

MEETING OF THE PARLIAMENT

Wednesday 12 January 2000
(*Afternoon*)

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Scottish Parliament

Wednesday 12 January 2000

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): We welcome to lead our time for reflection today Bishop Idris Jones, the Bishop of Glasgow and Galloway.

The Right Reverend the Bishop of Glasgow and Galloway (Bishop Idris Jones): At the moment, we are living in the middle of some building work on our house in Glasgow. Perhaps members can identify with the experience—clouds of plaster dust and the constant sound of merry hammering. At one point in recent weeks, I was moved to wonder and delight—by the new staircase.

To see it now, boxed in and finished, it is just another stair. When it first arrived, however, we were able to see the intricacy and skill of its construction by looking up at it from underneath. What a fantastic piece of joinery it is with its kite pieces, wedges and doweling pins. Now, of course, we just take all that for granted as we tread on it and go up and down, trusting the skill of those who made it. Part of me wishes that the staircase could have been left open, so that I could renew my admiration of the joiners' skill every time I used it.

Thinking about the stair leads me to reflect on the people around me whom I often take for granted and on whose good will I rely in my private life and as part of the community in which I live—the backroom folk. As I am sure members are aware, while the work goes on in this chamber, support is in place from all the people who help to make it possible. In the wider community, too, many women, men and children contribute in some way to make the whole thing work. As I reflect on all that support, I am thankful.

Sadly, there is sometimes a cost to be borne. Today particularly, we are aware of the human cost in the fishing industry, and we hold in prayer the community in Kirkcudbright at this time.

On our new stair, each piece is part of the whole and necessary for its function as a stair—even the little doweling pins. What a great gift we possess when we feel included in a family, a community, a nation. How great it is to feel that we have a part

to play. What a marvellous gift it is to give—to work so that those who feel that they have no part are given one. What a great gift it is that we can work to offer purpose and meaning to those who today sit in darkness and despair. That is indeed to share in God's work and to do God's will.

Solway Harvester

The Presiding Officer (Sir David Steel): Before we commence this afternoon's business, I believe that the chamber would wish me, in view of the increasingly sad news received at lunchtime about the trawler Solway Harvester, to ask the fisheries minister and the local member to speak briefly on behalf of Parliament.

14:35

The Deputy Minister for Rural Affairs (Mr John Home Robertson): Besides being the fisheries minister in the Scottish Executive, I represent fishing communities in my constituency, so I am horrified to have to report to the chamber that it appears that the fishing vessel Solway Harvester was lost off the Isle of Man with all seven of her crew.

At this stage, lifeboats, coastguards and the emergency services from both sides of the Irish sea are still working flat out in the hope of finding survivors, but we must now fear the worst.

It is difficult to find the right words to use at a time like this, Sir David, so I want simply to express my very profound sympathy to the families of skipper Craig Mills and his crew and to the communities of the Isle of Whithorn and Kirkcudbright at this time of terrible anxiety. I am sure that the thoughts of every member of this Parliament are with them. Any lessons that can be drawn from this tragedy will be learned.

14:36

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): On behalf of my constituents, I thank the minister for his statement. The close-knit nature of the small communities of the south machars means that the impact of this crisis will be felt throughout the whole community. However, that also means that the families of the crew will be receiving the support of the whole of the wider community. Our thoughts are with them at this time.

The Presiding Officer: Thank you very much.

Influenza and NHS Winter Planning

The Presiding Officer (Sir David Steel): The next item of business is a ministerial statement on influenza and national health service winter planning. Questions will be taken at the end of the statement. Therefore, there should be no interventions during it.

14:37

The Minister for Health and Community Care (Susan Deacon): Thank you, Presiding Officer. I am grateful for this opportunity to make a statement to Parliament on the flu outbreak that is currently affecting people the length and breadth of the country and on the impact that the outbreak is having on the national health service in Scotland.

Over the past few weeks, a combination of flu, flu-like illnesses and cold weather has resulted in many thousands of Scots becoming ill and, sadly, some of them becoming critically ill.

Earlier this week, the Scottish centre for infection and environmental health reported to us that, as of Monday, it is estimated that 793 in every 100,000 Scots have sought help from their general practitioner, suffering from flu-like illness. The figure has shown a marked and consistent upward trend over recent weeks.

Officially, the situation does not constitute an epidemic. However, that is of little consequence to people suffering from the illness. In practical terms, whether this outbreak is classified as an epidemic or not, the consequences of it are the worst experienced in Scotland for a decade. The impact on individuals, families, employers and, of course, the NHS has been severe.

There is, however, light at the end of the tunnel. Our scientific and medical advisers tell us that the outbreak should peak during the next week or so and thereafter should begin to tail off. However, illness will still be common and the Scottish weather remains as unpredictable as ever at this time of year.

Of course, we in Scotland are not alone in suffering the effects of the illness; the pattern is repeated throughout the United Kingdom and in many other parts of the world, in Europe and the USA.

Why has this year's outbreak been so severe? Flu and flu-like illnesses are an annual occurrence, but this year a number of factors have combined. Flu comes in many strains. First, those suffering from flu are experiencing the debilitating

effects of the virus for far longer than normal—for as long, perhaps, as 10 or 12 days rather than the normal four or five. Secondly, the number of related respiratory viruses is contributing to severe chest infections, especially among the frail elderly and other vulnerable groups. As a result, pressure on the NHS has been exceptional.

The NHS expects the winter to be its busiest period. It plans and prepares for extra illness and colder weather. This year it has also planned—very successfully—for the twin challenges of the millennium bug and the biggest ever new year celebrations. Still, however, huge numbers of patients have been coming through the doors of our GP surgeries and hospitals.

I shall give members an indication of just how intense activity has been. In Lothian, there were 50 per cent more emergency hospital admissions in one week than in any previous seven-day period. In Glasgow and Ayrshire, admissions have been 25 per cent higher than would normally be expected. A similar pattern has been repeated all across the country. On top of that, the service itself has faced higher than normal levels of staff sickness absence.

Despite the exceptional pressures, the NHS is coping. It is managing and it is caring. That has been achieved through better preparation and contingency planning; increased resources; better co-operation within the service and between the NHS and other agencies; and, above all, the exceptionally hard work and outstanding commitment of NHS staff.

Let me talk about preparation. The Scottish Executive, health boards and NHS trusts have planned earlier and better for winter than ever before. Additional wards and more beds have been provided. For example, there are an extra 140 beds in Lothian this winter and an additional 50 beds have been provided in three hospitals in Argyll and Clyde. We have invested in more nursing home places. An extra 50 places are funded in Ayrshire and Arran and there are 11 new places in West Lothian.

Intensive care beds have been under severe pressure due to the nature of respiratory disease and the number of elderly patients who have been affected. NHS trusts have been managing the situation by putting in place contingency plans, including opening more beds. The priority has been to ensure that everyone who needs emergency care receives it. That is why, sensibly, many trusts planned ahead this winter to reschedule elective surgery over this period so they could concentrate resources on those most in need.

The level of intensive care beds is kept under constant review. Extra funding for more intensive

care beds was made available following the last audit of intensive care provision. We will continue to review intensive care capacity to ensure it meets Scotland's needs. The results of further audit are expected shortly and will inform future planning of intensive care provision.

Our approach is in line with the experience of health professionals. Dr Cameron Howie, president of the Scottish Intensive Care Society says:

"Across Scotland, intensive care units have been under sustained pressure to care for very sick people. We had expected an upsurge in work this winter, but the scale of the challenge has been unprecedented. Hospital teams are helping one another, and that includes the transfer of patients to receive the best care in other hospitals where necessary."

Medical teams have been working incredibly hard to manage the number of sick patients coming into hospital, and a proportion of them need our help. We will continue to work with others to review the intensive care requirement for Scotland and complete plans to organise resources using a 'bed bureau' information system."

Preparation has also involved ensuring that those who do not require hospitalisation are given the care that they need at home or in another setting. I have seen for myself the efforts of local authority social work departments in supporting vulnerable people in their own homes and in planning and working with the NHS at a local level.

The public, too, have played their part. Many heeded the advice issued locally and nationally to stay at home, keep warm, and help themselves with over-the-counter advice and remedies. They in turn have been helped and advised by community pharmacists across the country. Pharmacists, too, have responded magnificently to the extra demands that have been placed upon them and they have made a major contribution to tackling the situation.

A further element of the winter planning process was the flu vaccination programme. We have invested nearly £2 million in flu vaccination for vulnerable groups, provided free of charge through GPs, and targeted at the frail elderly and those with chronic disease. The chief medical officer issued guidelines to the NHS and to every GP in Scotland at the beginning of October advising them to take steps to immunise vulnerable groups, such as the elderly, against flu. The vaccine programme is paid for by the Scottish Executive and stocks have been supplied to GPs free of charge. Vaccine has been made available to GPs since the autumn and there has been no restriction on supplies.

Important as the vaccination programme is, it is essential to put it in context. I quote Dr Colin Hunter, chairman of the Royal College of General Practitioners Scottish Council.

"The Royal College welcomed the CMO's professional advice on the at-risk groups for flu vaccination issued in early October 1999. It gave clear, evidence-based guidance to GPs on those patients who would benefit most from being vaccinated. However, vaccination is not the complete answer, as many of the flu-like illnesses currently affecting patients in the community could not have been prevented by vaccination. Despite the exceptional pressure on GPs, nurses, pharmacists and hospitals, the NHS is coping well."

I will now deal with resources. The Executive has backed the NHS with record levels of investment—more than £300 million of additional money for the NHS in Scotland this year—and there will be further real-terms increases for the NHS for the next two financial years. In all, an extra £1.8 billion will be provided by 2002. It is not just a case of spending more; it is also a case of doing better. This is the first winter since the abolition of the internal market. The NHS has worked together to meet patients' needs as never before. This year, managers and NHS staff have worked in partnership for patients across regions, rather than in wasteful competition.

No one, least of all me, underestimates the pressures that the NHS has faced, and will continue to face, as a result of this record outbreak of illness. I pay tribute to the NHS staff who have been working flat out to ensure that patients' needs are met. They deserve our thanks and they will get our continued support.

The NHS has matched exceptional pressures with exceptional effort. It has coped with unprecedented levels of activity. It has ensured, and is ensuring, that everyone who requires emergency treatment receives it. However, I assure members that there is no complacency, either in the Executive or in the NHS. We can always improve. We can always get better. We can always learn from experience.

The problems caused by illness and flu will not go away quickly. It will take some weeks for the outbreak to subside, even if the number of new cases is now at its peak. This is a situation to be managed, not a crisis to be manufactured. The Executive will continue to work tirelessly with NHS staff across Scotland to ensure that the health needs of the people of Scotland are met now and in the future.

I welcome the opportunity to make this statement, and I will be pleased to answer members' questions.

Kay Ullrich (West of Scotland) (SNP): I thank the minister for her statement. Unfortunately, it raises more questions than it answers. Contrary to the minister's assertion, we have just heard yet more complacency and still more self-congratulation—and, of course, still no mention of a crisis. Is everybody out of step but our Susan?

The minister talks about the NHS coping. Will she have the humility to accept that the health service is coping only because of the dedication and good will of NHS staff—staff who are prepared to work back-to-back shifts—because retired nurses have been willing to come in to help out, because makeshift wards have been prepared and because of the widespread cancellation of non-emergency surgery? That is not what I call coping; that is what I call crisis management.

Can the minister explain why there was no nationwide public information campaign to encourage the take-up of flu vaccination? Why was the campaign to give advice over the holiday period so late appearing? It appeared on 29 December, when we were all wished a merry Christmas, and so inaccurate was it that it omitted to mention pharmacists.

On what recommendation was the vaccination campaign restricted to over-75s, when most countries vaccinate everyone over 65?

Can the minister explain the lack of intensive care beds throughout Scotland? That lack is illustrated by the fact that a seriously ill patient was driven from Inverness to Glasgow for an intensive care bed. A clinical director in Inverness has today said that she goes to bed praying that there will not be a major road traffic accident because the service would not have the intensive care beds to cope. Will the minister outline her plans for increasing the number of intensive care beds in Scotland, bearing in mind that their number has been cut by 27 per cent in the past two years?

Finally, given that the NHS in Scotland has lost around 1,700 beds in the past three years, will the minister give a commitment today that the Executive will ensure that funding is made available immediately, so that local authorities can fund residential and nursing care for the 2,000 elderly patients who have been assessed as being in need of that type of accommodation? Those 2,000 people now languish in acute NHS beds because councils do not have the funding necessary to provide the most appropriate accommodation.

Susan Deacon: We have to manage a serious situation that affects families, employers and the NHS in Scotland. In such circumstances, it would be helpful if the Opposition could engage in this debate responsibly and effectively. With regard to many of the points that Mrs Ullrich has raised, might I respectfully suggest that in future she listen more carefully to my statement and that she read her advance copy of it. Perhaps she would like to refer to what I have said in the *Official Report*, when it is produced.

I shall touch on some of the points that Mrs Ullrich raised, but on which I have not already

commented. First is the issue of an information campaign. This might come as a surprise to the Scottish National party, but we live in a devolved Scotland—sometimes we organise things differently here. The NHS in England—to which Mrs Ullrich has repeatedly referred recently—organised a campaign around its arrangements for NHS Direct. We will introduce NHS Direct in Scotland this year, and it will be designed to meet Scotland's needs.

