

# **MEETING OF THE PARLIAMENT**

Thursday 16 March 2000

Volume 5 No 8

£5.00

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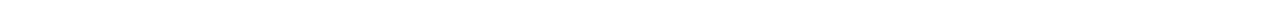
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## Scottish Parliament

*Thursday 16 March 2000*

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

### Register of Interests (Members' Staff)

**The Presiding Officer (Sir David Steel):** The first item of business is a debate on motion S1M-654, in the name of Mr Mike Rumbles, on behalf of the Standards Committee, on a register of interests of staff of members of the Scottish Parliament. I invite those who wish to take part in the debate to press their request-to-speak buttons now.

09:30

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am pleased, on behalf of colleagues on the Standards Committee, to present our second report of this year, which proposes a register of interests of staff of members of the Scottish Parliament. The committee believes that the report further emphasises its commitment to ensuring, as far as possible, openness and transparency in the business of Parliament. The committee has agreed, and invites the Parliament to endorse, the proposed arrangements for registration that are set out in the annexe to the report. If agreed by the Parliament, it is intended that the arrangements should form an annexe to the "Register of Members' Interests", and be published as such.

It became apparent to the committee in drafting the code of conduct that it was necessary also to examine the impact of MSPs' staff on the conduct of parliamentary business. That is reflected in paragraph 7.3.10 of the code:

"Staff employed by MSPs are in a position to exert influence. It is right that the public have access to information about any interest which might reasonably be thought to influence such staff. It is, therefore, intended to establish a Register of Interests of MSPs' staff. Members will be held responsible for ensuring that, to the best of their knowledge, any staff working for them fulfil the requirements when introduced."

I emphasise that the additional obligations that are recommended in the report would be obligations on MSPs. The report is not designed to regulate the conduct of MSPs' staff. The Standards Committee has no remit to impose obligations on MSPs' staff. That is a matter between a member of staff and the MSP who is responsible for them, as laid out in paragraph

9.2.5 of the code of conduct:

"Members will be held responsible for the behaviour of their staff within the Parliamentary complex and in their dealings with other members, other members' staff, and Parliamentary staff."

In the context of the report, the behaviour of our staff is relevant only in so far as their outside interests might impact on our conduct as MSPs. To the extent that it might do so, the committee considers that it is appropriate that relevant information about the interests of members' staff is registered and made publicly available. The committee was also influenced in taking that view by the fact that a similar register is maintained at Westminster in respect of the interests of MPs' staff. Accordingly, members are invited today to offer their support for the motion, which seeks to establish such a register.

The register covers

"any person who works or who provides services, whether paid or unpaid, as a member of staff of one or more MSPs to assist with the carrying out of Parliamentary duties, including constituency duties."

It also includes

"persons employed by a political party to work, or to provide services, as a member of staff to one or more MSPs."

That is a wider group than is covered by the equivalent register at Westminster. The committee decided that it was right to provide information publicly about the interests of unpaid, as well as paid, members of MSPs' staff, and about those employed by MSPs in constituency or regional offices, as well as within the Parliament. The register does not cover persons who assist an MSP exclusively in relation to electoral canvassing or electoral administration. The interests that are to be registered include receipt of gifts, benefits and hospitality. The committee considered that the disclosure of such interests would offer significant transparency in regard to the potential influences on members of staff and, indirectly, on ourselves.

The proposed arrangements place requirements on all of us to ensure compliance by our staff with the registration provisions. Where a member of staff works, or provides services, for more than one MSP, the MSPs involved should agree who is to be identified as the responsible MSP. All of us are required to ensure that any member of staff for whom we are the responsible MSP is aware of and understands the rules on registration of interests of members' staff.

The committee has acknowledged that it could be considered unreasonable employment practice for an MSP to impose registration obligations on a member of staff who is already engaged on agreed terms and conditions. In respect of those members of staff, the requirement on MSPs is to take all reasonably practicable steps to ensure

compliance with the registration provisions.

However, in respect of members of staff engaged after the Parliament agrees to the proposed provisions, MSPs are required to make compliance with the provisions a condition of engagement and to deal with failure to comply with them as a matter of misconduct.

The requirements on all members in relation to the registration of the interests of staff, if agreed by the Parliament, will be regarded as part of the code of conduct. A breach of any of the requirements on MSPs should be regarded as a breach of the code of conduct and could lead to sanctions being imposed.

**Dr Richard Simpson (Ochil) (Lab):** I have read the document with some interest, but nowhere in it can I find a definition of members' staff. Mr Rumbles has mentioned them throughout his speech. Without a definition of members' staff, anyone associated with an MSP in their office—any volunteer—is included in this draft.

More than 50 activists work in my community for me, in various guises—I am very lucky. Will I have to register all those people and classify them as members of staff? They certainly would not want to be classified as members of my staff; nevertheless they are associated with me. That point is not clear in the document.

**Mr Rumbles:** It is not the intention, as I made clear, that Dr Simpson would have to register the 50 people who work for him in that way. There is no legal definition of employment and it is not for me to lay one out.

**Dr Simpson:** Mr Rumbles referred to “paid” and “unpaid”. That does not only mean employed.

I have no problem with the register in relation to people I employ; the Standards Committee is right on that, but unpaid members of staff—

**Tricia Marwick (Mid Scotland and Fife) (SNP)**  
rose—

**Mr Rumbles** rose—

**The Presiding Officer:** We cannot have three members on their feet at once.

**Mr Rumbles:** I will continue, because I hope that my next comment will take Dr Simpson's view into consideration.

It has been brought to my attention that some concerns have been expressed about the introduction of the register of staff interests. I appeal to colleagues here today who have such concerns to make them known during the debate—Dr Simpson has already done so and I have noted his concern. The Standards Committee is a listening committee, and we are always willing to take on board colleagues' views.

In recommending the code of conduct to Parliament on 24 February, I stated that the committee believed that the code represented another key stage in developing a Parliament that the public can both trust and have confidence in. The publication of the report can be viewed as a further stage in that process—it further signifies our commitment to open and transparent procedures. As with the code of conduct, we view the arrangements as being evolutionary. We are committed to review and, where necessary, to propose amendments to those arrangements.

I move,

That the Parliament agrees to the establishment of a Register of Interests of Staff of MSPs as set out in the annex to the Standards Committee 2nd Report 2000; that the provisions contained in that annex shall apply to all MSPs with immediate effect; that the provisions shall form an annex to the Code of Conduct for members, and that the annex shall be published for sale in hard copy and made available on the Parliament's website.

**The Presiding Officer:** I should have said at the beginning of the debate that I will make a ruling at the end of this morning's business on the point of order that was raised by Fergus Ewing last week on accusations of telling lies in the chamber.

09:39

**The Minister for Parliament (Mr Tom McCabe):** In previous debates, I have mentioned the need for this Parliament to lead on these matters. Our Parliament, the world's newest Parliament, must be at the forefront in setting high standards for our members.

The evidence so far suggests that we are strongly committed to that. Much of that evidence emanates from the work that has been done by the Standards Committee. It is undoubtedly working well and it is worth registering our commendation of the members for the way in which they have applied themselves to the task—perhaps not the sexiest task of all the committees—which is very important. The committee deserves our thanks for the work that it has done so far.

I make it perfectly clear that the principle of a members' staff register is fine and is totally supported by the Executive and by the vast majority of the members of the Parliament. However, there is perhaps concern that balance and good intention will lead to over-prescription. The concern centres around four areas. First, the report says that once a member has been requested to supply details of a member of staff, they have seven days in which to do so. In some circles, that might seem reasonable, but in the hurly-burly of parliamentary life, there might be a variety of circumstances that make that a difficult time scale for a member to meet. Perhaps, with

some reflection, we could revisit the tightness of that time scale.

Secondly, the report mentions that the receipt of any hospitality must exceed £50 before a member of staff is required to declare it. That figure differs from that which we had agreed for MSPs and from the one that is established in the House of Commons. In this chamber, it is almost obligatory to say that we do not need to do everything that the House of Commons does. However, that figure in London was surely set in the light of experience; we set a different figure here. Perhaps it would be no bad thing if we took some time to reflect on the difference between the two figures and to expand further on the rationale behind making a distinction between a member of staff and a member.

**Mr Rumbles:** To be helpful, the £250 that applies to MSPs covers every source, under all circumstances, whereas the £50 is for anything that relates to the work that an employee does. There is a significant difference between those two purposes.

**Mr McCabe:** I am grateful for that clarification. However, perhaps the committee should reflect upon some of those concerns.

The third area of concern was raised by Richard Simpson, who referred to the requirement to register unpaid staff. There are concerns about how we define those staff, how wide that goes and where we cross the line between someone having a genuine interest in assisting the process locally and their being considered a member of staff. Perhaps greater definition and clarity would be no bad thing.

Fourthly, the convener of the Standards Committee alluded to the fact that the burden of responsibility for any transgressions made by a member of staff is placed firmly upon the MSP—that is a fairly onerous burden. Before MSPs accept the report, they need to clarify better exactly what they are signing up to. There is not a great deal of clarity about the burden that is placed on the MSP; again, more clarity would be no bad thing.

We should consider the question of consultation with staff, and indeed with MSPs themselves. Today's debate is, in many ways, a form of consultation with MSPs. I am sure that the members of the Standards Committee will be informed by the contributions that are made. Essentially, we are debating requirements that are placed on members of staff. I would hope that at the very least we would take a little longer to explain to those members of staff the rationale behind our belief that there is a requirement to register their interests. That would help them to understand that it is being done for the right reasons and that we do not operate in something

approaching a blame culture.

I hope that, having been informed by this morning's debate, the Standards Committee will take account of the comments that have been made and reflect further on the report, before the Parliament takes a final decision.

Other pressing business means that I have to leave the chamber for at least part of this morning's debate. I apologise in advance for that.

09:44

**Michael Russell (South of Scotland) (SNP):** I echo what Mr McCabe said: this is a Parliament that has, quite rightly, set itself the task of being in the forefront of regulating members' actions, so that it is open, transparent and accessible.

It is quite acceptable that members in this chamber should set themselves the highest standards. We all welcomed—and are living by, I hope—the code of conduct that the Standards Committee introduced in February. However, the register of members' staff interests is slightly different. We all accept that staff must be regulated. There is clearly a need for openness, transparency and accountability from the staff of MSPs. However, to some extent, those staff are the civil servants of members and therefore, not only should we regulate, but we must have the same concern for their protection as we do for that of civil servants. We can accept draconian measures to apply to ourselves, but we owe it to the people who work for us to ensure that there is full consultation before we accept such measures on their behalf. The debate should form part of a pre-legislative consultation—something on which Parliament prides itself—on the code.

I welcome the report of the Standards Committee. The committee is doing a tremendous job on behalf of the Parliament. However, this morning is not the right time to make a final decision on the document. I encourage the committee to listen to the debate and to consult members of staff, either through staff associations or by inviting individual members of staff to give evidence to the Standards Committee.

One or two points that arise from the report require further consultation. All of us are envious—not to say incredulous—that Richard Simpson's charisma has resulted in 50 people working for him. He makes a very good point. Nowhere in the document is it made clear who is a "member of staff". The issue of voluntary staff and those who wish to give their time to assist, not just members, but the democratic process in Scotland, has to be considered differently. Some people give their time simply to assist in the practicality of delivering the services of the Parliament; the definition of a member of staff has to be approached more

carefully.

I thank the staff association of the Scottish National party for considering the report and raising some points on which it wants to consult. The publication of names and details of staff is quite acceptable, but there must be some safeguards. To some extent, those people did not invite publicity and contact—unlike us—but they took on a job. That must be considered within their terms and conditions of employment. If names and details are to be published on the internet, we must reassure members of staff that that is in their interests and in the interests of their families.

There is the question of voluntary staff. Many people want to get involved in the Parliament and we must ensure that they do not disadvantage themselves in doing so. We must consider how those people are treated. A real problem in the report is the approach to temporary staff. If I have read the report correctly, temps and agency workers who do more than 10 days in a year would have to register every other employer that they have had in that year. That raises issues of commercial confidentiality and more practical difficulties, because a temp might work for a whole range of people during the year. That will have an impact on members, because it will occasionally limit the services that we can get from temporary staff.

The gifts, benefits and hospitality threshold is set very low. I am reliably informed that it costs more than £50 to go to a club for a night—it is not something that I do often. I do not know whether that is true—Dr Simpson or Mr McCabe might be able to tell me, and Mr Swinney could certainly tell me. However, that is not an uncommon invitation for an evening. The level is set too low. We must also recognise that staff sometimes accept hospitality because their employer tells them to—attending a conference, for example. That is not a willing action, but one taken under instruction. We must differentiate between the two circumstances.

We keep returning to the definition of staff. Reading the report, I want to know much more clearly who staff are and why they are defined in such a way.

I encourage the Standards Committee to take heed of the debate and to realise that there is cross-party support for regulating staff and for the strongest code of conduct for everyone in the Parliament. However, the committee should take the report away without voting on it, to ensure that consultation takes place with staff and members. We need something that answers the questions of the people who work hard for members, who are an integral part of the Parliament's work and for whom we are making decisions without giving them the opportunity to speak for themselves.

09:50

**Lord James Douglas-Hamilton (Lothians)**  
**(Con):** This matter of a register of interests of MSPs' staff should be dealt with quickly and effectively, but in a way that commands the confidence of all. It recently came to our knowledge that concerns have been expressed by employees—especially on the ground that they have not been consulted.

Concern focused primarily on three items. The first was whether the names of staff should be registered on the internet. In that connection, I quote from the ninth report of the 1997-98 session, of the Select Committee on Standards and Privileges, which states at paragraph 3:

"The Commissioner has proposed that the other registers . . . should now be made open to public inspection. We agree there is inevitably a conflict between the protection of the individuals' privacy and allowing public access to information which is of legitimate interest to the public. In our view the case for greater openness is the stronger."

Paragraph 5.2 of the proposed register states:

"The Register is available for inspection on the Parliament's website."

I do not know which concerns are likely to be expressed in that connection, or the reasons for them, but it seems fair that employees should have the opportunity to express their view before implementation.

The second concern was over whether it was appropriate—and Tom McCabe has raised this point—to set for staff a threshold of £50 for gifts and hospitality that have to be declared. It should be pointed out that the threshold for MSPs is fixed by statute and relates to all gifts and hospitality that they receive; it is therefore much more comprehensive. The requirement in the proposed register relates specifically to gifts and hospitality that employees receive directly in relation to their work. However, as members of a listening Parliament, we should be aware of the views of members of staff before any final decisions are made.

The third concern was over the time for the registering of staff. MSPs are asked to put forward the names of employees within a week. Thereafter, the employees have some 30 days to register the details. Therefore, from the date of implementation of the register, there will be some five weeks before details have to be registered—which is surely not an oppressive deadline. However, here again, there is no harm in listening to the views of employees.

There might be other matters which employees wish to raise, and the form and length of consultation should be a matter for the committee. Thereafter, I hope that the endorsement of the report will be possible, so that other pressing

subjects can be considered efficiently and speedily.

When President Abraham Lincoln was asked why he had not implemented his wish and intention immediately, he replied:

"I do not think much of a man who is not wiser today than he was yesterday."

If the members of the Standards Committee do not press their motion to a vote this morning, they are merely following the example of President Abraham Lincoln. I hope that, when the register is implemented, the certainties accompanying it will be based on a structure of well-resolved doubts. I share the convener's wish to maintain calm and steady progress within a reasonable time scale.

09:53

**Dr Richard Simpson (Ochil) (Lab):** I had not intended to intervene in the debate. I welcome the work of the Standards Committee; having been a temporary recruit of that committee, I know how hard its members work.

Apart from the concern over the definition of a member of staff—which is crucial—there are other issues that I would like to raise. Before doing so, I would like to refer to paragraph 2.2 of the report, which repeatedly uses the phrase:

"as a member of staff".

The definition of a member of staff will be central to the way in which the document is treated.

I echo the point that Mike Russell made about temporary employment. What constitutes temporary employment? Does it, for example, involve working full time for 10 days, or part time, or an hour a day? We need to have clear definitions, so that we know what we are talking about.

I accept that the spirit of the report is to be open and transparent; perhaps we therefore need to be over-inclusive rather than under-inclusive. However, that has consequences for individuals who volunteer to fill in on a short-term basis.

I would like to ask about the third-party provision. There are circumstances in which many of us have discussions with organisations such as voluntary organisations, unions and others, when offers are made to investigate a particular area, to provide specialist information, to provide us with papers, or to search the web for literature reviews—as I had done the other day for me by an organisation. Such organisations employ staff to undertake that work, so I am asking a third party to do that work for me. However, I do not know who is doing it or the way in which it is being done. I do not know whether it is being done by an individual or by a team. Perhaps Mr Rumbles could address

that point.

**Mr Rumbles:** I would like to put Richard Simpson's mind at rest—the register will cover only members of staff. Third parties do not come into it. Paragraph 2.1 of the report shows clearly those who would be included in the register.

**Dr Simpson:** The report also refers to provision of services "whether paid or unpaid." Those two elements taken together—

**Karen Gillon (Clydesdale) (Lab):** The point that Richard Simpson makes has more to do with MSPs and relates to paid advocacy and sponsorship. He should consider that if he uses agencies to do his work, such as those to which he referred.

**Dr Simpson:** That is another issue which I was going to raise. I was not referring to paid advocacy.

If we include family members who are staff in the register, what do we define as family? I do not want to get into that today—it would be wonderful to have one day on which we do not try to define what constitutes a family. Do we include family members who are unpaid members of staff? My family has been supportive and helpful and has made many suggestions—not always favourable—about what I should do or say. How wide do we make the definition when work is being done on an unpaid or voluntary basis? Do we include wives, parents and children? Who do we include? We must have a clearer definition. Those of us who are fortunate enough to have significant extended families might overwhelm the register.

I welcome the report and the fact that the Standards Committee is—as it has proved in the past—a listening committee, but we must examine definitions more closely.

09:57

**Tricia Marwick (Mid Scotland and Fife) (SNP):** On behalf of my colleagues on the Standards Committee, I thank members for their welcome contributions to the debate. As Mike Rumbles said, we are a listening committee and we are always keen to hear the views of our colleagues.

I am sorry that Richard Simpson has just left. He is—

**Dr Simpson:** No, I have not.

**Tricia Marwick:** I am sorry. It was Tom McCabe who left.

Richard is fortunate that he has 50 helpers and his extended family. It is clear from the report that staff are those who help members carry out constituency or parliamentary duties. Any person who helps an MSP carry out the duties for which

the MSP was elected is a member of staff. We could sit all day and talk about who helps and when, but at some point common sense must come into the debate. I hope that we can approach the debate in that spirit.

Good points have been raised in speeches, but the Standards Committee believes that the report is good. It continues the important work of seeking to achieve as open and transparent a system of government as possible, which the Scottish people can trust and have confidence in. It is important to remind MSPs and their staff at this juncture, that the register of staff interests is not to be taken in isolation. It is part of a package. That package started with the code of conduct for MSPs. We will also be looking at how lobby companies and others engage with Parliament.

The report is good and we have heard nothing to contradict that. In summarising the debate, I believe that it is fair to say that colleagues in all parties have no problems in principle with the introduction of a register of staff interests. At a meeting on 23 February, the Standards Committee took the view that the proposed register should be introduced as a priority—that was based on our experience of drawing up the code of conduct for MSPs and on our previous inquiries.

As Standards Committee colleagues have emphasised, MSPs' staff might be in a position to exert influence over members and—indirectly—over Parliament and its business. Given that potentially influential position, it is right and appropriate that information about staff interests is disclosed.

I would like to refer to some other comments that have been made today. There is concern about whether staff details should be made publicly available, and representations have been made to me on that issue. The committee needs to revisit the matter, because staff members are MSPs' civil servants and we must ensure that we safeguard them.

Members have mentioned the threshold of £50 for gifts, benefits or hospitality. Although, as Mike Rumbles pointed out, the same threshold for MSPs is £250, it covers all sources such as gifts from spouses, as Karen Gillon and I well know. We were both disappointed that we had nothing to declare after Christmas. The threshold for staff members is lower because it does not cover tokens of gratitude such as chocolates, flowers or modest hospitality. Furthermore, I have to say that I do not know how many people are invited to clubs; I have never been invited to one myself.

**Michael Russell:** I will take you one day.

**Tricia Marwick:** Everyone heard that offer.

**Mr John Swinney (North Tayside) (SNP):** Don't go.

**Tricia Marwick:** John Swinney tells me not to go; I will wait for a better offer from him.

Members have raised concerns about the lack of consultation on the report. The proposals for a register of staff interests have been well documented, and the committee's intentions were clearly stated in section 7 of the code of conduct, which was agreed by Parliament on 24 February. However, we accept that it might have been better to have had a longer consultation period with members' staff, and that there has not been sufficient time between the report's publication and this debate to enable full consideration of the committee's proposals and an explanation of all the details. Perhaps there has not been enough opportunity for members of the Standards Committee and staff associations to explain some of the report's points.

**Michael Russell:** Although that is very welcome, it is not just explanation that is required. We would be concerned if the process did not include taking into account the views of members' staff.

**Tricia Marwick:** As usual, Mike Russell makes a fair point. We should consult staff, and I am hopeful that we can do so in the future. However, although there must be consultation, some explanation is also needed. A few of the concerns that were raised today could have been very easily dealt with if certain details had been explained.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Does the member accept that one of the main priorities in bringing out this addition to the code of conduct was our anxiety to protect members of staff and to ensure that situations did not arise where they could be accused of something that they had not done? We wanted to provide a framework so that members' staff understood the parameters within which they worked.

**Tricia Marwick:** I agree with Patricia Ferguson.

As Mike Rumbles emphasised in his speech, the proposed arrangements are evolutionary and we are committed to reviewing all aspects of our work. Although we believe that the report is good and that the principle of a register of staff interests is sound, we will continue to listen closely to colleagues' concerns.

**Mr Rumbles:** I have listened carefully to colleagues' views and arguments today, and it appears that, although there is no opposition in principle to the introduction of a register of staff interests, there are some concerns about the proposed arrangements for registration. As those concerns can be attributed to the speed with which the debate has happened, I accept that there is a

need for a further period of consultation with members and their staff, to tackle members' concerns and to maximise the effectiveness of the register.

Presiding Officer, given the views that colleagues have expressed, I seek leave to withdraw the motion in my name, in accordance with rule 8.3.6 of the standing orders.

**The Presiding Officer:** I am happy to put that to the chamber. Has Tricia Marwick finished?

**Tricia Marwick:** I was concluding. I thank Mike Rumbles for his intervention. I concur with him and believe that that is the right way to go forward. I am sure that at the next committee meeting we will consider methods of consulting colleagues and members of staff.

**The Presiding Officer:** The question is, that motion S1M-654 be withdrawn.

*Motion, by agreement, withdrawn.*

## Health Boards and NHS Trusts (Public Consultation)

**The Presiding Officer (Sir David Steel):** The next item of business is a debate on motion S1M-656, in the name of Mrs Margaret Smith, on behalf of the Health and Community Care Committee, on health boards, NHS trusts and public consultation. I invite members who want to take part in the debate to press their request-to-speak buttons now so that we can see how many need to be included.

10:05

**Mrs Margaret Smith (Edinburgh West) (LD):** On behalf of the members of the Parliament's Health and Community Care Committee, I welcome the opportunity—*[Interruption.]* I welcome the opportunity to watch Iain Gray wreck the furniture and to open the first debate initiated by a subject committee. Members are a little sparse on the ground this morning. There must be something going on somewhere else. We all know about that.

I take this opportunity to pay tribute to our committee clerks and to our researcher for their hard work and input into the committee's work to date, which I will outline. I pay tribute also to the tremendous contribution of MSPs of all parties to the committee. In the months and years to come, the committee will play a significant role in the improvement of health services in Scotland.

It is significant and a sign of the changing political climate in the country and in the health service that we have decided to initiate a debate on accountability and consultation. The debate should and must send a clear signal that a new light of scrutiny must fall across the work of the health service. The debate must place the rights of patients at its heart.

During recent months, the committee has become increasingly concerned that, despite reassuring words in Government document after Government document over many years, people still feel that their voices are not being heard by health boards, health trusts, professionals and politicians. People believe that we have a national health service in which clinical voices will always be heard above lay voices. They believe it is a service in which, historically, the culture is one of secrecy rather than of openness; in which managers would rather hide information from the public and the media than engage with them to improve the quality of care; in short, that we have a secret service.

We all know the benefits of consultation. Indeed,

in the debate earlier this morning, we heard that even this Parliament does not always get things right. I am sure that my committee colleagues will agree that we still have a lot to learn about how to consult bodies in the health service on the committee's work. Nevertheless, the Parliament seeks to engage in effective consultation with those bodies.

One of the key aims of the consultative steering group was to make the Parliament open and accountable and, through it, to make others more accountable to the public. The committee will play its part in that wider vision in several ways: through taking written and oral evidence; through meeting and listening to individuals, groups and statutory bodies; through visits to health and community care services throughout Scotland, beginning with our review of community care; and through working in innovative ways with users, carers and patients.

Our role includes scrutiny of the Executive's legislation and health budget and investigation of major areas of local and national concern. We have already called several boards, trusts and others to give evidence to the committee and to be scrutinised by us. It is likely that by the end of this first parliamentary session, each and every health board in Scotland will have been called to give evidence to us publicly about the state of the health service across the country.

The Public Petitions Committee plays a crucial role in making us more accessible. The committee, which acts as a public gatekeeper to our parliamentary procedures and processes, has passed two petitions to the Health and Community Care Committee that I want to mention in relation to the need for greater accountability and better consultation in the health service.

The first petition, which had 25,000 signatures, was presented by the Stracathro staff action committee. It highlighted concerns about the possible closure of the Stracathro district general hospital in Brechin. The second petition was presented earlier this year by the Glasgow North Action Group and concerns the proposed siting of a medium secure unit in the grounds of Stobhill general hospital in Glasgow. The motion refers to the first of those petitions, but the concerns of the committee outlined in the motion relate to both, and to a wider range of anecdotal comment that we have received.

