

# **MEETING OF THE PARLIAMENT**

Wednesday 22 March 2000  
(*Afternoon*)

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## Scottish Parliament

*Wednesday 22 March 2000*

*(Afternoon)*

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

### Time for Reflection

**The Presiding Officer (Sir David Steel):** To lead our time for reflection today, we welcome the Reverend Daniel McLoughlin, from Port Glasgow.

**Reverend Daniel J McLoughlin (Parish Priest of St Francis's, Port Glasgow):** I am very happy to be with you today as we spend these few minutes in reflection and prayer. God is everywhere. God is here. Let us begin by acknowledging the presence of God in this place and in our hearts.

I would like to put before you today a short passage from St Mark's Gospel. Jesus was setting out on a journey when a man ran up to him, knelt before him and put this question to him: "Good Master, what must I do to inherit eternal life?" Jesus said to him, "Why do you call me good? No one is good but God alone. You know the commandments: you must not kill; you must not commit adultery; you must not steal; you must not bring false witness; you must not defraud; you must honour your father and mother."

The young man said to him, "Master, I have kept all those since my earliest days." Jesus looked steadily at him and loved him, and he said, "There is one thing that you lack. Go and sell everything that you own and give the money to the poor, and you will have treasure in heaven. Then come, follow me." The young man's face fell at those words and he went away sad, for he was a man of great wealth.

I am always moved by that short story. Here we have a good young man who wants to be even better. Jesus sees that and loves him for it. However, Jesus also sees that there is something that this man puts before all else; his money and possessions. It is the one thing that the young man cannot give up, and it is the one thing that Jesus asks of him.

I am not a bad person. I like to think that I am basically a good and decent human being. However, in honesty, I, too, would have to own up to having areas of my life that come before God, which stops me becoming the person that I could be and the person that God wants me to be. I suspect that, in that regard, I am no different from

most people.

It would be an interesting exercise to put ourselves in the position of that young man. What would be the one thing that Jesus would home in on in my life, or in your lives: pride, arrogance, racism, bigotry, closed minds, closed hearts? The list could become very detailed, very personal and very illuminating. Perhaps that is what I like so much about the story of the young man: he did not hear what he thought he would hear, but what he heard was true, and the truth is not always easy to face.

May God bless this Parliament and God be with all those who work here, and may God, who loves us in spite of our flaws, bless all the Scottish people.

### Oath

**The Presiding Officer:** I now invite the new member for Ayr, John Scott, to take the oath. *[Applause.]*

*The following member took the oath:*

John Scott (Ayr) (Con)

## Standards in Scotland's Schools etc Bill: Stage 1

### **The Presiding Officer (Sir David Steel):**

Before we begin the debate on the Standards in Scotland's Schools etc Bill, I advise members formally that immediately following decision time this afternoon there will be an urgent ministerial statement on the national health service in Scotland. It is likely that business will be extended beyond the normal half-past 5 deadline. Details are given in the revised business bulletin, which has just been circulated by the clerks.

The next item is a debate on motion S1M-532, in the name of Mr Sam Galbraith, on the general principles of the Standards in Scotland's Schools etc Bill. Far more members have indicated that they would like to take part in the debate than can possibly be called, even with the four-minute limit. Those who do not feel a desperate need to speak should not press their request buttons, so that those who are desperate to speak can. Whoever is in the chair will have difficulty. There is no way that everyone who wishes to speak will be called this afternoon. I give that fair warning in advance. Mr Galbraith, your debate is very popular.

14:36

### **The Minister for Children and Education (Mr Sam Galbraith):** It is.

This Executive was elected on the basis of its commitment to education, and that remains its priority. We will do whatever it takes to make education in Scotland's schools the best that it can be. We have offered a vision for improvement of education that has been widely endorsed and is shared by teachers, parents and pupils in Scotland. We have made new resources available to support initiatives to raise standards and promote social inclusion, which is very important.

The Standards in Scotland's Schools etc Bill is central to our strategy for raising standards in school education. The world is changing and we must respond to that change. Scottish education must change; we cannot remain stuck in the structures of the past. We must examine how we operate, to identify where changes can be made that will support better the outcomes that we all seek.

New technology is already changing the way in which we learn, and that process is bound to continue. We need to start thinking about how that will affect school education. It might mean that there will be changes to the way in which schools and classes are organised. It might mean that there will be changes to conventional ideas of

what constitutes a school day or school year. It will certainly mean that we will learn what works from new community schools and use that knowledge throughout Scotland, building on innovation and excellence to promote excellence and inclusion in all schools. We must ensure that each and every child is helped to develop all the skills that she or he will need to be effective in making and taking advantage of opportunities and in facing challenges throughout his or her life. Children who are at school now will, in future, have jobs that do not yet exist for companies that have yet to be formed. We must prepare our children for a changing world—for new ways of working and new ways of learning.

We cannot presume that we have all the answers. History shows us that that is never the case. What we know is that those who are best able to adapt have the best chance of being successful. Our children will need a range of skills that can be used in employment, training and education, and they will need to be flexible in the use of those skills. We must ensure that the education system in Scotland focuses on ensuring that such skills are delivered through our schools.

The Scottish Executive is making resources available to schools education to promote social justice and to raise standards for the benefit of every child in Scotland. Local authority grant-aided expenditure on education has grown by 17 per cent since 1997-98 and the excellence fund will provide more than £400 million of additional money over three years to support new initiatives and to employ new teachers.

In his budget statement yesterday, Gordon Brown announced an additional £300 million of public spending in Scotland. The Scottish Executive will decide how that money can be used most effectively for the benefit of all the people in Scotland—we are not tied to Whitehall's priorities.

Education will be a major beneficiary—every primary school in Scotland will receive between £3,000 and £9,000 and every secondary school will receive between £30,000 and £50,000. That is a further indication of the priority that the Scottish Executive gives to education and of its commitment to resource education effectively.

**Tommy Sheridan (Glasgow) (SSP):** The minister has just mentioned primary schools. Does he agree that what is required in Scotland is a major investment in sporting facilities and activities at primary school level? I am sure that he will share my concern that, at most primary schools in Scotland, there is no physical education department and no PE teacher.

There is no structure to physical education in our primary schools. Therefore, by the time many of our kids get to secondary level, we have,

unfortunately, lost them to computer games or other distractions. Does the minister agree that we need a major boost to sport at primary school level?

**Mr Galbraith:** We can always rely on Mr Sheridan never quite to hit the nail on the head and to drag us off in a slightly different direction.

**Dennis Canavan (Falkirk West):** It was an important point.

**Mr Galbraith:** Sport in schools is important, so it is, and we are putting in the additional resources for it. It is more important to improve standards and social inclusion in our schools, which is what this bill and its framework are about.

**Mrs Margaret Ewing (Moray) (SNP) rose—**

**Mr Galbraith:** Will Mrs Ewing let me carry on, please—I am limited by time.

We are committed to ensuring that every child gets the best start in life so that they have the best opportunity in life. For the first time in education legislation in Scotland, the bill gives every child the right to education. That is unique to Scottish legislation and it is a direct consequence of devolution in practice.

For the first time ever, we have set out what education should be about. The bill requires education authorities to

“secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.”

That offers a clear vision for the outcomes that education is intended to achieve and a foundation for the improvement framework that is central to the bill. I will now give way to Mrs Ewing.