We have put in place information arrangements to meet Scotland's needs at local and national level. At local level, local health boards have arranged newspaper advertisements, leaflets and posters, and pamphlets have been delivered through doors. That has been supplemented by national advertising. If the SNP has a problem with our doing things differently in Scotland, it is, perhaps, about time the Scottish people were told that.

Mrs Ullrich mentioned pharmacists, as did I in my statement. Rather than ask members to believe me, I will quote from a letter to me from George Romanes, who is chairman of the Scottish Pharmaceutical General Council. The SPGC represents the whole pharmacy profession in negotiations with the Scottish Executive and is involved in setting standards for the profession. Mr Romanes said:

"Adverse publicity has been misplaced, misleading and unhelpful . . . Our profession has striven to make the storage and distribution of vaccine a seamless process and has been aided in its promotion through the use of information leaflets, posters and professional knowledge."

The Executive has worked with pharmacists and other groups throughout the process and we will continue to work with them in future for the benefit of patients.

I also covered intensive care unit beds in some detail in my statement. As I said, that is a matter for sensible planning on the basis of professional advice so that we meet the needs of the people of Scotland—[*Interruption.*] I am attempting to answer the omnibus question that I was asked by the SNP's spokesperson and I will continue to do that.

We have heard many comparisons with the number of ICU beds 10 years ago. A more relevant comparison for me is with the number of beds in 1997, since when there has been a 13 per cent increase in the provision of intensive care beds. I hope Mrs Ullrich appreciates that I will not be held responsible for the actions of the Conservatives. We will continue to plan provision effectively for the future.

I have said throughout that we are facing an exceptional situation in Scotland. There are exceptional pressures on the NHS. I have

recognised that the NHS has been able to cope not least because of the unparalleled efforts of NHS staff. I do not believe that the morale of staff, or the interests of patients, is best served by the extremes of language that we have heard from the SNP. Words such as crisis, chaos and shambles do not describe the NHS in Scotland. That is not the language that I will use.

Mary Scanlon (Highlands and Islands) (Con):

I do not want the minister to take responsibility for what the Conservatives did in relation to the NHS; I want her, for once, to take responsibility for what Labour is doing to the NHS. Labour has been in government for three years and it is time it started to take responsibility.

The minister says that there is no crisis and that the problem is being addressed. That is because of the good will and hard work of NHS staff. Labour cut 670 beds in Scotland in its first year in government and, last year, the British Medical Association described Edinburgh's accident and emergency department as a war zone. Surely some lessons should have been learned from that, yet at one point this year Inverness's nearest intensive care bed was in Birmingham.

Many flu cases are unreported, which renders the minister's figure of 793 cases per 100,000 meaningless. Flu is at twice epidemic levels in Scotland, compared with English figures. On that basis, the minister's assurances are less than worthless.

I have asked 10 written and oral questions. I have repeatedly mentioned winter pressures and bed blocking in debates, yet the minister has never addressed those issues. I asked my first question on 10 June, yet we still have this arrogant, complacent and scornful dismissal of anyone who dared to ask the minister about those issues in anticipation of this crisis.

Why was the flu vaccine slow to arrive at GP practices? Why do GPs in England receive a payment for administering the vaccine, yet GPs in Scotland receive none? This flu has not brought the health service to its knees. The flu has proved that the health service is on its knees. It has proved that the NHS in Scotland is not safe in Labour's hands.

How much longer will patients have to wait because their operations have been cancelled so that the crisis can be coped with? When will the minister address the 2,000 beds in Scotland that are blocked by patients who should be cared for in the community?

Given her arrogant and complacent response to those concerns, will the minister now apologise to the people of Scotland? Will she break the habit of eight months and, as she said in her statement, listen and learn from this experience by working

with health professionals to set out a clear prevention strategy to deal with winter pressures in future years?

Susan Deacon: It is always easier to trade in personal insults than it is to engage in the real issues. There are few people throughout Scotland who can take seriously the comments of the Tory party in Scotland when it suggests that it has the interests of the NHS at heart.

Phil Gallie (South of Scotland) (Con): We built the health service.

Susan Deacon: Perhaps Mr Gallie should be reminded of history. It was a partnership between a Liberal, William Beveridge, and a Labour MP, Nye Bevan, which built the health service. That same partnership will take the NHS forward in the 21st century. We will engage in issues effectively and we will take actions, rather than just mouthing words.

I am lectured by Mrs Scanlon on learning lessons. The planning and organisation that went into preparing the NHS for this winter were based on just that—learning lessons from previous winters and, at a national level, learning lessons on how to manage the health service. That will be done not by squandering millions of pounds on needless and divisive bureaucracy, but by investing in an NHS that works in partnership.

I have seen partnership working at close quarters. If they have not already done so, I recommend that members go to their local trust and see for themselves the partnership working between hospitals and NHS trusts in the newly reorganised NHS—all of which has benefited patients.

I will address the issue of flu vaccine, which Mary Scanlon has raised once again. I make a plea—not for the first time—that Mrs Scanlon get her facts right. The system in England for the supply of flu vaccine—which is entirely different from the system in Scotland, as indeed are the arrangements for the supply of drugs and medical appliances—does not involve payments to general practitioners. GPs in England purchase the flu vaccine and are reimbursed by the Department of Health. Because GPs themselves negotiate the purchase arrangements for the flu vaccine, that can involve a surplus being generated. In contrast, we here in Scotland purchase the flu vaccine centrally. There has been no problem supplying stocks to GPs on request.

We will continue to look at ways of improving the arrangements for the flu vaccination programme; we will continue to look at ways of planning better for winter. We will do that by working with GPs and other health professionals, and we will always be guided by what is best for patients and by what are the right arrangements here in Scotland.

Robert Brown (Glasgow) (LD): Will the minister assure us that she is now confident that the crisis is under control and that the downward tendency that we have seen in the figures will allow the NHS to cope in future weeks? Given that any organisation of the NHS will have to deal with ups and downs of flow and demand, can the minister assure us on two particular aspects of pre-flu vaccination?

In her statement, the minister referred to the health service itself suffering from

“higher than normal levels of staff sickness absence.”

Was a flu vaccine made available to medical staff? Were arrangements made for that to be done throughout the country?

Is the minister satisfied with the arrangements for making the vaccine available to the elderly? Is she satisfied that the campaign to ensure proper take-up across the country was adequate? Criticisms have been made about that.

Susan Deacon: I will deal first with Robert Brown's point about where the service is now. As I said in my statement, the medical and scientific advice suggests that the number of new cases will peak this week but—for the reasons that I gave earlier—there will be high levels of illness and therefore high levels of pressure in the service for a number of weeks.

I believe that the service has planned effectively to deal with the pressure. The contingency plans that have been brought into play in recent weeks are evidence of that. I have visited several NHS hospitals and community facilities in recent weeks and I have seen the evidence that the service is continuing to manage the pressures to ensure that those who require emergency care and treatment receive it.

When considering NHS staff and vaccination in general, it is important to stress that our policies on vaccine programmes are guided by clinical advice. There is a United Kingdom expert advisory group on immunisation and vaccination. It advises us and the three other UK health departments. That advisory group has concluded that there is no conclusive evidence that vaccination of NHS staff would be beneficial to staff or patients.

Indeed, the group has said that it is inadvisable to vaccinate healthy people who are not in at-risk groups. We will ask the group to reconsider the issue and we will continue to review our practices, but we will act on the basis of clinical advice.

Mrs Scanlon mentioned the age group that is recommended in the chief medical officer's advice. This is not a decision made by politicians, but one that is based on the advice we receive from the expert group and the chief medical officer. We will examine continuously how we can improve in the

future. I am happy to echo Dr John Garner, the chairman of the British Medical Association in Scotland, when he says that he wants to work together across NHS professional groups, with the Government, to ensure that we get better in the future. I will work for improvements with a range of professional bodies. Nevertheless, the service is managing well with the current situation.

Maureen Macmillan (Highlands and Islands) (Lab): What impact will the flu outbreak have on resources in the NHS in Scotland? What steps are being taken to ensure that the outbreak has no continuing effect on other treatments?

Susan Deacon: Maureen Macmillan raises an important point. We know that many of the winter arrangements were planned, but we also know that because of the increased incidence of illness, many NHS trusts have had to extend their contingency planning arrangements for longer than expected. It is too early for us to assess the impact of that, but we will assess it carefully and work with the NHS across Scotland to plan for the provision of the service now and into the future. The fact that we are doing that in the context of a period of record levels of investment in the service will assist us to plan effectively.

The Presiding Officer: We must protect the time for this afternoon's shortened debate. As we have a second statement I will not be able to call any more members. Shorter statements and shorter questions would enable more people to be called.

Hampden

15:08

The Minister for Children and Education (Mr Sam Galbraith): With permission, Presiding Officer, I would like to make a statement.

On 16 December last year, I made a full statement to Parliament setting out the background to the financial problems surrounding the redevelopment of Hampden and details of the rescue package that had been negotiated over several months.

I remind members that the redevelopment of Hampden was a millennium project and that the Scottish Office was a minor funder, whose financial contribution was agreed in 1996 when the previous Conservative Administration was in power. Because of the importance of Hampden to the nation, the Scottish Executive has played a key role, together with the Millennium Commission, in seeking to broker a rescue package for the project.

The construction phase of the project has resulted in Queen's Park Football Club incurring debts in excess of £6 million, which it is unable to pay. When I made my statement in December, I made it clear that negotiations on the package were not complete. However, we believed that final agreement on all elements of the proposed rescue deal would be reached within a matter of days and that the various parties involved would enter into legal agreements formalising the arrangements. The rescue package and the associated legal agreements are complex and problems and complications arose in processing that level of detail.

The situation has been made more complicated by the decision of the directors of Queen's Park to petition the court on Monday of this week for an interim administration order in respect of the company and for the appointment of managers ad interim. An interim order was granted and two partners of Arthur Andersen—a firm of chartered accountants—have been appointed as managers ad interim. We understand that the appointment will be effective from Friday, for a period of eight working days. The ad interim managers have already started work on assessing the club's financial position and the state of play of the negotiations over the rescue package.

We have noted that the club's petition to the court claims that the company is at present insolvent and that, because of creditor pressure and a lack of working capital, it needs a moratorium to allow it to obtain the necessary agreements and to pursue discussions with a

variety of parties. We also note that the petition states that the company believes that, subject to the right arrangements being put in place, it can have a viable future. The future of the company is now, to some extent, in the hands of the court. However Scottish ministers remain willing, in principle, to participate in any arrangements that are based on those that were previously agreed for the rescue of the stadium and, subject to other matters being sorted out, Queen's Park Football Club.

Whatever the arguments may be surrounding the appointment of managers ad interim, we are approaching the situation as a further opportunity to progress the negotiations over the rescue deal within a constructive and objective framework. The consultants who are acting for the co-funders had a useful meeting with the interim managers yesterday. We hope that a rescue deal remains a realistic option that can be achieved in the near future. The continuing difficulties in concluding the deal have reignited debate about the need for, and the viability of, Hampden and the future management arrangements.

A modern stadium with excellent facilities has been built. Surely everyone wants it to be put to good use. The imperative now is to complete the deal so that the new management arrangements can be put in place. I commend this statement to the Parliament.

Nicola Sturgeon (Glasgow) (SNP): I thank the minister for updating Parliament so promptly, following the latest turn of events in the long-running Hampden saga, although I am sure that he will agree that many of the details surrounding the current situation remain outwith the public domain. I share the sentiments of the minister's concluding remarks. On behalf of the Scottish National party, I sincerely wish him well in bringing the matter to a satisfactory conclusion and in securing the future of the national stadium. However, there are legitimate questions to be asked on how we have come to be in this position, and on why the Executive seems, yet again, to have been taken by surprise by the turn of events.

Why were the actions of Queen's Park, on Monday, such a bolt out of the blue to the minister? If Queen's Park was on board with the rescue package on 16 December, and if the minister was keeping in close contact with the negotiations between then and now, why did he not foresee the actions of Queen's Park? Is it a more accurate interpretation to say that there has always been a question mark over Queen's Park's agreement with the details of the rescue package, that the minister's statement to Parliament on 16 December was premature, and was perhaps brought about by the pressure on him to say something to Parliament, and that he was simply

keeping his fingers crossed and hoping—in vain, as it turns out—that Queen's Park could be brought on board in the agreement?

The statement that was issued by Queen's Park two days before the minister's statement, which said that, in its view, there was no agreement, suggests that that latter interpretation might be the truth of the matter. Either way, does the minister accept that the handling of the matter has left a great deal to be desired, and will he tell the Parliament whether there is a plan B? If there is such a plan, what is it?

Mr Galbraith: Somewhat uncharacteristically, Nicola Sturgeon started off rather well, on behalf of the nationalists, and was being constructive and conciliatory. I was about to welcome the changed tone and nature of her speech. However, true to form, she let her guard slip and, once again, she resorted to her usual standard of abuse. I accept that such accusations of incompetence and incapability are the meat and drink of politics, but I always wait for the constructive part that usually follows. I am still waiting in this case and I fear that I shall have to wait rather a long time.

We negotiated the deal in good faith. I made a statement to Parliament in December, partly in response to demands from the nationalists that I do so. If subsequent events have taught me anything, it is that I was right not to want to say anything about the subject too early. The complex negotiations are best discussed in private and I will stay with that position until a conclusion is reached, whereupon I will be pleased to come back to the Parliament to give a full presentation.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the minister for his prompt attendance to deliver the emergency statement. However, there is a sense of "Play it again, Sam," not just because he has to come before us yet again, but because there is not a great deal of content in what he tells us.