It is perhaps useful at this stage to mention to colleagues that committee members have taken the view—and will probably continue to do so—that although petitions may refer to local services and situations, the role of the Health and Community Care Committee should be to take a national view and to learn strategic lessons from local examples. It should not be for us to deliver or

overturn local decisions.

The committee decided, as part of our Stracathro report, to focus on communication and consultation with patients, staff and the wider communities of Angus and the Mearns, as well as on other aspects of the management of hospital resources. It became clear from the evidence that we took that there had been faults in the consultation process, including a failure to hold public meetings in key areas, and a poor standard of communication between Tayside University Hospitals NHS Trust, its predecessor trust, Tayside Health Board, patients and concerned groups. Critically, there was a failure to work in partnership with staff. We found that staff had been inadequately consulted and had found out about closures and changes through the media. Their morale and recruitment problems had worsened because of continuing uncertainty.

Compare that with the warm words of the new human resource strategy, "Towards a new way of working":

"we need to ensure that . . . as change impacts on employment and jobs, an employee relations framework is created which gives staff the opportunity of real consultation, involvement and the ability to influence decision making".

The Health and Community Care Committee agrees with that whole-heartedly, but has expressed its concern at the difference between that aspiration and the way in which hard-working, dedicated professional staff had been treated at Stracathro. We recommended that the board's and trust's non-compliance with the terms and spirit of that strategy should be investigated by the Executive in the accountability review of boards and trusts. We recommended that staff at all levels should be consulted timeously at all stages of the acute services review in Tayside.

The thousands of men and women who staff our health service are its backbone and they should be treated with respect. It is obvious that that means decent pay and conditions, training, educational opportunities, family-friendly and safe working conditions and decent environments in which to work; it also means that they must be encouraged to make an early input into any discussions about service changes and new initiatives.

We can improve the quality of our health services by working in partnership with staff at all levels, listening to their concerns and channelling their expertise. Many of our concerns that arise from our examination of the situation in Tayside have been heightened by the latest petition concerning Stobhill. We have been led to make a series of key recommendations.

I am sure that my colleagues, particularly the

Health and Community Care Committee's reporter, Richard Simpson, will wish to comment in greater detail on the complex situation there. I wish to highlight a few of our recommendations and then move on to the wider picture.

The fact that the health service is lacking clear guidance on proper and effective consultation has been highlighted. Despite our finding the consultative process of Greater Glasgow Health Board to be flawed, we are bound to note that it has gone further than it is required to do to fulfil its statutory obligations. The sad truth is that there are no guidelines advising health boards that they have to inform, engage with and consult staff and the general public about new proposals, such as the new medium secure unit, or the walk-in, walk-out ambulatory care and diagnostic unit, which is planned for the same site.

Whereas there are no guidelines for consultation on new service provision, the guidelines for consultation on the change of use or closure of facilities are 25 years old—older than Duncan Hamilton, a member of the Health and Community Care Committee. Much of what is in the management executive letter from 1975 is good. It tells boards to consult all bodies with a valid interest and gives some examples—health councils, staff associations, local authorities and MPs—but it falls silent on the wider needs of the public at large and leaves it to boards to determine the necessary range of consultation. That is just not good enough these days. There is no excuse for a modern-day health service to be guided by such archaic rules. That is why we have asked the Executive to deal with the concerns as a matter of urgency, to draw up guidelines and to instruct health boards to draw up interim consultation programmes immediately.

Given the Executive's commitment in "Designed to care" to create a partnership between patients and the professionals who care for them by giving both a bigger say in the design and management of the national health service, I hope that the Executive will embrace our suggestions.

Over the years, successive Governments have published a range of booklets and other publications that outline the need for consultation. That on the closure and change of use of health service premises, the code of practice on openness in the NHS, "Designed to care", "Towards a new way of working", "Consulting Consumers" and the carers strategy are just a few of them.

However, rather than being at the heart of the consultation process, the public have often been treated as an afterthought or an inconvenience. Too often, the practice on the ground is different from the aspiration in the policy document. Some health professionals desperately want to engage

with the public, their patients, but do not know how to. We should not underestimate the fear factor. Consultation and accountability are not easy. We, of all people, should know that.

There should be a clear strategy and clear guidelines that cover the minimum levels of consultation and give examples of best practice. Clinicians, for so long treated by so many as some form of deity, will have to engage with the public, but we cannot expect them to do so effectively without proper training and guidance. Further, we cannot expect health service bodies to do so without the relevant back-up and financial support from the centre to make representative participation a reality.

If we are serious about involving patients more in decisions about health care, either at the level of their own treatment or at the level of local service provision, they must have access to good information. If we are serious about planning and delivering services from the perspective of patients, we must involve them and give them the tools to make effective contributions. Without proper information, patients will either uncritically defer to the views of professionals or make ill-thought-out, nimbyesque decisions that fail to consider the full picture of service provision.

Provided with accessible and appropriate information, patients are a valuable asset. The Scottish Consumer Council is right to point out that service providers have much to learn from consumers, who are an expert resource. Knowledge of people's experience of illness, disability and using the health service is invaluable. We must all be honest enough to acknowledge that, sometimes, even the best consultation process will result in hard choices having to be made and people being disappointed. There will be times when we will have a responsibility to step back and see the wider picture. Everyone has that responsibility—health service managers, professionals, members of the media, politicians and patients.

If we want to have a better-informed patient base, we must find ways of engaging in continuing consultation and involvement, and not just have one-off meetings in public halls. The service's consultation techniques must evolve to make use of new technologies. There must be a move away from traditional public meetings towards the use of citizens juries, quantitative surveys, carers and users groups, road shows, stakeholder conferences and so on.

At all times, the changing health service must try to retain public confidence. Of course, that confidence will be built by greater funding and better services, but it will also be built by more openness, through measures such as the Freedom of Information Bill, and greater

accountability. At the moment, the accountability of health boards, trusts and health councils can be called into question because of the democratic deficit. In our Stobhill recommendations, we ask the Executive to consider options to address that deficit, either through the direct election of health commissioners to the bodies or through the involvement on those bodies of local elected representatives such as councillors or MSPs.

The Executive has a crucial part to play in modernising the system of public appointments to NHS bodies. I am happy to say that that is being taken seriously. It is critical that public appointments are made on merit and are not just jobs for the boys—I use that term advisedly—or political appointments. It is essential that we get the right people in the right place at the right time and that we widen the range of people serving on those powerful bodies. I believe that there is a role for parliamentary scrutiny of those appointments and favour some form of pre-appointment scrutiny, possibly by parliamentary committees.

Scotland's health councils are the only publicly led statutory organisation representing patients and have a right to be consulted on service changes. That puts them in a powerful position. While we acknowledge that they do a great deal of good work, we retain concerns about their funding and the fact that council members are partly appointed by the health board, which might call into question their independence.

Health councils and elected representatives could play a stronger role in terms of scrutiny and accountability by, for example, attending the annual accountability review to comment on boards' performances in relation to, say, public involvement. Currently, the management executive holds health boards accountable for their performance at an annual accountability review meeting that covers many other subjects. Health councils are now asked to comment on health board performance, but are given only a short time in which to do so and are not invited to attend the private review meeting.

Public involvement must be regarded as an integral part of the health service in the acute and primary care sectors. In primary and community care, well-thought-through patient involvement may have the most significant impact in the creation and development of local health board care co-operatives and other new service developments. There must be a place for patient and user input to ensure that the services that are delivered are what patients need.

Many of the public involvement issues of recent years have arisen through the decommissioning of long-stay facilities and the move towards care in the community, along with the impact of acute services reviews. Although changes to acute

services are always more likely to generate petitions and public concern, the voluntary sector and others are right to be concerned about funding issues, equity issues—such as postcode prescribing—and issues that arise from care in the community.

The onus is now on us to lead an honest debate on what the NHS can and cannot afford. The onus is on our citizens to decide whether they want to pay for health services through taxation, through increased taxation or by other means. Only last week, Dr John Garner of the British Medical Association said that it is time for the Government to admit to rationing in the NHS and for the general public to engage in a debate on what the NHS should offer. There is a role for all of us in that debate.

In placing the rights of the patient at centre stage in this first committee debate, I would like to end my speech on the subject on which I began, by stating the Health and Community Care Committee's commitment to open and accountable government at all levels of health care. We will monitor the Executive's response to our work on this matter and, through our continuing work, seek to consult and engage with patients and professionals throughout Scotland.

The committee is part of a new multidisciplinary health force that will improve health care in Scotland. We are determined to play our part to the best of our abilities. The latest priorities and planning guidance for the NHS says that the NHS should give renewed impetus to its efforts to involve patients in the planning and delivery of care and should respond positively to their views and preferences.

I commend to Parliament the Health and Community Care Committee's report into Stracathro and our on-going work as examples of our commitment to placing patient care and involvement at the heart of our health service and to tearing down any remaining vestiges of the veil from the secret service that is—or was—our health service.

I move,

That the Parliament notes the concerns of the Health and Community Care Committee, in relation to the accountability of health boards and NHS Trusts and notes the need for a new approach to public consultation as illustrated in the recent and ongoing work of the Committee, and in this connection the Parliament notes the 9th Report, 1999 by the Committee, Report on Stracathro Petition PE13 (SP Paper 48).

10:22

**The Deputy Minister for Community Care (Iain Gray):** I welcome this opportunity to address the Parliament and I thank the Health and

Community Care Committee for raising these important issues. Several important points have been raised during the committee's deliberations over the two petitions to which Margaret Smith referred. We are giving careful consideration to the report's individual recommendations, which we welcome as a valuable contribution to the work that is already under way to make the NHS more responsive to the needs of individual patients, the preferences of the public and the views of its staff.

The two reports have in common an expression of people's real concerns about proposed changes to their local NHS. I welcome the fact that the committee acknowledges the importance of local decision making. This Executive is committed to change in the NHS, because without change we cannot deliver on our commitment to provide the people of Scotland with a world-class national health service—an NHS that cares as well as cures. If we are to embrace change, we must engage, in a meaningful way, with the people in communities who will be affected. We must build a partnership that is founded on trust and a willingness to share information, and we must consult meaningfully. That is our policy.

The process has already begun. The white paper "Designed to care" sets out a clear and challenging agenda to ensure that every aspect of NHS care is designed from the perspective of patients. Each board and trust has been required to designate an executive director with responsibility for patient and public involvement. We believe that we have started to experience the benefits of that. For example, the board meetings of all health boards and trusts are now open to the public; the good practice guidance on public involvement that is set out in the Scottish Consumer Council's report "Designed to Involve" is being implemented; local health councils and other planning partners are now involved in the strategic development of health improvement programmes; and patient groups are being involved in the on-going work of trusts—for instance, in overseeing the elimination of mixed-sex accommodation.

**Hugh Henry (Paisley South) (Lab):** The minister's comments are welcome, but will he accept that there are still grounds for concern? For example, I heard a representative of the health council in Glasgow saying recently on the radio that it had no knowledge of the plans for health in Glasgow. Will he accept that there are areas where consultation and communication are just not happening?

**Iain Gray:** Indeed, and the next thing I wanted to say is that there are no grounds for complacency. We are at the beginning of a process of continuous improvement—I may be able to come back to the situation to which Mr

Henry refers.

There have been calls, which Margaret Smith repeated today, for the Executive to issue guidelines to health boards on informing and consulting staff and the general public and on the accountability of health and trust board members. We are doing that. We agree that the 1973 guidance is outdated. We have begun discussions on revising and updating it. We would be happy, too, to enter discussions on revising and updating Duncan Hamilton, since he is of the same vintage. Perhaps that is what we try to do day in, day out.

Since coming to office, we have made it clear that health boards and trusts must operate, and be seen to operate, with probity and propriety and to be open and accountable to the communities they serve. If any of them still believe they can operate as a secret service they will not be able to hold that belief for much longer. They must involve patients, their carers and families, staff, the local community and elected local representatives in decisions about services being provided in their areas.

**Mr John Swinney (North Tayside) (SNP):** Does the Executive have any proposals to substantiate that assertion about health boards not being able to carry on as a secret service—proposals that would give a health check to health boards on meeting the standards for public consultation and dialogue that the Executive requires?

**Iain Gray:** We are reviewing the system of NHS governance and looking at performance indicators and related measures of accountability. Public engagement will be judged.

Codes of conduct and accountability have been in place since 1994 and stress the importance of openness and dialogue with communities. Health board and trust members have to subscribe to the codes when they are appointed. The code of accountability makes it clear that boards and trusts are accountable, through the chief executive of the NHS and the NHS management executive, to Scottish ministers. The chief executive, as accounting officer, is also accountable to Parliament.

Board members also have a clear line of accountability; they are appointed by the Minister for Health and Community Care on behalf of the Scottish ministers. As ministers, we are accountable to Parliament. Since 1995, there has been a code of practice on openness; boards and trusts must abide by the code, which was extended in 1998 to ensure that all trust board meetings are held in public.

We do not regard the codes as sufficient; they need to be renewed. We are working towards establishing the appropriate balance of advice,

guidance, training and support—mentioned by Margaret Smith—and, where appropriate, statutory provision, to create an accountable, inclusive NHS fit for the Scottish people. That work will be informed by other changes, such as the introduction of the Ethical Standards in Public Life (Scotland) Bill and the freedom of information legislation under consideration by Parliament.

If members cast their minds back to the debate of 16 December, they will remember that we are committed to widening the range of people who are appointed to the boards of health bodies so that boards are more representative of Scottish life. In that debate, Susan Deacon undertook to write to every member to ask for their help and I am happy to renew that call today. We are actively seeking people from a range of backgrounds to broaden the representation on boards. Susan Deacon has written to a wide range of bodies in Scotland to try to do that.

Most boards already have local councillors as members and we want that practice to continue. I do not say that that is enough. Indeed, Susan Deacon and I have made it clear to NHS chairmen and senior managers that they must forge open relationships with staff, patients and their families, local communities and elected representatives. They must ensure that there is constructive communication about the development of service provision.

Margaret Smith spoke about relationships with staff, particularly in the context of one of the committee's reports. At a national level we have established the Scottish partnership forum, which brings together—around, rather than across, the table—NHS staff representatives, trade unions, management and Government. That way of working is being rolled out across the NHS and local partnership forums are being formed. Structures are being introduced to bring about the cultural shift to which Margaret Smith referred.

I think the committee recognises that health boards and trusts face a difficult task in redesigning local health services to provide modern and responsive care that meets real local need. Health boards and trusts also face the difficult task of engaging and communicating effectively. There will be some hard decisions to make, some of which will be met with informed and reasoned opposition, as has been the case with local fears about the future of Stracathro. I stress once again that no decisions have been made yet about the future of services at Stracathro or at any other facility in Tayside.

**Mr Andrew Welsh (Angus) (SNP):** The minister says that no decisions have yet been made about the future of Stracathro. How does he explain the cuts and closures that have taken place? Do they not affect the future of Stracathro?

**Iain Gray:** I repeat the point that the delivery of services and the balance between access and appropriate high-quality services are the substance of the acute services review. Within that framework, decisions have not been taken.

The committee's work underlines the fact that decisions may encounter understandable—although perhaps unnecessary—fears. That is particularly true if proposed changes involve mental health facilities and, in particular, facilities for mentally disordered offenders.

There is unanimous agreement on the need for a local forensic unit to serve Glasgow's population. The siting of the unit was always going to be a controversial issue that would cause considerable public and media debate. The guidance on health and social work care for mentally disordered offenders that was published in January 1999 put into effect modern thinking on care for the mentally ill. Few people these days argue that it is in the best interests of patients to keep them locked away in old Victorian institutions, miles from their families and homes.

Where possible, care should be provided in the community in an environment that maximises the possibility of rehabilitation and return to an independent life. Of course, that care has to be provided under conditions of appropriate security, with due regard to public safety. We cannot expect the public to accept that if we do not engage with them. The difficulty of getting that right was highlighted in the public debate on the proposed unit at Stobhill hospital and we must learn from that experience.

Richard Simpson's very detailed report has raised important issues for both Greater Glasgow Health Board and the Scottish Executive. We are considering the report and will respond shortly. I am confident that Greater Glasgow Health Board knows that it must learn from the experience of Stobhill when it carries out public consultation exercises in future.

Steps are already being taken in the Executive to ensure that, in future, the NHS will engage in effective dialogue with the people it serves. What does that mean? Effective dialogue and communication is about engaging, openly and transparently, the people and communities who will be affected by a decision. It cannot be done at the end of a process to inform those concerned of the decision that has been taken. It must evolve and involve.

Effective communication is about a process in which information is shared and dialogue is fostered in an attempt to reach common understanding and a shared decision. It is about recognising that when people and communities are involved from the beginning, supported and

informed, they do not make irrational decisions. Real dialogue recognises that people and communities can make tough choices and take difficult decisions when they are informed about the issues and feel that they have been part of an inclusive process.

As Margaret Smith said, effective communication has to happen day in, day out, not just when major issues are being dealt with. Under our patients project, we will improve the way in which the NHS communicates with patients, their carers and their families. We will ensure that the NHS engages local communities in a partnership founded on trust, based on a willingness to share information and to consult widely and comprehensively. We will work to create a climate that ensures that NHS staff, patients and their families, and local communities and their elected representatives, are involved and can contribute to the development of the services that are provided by their NHS.

However much we change and improve the culture of consultation and dialogue, we must always remember that we need to improve and change our NHS. We must take our people with us. We must not only inform and consult them, but support and involve them in the development of the services that they use. That is not easy, but it is essential. The work of the Health and Community Care Committee is a welcome contribution to getting it right.

10:37

**Kay Ullrich (West of Scotland) (SNP):** This feels a bit like being in "Dad's Army". We are left to guard the home front while the rest are off at war.

This Parliament first sat a mere five weeks after the NHS in Scotland underwent a huge restructuring process. At the risk of being accused of indulging in consensus politics—don't faint, Susan—I should say that some parts of "Designed to care" met with our approval, not least the abolition of GP fundholding and the removal of that most bizarre policy, the internal market. The SNP also supported the need for transparency and accountability from those who operate trusts and health boards on behalf of the public, who, after all, own the health service.

For as long as I can remember, getting information from health service management has been akin to the drawing of very strong teeth. Since its inception, the health service in general—not only health boards—has operated in a culture of secrecy. For workers in our health service, that has meant a culture of fear: staff afraid to speak out when they know of bad practice; staff afraid to be quoted when things go wrong; and health boards and trusts that feel quite justified in making

decisions, if no longer in smoke-filled rooms, at least behind closed doors.

We must put an end to that secrecy culture, which still seems to dominate in health service management. The public, who foot the bill for the health service, must be able to get straight answers to straight questions. For health boards and trusts, that may even mean responding with honesty to questions from the media. In spite of what we have recently been told about the many imperfections of the Scottish press, it is there to inform the public. The time when those who managed the health service could act as if they operated under the Official Secrets Acts has long since passed. Openness and accountability must be the name of the game.

During the Health and Community Care Committee's investigation into the Stracathro hospital petition and, more recently, the committee's consideration of the Stobhill hospital petition, it became clear to us that the culture of secrecy still prevails. Trusts and health boards appear to feel that consulting the public, or, indeed, their own health service staff, is somehow not part of their remit.

I quote from the *Brechin Advertiser's* submission to the committee, which, in referring to the 700 staff members at Stracathro hospital, stated:

"Time and time again, the recurring theme is one of failure on the part of management to involve or inform staff when proposals are being suggested or decisions taken, with the inevitable result an ever increasing drop in morale".

Is that any way to treat our precious and dedicated health service staff?

Turning to public consultation, I quote from a Stracathro submission from local members John Swinney, Andrew Welsh and Irene McGugan.

"We are also extremely concerned at the lack of consultation which has taken place regarding the proposals . . . It is also evident that TUHT have taken very little notice of the overwhelming opposition from staff, patients and the general public. This failure to consult is indicative of TUHT continuing to take decisions behind closed doors . . . up until October, four months went by without a TUHT board meeting being held in public, at a time when crucial decisions were being made".

As far as Stracathro hospital is concerned, the true story has been one of

"death by a thousand cuts".

As far as the local community is concerned, the trust has said:

"Deil tak the hindmost! on they drive".

I am fond of quoting the Ayrshire bard.

It has become obvious to members of the committee that, while we support fully the human resource strategy, "Towards a new way of working—the plan for managing people in the

NHS in Scotland", there has been less than universal compliance by health boards and trusts. There is an urgent need for guidelines to be drawn up for informing, engaging with and consulting staff and the general public on any new proposals by trusts and health boards.

Given the evidence that is emerging, it is now time to address democratic accountability in the national health service in Scotland. In order to address the democratic deficit that is surely a feature of trusts and health boards, it will be essential to consider the membership of those bodies. I contend that, along with executive directors, a health board could surely include representatives from local health care co-operatives and local hospitals as well as locally elected councillors.

That is not to say that the SNP rules out the idea of directly elected health commissioners, which was suggested in Richard Simpson's report and which may well be the most democratic way forward. However, on this day of a somewhat unnecessary by-election, we must recognise the potential for voter fatigue among the electorate. It goes without saying that if we are to include locally elected members on health boards, those members should reflect the percentage of party vote in the local community, which would provide representation for the community as a whole.

I am sure that everyone in this chamber today wants an open, accountable and democratic health service. In this Parliament, we are able to take the necessary steps to change the culture of secrecy that has existed for so long in the health service. We can ensure that health boards and trusts across the country comply with both the terms and the spirit of the strategy laid out in documents such as "Towards a new way of working". We can also address the democratic deficit by ending the quangos that are packed with political appointees, thereby ensuring that the views of the community and those who work in the health service are taken into account when important decisions are made.

The Executive, quite rightly, is fond of talking about a patient-centred health service. I call on ministers to honour that concept by ensuring that the decision-making bodies in the national health service in Scotland are themselves patient-centred.

10:45

**Mary Scanlon (Highlands and Islands) (Con):**

I am delighted to serve on the Health and Community Care Committee, where we tend to leave our political hats at the door and put health at the centre of the agenda. That is what the people of Scotland expect and I am sure that it is

what we will continue to do.

This debate is not just about health. Hardly a week passes in which we do not hear about high-handed practice from quangos and other public organisations. I do not intend to name any of them, but I want to stress that the principles that we are debating today do not relate only to health. They are basic principles for this Parliament and for public sector organisations and quangos throughout Scotland.

I am pleased that Iain Gray acknowledged Conservative initiatives during the 1990s, such as the patients charter. With hindsight, we think that those initiatives did not go far enough. We are still in the process of improving such matters, but I am pleased that it is acknowledged that we recognised the problem during the 1990s.

One of the basic principles of the new Scottish Parliament, as set out in the consultative steering group report, is that

"the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation".

I read that out because I think that it is important that this Parliament leads and sets an example for others to follow. Consultation and basic democratic and pluralist principles must be inherent in the way in which we conduct our business in this Parliament.

The CSG report also states that it is essential that

"the culture of openness and accessibility is reflected in the working of the Scottish Executive."

That culture was enhanced by the questioning of the Greater Glasgow Health Board officials by members of the Public Petitions Committee. That was a clear case of scrutiny and accountability, and sent out a clear message that those executives would be held to account by the Parliament.

In our business bulletin every week, there are examples of inclusion of many groups and interests throughout Scotland in the various committees of the Parliament. It is important for the Parliament to provide different channels for consultation, and to review and assess the effectiveness of various approaches.

There is also an important positive role for the media. We may not always like what they say about us or our Parliament but, in a democratic society, we should welcome the basic principle of freedom of speech and the right of everyone to be heard, at national and at local level. Whether views emanate from groups in the chamber, pressure groups, Church leaders, campaigns backed by millionaires or ordinary individual

beliefs, principles or value judgments, all have a right to be heard in a free and democratic society.

I endorse the mutual respect approach of Henry McLeish and I tend to ignore the “shut yer mooth, yer lucky to be here” approach of John McAllion. It is not in the spirit of this new Parliament, and it is certainly not a good signal to send out to health boards and trusts, to call the members of the Health and Community Care Committee numpties for expressing our views based on evidence and submissions on the Arbuthnott report. I have heard members of the Executive argue and dismiss views even when we are agreeing with them—causing a rammie in an empty house, as I said previously.

When things go wrong, there is a tendency to blame the Tories for their 18 years of government. When things are right, it is the result of three years of Labour government. When things have gone wrong in the past three years, it is all the media’s fault. Unwillingness to accept responsibility is hardly a shining example to health boards and trusts in Scotland.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Is the member suffering from selective amnesia? The Health and Community Care Committee is trying to overturn the secrecy that her party imposed on the national health service.

**Mary Scanlon:** That is exactly the type of intervention that is not helpful. In the spirit of openness and accountability, we have to accept what each person says, because each person’s view is valid.

**Margaret Jamieson:** As long as it is truthful.

**Mary Scanlon:** Yes, as long as it is truthful. An acknowledgement of the truth would be helpful.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)** *rose—*

**Mary Scanlon:** I hope I will get more time if I take interventions.

**The Deputy Presiding Officer (Mr George Reid):** Indeed.

**Ian Jenkins:** The member mentioned making a row in an empty house. I think that she is doing quite a good job of making a row in a half-empty house.

**Mary Scanlon:** I like to cause a rammie whatever house I am in, as long as someone else is there to engage in it.

Six mechanisms of encouraging participation are outlined in the CSG report, but without doubt the most widely used is public petitions. That may be the most appropriate method for some concerns, but it is by no means the most appropriate for all. It

may be a simple mechanism, and easy to access, but my concern—and that of the committee—is that without adequate guidelines, the Health and Community Care Committee and the Public Petitions Committee are likely to be bombarded with petitions and our agendas are likely to be hijacked throughout the on-going acute services review.