**Mrs Ewing:** The minister referred to the fact that the Executive will consider recommendations on how the money announced in yesterday's budget will be spent. There might be debates later on how that might somehow compensate for the cuts in local authority budgets.

One serious aspect to consider is the need for consultation. Surely the Executive has learned that consultation is necessary. What procedures will we put in place for discussing the allocation of that money?

**Mr Galbraith:** That question was a bit of an improvement on the usual whingeing and gie's mair attitude that we hear from the nationalists.

I will just correct one point: local authority spending is significantly above inflation this year and GAE for education is up 4.3 per cent—significantly above inflation. I realise that the nationalists do not like those figures, but they should try using them and sticking to them, instead of spreading falsehoods about the matter.

The bill will place a new duty on ministers and education authorities to secure improvement in education. Ministers, following consultation, will set national priorities for education.

**Nicola Sturgeon (Glasgow) (SNP) rose—**

**Mr Galbraith:** If Nicola would let me get on a wee bit first, I will of course give way.

Those national priorities will give strategic direction to education and will be linked to the key outcomes of education: developing our young people as fully rounded citizens who are equipped with the skills that they will need to maximise their opportunities throughout their lives.

Local authorities will be required to set local improvement objectives based on those national priorities, and schools will set their own targets. Ministers will expect schools and authorities to find the most effective and appropriate way to deliver the priorities in their areas. The new improvement framework is about outcomes; it is not about everyone doing the same thing, or about compliance with guidance. We must work with schools and parents as partners, and we must expect them to find the best solutions to the challenges that they face in meeting the needs of their pupils.

**Nicola Sturgeon:** Does the minister agree that one of the national priorities in education should be a programme of major investment in the fabric of school buildings? The minister will be aware that, in many local authority areas in Scotland, school buildings are literally crumbling around pupils. Does he accept that one of the Executive's major priorities should be to put that right and to ensure that every child has not only the right to education, but the right to education in modern school buildings?

**Mr Galbraith:** I will take that as a representation from the nationalists that they want that to be one of the national priorities. It may well be one; I have mused on that topic in the past, and Nicola has obviously been reading my musings.

This morning, I visited a school in Glasgow where there is a public-private partnership. Such partnerships will revolutionise schools in Glasgow, and provide the schools that parents want. It is a bit sad that the nationalists—with pieces of outdated ideological dogma—seek to oppose that, but there we are.

Ministers do not intend—

**Phil Gallie (South of Scotland) (Con):** Will the minister give way?

**Dorothy-Grace Elder (Glasgow) (SNP):** Will the minister give way?

**Karen Gillon (Clydesdale) (Lab):** Let her in, Sam!

**Mr Galbraith:** I have given way a few times, and I wish to move on.

**Phil Gallie:** He has given way to only one side.

**The Presiding Officer:** If the minister gives way every minute, this speech will be everlasting. There is already pressure on us for time.

**Mr Galbraith:** Much as I would like to speak all afternoon, I realise that there are also others who want to speak.

Ministers do not intend to divest themselves of the responsibility for performance of the education system. The bill provides for the inspection of education authorities. That will support the improvement framework by highlighting and sharing good practice and by identifying underperformance. We must not delude ourselves; we must ensure that we recognise properly and address any problems in any part of the system.

The bill will outlaw corporal punishment in all our schools and in all publicly funded pre-school centres. As a matter of principle, that is an important and significant change.

The self-governing schools legislation that was introduced in 1989 has never been popular in Scotland. In the previous 10 years, only two schools have opted out of local authority management. The bill will, therefore, repeal the self-governing schools legislation and return opted-out schools to local authority management.

The Scottish Executive accords the highest priority to the welfare of children in Scotland. The bill increases the statutory protection of children who are likely to attend independent schools by adding new safeguards to their registration and by including new grounds for de-registration of schools. Those provisions are fully consistent with our commitment to protect all children and they have been widely welcomed by the Scottish Council of Independent Schools.

Partnerships between parents and schools are crucial, and school boards have a valuable and positive role to play in them. Parents tell us that they want to be consulted on issues that affect the education of their children, but that they do not want to manage schools—we agree with them. For the first time, the bill defines the purpose of school boards in terms of supporting—not managing—schools.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the minister give way?

**Mr Galbraith:** Just a minute—Mr Rumbles's intervention must be the last.

Parents also told us that more should be done to encourage parents to support and contribute to their children's learning. Again, we agree. The bill requires local authorities to say what they are

doing to involve parents in supporting the education of their children.

**Mr Rumbles:** The mention of school boards caught my attention. As the minister is aware, the local government settlement in Aberdeenshire forced the council to cut education funding to all schools by 3 per cent. An announcement has just been made about new money going directly into schools. Will the minister confirm that there should be no reason for a 3 per cent cut in funding to Aberdeenshire schools in the forthcoming financial year?

**Mr Galbraith:** We will consult on how that money will be distributed. There will be significant additional money available that will greatly assist schools throughout Scotland.

I am always worried—until I have seen the stark reality—about what is said about local authorities' budgets. What is said does not always highlight the good parts. It tends to highlight the downside.

Early education is a key part of the Scottish Executive's strategy to give all children the best possible start in life. Already, every eligible four-year-old has access to a quality part-time pre-school place and, by the end of this school year, 60 per cent of three-year-olds in Scotland will be in pre-school education. By 2002, all three-year-olds and four-year-olds will, if their parents want them to, have a pre-school place.

By placing a duty on local authorities to secure pre-school provision for three-year-olds and four-year-olds, the bill will establish a firm legislative base for the delivery of that important service. It will also provide a firm basis for independent inspection of pre-school provision and ensure that all providers aspire to the quality learning experiences that are set out in our three-to-five curriculum framework.

**Phil Gallie:** Will the minister give way?

**Mr Galbraith:** This must be the last question. That is what I tell everyone, but I am an addict.

**Phil Gallie:** Earlier, the minister acknowledged that he had been wrong to oppose private finance initiatives. Does he agree that the bill might be approved if he moves away from his vindictive stand against opted-out schools and allows parents to make their own choices?

**Mr Galbraith:** The member is obviously schizophrenic: he criticises me one moment for changing my mind, and the next moment for not changing my mind. He cannot have it both ways.

I recall the passage of the opting-out legislation that was passed under Phil Gallie's friend, Michael Forsyth. Westminster sat up night after night. What a waste of time it was: only two schools opted out. I am glad to be the minister that gets rid



of that legislation.

The Scottish Executive remains committed to parental choice and to protecting parents' right to say which school they wish their child to go to. However, that right must be balanced by the need to ensure that authorities can plan provision to ensure that parents who move into an area can find a place at a local school. The bill gives authorities additional flexibility to manage the issue effectively while protecting parental choice.

The bill also contains substantial provisions relating to the General Teaching Council for Scotland. The GTC has a key role to play in promoting and maintaining the highest professional standards in Scotland's teaching force—we propose to strengthen that role. The bill will revise the constitution of the GTC, and will confer on it new duties and powers. While the council's membership will retain a majority of registered teachers, the membership will be changed to represent better the teaching profession and the wide range of other interested parties. For the first time, the council will have aims that are consistent with a general raising of standards in the profession and that will be subject to a general public interest duty.