On 16 December, the minister told us that the extra costs on agreed projects through increased specifications added to the overall cost. We were told that additional works that were not part of the original project added to the cost and that accelerated costs because of the holding of the May 1999 Scottish cup final in the stadium also caused the cost to increase. However, we do not know who agreed to allow those costs to go up. We still wait to hear that.

Like Nicola Sturgeon, I am concerned about the fact that the events came as a shock to the minister. We read in the papers the day after the minister gave his statement that Queen's Park questioned the nature of the rescue package. Even at that early stage, alarm bells should have been ringing, as they should have been last week

when stories appeared in the papers suggesting that the club was unhappy. How can the minister be surprised at the actions of the club?

Will the minister reassure us that the deal has not failed because of the reported shortfall of between £85,000 and £100,000? That story—in common with many stories about the stadium—has reverberated through the media without our having any way of knowing whether it is true. Does he agree that, if the story is true, the directors of Queen's Park should put their hands in their pockets to find the necessary money as, although they will be leasing the stadium to the Scottish Football Association, they will be in ownership of a stadium of which we can all be proud?

Will the minister further assure us that no further public funds will be made available beyond those that he has already negotiated? If the rescue package fails, will he make available to Parliament the consultants' report that he has—understandably—kept confidential for commercial reasons? If the rescue package fails, we are entitled to know what went wrong and what is in the report. That will let us know why such a disaster befell us.

In his statement, the minister said that Queen's Park took the action that it did because of pressure from creditors. It would be useful to know whether the creditors were involved at any stage of the rescue package negotiations. If they were not, that would explain why the action was taken and why it came as a surprise to the minister.

Mr Galbraith: If I had a hair on my head for every time I had heard the phrase, "Play it again, Sam," I would not be bald—and neither would Mr Monteith.

Mr Monteith raised some specific points. The board of National Stadium plc authorised the additional work to be carried out by McAlpine. Mr Monteith also asked about the shortfall in the money that is supposed to be in place, but no one, including Queen's Park, has any idea where that story came from. As the Executive has not been asked to provide more funds, and it is our understanding that we will not be, it is not necessary for us to do so.

As members know, I have tried to make available all the information: what we are responsible for, what we put in, the management arrangements and so on. Mr Monteith will appreciate that when private companies give the Scottish Executive confidential information, they must be able to trust us with that information. That also applies to inward investment; I am sure that he understands that. Within those parameters, I will be willing to make available everything that I can once the matter has been settled.

Mr Monteith has been supportive of what the

Executive has been trying to do with the Hampden project, and I am grateful to him for that. I assure him that I will keep him as up to date as I can, although it is my desire, from now on, to conduct the negotiations in private. Parliament will be suitably informed when anything of significance happens or the deal is concluded one way or another.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): On behalf of the Liberal Democrats, I thank the minister for his statement.

During the past century, Hampden became a focus—cynics might say the only popular focus—of Scottish national identity. It has a special place in my heart: I may be the only member of this Parliament who has been ordered off at Hampden. The circumstances are not as bad as that might sound, but it is a true story.

Does the minister agree that, across Scotland, there is a strong sentimental attachment to Hampden Park and to Queen's Park Football Club, although not at any price? Does he further agree that, in such negotiations, it is unwise for anyone to paint themselves into a corner, or for there to be no flexibility? Will he give members an unqualified assurance that he will act firmly but undogmatically in the matter, and that he will do his best to achieve the kind of resolution that members have asked for?

Looking to the future, will the minister tell the chamber what he believes to be the status of the stadium's business plan?

Mr Galbraith: I am grateful to Ian Jenkins for his constructive and helpful comments. He expressed an opinion that is widespread in Scotland—that Hampden is important for the nation and that it is more than just a building, as it represents some other iconic relationships. However, there are people who did not wish to rescue Hampden, although we did not face that view, as the previous Conservative Government took the decision. We were left trying to resolve the problem of huge debts. We have worked hard to do that and we are almost there. It is my intention to resolve the problem in a way that secures not only the future of Queen's Park Football Club—Scotland's oldest club—but that of Hampden.

Before we even considered putting in any money, part of the deal was that the stadium must have a viable business plan. That subject has been examined in great detail and a viable business plan is in place. This is a commercial exercise—the private company that will deal with the stadium will have to make money, and a business plan is in place to do that.

In order for there to be a national stadium which can survive, which makes a profit and which is a viable business, the Scottish Football Association

has to run it, as it constitutes more than 50 per cent of the business plan. Without the involvement of the SFA, there is no viable Scottish national stadium. That is partly the reason why the SFA has been asked to manage the stadium.

Mike Watson (Glasgow Cathcart) (Lab): I echo Ian Jenkins's comments about the considerable symbolic significance of Hampden Park, which is why I welcome the minister's statement. However, no doubt he will agree that it is about time that people began to pull together for Hampden. The sniping that we have seen from the Tories and the SNP in the media over the past two days is not helpful, notwithstanding their comments today. It is about time that we moved forward jointly. Hampden is—or should be—a national treasure.

Did I hear the minister correctly when he said that no further public money would be provided and, indeed, that none had been asked for, despite the developments of the past two days? Will he confirm that, contrary to some newspaper reports, the £2.2 million that he announced in December as being a key part of the rescue package remains on the table and will remain a key part of that rescue package when it is finally concluded?

Mr Galbraith: The negotiated deal will be the basis for taking those matters forward. The money is on the table, but not one penny will be paid out until the deal is signed and sealed. That is the important aspect. Many agree on the iconic nature of Hampden, but there are some who do not.

Dennis Canavan (Falkirk West): I realise the important historical contribution that Queen's Park Football Club has made to Scottish football, but is it not an anachronism that in this, the 21st century, the national stadium should be the property of one third division club, whose directors seem to be trying to hold the SFA and the Scottish Executive to ransom? Bearing in mind that more than £40 million of public money, including lottery money, has already been invested in the project, will the minister seek a solution involving at least partial public ownership, so that the people of Scotland will have a stake in their national stadium?

Mr Galbraith: The arrangement is not the responsibility of the Executive—it was set up under the previous Administration. I cannot remember Mr Canavan's views at that time, although it would be unlike him not to have had a view and pronounced on it. It is an unusual circumstance that an amateur third division club should own Scotland's national stadium, but the reality—and the legal position—is that Hampden is owned by Queen's Park Football Club. We might not like it, and we might want it some other way, but short of theft, it belongs to the club and we cannot take it away. What we have to do is—

Tommy Sheridan (Glasgow) (SSP): Nationalise it.

Mr Galbraith: I know that Tommy wants to nationalise the bank and the top 200 companies, but most people who put their hands up for that are in new Labour now, as Tommy will be one day, so that is okay.

My job is to take what we have at the moment and ensure the future, not just of Queen's Park Football Club but, most important, of all the stadiums in this country. The deal is on the table, and I am working towards achieving that in the near future.

Mrs Mary Mulligan (Linlithgow) (Lab): The minister referred to the financial difficulties that Queen's Park seems to suggest are the reason why it is backing out of the deal. However, it has been suggested that another issue was that the SFA was to take over the management of Hampden. Will the minister comment on that and tell us why the co-funders took the decision that the SFA would manage the stadium?

Mr Galbraith: It is not quite true to say that Queen's Park has backed out of the deal. I understand that it still wants the deal—that is its decision. To protect its own interests, it went into temporary administration. Hampden will still be owned by Queen's Park, and the SFA will take it over as a lease and run it. It will pay rent to Queen's Park—the sum of £200,000, index-linked, and guaranteed every year for 20 years—and Queen's Park has the use of the stadium and no overheads.

Part of the reason why we think that the SFA must take over is that without the SFA, there is no business plan. The SFA is more than 50 per cent of the business plan, and without it, the plan is not a viable option. It has assured us that it will set up a wholly owned subsidiary to run the stadium, whereupon it will bring in the expertise for running the national stadium as a separate company. We think that it is correct that the national stadium should be embedded in the governing body of the sport and that in the management arrangement we have a good plan, which the administrator will be considering. I hope that it can be taken forward.

Fiona McLeod (West of Scotland) (SNP): Given the millions of pounds of public money and the intense public interest in Hampden, does the minister really still believe that it is best practice for the Government to continue to negotiate Hampden's future behind closed doors? As recently as yesterday, such a meeting was held with the interim managers, and it continues to be the Executive's position as restated by the minister today. That gives no accountability to the public or to this Parliament.

Does the minister not think that secrecy may

have contributed to the embarrassment in which he finds himself today? Will he acknowledge that he might have got the handling of this sorry saga badly wrong? In admitting that failure, does he accept that this Parliament and its Education, Culture and Sport Committee must be given the co-ordinating role in securing Hampden's future as our national football stadium?

Mr Galbraith: I think that the response by the rest of the Parliament probably answers that rather threapy question. It is the role of the committees to give advice and assistance to the Executive and, more important, to hold it up to scrutiny. However, the idea that the committees are the Executive is complete and utter nonsense. The idea that a committee of this Parliament should sit down with the bankers, lawyers, co-funders and contractors and negotiate a deal is probably one of the most stupid suggestions that I have ever heard from the SNP in my time. If that was the constructive comment that I have been waiting for, I should not have bothered waiting.

Mr John McAllion (Dundee East) (Lab): Is it not incredible that so much public money should be invested in a privately owned and controlled asset, and thereby left exposed to the whims of company directors who control and own the asset? Surely this whole sorry saga gives the lie to those who argue that questions of public ownership no longer matter in this day and age.

Does the minister agree that if there is to be a national stadium, built largely with public money, that national stadium should be under at least a degree of public ownership and control? Surely we have an opportunity to turn Queen's Park's difficulties into the people's opportunity by extending the degree of public ownership and control over the national stadium. That is what the fans and the people want, never mind what this Executive wants.

Mr Galbraith: I am grateful to John McAllion for his contribution. John and I have worked together closely on many projects throughout our political career and I take his words—

Phil Gallie (South of Scotland) (Con): Is he new Labour now?

Mr Galbraith: John McAllion is more new Labour than I am. [*Laughter.*] Remember, I am the person who was expelled from the Scottish Labour party by Alex Neil for being too left wing. [*Laughter.*]

I say to my honourable friend that this was clearly not the best arrangement. It is obvious that it could have been set up only under the previous Conservative Government, for which I cannot take any responsibility. We would have hoped to do things differently.

Ms Sandra White (Glasgow) (SNP): If I had a pound for every time that Mr Galbraith or a Labour member of the Executive blamed previous Governments, I would be a millionaire. I have plenty of hair, so Mr Galbraith need not mention that. Is it not time that the Executive stopped tossing about that argument and considered something constructive? Mr Galbraith is constantly saying that he has not heard anything constructive. Perhaps my question will be and he will be able to give me a constructive answer.

I have taken on board Mr Galbraith's comments and what he said about the SFA, but I feel that the other members' comments have also been constructive. Does the minister agree that, whatever happens over the next few days, what is required so that the public can be satisfied that their money is being spent wisely is an open and above-board competitive tendering process—something that new Labour is very much in favour of? Does he not think that that would be much fairer than the SFA's being the only organisation involved in the tendering process?

Previously I asked the minister about the differences with local government and about how the SFA had managed to get itself into this tendering process. If he agrees with me, can he advise Parliament how that will affect the SFA's ability to compete, given that until now it has been the only organisation to be given access to ministers, co-funders' meetings, the business plan and the consultants' reports—in fact, access to everything to which we in this Parliament have been denied access? That is a constructive question, and I hope that Mr Galbraith will answer it constructively.

Mr Galbraith: I am grateful for the constructive way in which that contribution was made. I am particularly delighted to note the nationalists' conversion to competitive tendering. That is most interesting, but consistency was never a feature of their party, so there is no reason why it should be present on this issue.

I presume that Sandra White means competitive tendering to run the stadium.

Ms White: Open tendering.

Mr Galbraith: The stadium is owned by Queen's Park. Unless we steal it from the club, there can be no competitive tendering. Confiscation might be a new SNP policy—I realise that SNP members make it up as they go along.

I thought that I had made this clear, but I will do so again. The reason why the SFA has been asked to run the stadium is that without the SFA there is no business plan for the stadium. The SFA represents more than 50 per cent of the business plan. Therefore, we think that it is correct and proper to ask the SFA to run the stadium. Also, it

is proper that a truly national stadium should be embedded in the structures of the governing body. Those are the overwhelming reasons why the SFA should run the stadium.

John Young (West of Scotland) (Con): Assuming, as we all hope, that an agreement is reached, does the minister believe in his heart of hearts that Hampden is a viable proposition, bearing it in mind that we also have Ibrox and Parkhead? As far as I know, Glasgow is the only city in Europe that will have three stadiums with capacities of roughly 50,000.

Mr Galbraith: We are taking special care of Glasgow. It is getting three stadiums when everybody else has to make do with two.

I think that Hampden is a viable stadium. We always said that we would put no money into it until it was clear that there was a viable business plan. All the advice that we have received from our business consultants and the bankers who are closely involved in the rescue deal is that the business plan and Hampden's commercial future are viable.

Mr Kenneth Macintosh (Eastwood) (Lab): I thank the minister for his statement, and I thank him and his team for their work. I know that they have put in huge efforts to rescue the stadium from this debacle, despite the fact that the Executive has not had a major funding role.

However, there are a number of concerns. Although I do not agree with what Fiona McLeod said, I believe that the Education, Culture and Sport Committee has a role to play. Will the minister assure me that when negotiations are completed and a deal is finally settled, he will come before the committee to answer questions such as why Queen's Park has been put in charge of £65 million of public—not Government—money, and why the SFA has been given the role that it has?