The arrogant bullying and dismissive approach of the health boards and trusts with regard to Stobhill and Stracathro not only did not harness participation and consultation, but actually set the health service on a warpath with the local communities. That is the tragedy of it all. That approach damaged relations with the communities that those hospitals serve; it also damaged staff morale and caused tremendous resentment and frustration. That is hardly the caring and compassionate service that we expect.

We would probably all endorse the proposal, made at yesterday’s Tayside Health Board meeting, that £20,000 be spent on focus groups to gauge local feelings about services and on the setting up of citizens panels. We also know, however, that the answers we get depend very much on the questions that we ask. The outcome also depends on the perception and interpretation of those who are consulting. In other words, they can go through all the motions, but do as they please at the end of the day.

Other members will no doubt point out that at the heart of the evidence that we took on Stracathro, we heard health officers say that they had consulted staff about combining wards, while the staff said that they learned about the proposals in the media. There was undoubtedly a serious lack of partnership.

My final points concern the human resources strategy “Towards a new way of working”. There is no doubt that it is an excellent, forward-moving document, but I just do not think that it is clear and specific enough. It is very vague, and does not give adequate guidelines.

In the foreword, Sam Galbraith says that the strategy

“will provide a new framework in which people can realise their potential and feel properly valued.”

That is fine. Geoff Scaife says in the introduction that the strategy is intended to provide

“a practical and meaningful way to support people in delivering the objectives of the Health Service.”

I was pleased to note in the document that partnership agreements had to be in place by October 1999 and will have to be monitored. Perhaps once those agreements have been put in place and are up and running, and once we can monitor them through the health improvement

programmes and trust implementation plans—or HIPs and TIPs—they may prove to be an excellent method.

I do not want to judge something that is very much in its infancy, but over the page, under “What this means”, the closest that we get to consultation for the individual is:

“Changes in the working environment which are planned and managed.”

For the line manager, the closest we get is:

“To work in partnership with staff and staff representatives.”

and for the trust and health board:

“Change will be managed consistently, in partnerships within and outwith the NHS in Scotland.”

I acknowledge that the strategy is a move in the right direction, but it is hardly a beacon of democratic accountability, openness and transparency.

Richard Simpson’s first-class report and recommendations were highly focused and uniquely appropriate to the circumstances that surround Stobhill. We cannot praise Richard highly enough for this excellent report. The recommendations that he made are not one-size-fits-all for the rest of Scotland. They are specific to Stobhill. There would be different concerns with regard to Stracathro and other hospitals.

My final point is about the structure and accountability of quangos. I hope that we have a further opportunity to address the need for health boards, which cost our NHS £78 million. Their abolition would not only simplify our health service structure, but ensure that the buck stopped at the trusts as they manage and prioritise services in accordance with the management executive’s national strategy. There would be no buffer zone, and nowhere for bullying and arrogant officials to hide.

10:56

**Dr Richard Simpson (Ochil) (Lab):** Presiding Officer, I hope that you will consider setting a precedent, whereby those who have acted as reporters to committees have a little latitude when speaking. I will not stretch your patience too far.

I welcome this first ever opportunity to debate the work of the Health and Community Care Committee. It has been said that if this Parliament is to be different from Westminster, that difference will lie in its committee structure and in the relationship among committees, the Parliament and the Scottish Executive.

The central issue in the two reports that are under discussion is accountability. The bedrock of this Parliament’s attempt to improve the public’s

view of the body politic will begin here today. It will be determined by the response of the Executive, part of which we have heard and which is welcome, and of the Scottish establishment to the clear calls for the involvement of civic Scotland in shaping the future of all aspects of our society.

The common theme of the Stracathro and Stobhill petitions was a cry for consultation. In both cases, attempts by trusts and health boards to restrict the flow of information in order to reach difficult decisions failed, with disastrous consequences.

In preparing the Stobhill report, I divided the process of formal consultation into three elements: informing, engagement and consultation. Those will not always occur in sequence, nor will they involve all interested parties at the same time or in the same way, but the whole process must be driven by a commitment to openness and accountability, which is a central aspiration of this Parliament and all of its members.

In deciding its strategy for mentally ill offenders in the west of Scotland, Greater Glasgow Health Board built on a national report and on Scottish guidelines. While drafting its strategy, it involved, engaged and consulted widely with professional staff and their representative organisations, users and patient representatives, and with a large number of partner organisations and individuals. As far as the strategy was concerned, as the report indicated, it was in many ways an example of good practice, but the board and the trusts recognised at that time that the siting of the medium secure unit would be contentious.

What followed was a studied and secretive determination to manage and restrict the flow of information relating to the siting of the medium secure unit, instead of the provision of clear and published plans to inform, engage and consult. The boards thereby forfeited the opportunity to engage with community leaders and with the acute hospital staff leaders to convince them that the best options had been considered and that the conclusions were the right ones, however difficult it would have been to sell the decisions subsequently to the immediate community.

The attempt to manage and prevent the premature leaking of information was ill advised in the Stracathro and Stobhill cases. The results predictably poisoned relationships with the staff and communities. Many more difficult decisions lie ahead for those boards and trusts but, sadly, those decisions will now have to be taken in an atmosphere of mistrust.

Both reports point strongly to a democratic deficit in the composition of trusts and health boards. That deficit impedes the valuable efforts of board members who are appointed to serve our

communities. The evident commitment of both ministers to broadening representation is a welcome first step, but we may need to go further.

The imminent announcement of the findings of the acute services reviews across Scotland will test the accountability of our current structures to the limit. If the boards publish only decisions, and are seen as being dragged unwillingly into a process of consultation, the damage to the body politic will be immense.

If we are to emerge from those important reviews with radically modernised health services, as is necessary, which meet the expectations of our communities, boards must publish options rather than decisions. They must put forward detailed plans on the process of informing, engaging and consulting the communities they serve.

Make no mistake: those two petitions and the committee reports that arise from them are no dry academic exercises. They are nothing less than an alarm call to all quangos and to the Scottish Executive. Modernise the process through which our institutions interact with civic Scotland and both society and the institutions will be enriched; fall short of the standards of openness and accountability that we set for ourselves in this Parliament and we will risk the increasing isolation of these institutions and public disenchantment with the political process.

I commend the motion and these reports to Parliament.

11:02

**Mr Andrew Welsh (Angus) (SNP):** Dr Simpson's clear, logical analysis shines a bright light on dark, secretive areas of decision making in Scotland. That is exactly what this Parliament should be doing. I congratulate him on his report on this matter.

The minister, Susan Deacon, has asked for cool, rational debate and avoidance of misinformation by local politicians. That is exactly the attitude with which I started. I was willing to take Tayside Health Board and Tayside University Hospitals NHS Trust's statements in good faith.

Experience has taught me, and the people of Angus, a different lesson. I have heard the theory this morning from Iain Gray, but the people of Angus have had to live through a different reality. The Health and Community Care Committee report clearly shows Tayside health authorities failing to consult properly with NHS staff or the public, against a local back-cloth of past mismanagement and a current revenue deficit of between £12 million and £26 million. The minister has had to send her hit team to Tayside to sort out

a massive cumulative failure within the system.

In 1999, the Public Accounts Committee was

"appalled that Angus NHS Trust had 14 out of 16 hospital buildings with a high risk of legionella and that patients and staff were exposed to the risks"

without being informed about those risks. Tayside University Hospitals NHS Trust's proposal to close two wards, cut 30 staff and 50 beds, obviously pre-empted an acute services review, which was due to report 16 days after those cuts were to be implemented.

While Tayside University Hospitals NHS Trust claims that its proposals

"resulted from work done in conjunction with staff at Stracathro Hospital"

that is not how the staff and their union representatives see it:

"There has been no consultation with MSF or the staff concerned before a decision was taken."

Strong opposition from staff, union representatives, patient organisations, the public and professional medical organisations has been ignored. The public have learned about what has been going on through leaks of information, not consultation.

Members of this Parliament had a detailed briefing session on the acute services review only to find, two days later, that ward closures and staff cuts were being implemented. The board and the trust knew that the cuts were taking place and did not mention them. If the minister had been treated in that way, how would she have reacted? The board and the trust apologised, but their actions illustrate their approach to the public, to NHS staff and to the Parliament. It is completely unacceptable. They had not even learned their lesson.

Further cuts in Stracathro services have been decided upon secretly at meetings in February and March, with neither staff nor public representatives being informed. On being found out yet again, Tayside Health Board said, in a letter to me:

"The fact that the staff and patients were not consulted over this matter is certainly unacceptable and those responsible have been brought to task for failing to follow the appropriate procedure."

In fact, it was "those responsible" who wrote that sentence. Taking itself to task is not something with which I would ever trust Tayside Health Board.

Tayside Health Board's latest gambit of focus groups, and now citizens panels, has no long-term accountability or role. It is an insult to the existing health council, which the board has a duty to consult. The focus groups and the citizens panels will contain powerless ad hoc nominees, who will

be totally dependent on the information given to them by the health board and the health trust.

The minister is presiding over a dog's breakfast of past and present decisions, taken by an undemocratic system with a history of poor top-level management, of past failure to invest and of a massive current revenue deficit. The minister sacked one health board chairman for less than that. There has to be accountability, transparency, fundamental reform and genuine public consultation. The minister has the power to sort this out, and that is exactly what I hope she will now do. The Parliament should expect no less.

11:07

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** As a member of the Health and Community Care Committee, and having heard the evidence that was presented during the Stracathro inquiry, I am angry that directions from the Executive and the management executive of the national health service in Scotland are not being adhered to.

Sadly, that is not a new experience for employees and users of the national health service in Scotland. My previous employment led to many such confrontations. It is unacceptable that unaccountable and undemocratic health boards and trusts can treat communities and employees in such a manner.

The recent reorganisation of health trusts took away the previous secretive and competitive culture and replaced it with an open, partnership approach to health care provision. However, it is clear that those in health boards and trusts, who we expected to understand the change, themselves need to be trained in the new approach. Sadly, the events at Stracathro and, recently, at Stobhill are common practice. The Parliament needs to embrace—and to ensure—the openness and accountability that is the future of our national health service in Scotland.

Change is a challenge that can be achieved only if all in the process are equal and valued. The accountability process needs to be open and not to take place in isolation of the views of partners and the communities that they serve. A new and visionary review approach should be adopted, to ensure that there is total involvement in practice, not just on paper.

It is evident that health boards have yet to realise that their function in life has changed to that of planning and strategy. They have no responsibility for operational matters such as primary care and, from next year, registration of nursing homes will be removed from their remit. Yet they continue as before, with the same structures and the same dictatorial attitudes. It is

no longer acceptable for a trust chairperson to denigrate another trust at a board meeting and think that they can get away with it, as they did in the past.

The trusts and the boards must work in partnership, not in competition. Reorganisation of the boundaries of health boards—here I am, agreeing with Mary Scanlon—is now a necessity, if we are truly to move forward in health care provision.

Recently, the chief executive of the national health service in Scotland, Geoff Scaife, gave evidence on the Scottish Ambulance Service to the Audit Committee. He referred to “territorial health boards”. If that is his view, we must ensure that a change takes place soon. To achieve the targets set for the health of Scotland, the challenge must be met head on. I urge the minister to consider carefully the committee's report and the experiences of those who have encountered the attitudes that I have described, and to question whether the current structure can deliver the policies that are needed to improve the health of the people of Scotland in the 21<sup>st</sup> century.

11:10

**Mr John Swinney (North Tayside) (SNP):** I congratulate Margaret Smith and the Health and Community Care Committee on the report and on having secured the opportunity to debate the matter in prime parliamentary time.

Margaret Smith said that we are a bit thin on the ground. I can assure her that we are not thin on the ground in another part of Scotland this morning. Those of us who are here today have heard one of the finest speeches in the Parliament—that of Richard Simpson. I hope that Richard's comments percolate into the Executive's thinking on the issues that we are addressing today.

The public have a very simple requirement of public authorities—they want those authorities to be straight with them. People want to be told the truth and to be given clear information on the basis of which they can make their own judgments. I share the experience of my colleagues Andrew Welsh and Irene McGugan, and of others in the Tayside area, in relation to the debate on Stracathro—which employs many of my constituents, although the hospital is in Andrew's constituency—that there is no confidence in the public authorities. Those authorities have not been straight with people who have a right to be dealt with fairly and squarely.

Throughout the exercise, we have been told that the acute services review would review the future of Stracathro hospital. Like Andrew Welsh, some

months ago, I was prepared to take that statement at face value. However, we are not foolish people and nor are our constituents. Every month, there are radical changes to the configuration of services at the hospital. There is ample evidence that the acute services review is being prejudged. The acute services review has carried on while various landmark operational decisions have been taken that have reconfigured services. Despite what the minister says, I do not believe that those services will be restored to their previous level.

Compare Stracathro hospital today with what was there when I became an MP three years ago, or when we were elected to the Scottish Parliament a year ago. They are two different hospitals. If the public are to take the process seriously, they must believe that the acute services review is fair and square.

I represent 2,000 square miles of rural Scotland, which, if Stracathro closes, will have no acute service provision. It is not the fault of the people in that area that they live there, and under the Government's white paper, they are entitled to equity of access to acute hospital services. That will be undermined if there is any further question about the future of Stracathro hospital.

Finally, I want to refer to the current climate of the debate on the financial health of the Tayside University Hospitals NHS Trust. Andrew Welsh mentioned that the projected deficit for the trust was in the range of £12 million to £26 million. That is a disgrace.

I accept that there has been a lot of change in the health service, and I admire the health service professionals who have ensured that the delivery of health care has continued while the reconfiguration has been carried out. I support the structure that the Government has put in place, although I am beginning to question the part that some of the bodies, including the health boards, play in the process. Throughout the reconfiguration of services—pre-white paper and post-white paper—Tayside Health Board has been there and has remained intact. Why on earth did one of the trusts in Tayside Health Board run up a deficit of £12 million to £26 million if that health board was properly carrying out its functions? We must have an answer to that question.

I have already said to the minister during question time that I welcome the fact that she has set up a task force on the issue, because something had to be done. I am glad that she has acknowledged the depth of the problem, because it is causing unease among my constituents. We have to ask questions about the performance of a health board that has allowed this to happen in one of the primary bodies from which it commissions health care.

Margaret Smith's point that the clinical voices will always be heard has been well understood in the debate. However, we have to be straight with people and say that those voices are being heard in a particular financial context that affects the clinical advice that is given. The public must be told that straight. In the debate that we are having in Tayside, the public are not hearing that from the health board or from health trusts.

11:16

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Although located near Brechin in Angus, Stracathro hospital has for many years served the people of the Mearns, in my constituency of West Aberdeenshire and Kincardine. Stracathro lies at the junction of three constituencies, and we have already heard from John Swinney and Andrew Welsh.

I am only too well aware of the depth of concern for the future of the hospital. I have spoken at packed local meetings; last September, together with other MSPs who are here today, I addressed a public rally outside the hospital where there was a crowd of more than 1,500 very concerned people.

As the Health and Community Care Committee said in its report on the petition submitted by the staff action committee at Stracathro, the case has clear implications for the exact way in which future public consultations should—or, rather, should not—be conducted by local health boards. Many people in the Mearns believe that the public consultation sessions that have been conducted so far have been flawed.

It is an uncanny coincidence that, only yesterday, I received a fax from Tayside Health Board that contained a press release announcing that the board planned to establish a citizens panel, made up of members of the public from across Angus, Perthshire and Dundee. It claimed that that would give the public an equal voice to that of health professionals and managers in the acute services review. Although that development is welcome to the people who are served by Stracathro hospital, it might be too late to restore the confidence that has already been lost in Tayside Health Board's decision-making process.

No mention is made in the health board's press release of the participation in the proposed citizens panel of the people of the Mearns. That simply will not do. The people whom I represent are certainly not satisfied with the health board's action so far, and it seems to me that that press release is the latest example of ill-thought-out and hasty actions that are designed to placate critics—especially those in this chamber. I hope that it has noticed that it has not succeeded.

The actions of the board have not impressed me, and I can assure members that the people whom I represent and who use the hospital remain unimpressed by the whole consultation process. Why oh why did the board fail to agree to involve the Brechin patients association and—more particularly for my constituents—why did it not hold public consultation meetings for people in the Mearns? Whether true or not, the impression that has developed in the Mearns is that the review is meaningless and is a *fait accompli* in regard to Stracathro. The taking of operational decisions—such as combining wards, suspending surgeons and transferring operations—appears to prejudice the review and sends all the wrong signals about the credibility of the review as it affects the hospital and the people whom it serves.

What is the wider message for health boards in conducting consultations? It is this: they must not act in such a way as to be seen to prejudice the outcome of reviews, either in terms of employee relations, or by saying no to public meetings. The simple lesson of Stracathro is that, once something has been tarred with the brush of being a *fait accompli*, it is hard, if not impossible, to get rid of that image.

I welcome the committee's report, but I note that—although in its conclusions it recognised the fact that the board failed to hold public consultation meetings in the Mearns—in its recommendations it said:

"The committee strongly urge the Trust and the Board to maximise efforts to consult timeously all levels of staff at Stracathro and the public in Angus now and at all stages of the Acute Services Review."

I am critical of the health board, but the Health and Community Care Committee should remember that Stracathro hospital serves more than the people of Angus. I have criticised the board for forgetting about the people whom I represent in the Mearns. Has the Health and Community Care Committee also overlooked them?

11:20

**Mr John McAllion (Dundee East) (Lab):** On a positive note, I thank Margaret Smith for her kind words about the Public Petitions Committee. As the convener of that committee, I am happy to bask in the glory of her comments. I happen to think that it is the best wee committee in the Parliament because it has no agenda of its own—its agenda is dictated by the people of Scotland who petition Parliament. Many of the Parliament's other committees show due respect to the petitions that are sent to the Parliament, as we have heard in the debate.

On a less positive note, I would like to tell Mary Scanlon that what I said was that members of the

Opposition should shut up about how to squeeze money out of Scottish taxpayers to fund their party political offices. They should, instead, concentrate on the issues that affect Scottish people, such as that which we are debating today. I am glad to hear Opposition members address the issue and I would like to reassure Mary Scanlon that I will defend to the death her right to spout odious, right-wing Thatcherite rubbish, as she does in Parliament. This is a democracy in which she has every right to do that.

We are debating a motion that asks us to note the lack of accountability of health boards and trusts, especially in Tayside, but also throughout Scotland. I am happy to agree with the motion. I note what the minister said about boards now holding their meetings in public, about openness and about new codes of accountability and routes of accountability through ministers to the Parliament. All those systems are being reviewed.

I have been a long-time supporter of the proposals that were developed by Maria Fyfe MP, when she was the shadow health spokesperson for the Scottish Labour party. She recommended that one third of the membership of health boards and the boards of trusts should be elected by the local communities; that one third should be nominated and elected by trade unions in the health service; and that one third should consist of local elected councillors or nominees of the Scottish health minister. Those recommendations were never implemented and I do not know why. I do not see, however, why—as we are approaching Easter—they cannot be resurrected. We should again examine ways in which to introduce democratic accountability to the operation of the national health service.

The report highlights many of the things that are wrong in the health service in Tayside, especially in relation to the future of Stracathro hospital. It highlights the threat of closure that has hung over the hospital for 20 years under successive Governments. It highlights the fact that the staff at the hospital and the public in Angus are convinced that decisions about their health service are being taken above their heads by unelected and, therefore, unaccountable board members, first in the former Angus NHS Trust and now in the Tayside University Hospitals NHS Trust and throughout that time by the health board. If we are honest, we will accept that all those bodies are ultimately accountable to the NHS management executive in Edinburgh and to ministers—formerly those at Westminster and now those in this Parliament. We are all tarred with the same brush.

There is a great deal of genuine concern. I recognise the concerns about operational decisions that are being implemented now, but which appear to undermine the viability of

Stracathro hospital at a time when a crucial acute services review is being conducted in Tayside. The Parliament must take those concerns on board, but we must also understand that they are symptoms of the much deeper problems that affect the health service in Tayside and throughout Scotland.

All three of the trusts that existed before Tayside University Hospitals NHS Trust left significant operating deficits, which the new trust must do something about. When will those responsible for those deficits be held to account? How will they be held to account? That is a major problem which affects the health service.

**Mr Swinney:** Does Mr McAllion accept that Tayside Health Board has been there throughout the process, and that it was not doing anything about Stracathro in its overall management of health care in Tayside?

**Mr McAllion:** Of course I accept that—but Tayside Health Board has had to work within the financial constraints that are placed on it by this Parliament and which were previously placed on it by the Westminster Parliament.

The fact is that this Parliament passed the budget with 59 votes for it, none against and 46 abstentions and every one of the bodies involved operates within the budget's confines. Alternatives were available; however, no MSP suggested that we use our tax-varying powers to set up a special fund that would allow the NHS to implement the changes more slowly. We must all accept responsibility for the situation; a hunt for scapegoats is not the way to resolve anything. The next time we set a budget in this Parliament, we should be clear about its implications.

11:25

**Irene McGugan (North-East Scotland) (SNP):** Consultation consists of two parts: talking to people and listening to what they say. That simple fact has largely eluded most health authorities for years, because even when the requirement to consult has been honoured, it seems not to have been a requirement to pay any attention to the outcomes.

The time is long overdue to find mechanisms to make health authorities accountable and to ensure that meaningful consultation takes place continuously, not only when major changes are planned. Nowhere is that more urgently required than in Tayside, where consultation with the people of Angus has established beyond any doubt that the primary concern is the provision of locally available health services.

I am well aware that there have been intermittent concerns about the future of

Stracathro hospital for many years, because I have lived all my life within 15 miles of the place. A noticeable decline began again about two years ago, when consultants and other staff left—and were not replaced—either because they felt that the hospital's future was at risk or because of increased pressure of work. Then a projected £12 million deficit for the current financial year was announced and substantial and irreversible changes to staffing and ward configurations were implemented. All that has happened during a wide-ranging acute services review.

Throughout that time, there has been no evidence of open, truthful or timely communication with members of staff, and certainly no recognition of the concerns of thousands of Tayside residents who attended public meetings and signed petitions to highlight the erosion of acute services at Stracathro hospital, pending the acute services review and without prior consultation.

The staff and patient representatives should be congratulated on focusing national attention on those issues and on bringing the matter to the attention of the Health and Community Care Committee. It is one of the best examples of a local issue with national implications being addressed since the advent of devolution.

When public confidence in Tayside Health Board and Tayside University Hospitals NHS Trust was all but non-existent, Susan Deacon finally responded to persistent concerns expressed by MSPs and others and appointed a task force. However, it remains to be seen whether there will be any effort to redress the failure of the health board and the trust to manage their affairs properly; to protect the interests of the people of Tayside; to ensure that local health services are properly accessible; and to ensure that there are no further blunt cost-cutting exercises that will diminish services further and put people out of work.

Forgive me for being cynical, but the timing of yesterday's press announcement that Tayside Health Board will be the first to have a citizens panel smacks of trying to draw attention away from the realities of the situation to date in Tayside, where substantial concerns of MSPs and the community about the future of health services in the area have not been eased. Those concerns have been too long expressed and too long ignored.

We need a proper structure in which local health councils, community councils, local authorities and—where they exist—local patient organisations and carers groups all have a role to play. That might help to ensure that not only potential savings for health authorities but patients' needs are addressed in any proposal for change. Above all else, provision of care should be patient-driven

not budget-driven, and should meet the needs of the community through properly implemented consultation procedures.

11:29

**Paul Martin (Glasgow Springburn) (Lab):** I welcome the opportunity to exchange horror stories about Stracathro and Greater Glasgow Health Board. Primarily, I want to touch on the issue of Stobhill hospital and the similarities between the situation there and at Stracathro.

The Stobhill petition raises serious concerns about consultation with local staff. Ministerial guidance in the past—I understand that it is still the same—has been that changes in health care should be clinically led. None of us wants to move away from that and, indeed, Margaret Smith touched on that in her speech this morning. It appals me, therefore, that the medical staff at Stobhill hospital were not consulted on the proposal for the first medium secure unit in Scotland. As at Stracathro, the staff were advised of the proposals through the media. That is appalling in the 21<sup>st</sup> century. Staff want to be involved in health care and want their specialist knowledge to be taken on board.

I want also to mention the bad practices employed by Greater Glasgow Health Board, in particular in relation to consultation with the local community. Iain Gray quite rightly pointed out that we must enter into meaningful consultation. Why then were people advised in a question-and-answer session that the only consultation that would take place between Greater Glasgow Health Board and the local community on the secure unit would be through the statutory planning process? How meaningful is that?

Is it meaningful consultation when members of the local community have to drag the health board kicking and screaming to public meetings to relay the fact that they want to be involved? Is it meaningful consultation when the local health trust chief executive feels that it is inappropriate for her to attend public meetings? Of course not. Dr Simpson's report on the situation at Stobhill hospital has shown the need for condemnation of the practices used on that occasion.

The lack of statutory guidelines has been noted, but does not remove the moral obligation on health boards to engage with the local public when public concerns in local areas are identified. Injustices have clearly taken place against the local community at Stobhill. It is not good enough to say that we will learn from the experience and move on; we must correct those injustices, particularly those experienced by the local community at Stobhill. Health boards must clean up the mess that they have left. Andrew Welsh

described the situation at Stracathro as a dog's breakfast. I would use similar words to describe the situation at Stobhill.

The atmosphere among the local public makes the acute services review difficult. Richard Simpson touched on that. How can the acute services review genuinely move forward, if consultation on the first secure unit in Scotland was so poor?

Finally, I want to touch on the issue of health councils, which was mentioned by the convener of the Health and Community Care Committee. It is appalling that health boards should interview applicants for health councils, which is what happened in Greater Glasgow Health Board. We must ensure that health councils are wholly independent.

I commend the motion.