There are new powers to de-register teachers that the council judges unfit to remain in the profession because of incompetence or ill health. The formal responsibilities of the GTC will be extended to include teachers' continuing professional development. Teachers are central to school improvement and I admire their hard work and commitment.

The bill removes the statutory basis of the Scottish Joint Negotiating Committee. Since 1982, the SJNC has failed teachers repeatedly. Parliament recognised that fact in its debate on 30 September. We need arrangements that will deliver for teachers and for the young folk in our schools. We need arrangements that will ensure that teachers deploy and develop their valuable skills in as effective and efficient a manner as possible. However, teachers must also be adequately rewarded for their work: remuneration must be sufficient to recruit, retain and motivate the teaching force.

The committee of inquiry under Professor Gavin McCrone will make recommendations later this year on pay and conditions and on the machinery for determining pay. That will be a unique opportunity to develop a framework that is appropriate to the needs of the school service in the 21<sup>st</sup> century. I look forward to hearing those recommendations and discussing them widely.

The Scottish Executive is committed to policies that will promote an inclusive society in which every person has the opportunity to develop their

skills and to participate in society to the fullest extent. The Executive therefore intends to introduce an amendment to the bill to establish a presumption in favour of mainstream education for all children and young people in Scotland.

That presumption will benefit especially children with special educational needs and disabled children. A school that includes and values disabled children's contributions to the life of that school will best develop the abilities and skills of all its children.

The bill will underpin the Scottish Executive's commitment to raising standards in schools and promoting inclusion and it will give children and young people in Scotland a new right to education that will offer them the opportunity to realise their full potential. Every child matters to us, and the bill creates a new framework for improvement that will involve teachers, parents and pupils in making a difference.

However, let us not be confused; this bill is not about structures. We cannot expect legislation alone to secure the improvement on which the future success of our young people depends. That will require the continued hard work and commitment of everyone connected with our schools. However, the legislation provides the essential framework on which to build that hard work and commitment. The bill is about making a difference in young lives to ensure that we offer every young person in Scotland the skills and the qualifications that they will need to make their way in the new world.

I move,

That the Parliament agrees to the general principles of the Standards in Scotland's Schools etc. Bill.

**The Presiding Officer:** Thank you for sticking to the allotted time, despite being generous in giving way.

There are members in the chamber who are on my provisional list of speakers but who have not pressed their request-to-speak buttons. If they do not do so, I will take that as a helpful indication that they are not pursuing their requests.

14:56

**Nicola Sturgeon (Glasgow) (SNP):** I welcome today's debate, and commend to the Parliament the Education, Culture and Sport Committee's excellent report on the general principles of the Standards in Scotland's Schools etc Bill. With only two exceptions, the report's conclusions were agreed on a cross-party basis. The report reflects the views of a range of individuals and organisations, all of whom are experts in their fields and volunteered to give evidence to the committee. The report endorses the bill's general

principles but, just as important, it highlights areas where real concerns were expressed or where amendments will no doubt be required later.

The SNP supports the bill's central objective to raise standards in our schools, and we will vote this afternoon to approve its general principles. However, it is crucial at the outset to place the bill firmly in its context.

As the minister said in his opening remarks, legislation alone cannot improve education. The underlying objective of the bill will not be achieved without proper investment in education; a motivated teaching profession; modern school buildings; a healthy partnership between schools and parents; and success in tackling factors such as bad housing, poverty, and poor health and diet, which prevent too many young people from making the most of education.

The bill will mean little to the parents who, every day, send their children to be taught in cramped, crumbling and leaky accommodation. The outstanding repair bill for schools in Scotland is £1 billion, and the Government's only answer to that problem is to spend an additional £185 million over three years, with a bit of privatisation thrown in for good measure.

Last week, £23 million was cut from council education budgets across Scotland. The minister might not have seen the detail, but I have: special educational needs provision has been slashed and school meal prices have been increased in a number of authorities.

Sam Galbraith talks about extra money in education and of course any extra money is welcome. However, many of the spending increases are simply being swallowed up by cuts that Labour has already made in local authority budgets. Next year, the total budget for local authorities will be £540 million less than it was in the last year of the Tory Administration.

Furthermore, the minister knows that much of the increased funding for education is ring-fenced for new priorities, and that it is doing absolutely nothing to ease the severe pressure on core education services. As the leader in last week's *The Times Educational Supplement* said:

"The Government's rhetoric and life in local authorities up and down Scotland do not coincide."

The minister and the Executive should heed the report of the Education, Culture and Sport Committee, which reflects the view expressed by a number of people that the bill will not raise standards unless it is introduced within a properly resourced system. Ensuring proper resources is one of the primary duties of an education minister.

Today is not the time for a detailed commentary on the bill, but I wish to highlight a few areas

where, in my view, it needs to be strengthened. First, I make an observation—the white paper that was published before last May's election talked of excellence in education; this bill talks only of improvement. I agree that we must seek continuously to improve education, but improvement is a relative concept. It does not, of itself, challenge the fundamental inequalities between schools. That is why, for all the talk of improvement, the real ambition—the ambition of us all—must be to ensure a high-quality service across the board and access to excellent educational opportunities for every child in Scotland.

My second point relates to section 3, to which the minister referred, on the duties imposed on ministers and local authorities to

"endeavour to secure improvement in the quality of school education".

Legal opinion given to the Education, Culture and Sport Committee by Tom Mullen of the University of Glasgow, who is one of Scotland's leading public law experts—I say that not only because he was one of my teachers at the university—states that section 3 imposes

"no obligation to meet the underlying goal of the legislation, which is to improve standards. In theory, they—

ministers and local authorities—

"could meet their legal obligations, even if educational standards go down".

He goes on to cast serious doubt on whether the duties are enforceable, given that they are discretionary. That is a devastating critique of a central provision of the bill.

It is not the job of the Parliament to pass meaningless legislation—legislation that is not enforceable by parents—just to give the impression that ministers are acting to raise standards. I hope that the minister will reflect on Tom Mullen's comments and will support amendments at stages 2 and 3 to strengthen section 3 of the bill.

Sections 4 to 7 of the bill deal with the setting of national priorities, performance indicators and improvement objectives—all yardsticks against which the performance of Scottish education can be measured. That is all worth while and is to be welcomed; however, it is only worth while if we are clear about the objectives of our education system. What are we trying to achieve? It is only when we answer that that we can be sure that we are setting the right priorities and the right targets in education. It is only then that we will be able to assess how good our education system is.

As we know, Governments are attracted to things that are easy to measure—easily attainable statistics that are perhaps just as easy to

manipulate. In education, that gives rise to the temptation to narrow the objectives and to concentrate only on easily quantifiable measures of performance, such as exam passes or attendance rates. There is real concern, fuelled by Labour's approach to target setting in schools, that that is already happening.

Judith Gillespie of the Scottish Parent Teacher Council summed up the concern of many people who gave evidence to the Education, Culture and Sport Committee, when she said:

"Targets have become a numbers game and priorities are now defined numerically; the current aim is to come top of various national league tables instead of serving youngsters' needs."—[*Official Report, Education, Culture and Sport Committee*, 16 February 2000; c 601.]

Exam passes are vital—

**Phil Gallie:** The member said that there was an element of pettiness about the bill. Does she agree that the move to abandon opt-out schools is a very petty move indeed? She has just referred to targets—is it not the case that St Mary's Episcopal Primary School in Stirling, for example, is hitting all its targets? Should not we be proud of that?