Mr Galbraith: The committee has an important role in scrutinising what the Executive has done. It is particularly useful, as it can call in other parties. I urge the committee to do that and to pore over the arrangements. I will be only too pleased to come before the committee and to give a full and frank account of what I have done in my role. Although we have taken on an important role, we are not the negotiator, and many others are involved. I can be answerable for my role and for what the Executive has done. I will be more than happy to come to the committee once the negotiations are complete, one way or another.

What I do not want is to have negotiations in public. Recent events should tell us that the best place for them to take place is in private.

Children and Young People

The Presiding Officer (Sir David Steel): We now move to the main debate, which is on motion S1M-406, in the name of Mr Sam Galbraith, on children and young people who are looked after by local authorities, and on an amendment to that motion.

Because of the two ministerial statements, even with a four-minute speech limit, there is no way in which the Presiding Officers will be able to call all those on the list of members wishing to speak.

15:39

The Minister for Children and Education (Mr Sam Galbraith): In this debate—in which I will truncate my speech—I wish to consider the policies that are in place to help improve the lot of looked-after children. We can then look forward to some future developments that will make a difference in raising the status, self-esteem and life chances of those young people.

It is a constant theme of our commitment to improving our society that every child and young person matters. If anything, that commitment applies even more to children and young people who are looked after by local authorities on a statutory basis.

About a year ago, as a Scottish Office minister, I attended a conference in Perth, which Cathy Jamieson will remember, on looked-after children. The conference, which opened with presentations from the young people, remains vivid in my mind. I remember the words of one contributor:

"to sleep with the wind in my hair and a dream in my heart".

That was all she wanted. I am determined to give those young children that and even more.

I want every child to have the best possible start in life, equal access to high-quality support and services and every opportunity to realise their full educational, social and economic potential. Looked-after children should be no different from any other children or young people who are being brought up in their own families, whoever they might be. Let us never forget that we are their corporate mums and dads and that, all too often, we fail them.

The harsh reality is that many, though not all, looked-after children and young people are simply not achieving their potential or getting the quality of care, protection and support that they need to develop like other children. They might be looked after, but they can also be badly looked after.

Let us consider some of the facts. Looked-after

children make up less than 1 per cent of the child population. However, despite the fact that that figure is so small, growing up in care does not usually have good results. Up to 75 per cent of such children leave school with no qualifications; less than 20 per cent go on to further education; less than 1 per cent go to university; and between 50 per cent and 80 per cent are unemployed between the ages of 16 and 25. Those children are more likely to go prison and to have a child as a teenager. Even in care, children have not always been cared for and protected. Some have suffered great abuse at the hands of their carers.

At any one time, around 11,000 children and young people in Scotland are looked after by local authorities, which spend more than £150 million each year on those children through social work budgets alone.

Over half of all looked-after children are looked after at home, which means that they will be under a supervision requirement from a children's hearing, on grounds of either care and protection or offending. There should be a package of support and regular reviews to monitor progress made by the young person who is living within his or her family setting.

That is why I can announce our decision to commission a major research study into the quality and effectiveness of home supervision across Scotland, which will be undertaken over the next two years and will cost about £80,000. Its results will help us drive forward policy in an important but under-researched area.

Children and young people who are not on home supervision might be looked after in a foster care setting. There are around 2,500 young people in foster care every year in Scotland, and I have been particularly keen to see that service expand. We should do more to promote fostering so that every child who might benefit can have equal access to the service, no matter where they are in Scotland. I will say more later about extra money to develop that service.

There are around 2,000 residential places in Scotland for children and young people who have to live away from home. They are often the most vulnerable and damaged young people in our society and need the highest-quality care and support that we can provide. That is why, on 1 December, I announced that we have awarded a grant of more than £3 million to a consortium led by the University of Strathclyde to develop new high-quality training programmes for residential child care workers in the years ahead. A statistic that I always quote with some shame is that 80 per cent of people who look after children in residential homes are unqualified.

The consortium includes Robert Gordon

University, Langside College in Glasgow, Save the Children and Who Cares? Scotland. I am particularly pleased that Who Cares? Scotland is involved, as that will ensure that the views of young people in residential care will help shape the development of the initiative.

Some groundwork has been carried out on reviewing the use and effectiveness of secure accommodation; that work was undertaken by a national planning group, which produced a brief report in July last year. However, much remains to be done, and a number of important issues must be tackled to develop a more coherent and strategic approach than we have managed so far to the use of secure accommodation and its alternatives.

For that reason, I announce the setting up of a secure accommodation advisory group, with the participation of representatives from secure units, directors of social work, members of children's panels, chief police officers, representatives of the Scottish Prison Service and others with interests in criminal justice. I will seek an early report on some key issues, including the capital development programme, the scope for specialist units and the question whether we need a new mechanism to monitor the supply and demand patterns of admissions to secure places.

All I have said so far touches directly on the extremely challenging and complicated work undertaken by local authorities. They are the corporate mums and dads, and their elected members have, in my view, no graver responsibility than to ensure that they know about the quality of care and support that their young people receive.

As indicated in our white paper, "Aiming for Excellence", published in March last year, I want to set up a strategic framework for children's services. That will highlight the services that are needed most by the most vulnerable and damaged children and young people in our communities. That proposal is not an extra layer of plans: the strategic framework can be contained within children's services plans. It focuses on key indicators that will help policy makers at national and local levels.

Today, I am launching formally a consultation exercise on a draft strategic framework, to which I expect responses within the next three months. I hope that the Education, Culture and Sport Committee will be particularly interested in considering what we have to say, and will let me have its views.

I want the strategic framework to come into operation in the year from April, although the first full-year reports on the various targets and measurement indicators will not be presented until

another year. We are starting a first phase. If our consultation produces a consensus among local authorities that they can move faster to include more extensive or detailed performance measures on a broader range of services and report accurately on them, I will be delighted to review the scope of the exercise.

Extra resources are going towards children's services. I launched a three-year development fund for children's services as part of the local authority grant settlement from 1999-2000 onwards. Last year, we made available £9.2 million for an expansion of foster care, for increased advocacy services for children who are looked after away from home and for extra input by social work departments into our sure start Scotland programme.

I can confirm that there will be an extra £3.3 million: the fund now stands at £12.5 million for the financial year beginning 1 April. I will suggest to authorities that £2.5 million of the increase should be directed to improving information technology support for care planning, to encouraging further work on specialist fostering and to enhancing through care and after care services for young people when they leave care.

I have been very heartened to learn from local authorities that we are close to having a network of children's advocacy services. I would like those services to be developed further, and have therefore decided to earmark £800,000 to encourage an extension of the service to include children in foster care.

I will conclude with a few words on care leavers. In our social justice targets, we have already publicised our desire for all care leavers to get standard grades in maths and English by 2003. That is a tough target from our present base, but all it means is basic literacy and numeracy—surely we must try to achieve that. We have linked that target to a supported accommodation package for leavers.

I shall comment on our proposals for transfer of Department of Social Security resources to local authorities to create a more unified approach to supporting young people leaving care—the main thrust of the nationalist amendment. It is a complicated area and we see merit in a more unified funding approach. We consulted widely on our proposals and there was majority support for the principle.

I am determined, however, to ensure that we get the right level of resources transferred and that all the implementation issues are carefully examined in advance. I have therefore set up a working group of all those involved to consider the operational changes that are necessary. No changes will be take place until that group has

been able to consider the initial results of the current research into present care provisions. I therefore ask Parliament to reject the nationalist amendment.

I hope that, by highlighting the essential aspects of our policies on looked-after children and young people, I have left members in no doubt about our commitment to driving up standards for those young people. That promise must be at the heart of our social justice policies and targets. If it is not, we will have failed to deliver the kind of future that we all want for every child and young person in Scotland. I repeat that all of us are their corporate mums and dads. We must ensure that they have the same benefits as our own children. We simply cannot fail them any longer.

I move,

That the Parliament endorses the important action being taken to improve the quality of care and support for every child and young person looked after by local authorities; supports strengthening key services for those young people through extra resources to develop more integrated approaches to their needs, new performance measures to highlight actual outcomes for each child, especially those leaving care, and research to evaluate how well those looked after at home are supported, and recognises the importance of ensuring that each and every child or young person looked after by local authorities can share fully in the benefits of education, health and social justice programmes.

15:52

Nicola Sturgeon (Glasgow) (SNP): The Scottish National party welcomes today's debate. As the minister himself said, it is a shameful fact that children and young people who are looked after, or who are leaving care, form one of the most socially excluded groups in Scottish society.

The recently published report of the excluded young people action team, which was set up as part of the social exclusion strategy, commented that

"it is not uncommon for young people leaving care to lack basic skills and knowledge, like how to maintain a tenancy or cook for themselves, as well as lacking basic literacy and numeracy skills."

Surveys conducted by the Scottish Council for Single Homeless and other groups show that between a fifth and half of young homeless people have previously been in care. For far too long, those young people have been left to exist on the margins of our society. They deserve, at long last, to have their needs and interests shunted up the political agenda.

In effect, as the minister said, the state assumes the role of parent in the case of looked-after children. Our objective must be to ensure, as far as possible, that those children and young people are afforded the same level of care and the same

opportunities in life as children who are brought up at home by their own parents.

Much of the action that the Executive has already taken and the announcements that the minister has made today have the support of the SNP, as does the additional funding available through the children's services development fund. However, although that money is extremely welcome, it is earmarked largely for the new initiatives that the minister outlined. I appeal to him to recognise the financial difficulties faced by core children's services in many local authority areas.

I welcome the strategic approach that the minister outlined. It is important that the approach is strategic as opposed to piecemeal—the kind of approach that was taken immediately after the Kent recommendations. A strategic approach is important, and that is what the first part of the SNP amendment addresses. We will respond constructively to the draft consultation on a strategic framework.

The minister made a number of helpful comments and announcements. I shall pick up on one or two specific points. First, he made several valid comments about the numbers of staff working in residential children's homes without qualifications—a shocking 80 per cent across Scotland. In some local authority areas, the situation is even worse, with the proportion of unqualified care workers increasing rather than decreasing. The minister is absolutely right to identify that as an area for priority action, but I ask him to consider—in the fullness of time—going even further than he announced today.

Alongside the training initiatives for workers in residential homes, the Executive has stated its desire to take children out of residential homes and place them with foster parents, a move with which most people in Scotland would agree instinctively. However, there is currently no requirement for prospective foster carers to undergo training and the support that is available to carers is generally considered inadequate. There is a strong case for placing the training and inspection of foster carers, as well as of fostering agencies, under the aegis of the commission for the regulation of care. I hope that the minister will consider that and will move speedily to implement the national standards for foster care, which were launched last year.

We must also ensure that children with foster parents have adequate protection against abuse. When local authorities are asked to provide statistics on, for example, children placed on the child protection register as a result of abuse—a process that is still not standardised across Scotland, despite the clear recommendations in the Kent report—they are asked to categorise them by those who have been abused at home or

in residential establishments. No separate statistics are kept on children who are abused while in the care of foster parents. That must change, as the Kent report recommended it should back in 1997.

While on the issue of foster care, I want to make two further points. First, there is an assumption, which the minister articulated today, that, by and large, foster care is preferable to care in residential establishments. Most people, as I said, would agree with that instinctively. However, there is no research evidence to prove that the outcomes for children placed with foster carers are qualitatively better than those for children in residential homes. More generally, a lack of evidence runs through the whole area of children's services. There is, therefore, an important lesson to be learned.

We must ensure that all decisions and policy developments about child welfare are based on evidence and not simply on supposition. To that end, I welcome the minister's announcement about research into home supervision. The same principle should be extended to other areas.

Secondly, while I do not take issue with the desire to place more people with foster carers, that cannot happen at the expense of places being available in residential homes. There are too few foster carers, too few places in residential establishments and too few social workers. We should be trying to improve provision for looked-after children across the range of services. Again, I ask the minister to reflect on that point.

As well as improving structures and procedures for looked-after children, we must address the whole culture of children's services in Scotland. I was delighted to hear the minister repeat on several occasions that local authorities assume corporate responsibility for looked-after children. That should be reflected in policy and in practice at all times. As a society, we must ensure that we put the interests of children at the heart of policy making.

I repeat the suggestion made previously, by the SNP and others, that a commissioner for children and young people should be appointed. The commissioner could act as an independent champion of children's rights to ensure that children's voices are listened to and that law and policy affecting children take account of children's needs. I was extremely encouraged to hear the minister indicate earlier today on "Good Morning Scotland" that he wants to encourage further examination of that idea, which is already practised in many European countries. I hope that Scotland can move quickly towards such an appointment.

I will turn briefly to the issue of care leavers and

the recent, hasty consultation on the proposal to transfer DSS resources to local authorities. At present, 16 and 17-year-old care leavers are entitled to claim jobseeker's allowance, income support and housing benefit. Under the Executive's proposal, that entitlement would be removed and the resources would be transferred to local authorities. I do not deny that a one-stop approach has attractions, but the SNP has a number of concerns about the proposal.

First, the speed of the consultation—which lasted only six weeks—seems to have been dictated by the fact that similar proposals are before Westminster and Scotland may be under pressure to stay in line. Where the decision will lie is an interesting question, since social security is a reserved and local government a devolved power. I would appreciate a decision by the Scottish Executive and Parliament in line with Scottish interests and not in line with Westminster's interests.

