward to it happening on another date. I see that we have some people in the public gallery listening to the debate.

As Clare Haughey said, Dennis Robertson had hoped to be here this evening but he has had to go home because of the weather. As has been said, his daughter Caroline died seven years ago this week, and, as he was the neighbouring MSP to my constituency, I can assure Dennis and others that he has seared eating disorders in my brain.

I welcome the opportunity to mark eating disorder awareness week and it is right that we recognise the efforts of all the people and organisations across Scotland involved in raising awareness and treating eating disorders. The motion recognises the valuable contribution made by Beat, the UK eating disorder charity, and the Scottish Eating Disorders Interest Group; I know that there are many others.

I am in no doubt about the seriousness of eating disorders and the impact that it has on those individuals who live with one, as well as on their friends and families. Emma Harper mentioned diabulimia. As was said, we debated this topic last year, with the cabinet secretary responding. It highlights the importance—I think that Edward Mountain mentioned this too—of health professionals looking at physical and mental health conditions together. Health professionals need to look at the whole person when someone presents with an eating disorder, as it is obviously a mental health condition that has triggered that.

It is the guiding ambition of our mental health strategy that someone should only have to “ask once, get help fast”, and that we must prevent and treat mental health problems with the same commitment, passion and drive as we do physical health problems.

The strategy commits to specific actions to help to improve prevention and early intervention, drive improvement in the quality of care provided, ensure equal access to effective and safe care and treatment, and ensure that services promote and support recovery-based approaches. We will best demonstrate equal access to effective and safe care and treatment by increasing the proportion of people who receive and benefit from treatment for a mental illness.

Several speakers mentioned the stigma surrounding eating disorders, including self-stigma, and the see me campaign, which is funded by the Scottish Government, is instrumental in realising, through its work, the importance of reducing stigma and discrimination. Better identification of and early intervention for eating disorders, together with a reduction in stigma and a greater willingness to seek treatment, will inevitably lead to greater demand. It is excellent that Beat's campaign this year is called “Why wait?”. Why are people waiting so long to access treatment for this condition? It is important that more people realise what the signs are, and what the actions and behaviours are of people with eating disorders.

The increased demand on services means that we must all work together if we are to realise our ambition for a sustainable health and social care system that helps to build resilient communities. Through delivery of the strategy, we also seek to improve access to psychological therapies and to treatment for children and young people. I admit that there are significant on-going challenges in delivering on the waiting time standards, but I will not shirk that task.

It is important to recognise that we have made progress. As Clare Haughey mentioned, some boards are making significant efforts to drive down waiting times. I assure Mary Fee and others that I am very concerned about waiting times. I am in the process of meeting the chief executives and chairs of the worst performing boards; a few have cancelled because of the weather.

Alison Johnstone mentioned the commitment in England, but that commitment will not come in until 2020. We are working now to meet our “ask once, get help fast” commitment; we are not waiting to start work on it.

Alison Johnstone: My point was that the commitment in England is to a four-week waiting time, which is notably shorter than the waiting time that the Scottish Government is currently committed to. There are many people in the Lothian region, which I represent, who are not getting an appointment within the 18-week waiting time. I appreciate that it will not happen tomorrow.

Maureen Watt: I assure the member that, in many board areas, the mean waiting time is much shorter than 18 weeks. In some areas, it is as short as nine weeks, and some people who are seriously ill are getting help much more quickly than that.

However, I accept that we need to do better, and I am keen to ensure that the work that is being done to deliver improvements at a local level fully reflects the national mental health priorities and ambitions.

As several members have mentioned, the motion highlights the mental health strategy action to develop a digital tool to support young people with an eating disorder. I was delighted to launch that resource earlier today at the Royal Edinburgh hospital and thereby fulfil action 22 in the mental health strategy. I assure Annie Wells that it is available across Scotland. If she visits www.caredscotland.co.uk, she will be able to see what is available. There is one-to-one email support, as well as befrienders, from whom people can expect one to three emails per week, a listening ear, encouragement and signposting. I can give Ms Wells a leaflet on the resource if she would like one.

The resource is funded by the Scottish Government and has been developed by NHS Lothian in partnership with Beat. The technology-enabled care—TEC—programme has also been involved. At the launch, I met parents and people who have recovered, along with many of the child and adolescent mental health services professionals at the Royal Edinburgh hospital who have been involved in the development of the resource. It aims to provide an innovative forum and a training resource to promote early intervention for children and young people, and to support people to manage their own mental health.

We know that, as with most health conditions, quick and timely access to help can make a real difference. We need to ensure that we have services that reflect the digital lifestyles that many young people now have, and I think that the new resource will do that, so I make no apology for repeating what I said at the launch earlier today. The development of the resource has demonstrated the boundless ability of our partners in the mental health system and the third sector, and people with lived experience, to think creatively and innovatively about how we can improve mental health and our response to eating disorders. It is that kind of spirit and co-operation that will help us to achieve the wider ambitions of our 10-year mental health strategy.

I again thank Clare Haughey for raising such an important issue and allowing me to reaffirm our commitment to improving the quality of life for all

those people who are living with an eating disorder.

Meeting closed at 17:59.

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