**Nicola Sturgeon:** St Mary's in Dunblane is an extremely good school; time permitting, I will come back to that. The SNP supports the Executive in its determination to remove an unwanted and divisive piece of Tory legislation from the statute book.

As I was saying, exam passes are vital. In today's world, we would be letting our young people down if we did not stress the importance of leaving school with good results. Education should be about more than that, however—it should be about educating and developing the whole child. Section 2 goes some way towards defining the objectives of education, but many individuals and organisations, including the Convention of Scottish Local Authorities and Children in Scotland, have expressed the view that the section is too vague. We need a clearer, more precise definition of what the education system should be trying to achieve—motivated and self-confident young people, who possess a range of fundamental skills, who are equipped to thrive in the modern economy, who can think for themselves, and who can participate fully as citizens of a democratic, sustainable society.

My final comments on the improvement framework relate to school development plans, which the bill places on a statutory basis. My concern is to ensure that, at the end of the process by which national priorities will be translated into local objectives and local objectives into development plans, schools are given room within the plans to set priorities that are determined by local circumstances. It is useful to

remember that good ideas and best practice do not always come from the top down—some would say that they rarely do. We must leave room in our education system for bottom-up improvement.

The bill has an important contribution to make to the fostering of genuine partnerships between schools and parents and to the empowerment of the General Teaching Council to promote and support excellence in our teaching profession.

The value to children of parents who take an active involvement in their education cannot be overestimated. The SNP supports school boards and the work that they do, and we are generally supportive of the bill's efforts to clarify their role. However, we are concerned that the proposal to allow vacancies on boards to be filled by co-option rather than through election may lead to some boards being composed almost entirely of co-opted members. That would undermine confidence in the democratic accountability of school boards.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Did not the SNP oppose school boards when the Conservative Government introduced them? If so, why has the SNP changed its position on that and why is it unwilling to change its position on St Mary's?

**Nicola Sturgeon:** From somebody who voted no and advocated a no vote in the referendum but who now sits in the Scottish Parliament, that is rich. Thankfully, life has moved on since the dark days of the Tory Administration. School boards were the creation of a malevolent Tory Government, but in many areas of Scotland they have risen above that to contribute greatly to the life of Scottish education.

However, many parents are put off by the perceived responsibilities of membership of school boards and by the complex election procedures. That explains why many schools in Scotland do not have school boards and why many schools struggle to involve enough parents. We must not regard school boards as the only way of involving parents in the life of schools. The bill must encourage schools to explore alternative, less formal ways of doing that. For example, many parents who would never stand for election to a school board are happy to become involved in a parent-teacher association. It is the fact that a parent becomes involved in education that is important rather than how they choose to do it.

I welcome the bill's attempts to strike a better balance between a parent's right to choose their child's school and a local authority's need to manage the education service in its area. However, I feel that the bill's provisions on that may serve only to further complicate a complicated system. More work is needed to

create a system that is easily understood and consistently applied.

The General Teaching Council is the subject of a large part of the bill. The SNP wants the GTC to be strengthened and to have the primary responsibility for regulating the teaching profession and ensuring the highest standard of teaching. We have concerns about the proposed changes to the composition of the GTC. The sections that provide for those changes will undoubtedly be the subject of amendment at stage 2.

I want to concentrate on the role of the GTC, on which the bill is too timid and cautious. I will take two examples: continuing professional development and dealing with incompetent teachers.

First, it should be compulsory for teachers—it should be a condition of their continuing registration, as it is for people in other professions—to undertake continuing professional development and to ensure that their skills are constantly updated. The other side of the coin is that every teacher should have a right to CPD—that has a resources implication, which is ultimately a matter for the Minister for Children and Education. There is no reason why the GTC should not be given responsibility for accrediting courses and ensuring that teachers comply. After all, it is the GTC that decides whether a teacher has the necessary skills to enter the teaching profession. It should also be the GTC that decides throughout a teacher's career whether that teacher has the necessary skills to stay in the teaching profession.

Secondly, I want to consider the way in which we deal with incompetent teachers. In Scotland, we are very fortunate in our teaching profession—the vast majority of teachers do a wonderful job, often in difficult circumstances. However, as in any profession, there are those who are not suited to the job. They must be dealt with, for the sake of our children and their fellow teachers. At the moment, the GTC has no remit to deal with incompetent teachers. The bill gives the GTC a role, but it is limited and kicks in only after a local authority has sacked a teacher. That is wrong.

I do not dispute that it is for a local authority to hire and fire teachers. However, the question of competence—of whether a teacher is fit to teach—is one for the GTC. It should be able to take action to deal with problem teachers, even where the local authority fails to do so. If a parent has concerns about a teacher and is getting nowhere with the teacher's employer, they should have the right to go direct to the GTC; where there is sufficient evidence of a problem, the GTC should have the right—an obligation, even—to investigate and take whatever action is necessary. I hope that

we can make real changes to those sections of the bill as it progresses.

The SNP opposes the abolition of the Scottish Joint Negotiating Council; we believe that its abolition is a short cut to imposing unwanted changes of conditions on teachers. That will do nothing for the teacher morale that Sam Galbraith mentioned. Like the Education, Culture and Sport Committee, the SNP condemns the lack of consultation that preceded that part of the bill. The question whether the SJNC has a future should have been left to the McCrone committee.

In conclusion, the SNP will support the bill's general principles, but we want it to be considerably strengthened in its later stages. The areas that I have mentioned, along with pre-school education, placing requests, consultation with children and equal opportunities, will be covered in more detail by my colleagues.

15:12

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** It is unfortunate that the Presiding Officer did not accept the Tory amendment on self-governing schools. Of course, I can still make several points about the bill's attack on self-governing schools but the Conservative group has had its ability to vote on that aspect of the bill removed. That is a pity, because we welcome some proposals in the bill, mainly because they build on the achievements of Scottish Tories during 18 years in government.

Apart from increasing funding per pupil by 37 per cent between 1979 and 1995, our achievements include greater parental choice of schools, greater parental involvement in the management of our schools and greater diversity of provision, through the funding of grant-aided schools, such as Jordanhill in Glasgow, and support for Gaelic-medium units.

I am willing to offer Tory support for measures that extend devolved management, strengthen parental involvement and widen the choice in Scottish schools. There is much that Scottish state schools can learn from the independent sector. The high degree of parental involvement and variety of choice that independent schools offer are two such lessons. It is no surprise to find that, where state schools match, or sometimes beat, the average marks of independent schools, they too enjoy a committed work force and parents with a burning desire to help. We must seek to develop those qualities in the state sector.

The bill represents a missed opportunity for the Government and the nation. Its title says that it is about standards, but that is a misnomer. If the bill is the best that the Government can come up with in an effort to raise standards, the ministers are

exposing their poverty of ideas. To raise standards, a Government must do more than simply pass new laws. It must pay attention to the morale of its work force—we will be watching carefully to see what the Government does when the McCrone committee reports. In that context, I was interested to hear the minister's comments about the new money that might become available.

**Nicola Sturgeon:** Does Mr Monteith never get embarrassed when he stands in the Parliament talking about support for teachers, given that he backed a Government that for 18 long years almost victimised Scottish teachers, underfunded Scottish education and created many of the problems in our education system with which we are now dealing?