The proposals raise a number of substantive concerns. Removing care leavers from the benefits system creates a real risk of doing the opposite of what the Minister for Children and Education is trying to do and of further marginalising a group who already live on the outer margins of society. Many young people leaving care are estranged from local authorities and suspicious of social workers, and if financial and other support for them is concentrated in the hands of local authorities, we run the risk of cutting off a financial safety net.

There is also the amount of money—

Scott Barrie (Dunfermline West) (Lab) rose—

Nicola Sturgeon: I am trying to conclude, Scott—I apologise.

We do not know yet how much money will be transferred. DSS resources are demand led. If a specific amount is to be transferred to local authorities, the resources will become cash led. Local authorities already struggle to meet their obligations under the Children (Scotland) Act 1995.

We must not move forward without solid research to back up the supposition that our direction is right—there is no such research at present. We should not move in haste, but ensure that any changes are made because we believe them to be right, not because they are occurring elsewhere.

I welcome the debate and hope it will begin a process that will lead to looked-after children and young people being placed at the heart of the Parliament's agenda.

I move amendment S1M-406.1, to leave out from "the importance of" to end and insert:

"that much work still requires to be done through a co-ordinated national strategy to ensure that every child or young person looked after by local authorities can share fully in the benefits of education, health and social justice programmes; however expresses its concern at proposals to remove care leavers from the benefits system and calls upon the Executive to delay any such moves pending the results of its recently commissioned research into the effectiveness of current provision".

16:02

Bill Aitken (Glasgow) (Con): Most of us wish that we did not have to have a debate on such a depressing topic, as the Minister for Children and Education indicated. In general terms, we support the Executive proposals—we could do little else, as they build on Conservative proposals, in particular the Children (Scotland) Act 1995, which was referred to by the Executive in a recent press release as making

"a very important step in improving support for children and families".

Having taken the odium for the Hampden debacle, perhaps we are entitled to some credit for that.

Mr Galbraith: Hear, hear.

Bill Aitken: However, we hope that the Executive will address a number of issues. Research studies costing £80,000 are all very well but, if nothing happens as a result, the Executive will inherit some of the odium.

The number of children looked after in Scotland has risen slightly since Labour came to power, although the number in residential care has fallen. The reduction in the number of children looked after must be a continuing and vital priority, especially the number in residential care, which calls for a higher level of fostering and a more streamlined adoption service. The number of children in care is 9.8 per 1,000 of the child population in Scotland, as the Minister for Children and Education said. I am sure that he accepts that we must reduce that number still further.

The voluntary sector has a lot to offer. The good work of organisations such as Barnardo's and Quarrier's Homes is in stark contrast to the efforts of local authorities, whose attitude to child care seems more in tune with the 1950s than with the complexities of a new millennium. Local authorities have perhaps not performed as they should have and we must look towards the voluntary sector as the answer.

The procedures for adoption and fostering are complex and rather perverse. They seek to put children in a place of safety and in an encouraging and family environment, which we all want to achieve. Of course, I accept that the greatest care must be taken to determine the suitability of people who offer themselves as foster and

adoptive parents, but the adoption process should not take four years from start to finish. We must look at the way in which the process is carried out to see whether it can be expedited.

We must also consider carefully how we decide which children are suitable for adoption. The influence of a family—even though the child is not a member of that family—on a child's stability and on its educational and intellectual attainment is amazing. Do we really need the level of training that is currently required? The minister has three children. He is a good father. Did anyone train him in how to be a good father? No. For many parents, natural or adoptive, parenting comes naturally. We should recognise that and the fact that the current level of training may not be necessary.

The minister mentioned educational attainment. It is depressing that so few looked-after children—only one in a 100—get to university and that so few of them obtain standard grades or highs worth talking about. We must determine why that is happening.

We must look at the performance of local authorities. In my council days, I visited the children's homes in my ward on numerous occasions and was less than impressed with what I saw. The neighbours of those homes were even less impressed with the control over and conduct of the children. That is why we have to look at the broader picture to find the answer, which is not in Government control, particularly not in local government control. The people who have a record of success should be invited to do more in the future.

16:07

Donald Gorrie (Central Scotland) (LD): The fate of young people who have been in council care is a serious blot on our society. As the minister said, their futures are much worse than are those of people who did not go to council residential homes.

The fact that we are trying to tackle this issue is welcome. The aims of the proposal are excellent, and we have no quarrel with them. However, we share some of the concerns raised by organisations such as the Scottish Council for Single Homeless and Shelter about the mechanism of transferring the young people from the benefits system into a new system funded by councils. We would like clear assurances—I am happy to give way to the minister, or perhaps Mr Peacock can give assurances when he sums up—that the points I raise will be dealt with.

First, the Scottish system will have to be introduced through primary or secondary legislation. The mechanisms must be fully in place before the system starts working. There should be

designated support workers and councils should have robust systems for dealing with housing benefit—at present, some of them do not. Those measures should be in place before the minister presses the button and the new system starts.

Secondly, after the minister's research—which is welcome—has fully identified the problems, he should ensure that councils have enough money to deal with them. It is not enough to base the budget on councils' current budgets for funding measures under the Children (Scotland) Act 1995, for example, because that funding is inadequate. There must be a guarantee of enough money for councils, and the money must be ring-fenced.

The third assurance that I seek concerns a safety net for young people. A lot of 16-year-olds who have been in council care in one way or another are, for various reasons, not the most enthusiastic fans of local social workers. Many of them might have difficulty with the fact that local social workers are their only route to the new benefits system. There must be a proper safety net that can sort out and in some way support the kids who are not going to go along with the system that we are trying to set up for them.

My next point is that there should be an efficient appeals system. A young person might, for example, apply for and receive benefits, but it might then be discovered after some months that the youngster had come out of council care and so was not eligible for benefits—we have all had experience of such things. The roof falls in on those people and they get demands to pay back hundreds of pounds. Such youngsters might disappear down the plughole without trace. There must be a proper appeals system.

The final assurance that I seek is that no one will be worse off under the proposed system than they are under the present system. A lot of initiatives start off meaning well but end up finance-driven and cheese-paring. We must make sure that that does not happen to this initiative.

The Liberal Democrats want assurances, first, that a complete structure for supporting those young people will be in place before the financial system is changed. Secondly, there must be enough ring-fenced resources for councils, and the necessary research must be done so that those necessary services can be delivered. Thirdly, there must be a safety net—an appeals system—for young people who might in some way fall foul of the system. Lastly, we want an assurance that no one will be worse off under the new system.

There is time to get the details right, but the organisations that express concerns know what they are talking about and we must take their concerns seriously. I hope that the minister can

give us the assurances that we seek. We are in general, however, very supportive of the announcement.

The level of debate today has been higher than it often is; it has not shown the Parliament in its yah-boo mood and that is very welcome.

The Deputy Presiding Officer (Mr George Reid): We are very tight for time, so I ask members to keep their eyes on the clock. Members have a maximum of four minutes in which to speak.

16:12

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): It is difficult to know how to cram somebody's lifetime of experience into four minutes. I must declare an interest—I used to work for Who Cares? Scotland, the organisation to which Sam Galbraith kindly referred. There are a number of representatives of Who Cares? Scotland in the public gallery today and they are very interested to hear what members have to say.

Unlike Bill Aitken, I am not at all depressed about what I heard today, before I came to the chamber, from young people. It is not stretching the point too far to say that every young person I met in my time working for Who Cares? Scotland was an inspiration to me. That is part of the reason why I am here fighting for a better deal and for social justice for all young people, but particularly for young people in the care system.

I welcome the announcements that Sam Galbraith has made today. I welcome the fact that there will be increased resources for advocacy because I well remember when children's rights officers were scarcer than Tory MSPs elected under the first-past-the-post system. I can remember when there was very little in the way of through care. Through care and after care are nothing like as good as they should be, but local authorities in many areas have attempted to work along the right lines. I can remember when Who Cares? Scotland, as an organisation that represented the views of young people in care, was fighting for its life—it was only because of those local authorities that put funding, resources and commitment into it that there is a powerful voice for young people.

I, too, want reassurances. A review of secure accommodation has been mentioned and I hope and trust that young people and young people's organisations will be involved in the on-going process of that review and in examining what happens in secure accommodation.

We talk about the corporate parent, but the first thing that good parents want to know is where and in what circumstances their weans are living. I say

to anyone here who has not been in a children's home or a secure unit—I say it also to those who are not able to be in the chamber this afternoon—that it is their duty as a corporate parent to go and find out about the issue and to talk to young people in such places. Young people who are looked after by local authorities are not somebody else's problem—they are our responsibility. It is time we lived up to that responsibility, as suggested by the minister and by some of the constructive points that have been made by the SNP. I wish, however, that we could have had the debate without a division.

The depressing statistics can be read out, and things have been very bad in the past. I say to Bill Aitken that there is not a good old days of residential child care that we can look back to. Some of the organisations that Bill mentioned would admit that they got it badly wrong. I received a letter this week from NCH Action for Children, talking about the positive work that it does now, but recognising that it got things wrong in some of its big children's homes.

As a former member of the inquiry team that dealt with child abuse in City of Edinburgh Council, I know that people took on board the fact that local authorities had got things wrong. Religious organisations that ran residential provision for children have admitted that they got things wrong. We should not pretend that we can go back.

Bill Aitken asked who should train a good parent. I do not know whether I am a good parent—I hope that I am. If so, I got that from my parents and people who took an interest in me and encouraged me to understand my rights, to speak up for my rights and to ensure that, collectively, our rights were respected. The reality for many young people living in residential care, foster care and moving on from care is that they do not understand their rights, as they have never been given that information. They do not understand how they can move forward unless they have support to do so.

The need for basic education was mentioned. Running a tenancy on one's own is not a basic skill; it is a complex and difficult arrangement for any of us to take on for the first time. For a 16-year-old who has spent most of their life in a residential unit, it is not easy. Who Cares? Scotland always took the view that support should be provided to children and young people up to the age of 21 as a statutory responsibility. We did not get that in the Children (Scotland) Act 1995, for all the good aspects that Bill Aitken mentioned. As he took credit for that act, he should not blame Sam Galbraith now.

The good news stories are out there as well. Every one of those people sitting in the public gallery from Who Cares? Scotland represents a

good news story. The reality of the 1 per cent of looked-after children who go on to university or to training is that those are the ones who do so directly from school; many will go on to education and training at a later stage. Those are the ones whom we must support. We must make lifelong learning available to everybody.

I ask members please to listen to young people and not to make assumptions without checking with the people who matter—the people who are on the receiving end of the services.

16:18

Irene McGugan (North-East Scotland) (SNP):

Leaving statistics and cold facts aside, we should remember that the trauma of someone leaving their home, their school, their family and their friends and being cared for by a local authority cannot be overestimated. The experience is painful for everybody concerned.

Despite the emphasis on preventive measures and increased support for families—new funding for that work is gratefully acknowledged—there are circumstances in which the only option is to remove children from home. Unfortunately, as the minister acknowledged, that frequently prefigures an uncertain and often negative future.

Research has confirmed what many of us have known for years—children and young people who are care leavers are massively over-represented among disadvantaged groups, such as the long-term unemployed, the homeless, teenage parents and substance misusers. That is not a criticism of local authorities, social workers or foster carers. It is widely acknowledged that social work in general and children's services in particular have been starved of resources for years. If looked-after children had been a priority, resources would have been made available to train all residential workers and foster carers would have been given enhanced rates and adequate support; those measures and others would have been fully implemented years ago.

In 1997, the Kent report addressed the shortcomings of the care situation and produced more than 60 recommendations. The Government rejected a lot of those and there has been no national strategy for implementing key recommendations. Local councils have been left to implement what they can, which often comes down to what they can afford. Some councils—such as Angus—have been very committed and have responded to most of the key recommendations, but that is not the norm.

On the removal of benefits for care leavers, the consultation paper states the obvious—the current system is failing care leavers and should be reformed. No one would dispute that, but it is hard

to see how the proposed system would do anything other than make things a whole lot worse for care leavers. If the young people concerned had been consulted on the idea, they would certainly have made it clear that they did not want to be singled out and treated differently from other young people, especially in a way that made them further dependent on the local authority. It is difficult to see how removing eligibility to general benefit would improve social inclusion.

My experience with Angus Council was that the problems faced by young people leaving care can have more to do with the impact of their difficult life experiences on their ability to cope with living independently. The focus should surely be on improving the support systems that are available for young people leaving care and on the development of services to meet their needs. Those services could include mentor and befriending services, counselling schemes and access-to-employment schemes. We could also add such measures as the retention of young people up to the age of 18 in the hearing system, more diversionary and non-custodial schemes for young offenders and better drug rehabilitation services for drug users.

It is right to try to assess—even with crude indicators—what we do to looked-after children and what their outcomes are, so that their future can be brighter and more assured. For too long, the system has failed those children—the cost to society has been immense. Looked-after children need to be a priority. They deserve a fully implemented and co-ordinated national strategy, and not piecemeal actions restrained by financial considerations.

16:22

Scott Barrie (Dunfermline West) (Lab): In the child care debate on 17 November, I expressed a wish that we consider the issue of looked-after children. I congratulate the Executive that this afternoon, in our first debate of the 21st century, we are discussing that important subject.

Bill Aitken seemed somewhat muddled—he seemed to consider looked-after children as meaning children who are necessarily away from their own homes. As the minister said, more than 80 per cent of children who are looked after by local authorities are at home with one or other, if not both, of their birth parents. That has to be remembered. It is also important to remember that only a very small minority of looked-after children are looked after in children's homes or residential schools.