11:34

**Nora Radcliffe (Gordon) (LD):** This debate is about public consultation and accountability, but the structure of the health service has been mentioned more than once. I make a strong and passionate plea for us to leave the structure alone, at least for a number of years. We need to allow the health service to apply itself to providing health services—after a succession of reorganisations and reconfigurations in recent years that have meant that a huge amount of energy has had to be diverted to managing change, not services.

We hear about the democratic deficit in the NHS. It has been argued that health board and health trust board members should be elected and that health councils, like community councils, should be elected; that people should have a direct say in who is managing services and spending money on their behalf; that directors of public services should be directly accountable to the people who use and pay for those services.

There is an argument that appointing boards allows the selection of people who can bring appropriate or useful skills to the job. It is the intention that the current system should cast the net more widely and that it should be made more transparent. However, the electorate can be just as discerning. We should not underestimate its ability to elect the right people for the job, as against the need to select on the electorate's behalf.

Let us not kid ourselves that people are falling over themselves to be given the opportunity to correct the democratic deficit. Most people are not that excited about elections—strange as that may seem in the context of today. They find them an intrusion into their lives. They are asked to consider issues, evaluate candidates and make

decisions. It is much easier to decline the responsibility and then complain later. We should overcome resistance to having to vote for health boards, health trust boards and health councils. People should be involved in how their services are provided and in how their money is spent.

There can be resistance from the public at large and from members of a work force to becoming involved in consultation exercises. It is hard work to have to think about issues, to consider alternatives and to make difficult decisions. It is right to work hard to overcome resistance to that, and to persuade ordinary people, staff at all levels and patients to get involved, and to persuade them that they have a valuable—even invaluable—contribution to make.

Having involved people, we must value their contribution and give it proper weight and consideration. To achieve genuine interest and involvement, we have to play fair with people. They have to be given full, complete information, and they have to be trusted by means of completely open disclosure of all the issues, problems, constraints and possibilities. That trust must then be honoured by consultees, who should treat responsibly information that is given to them. If a number of options are under consideration, they must be seriously debated. Ideas and options can be floated but, if they can be demonstrated to be unworkable or undesirable for any or many reasons, they should be allowed to fall.

There can be a number of answers to any question, none of which is exclusively right or wrong. A way forward must sometimes be chosen as a balance of perceived outcomes.

A major barrier to that sort of openness and real accountability is the way in which difficult and complex issues can be reported by the media. Oversimplification of issues and an occasional refusal to distinguish between suggestions being floated for discussion and firm proposals can be terminally damaging to the process.

Whatever the difficulties and however high the barriers, we should aspire to a much more open, involving and accountable culture in all public services, including the health service. The Scottish Parliament is receptive to petitions from the Scottish people and responds to them. Through the work of its committees, the Parliament is making an effective contribution towards that aspiration.

Changing the culture of any organisation is a long, slow process, and requires to be worked at continuously. We have all—the public, politicians, patients and professionals—taken only the first stumbling steps along a very long road, but we should keep at it.

11:39

**Ben Wallace (North-East Scotland) (Con):** I want to address the problems of management. It is clear from what we have heard today that it is the management at Stracathro and Stobhill that has been at fault. It is bad management that is leading to the lack of trust, to the lack of consultation and to the lack of preparation.

Throughout history, great armies have ground to a halt or failed in their tasks because of a lack of communication and the absence of clear, consulted plans. Bad communication leads to a loss of flexibility and inefficient use of time. It provides the quickest way for a soldier to lose trust in his officer. A lack of consultation leaves soldiers feeling worthless and makes rumours set in like a plague. That will sound familiar to anyone who has visited the Stracathro area. The patients and the community have been plagued by rumour, lack of consultation and bad management.

History always judged the generals for their failures. Health boards must learn the same lesson. The health service can be compared to an army—both are large, multi-level bodies working in specialist fields with specialised employees. Both are vital, work under pressure and try to make politicians' plans work on a shoestring. Health staff, doctors and patients look to the health boards for leadership. Clear plans are expected, consultation demanded and honesty required when blame is apportioned. In return, higher salaries are paid and trust is returned.

In the cases of Stracathro and Stobhill, it is clear that the officer level—the board management—has failed. While I disagree with many of the Government's policies on health, I can see that those in the know failed to consult in a structured and clear way. Little thought had been given in the planning process to review or the making of changes. Indeed, my inquiries to a number of health boards about their consultation frameworks have met with blank responses. A plan of action cannot be deviated from if it does not exist.

If we have learned one thing from the debate, it is that health boards and hospital trusts should draw up agreed, structured plans for reviews, closures or expansions. Management should involve the patient, the resident, the doctor and the nurse in formulating those plans. Only then will trust be maintained. Last night, I was faxed the news that Tayside Health Board has created a wonderful new citizens panel. That is good news, but it is slightly like shutting the stable door after the horse has bolted. I wonder whether the panel was set up because of this debate and because a task force has gone in to deal with the obvious failings in the health board's management.

Battles are won only when a team gets behind the plan of decision. Politicians who exploit rumour and hysteria only add to the problems. They do not contribute an iota to the patient's case. Politicians should not stir situations, but guide them. No one wants to say this, but someone should: consultation does not always mean majority decision making. It means taking points on board and thinking aloud before coming to a decision. In the end, however, decisions must be made and they will not please everyone. The aim to provide the best health service must be paramount. Unlike the situation in this Parliament, the health service is about management and the policy makers—it cannot be a Chinese parliament.

Our party does not oppose more accountability for managers and boards. Good management should have nothing to fear—unlike bad management. I take on board John McAllion's point—I believe that the people who have caused the problems in Stracathro should not be allowed to get away with it. They must be held accountable for the faults that they encourage.

I ask the minister to find ways to insert elected representatives into the system and to re-examine the membership of those boards. I ask him to monitor and guide the national health service and public feeling. The Scottish Parliament provides us with an opportunity better to focus our policy and scrutiny. Let us not waste the opportunity better to scrutinise the health service.

11:44

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** I thank Mr Wallace for his speech, although I was convinced for the first half of it that he was about to announce the invasion of France rather than talk about the NHS. That would be an interesting diversion from the Tories' European policy.

I am not known for being overly sensitive, but I am feeling somewhat bruised as a result of Margaret Smith's remarks and those of the other people to whom I have spoken this morning. The first person I met today was a friend whom I have not seen for six months. He told me that I am fat. I came into the chamber to be told that I was no use to man nor beast, and when I turned round to Mr Swinney for solace, he told me that I had grey hair at the back of my head.

Although I am having a bad day, the Parliament is having a good day. I associate myself with what Richard Simpson said about the balance of power in this Parliament, and believe that it is important to put today's debate in the appropriate context. This Parliament is about spreading the power, trying to get away from an over-mighty Executive and about decision-makings being passed down.

The fact that we can have a committee-inspired debate on a consensual and constructive basis is important. Richard Simpson, the golden boy of today's debate, is not very popular on the Health and Community Care Committee, as the next person who has to act as a reporter will have such a ridiculously hard act to follow that no one is keen to take on that role.

Some people have suggested that the fact that the report exposes major weaknesses in the NHS is a bad thing. I suggest that the Parliament is finally working. The fact that we are opening the dark recesses and discussing the problems openly is a positive sign of how far the Parliament has come.

It is relatively easy to sum up a debate such as this, as there has not been a great deal of disagreement. The central theme has been the difference between the theory of what we want in place—the theory of what has already been suggested in various Government documents, going back many years—and the practice on the ground. There is no lack of paperwork—no lack of thought or of proposals—and it is worth revisiting “Designed to care” which the minister mentioned. Under the section that details “Responsiveness to the public”, it says:

“To redesign services from the perspective of patients—and to reflect this in all aspects of health service planning—requires finding out what patients and communities want; and consulting them over proposals for change.”

The Government talks about requiring health boards

“to undertake thorough and imaginative consultation”.

The contrast with what we are hearing today could not be greater. We have heard about the proposals for focus groups, citizens juries and survey methods. All the proposals exist, but they have not been implemented. That is an issue that the Parliament and the Executive should address.

The debate is not about blame or putting the boot into the Executive, but I would like it to address one point. Further on in the same section of “Designed to care” we are told that a key feature of the management executive's performance management of boards and trusts will be their ability to move towards that level of accountability. That returns us to the point that Margaret Smith made at the beginning of the debate. Until that level of accountability is built into the review process, we cannot have confidence that there will be progress.

Anyone who has read the report will be conscious of the threat of closure that has been hanging over Stracathro for 20 years. They will also be aware of the failure to involve the patients association, the failure to have public meetings in Montrose and Mearns, the failure to consult staff

at all levels—a point that Margaret Jamieson made today and throughout the committee process—and the fact that the whole process was driven and dictated by leaks and innuendo that undermined the morale of staff and motivation in the health service. That is a damning indictment of the health board and of the health trust that is involved.

Andrew Welsh made a useful, powerful and clear contribution to the debate by pointing out that lessons have perhaps not been learned from Stracathro and that there is an immediate problem to be resolved. I urge the Executive to take that point on board. He also turned to one of the central contentions of the report: that the acute services review was pre-empted. The decision was not being postponed, to be made rationally; it looked as though a decision had already been made, which could do nothing but disfranchise the people who were involved in the process.

John Swinney raised a wider issue, on the role of health boards. The fact that the health board was involved throughout the process means that it is utterly culpable for the current position. Parliament must examine the role health boards should play, particularly—in the era of devolution—with the arrival of local health care co-operatives and the desire to have decisions made more locally. I wonder how long health boards will continue in their present format.

I do not want to repeat what Richard Simpson says about Stobhill in his report, or what he has said today. The key point of both concerns the stage of the process at which people become involved. People must be involved at the beginning of the process and all the way through. There must be full and meaningful consultation, not simply lip service or the occasional passing of information. There must be a real dialogue.

A third example of the same problem, at Oban hospital, was brought to the Public Petitions Committee this week. The petition has been passed to the Health and Community Care Committee. I represent that area and there is enormous community unrest about what is happening. The chief executive of the acute trust admitted at a public meeting that he does not have the faintest clue what it is like to live, work and need a health service in a rural area. It is not surprising that the current structure does not give people confidence that their concerns are listened to.

I do not wish to pre-empt the Health and Community Care Committee's discussions, but the main point raised by that example is whether the current structures aid or hinder lines of communication. The health board covers a partly rural and partly urban area. Perhaps the health board structure inhibits the flow of information and

the decision-making process. If that is the case it is a major challenge for our committee and for the Parliament.

Kay Ullrich laid down a challenge this morning. We now have various reports and we are all acutely aware of the problem. Positive suggestions have been made—by the Executive, by the Health and Community Care Committee and by other members—but we need action. We need to feel that the debate will be followed through, not forgotten. In an era of devolution, the clear message from the Parliament must be that accountability and participation is as much a part of the Scottish NHS as it is intrinsic to the very existence of the Parliament.

11:51

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Everybody is understandably concerned about an aspect of democracy—elections. Today's debate reminds us that the new democracy we have created in Scotland goes far wider than that. Mary Scanlon referred to the central concepts for this Parliament of accountability and participation by the public, laid down by the consultative steering group. Today, we are debating the extension of those principles to all the local governing bodies in Scotland.

The petitions came to the Health and Community Care Committee through the Public Petitions Committee, which again is a new feature of the Parliament and allows the public to have a new input into policy making. I have not taken part in such a debate at Westminster.

My colleagues on the Health and Community Care Committee and I were concerned not to pre-empt local decisions about the acute services review. As many members have said, there are hard choices to be made and most of us, I am sure, believe that services must be redesigned, sometimes in controversial ways. The Health and Community Care Committee therefore focused on the processes that are undertaken by health boards and trusts in making decisions. The key concepts, mentioned in the motion, are accountability and consultation.

Accountability goes in two directions. I am glad that ministers are seeking to ensure that health boards and trusts are more accountable upwards, to central Government and its priorities. Today we have concentrated more on their downward accountability to local populations. Richard Simpson was right to say that accountability begins centrally with a flow of information. That has often not been the case; both Margaret Smith and Kay Ullrich referred to the "secret service" that has been common.

Accountability means visible policy. It means

local bodies justifying what they are doing and the possibility of local people challenging decisions. Beyond that, some members have suggested we need to introduce sanctions so that the people who make decisions can be got rid of. For that reason, some people want members of health boards to be elected. I do not think the Health and Community Care Committee has a particular view on that, although it has said that it should be actively considered.

Some of the central recommendations of the Health and Community Care Committee reports on Stobhill and Stracathro concern consultation. A clear recommendation of both reports was that staff consultation, as outlined in the human resources strategy, should be implemented. As Iain Gray said, we are at the beginning of a process, but it is important that the new culture of the health service be adopted by local health bodies. I was pleased that Iain Gray said that the accountability review would take that on board. We now have the Scottish partnership forum at a national level and, as he reminded us, local forums are being set up.

Margaret Smith made the central point that there is a lack of clear guidance on effective consultation, especially in relation to new services. I am glad that Iain Gray said that the Executive is developing new guidance on consultation. Many people in Scotland are very cynical about consultation and feel that it is often just a formality and that a health board or trust goes through the motions of holding public meetings but does not take on board anything that is said.

The concept of permeability is perhaps more useful than that of consultation. Permeability contains the idea that bodies have to be open to what local people say to them. It is important that, as Richard Simpson said, consultations give options rather than decisions, so that local people feel that they have a say and are not being consulted only formally. It is important that health boards and trusts should be permeable and undertake genuine consultation and that local people should feel that they can be involved in decision making in local health care co-operatives, which are new bodies that have been set up under the new health structures. The Executive's quality programmes should also incorporate the views of patients.

That principle was flagged up in "Designed to care" at the beginning of the health reforms in 1997. It is very important that it be put into practice so that patients and the public feel that they have a say in the health decisions that affect them personally and in the broader health decisions at a local level.

The Health and Community Care Committee also raised the issue of appointments to health

councils. In the past, health councils have been the voice of patients at a local level. If patients become involved more generally at every level of the health service, the role of health councils may have to change. The Health and Community Care Committee suggests that appointments to health councils should be examined. At the moment, members of health councils are the appointees of health boards. There may need to be a radical restructuring of health councils as part of the process of opening up the health service.

The third principle of the new NHS democracy—the first two are accountability and consultation, or permeability—is redress. People must feel that they can get redress when something goes wrong and that they can get satisfaction from bodies with which they are dissatisfied. The Health and Community Care Committee has considered that matter. The NHS complaints procedure is being reviewed. It is important that more independence be introduced into that procedure. The Health and Community Care Committee looks forward to being involved in further discussions about that matter.

Today's debate has illustrated that the Scottish Parliament and its committees offer a new channel of redress. In the past, the people served by Stracathro or Stobhill would have felt that nothing more could be done after they had campaigned. I am cheered because this debate has shown that the Parliament is a new arena in which people's concerns can be listened to. It was important that the Health and Community Care Committee took up the massive concern about Stracathro and Stobhill and considered the general issues that arose from the petitions.

There will be many other acute services reviews at local level over the next few months. It is important that conclusions are drawn from the reports that have been debated this morning and that clear guidance is given to the NHS management executive, so that the Health and Community Care Committee does not have to receive many more petitions complaining about the lack of consultation and the failure of local accountability in a particular area.

I hope that the Health and Community Care Committee has made a useful contribution to this area of debate and shown that in the new Scottish Parliament there is a system of power sharing that allows committees to influence the development of policy and to ensure that improvements are made as a matter of urgency by the Executive.

## Business Motion

### *Motion moved,*

That the Parliament agrees

a) the following revision to the Business Motion approved on 9 March 2000:

Thursday 16 March 2000

after Parliamentary Bureau Motions insert:

*followed by* Motion on Members' Allowances;

b) the following programme of business—

Wednesday 22 March 2000

2.30 pm Time for Reflection – Reverend Daniel J McLoughlin, Parish Priest, St Francis', Port Glasgow

*followed by* Member's Oath or Affirmation

*followed by* Debate on Stage 1 of the Standards in Scotland's Schools etc Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-451 Mr Kenny MacAskill: Lothian and Borders Police

Thursday 23 March 2000

9.30 am Non Executive Business (SNP)

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on Genetic Modification Science

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S1M-601 Bill Aitken: Bus Corridors in Glasgow

Wednesday 29 March 2000

2.30 pm Time for Reflection - Reverend Dr Kevin Franz, Action of Churches Together in Scotland

*followed by* Business Motion to include timetabling of proceedings of Stage 3 of the Adults with Incapacity (Scotland) Bill

*followed by* Stage 3 of the Adults with Incapacity (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 March 2000

9.30 am Non-Executive Debate on a Scottish Service Tax (SSP)

11.00 am

Non-Executive Debate on Housing Energy Efficiency (Green)

*followed by*

Business Motion

2.30 pm

Question Time

3.10 pm

First Minister's Question Time

3.30 pm

Executive Debate on Public Appointments

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*

Members' Business

and, c) that Stage 1 of the Ethical Standards in Public Life etc. Bill be completed by 26 April 2000.—[Mr McCabe.]

**The Presiding Officer (Sir David Steel):** The question is, that motion S1M-663, in the name of Tom McCabe, be agreed to.

*Motion agreed to.*

## Parliamentary Bureau and SPCB Motions

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of Parliamentary Bureau motions. I ask Tom McCabe to move motions S1M-661 and S1M-662.

*Motion moved,*

That the Parliament agrees that the Rural Affairs Committee be the lead committee in the consideration of the Protection of Wild Mammals (Scotland) Bill and that the Bill should also be considered by the Justice and Home Affairs Committee.—[Mr McCabe.]

*Motion moved,*

That the Parliament agrees that the following be approved:

the draft Train Operating Companies (Rateable Values) (Scotland) Order 2000;

the draft Railtrack plc (Rateable Values) (Scotland) Order 2000;

the draft Water Undertakings (Rateable Values) (Scotland) Order 2000;

the draft BG Transco plc (Rateable Values) (Scotland) Order 2000;

the draft Electricity Generators (Rateable Values) (Scotland) Order 2000

the draft Electricity Generators (Aluminium) (Rateable Values) (Scotland) Order 2000; and

the draft Electricity Lands (Rateable Values) (Scotland) Order 2000.—[Mr McCabe.]

**The Presiding Officer:** I ask Des McNulty to move motion S1M-660, on the members' allowances scheme and the equipment and furniture scheme, on behalf of the Scottish Parliamentary Corporate Body.

*Motion moved,*

That the Parliament

(a) directs the Scottish Parliamentary Corporate Body to provide information technology and other office equipment and office furniture for the Parliament in accordance with the Equipment and Furniture Scheme annexed hereto as Annex One;

(b) makes provision, in accordance with section 81(2) of the Scotland Act 1998 (c.46), such provision to be implemented by the Scottish Parliamentary Corporate Body, for the payment of allowances to members of the Parliament in accordance with the Members' Allowances Scheme annexed hereto as Annex Two, and confers on the Scottish Parliamentary Corporate Body functions as specified in the said Members' Allowances Scheme; and

(c) rescinds the two Resolutions of the Parliament of 8 June 1999 agreeing respectively to motion S1M-40 as amended by amendment S1M-40.2 and to motion S1M-41.—[Des McNulty.]

### ANNEX ONE

This is the Equipment and Furniture Scheme referred to

in the foregoing motion.

### "The Equipment and Furniture Scheme

1. Provision of Information Technology and other Office Equipment, and Office Furniture

(1) The Scottish Parliamentary Corporate Body ("the SPCB") shall provide information technology and other office equipment, and office furniture for the Parliament.

(2) Where such information technology and other office equipment and office furniture is provided for the use of a member for the purpose of carrying out his or her Parliamentary duties—

(a) the member may select the equipment and furniture concerned but only from a list of items specified by the SPCB;

(b) the member shall be responsible for the maintenance, protection and security of such equipment and furniture and the SPCB may, if it has reasonable grounds to believe that any such equipment or furniture is being misused, require the return of the equipment or furniture.

2. Provision of Office Supplies

(1) The SPCB shall provide office supplies and postage stamps or postage paid envelopes for the Parliament.

(2) Where such office supplies are provided for the use of a member for the purpose of carrying out his or her Parliamentary duties the member may select the supplies concerned but only from a list of items specified by the SPCB.

3. Publication

The SPCB shall publish for each financial year in respect of each member details of the total sums expended under paragraphs 1 and 2 of this scheme.

4. Parliamentary Duties

For the purposes of this Scheme, "Parliamentary duties" shall have the same meaning as in rule 8 of Part A of the Members' Allowances Scheme."

### ANNEX TWO

This is the Members' Allowances Scheme referred to in the foregoing motion.

### "Members' Allowances Scheme

The following Parts A, B and C together with the Annexes attached shall be the Members' Allowances Scheme ("Scheme")—

#### Part A – General Rules in relation to the Scheme

The following general rules shall, unless the context otherwise requires, govern the Scheme—

#### Rule 1 – Interpretation and commencement

In this Scheme—

"parliamentary complex" means the place where the Parliament or any of its committees or sub-committees meets from time to time;

“remuneration of staff” includes gross salaries, employers’ national insurance contributions and employers’ pension contributions;

“main residence” means the property in which the member is resident for council tax purposes under section 75 of the Local Government Finance Act 1992;

“other residence” means any residence which the member owns or leases other than his or her main residence,

and any reference to a Part is a reference to the Part so lettered in this Scheme and any reference to an Annex is a reference to the Annex so lettered in this Scheme.

#### Rule 2 – Verifiable Expenditure

(1) The Scottish Parliamentary Corporate Body (“SPCB”) may, on an application for the purpose made to it by a member in accordance with this Scheme, make payments to that member by way of allowances for the reimbursement of expenses incurred by that member.

(2) Subject to paragraph (3) of this rule, allowances for which a member is eligible shall be paid by the SPCB only upon the production to the SPCB of evidence of relevant expenditure in the form of invoices or receipts.

(3) Supporting invoices and receipts are not required

(a) for payment of the mileage allowance under paragraph 3(2)(b) of Part B; or

(b) for the reimbursement of expenses under paragraph 3(2)(a) or (d) of Part B where the expenditure is £10 or less.

(4) Paragraph 3 of this rule does not apply to taxi fares and car parking charges, other than parking meter charges.

(5) The SPCB shall provide forms for the purposes of administering the Scheme which members shall complete and sign in order to claim the relevant allowance.

#### Rule 3 – The Allowances Code

The proper use of allowances payable under this Scheme shall be governed by the Allowances Code at Annex A.

#### Rule 4 – Publication

(1) The SPCB shall publish the following information for each financial year in respect of each member in such form as the SPCB may determine—

(a) details of the allowance expenditure incurred; and

(b) the names of the staff employed by the member.

(2) A copy of the information published under paragraph (1) shall be kept by the Clerk at the office of the Clerk and shall be available for inspection by any person on the days and at the times when the office of the Clerk is open.

#### Rule 5 – Enforcement

(1) The SPCB shall be responsible for supervising members’ adherence to the Scheme.

(2) Where eligibility for any of the allowances in this Scheme is in dispute, and cannot otherwise be

resolved, the matter shall be referred to the SPCB for determination.

(3) Any member may make a complaint to the SPCB about another member where he or she has reason to believe that allowances under this Scheme have not been expended in accordance with the Scheme (hereinafter referred to as an improper use of allowances), and where such a complaint is made, the SPCB shall hear that complaint within one month.

(4) Where the SPCB has reason to believe that a member has made an improper use of allowances or where the SPCB has received a complaint under sub-paragraph (3), the SPCB may, after raising the matter with the Business Manager of the relevant political party, initiate investigations into the matter.

(5) Where the SPCB has initiated investigations in accordance with paragraph (4) and finds that a member has made an improper use of allowances, the SPCB shall report to the Standards Committee with its recommendation; and such a recommendation may propose the removal of all or part of the member’s allowance.

#### Rule 6 – Virement

(1) Subject to paragraph (2) of this rule, a member shall not vire amounts between one allowance and another allowance.

(2) A member may vire up to 40% of his or her local office costs allowance to use for staffing or up to 40% of his or her staff allowance to use for local office costs provided that written notice is given to the SPCB.

#### Rule 7 – Up-rating

(1) Subject to paragraphs (2), (3) and (4) of this rule, the SPCB shall uprate allowances on 1 April each year by the amount of increase in the Retail Price Index for the previous financial year.

(2) The SPCB shall, unless the Parliament does not agree, uprate the motor vehicle allowance in line with the maximum rate in respect of vehicles over 1199cc set for local government under section 46 of the Local Government (Scotland) Act 1973, and the uprating will become effective at the same time as it does for local government.

(3) The SPCB shall uprate the motorcycle mileage allowance at the same time as and in accordance with the corresponding allowance set for staff of the Scottish Administration.

(4) The SPCB shall uprate the pedal cycle mileage allowance at the same time as and in accordance with the maximum tax-free allowance set by the Treasury.

#### Rule 8 – Parliamentary Duties

(1) All of the allowances referred to in this Scheme are to be used only for the purpose of members carrying out their Parliamentary duties.

(2) In this Scheme, “Parliamentary duties” means the undertaking of any task or function which a member could reasonably be expected to carry out in his or her capacity as a member of the Parliament including:

(a) attending a meeting of the Parliament;

(b) attending a meeting of a committee or sub-committee of the Parliament of which the member is a member or which the member is required to attend because of being in charge of a Bill or

other matter under consideration by the committee or sub-committee or for any other valid reason relating only to the business of the committee or sub-committee;

(c) undertaking research or administrative functions which relate directly to the business of the Parliament;

(d) attending meetings for the purpose of representing electors or explaining the application of policy including attending meetings for the purpose of seeing a constituent or constituents;

(e) attending Parliamentary party group meetings in Edinburgh;

(f) attending any ceremony or official function or national or international conference as a representative of the Parliament or with the prior approval of a committee of the Parliament or the SPCB;

but does not include a member's activities which are wholly in relation to that member's role as a Party spokesperson or representative.