**Mr Monteith:** Ms Sturgeon knows that it is very hard to embarrass me. When I was canvassing in Ayr, I found that many teachers were willing to support the Conservatives. That is a testament to their experience of new Labour and their divorce from SNP policies.

Some parts of the bill are superficial and in all likelihood unworkable. Nicola Sturgeon mentioned the proposal to place duties on ministers and local authorities to improve education. The Education, Culture and Sport Committee produced a comprehensive report—I will be interested to hear what the minister says about it when he replies to the debate. The committee received evidence that that aspect of the bill could be unworkable. Even if we accept that it is practical and workable, will the minister say whether the Government will provide compensation for those children whom it fails in that duty? Duties bring responsibilities but the Government appears to have made no provision for failure—something at which it has recently been shown to be masterful. Given that there is a duty, if some children find that they are failed by the system, would not the minister or the local authority, through its education department, have to provide compensation? Why else include that provision in the bill?

My main focus today will—not surprisingly—be the Government's dogmatic approach towards St Mary's Episcopal Primary School in Dunblane. It is true that, as the only self-governing school that wishes to retain that status, it is now an anomaly, but it is a successful anomaly, which offers us much that we should seek to emulate, not allow to waste away.

The minister said that it was a waste of time to introduce legislation for self-governing schools. No doubt he did not think that it was a waste of time for the Government to ensure that Jordanhill remained open and funded by the state. The fact that the bill dedicates more space to snuffing out St Mary's independence than it does to raising

standards in schools says everything about this Government's unwillingness to look, listen and learn.

The attainment levels at St Mary's are not only higher than those of other schools in the area but among the highest in Scotland. If those standards drop under local authority management, will the minister compensate the children for his failure to maintain high standards under the duties that he proposes? As measurements are already available to parents at St Mary's, it will be possible to ascertain whether standards have dropped and to bring a case under the bill.

It is not good enough to say that the school used to be run by a local authority and so should return to local authority management. It is not good enough to say that Jordanhill in Glasgow is different because a local authority never managed it. The local authority that managed St Mary's was abolished four years ago. Stirling Council never managed it and there is no argument—other than ignorant dogma—that suggests that it should. The one difference is that Sam Galbraith's children attend Jordanhill and not St Mary's. That may, for the minister, simply be an embarrassing or uncomfortable accident, but if preserving an independently managed school is good enough for the minister, why is it not good enough for the people of Dunblane? The people of Dunblane and the parents of children at St Mary's want an answer to that question, but they have not been given one.

The Chancellor of the Exchequer seems to agree with me. When Gordon Brown announced yesterday that he would make more money available to British schools, he said that it would go directly to head teachers. Gordon Brown—who is a Cabinet minister and a Scottish MP—does not trust local authorities to deliver improvements in education. Sam Galbraith does not trust local authorities to settle teachers' pay—why else would he get rid of the SJNC and set up McCrone?—and he shows that he does not trust local authorities when he sends his children to an independent school. If that is good enough for the minister, it should be good enough for everyone else, including my children who attend a state school. Napoleon—the pig, that is—was right when he said that everyone is equal, but some are more equal than others. New Labour seems to wear the same clothes as old Labour.

I shall refer briefly to three areas. The first is that, under sections 23 and 28, the function of school boards could be altered so as to give them a decisive role in the provision of sex education in Scottish schools. The Conservative group will lodge amendments to achieve such a delegation, which could go a long way towards calming parents' fears in that area.

Secondly, the bill has left aside for the moment the issue of extending pluralism in education by allowing greater use of home teaching and providing Steiner Waldorf schools within the state system. The Conservatives will lodge amendments on that.

My third point concerns the extension of powers to the GTC, which Nicola Sturgeon has already mentioned. The simple question is: if lawyers and accountants can be struck off by their professional bodies for incompetence, why cannot teachers? If lawyers and accountants have compulsory professional development accredited by their professional bodies, why cannot teachers? We do not see that as interfering with a local authority's role as the employer. Councils already employ lawyers and accountants, and find no difficulty in accepting that those professions control and monitor their own standards.

If a patient were to seek the services of a doctor and the doctor failed that patient, the patient could seek redress from the General Medical Council. Sam Galbraith is a noted neurosurgeon, but—there is always a but—if he were to fail in his professional duties, he could be struck off by the GMC.

**Mr Galbraith:** Never.

**Mr Monteith:** Probably not, but why cannot the General Teaching Council have the same authority as the General Medical Council? My point is—and here I agree with the SNP—that parents should be able to bring a complaint directly to the GTC on behalf of their children. Vexatious or trivial complaints can be dealt with; I have every confidence, given its record, that the GTC could handle complaints. We shall also seek to amend the bill on that point.

When Sam Galbraith became a doctor, he swore the Hippocratic oath. Sadly, when he became Labour's third education minister in two years, it was the hypocrite's oath that he swore. "Education, education, education" was the slogan that new Labour used in the general election. For Harriet Harman, Tony Blair and Sam Galbraith, the cry is: "Hypocrisy, hypocrisy, hypocrisy."

The bill is not about standards; it is about standardisation through the bureaucratic grip of the local authorities that run our schools. It is about dogmatic control and it reeks of hypocrisy. As it stands, the Conservatives cannot support it.

15:23

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I should start by declaring an interest. I was a teacher until about this time last year and I retain my membership of the Educational Institute of Scotland—and, I think, of

the General Teaching Council, although I am not dead sure about that. I have also been a member of a school board.

Until Mr Galbraith spoke, I was in danger of repeating my maiden speech in this chamber, but everyone else has one standard speech that they keep repeating, so why should I be different? When I spoke before the summer recess last year, I pointed out that it is not bills, acts of Parliament, ministers or even local authorities that can raise standards in Scotland's schools; but teachers working with pupils and parents can.

A bill is now before us that seeks to establish a framework for improvement. The Liberal Democrats are happy to support the moves that would help to achieve that desirable end. We support the principles of the bill and I support what the minister said in introducing the debate. His words contained a vision—which I do not think is in the bill—of what education should be for.

The full title of the bill is the Standards in Scotland's Schools etc Bill. I might have time to deal with the *et cetera* later on, but I will start with remarks on the framework for improvement, which is directed at raising standards.

At first, the bill seemed fairly technical, uncontroversial and lacking a strong philosophical base. I am glad that it has been improved during the consultation phase and now includes valuable statements about the rights of the child to an education

"directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential."

That covers what Tommy Sheridan said about sport; the physical is there too, as is the overall well-being of the youngster. I am particularly pleased that the presumption of mainstream education for those with special educational needs has been incorporated in the bill. That, too, brings to the bill a vision that may have lain behind it but was not originally articulated in it.

The bill unspectacularly gives ministers important statutory duties and rights over work in schools and local authorities: the rights to set national priorities in education, to scrutinise the work of local authorities and to find ways of assessing the effectiveness of education. Those are all important. In broad terms, the Parliament will, I think, be content to give ministers those powers, but we must ensure that they exercise them with judgment and the consent of those who are affected by them.

For example, in giving ministers the right to establish national priorities in education, we must seek reassurances that they will consult teachers, parents and pupils so that the priorities come from them, as Nicola Sturgeon said, and are not

imposed by ministers, civil servants and inspectors. Similarly, when education authorities are required to state their aims and objectives and to formulate strategies and plans, they must be based in the reality of conditions in communities and schools, not idealistic paper exercises that fulfil the need for boxes to be ticked as part of an inspection check list. It must all be done thoughtfully and in partnership. Similar care must be taken in target setting: targets must be realistic, achievable and shared with those who must meet them.