In the regulations and guidance that accompanied the Children (Scotland) Act 1995, the Scottish Office issued some good structured

documents on what should happen to children who were still at home but subject to statutory supervision. The fruits of better planning and more structured approaches by local authorities are being seen.

This afternoon, however, I want to concentrate on children who are accommodated away from home, in foster care or in a residential unit. In the social inclusion document that was launched at the end of last year, our ambition was clearly stated that children who left local authority care at the age of 16 should have attained at least standard grades in English and maths and should have access to appropriate housing options. That is a worthy aim. We have already heard the damning statistics on those who have left care up to now and have unfortunately not attained those things.

I do not wish to have an unnecessary go at my former profession, but for a number of years there have been relatively low expectations among local authority social workers for those in long-term care. That was not because social workers were not interested, or because they did not wish to do better for those children. However, the complex demands that were placed on social workers, together with a lack of resources and, more important, a lack—sometimes—of strategic direction, meant that, rather than trying to promote positive outcomes, we judged young people on the absence of negative outcomes.

By that I mean that we thought it a success if a young woman reached the age of 16 without getting pregnant; we thought it a success if a young man left local authority care at the age of 16 and had not entered a young offenders institution by the time he reached 16 and a half. That is not how we should be measuring outcomes in child care—we must do something better.

Before I was elected to Parliament, I was fortunate enough to be involved in the piloting of looked-after children materials in Fife. Those materials are an adaptation of the Department of Health materials that have been used successfully in England since 1990. The materials will create a much more structured and improved direction for local authority social work, through better corporate planning and parenting, as Cathy Jamieson said. They are age related and contain seven clear dimensions for young people—not just the obvious ones such as health and education, but important ones such as identity, family and social relationships, social presentation, emotional and behavioural development and self-care skills. Such a package will ensure that young people who are currently being looked after by local authorities will have far better outcomes than those who were looked after in the past.

The document is called “Looking After Children

in Scotland: Good Parenting, Good Outcomes”. The subtitle describes exactly what we want for the looked-after population. As has been said this afternoon, we are trying to achieve for those who are looked after by the state the same positive outcomes that we would wish for our own children. Only by acting corporately—by having the various parts of the voluntary and statutory agencies working together—are we likely to achieve that.

16:26

Dorothy-Grace Elder (Glasgow) (SNP): I welcome the minister's statement and its many positive elements. I would like to add a few comments and ideas of my own.

First, I would like to give members an example of the desperation that some young people feel when they are about to leave care for an unknown future, unsupported by their families. There is one children's home that I know very well. Every so often there is an outright rammy at it, for which I do not blame either the youngsters or the over-pressed care workers.

One night, a chair came through a large upstairs window and suddenly a young girl was out on the windowsill, screaming, crying and saying that she was going to jump. Fortunately, the police were already in the building; I saw an officer race into the room and snatch her back through the broken glass. The girl was led away to the police station.

On impulse, my husband and I followed the police car to see what happened to the youngster—we did not know her personally. The police were very kind. They told us that the lassie should not have been there at all—she was no ordinary vandal. The girl had gone wild because she was due to leave care, the only stability that she knew, and that day one of the younger children had killed her only companion of the past few years—her wee hamster. She just could not take any more. Her story did not have too unhappy an outcome, but there are many like her, children who are getting too old for the old-style type of home care.

We should have positive discrimination in favour of those young people throughout their young lives. If we can have positive discrimination for women—even those elected to the Parliament—let us have it for those kids, who so deserve it.

If I had a wish list of people to help quickly, I would say that we should give more money to Women's Aid. Women's Aid meets the children who often become homeless later. I alert the Parliament to the fact that Glasgow Women's Aid could face closure because of a shortfall of £30,000. We cannot let that happen. I remind members that £30,000 is about a third of the cost of a spin doctor. People in politics would not need

spin doctors if they used all public money to do a bit of public good—they would be rewarded with public appreciation.

Youth protection is also important. We should give more money to ChildLine. On hogmanay, I found that the office districts of Glasgow were in total darkness—naturally. However, one light was still shining and I headed for it. It turned out to be ChildLine, which was working throughout hogmanay and new year's day because more and more calls come in from abused children at those times.

Only one in 10 children in Britain get through to ChildLine on their first call, which is such a protective call for them. ChildLine Scotland has only 10 lines for the whole country. Even £100,000 more, out of the new budget that Mr Galbraith proposes, could revolutionise its work. We cannot have children endlessly going out to phone boxes after they have once plucked up the courage—and it takes real courage to make that first call about abuse.

Social workers are in the front line of child protection. People have been hammering social workers a bit this afternoon, but I defend them. I know social workers who need to be protected themselves. In the east end of Glasgow, in the Gorbals, a fine man called Iain Fergus was sacked last year. He was a social justice social worker, whose job was to protect children from known paedophiles. He had committed no offence and had an exemplary record. The problem was that he was a shop steward who had defended a colleague who was being interrogated behind closed doors. He was sacked for daring to stand outside those doors in silent support. Those children in the Gorbals no longer have an experienced protector.

Children's organisations are tired of living hand to mouth, month to month, and young people are tired of soundbite sympathy. I hope that the Executive shows real sympathy and real cash. Because the amendment is tougher than the motion, I ask members to support the amendment.

16:31

Rhoda Grant (Highlands and Islands) (Lab): This is another important debate for this Parliament, which addresses the real needs of Scotland's people. Children and young people are not tomorrow's society—they are today's. It is our duty and responsibility to ensure that those children have the opportunity to fulfil their potential.

I congratulate the Executive on the lead that it has taken. The recognition of the responsibility of the state as a parent is important for this reason: it shows a change of mindset that affects the sort of

care that children will, and should, receive. More can be done to ensure that those who work as carers are aware of the training that they can receive. At present, many people join the profession and receive little or no additional training. Training will benefit not only the children and young people in their care but the carers themselves, as they will be better equipped to handle children with a variety of needs. Many folk have spoken about people learning parenting skills from their own parents; there is a bond between parents and children. Carers and children in care do not share that bond, which is why training is important.

Levels of pay should also be considered, as a couple of issues are involved. The first is that an increase in pay would reward those people who give their dedication and time often in difficult circumstances. The second is that a better pay structure would encourage more people into the caring profession, which would benefit children and young people. Connected with pay is the issue of having a proper career structure. It is important that carers feel that they have a future in the sector in which they work, that they are rewarded for their skills and training and that their expertise is put to the best possible use.

The ideal way of looking after children is to bring them into smaller caring units. In the past, children with different problems have been lumped together. To some extent, that has led them to learn from each other. Instead of learning important skills that will help them in life, they end up becoming more socially excluded. To end that situation, the way forward is to bring children into either a family or a unit that has children with similar problems but whose number is limited.

Perhaps the biggest problem for children in care in rural areas is the large distances that they must travel to access care. For example, those who live on islands may have to move to the mainland to receive care. That causes disruption, as those children are separated from their family and friends, and a change of schools is often required. Local authorities have a duty to maintain the contact between children and their family, but that is often expensive to provide in sparsely populated areas, due to travel constraints. It would be preferable to have care provided in the local area, so that children could receive the support that they needed without losing contact with family and friends. That would enable children to attend the same school.

A professional fostering scheme, made up of highly trained foster parents looking after small numbers of children, is an attractive option. However, those people must be properly trained and remunerated. Part of the problem is that they might not be used often, and may be lost from the

system if they seek full-time employment. Those people could be used to provide respite care for young, disabled or elderly people. That would ensure regular employment for them.

I hope that the minister will address some of those issues when he replies, particularly the issues of training, pay and proper career structure.

The Deputy Presiding Officer: I can call Robin Harper to speak if he will take only three minutes.

16:35

Robin Harper (Lothians) (Green): I have only three points.

I worked on a children's panel for three years. I assure the minister that if he wants further evidence of the failings of the system, he need only consult members of Scotland's children's panels. Children's panels try to take all decisions in the interests of the child. My experience was that, although we did so, we were unable to find the facilities that we required and a decision that was not nearly as suitable was the result.

I want to back the points that were made by Cathy Jamieson and Rhoda Grant about the training of people for working with young children. Some of the people about whom we are talking are very young indeed. They have not had the experience of bringing up a child from birth to the age of 12 and can be faced with children who are extremely unhappy and highly stressed. They need extra training to deal with that kind of situation. With that in mind, I hope that Bill Aitken will withdraw his remarks about the training of young people to work with such children.

I want to stress the points that were made by members of the SNP about supported accommodation and further support for young children from the moment they leave care right through to the ages of 20 or 21. We need joined-up thinking throughout that period of interface in order to support young people until they are in employment and enjoying the full fruits of the society in which we live.

The Deputy Presiding Officer: My apologies to the five members who have not been called. We now move to wind-up speeches.

16:37

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I have enjoyed this afternoon's debate as much as any that has yet taken place in the Parliament. I congratulate the two members of the press in the press gallery. It is a shame that more of their colleagues are not present as we have heard some fine speeches today. I pay tribute to speakers from all the parties

but I felt that Cathy Jamieson's speech was particularly good and got right to the heart of the matter. Dorothy-Grace Elder also spoke well. The quality of the debate shows how high up the issue is on the Parliament's agenda. We can be proud of that.

I had some experience of dealing with the issue when I was the Ross and Cromarty area chairman of social work. I remember that children's homes and children's care were almost the great unmentionable of local government. Mr Peacock will recall that. One used to be telephoned with news of problems or fighting in a children's home. I was thankful that I did not have to deal with the situation directly. Children in care are perhaps the last pariahs of our age. Tremendous advances have been made on race, creed and gender; yet, at the back of our collective national cupboard, a small nastiness lurks. We should put that right.

I enjoyed Bill Aitken's speech. The only issue that I have with what he said relates to his comments about privatisation. I will quote from a speech that was made by William Hague on 16 December 1999.

"Councils have sometimes shown themselves tragically unable to deal with the conflicts of interest and the impulse to cover up which arise when things do go wrong.

So the next Conservative Government will legislate to separate local authority ownership of care homes from the responsibility of social services departments to ensure that a place in care is available. This would be a first step towards transferring the management and, if appropriate, the ownership of councils' care homes to the independent sector."

I enjoyed Bill Aitken's speech, but I take serious issue with that policy, if it is indeed Conservative policy. It is sometimes a bit hard to tell with wee Willie these days. You gentlemen do it an awful lot better in Scotland.

I see Ben Wallace sitting there. So good was Cathy Jamieson's speech that Ben was absolutely rapt. I have never seen him stare so intently across the chamber. However, given recent articles in Sunday newspapers, I am not sure whether Cathy should take that as a compliment—although it was a compliment, in whatever shape or form.

I take issue with Nicola Sturgeon only in terms of the main thrust of the SNP amendment, where it refers to the proposal to remove care leavers from the benefit system. Dorothy-Grace Elder seemed to support Sam Galbraith rather more than she supported Nicola, when she talked about the young person leaving care whose hamster was killed. Surely that is where social services should kick in. To my mind, social services have a continuing role, and that is where Sam's proposals make sense. Financially, they will work, although he has stolen the SNP's thunder by considering

and consulting on the issues.

The point has also been made that we should stop rubbishing social workers. There has been a wee whiff of that today, although I am sure that it was unintentional. If young people perceive social workers to be the problem, we should go back and help social workers.

All in all, I support Mr Galbraith's motion. I am afraid that I cannot support Nicola Sturgeon's amendment, no matter how well worded and persuasive it may be. To my mind, we are moving into a new age that we should be proud of. I beg members to support the motion.

16:42

Mr Brian Monteith (Mid Scotland and Fife) (Con): As Bill Aitken said, we in the Conservative group are pleased to support the Administration's motion, to welcome much of what the minister said and, in many ways, to agree with what has been said during the debate. I particularly wish to express our welcome of the minister's announcement of a major research study, the grant for training and the consultation exercise on the draft strategic network, in which we will look to play a part.

It is interesting to note that there has been so much agreement today. That agreement is carried forward from Westminster debates, prior to devolution, when there was a great deal of consensus on these matters. Members who know about this subject will be aware that there was a good deal of cross-party support for the Conservative Government's introduction of the Children (Scotland) Act 1995 and adoption of the United Nations Convention on the Rights of the Child. Following a number of concerns about care homes, we also commissioned the Kent report, which was published after the election of the Labour Government. We are pleased to support some of the initiatives that the Administration is taking in following up that report.

Times have changed from those awful days when children were shipped off to Australia and when there was a belief that big homes were beautiful. Now, there is a greater realisation that small is beautiful and that the family unit is preferable to and can do more than care homes. We should appreciate as much as possible the option of fostering and adoption. In a sense, what Bill Aitken said about training was a little misunderstood.

I heard the suggestion that additional resources would be helpful and, of course, I do not disagree that more resources will always help to make a difference. However, it is worth pointing out that, on many occasions, families with fewer resources than care homes and local authorities manage to

raise children more successfully. I tend to think that the difficulties lie with the structures, not with the people who work in them, as I do not think that we should bash social workers or those who care for children.

We have to recognise the difficult task that these people have. We can and should accept that the family is the preferable way to help children who have difficulties. Scott Barrie was right to point out that so many looked-after children already live with their family. He raised the important issue of the lack of strategic direction. It is to be hoped that the consultation exercise will help to solve that problem.

Too many children are in care, but I am glad that the small increase can be put down to the rise in the number of children in that age group. We accept that; we are not here to score party points. In response to Jamie Stone, we do not feel that there is any room for complacency, which is why it is worth considering the separation of roles. Its role here allows the Conservative party to make its own policy on these matters, and members can be assured that we will do so. The idea of separation of roles has some merit, as it allows the local authority to take a greater interest in provision.