#### Rule 9 – Equality

All members shall be treated equally irrespective of whether they have been returned as constituency members or as regional members, subject to paragraph 2 of Part B.

#### Rule 10 – Allowances: general

(1) Where a member has claimed an allowance from any other source, the member shall not be eligible to claim the same allowance under this Scheme.

(2) Where a person becomes eligible for an allowance part way through the financial year, then the amount of any allowance payable under this Scheme shall be apportioned on a pro rata basis.

(3) Where a person ceases to be a member part way through the financial year, the SPCB shall decide whether or not any allowance shall be apportioned on a pro rata basis.

#### Part B – Allowances

##### 1. Staff Allowance

(1) Subject to the provisions of this paragraph, a member shall be eligible for an allowance of £36,000 for each financial year for the purpose of employing staff (whether full time or part time, temporary or permanent, through an agency or on a contract for services) to assist the member in carrying out his or her Parliamentary duties. The allowance shall include employers' costs such as gross salary, employers' National Insurance contributions and employers' pension contributions.

(2) Subject to sub-paragraph (3), staff employed by a member will be employed on the terms and conditions determined by the SPCB from time to time.

(3) A member may employ his or her staff on conditions which are more favourable to the employee than those determined by the SPCB provided that this does not entail the member exceeding the amount of his or her staff allowance.

(4) Staff of a member shall be bound by the Allowances Code at Annex A.

(5) Whilst the remuneration of staff shall be the responsibility of the member, the SPCB shall provide—

(a) payroll services for members' staff; and

(b) arrangements for employers' pension contributions to be paid to an employee's choice of pension scheme,

and members shall provide the SPCB with details about their staff to enable the SPCB to provide such services and make such arrangements.

(6) A member may pool his or her staff allowance with another member or other members in order to employ staff who are shared between or amongst them, provided that—

(a) a member of staff remains the employee of a single member; and

(b) the members concerned give written notice to the SPCB.

##### 2. Local Office Costs Allowance

(1) Subject to sub-paragraph (3), (5) and (8), a member shall be eligible for an allowance of £10,000 for each financial year to enable the member, within the constituency or region from which he or she was returned—

(a) to run an office; and

(b) to meet with constituents either on a one to one basis or as a group.

(2) Without prejudice to the generality of sub-paragraph (1), this allowance may be used for the following—

(a) lease of a property or rental of premises;

(b) the provision of utilities;

(c) the purchase or lease of office furniture or equipment or the purchase of stationery.

(d) the member and his or her staff using telecommunications, information technology and photocopying equipment at a location other than the member's Parliamentary office base; and the purchase or lease of associated furniture and equipment.

(3) Where in a particular region more than one regional member is returned from a registered political party's regional list, the amount of local office costs allowance for which each such regional member is eligible shall not be £10,000 but shall instead be computed as follows—

there shall be added together the amount of the office costs allowance referred to in paragraph (1) in respect of one such regional member and 30% of that sum in respect of each of the other such regional members;

the resulting total sum shall be divided by the number of such regional members; and

that amount shall be the local office costs allowance for which each such regional member shall be eligible.

(4) Subject to sub-paragraph (5), where sub-paragraph (3) applies the office costs allowance shall be used to enable the regional members concerned—

(a) to run only one office in the particular region; and

(b) to meet constituents either on a one to one basis or as a group;

and accordingly some or all of the regional members concerned may pool all or part of their allowances under

this paragraph in order to run such an office provided that the members concerned give written notice to the SPCB.

(5) Where sub-paragraph (3) applies in relation to a region mentioned in section C of Annex C (eligibility for exceptional needs allowance: the largest regions), the SPCB—

(a) may determine after inquiry that the regional members concerned may run one additional office because that is necessary for the regional members concerned to carry out their Parliamentary duties effectively; and

(b) in those circumstances may increase the local office costs allowance to which each of the regional members concerned is entitled by such a sum as the SPCB may determine but the total of such increases shall not exceed 100% of the office costs allowance referred to in sub-paragraph (1).

(6) Where local office costs are higher than in other parts of Scotland due to the state of the local economy, a member may refer the matter to the SPCB for its determination as to whether the member should be eligible for an allowance greater than the amount mentioned in sub-paragraph (1), but in any event no greater than 10% of that amount.

(7) Where the SPCB has made a determination under sub-paragraph (5)(a) the regional members concerned may pool their allowances under this paragraph with any other member or members for that region, provided that all members concerned first notify the SPCB.

(8) A constituency member may locate his or her Parliamentary office base in a constituency other than the one from which the member was returned provided that the location has the prior approval of the member returned from that other constituency and the SPCB is notified immediately.

### 3. Members' Travel Allowance

(1) A member shall be eligible for the reimbursement of travelling expenses necessarily incurred by that member in performing his or her Parliamentary duties.

(2) In this paragraph—

“travelling expenses” means—

(a) the actual cost of any travel ticket purchased or fare paid in making a journey, or part of a journey, by public transport;

(b) where such a journey, or any part of such a journey, is made by means of a motor vehicle, motor cycle or pedal cycle, owned or wholly maintained by the member, such amount per mile travelled on the journey, or that part of the journey, by means of that motor vehicle, motor cycle or pedal cycle as is described in sub-paragraphs (3) to (5);

(c) in exceptional circumstances, with the approval of the SPCB, the actual cost of car hire and associated petrol costs; and

(d) tolls and carparking charges;

“public transport” means any service or services provided to the public at large for the carriage of passengers by road, rail, air or sea but includes travel by taxi service only where the use of such a service is required for reasons of urgency or where it is not reasonably practicable for the

member to use other forms of public transport.

(3) The rate of the motor vehicle mileage allowance will be the maximum set for local government under section 46 of the Local Government (Scotland) Act 1973 and shall apply to all motor vehicles irrespective of engine size or annual mileage.

(4) The rate of the motorcycle mileage allowance will be the corresponding maximum rate set for staff of the Scottish Administration.

(5) The rate of the pedal cycle mileage allowance will be at the level of the maximum tax free allowance set by the Treasury.

(6) Any travel outside Scotland shall be eligible for reimbursement only where the travel concerned has been authorised in advance by the SPCB.

(7) Reimbursement will not be made of the cost of travel between the Parliamentary complex and accommodation rented or bought under paragraph 4(3)(b) where the accommodation is outside the City of Edinburgh.

### 4. Edinburgh Accommodation Allowance

(1) Where a member's main residence lies within a constituency mentioned in Group One of Annex B, he or she shall not be eligible for any allowance under this paragraph.

(2) Where a member's main residence lies within a constituency mentioned in Group Two of Annex B, the member shall be eligible for an overnight subsistence allowance of up to £80 per night for each night that he or she requires to stay overnight for Parliamentary duties in Edinburgh.

(3) Where a member's main residence lies within a constituency mentioned in Group Three of Annex B, the member shall be eligible for a total allowance of £9000 for each financial year comprising either—

(a) an allowance of up to £80 per night for each night that he or she requires to stay overnight for Parliamentary duties in Edinburgh; or

(b) subject to sub-paragraph (4), an allowance in order to cover the costs of those items mentioned in sub-paragraph (5) below, where such costs are a necessary consequence of having to stay overnight for Parliamentary duties in Edinburgh.

(4) Where the member claims an allowance under sub-paragraph (3)(b) part way through the financial year, then the amount of the allowance payable under that paragraph shall be apportioned on a pro rata basis.

(5) The costs referred to in sub-paragraph (3) relate only to the provision and use as residential accommodation of a property located within a constituency mentioned in group one of Annex B and are—

(a) the rent payable for the lease of the property;

(b) the interest on the capital required to purchase the property;

(c) the conveyancing fees and outlays, and the surveyors' fees, incurred in the purchase of the property;

(d) council tax;

(e) factoring charges; and

(f) the provision of utilities.

(6) Where a member's main residence falls within

Group Two of Annex B, the member may refer his or her case to the SPCB and, where there are extenuating circumstances, the SPCB may determine that the member may for the purposes of this paragraph be treated as if his or her main residence fell within Group Three of Annex B.

(7) The SPCB shall publish for each financial year information about any allowance payable under this paragraph including the name of the city, town or village where each member's main residence is located.

#### 5. Exceptional Needs Allowance

(1) This paragraph applies to members returned from those constituencies or regions which are set out in Annex C.

(2) A member shall be eligible to claim an exceptional needs allowance of up to £80 per night where it is unreasonable for the member to return to his or her main or other residence before or after undertaking Parliamentary duties within the member's constituency or region.

#### 6. Overnight Subsistence Allowance

(1) Subject to sub-paragraphs (4) and (5), a member shall be eligible for an overnight subsistence allowance where he or she requires for the purpose of carrying out his or her Parliamentary duties to spend a night away from his or her main or other residence.

(2) The amount of the overnight subsistence allowance shall be—

- (a) up to £80 per night; or
- (b) up to £100 per night in Greater London; or
- (c) in respect of a stay outside the United Kingdom an amount determined by the SPCB.

(3) Any claim for overnight subsistence in connection with a stay outside Scotland shall be eligible for reimbursement only where the stay concerned has been authorised in advance by the SPCB.

(4) A member is not eligible for an allowance under this paragraph in connection with Parliamentary duties in Edinburgh.

(5) A member is not eligible for an allowance under this paragraph in connection with Parliamentary duties within his or her constituency or region.

#### 7. Staff Travel Allowance

(1) This paragraph applies only to staff employed through the SPCB payroll service.

(2) Each member is eligible for an allowance in respect of the cost of 40 single journeys for each financial year between his or her constituency or region and the Parliamentary complex by members of his or her staff, as follows:

- (a) 40 single journeys between the constituency or region from which the member was returned, or the main residence of the member of staff, and the Parliamentary complex; or
- (b) 40 journeys within that constituency or region undertaken in support of the member's Parliamentary duties, and a journey shall be the sum of all such travel completed within one day; or
- (c) a combination of (a) and (b) up to 40 single journeys or journeys in total.

(3) The SPCB shall keep a record of each member's entitlement to an allowance under this paragraph and its use to date.

#### 8. Family Travel Allowance

(1) Each member is eligible for an allowance in respect of the cost of 12 single journeys for each financial year between his or her constituency, region or main residence and Edinburgh for each member of his or her immediate family.

(2) In this paragraph, "immediate family" means—

- (a) the member's spouse or another nominated person; and
- (b) any child under the age of 18; and

for the purposes of this paragraph "child" includes any step child, adopted child, foster child or any other child living with that member as part of his or her family.

(3) The SPCB shall keep a record of each member's entitlement to an allowance under this paragraph and its use to date.

(4) In order to qualify for the family travel allowance, a member must register with the SPCB who are his or her immediate family eligible to take part in the Scheme.

#### 9. Disability Allowance

(1) This paragraph applies to any member whose ability to undertake his or her role as a member is impaired by reason of disability.

(2) The SPCB may award an allowance up to a maximum of £10,000 per session to a member for him or her to use in any way which the SPCB decides is helpful to the member in undertaking his or her work.

#### 10. Winding Up Allowance

(1) Where a member ceases to serve as a member of the Parliament, he or she shall be eligible for a winding up allowance.

(2) The amount of the winding up allowance shall be the equivalent of one third of the staff allowance and local office costs allowance payable in any one financial year to which the member would otherwise have been entitled.

#### Part C – Review

For the purposes of determining the success or otherwise of the practical operation of the Scheme, the SPCB shall take all reasonably practicable steps to review the operation of the Scheme by the end of December 2000, and shall following the review make recommendations to the Parliament.

#### ANNEX A

#### ALLOWANCES CODE

##### A Offices

(1) Each MSP will normally have one Parliamentary office base within the area from which he or she was returned that will be his or her registered local address for correspondence.

(2) All MSPs' offices will be presented as 'The Office of Ms X, Member of the Scottish Parliament' in the Parliament's colours. It should be possible to identify the party affiliation of the MSP as well, if desired.

(3) Parliamentary offices may be acquired in

association with political party premises, but must be a clearly definable office space. Party political material is not permitted to be externally displayed in areas occupied by the Parliamentary office.

(4) Parliamentary offices should be suitable for public access.

(5) MSPs will be able to use offices/locations, other than their main base, within the area for which they were returned for surgery purposes.

#### B Activities

(1) Premises, or the relevant part of premises, acquired as Parliamentary offices should be used only for parliamentary activities, and not for party business.

(2) During the hours that they are employed by an MSP under his or her staff allowance, an MSP's employees may not undertake any significant party political activity.

(3) MSPs will be responsible to the SPCB for the activities of their staff as for their own activities.

(4) Premises, or the relevant part of premises, acquired as Parliamentary offices shall not be used as a base for canvassing or election campaigning, or any party activity related to elections.

Parliamentary stationery and office equipment must not be used for party purposes.

#### C Responsibilities

(1) Each MSP has a duty to ensure that he or she utilises the allowances to which he or she is eligible for the purpose for which they were intended. This includes any allowances for which he or she is eligible, but which are utilised by members of staff or immediate family.

(2) Each MSP has a duty to ensure that he or she adheres to the terms of this code in spirit and in practice.

#### ANNEX B

#### ELIGIBILITY FOR EDINBURGH ACCOMMODATION ALLOWANCES

##### Group One

Edinburgh West  
Edinburgh Pentlands  
Edinburgh Central  
Edinburgh North & Leith  
Edinburgh South  
Edinburgh East & Musselburgh  
Linlithgow  
Livingston  
Midlothian

##### Group Two

East Lothian  
North East Fife  
Central Fife  
Kirkcaldy  
Dunfermline East  
Dunfermline West

Ochil

Falkirk East

Falkirk West

Cumbernauld & Kilsyth

Airdrie & Shotts

Coatbridge & Chryston

Hamilton North & Bellshill

Motherwell & Wishaw

Hamilton South

Glasgow Anniesland

Glasgow Ballieston

Glasgow Cathcart

Glasgow Govan

Glasgow Kelvin

Glasgow Maryhill

Glasgow Pollok

Glasgow Rutherglen

Glasgow Shettleston

Glasgow Springburn

Strathkelvin & Bearsden

Paisley North

Paisley South

Stirling

Perth

Dundee East

Dundee West

Tweeddale, Ettrick and Lauderdale

##### Group Three

Aberdeen Central  
Aberdeen North  
Aberdeen South  
Aberdeenshire West & Kincardine  
Angus  
Argyll and Bute  
Ayr  
Banff & Buchan  
Caithness, Sutherland & Easter Ross  
Carrick, Cumnock & Doon Valley  
Clydesdale  
Clydebank & Milngavie  
Cunninghame North  
Cunninghame South  
Dumbarton  
Dumfries

East Kilbride  
 Eastwood  
 Galloway and Upper Nithsdale  
 Gordon  
 Greenock & Inverclyde  
 Inverness East Nairn & Lochaber  
 Kilmarnock & Loudoun  
 Moray  
 North Tayside  
 Orkney  
 Renfrewshire West  
 Ross, Skye & Inverness West  
 Roxburgh & Berwickshire  
 Shetland  
 Western Isles

#### ANNEX C

#### ELIGIBILITY FOR EXCEPTIONAL NEEDS ALLOWANCE

A: Constituencies of over 250,000 hectares

Argyll & Bute  
 Caithness, Sutherland & Easter Ross  
 Galloway & Upper Nithsdale  
 Inverness East, Nairn & Lochaber  
 North Tayside  
 Ross, Skye and Inverness West  
 Roxburgh & Berwickshire  
 West Aberdeenshire and Kincardine  
 Western Isles

B: Constituencies which contain significant island communities

Orkney  
 Shetland  
 Cunninghame North

C: The largest regions

Highlands & Islands  
 North East Scotland  
 South of Scotland  
 Mid Scotland and Fife."

## Presiding Officer's Ruling

12:02

**The Presiding Officer (Sir David Steel):** I promised earlier that I would rule on a point of order Fergus Ewing raised on Wednesday 8 March, during the debate on post offices, concerning accusations of lying that have been made in the chamber. Because this issue has been raised on more than one occasion, I have given it careful thought with the Deputy Presiding Officers, and now rule as follows.

There is no specific provision in standing orders that governs accusations of members lying during the proceedings of the Parliament. Rule 7.3.1 requires members at all times to

"conduct themselves in a courteous and respectful manner".

The occupant of the chair recognises that it is in the nature of political debate that members will disagree with the opinions or interpretations of other members, and challenges to such opinions or interpretations are perfectly in order. Challenges to the accuracy of opinions or facts are also perfectly in order. However, in future the occupant of the chair will not tolerate an accusation that a fellow member or members have lied. The terms liar or lying imply a deliberate attempt to mislead and will not find favour with the chair. Accordingly, they will in future be ruled out of order under rule 7.3.1.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** On a point of order, Presiding Officer. I thank you for that ruling, which will be greeted with approval throughout the chamber. I hope that I speak for all members when I say that we were elected not to be a boorach but to conduct ourselves with dignity and decorum. Your ruling will help to achieve that objective.

## Decision Time

12:03

**The Presiding Officer (Sir David Steel):** The first question is, that motion S1M-656, in the name of Mrs Margaret Smith, on public consultation and accountability of health boards and NHS trusts, be agreed to.

*Motion agreed to.*

That the Parliament notes the concerns of the Health and Community Care Committee, in relation to the accountability of health boards and NHS Trusts and notes the need for a new approach to public consultation as illustrated in the recent and ongoing work of the Committee, and in this connection the Parliament notes the 9th Report, 1999 by the Committee, Report on Stracathro Petition PE13 (SP Paper 48).

**The Presiding Officer:** The second question is, that motion S1M-661, in the name of Mr Tom McCabe, on the designation of a lead committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Rural Affairs Committee be the lead committee in the consideration of the Protection of Wild Mammals (Scotland) Bill and that the Bill should also be considered by the Justice and Home Affairs Committee.

**The Presiding Officer:** The third question is, that motion S1M-662, in the name of Tom McCabe, on the approval of rateable values SSIs, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the following be approved:

the draft Train Operating Companies (Rateable Values) (Scotland) Order 2000;

the draft Railtrack plc (Rateable Values) (Scotland) Order 2000;

the draft Water Undertakings (Rateable Values) (Scotland) Order 2000;

the draft BG Transco plc (Rateable Values) (Scotland) Order 2000;

the draft Electricity Generators (Rateable Values) (Scotland) Order 2000

the draft Electricity Generators (Aluminium) (Rateable Values) (Scotland) Order 2000; and

the draft Electricity Lands (Rateable Values) (Scotland) Order 2000.

**The Presiding Officer:** The fourth question is, that motion S1M-660, in the name of Des McNulty, on the members' allowances scheme and the equipment and furniture scheme, be agreed to.

*Motion agreed to.*

That the Parliament

(a) directs the Scottish Parliamentary Corporate Body to provide information technology and other office equipment and office furniture for the Parliament in accordance with the Equipment and Furniture Scheme annexed hereto as Annex One;

(b) makes provision, in accordance with section 81(2) of the Scotland Act 1998 (c.46), such provision to be implemented by the Scottish Parliamentary Corporate Body, for the payment of allowances to members of the Parliament in accordance with the Members' Allowances Scheme annexed hereto as Annex Two, and confers on the Scottish Parliamentary Corporate Body functions as specified in the said Members' Allowances Scheme; and

(c) rescinds the two Resolutions of the Parliament of 8 June 1999 agreeing respectively to motion S1M-40 as amended by amendment S1M-40.2 and to motion S1M-41.

### ANNEX ONE

This is the Equipment and Furniture Scheme referred to in the foregoing motion.

#### "The Equipment and Furniture Scheme

1. Provision of Information Technology and other Office Equipment, and Office Furniture

(1) The Scottish Parliamentary Corporate Body ("the SPCB") shall provide information technology and other office equipment, and office furniture for the Parliament.

(2) Where such information technology and other office equipment and office furniture is provided for the use of a member for the purpose of carrying out his or her Parliamentary duties—

(a) the member may select the equipment and furniture concerned but only from a list of items specified by the SPCB;

(b) the member shall be responsible for the maintenance, protection and security of such equipment and furniture and the SPCB may, if it has reasonable grounds to believe that any such equipment or furniture is being misused, require the return of the equipment or furniture.

2. Provision of Office Supplies

(1) The SPCB shall provide office supplies and postage stamps or postage paid envelopes for the Parliament.

(2) Where such office supplies are provided for the use of a member for the purpose of carrying out his or her Parliamentary duties the member may select the supplies concerned but only from a list of items specified by the SPCB.

3. Publication

The SPCB shall publish for each financial year in respect of each member details of the total sums expended under paragraphs 1 and 2 of this scheme.

4. Parliamentary Duties

For the purposes of this Scheme, "Parliamentary duties" shall have the same meaning as in rule 8 of Part A of the Members' Allowances Scheme."

## ANNEX TWO

This is the Members' Allowances Scheme referred to in the foregoing motion.

### "Members' Allowances Scheme"

The following Parts A, B and C together with the Annexes attached shall be the Members' Allowances Scheme ("Scheme")—

#### Part A – General Rules in relation to the Scheme

The following general rules shall, unless the context otherwise requires, govern the Scheme—

##### Rule 1 – Interpretation and commencement

In this Scheme—

"parliamentary complex" means the place where the Parliament or any of its committees or sub-committees meets from time to time;

"remuneration of staff" includes gross salaries, employers' national insurance contributions and employers' pension contributions;

"main residence" means the property in which the member is resident for council tax purposes under section 75 of the Local Government Finance Act 1992;

"other residence" means any residence which the member owns or leases other than his or her main residence,

and any reference to a Part is a reference to the Part so lettered in this Scheme and any reference to an Annex is a reference to the Annex so lettered in this Scheme.

##### Rule 2 – Verifiable Expenditure

(1) The Scottish Parliamentary Corporate Body ("SPCB") may, on an application for the purpose made to it by a member in accordance with this Scheme, make payments to that member by way of allowances for the reimbursement of expenses incurred by that member.

(2) Subject to paragraph (3) of this rule, allowances for which a member is eligible shall be paid by the SPCB only upon the production to the SPCB of evidence of relevant expenditure in the form of invoices or receipts.

(3) Supporting invoices and receipts are not required

(a) for payment of the mileage allowance under paragraph 3(2) (b) of Part B; or

(b) for the reimbursement of expenses under paragraph 3(2) (a) or (d) of Part B where the expenditure is £10 or less.

(4) Paragraph 3 of this rule does not apply to taxi fares and car parking charges, other than parking meter charges.

(5) The SPCB shall provide forms for the purposes of administering the Scheme which members shall complete and sign in order to claim the relevant allowance.

##### Rule 3 – The Allowances Code

The proper use of allowances payable under this Scheme shall be governed by the Allowances Code at Annex A.

### Rule 4 – Publication

(1) The SPCB shall publish the following information for each financial year in respect of each member in such form as the SPCB may determine—

(a) details of the allowance expenditure incurred; and

(b) the names of the staff employed by the member.

(2) A copy of the information published under paragraph (1) shall be kept by the Clerk at the office of the Clerk and shall be available for inspection by any person on the days and at the times when the office of the Clerk is open.

### Rule 5 – Enforcement

(1) The SPCB shall be responsible for supervising members' adherence to the Scheme.

(2) Where eligibility for any of the allowances in this Scheme is in dispute, and cannot otherwise be resolved, the matter shall be referred to the SPCB for determination.

(3) Any member may make a complaint to the SPCB about another member where he or she has reason to believe that allowances under this Scheme have not been expended in accordance with the Scheme (hereinafter referred to as an improper use of allowances), and where such a complaint is made, the SPCB shall hear that complaint within one month.

(4) Where the SPCB has reason to believe that a member has made an improper use of allowances or where the SPCB has received a complaint under sub-paragraph (3), the SPCB may, after raising the matter with the Business Manager of the relevant political party, initiate investigations into the matter.

(5) Where the SPCB has initiated investigations in accordance with paragraph (4) and finds that a member has made an improper use of allowances, the SPCB shall report to the Standards Committee with its recommendation; and such a recommendation may propose the removal of all or part of the member's allowance.

### Rule 6 – Virement

(1) Subject to paragraph (2) of this rule, a member shall not vire amounts between one allowance and another allowance.

(2) A member may vire up to 40% of his or her local office costs allowance to use for staffing or up to 40% of his or her staff allowance to use for local office costs provided that written notice is given to the SPCB.

### Rule 7 – Uprating

(1) Subject to paragraphs (2), (3) and (4) of this rule, the SPCB shall uprate allowances on 1 April each year by the amount of increase in the Retail Price Index for the previous financial year.

(2) The SPCB shall, unless the Parliament does not agree, uprate the motor vehicle allowance in line with the maximum rate in respect of vehicles over 1199cc set for local government under section 46 of the Local Government (Scotland) Act 1973, and the uprating will become effective at the same time as it does for local government.

(3) The SPCB shall uprate the motorcycle mileage allowance at the same time as and in accordance

with the corresponding allowance set for staff of the Scottish Administration.

(4) The SPCB shall uprate the pedal cycle mileage allowance at the same time as and in accordance with the maximum tax-free allowance set by the Treasury.

#### Rule 8 – Parliamentary Duties

(1) All of the allowances referred to in this Scheme are to be used only for the purpose of members carrying out their Parliamentary duties.

(2) In this Scheme, “Parliamentary duties” means the undertaking of any task or function which a member could reasonably be expected to carry out in his or her capacity as a member of the Parliament including:

- (a) attending a meeting of the Parliament;
- (b) attending a meeting of a committee or sub-committee of the Parliament of which the member is a member or which the member is required to attend because of being in charge of a Bill or other matter under consideration by the committee or sub-committee or for any other valid reason relating only to the business of the committee or sub-committee;
- (c) undertaking research or administrative functions which relate directly to the business of the Parliament;
- (d) attending meetings for the purpose of representing electors or explaining the application of policy including attending meetings for the purpose of seeing a constituent or constituents;
- (e) attending Parliamentary party group meetings in Edinburgh;
- (f) attending any ceremony or official function or national or international conference as a representative of the Parliament or with the prior approval of a committee of the Parliament or the SPCB;

but does not include a member’s activities which are wholly in relation to that member’s role as a Party spokesperson or representative.