We accept the principle of national priorities but are a wee bit worried that if three or four focal points are picked as the things to concentrate on, others may be sidelined. As there is always the risk, when teaching for exams, of forgetting the important, wider picture, so it is important for the Parliament to have the opportunity to discuss the wider priorities. That is not included in the bill.

We welcome the inspection of education authorities. When comparisons can be made and inspectors can examine whether special educational needs or sport, for example, are being catered for—and when they have some clout in relation to the local authority as well as individual schools—that will help to improve standards and ensure coverage of priority and other areas.

Several parts of the bill enable ministers to issue guidance to education authorities, which they must have regard to. We need to be careful that we do not, in that way, establish a national curriculum by the back door.

We welcome the registration of independent schools and the ending of self-governing status and opting out. Mr Monteith mentioned St Mary's in Dunblane. He knows that I have expressed some sympathy for the position of that school. I am never happy when politicians take things away from individuals.

**Nicola Sturgeon:** I made the SNP's view on the opt-out legislation clear. Like me, Ian Jenkins is on the Education, Culture and Sport Committee. He has heard Stirling Council's reassurances about the future of St Mary's. Does he think that if, in his summing up, the Deputy Minister for Children and Education were to give assurances about ministers' willingness to step in—if required—to protect St Mary's from closure, given that it is such a good school, that would be welcome?

**Ian Jenkins:** If Nicola Sturgeon means stepping in to protect St Mary's from closure as a local authority school, yes, I would be happy to do that. There are times when I am a soppy Liberal, when I do not like closing things down. I do not like politicians taking things away from people. In this case, I have expressed sympathy, but I am sure that there is not a majority in the chamber to do

anything other than stop opting out. I welcome that.

**Mr Monteith:** I accept the member's sympathy. Will he also express sympathy for the proposal from St Mary's that rather than see the school retained as a self-governing school, it could simply be changed to a grant-aided school—the same status that Jordanhill enjoys?

**Ian Jenkins:** No.

The provisions about school boards are acceptable to us, but I accept what Nicola Sturgeon said. We recognise the value of school boards, but they are not the only way of accessing parental opinion, nor are they the only way for parents to influence matters. I accept what Brian Monteith said about school boards proving to be a success, although I did not like them when they were introduced. However, opting out has been a big mistake.

I wish to make only one point about pre-school education. Mr Peacock will be fed up of hearing about it. I am particularly concerned about youngsters in pre-school education who are born in January or February. At present, they fall between stools because of how pre-school terms work. I urge ministers to address that issue. We can sort it out if we have the will.

The regulations on placing requests seem sensible, but parents will sometimes find it hard to accept that their child cannot go to a particular school when they know that there are vacancies there, even though those vacancies are being kept for perfectly understandable reasons.

I come now to the GTC. I will try to be quick. I endorse what Nicola Sturgeon and Brian Monteith said, except that it is early days to jump into the scenario that Nicola painted. This is no big deal. We are prepared to be convinced, but what Nicola suggests is not necessary yet. I worry about the provisions on the make-up of the GTC. We will want to examine that at stage 2. It is not tactically sensible to have a majority of only one for the teachers' side on the GTC. I am worried about the different constituencies on the GTC. We should look carefully at the evidence that was given to the Education, Culture and Sport Committee when we consider that matter.

I have no great regard for the Scottish Joint Negotiating Committee. After all, it is the body that produced the catastrophic millennium review that was so roundly rejected by teachers. Its abolition does not cause me great heartache—although the EIS is opposed its abolition and, as I said, I am a member of the EIS. Although I worry about making a leap in the dark by abolishing the committee without knowing what the McCrone committee will offer in its place, I am happy to accept that the SJNC should go.

When I spoke last year, I regretted that until then ministers had spoken aggressively about teachers, which was insulting and demotivating. I asked that the mood music be changed. I am delighted that ministers have not indulged in negative pronouncements about teachers and teaching. Instead—since then and again today—they have spoken highly of what they have seen on their visits to schools.

The SJNC and GTC regulations in the bill have raised suspicions among teachers. I do not want to accept the interpretation that teachers are putting on them, so if we can finesse them a wee bit to ease that worry, we should do so.

I come back to my opening remarks. The bill yields power to ministers in a way that is acceptable provided that that power is exercised with the consent of those engaged in the educational system. We are looking for a partnership among local authorities, parents, teachers and pupils to raise the standards of schooling across Scotland. Working together, we can achieve that. If we fail to work together, our hopes for the children of Scotland will be frustrated.

**The Deputy Presiding Officer (Patricia Ferguson):** We move now to the open part of the debate. Members will have four minutes. As the Presiding Officer indicated, it is very unlikely that everyone who wants to speak will be called. For that reason, I ask members to stick to the time limit as far as they can.

15:37

**Mrs Mary Mulligan (Linlithgow) (Lab):** First, as convener of the Education, Culture and Sport Committee, I thank the members of the committee for the way in which they have contributed to the stage 1 report. The committee has not always co-operated so well. Do not worry; I am under no illusion that there will not be turmoil in the future, but this report was put together in a positive manner. I also want to take this opportunity to thank the committee clerk and her team, whose support has been invaluable.

The committee started to gather evidence following the summer recess and after the Executive issued its draft improvement in Scottish education bill. The committee was pleased that the Executive progressed our suggestion to involve children and young people in the consultation process. The committee found its meeting with young people very informative and it can be seen from the consultation document produced by the Executive that it did too. The committee continues to follow up that practice and hopes to report to the Parliament in future about practices and procedures that other committees and the

Parliament can adopt when consulting children and young people.

The Executive's response to the consultation was helpful and showed the breadth of consultees, but two areas of the consultation gave us some concern: the abolition of the SJNC and the reform of the GTC. Both were raised by a number of people in oral evidence to the committee and the committee will return to those issues at stage 2.

The committee would like to thank the people who attended to give oral evidence, which is not always the easiest task, given our reputation. Most gave their evidence clearly and resisted the temptation to steer the questions to the areas that they wanted to discuss. Committee members found the evidence useful when forming their views.

While the worth of the bill in setting targets and aiming to raise standards is not in question, there is a recognition that it is not necessary to legislate for everything; other ways are open to the Parliament to deal with some educational issues. Many witnesses made it clear that they feel that the proposals in the bill would not improve standards unless they were introduced to a properly resourced system. The committee wished to emphasise that point strongly.

My second general point is that initial comment to the committee and to the Executive revolved around putting the child at the centre of what we are trying to achieve. We welcome the changes the Executive has made to try to reflect that more fully in the bill. That has not stopped some comments to the effect that the original wording was preferable. I am sure that that detail will be picked up in future.

Areas of the bill that will require further consideration include target setting, development plans, school boards, inspections and the provision of pre-school education. I believe that other committee members intend to pick up on those matters. I will mention three specific issues, the first of which is placing requests. Everyone agrees that we wish to support parents' right to continue to make positive choices about their children's schooling, but the present system of exercising that choice is unsatisfactory. The Executive tried to improve the situation, but a number of witnesses confirmed the existing concerns of committee members by saying that the changes did not make the system any easier to understand and, worse, could still be open to legal challenge. We felt that the Executive could reconsider the method, if not the principle, of placing requests.