I reiterate that we should support the great deal of work that is being done throughout the nation by people providing the care, and that we should commend the motion put forward by the Executive, look forward to the success of the new initiatives and give them our whole-hearted support.

16:46

Fiona McLeod (West of Scotland) (SNP): Many of us in the chamber signed up for the children's promise and gave our pay from the final hour of 1999 to recognised children's charities. I hope that the Parliament's millennium promise is for Scotland to cherish all her children. The tone and the content of today's debate sends out that message loud and clear.

The Scottish National party supports the Government in its work to help these vulnerable children for whom, as Cathy Jamieson reminded us, we all have a responsibility. We will be supporting the Government in today's vote. The SNP's amendment expresses a very real concern—a concern that has been expressed today in the chamber, but more especially by concerned professionals and volunteers who are working with children leaving care.

The minister said that the majority who replied to the consultation process supported the transfer of Department of Social Security benefits. That is not my understanding from reading the papers that were submitted to that consultation. I would be

grateful if the deputy minister could enlighten me further on how many, and which, organisations support the transfer of DSS benefits.

It is an important issue, which is why the SNP has put forward this amendment and will continue to argue the case on the transfer of DSS benefits on behalf of these young people. That transfer further marginalises young people. At the start of their adult life, it labels them, yet again, as different. In order to receive benefits, they have to go to a social worker; they cannot go along, as other adults do, and be treated as adults. That is important and it is why we are putting forward the amendment.

As with all children, the needs, concerns and, indeed, rights of these children would be better safeguarded and highlighted by two simple steps: the incorporation of the UN Convention on the Rights of the Child into the practices and policies of the Government and the appointment of a commissioner for children and young people. Those two SNP commitments should be considered urgently by the Government.

In today's debate, we heard the minister tell us of his anger at past practices and his promises for the future. The SNP welcomes those promises, but we and others have raised a number of practical issues in this debate, which I hope that the deputy minister will address.

Why has the Government not accepted and implemented the recommendations of the Kent report? We also raised the issue of the registration and training of social workers and those involved in looking after children. There has been an announcement of £3 million for training, but how long is that training to take and when will we have a fully trained work force? Is that £3 million it, or will more money be forthcoming?

Another issue is the move towards foster care. As Nicola Sturgeon said, most of us feel in our guts that foster care is better than residential care, but we need to ensure that the practice that we put in place for the 21st century is evidence based and that it is what young people need. We need a needs-led care system and not a finance-driven one. We must examine research that has already been done among foster carers, and look to putting in training and support for foster carers. Two of the key difficulties that foster carers say make them leave foster caring are lack of training and lack of support.

I will finish by reminding members that the people we are talking about are the young people. We should not be talking about them, but talking with them. I always come back to the theme that we must involve young people in discussions about their future. We must consult them. We talk about an £800,000 grant to extend the advocacy

network, but we must ask the young people what they want out of that. As well as advocacy, they want adjudication. They do not want someone just to talk to or for them, but they want somebody who will adjudicate their case and take it forward for them. At the end of the day, we will support this motion, but I remind the ministers to listen to, to consult and to involve the young people.

16:52

The Deputy Minister for Children and Education (Peter Peacock): Despite the truncated nature of this debate, because of the statements that were made earlier, it has been very wide ranging and there have been good contributions from all parties. This is an area that has not received enough attention over the past years. It is right and proper that, as we move into the new century, we shine a light on this particularly dark area of policy and try to make whatever improvements we can. Many points have been made in debate, and I want to answer them to the best of my ability before I sit down.

I thank Nicola Sturgeon and all the other party spokespeople for the very constructive way in which they have engaged in this debate and for the support that they given to what the Executive is trying to do. There are always things that we will want to do better and that we will want to extend with regard to future practice. We are making what we hope is a fresh and positive start to dealing with the issues that surround looked-after children, and I welcome the constructive way in which today's debate has been conducted.

I want to pick up some of the issues that Nicola Sturgeon highlighted in her speech. Like other members, she was absolutely right to make a point about the basic skills that are available to young people who are being looked after and how the absence of educational attainment blights their life chances. It is fundamental to the chances of those young people that we improve their education and their other basic life skills, so that they can thrive when they leave care. That is partly why we are improving the system in the way that Mr Galbraith outlined earlier.

Nicola Sturgeon, Rhoda Grant and others made a point about the qualifications and career structure of staff. They asked whether the profession is attractive enough and whether there was more that we could do in that regard. I think that there is much more that we can do, and I want to address that in future. Unless we have a well-motivated and well-rewarded profession, and unless training for members of staff is adequate, we cannot expect the desired outcomes that Scott Barrie referred to in his speech and that the improved materials that we are making available to those who work in residential care settings are

intended to bring about. We will take further action on that in due course.

The point about the lack of evidence that exists on which to base future policies in this area was, again, well made. That is why we are starting a major research study, which will give us a whole range of insights into how we ought to improve policy in the future. Cathy Jamieson spoke about the need to consult young people as part of that process. It is very much our intention to do that and to ensure that we will hear the views of young people who have been through the care system and understand it more intimately than any of us can. Indeed, some of the people in the research team who will examine that issue will be young people who have come through the care system and who have been recruited because they will be able to relate to, and gain the views of, people currently in the system. We will try to base policy more on evidence as time goes on.

Nicola Sturgeon raised the question of the DSS resource transfer—it was raised by Donald Gorrie and many other members as well. I will take a few minutes to deal with some of the issues that arise from that.

We should be quite clear about what the underlying objective is. I hope that nobody will disagree that we have to find a way of better co-ordinating the existing range of services for young people as they move through, and begin to leave, the looked-after system, and to find a single point of entry to ensure that we support them in the best way possible. If one speaks to young people about their experiences, one will know that that is exactly what they are looking for.

No doubt there are a number of ways in which that objective can be achieved, but we have alighted on a particular one. We have consulted widely on this. I will be happy to write to Fiona McLeod about the nature of the consultation and about who responded. The majority of consultees have clearly supported the principle of the way in which we want to move forward. There are concerns about implementation and about the level of the transfer resources. We have set up a working group involving Scottish Executive officials and representatives of other interest groups to address concerns about implementation early on.

To pick up on Donald Gorrie's point, I will say that there is no desire to implement the objective urgently, before the other support services to which he referred are in place, so that nobody falls foul of the new system. None the less, there are clear merits in moving as quickly as possible to a single fund.

Nicola Sturgeon sought an assurance about the speed of implementation. As I have said in answer

to Donald Gorrie's point, when we implement the changes will be entirely at our discretion.

Nicola Sturgeon: I am sure that when the changes will be implemented will be at the Scottish Executive's discretion. However, will the minister confirm that it is at the Executive's discretion to decide whether to implement the changes? That was my question.

Peter Peacock: We think that there are clear merits in moving down this route. The question is more about how changes are introduced, about timing and about ensuring that the detail is tidied up before we act. I repeat that when this measure will be implemented is at our discretion. There is no desire to rush unless all the support mechanisms to which Donald Gorrie referred are in place.

Donald Gorrie made some other points. As well as seeking the reassurance that I hope I have just given, he talked about the ring-fencing of money for councils. Obviously we will discuss that with the Convention of Scottish Local Authorities. As he will know from his long experience in COSLA, in principle it does not like money to be ring-fenced; it likes to have discretion to act as it sees fit. The implementation group will also discuss matters such as a safety net, an appeals procedure, and the question whether people will be better off, and certainly no worse off.

In relation to the DSS transfer, a number of speakers raised the question of whether the local authority will be the correct place in all circumstances to administer this measure, given the relationship that young people in care may have with local authorities. That is an interesting point, on which I will reflect further, as we have no desire to create any impediment to young people accessing better services—that is the whole purpose of our approach.

Bill Aitken raised a number of points about the relationship between the statutory and voluntary sectors, and about the contribution that the voluntary sector can make in this field of endeavour. As I have done on other occasions, I recognise the work that is done by the voluntary sector, which has a big part to play, but, equally, I recognise the work that is done by local authorities and others. Everybody in this sphere of activity is learning, from new techniques and from the mistakes of the past. We need to move forward in that spirit.

I welcome Bill Aitken's support for what the Executive has announced today. I fully acknowledge the importance of the Children (Scotland) Act 1995, to which he referred, and the role that Lord James Douglas-Hamilton had in piloting that legislation through the Westminster Parliament.

Cathy Jamieson emphasised the need to listen to young people and said what an inspiration it is to meet young people who have been through the looked-after care system and have come out the other end relatively unscathed and able to make a big contribution. Sadly, too many young people have come through the system without such positive outlooks and attributes. However, as Cathy pointed out, the young people I met today and on previous occasions are an inspiration and show what can be achieved with good care systems in local authorities and the voluntary sector. They can allow young people to regain the confidence that they need to progress.

Scott Barrie explicitly recommended the need to raise our expectations of all young people in Scotland to ensure that they have a better future. Too often in the past, the higher expectations applied to most children have perhaps not been applied to children who have been looked after by local authorities.

Because of the constraints imposed by the earlier statements, I do not have the time to answer the many other points that were raised today. However, I will conclude on this point. We must have very high ambitions for all young Scots to ensure that the children who have been most excluded from our society become fully included in future, and that all young Scots can prosper, develop and avail themselves of all their life chances.

Allowing our looked-after children more of an opportunity to make a distinct contribution in future is a key objective of the Executive. As this century unfolds, our attitudes to and services for children who are looked after by local authorities should continue to develop, and they should receive the advocacy that they require to support them in their communities. The Executive's policies are addressed, and we hope that they will take us, to that end. Our policies deserve support; I hope that the Parliament will give that support.

The Presiding Officer (Sir David Steel): That concludes the debate. As we have no Parliamentary Bureau motions today, we will move straight to decision time.

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are two questions to be put. The first question is, that amendment S1M-406.1, in the name of Ms Nicola Sturgeon, which seeks to amend motion S1M-406, in the name of Sam Galbraith, on children and young people looked after by local authorities, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 33, Against 80, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-406, in the name of Mr Sam Galbraith, on children and young people looked after by local authorities, be agreed to.

Motion agreed to.

That the Parliament endorses the important action being taken to improve the quality of care and support for every child and young person looked after by local authorities; supports strengthening key services for those young people through extra resources to develop more integrated approaches to their needs, new performance measures to highlight actual outcomes for each child, especially those leaving care, and research to evaluate how well those looked after at home are supported, and recognises the importance of ensuring that each and every child or young person looked after by local authorities can share fully in the benefits of education, health and social justice programmes.

Sheriff Court Review (Lothian and Borders)

The Presiding Officer (Sir David Steel): The final item of business is a members' business debate on motion S1M-233, in the name of Murray Tosh, on the Lothian and Borders sheriff court review. The debate will be concluded after 30 minutes without any question being put. Members who want to speak in the debate should press their buttons now. Members who are not staying for the debate should leave as quickly and as quietly as possible to allow the debate to begin.

Motion debated,

That the Parliament expresses its concern about the proposed rationalisation of Sheriff Court Services in Lothian and the Borders, and calls upon the Scottish Executive, when it draws up its proposals for action on the Sheriff Principal's recommendations, to take into account the financial and operational impact of the proposed changes on the police, district court and social work services in the Borders, as well as the cost and inconvenience of the proposed changes to the public, local press and legal practices in the Borders.

17:04

Mr Murray Tosh (South of Scotland) (Con): I was once a history student and came across a parliamentary by-election that was held in the constituency of Ayr in 1905. Like the South of Scotland, which I currently represent, Ayr was a substantial borough constituency that included Inveraray, Oban and Campbeltown. The Government of the day lost that by-election; the Liberals won it. The critical transfer of votes was traced to the burgh of Inveraray, and the key issue there transpired to be a public outcry against the proposal of the then Government to close the sheriff court at Inveraray and transfer it to Dunoon. History does not repeat itself exactly: the future of Duns sheriff court is unlikely to be a major factor in the forthcoming by-election in Ayr—and, of course, the Liberals will not win.

The attachment of local people to such symbols of their community remains strong, as I can testify from more recent experience, when I was a candidate last year in the constituency of Cunninghame South. One of the salient local issues there was the desire of many people in the Irvine area to establish a sheriff court there, rather than be served in distant Kilmarnock. That is the key to today's debate on the future of the courts in Peebles and Duns.

There has been a substantial public and professional response to Sheriff Principal Nicholson's initial recommendations, and it has been almost universally hostile. Respondents have noted that there has never been any concern

expressed, by the public or by the legal profession, about the existing courts at Peebles and Duns. Many respondents pointed out that, in his report, the sheriff principal stated that no fault could be found in the status quo as far as accessibility and service delivery were concerned. He also stated that the courts were conveniently located, that the public transport links to them were good and that the courts met the performance targets that he had set.

The issue, therefore, has been presented as largely financial. Savings of around £40,000 a year have been claimed—but not demonstrated—if Duns sheriff court were to be closed, and of £87,000 per year in the case of Peebles. The Berwickshire faculty of solicitors pointed out to the sheriff principal that the alleged savings would, in fact, be achieved at the expense of hidden costs, for example, additional travel and attendance costs for litigants, additional witness expenses, travelling time, compensation for loss of earnings, additional police costs—mainly for travel and waiting—and the costs of people engaging solicitors in Haddington and Edinburgh rather than in local communities. There is also a risk that local solicitors would no longer be prepared, at least in the case of Duns, to provide criminal legal aid cover because the additional expenses would not be covered by the scheme.