#### Rule 9 – Equality

All members shall be treated equally irrespective of whether they have been returned as constituency members or as regional members, subject to paragraph 2 of Part B.

#### Rule 10 – Allowances: general

(1) Where a member has claimed an allowance from any other source, the member shall not be eligible to claim the same allowance under this Scheme.

(2) Where a person becomes eligible for an allowance part way through the financial year, then the amount of any allowance payable under this Scheme shall be apportioned on a pro rata basis.

(3) Where a person ceases to be a member part way through the financial year, the SPCB shall decide whether or not any allowance shall be apportioned on a pro rata basis.

#### Part B – Allowances

##### 1. Staff Allowance

(1) Subject to the provisions of this paragraph, a member shall be eligible for an allowance of £36,000 for each financial year for the purpose of employing staff

(whether full time or part time, temporary or permanent, through an agency or on a contract for services) to assist the member in carrying out his or her Parliamentary duties. The allowance shall include employers’ costs such as gross salary, employers’ National Insurance contributions and employers’ pension contributions.

(2) Subject to sub-paragraph (3), staff employed by a member will be employed on the terms and conditions determined by the SPCB from time to time.

(3) A member may employ his or her staff on conditions which are more favourable to the employee than those determined by the SPCB provided that this does not entail the member exceeding the amount of his or her staff allowance.

(4) Staff of a member shall be bound by the Allowances Code at Annex A.

(5) Whilst the remuneration of staff shall be the responsibility of the member, the SPCB shall provide—

- (a) payroll services for members’ staff; and
- (b) arrangements for employers’ pension contributions to be paid to an employee’s choice of pension scheme,

and members shall provide the SPCB with details about their staff to enable the SPCB to provide such services and make such arrangements.

(6) A member may pool his or her staff allowance with another member or other members in order to employ staff who are shared between or amongst them, provided that—

- (a) a member of staff remains the employee of a single member; and
- (b) the members concerned give written notice to the SPCB.

##### 2. Local Office Costs Allowance

(1) Subject to sub-paragraph (3), (5) and (8), a member shall be eligible for an allowance of £10,000 for each financial year to enable the member, within the constituency or region from which he or she was returned—

- (a) to run an office; and
- (b) to meet with constituents either on a one to one basis or as a group.

(2) Without prejudice to the generality of sub-paragraph (1), this allowance may be used for the following—

- (a) lease of a property or rental of premises;
- (b) the provision of utilities;
- (c) the purchase or lease of office furniture or equipment or the purchase of stationery.
- (d) the member and his or her staff using telecommunications, information technology and photocopying equipment at a location other than the member’s Parliamentary office base; and the purchase or lease of associated furniture and equipment.

(3) Where in a particular region more than one regional member is returned from a registered political party’s regional list, the amount of local office costs allowance for which each such regional member is eligible shall not be £10,000 but shall instead be computed as follows—

there shall be added together the amount of the office costs allowance referred to in paragraph (1) in respect of one such regional member and 30% of that sum in respect of each of the other such regional members;

the resulting total sum shall be divided by the number of such regional members; and

that amount shall be the local office costs allowance for which each such regional member shall be eligible.

(4) Subject to sub-paragraph (5), where sub-paragraph (3) applies the office costs allowance shall be used to enable the regional members concerned—

(a) to run only one office in the particular region; and

(b) to meet constituents either on a one to one basis or as a group;

and accordingly some or all of the regional members concerned may pool all or part of their allowances under this paragraph in order to run such an office provided that the members concerned give written notice to the SPCB.

(5) Where sub-paragraph (3) applies in relation to a region mentioned in section C of Annex C (eligibility for exceptional needs allowance: the largest regions), the SPCB—

(a) may determine after inquiry that the regional members concerned may run one additional office because that is necessary for the regional members concerned to carry out their Parliamentary duties effectively; and

(b) in those circumstances may increase the local office costs allowance to which each of the regional members concerned is entitled by such a sum as the SPCB may determine but the total of such increases shall not exceed 100% of the office costs allowance referred to in sub-paragraph (1).

(6) Where local office costs are higher than in other parts of Scotland due to the state of the local economy, a member may refer the matter to the SPCB for its determination as to whether the member should be eligible for an allowance greater than the amount mentioned in sub-paragraph (1), but in any event no greater than 10% of that amount.

(7) Where the SPCB has made a determination under sub-paragraph (5)(a) the regional members concerned may pool their allowances under this paragraph with any other member or members for that region, provided that all members concerned first notify the SPCB.

(8) A constituency member may locate his or her Parliamentary office base in a constituency other than the one from which the member was returned provided that the location has the prior approval of the member returned from that other constituency and the SPCB is notified immediately.

### 3. Members' Travel Allowance

(1) A member shall be eligible for the reimbursement of travelling expenses necessarily incurred by that member in performing his or her Parliamentary duties.

(2) In this paragraph—

“travelling expenses” means—

(a) the actual cost of any travel ticket purchased or fare paid in making a journey, or part of a

journey, by public transport;

(b) where such a journey, or any part of such a journey, is made by means of a motor vehicle, motor cycle or pedal cycle, owned or wholly maintained by the member, such amount per mile travelled on the journey, or that part of the journey, by means of that motor vehicle, motor cycle or pedal cycle as is described in sub-paragraphs (3) to (5);

(c) in exceptional circumstances, with the approval of the SPCB, the actual cost of car hire and associated petrol costs; and

(d) tolls and carparking charges;

“public transport” means any service or services provided to the public at large for the carriage of passengers by road, rail, air or sea but includes travel by taxi service only where the use of such a service is required for reasons of urgency or where it is not reasonably practicable for the member to use other forms of public transport.

(3) The rate of the motor vehicle mileage allowance will be the maximum set for local government under section 46 of the Local Government (Scotland) Act 1973 and shall apply to all motor vehicles irrespective of engine size or annual mileage.

(4) The rate of the motorcycle mileage allowance will be the corresponding maximum rate set for staff of the Scottish Administration.

(5) The rate of the pedal cycle mileage allowance will be at the level of the maximum tax free allowance set by the Treasury.

(6) Any travel outside Scotland shall be eligible for reimbursement only where the travel concerned has been authorised in advance by the SPCB.

(7) Reimbursement will not be made of the cost of travel between the Parliamentary complex and accommodation rented or bought under paragraph 4(3)(b) where the accommodation is outside the City of Edinburgh.

### 4. Edinburgh Accommodation Allowance

(1) Where a member's main residence lies within a constituency mentioned in Group One of Annex B, he or she shall not be eligible for any allowance under this paragraph.

(2) Where a member's main residence lies within a constituency mentioned in Group Two of Annex B, the member shall be eligible for an overnight subsistence allowance of up to £80 per night for each night that he or she requires to stay overnight for Parliamentary duties in Edinburgh.

(3) Where a member's main residence lies within a constituency mentioned in Group Three of Annex B, the member shall be eligible for a total allowance of £9000 for each financial year comprising either—

(a) an allowance of up to £80 per night for each night that he or she requires to stay overnight for Parliamentary duties in Edinburgh; or

(b) subject to sub-paragraph (4), an allowance in order to cover the costs of those items mentioned in sub-paragraph (5) below, where such costs are a necessary consequence of having to stay overnight for Parliamentary duties in Edinburgh.

(4) Where the member claims an allowance under sub-paragraph (3)(b) part way through the financial year,

then the amount of the allowance payable under that paragraph shall be apportioned on a pro rata basis.

(5) The costs referred to in sub-paragraph (3) relate only to the provision and use as residential accommodation of a property located within a constituency mentioned in group one of Annex B and are—

- (a) the rent payable for the lease of the property;
- (b) the interest on the capital required to purchase the property;
- (c) the conveyancing fees and outlays, and the surveyors' fees, incurred in the purchase of the property;
- (d) council tax;
- (e) factoring charges; and
- (f) the provision of utilities.

(6) Where a member's main residence falls within Group Two of Annex B, the member may refer his or her case to the SPCB and, where there are extenuating circumstances, the SPCB may determine that the member may for the purposes of this paragraph be treated as if his or her main residence fell within Group Three of Annex B.

(7) The SPCB shall publish for each financial year information about any allowance payable under this paragraph including the name of the city, town or village where each member's main residence is located.

#### 5. Exceptional Needs Allowance

(1) This paragraph applies to members returned from those constituencies or regions which are set out in Annex C.

(2) A member shall be eligible to claim an exceptional needs allowance of up to £80 per night where it is unreasonable for the member to return to his or her main or other residence before or after undertaking Parliamentary duties within the member's constituency or region.

#### 6. Overnight Subsistence Allowance

(1) Subject to sub-paragraphs (4) and (5), a member shall be eligible for an overnight subsistence allowance where he or she requires for the purpose of carrying out his or her Parliamentary duties to spend a night away from his or her main or other residence.

(2) The amount of the overnight subsistence allowance shall be—

- (a) up to £80 per night; or
- (b) up to £100 per night in Greater London; or
- (c) in respect of a stay outside the United Kingdom an amount determined by the SPCB.

(3) Any claim for overnight subsistence in connection with a stay outside Scotland shall be eligible for reimbursement only where the stay concerned has been authorised in advance by the SPCB.

(4) A member is not eligible for an allowance under this paragraph in connection with Parliamentary duties in Edinburgh.

(5) A member is not eligible for an allowance under this paragraph in connection with Parliamentary duties within his or her constituency or region.

#### 7. Staff Travel Allowance

(1) This paragraph applies only to staff employed through the SPCB payroll service.

(2) Each member is eligible for an allowance in respect of the cost of 40 single journeys for each financial year between his or her constituency or region and the Parliamentary complex by members of his or her staff, as follows:

- (a) 40 single journeys between the constituency or region from which the member was returned, or the main residence of the member of staff, and the Parliamentary complex; or
- (b) 40 journeys within that constituency or region undertaken in support of the member's Parliamentary duties, and a journey shall be the sum of all such travel completed within one day; or
- (c) a combination of (a) and (b) up to 40 single journeys or journeys in total.

(3) The SPCB shall keep a record of each member's entitlement to an allowance under this paragraph and its use to date.

#### 8. Family Travel Allowance

(1) Each member is eligible for an allowance in respect of the cost of 12 single journeys for each financial year between his or her constituency, region or main residence and Edinburgh for each member of his or her immediate family.

(2) In this paragraph, "immediate family" means—

- (a) the member's spouse or another nominated person; and
- (b) any child under the age of 18; and

for the purposes of this paragraph "child" includes any step child, adopted child, foster child or any other child living with that member as part of his or her family.

(3) The SPCB shall keep a record of each member's entitlement to an allowance under this paragraph and its use to date.

(4) In order to qualify for the family travel allowance, a member must register with the SPCB who are his or her immediate family eligible to take part in the Scheme.

#### 9. Disability Allowance

(1) This paragraph applies to any member whose ability to undertake his or her role as a member is impaired by reason of disability.

(2) The SPCB may award an allowance up to a maximum of £10,000 per session to a member for him or her to use in any way which the SPCB decides is helpful to the member in undertaking his or her work.

#### 10. Winding Up Allowance

(1) Where a member ceases to serve as a member of the Parliament, he or she shall be eligible for a winding up allowance.

(2) The amount of the winding up allowance shall be the equivalent of one third of the staff allowance and local office costs allowance payable in any one financial year to which the member would otherwise have been entitled.

### Part C – Review

For the purposes of determining the success or otherwise of the practical operation of the Scheme, the SPCB shall take all reasonably practicable steps to review the operation of the Scheme by the end of December 2000, and shall following the review make recommendations to the Parliament.

### ANNEX A

#### ALLOWANCES CODE

##### A Offices

(1) Each MSP will normally have one Parliamentary office base within the area from which he or she was returned that will be his or her registered local address for correspondence.

(2) All MSPs' offices will be presented as 'The Office of Ms X, Member of the Scottish Parliament' in the Parliament's colours. It should be possible to identify the party affiliation of the MSP as well, if desired.

(3) Parliamentary offices may be acquired in association with political party premises, but must be a clearly definable office space. Party political material is not permitted to be externally displayed in areas occupied by the Parliamentary office.

(4) Parliamentary offices should be suitable for public access.

(5) MSPs will be able to use offices/locations, other than their main base, within the area for which they were returned for surgery purposes.

##### B Activities

(1) Premises, or the relevant part of premises, acquired as Parliamentary offices should be used only for parliamentary activities, and not for party business.

(2) During the hours that they are employed by an MSP under his or her staff allowance, an MSP's employees may not undertake any significant party political activity.

(3) MSPs will be responsible to the SPCB for the activities of their staff as for their own activities.

(4) Premises, or the relevant part of premises, acquired as Parliamentary offices shall not be used as a base for canvassing or election campaigning, or any party activity related to elections.

Parliamentary stationery and office equipment must not be used for party purposes.

##### C Responsibilities

(1) Each MSP has a duty to ensure that he or she utilises the allowances to which he or she is eligible for the purpose for which they were intended. This includes any allowances for which he or she is eligible, but which are utilised by members of staff or immediate family.

(2) Each MSP has a duty to ensure that he or she adheres to the terms of this code in spirit and in practice.

### ANNEX B

#### ELIGIBILITY FOR EDINBURGH ACCOMMODATION ALLOWANCES

##### Group One

Edinburgh West

Edinburgh Pentlands

Edinburgh Central

Edinburgh North & Leith

Edinburgh South

Edinburgh East & Musselburgh

Linlithgow

Livingston

Midlothian

##### Group Two

East Lothian

North East Fife

Central Fife

Kirkcaldy

Dunfermline East

Dunfermline West

Ochil

Falkirk East

Falkirk West

Cumbernauld & Kilsyth

Airdrie & Shotts

Coatbridge & Chryston

Hamilton North & Bellshill

Motherwell & Wishaw

Hamilton South

Glasgow Anniesland

Glasgow Ballieston

Glasgow Cathcart

Glasgow Govan

Glasgow Kelvin

Glasgow Maryhill

Glasgow Pollok

Glasgow Rutherglen

Glasgow Shettleston

Glasgow Springburn

Strathkelvin & Bearsden

Paisley North

Paisley South

Stirling

Perth

Dundee East

Dundee West

Tweeddale, Ettrick and Lauderdale

##### Group Three

Aberdeen Central

Aberdeen North  
 Aberdeen South  
 Aberdeenshire West & Kincardine  
 Angus  
 Argyll and Bute  
 Ayr  
 Banff & Buchan  
 Caithness, Sutherland & Easter Ross  
 Carrick, Cumnock & Doon Valley  
 Clydesdale  
 Clydebank & Milngavie  
 Cunninghame North  
 Cunninghame South  
 Dumbarton  
 Dumfries  
 East Kilbride  
 Eastwood  
 Galloway and Upper Nithsdale  
 Gordon  
 Greenock & Inverclyde  
 Inverness East Nairn & Lochaber  
 Kilmarnock & Loudoun  
 Moray  
 North Tayside  
 Orkney  
 Renfrewshire West  
 Ross, Skye & Inverness West  
 Roxburgh & Berwickshire  
 Shetland  
 Western Isles

B: Constituencies which contain significant island communities

Orkney  
 Shetland  
 Cunninghame North

C: The largest regions

Highlands & Islands  
 North East Scotland  
 South of Scotland  
 Mid Scotland and Fife."

#### ANNEX C

#### ELIGIBILITY FOR EXCEPTIONAL NEEDS ALLOWANCE

A: Constituencies of over 250,000 hectares

Argyll & Bute  
 Caithness, Sutherland & Easter Ross  
 Galloway & Upper Nithsdale  
 Inverness East, Nairn & Lochaber  
 North Tayside  
 Ross, Skye and Inverness West  
 Roxburgh & Berwickshire  
 West Aberdeenshire and Kincardine  
 Western Isles

## Rail Travel for the Blind

**The Presiding Officer (Sir David Steel):** The next item of business is a debate on motion S1M-443, in the name of Euan Robson, on rail travel for the blind. This debate will be concluded after 30 minutes, without any question being put. I ask those members who wish to speak in the debate to press their request-to-speak buttons right away, so that we can assess how many people want to be called. I ask those members who are not staying for the debate to leave quietly.

*Motion debated,*

That the Parliament welcomes the concessionary travel scheme developed for the blind in Scotland but requests that Great North Eastern Railways and Virgin Trains participate in the scheme when Scottish residents who qualify use the railway station at Berwick upon Tweed during their journey.

12:04

**Euan Robson (Roxburgh and Berwickshire) (LD):** I am grateful for this opportunity to have a short debate on rail travel for the blind and, in particular, train operators' refusal to allow use of the travel card from Berwick-upon-Tweed station.

On 1 December, the Minister for Transport and the Environment, whom I thank for being here today, announced the launch of the national concessionary travel scheme for the blind, which offers free travel on rail, bus, ferry and underground services. The scheme was achieved through a partnership agreement among the Scottish Executive, Scottish local authorities and rail, bus and ferry companies. All deserve our thanks for their efforts and co-operation, particularly the transport operators, without which, frankly, the scheme would not have been possible.

Doubtless the minister will recall her words at the Braille Press launch of the concessionary travel scheme. She said:

"The Executive stated in our partnership agreement that we would improve concessionary fare schemes on public transport for those with special needs."

Last December, an important start was made, upon which we all want to build, particularly bearing in mind social inclusion objectives, to which, I am sure, most members of this Parliament subscribe.

Some 80 people, from a probable total of 600 eligible people, as estimated by Scottish Borders Council, have travel cards. The council says that 19 per cent of the cards have been taken up by Berwickshire residents, which matches quite well the 21 per cent of the Scottish Borders population who live in Berwickshire. The council believes that more applications for the cards will be made as

soon as the holiday period begins and when the old Scottish Borders Council travel cards expire later this month and in April. The old travel cards, which were issued prior to the commencement of the new scheme, were not cancelled or withdrawn but holders of those cards were offered the opportunity to exchange them for travel cards under the new scheme if they so wished.

However, we know that the scheme operates only in Scotland, and Berwickshire's nearest railway station is at Berwick-upon-Tweed. I appreciate that Berwick-upon-Tweed has changed hands some 14 times in the past, but it is currently in England, a fact that is without doubt. There is no station in Berwickshire—I believe that the last station in Berwickshire was at Reston, which closed in the 1960s. The nearest station in Scotland is at Dunbar, which is quite a distance into East Lothian.

At present, the travel cards cannot be used at Berwick-upon-Tweed. I have asked the train operators to allow the use of travel cards for holders travelling north from Berwick-upon-Tweed station or, indeed, for those arriving from Scotland who end their journey there. I am sorry to say that, so far, Great North Eastern Railway and Virgin Trains have declined all requests for what would be a modest concession.

Christopher Garnett, GNER's chief executive, told me in a letter that his company "was not keen" to participate in the scheme at all

"because of the whole problem relating to Berwick Station".

At length, GNER agreed to go ahead with the scheme, but made it clear that Berwick-upon-Tweed could not be included

"because of the implications for services in England".

Frankly, it is a pity that the train operators are being inflexible for fear of the tiny chance of creating some precedent that might be used by campaigners in England and Wales.

GNER is also concerned that the Scottish Executive wants to extend the scheme to

"other groups beside the visually impaired".

My view, which I am sure is shared by many members, is that more groups should be included in the scheme. However, even if the scheme were extended, the number of people using the concession at Berwick-upon-Tweed would be quite small.

I will read more from Christopher Garnett's letter, as he then turns the tables and, to an extent, blames the Scottish Executive. He says:

"I believe our caution in this has been proven right given the recent announcement from the Scottish Executive that they wish to extend the principle of free rail travel to other groups besides the visually impaired."

I repeat that the concession ought to be extended by the train operators.

How can we address the problem? I shall certainly refer it in due course to the management group, set up by the Convention of Scottish Local Authorities with the assistance of the Confederation of Passenger Transport UK, which reviews progress and tries to iron out any difficulties that occur.

The minister can help by engaging in discussion with the train operators, especially in the context of the franchise negotiations. Today, I received a letter from Richard Branson. "Dear Euan", it said, "Yours, Richard", and enclosed a glossy brochure, which other members may also have received. It said that Virgin will want to advance plans for

"transforming the East Coast Main Line".

Well, Richard is about to receive a letter from me offering a suggestion as to how he might make a start before the franchise negotiations are completed. If the minister has the opportunity, I would welcome her including this matter in the franchise discussions that she may be having in the near future.

I am grateful to the many constituents who have written to me about this matter, and especially to the Borders talking newspaper, which delivers a good service to the community. I see members nodding; I am glad that the services of the newspaper are well known. Those people have helped me to draw the issue to Parliament's attention today.

A good measure of society is how it treats its most disadvantaged members, and I am sure that we would all like the concession to be extended. I hope that together we can remove the anomaly that is spoiling in the Borders what would otherwise be a truly excellent scheme.

12:12

**Lord James Douglas-Hamilton (Lothians) (Con):** Euan Robson is to be warmly congratulated on the persuasiveness of the arguments that he has presented and on his success in securing this debate. I strongly support his recommendation to the Parliament. I also welcome the minister's initiative establishing the principle of free travel for blind passengers on all bus, rail and ferry services throughout Scotland.

It is encouraging that the minister has accepted the key recommendation of the recently published report on transport provision for the disabled to set up a steering group to examine the transport needs of disabled people. However, it is only a start. We know that there are serious problems of accessibility for those with visual impairments. The report also made it clear that there is a lack of

ramps and that only 51 of 300 stations in Scotland are accessible to the blind and disabled. The underground in Glasgow is a prime example of inadequate accessibility. I hope that the minister will consider that matter and bring forward a constructive response.

I am a resident of North Berwick, which, I hasten to add, is nowhere near Berwick, but I am happy to lend support to the motion. The principle of subsidised travel for the disabled and visually impaired should be extended throughout the rest of the United Kingdom on a uniform basis. Will the minister say whether a concordat or a joint Cabinet committee could be relevant in that area? In any case, is not it advisable that strong representations should be made by the Scottish Executive on behalf of Scotland's disabled rail users? Will the minister take up with the United Kingdom Secretary of State for the Environment, Transport and the Regions the case for seeking a uniform approach to subsidised rail travel for the blind and disabled throughout Britain so that the kind of anomaly that exists in Berwickshire can be satisfactorily removed?

12:14

**Michael Russell (South of Scotland) (SNP):** Like Lord James Douglas-Hamilton, I congratulate Euan Robson on securing this members' business debate. There is no doubt that the anomaly that Euan Robson has constructively brought to the notice of the Parliament is unacceptable not only to blind travellers or to members of Parliament. Most people in Scotland would be astonished to know that two commercial companies, given the opportunity to honour a commitment that exists everywhere else in Scotland, refuse to honour it simply because of an accident of geography and of history. Indeed, I welcome Euan Robson's view that the question whether Berwick should be north or south of the border remains open. I notice that the minister is tutting.

**The Minister for Transport and the Environment (Sarah Boyack)** *indicated disagreement.*

**Michael Russell:** That question is not necessarily my first priority, nor have we necessarily heard the last territorial claim, so to speak. Berwick's geographical position is simply something that might require readjustment with the democratic consent of the people of the town. Indeed, they have blazed a trail by ensuring that their football team plays in Scotland. I hope that, as time goes by, they too will play in Scotland.

Lord James Douglas-Hamilton, quite correctly, raised a key point when he welcomed the start that has been made. I, too, congratulate the partnership on having moved towards a solution,

but we need a wider solution and we must remember the needs of blind and disabled people not only in rail travel but in all forms of transport.

Last Friday, I visited Irvine railway station, which is undergoing major refurbishment. When the scheme is finished, the station will no doubt be more suitable for use by blind and disabled people. At present, however—and I quote a word that Fergus Ewing used—it is a boorach; that word is not used much in Irvine, but it is worth using here. The station is like a building site. There are very few facilities for blind and disabled people, and I suspect that the current disincentive to using that station will remain in the minds of those people long after the changes have taken place. The people who carry out such improvements must bear it in mind that, while the improvements are under way, they must remember the demands of those for whom the improvements are being made.

In the area that I represent, the South of Scotland, there is considerable anger about this matter, which must be resolved speedily. I am astonished at the correspondence to which Euan Robson referred. I am also astonished that Virgin Trains should promote itself to members of the Parliament while failing to honour a commitment to the blind people of the South of Scotland.

I hope that the message from this debate reaches the companies concerned. I do not want to diminish the role of the constituency member, Euan Robson, but the person who can advance that message most effectively is the Minister for Transport and the Environment. In her conversations with those companies, she must make it clear that their honouring the letter of an agreement is not the same as honouring its spirit, and that they will not be regarded favourably by the chamber nor by members, nor I hope by the Scottish Executive, until they have righted the wrong.

12:17

**Dr Sylvia Jackson (Stirling) (Lab):** I agree totally with Euan Robson, and with what has been said on the specific issues that relate to the Borders and to blind travellers. I also have much sympathy for what Lord James Douglas-Hamilton said. In my area too, many stations still do not provide access for disabled people.

The issue goes beyond blind travellers and concerns disabled travellers in general. We were pleased when Sarah Boyack recently announced the concessionary fares scheme for blind people, but we still hope that that scheme will be extended, as mentioned in the programme for government, so that eventually a national concessionary fares scheme will be phased in.

Why is a national scheme necessary? First, because there is such variation between different council areas, and because in some council areas the concessionary fares scheme is perhaps not as extensive as we want it to be. Secondly, we need integration. It would be nice if an old-age pensioner could get a concessionary ticket right the way through. The only way to do that effectively is on a national basis.

Sarah Boyack has said, on various occasions, that she is working towards an integrated approach to timetabling and ticketing. I urge her to continue with those measures.

12:19

**The Minister for Transport and the Environment (Sarah Boyack):** I congratulate Euan Robson on securing today's debate and offering us all the opportunity to take part.