The second issue is self-governing schools. We have already discussed the case of St Mary's. The committee felt that the Executive's aim to return



opted-out schools to local authorities was right, but I must take on board the fact that one member—as noted in the report—did not. On the third issue—independent schools—the committee heard evidence from the Steiner Waldorf schools. Again, that issue will need to be covered in more detail.

I thank the other committees that made submissions to the Education, Culture and Sport Committee for their input. In particular, I thank the members of the Equal Opportunities Committee who gave oral evidence. We are pleased to have reached this stage in one piece and we look forward to dealing with stage 2.

15:42

**Michael Russell (South of Scotland) (SNP):** Before I start, may I say how good it is to see Rhona Brankin back in her seat; I hope that the whole chamber will echo that. What is a shadow after all, without the person who is in the limelight?

I am sorry that John Scott, the other new arrival, is not in the chamber at the moment. This must be a bizarre afternoon for him; he came to the chamber for his first debate as the bright new voice of Scottish Conservatism only to discover that colleagues all around him were banging on about all the things for which they lost the election, including opted-out schools. He must think that he has fallen into a time warp—as indeed the Scottish Tory party has if it allows Brian Monteith to make opted-out schools the centre of its concerns about the bill.

It is important to consider the background to today's debate. From the minister, we heard the assertion that all is well in Scottish local authorities and that funding is in fine form. Indeed, Mr Peacock too is nodding sagely and saying that everything is fine. The reality is that the background to this debate is continual cutting in Scottish education by local authorities.

**The Deputy Minister for Children and Education (Peter Peacock)** *indicated disagreement.*

**Michael Russell:** Mr Peacock is shaking his head; does he read his local newspapers? I read mine and I have with me some of this week's cuttings. The janitors in North Ayrshire are having their overtime cut and may well go on strike; their spokesman said:

"I'm a Labour man through and through, but it is these Thatcherite policies"—

from North Ayrshire Council—

"that are killing us."

Those Thatcherite cuts are going on again and again.

Maureen Macmillan seems to find that amusing—or perhaps she recognises that it is happening elsewhere and she is embarrassed rather than amused.

Here is another headline: "School bus passes set for NAC cut".

**Maureen Macmillan (Highlands and Islands) (Lab)** *rose—*

**Michael Russell:** Yes please—on you go.

**Maureen Macmillan:** I am neither amused nor embarrassed. I have a very bad cold and possibly I was grimacing rather than smiling.

**Michael Russell:** I offer Maureen my warmest sympathy for her very bad cold.

Let us go back to the cuts to school bus passes. I have a list here of the services that are being cut. This is being repeated in authority after authority, throughout Scotland. That is the background to today's debate.

The committee report is quite clear; improvement in Scottish education will not come simply from the existence of the bill, nor will it come from this debate. It will come from investing in Scottish education. If the Government is not making that investment and if there are cuts day after day, week after week—Mike Rumbles has referred to the cuts in Aberdeenshire—improvement is simply not possible. Therefore, while some of this debate is sleight of hand on the part of the Executive, there is other sleight of hand in the bill.

The convener of the Education, Culture and Sport Committee and Nicola Sturgeon referred to section 3. I remember, when the proposals were published, the Minister for Children and Education trumpeting the fact that any parent in Scotland could take him to court, where he would have to defend what he was doing, and that parents would find him accountable. Lo and behold, that will not happen according to the very first occasion on which the provisions in section 3 were put to the test by means of a legal opinion. Why not? Because it cannot happen, as no court will enforce that provision. Sleight of hand is at the heart of the bill.

I am sure that everyone has read the Education, Culture and Sport Committee's stage 1 report on the bill, so I will read only the briefest part of it. I am glad that the committee was unanimous when it said:

"The Committee takes the view that the duties on Ministers and education authorities must be enforceable if they are to be meaningful. However, we are not convinced that the duties imposed by section 3 will be enforceable and, therefore, we would welcome the Executive's further comments on this point."

We did not get “further comments” from the minister in his opening speech. We hope that we will get them from the Deputy Minister for Children and Education when he winds up the debate.

I want to raise the major omission of Gaelic, which is not even mentioned in the bill. I know the Executive cannot commit itself open-endedly to Gaelic-medium education for every parent in Scotland who wants it for their child, but it is possible to start the process by writing into statute—into this first ever education bill in a Scottish Parliament—a commitment to Gaelic-medium education and to the way in which access to Gaelic-medium education can be improved, year by year.

Gaelic-speaking parents are not asking for the moon; they are asking for the first step. I hope that, as we move into stage 2, the Executive will consider being responsive to those parents. I am grateful that the committee will take evidence on that matter during stage 2. I hope that simultaneous translation will be provided and that that meeting will be held in a place furth of Edinburgh.

We support the principles of the bill on stage 1, but I assure the Executive that there will be hard debate on the detail as we move into stage 2.

15:47

**Dr Sylvia Jackson (Stirling) (Lab):** I want to make five points, although whether I will get through them is another matter.

First, it strikes me, through letters that I have received from teachers, that the General Teaching Council must develop into a truly professional body for teachers. I support the comments made on that point by Nicola Sturgeon and Ian Jenkins. The process of making the GTC such a body is already starting, by its involvement in continuing professional development.

It is important that the Standards in Scotland's Schools etc Bill does not prevent the GTC emerging as guardians

“to maintain and improve teachers’ standards of professional competence.”

We should ensure that we consider that during stage 2. I know that the Education, Culture and Sport Committee says that it will do that. I am sure that the GTC's role in accrediting programmes of continuing professional development will be examined further.

My second point concerns St Mary's Episcopal Primary School, which is in my constituency. The coalition is committed to returning opted-out schools to local authority control. In negotiations, Stirling Council has given assurances on teaching levels, about which the school was concerned,

and I have pledged to help the school in every way possible to support its transition back into local authority control.

Thirdly, I attended a meeting of the Education, Culture and Sport Committee at which members of the Equal Opportunities Committee gave evidence on the importance of mainstreaming where appropriate. Resourcing seemed to be a key issue and, as a result of the resource implications, there will have to be a transitional period when the policy on mainstreaming is implemented.

My next point is about students in special schools, who will not participate in mainstreaming. As presently drafted, the bill rightly talks of entitlement—every child is entitled to education. There is also the duty on local authorities to provide education that helps to develop each pupil to their full potential. That includes, as Sam Galbraith said, every child.

The Riddell report shows that there is significant variation in the school day in special schools throughout Scotland. One of the recommendations of that report is that the Scottish Executive should issue advice to local authorities to the effect that the length of the school day in special schools should be similar to that in mainstream schools. As a result, an Executive consultation document “Improving Our Schools: Special Educational Needs” has been produced. It says:

“Scottish Ministers share the Committee's concern that many pupils with special educational needs in special schools and units experience shorter school days or weeks than their counterparts in mainstream primary or secondary schools. As a general principle, they regard this as unacceptable.”

In its reply to the consultation document, the Convention of Scottish Local Authorities cited three reasons why the length of the school day should not be the same. One concerned resourcing; the second concerned medical reasons—although it did not say so directly, that was implied; the third concerned the changing terms and conditions for teachers, which would most likely have to be decided by the McCrone committee.