Scottish Borders Council highlighted the difficulties and costs incurred by its legal and social work services attending and supporting legal cases in Edinburgh and Haddington sheriff courts. East Lothian Council explained in considerable detail how its social work services would suffer disruption and higher costs if its criminal justice service had to serve two jurisdictions. It was concerned about delays in dealing with emergency child protection cases, and about the costs involved in its housing department, and other departments, having to raise actions for the recovery of tenancy and other legal cases in Haddington and Edinburgh as well as in the Borders.

The council is concerned about whether its own sheriff court solicitor could cover Edinburgh, or whether it would have to engage solicitors at additional expense in Edinburgh or come to a service level agreement with City of Edinburgh Council.

Scottish Borders Council highlighted police issues, as did the Law Society of Scotland, which went so far as to express concern that the changes could lead to more cases of people failing to appear before the courts, and of the police therefore being obliged to arrest people and escort them to court appearances. I did not see the police consultation, but I understand that the police are concerned that a great deal of their time could be

wasted on work that is peripheral to their real task of tackling crime in the Borders.

The Scottish Borders justices committee, in its examination of the transport issues, highlighted complex multiple journeys for people living around Duns and Peebles. The council drew attention to the fact that, even if bus services could be provided on the main routes, it would still be extremely difficult for people to come up to Haddington from east Berwickshire. The bus service can take 16 people, has to be pre-booked and arrives in Haddington at 11 am, which is too late for court sessions beginning at 10 am. That would mean a real risk of people having to arrange overnight accommodation.

The council made the telling point that access to justice is a fundamental principle. In its report, it pointed out that section 48 of the Local Government etc (Scotland) Act 1994 places a statutory duty on the local authority to consider just that point when considering the provision of district court accommodation. The legal obligation on the local authority is to have regard to the desirability of minimising the expense and inconvenience occasioned to those directly involved, whether as parties or witnesses, in the proceedings before the court. The justices committee is unanimous in its opinion that the sheriff court, as a superior part of the judicial system, should not operate on a lesser standard.

The debate has raged in East Lothian and in the Borders for many months now. Many people have contributed and many arguments have been raised. I understand that the sheriff principal has now completed his review and that the minister has received his recommendations. I hope that he will be able to tell us that the sheriff principal has reflected on the public concern that has been expressed and on all the points that have been raised, and that he has accepted the argument that the hidden costs that will fall on other parties will match, or possibly outweigh, the savings that the legal service may make as a result of the changes that were initially proposed.

I hope that, as a consequence, the minister will be able to give us good news. If he is unable to do so, I hope that he will offer Parliament assurances that, when the final decision is made, it will take into account not only the administrative facility of the justice service, or the budget—which is essentially a central Government budget—but the administrative convenience, practicality and budgets of the local authorities, the police, the public and the press. I hope that we will get a satisfactory outcome from what has been an interesting exercise—one that has shown that there is strong support in the Borders and in East Lothian for local jurisdiction to be preserved and for justice to be dispensed in the community and in

the eyes of the community.

17:12

Christine Grahame (South of Scotland) (SNP): My sources of observations on the review are the same as those that Murray Tosh has cited—the Scottish Borders justices committee, Berwickshire faculty of solicitors and the Law Society of Scotland. I have also appeared in Duns, Selkirk and Haddington sheriff courts—in a professional capacity, I hasten to add.

The financial savings suggested in the review are putative. For the Peebles closure, the savings are de minimis, and for Duns, the closure involves hidden costs. It is agreed that Peebles sheriff court is underused at the moment, but the predicted population growth figures are already out of date. The Cardrona estate is already in growth and, if Drew Tully, the convener of the local authority, has anything to do with it, the population of the Borders will increase by 20,000 as quickly as he can manage it—but not personally.

At worst, Peebles sheriff court should be mothballed. A possible resolution would be for it to get its clerking services from Selkirk, just as Duns is serviced from Jedburgh, although the court itself would remain open.

Duns is a more difficult case. From any point of view, the closure is not appropriate, the savings are illusory and there are enormous hidden costs. One cost that Murray Tosh did not mention is the legal aid fund, which might incur knock-on costs as a result of having to employ solicitors both locally and in Haddington if the work were moved there.

The human costs must also be considered. To suggest that people should travel from Duns to Haddington is not viable, especially if they are travelling not from Duns itself but from the surrounding area. I examined the costs involved in that bus journey. To get from Duns to Haddington, one would have to leave Duns at 7.30 am, change at Earlston or Galashiels, get another bus from Gala to Edinburgh, arriving at 10.30 am, and finally a bus to Haddington, leaving Edinburgh at 11 am. By the time the bus arrives in Haddington at 12.15, the court has adjourned for the morning, leaving only the afternoon and necessitating an overnight stay. The cheapest ticket—the Waverley day ticket—costs £11.50. That is ridiculous.

The courts handle not just criminal proceedings, but civil proceedings involving ordinary people with ordinary problems and the stresses that those entail. The proposed closures would add the pressure of having to travel long distances for divorce hearings, residency hearings and access hearings. Intermediate hearings and the need to call witnesses would add to the travel burden, as

would contract disputes and small claims procedures, which allow ordinary people to call their own witnesses. The whole caboodle of the court process would place the responsibility for all those costs on the public at large. The closure of Duns and/or Peebles sheriff courts would remove at a stroke local access to justice.

There would also be a knock-on effect, which Murray Tosh touched on, on local solicitors who would not be able to service clients at such distant courts. Local solicitors would perhaps take statements, but other solicitors would appear in court. That is not good representation—the immediate relationship between client and solicitor in court appearances would be lost. Local offices could close and other services would be removed from the local area: preparation of wills, administration of estates, house purchases by solicitors with local knowledge, partnership agreements—all the day-to-day business of the rural solicitor's practice.

Finally, the proposal to close fails to recognise the homogenous nature of the Borders, which people guard fiercely. The closure would diminish Borders justice by dispensing with the strength of permanent Borders sheriffs, who know their patch, their people and, sometimes—unfortunately—the professionals who appear in front of them. Such sheriffs have the measure of the whole legal environment.

I therefore oppose the suggestion that the Peebles and Duns sheriff courts should be closed. As for Haddington sheriff court, there is room to consider moving work that comes to it from Musselburgh to Edinburgh sheriff court. I found that for clients in Musselburgh it would have been more convenient to raise divorce actions in Edinburgh than in Haddington. That might be conceded.

17:16

Euan Robson (Roxburgh and Berwickshire) (LD): As the constituency member for Berwickshire, I will concentrate my remarks on Duns sheriff court. As has been alluded to, Berwickshire is a robust community with a strong community spirit. When the proposals for closure were first announced, I sensed locally a campaigning atmosphere similar to that during the recent parliamentary boundary review, when a campaign was mounted, called Keep Berwickshire in the Borders. Some of the old slogans were dusted off and Duns court was substituted in the headline.

Clearly, the view is strong in Berwickshire that the area deserves and needs its sheriff court in Duns. Indeed, I am not aware of anyone who supports the closure of either court, particularly the

one in Duns. None of the responses to the consultation that I saw suggested that there was any merit in the proposal to close Duns court. We have already heard about the severe difficulties in accessing Haddington. As has been suggested, it is perfectly clear from the public transport timetables that it would be impossible to get to court in Haddington in time. The responses to the consultation made an unanswerable case for keeping Duns sheriff court open.

This is a question of access to justice and, for the local community, of confidence. We have already heard about the additional costs that might fall on other parts of the public purse, such as the police and the Scottish Borders social work department, but there are also voluntary agencies, such as citizens advice bureaux, which attend court from time to time to assist clients in civil or criminal matters and which will also face additional costs.

The proposal is also slightly strange, because Duns sheriff court was refurbished recently—within the past three to four years—perhaps not to the best of standards, but it was refurbished nevertheless. The money that was invested will be lost if the sheriff court closes.

There are clear advantages in local sheriffs dealing with local business. However, there is also an advantage in that having the local press report the local courts acts as a deterrent. I am sure that some of those who are here today will know all about that, at least from a professional point of view.

The other important point is that Haddington sheriff court is not big enough—the storage facilities are nearly full. The proposal is therefore unviable not only in terms of access, but in terms of the facilities that are available.

A conclusive case has been made for both courts and, as I said, no consultee anywhere has any time for the proposal to close them. It is also important to bear in mind the unanimity that exists in the community about the decisions that the Executive must take.

It is ironic that Sheriff Principal Gordon Nicholson was involved in the boundary issue and the campaign, Keep Berwickshire in the Borders, and now is here again. I am pleased to hear from the press and other sources that his recommendation is that the court should stay open.

The responses to the consultation have made an unanswerable case. Perhaps the Deputy Minister for Justice can dispel some of the uncertainty and tell us, despite the wider issues in the review that might need to be addressed, that the two courts will stay open.

The Deputy Presiding Officer (Patricia Ferguson): Just seven minutes are left for speeches; two members wish to speak. It would be helpful if they kept their remarks to under four minutes.

17:20

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I endorse everything that has been said and will not repeat it, although I am glad to have the chance to speak in the debate.

I remember that when my car was stolen, I sat in Hamilton sheriff court for two days. Eventually the chap changed his plea, so I did not have to be a witness—but I sat there with four police officers from the Borders. That would happen every week, if people had to travel from Peebles to Edinburgh.

As far as I am concerned, the case is made. I believe that on reflection Sheriff Principal Nicholson will take advantage of the arguments that we have heard here; I especially support the first argument that Murray Tosh made. It would be wrong if, having campaigned for devolution and bringing government closer to the people, I stood by as my Executive closed a court and took justice away from people.

17:21

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): As a lawyer, I look back with some nostalgia to the days when I represented one person at a time rather than 70,000. That is a different challenge.

I support the eloquent speeches that have been made in the debate. It would be wrong to close the sheriff courts. My points are more generally addressed to problems of court administration. There must be more scope for making effective cost reductions without compromising justice, through streamlining procedures rather than amending structures. I say that as someone who has spent many hours in sheriff courts paid by legal aid for waiting time—chatting all the while to members of the police who were spending all day, every day sitting waiting in the courts. There are no easy answers, but a challenge facing our Parliament is to benefit from the direct experience of practitioners and to ensure that courts are arranged not for the benefit entirely of the sheriffs, but with a mind to the public purse.

I am concerned that the Scottish Courts Administration faces an even more difficult task than hospitals—at least they have inalienability in the way in which matters are arranged. In courts, there is far less predictability because timetables are daily blown off course by changes of plea and other decisions made by clients. The particular problem faced in the Highlands and Islands, as

well as in Lothian and Borders, is that civil servants of executive officer grade and above are required to be mobile. In the Highlands, that means that an experienced sheriff clerk can be told that he or she has to go and work in another court that might be up to an hour and a quarter's drive away. Although I recognise that it is difficult for the Scottish Courts Administration to organise things so that sufficient experienced staff are available, I am concerned that that rule potentially discriminates against sheriff clerks in the Highlands and Islands.

I became aware of that peculiarity of the system only recently. I mention it, although I appreciate that it is not directly relevant to what we are discussing. However, I submit that it is relevant to the general issue of how we run the courts system in a cost-effective manner, without compromising the interests of justice.

17:25

The Deputy Minister for Justice (Angus MacKay): My concluding remarks will be brief. I congratulate Murray Tosh on raising the subject of the debate. I hope that the constituency members Euan Robson and Ian Jenkins, and all members who have contributed to the debate, will take some satisfaction from the remarks that I am about to make.

I am happy to respond to the debate, partly because I hope that what I have to say will be well received, and partly because I agree with the sentiments of the motion that there is a duty on the Executive properly to consider the full implications of any proposals to change sheriff court boundaries. The provision of courthouses should be made with an eye to the ready availability of justice for everyone who needs or wants to use our courts.

At the same time, the principle of value for money has to be a factor in this part of the public service, as it is in any other. Sheriff Principal Nicholson has acted responsibly in undertaking a thorough review of the provision of courts in the Borders and East Lothian, which both come within his sherrifdom. I strongly commend his approach to all the sheriffs principal, who share a duty, along with ministers, to try to secure the efficient and effective operation of the courts in their sherrifdoms. From time to time, therefore, that duty will involve taking a hard look at the provision of court services, particularly where movements in population and other demographic changes come into play.

I can advise Parliament that Sheriff Principal Nicholson's report, as was indicated earlier in the debate, was received by officials in my department towards the end of last week. In his report, he

recommends against closure of Duns or Peebles sheriff courts. He also recommends against the transfer of certain business from the Haddington sheriff court district to the Edinburgh sheriff court district. It can be fairly said that his report reflects the strength of opposition to change that came from those whom he consulted and which members have articulated in contributions today.

Clearly, given that the report was received only towards the end of last week, a little while longer will be needed for ministers properly to consider the Executive's response. However, as I made clear at the beginning of my speech, and having listened to what members have said in the debate, I have a good deal of sympathy for the principal arguments that underlie the motion. The Minister for Justice and I will reflect on what has been said today, but I think that I can assure members that there is no prospect of this Administration bringing forward proposals for the closure of Duns and Peebles sheriff courts. [*Applause.*]

I will end with a straightforward undertaking that our formal response to the sheriff principal's report will be made known to Parliament in due course—at the earliest possible opportunity.

The Deputy Presiding Officer: Normally I close by thanking the minister for his response, but I think that he has already been thanked. Thank you anyway.

Meeting closed at 17:29.

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