It is important that we focus on the national concessionary free travel scheme for blind people that we have already launched, and on Euan Robson's emphasis on the need for GNER and Virgin Trains to extend free travel to blind people who use the railway station at Berwick-upon-Tweed.

I have listened with great interest to the points that have been raised both by Mr Robson and by other members. I would like to do three things in the time that is available: first, set out our policy on concessionary fares generally; secondly, give a bit of history on the voluntary scheme for blind people and how it was delivered; and thirdly, look at where we go from here.

We believe that transport policy is fundamentally about meeting people's needs and establishing an integrated transport system that is accessible to the maximum number of people. A key theme must be that of encouraging an inclusive society, and several members have addressed that in their speeches. We intend to achieve that through a partnership approach and by a range of measures to promote a more accessible public transport system.

This week, I announced that we will be setting up a national group to discuss issues relating to improving access for people with disabilities. I want to look at the wider solutions that we need to tackle. The group will enable a Scottish focus on action. I welcome the support of Lord James Douglas-Hamilton and Mike Russell in taking forward this issue.

We need to look at timetabling and information, as Sylvia Jackson said. We need to look at how we improve access for people across Scotland, whether it is to new rolling stock or to stations. I remind members that through the public transport

fund, we have already begun to provide support for Strathclyde Passenger Transport, East Lothian and Falkirk, and we intend to take that further. There is a lot more that we need to do.

There are also issues regarding attitudes, and the assistance that can be given to people by public transport staff. That is important. We need to look at the training implications for public transport companies. A lot of work needs to be taken forward, and I see our group playing an important role in that.

Many of the barriers that exclude blind people from society, and from the opportunities that the rest of us take for granted, come down to accessibility and public transport. That is why one of our top priorities was introducing a national free concessionary travel scheme for blind people. It is the first of its kind in Britain, and it was brought about as a result of a voluntary partnership between the Executive, Scottish local authorities, Strathclyde Passenger Transport and the rail, bus and ferry companies. In the light of this debate, I want to explore what voluntary means.

A great deal of effort went on behind the scenes to establish the scheme. Thanks must go to those who agreed to join the scheme and for their work so far. The scheme is an acknowledgement by the public transport operators of the social importance of transport access for blind people, which I am keen to promote and extend further.

The scheme was established on the basis that there were no significant cost implications for local authorities or for the transport operators as a whole. If the scheme had sought to include free travel for the companions of blind people as well as for blind people, for example, I suspect that the response might have been different, and it would have been even more difficult to reach the agreement that we have reached. Some local authority schemes currently offer concessions to the companions of blind people, and those will continue, in addition to the voluntary scheme that we have established.

With regard to Virgin, GNER and the national scheme, I want to give members a sense of the work that the Scottish Executive has done at ministerial and official level to reach today's stage. Initially, officials wrote to those companies' managing directors, and were informed on two occasions by those firms that they did not think that their participation in the present scheme was essential to its operation, and therefore they were not prepared to join any such scheme.

Officials continued to press for their participation, and the then Minister for Local Government and Transport, Calum MacDonald, wrote to Richard Branson, the chair of Virgin Management Ltd, and to David Benson, the chair

of Sea Containers Ltd, which owns GNER, asking them to participate in the national scheme. That correspondence resulted in both companies agreeing to provide free concessionary travel to blind people for any journey that begins and ends in Scotland.

Executive officials then raised with GNER and Virgin Trains the issue of blind passengers wishing to travel from Berwick to Carlisle, and the high desirability of extending that concession to, as Euan Robson said, the relatively small number of blind people who might wish to use those stations. GNER reiterated its position that it could not agree to blind people who lived in Scotland and used Berwick station being provided with free travel, when a similar concession was not available to blind people living in Berwick. Virgin Trains gave a similar reiteration of its views.

The national scheme was brought about through a voluntary agreement, which meant that there could not be an element of compulsion. Rather than delay the introduction of the scheme, with no certainty of securing a change in the position of either GNER or Virgin Trains, the only sensible decision was to define the scope of the all-Scotland scheme in terms of the two criteria that those two companies could agree to.

I hope that I have been helpful to members in giving them a sense of how long it has taken us to get to this stage. The companies have not yet been moved by the representations from members or the Scottish Executive. A management group has been set up by COSLA, with assistance from the Confederation of Passenger Transport, to oversee the implementation of the scheme and review its progress. In the light of the discussion that we have had today, I hope that we can take forward the views that have been expressed by members in this chamber.

I will pick up on a point in the letter from GNER from which Euan Robson quoted, and will perhaps reassure the two train companies involved. The letter talks about GNER's caution, as it is concerned that I wish to extend the voluntary scheme to the scheme that the Executive is bringing through Parliament in the transport bill, which would extend concessionary travel to pensioners and people with disabilities.

I see the voluntary scheme as being just that—a voluntary scheme. The national scheme that we want to take forward would be another scheme, which would come through the work already done by local authorities throughout Scotland. I give the two companies the reassurance that I am not seeking to impose that the voluntary agreement that we have should be automatically transposed to the new national scheme that we are developing. I hope that that might be helpful for those two companies.

I hope that our national scheme will bring a big extension in opportunities for people. I also hope that the management group that we have established will bear in mind cross-border rail travel for blind people who have those passes. I hope that it will pick up the issue of Berwick and Carlisle. ScotRail enables travel for people in Scotland to Carlisle, so a precedent has been established.

In the light of the issues that have been raised today, I will consider further what it might be helpful for me to do in respect of writing to both companies again to encourage them, once more, to join in this scheme.

I commend members for the points that they have made. I hope that we can make progress on this issue and come back in the future to consider an expansion of the voluntary scheme.

I thank the companies thus far. It has taken us a lot to get to this stage and it is important, when we commend a scheme such as this, to acknowledge the hard work that has been done. I hope that we can make further progress.

I thank Euan Robson for raising this matter and enabling it to be discussed in Parliament today.

12:27

*Meeting suspended until 14:30.*

14:30

*On resuming—*

**The Presiding Officer (Sir David Steel):** Our sole business this afternoon is question time, which we will begin straight away.

## Question Time

### SCOTTISH EXECUTIVE

#### Local Government Finance

**1. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive what representations it has had from local authorities regarding this year's local government financial settlement. (S10-1380)

**The Minister for Finance (Mr Jack McConnell):** We have received representations from the majority of councils about the local government settlement.

**Mr Welsh:** Will the minister reconsider the unfairness of a system in which the most prudent and efficient councils, such as Angus Council, get the least money, while the least efficient get the most money? Punishing the prudent to reward the profligate is never a wise financial policy.

**Mr McConnell:** That is a generalisation. The system does not punish the most efficient councils and assist the least efficient. However, councils across Scotland have questioned the system, and we have given a firm commitment to review it to ensure that it is fair and delivers the high-quality services that Scotland deserves.

**Dr Richard Simpson (Ochil) (Lab):** Will the minister comment on how Clackmannanshire Council's Scottish National party administration set its budget? In particular, will he comment on its initial proposals to increase corporate services by 21 per cent—more than £1 million of new expenditure—to be funded by a nursery school closure, other school closures or mergers, community hall closures and by reneging on the previous Labour commitment to fund the excellent Barnardos Freagarrach project for young offenders, which is to be adopted by three other local authorities?

**Mr McConnell:** Given the debate that we had last December about the amount of budget information available to the chamber—the most information ever provided by a Parliament in the UK—I was surprised that the nationalist council in Clackmannanshire had not even put a final budget line on its budget at its council meeting last week.

I am shocked to discover that the Freagarrach project is now under threat as a result of SNP

decisions in Clackmannan. Those decisions should be revisited urgently; that excellent project is groundbreaking in its approach to rehabilitating young offenders, and deserves the full support of everyone involved.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** Has the Scottish Executive made any representations to the Westminster Government about increasing the block grant, so that larger amounts of money can be made available to local government?

**Mr McConnell:** Local government funding in Scotland is planned to increase by more than the rate of inflation this year, next year and the year after. The total budget available for the Executive's programmes is determined in accordance with the funding rules published in March 1999 by HM Treasury, and the future funding of local government in Scotland will be considered by the Executive in the course of the current spending review that is in progress.

### Organic Agriculture

**2. Irene McGugan (North-East Scotland) (SNP):** To ask the Scottish Executive what plans it has to invest in research and development for organic agriculture. (S10-1371)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** The Scottish Executive, and previously the Scottish Office, have funded research on organic agriculture for many years. In particular, a major programme has been undertaken by the Scottish Agricultural College in Aberdeen at a cost of £840,000. Investment in research that deals specifically with organic agriculture will continue via a further major project at SAC Aberdeen over the next three years. In addition, two further new projects at the SAC are currently being considered.

**Irene McGugan:** Notwithstanding such measures as the setting up of demonstration farms at the SAC, will the Scottish Executive rural affairs department consider switching the majority of its funding from support for genetically modified organisms biotechnology to substantial support for organic agriculture?

**Mr Home Robertson:** That option does not exist and, in any case, we intend to continue our support for organic research and organic conversion. I welcome the fact that the organic aid scheme is attracting a lot of support from farmers in Scotland. Five hundred farms are now involved in the scheme, and 400,000 hectares of Scottish farmland are now being converted into organic production. That is meeting a genuinely new demand in the market and is good news for rural Scotland.

**Robin Harper (Lothians) (Green):** The SAC is

finding it very difficult to service the organic aid scheme.

Although the Scottish Crop Research Institute has 17 major research projects in progress, none of them is organic. Would the minister be prepared to provide the Scottish Crop Research Institute with extra funding to allow it to undertake some organic research?

**Mr Home Robertson:** My department's research programme includes three organic farming projects, which are worth £228,000 this year, rising to £327,000 next year. We are, therefore, making progress. I hope that Mr Harper will join me in welcoming the fact that there are clear signs that organic production is increasing in Scotland, which is good news for the rural economy.

### Rural Housing

**3. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what Scottish Homes' spending plans for rural areas are for the coming year. (S10-1376)

**The Minister for Communities (Ms Wendy Alexander):** Scottish Homes plans to spend approximately £45 million in rural areas in 2000-01, an increase of more than 10 per cent on the current year's approved budget. That will allow Scottish Homes to build and improve more than 1,500 homes in rural Scotland. Scottish Homes will also provide a further £1 million for the rural partnership for change project, which we have just announced with Highland Council.

**George Lyon:** I thank the minister for her answer and welcome the extra spending. Is she aware that there is a shortage of rented housing in mid-Argyll, with waiting lists of up to 200 in a small rural community? Can Argyll and Bute expect to benefit from the extra spending? Also, can the minister give a guarantee that the Executive is responding to the concerns of rural communities, such as mid-Argyll, about the right to buy?

**Ms Alexander:** The new money that we have provided will allow an increase of 67 per cent in the number of units that will be built in Argyll and Clyde. We have asked Highland Council to consider how we can tackle issues such as land assembly and development costs, which have made it difficult for homes for rent to be built in some of our most pressurised remote rural areas in the past.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** The minister will be aware that in rural Scotland, 43,000 homes are damp and 90,000 homes have condensation. Will she outline the targets and time scales that she has set to tackle those problems?

**Ms Alexander:** I am happy to outline plans to

target dampness. Three programmes are under way. The warm deal is particularly geared towards private properties suffering from dampness. We expect that to deal with 100,000 homes during the next four years, of which about a quarter could be anticipated to be in rural areas. We are also announcing capital allocations, which should allow for a further 100,000 council homes to be improved over the period ahead. Finally, the new housing partnership programme is expected to tackle dampness in a further 100,000 homes in Scotland, some of them in rural areas.

**Dr Sylvia Jackson (Stirling) (Lab):** Will the minister comment on the recently announced Highland rural housing pilot and how it relates to some of the concerns expressed in the January housing debate?

**Ms Alexander:** Highland Council has made powerful representations to us about the current exemption in remote rural areas, primarily designed for holiday homes, which it was felt was not effective in protecting social rented houses in those areas. We have therefore asked Highland Council to consider a more appropriate designation to protect the most remote rural areas.

### Meat Safety

**4. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive whether Danish pigmeat, fed with meat and bone-meal, meets the same safety standards as that produced by the Scottish industry. (S1O-1383)

**The Minister for Rural Affairs (Ross Finnie):** Under European single market rules, products from any member state that meet European Union standards of production can be dispatched freely to other member states. Danish pigmeat must meet those EU standards before it can be imported into Scotland.

Current EU law allows for mammalian meat and bone-meal to be fed to non-ruminant animals. Following advice from the Spongiform Encephalopathy Advisory Committee, the United Kingdom has taken the further precautionary step of prohibiting the use of mammalian meat and bone-meal in any animal feed to prevent the possibility of cross-contamination occurring during feed production.

**Alex Johnstone:** Does the minister agree that, in the light of reports from Denmark that BSE has now been detected in the cattle herd, the only recommendation that members in this chamber should make is that people buy Scottish pigmeat, because it is the safest in the world?

**Ross Finnie:** I wholly agree. Even before the outbreak, we could have and should have been making that statement loud and clear. That is why the Executive has written to all public authorities to

ask them to make that choice. The more members of the public who make that choice, the better for the pig industry.

### Scottish Qualifications Authority (Meetings)

**5. Nicola Sturgeon (Glasgow) (SNP):** To ask the Scottish Executive when it last met officials from the Scottish Qualifications Authority and what issues were discussed. (S1O-1362)

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** I met the chairman and chief executive of the Scottish Qualifications Authority on 6 March to discuss priorities and objectives relating to the SQA's forward programme and the means of achieving them.

Officials of the education department and of the enterprise and lifelong learning department of the Scottish Executive also meet SQA officers regularly to discuss specific aspects of the authority's current work and forward plans.

**Nicola Sturgeon:** Has the Minister for Enterprise and Lifelong Learning or any of his ministerial colleagues discussed higher still with the SQA? Has the SQA been made aware of the problems reported by parents, pupils and teachers about higher still in its first year of operation? They range from delays with materials to concerns about the operation of the internal assessment system.

Does the minister agree that, in the interests of building public confidence in a system that we all want to succeed, the SQA should be encouraged to publish a full and frank assessment of higher still's first year of operation at the end of this academic year, to include all the problems that have been identified and reported? What action does the Executive intend to take to ensure that those problems are resolved for the coming year?

**Henry McLeish:** I am grateful for that question on higher still. Implementation has gone much better than we expected. It is a major reform, and we obviously anticipated that there would be some difficulties.

**Nicola Sturgeon:** There have been.

**Henry McLeish:** The SQA is keeping a watchful eye and is monitoring what is happening. The observations made by HM inspectorate of schools on progress are very satisfactory, but I can give Nicola Sturgeon the guarantee that, at the end of the year, we want to review what has happened. Higher still is, of course, a matter of vital importance to parents, children and teachers. The Government is determined to make progress in partnership, to ensure that the reforms are a success.

**The Presiding Officer:** Question 6 is withdrawn.

## Enterprise

**7. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what steps are being taken to promote enterprise and encourage innovation in the business and academic communities. (S10-1393)

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** The Scottish Executive, together with the Department of Trade and Industry and the enterprise networks, have in place a range of schemes to promote enterprise and encourage innovation. They include a number of new initiatives to support small businesses and measures to encourage innovation through research and development, the commercialisation of research, technology transfer, the use of new technologies and the spread of best practice.

The knowledge economy task force, which I chair, is currently considering business innovation in the context of a knowledge-based economy.

**Bristow Muldoon:** What steps have been taken to encourage academic innovation to be transformed into indigenous Scottish businesses?

**Henry McLeish:** We are doing a great deal of work on a number of fronts. It is encouraging that unemployment in Bristow Muldoon's constituency is now 4.7 per cent lower than the Scottish average. The key issue about the economy and about helping business is not just the creation of prosperity and wealth, but the provision of much-needed jobs.

That said, the discussions with the Scottish Higher Education Funding Council, with small business organisations and with the enterprise network, have concerned the commercialisation of science—for which £11 million has been allocated to proof of concept. This week, I launched a £4 million enterprise centre in Glasgow, which is bringing together business, higher education and further education. We are determined to make the knowledge economy in Scotland work.

In Livingston, as in other parts of the country, we want to work in partnership at every level, not only to secure global innovations, but to ensure that we create employment opportunities for young and old.

**Mr David Davidson (North-East Scotland) (Con):** In advance of next week's budget statement, what representations has the Minister for Enterprise and Lifelong Learning made to the Chancellor of the Exchequer for fiscal measures to be taken to assist business investment, business development and, most important, business start-ups?

**Henry McLeish:** The Chancellor of the Exchequer—who is a Fife MP—has shown by example during his chancellorship that he is

committed to the development of business, new technology and investing in every aspect of innovation and science. I have no doubt that next week's budget will reflect that.

We have regular discussions with the chancellor on a number of issues. I am convinced that the Scottish Parliament, working with the Westminster Parliament, the Treasury and our own ELL department, can secure the changes that many MSPs want. We want to create a climate of real opportunity and real change, and acknowledge that no one—globally—owes us a living. There is fierce worldwide competition, and I am determined to work with everyone in this Parliament and with the chancellor to ensure that we have the success that we deserve.

## National Health Service

**8. Janis Hughes (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive what progress is being made in modernising the infrastructure of the NHS in Scotland. (S10-1384)

**The Minister for Health and Community Care (Susan Deacon):** The Scottish Executive is committed to developing an NHS that provides modern, high-quality services to the people of Scotland. That will be achieved through investment in new buildings, information and communications technology and other infrastructure, and by developing new patterns of service delivery and changes to working methods.

**Janis Hughes:** Can the minister advise me how that will assist in breaking down the barriers that were erected by competitive tendering and the internal market?

**Susan Deacon:** We must all recognise that, to achieve the change that we all want, we need changes and developments in buildings and systems, but we also need changes in ways of working. Those changes must be brought about through partnership in the NHS—partnership among staff, patients and the public. Many of the points that were made in today's debate point the way to a future when the NHS will be built on partnership—unlike the situation under the Tories—and when the public will be brought into the heart of the NHS in the way that services are designed and delivered.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Is the minister aware that the Tories, when they were in control, brought in a number of people from the Common Services Agency to work in the management executive in the Scottish Office? There are still more than 100 of them on loan to the management executive, working on different, short-term contracts. What is she going to do about that?

**Susan Deacon:** It would be inappropriate for me

to comment in detail on the points raised by the member, but I am more than happy to provide him with a detailed written answer to the specific questions that he raises.

I can tell the member that the contribution of anyone who works in any part of the NHS should be recognised. If the NHS is to be an effective service provider, it also needs to be a model employer. The work that we are doing in the NHS is designed to move towards that goal.

**Lord James Douglas-Hamilton (Lothians) (Con):** What progress is being made on the introduction of telemedicine throughout Scotland?

**Susan Deacon:** Telemedicine is potentially one of the most exciting areas of development in the NHS and will be of particular benefit to people living in rural areas. It gives us the potential to transform the way in which services are delivered in remote communities and allows us to deliver far more services in general practitioners' practices in communities where people would previously have had to travel to hospitals.

From our modernisation fund for the health service, we are spending £5 million on that area. The remote and rural resource centre in Inverness that was established at the end of last year is working on that matter and I look forward to some exciting developments in the years to come.

**Nora Radcliffe (Gordon) (LD):** In the light of concerns expressed following the review of public health funding in Scotland, about the number of specialist professionals working in public health, has the Executive any plans to take action that would increase the number of staff working in public health?

**Susan Deacon:** I am very glad that Nora Radcliffe has raised the issue of public health. We spend much time in the chamber talking about what we spend on the NHS and what we do in hospitals. The real challenge for us, however, is to ensure that we prevent ill health in the first place and to ensure that fewer people are admitted to hospitals.

The chief medical officer for Scotland published in December a review of the public health function in Scotland, which examined the best way for us to improve the health of the people of Scotland, not just through the NHS, but through the work of local authorities, schools and other agencies. We are taking that forward and I have had discussions this week on the matter. I can give an assurance that public health is one of my top priorities for health policy.

### Roads (Rural Areas)

**9. David Mundell (South of Scotland) (Con):** To ask the Scottish Executive whether properly

maintained roads are essential to economic development in rural areas; whether there is any point at which it will deem the level and quality of road maintenance provided by local authorities in the South of Scotland to be unacceptable for economic development purposes, and, if so, what steps it would take to deal with such roads. (S10-1385)

**The Minister for Transport and the Environment (Sarah Boyack):** I fully recognise that an effective road network is an integral part of Scotland's economic development, particularly in rural areas. Although trunk roads are the responsibility of Scottish ministers, it is councils that have a statutory duty under section 1 of the Roads (Scotland) Act 1984, as local roads authorities, to manage and maintain all local roads in their areas.

**David Mundell:** Is the minister aware that councils in the south have consistently spent less than their grant-aided expenditure on roads, and that people in Dumfries and Galloway and South Lanarkshire are having to put up with roads that are littered with potholes and have severe surface deterioration?

Tourism has been identified as an important element of economic development in rural areas. What does the minister think that tourists would make of such a situation? Does she not agree that there comes a point at which the roads become so unacceptable that we should follow the provisions that exist in England, and allow the Scottish Executive to intervene and take action to ensure that the roads in rural Scotland are satisfactory?

**Sarah Boyack:** It is important for local authorities to identify their priorities for spending on local roads. A survey is being carried out by the Society of Chief Officers of Transport of Scotland, which is examining that issue throughout all local authorities in Scotland. It is conducting a consultation exercise on the condition of local roads. I hope that that will provide information that can be taken up usefully by local authorities in identifying their own priorities.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Will the minister undertake to look into the maintenance problems of many old sandstone bridges that carry rural roads in the south of Scotland, including Tofts Barn bridge, near Lilliesleaf in my constituency? Will the Executive offer some help to local authorities that have a disproportionately large number of such structures in their care?

**Sarah Boyack:** Following all our discussions on local authorities and finance, it is well accepted that there are certain formulae that identify the amount of money that goes to local authorities. The Scottish Parliament's priority—and mine as

Minister for Transport and the Environment—is to work out how we maintain the structure of our key trunk roads and motorways. That must be my priority. The priority for local authorities is to set their own priorities.

**Michael Russell (South of Scotland) (SNP):** In reviewing the survey that is to be undertaken, will the minister consider investigating the rise in insurance costs for local authorities following claims against potholed and defective roads? I hope that the minister recognises that, by robbing Peter to pay Paul—by allowing Jack McConnell to take money away from local authorities—costs are rising, inconvenience is growing, damage to vehicles is becoming more serious, and local authorities are having to pay the cost.

**Sarah Boyack:** I would not accept that prescription. There has been a local authority settlement this year. The key task for everybody is to work out how to spend those resources wisely; that goes for roads and transport, as well as all the other local authority services for which local authorities are democratically accountable.

**Karen Gillon (Clydesdale) (Lab):** Will the minister indicate whether the review will take into account aspects of public safety? In my constituency, the issue of public safety on the roads is coming to a head. Perhaps the minister could feed that into the review, or consider another mechanism whereby we could address the issue of public safety on rural roads.

**Sarah Boyack:** I am sure that that will be of great interest to the transportation officers as they look into the infrastructure of the local roads network. Safety is a key issue. Our national safety strategy for roads, which was announced last week, must apply throughout Scotland in tackling child accident rates and reducing the number of people who are killed on our roads.

### Countryside Access

**10. Dennis Canavan (Falkirk West):** To ask the Scottish Executive what recent consultations it has had about the statutory right of access to the countryside, including access to water as well as to land. (S10-1354)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** Our proposals to legislate to introduce a statutory right of responsible access are based on advice that has been received from Scottish Natural Heritage. SNH's advice reflected the consensus that was reached in the access forum, an informal group representing all interests that are relevant to access.

We also consulted extensively on our access proposals in the context of the white paper on land reform that was published last summer, and I will

shortly launch a consultation paper on freshwater fisheries, which will include consideration of access to fishing on rivers and lochs.

**Dennis Canavan:** As the Executive white paper promised a statutory right of access to both land and water—a commitment that is fully supported by the access forum and Scottish Natural Heritage—can we have an absolute assurance that the Scottish Executive will not give in to pressures from unrepresentative people who want to exclude access to water from the forthcoming bill? If there are any outstanding problems, will the Scottish Executive refer them to the access forum for further consideration?

**Mr Home Robertson:** Dennis Canavan can be assured that I am very keen to promote better public access to angling on rivers and lochs in Scotland, and I hope that that will be clear from the consultation document. However, access to water is more complicated than is pedestrian access to land. There are conflicting interests, not only between anglers and riparian owners but between different groups of anglers and between anglers and people with canoes and boats. It is a rather complex issue, which calls for further consideration. I hope that it will be considered as part of the consultation and that we will make progress on it.

**The Presiding Officer:** Question 11 is withdrawn.

### Coastal Bombing (Cape Wrath)

**12. Dorothy-Grace Elder (Glasgow) (SNP):** To ask the Scottish Executive what discussions it has had with environmental bodies and the local community of Cape Wrath over the impact of the bombing of the coastal area by the navies of the United States, the Netherlands and Spain and what assessment it has carried out of any environmental damage caused. (S10-1388)

**The Minister for Transport and the Environment (Sarah Boyack):** Scottish Natural Heritage, the Scottish Executive's nature conservation adviser, is in regular communication with the local community, the Royal Society for the Protection of Birds and the Ministry of Defence about the use of the range through the Cape Wrath management group. It is SNH's view that the use of the bombing range is compatible with the nature conservation interest in the area.

As the public body responsible for protection of the wider environment, the Scottish Environment Protection Agency carries out a monitoring programme of seawater quality in Scottish territorial waters. I have been assured that SEPA is not aware of any pollution problems arising from use of the bombing range.

**Dorothy-Grace Elder:** I thank the minister. She

will be aware, of course, that the Ministry of Defence in London has invited several navies—from the US, Spain and Holland—to shell Cape Wrath, because in their own countries they cannot take such a risk. Is the minister aware that the US navy is using Scotland as target practice because it has been driven out of a Puerto Rican firing range after causing one death and devastating environmental damage by using 267 depleted uranium shells? Is the minister content that the MOD in London did not inform the Scottish Parliament before the US ships opened fire on Scottish soil and did the MOD—[*Laughter.*] Yes, they did. As Scots, we should be ashamed of that. Did the MOD inform the Scottish Executive, and did the minister give permission?

**Sarah Boyack:** I had hoped that my first answer would reassure Dorothy-Grace Elder that consultation has taken place on the issue. There is monitoring of bird life—especially kittiwakes—with a study every three years. We are able to monitor closely the local impact. The site is closed at certain times of the year, to make sure that there is no conflict with local environmental needs and tourist activity.

Dorothy-Grace Elder is correct to say that napalm and depleted uranium test missiles were used in Puerto Rico. They are not used at Cape Wrath. Work there is carefully carried out with the Cape Wrath management group. As I said a moment ago, SNH and the RSPB are involved in that group. The work has been carried out transparently and with consultation. I am happy to reassure Dorothy-Grace Elder on that.

**Ms Margo MacDonald (Lothians) (SNP):** Will the minister say on which days she was consulted by the MOD on the action that took place at Cape Wrath?

**Sarah Boyack:** My answer made it absolutely clear that SNH, as our nature conservation adviser, has been involved in consultation all along on the issue and has been in regular contact with the MOD. Clear chains of accountability have been put in place.

### Scottish Consolidated Fund

**13. Mr Kenneth Gibson (Glasgow) (SNP):** To ask the Scottish Executive under what circumstances it would seek additional resources for the Scottish consolidated fund from Her Majesty's Government. (S10-1367)

**The Minister for Finance (Mr Jack McConnell):** The statement on funding policy published by HM Treasury on 31 March 1999 sets out the circumstances in which it would be appropriate to seek additional resources for the Scottish consolidated fund from Her Majesty's Government. A copy is available in the Scottish

Parliament information centre.

**Mr Gibson:** Given that last week the Labour leader of South Ayrshire Council decried the local government settlement for the next financial year as the worst in history, and that we read daily of financial crisis in the health service, does the minister agree with the Deputy First Minister's call on the Chancellor of the Exchequer to open his war chest and cancel the planned 1p cut in income tax, so that additional resources can be given to Scotland's hard-pressed public services?

**Mr McConnell:** We have had about eight debates or statements on local authority finance since this Parliament began. On not one of those occasions has Mr Gibson or any other representative of the Scottish National party promised any additional money for local government in Scotland. Mr Ewing, Mr MacAskill, Ms Sturgeon and everybody else spend the extra money, but Mr Gibson cannot promise a penny. [MEMBERS: "Answer the question."] The settlement to local authorities for next year increases funds in real terms and does so in a way that should improve education and other services. It is hypocrisy to condemn that settlement week after week in the chamber without promising another penny to local authorities.

**The Presiding Officer:** Order. There is too much barracking during questions.

**Mr John McAllion (Dundee East) (Lab):** Does the minister agree that it is bizarre to hear the spokesman of the Scottish National party call on the UK Treasury to bail out a Scottish Parliament? Is it not time for the Parliament to stand on its own 258 feet, give up the begging-bowl mentality and use the tax-varying powers that it was given to raise its own revenues? That is what other Parliaments do.

**Mr McConnell:** The member makes a good point about taking on our responsibilities. As Mr McAllion is from Dundee, it is worth mentioning that two weeks ago Mr Gibson condemned council tax increases across Scotland, but last week the nationalist group on Dundee City Council proposed a higher council tax increase than that proposed by the Labour administration. Such hypocrisy, which can be found across Scotland, has to end.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** In light of the enormous war chest of some £30 billion, which the UK Treasury has built up through EU budget rebates as a result of the excellent Fontainebleau agreement, will the Executive ask Gordon Brown for a few million pounds, so that EU money for Scotland's hard-pressed agriculture sector can be accessed?

**Mr McConnell:** As Mr McGrigor knows, the Executive is involved in such discussions, through

the efforts of Mr Finnie. However, it is important, and right and proper, that the funding policy that we agreed should deliver the resources that are due to Scotland under the agreements. Mr McGrigor should welcome the fact that there is a budget surplus at UK level, unlike the national debt that existed when the Conservative Government was in office.

### School Playing Fields

**14. Donald Gorrie (Central Scotland) (LD):** To ask the Scottish Executive how many state school playing fields have been sold for private development in the period 1990 to 1997 and since 1997. (S10-1396)

**The Deputy Minister for Children and Education (Peter Peacock):** The precise information that is sought on disposals by local authorities of school playing fields is not recorded centrally, but the Executive is not aware of any significant loss of school playing fields.

**Donald Gorrie:** The main pressure on councils to sell off playing fields arises from the Executive's demand that they maximise the return from their redundant assets. Will the minister give an assurance that he will make it clear to councils that playing fields are not redundant assets, that he will agree to deals only if they involve a major improvement of local school playing field facilities, and that he will help councils to make the best possible use of facilities so that young people can have more sporting activity?

**Peter Peacock:** As I said, we have no evidence that there has been a significant loss of school playing fields. When new schools are built, new playing fields are provided—that is governed by regulations. There is an explosion of development of all-weather surfaces and so on across Scotland. Where it has been possible, we have issued planning guidance to local authorities to help guide decisions on developments on playing fields. To a certain extent, that addresses Mr Gorrie's point about the need to protect as many playing fields as possible.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Does the minister accept that for many local communities, playing fields attached to schools, which may be considered to be surplus, are often the only recreational facilities? In such cases, will the minister ensure that councils are encouraged to adhere to the guidelines in the national plan and guideline No 11?

**Peter Peacock:** Absolutely—I am happy to give that assurance. The guidance was issued specifically to protect communities in the situation to which Patricia Ferguson and others have referred. In addition, we ask sportscotland to take part in the planning process with the specific aim

of ensuring that sports fields are protected for use in communities, because we regard them as an extremely valuable resource.

### Public Health

**15. Mrs Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive what will be the remit of the prevention and effectiveness unit to be established in the public health policy unit. (S10-1397)

**The Deputy Minister for Justice (Angus MacKay):** The broad remit of the prevention and effectiveness unit will be to support the Scottish Executive, the drug action teams and other key partners in the implementation of the prevention and effectiveness agenda as set out in the strategy document "Tackling Drugs in Scotland: Action in Partnership".

**Mrs Smith:** Can the minister give specific examples of what the unit will be responsible for?

**Angus MacKay:** The specific work programme for the unit will be drawn up in consultation with the Scottish Advisory Committee on Drug Misuse and other key partners in delivering the strategy. The key tasks of the unit are likely to include providing a central source of high-quality performance management information, developing robust evaluation to establish effectiveness, innovation and value for money, and—perhaps most important—acting as a clearing house for dissemination of evidence-based best practice and interventions.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Can the minister assure us that voluntary drug agencies and umbrella organisations such as the Scottish Drugs Forum will be fully consulted on and involved in the unit's work?

**Angus MacKay:** Every relevant agency in Scotland is represented, both through the feedback opportunities afforded by the local drug action teams—on which local drug forums are represented—and through the Scottish Advisory Committee on Drug Misuse. There are a number of different channels through which they can feed information back to the Executive and to the effectiveness and monitoring unit when it is up and operating in November this year.

### General Teaching Council

**16. Tavish Scott (Shetland) (LD):** To ask the Scottish Executive what representations it has received regarding its proposals to alter the structure and operation of the General Teaching Council. (S10-1369)

**The Minister for Children and Education (Mr Sam Galbraith):** Around 130 responses were received to a consultation paper that we issued

last July on proposed changes in the composition and functions of the GTC for Scotland. Since our legislative proposals were published, the Executive has received around 10 representations relating to a number of aspects.

**Tavish Scott:** Does the minister accept that I have received representations from teachers in my constituency regarding the proposals? Does he believe that there is a need for the GTC to reflect the breadth and diversity of the Scottish teaching profession, rather than one particular group?

**Mr Galbraith:** It is important that we continue to enhance the professional status of teachers. That is dependent on having a highly professional, highly representative, strong self-regulatory body—the General Teaching Council. For the council to gain public credibility and to be publicly accountable, it must represent not just the public but all aspects of the teaching profession. Our proposals and the changes that we are making are designed for that specific purpose—to ensure that the teacher representation on the GTC is not limited to one group, but extends to all teachers. I am happy to give the member that reassurance, and I hope that he will pass it on to his constituents.

### Credit Unions

**17. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Executive what impact increased access to credit unions will have on communities that currently have no access to low-cost financial services. (S1O-1365)

**The Deputy Minister for Communities (Jackie Baillie):** Credit unions have been highly successful at extending low-cost financial services to their communities, particularly to those who are not well served by mainstream financial services providers. In addition, they promote self-help, develop skills and commitment in their volunteers and provide a channel for enterprise.

**Mr McNeil:** I am aware of successful credit unions, such as Tail O' the Bank, which has 3,000 members in my constituency and receives 20 new members every week. I am also aware of the Glasgow pilot project. What plans are there to expand that project into areas of Scotland where there is a high demand for low-cost financial services?

**Jackie Baillie:** The health check programme, to which the member referred, was designed by Glasgow City Council, with contributions from the Royal Bank of Scotland, to provide development assistance for credit unions and to ensure that they increase their potential and are sustainable. A self-help toolkit will be developed and we intend to roll that out across Scotland.

**The Presiding Officer:** I call Brian Monteith.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I have no further questions.

**The Presiding Officer:** I did not think that Mr Monteith needed a credit union, but I thought that he had pressed his button.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Ministerial Responsibilities

##### 1. Mr Alex Salmond (Banff and Buchan)

**(SNP):** To ask the First Minister whether he plans to reshuffle ministerial responsibilities in the near future. (S1F-207)

**The First Minister (Donald Dewar):** No.

**Mr Salmond:** Well, he should.

Does the First Minister recognise his responsibility, through the social inclusion agenda, for pensioner poverty? We now know the full extent of what is called the state earnings-related pensions mis-selling scandal. In 1986, the Tory Government decided to halve the benefits payable to widows under SERPS, but did not tell anyone about it for 10 years. What assessment, if any, has the Scottish Executive made of the impact on pensioner poverty of the new arrangements that were announced in the House of Commons yesterday?

**The First Minister:** I cannot give Mr Salmond details on those arrangements. As he knows, the situation has recently come to light. It is an unfortunate and sad story that dates, as he fairly said, from 1986 to 1996 when, unfortunately, misinformation appears to have been given out.

I do not think that anyone can give an accurate assessment of the likely damage. In the House of Commons, Alistair Darling suggested the figure of £2.5 billion, but that is for starters and is the basic minimum cost of the introduction of a protected rights scheme, which we felt was only just in all the circumstances. No calculation of the final damage can be made yet, either on a United Kingdom basis or on a Scotland basis.

I am glad that the Government is tackling the matter and has decided to go for the most full and complete protection—the protected rights scheme—rather than for a halfway house.

**Mr Salmond:** I hope that the Scottish Executive will make an assessment of pensioner poverty.

The break in the link between pensions and average earnings is another legacy from the 1980s, which resulted this year in a rise for pensioners of 73p. Given that any one of water bills, council tax bills or rent bills could more than swallow up that increase, does the First Minister accept that pensioners feeling excluded and short-changed by the Government makes a mockery of a social inclusion agenda?

**The First Minister:** If I thought that pensioners

were being forgotten, excluded and short-changed, I might have some sympathy with Mr Salmond's question, but I do not accept that analysis—and certainly not from Alex Salmond.

Of course there is a need to do a great deal for pensioners. As Mr Salmond knows, we have tried in a number of ways to make a start on that task. For example, we have made the broadly valid and direct link between pensioners' age and their poverty. The poorest pensioners, in terms of the range of retirement incomes, are those who are in the older age groups, to whom the television licence concession is of particular significance.

We have also considered those who live on income support, have no other form of income and are at the bottom of the income range. The guaranteed minimum income for pensioners is extremely valuable and has helped a large number of the poorest paid pensioners in society.

We have also taken a number of other steps, of which perhaps the best known is the £100 winter warmth allowance, which will be paid year on year and which is a breakthrough in terms of what was offered by previous Governments.

A great deal is happening. In this country, we are privileged to have an effective occupational pension scheme that drives up average incomes among the pensioner community as a whole in a welcome way.

In terms of social inclusion, it is particularly important to look for those who are in most need of help and to give them that help at the first possible opportunity and as effectively as possible. That is the Government's policy, which I defend and strongly commend to the chamber.

**Mr Salmond:** I remind the First Minister that it was the Trades Union Congress that called the 73p increase insulting and derisory.

Given that the Deputy First Minister wishes to open the war chest to help local services, would a fair assessment be that most members in this Parliament would put a higher priority on local services and helping pensioners, and would question the morality of competing with the Tory party on direct tax cuts or continuing with a war chest?

Given that that is the situation on the eve of next week's budget, will the First Minister make a decisive statement that he expects to see real action from Gordon Brown to help pensioners in Scotland?

**The First Minister:** I understand that people will always look at one part of an economic policy and ask that that passage be taken out of the overall context and improved or boosted in some way. The low uprating of the pension in cash terms reflects the low rate of inflation, which is

extraordinarily important for the stability of our economy and for people who have savings, many of whom are pensioners. If we spend unwisely, the almost inevitable consequence will be a rise in interest rates and unemployment rates, and we will yet again approach the stop-go, boom-and-bust cycle that has been all too familiar in previous years.

This Government has a remarkable record in economic management, producing a budget surplus and pushing up spending in a range of areas. I do not need to remind Alex Salmond of that again, as I have done so for the past three or four weeks. I hope that I am not being cynical in vain, but the increase in the local government settlement of 3.7 per cent in Government-supported expenditure and 3.4 per cent in—*[Interruption.]* That is the reality, but when one produces the evidence for Mr Salmond he just dissents. That is a significant increase above the rate of inflation.

Over the next two years, local government spending in Scotland will be at its highest ever level in real terms. In terms of per capita spending, Scotland is 34 per cent ahead of England. In terms of total local government expenditure, Scotland is 27 per cent ahead. Mr Salmond should consider those things before making the points that he repeatedly makes in this chamber.

### **Secretary of State for Scotland (Meetings)**

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he last met the Secretary of State for Scotland and what issues were discussed. (S1F-204)

**The First Minister (Donald Dewar):** I cannot find the page with my prepared answer on it, but I hardly need to, Sir David. I always think that the fact that Mr McLetchie and Mr Salmond ask the same question week about is not really evidence that great minds think alike.

I can answer Mr McLetchie's question by telling him that I met the Secretary of State for Scotland at the Scottish Labour party conference and that we had extensive discussions at the end of that remarkably unified, enthusiastic and successful event.

**David McLetchie:** I shall not disturb the First Minister's delusions as to the success of the occasion, but I wonder whether, during their discussions, he and the secretary of state talked about section 28 or 2A. The First Minister will be aware that David Blunkett has today announced that legally binding guidelines will be issued requiring teachers in England to emphasise the importance of marriage for family life and its significance as a key building block of society. Why will the First Minister not do the equivalent in

Scotland and insert a reference to marriage in the replacement for section 2A that he announced in this Parliament on 24 February? Is he content that different standards will apply north and south of the border, to the disadvantage of our children and their parents?

**The First Minister:** This is a highly contentious matter that deserves careful consideration. I am sorry that Mr McLetchie chose to quote slightly selectively from the clause that is going into the Learning and Skills Bill. In fact, it refers to

"marriage and stable relationships as key building blocks".

We do not have a statutory curriculum, as there is in England. Scotland has a different approach and tradition, which is greatly valued by a range of educationists. We have included in our bill a strong reference to "stable family life". That is an inclusive term. As I have told David McLetchie before, the important thing is that we encourage the professionalism of teachers and the involvement of parents. Above all, we should have a system that does not in any way suggest that differentiations should be made between children because of the domestic arrangements of their parents.

**Members:** Hear, hear.

**David McLetchie:** I note that the First Minister has confirmed that there will be a differentiation in legal approach between Scotland and England, as a matter of choice.

**The First Minister:** There always has been.

**David McLetchie:** Let us leave it there; we will have plenty of opportunities to discuss the matter further. No doubt we can discuss the Blunkett proposals in the context of the bill when it is debated.

I will move to another topic that the First Minister may have discussed with the Secretary of State for Scotland: the growing bureaucracy in Scotland, for which they are both responsible. We now have 22 ministers, instead of five; at the Scotland Office and the Scottish Executive; 12 special advisers instead of two; and a Parliament building that no one knows the cost of. Also, as was revealed this week in a parliamentary answer, the size of the civil and public service in Scotland has grown by 10 per cent since Labour came to power in 1997. When does the First Minister intend to get a grip on the growing size of his Administration and the government machine in Scotland?

**The First Minister:** I am sorry that Mr McLetchie decided to move on, because his earlier question concerned something that deserves discussion and examination.

Of course we want efficiency in government—and we want to deliver services effectively. David

McLetchie's head counting, however, is not necessarily the best way of evaluating the work of the civil service or the end-product of its efforts. I accept that a separate competence—a new legislative competence—within the United Kingdom will inevitably involve additional resources. For example, we have a policy-making demand that is very different from the old Scottish Office arrangements, with which I was familiar and in which I participated. It is always a matter of balance. Mr McLetchie takes a great risk if he imagines that he is some sort of political Macawber and that cutting the bottom line is the only way of getting good government in Scotland.

### Education

#### 3. Mr Kenneth Macintosh (Eastwood) (Lab):

To ask the First Minister how the Scottish Executive intends to address the geographical differences in educational attainment in Scotland. (S1F-212)

**The First Minister (Donald Dewar):** I accept entirely Kenneth Macintosh's point: improvement in all schools must be our priority. Schools have set targets that take account of comparisons with similar schools, and the excellence fund allows local authorities to take account of local priorities in promoting improvement in their schools.

**Mr Macintosh:** Is the First Minister aware that, on average, the life expectancy of a young man in Barrhead, an area of my constituency, can be up to 10 years lower than that of a young man in Newton Mearns or Giffnock—other parts of the constituency? Does he recognise that if we are to end the vicious and destructive cycle of low expectation and low achievement, we must deliver on all areas of policy—on jobs, crime and hospitals—as well as on schools? That way, everybody in our communities will get the chance they deserve.

**The First Minister:** I certainly accept that principle; indeed, I have referred to it on a number of occasions recently. All our constituencies can yield examples of the contrasts that we have in Scotland and of how people can have opportunities snuffed out and lose the chance to reach their potential. We have a strong and driving imperative, which I hope the whole chamber shares, to do something about that.

It is quite wrong that someone who lives a small and simple bus ride away may find themselves in a different world in terms of their personal prospects. That is what the excellence fund—£389 million over three years—is about: early intervention in schools. That is what the "Raising Standards—Setting Targets" project is about. Members are interested in that: educational opportunity and driving up standards are an essential priority in the fight to which Kenneth

Macintosh referred in his question. It is clear in that project's first annual report that we are making real progress. I am pleased about that, but very conscious of how far we have to go.

**Nicola Sturgeon (Glasgow) (SNP):** Does the First Minister think that there is any link between geographical differences in educational attainment and geographical differences in the amount of money that is spent on each child's education? In particular, will the First Minister comment on the fact that a primary school child living in Angus has—according to current Scottish Executive figures—£2,030 spent on his or her education, whereas the figure for a similar child living in South Ayrshire would be only £1,734? The South Ayrshire figure is nearly £300 less than the figure in Angus, and some £200 less than the national average.

**The First Minister:** Nicola Sturgeon raises an interesting point. As she knows, we make an indicative allocation to local authorities under the local government distribution formula. The grant-aided expenditure allocation for education this year as against last year is up by 6.2 per cent, and this year against next year there will be an increase of 4.3 per cent, which represents £126 million. She will see that the Government is doing its bit in that respect.

One must be careful about simplistic comparisons, because there will be a need to spend more—which is represented in the distribution formula—where there are small primary schools in country areas. Particular comparisons are sometimes misleading and difficult. We provide the resources and local authorities have to make their own dispositions in terms of how much they spend and how they spend it. That is the nature of local democracy—and something the SNP has strongly defended on the ground that the allocation of resources should not be directional or pre-emptive.

**Hugh Henry (Paisley South) (Lab):** Does the First Minister agree that, in many cases, educational attainment and some of the other issues that have been raised have little to do with geography but everything to do with class and income, and that even in communities such as Barrhead, or Johnstone in my constituency, there are huge differentials in the same towns—and sometimes in the same villages—caused by social status?

**The First Minister:** Of course there are enormously important environmental influences, such as the area in which one lives, the traditions of that area, the pressures of unemployment and the problems of social deprivation. There are many reasons why children do not always realise their potential. Encouragement in the home and the ambition of parents are potent forces in the

prospects of success. We have to do what we can to unlock the door of opportunity for children, whatever their background. We do that through our social inclusion policy and our education decisions, and we will continue to do that. I hope that we will see results over the next year or two.

### Council Tax

**4. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the First Minister whether the amounts set by local authorities for council tax bills for the financial year 2000-01 are on average higher than those in England for houses of equal value. (S1F-199)

**The First Minister (Donald Dewar):** The average band D council tax level across Scotland next year will be £886, an increase of 4.4 per cent. The figures for England are not yet available.

**Fergus Ewing:** Will the First Minister concede that it is simply inevitable that council tax bills for houses of identical value will be higher in Scotland than in England because we have differing banding systems? Does he agree that a house that is worth £60,000 is in band E in Scotland, but is in band C in England? In consequence, and according to the Chartered Institute of Public Finance and Accountancy, the expected bill for a house worth £60,000 in England will be £744 next year, but that for a house worth exactly the same in Scotland will be £1,041. That is a 40 per cent surcharge—

**The Presiding Officer (Sir David Steel):** Order. That is enough.

**The First Minister:** There is an old term of friendly abuse in politics, when somebody is described as too clever by half. Mr Ewing is rapidly qualifying for my prize, which is a personal reward for the barrack-room lawyer of the year.

Mr Ewing has made the point that if one takes a £60,000 house it may be in different bands in different parts of the country, but that is not just the case in a straight comparison between Scotland and England; it may be true in different parts of England as certainly as it is true between Scotland and England. It is therefore extremely difficult to make those comparisons with any validity.

As I mentioned a minute ago, local authorities in Scotland receive 34 per cent more grant per head than do those in England. Total expenditure per head is 27 per cent above that in England. That is not necessarily something that we should be complacent about: it may raise a lot of interesting queries about why, and whether we get full value for money for that differential, but it does not suggest that people are getting a bad deal. If one looks at the past two years—I know Fergus Ewing will have done this—it will be seen that the

increase in council tax in England has been substantially higher than the increase in council tax in Scotland. As a fair man, he can take some consolation in that at least.

**Paul Martin (Glasgow Springburn) (Lab):** Does the First Minister agree that we would take Fergus Ewing and his colleagues more seriously if they proposed alternative council budgets rather than carped from the sidelines?

**The First Minister:** I am a charitable man and I recognise that the chance of making empty attacks that occasionally—but only occasionally—verge on the unfair is something to which all Opposition politicians are given. We have seen some good examples of that over the past few months.

### Inward Investment

**5. Tommy Sheridan (Glasgow) (SSP):** To ask the First Minister what proposals the Scottish Executive has to attract inward investment to Glasgow. (S1F-216)

**The First Minister (Donald Dewar):** The Scottish Executive, acting through its inward investment arm, Locate in Scotland, the Scottish Enterprise network and the Glasgow Development Agency, aims to attract inward investment to all of Scotland—specifically to Glasgow in relation to this question—and must respond to customers' needs on choice of location.

In the year April 1998 to March 1999, 10 projects were attracted to Glasgow, which involved planned investment of more than £24 million and the planned creation or safeguarding of more than 2,000 jobs. I am glad to say that the indications are that that level of success is being maintained in the current year.

**Tommy Sheridan:** Will the First Minister confirm that Glasgow's bid to host the Scottish Parliament for at least its first two years was given serious consideration and, if so, by whom? Does he agree that, for only £50 million, the India Street complex and High School of Glasgow would provide a first-class Parliament complex with excellent public transport and communication links?

**The First Minister:** That is a point of view. It is going a little wider than the question in the business bulletin, but that is not for me to judge.

**The Presiding Officer:** It is also prehistory.

**The First Minister:** I hope not prehistory. I know I am old, but that is ridiculous.

**The Presiding Officer:** No personal offence was intended—the question was about a previous Administration.

**The First Minister:** The siting of the Scottish

Parliament will be a matter for this Parliament and perhaps immediately for the Scottish Parliamentary Corporate Body. I had better leave it at that before I get into trouble.

**Tommy Sheridan:** The question in the business bulletin is about investment in Glasgow. Will the First Minister agree that the Scottish Parliament being based in Glasgow would be an excellent way to improve investment? Will Donald Dewar give a commitment, as the First Minister and as a Glasgow MSP that, should he fail to cap the excessive expenditure on the Holyrood project, and it increases to a penny more than £109 million, he will insist that Glasgow is considered as a serious bidder to host the Scottish Parliament?

**The Presiding Officer:** Order. I have to say that the First Minister is not responsible for this matter. Does he want to comment?

**The First Minister:** All I will say is that it is a matter for the Scottish Parliamentary Corporate Body and for Parliament.

I am happy to see that the Glasgow economy is modernising and that banks such as Morgan Stanley Dean Witter and J P Morgan and companies such as Monster.com, which is at the cutting edge as it is a big, well-established internet company, are coming to Glasgow. Unemployment in Glasgow has fallen by more than 50 per cent compared with the early 1990s. It is down by 2,622 since January 1999. Although there is a long way to go and there are many problems to face, we have reason to be pleased about the progress that is being made.

*Meeting closed at 15:32.*



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