If it is accepted that every child has an entitlement to education, I would argue that where it helps that child to fulfil their potential, the length of the school day should be the same. There may be exceptions to that rule, but the entitlement must remain. I hope that the Education, Culture and Sport Committee and/or the Equal Opportunities Committee will consider this issue, gain evidence from Enable and other groups, and address it.

My final point is about sustainability. If, as we have said, we are going to set national priorities, I ask that sustainability in education be placed on the agenda. If we are to consider sustainability

seriously, we must integrate it into education.

15:52

**Euan Robson (Roxburgh and Berwickshire) (LD):** I would like to make four brief points about the bill, the general tenor of which I support.

First, the minister said that the purpose of the bill is not only to raise standards in schools, but to promote social inclusion. Social inclusion in rural areas means being able to get to school. I would like the minister to consider whether the current statutory maximum distance for school transport—of two miles to a pick-up point—is justified in this day and age. How can a farm worker who starts work at dawn, and whose spouse has to have a job to help to make ends meet, be expected to deliver children to, and collect them from, a pick-up point that is two miles from home? In such circumstances, are children expected to walk, often along unpaved roads, where some roads are frequently exposed to the elements? It is time for us to consider an amendment to the statutory provision—perhaps in section 34—particularly when pre-school children are involved.

My second point concerns investment in modern language teaching. I have campaigned locally for investment in modern language teaching and for the return of foreign language assistance to the Scottish Borders Council area. Constituents have told me that students who are entering the third year of high school often cannot take three science subjects as their option sets force the unwanted inclusion of a foreign language.

The language is unwanted because the three sciences are needed to get into veterinary college, dentistry or other medical disciplines. A statutory requirement was introduced by the previous Government for a foreign language to be taken by all pupils up to the age of 16. I think that an amendment might be appropriate, saying that there is a presumption that a modern language will be taken unless specific circumstances mean that that would not be sensible. I have just outlined such circumstances.

My third point is to reiterate what my colleague Ian Jenkins said about the problems of deferred entry during ante-pre-school and pre-school years. The money should go with the children and should not be locked into a system for bureaucratic convenience, as it appears to be. I regret that I shall have to burden the minister's postbag with further correspondence on that issue, as it is causing some distress to many parents.

Finally, I would like to make a point about education at home. I appreciate that in its title the bill refers to standards in Scotland's schools, but there may be a place for recognition of education at home and for clear regulation of it, in the

interests of the pupils concerned.

I support the bill and look forward to its being improved at stage 2 by amendments such as those that I have outlined.

15:55

**Alex Johnstone (North-East Scotland) (Con):** I thought for a moment that Euan Robson was going to run away with most of my speech, but luckily he changed tack and moved off the rural issues.

The first issue that I would like to raise is not especially rural—it concerns the position of the Steiner Waldorf schools. I have been lucky in being able, on occasion, to visit the Waldorf school in Aberdeen, and I look forward to visiting it again during its next open day. I have also been impressed by the support that has been shown by the parents of pupils at that school. One of the biggest items in my postbag last summer was the number of letters from parents at the Waldorf school who wanted the agenda of pluralism in education to be pushed forward. I have—independently of my colleague Brian Monteith—been convinced by their arguments. I will be delighted to support Brian when he proposes amendments that suggest ways in which state support might be provided to Steiner Waldorf schools.

The other points that I would like to make are more general and do not relate specifically to the proposals in the bill. We have already heard from members about the problems of providing an ideal education in some of the distant rural areas that are suffering from serious cuts in local government funding. I come from Aberdeenshire, and about three months ago I had the pleasure of receiving a letter from the school board at my daughter's school, telling me that Mackie Academy in Stonehaven would have to make £78,000-worth of cuts in the first three months of this year. Although the management of the school is excellent and the behaviour of those responsible for managing the problem has been commendable, such a letter leaves parents with serious concerns about how the quality of education can be kept up in the face of cuts.

The biggest problem that the cuts cause—and one that has not been addressed properly in today's debate—is school closures. I made a few notes from Sam Galbraith's opening speech, in which he said that local funding has not been cut, that school funding is increasing, that every primary school will receive between £3,000 and £9,000 in additional grant and that schools will be properly resourced. When local government is under such pressure that school closures become inevitable, it is hard to tell anyone in the catchment

area of such schools that education is receiving the treatment that the minister described. The truth is that there are stories of school closures in every rural local government area.

I know that I am sailing close to the wind, because when we highlighted this issue at question time, Peter Peacock pointed out that it is ironic that a Conservative raised the matter, given our party's record of closing schools in the past. The information that I continue to receive indicates that the Executive has taken up the challenge and is trying to compete with the record of all previous Governments on school closures. I hear today that five schools in Argyll might have to be closed. I have also been told that a primary school has been closed in the Stirling Council area in each of the past three years.

The pressure manifests itself most obviously at Boharm primary school in Mulben in the county of Moray. That school is in that strange area of Moray that is not part of the Highlands, but part of the north-east. That is why I have spoken about it before and why I am speaking about it again.

I was informed at lunch time that a request to the First Minister to consider the position of Boharm primary school in Mulben is still in his hands. Once again, I speak up for that school in that community in the hope that the First Minister will take the opportunity to ensure that the school continues to exist.

16:00

**Mr Kenneth Macintosh (Eastwood) (Lab):** Fòghlum, fòghlum, fòghlum. For members who do not understand Gaelic, and for those who do understand it but do not recognise my pronunciation, that means education, education, education. I hope that you will forgive me, Presiding Officer: I spent a good week preparing a few opening remarks for the Gaelic debate and I did not want the time to go to waste.

Our education slogan was an oft-repeated mantra at the time of the election, but many of us recognise the underlying importance of the message, and have commented on it in today's debate.

Education can change lives—it can empower people, liberate them and allow them to achieve their full potential. That is why I am proud that an education bill is one of the first measures to be brought before Parliament in its first year.

What will our commitment to education mean? Members need only to look around to see the huge expansion in nursery provision that is already taking place. In my constituency of Eastwood, East Renfrewshire Council has set up five new nurseries in the past three years, and has

massively expanded four others—more are being built as we speak.

There has been a revolution in early-years educational provision and an explosion of nursery places. New schools will not be enough, however, if they fall into old habits. That is why the bill is so important. At its heart is a simple idea: to strive constantly to raise standards in our schools, or to quote another election slogan, to create a culture in which

“Things can only get better”.

We have a tendency in Scotland to rest on past glories. We know that our educational history is one to be proud of—the bill builds on that tradition. At its heart, the bill forces us to re-examine constantly how we deliver in schools. It does so through a partnership approach—partnerships in which teachers, local authorities, parents and pupils are involved, and in which decisions are shared.

A number of specific points in the bill are worth noting. Opting-out schools will go, as will corporal punishment. It is interesting that the notions of belting pupils or of opting out now seem, at least to me, to be antediluvian—they are throwbacks to a bygone age. They would be almost quaint concepts if they were not so potentially damaging.

**Nicola Sturgeon:** Does Mr Macintosh accept that there is an anomaly in the bill? Corporal punishment is outlawed in every educational establishment, with the exception of privately funded pre-school establishments. Does Mr Macintosh accept that that is an anomaly, and will he join me in urging the Government to use the bill to clear up that anomaly and ensure that corporal punishment is outlawed altogether?

**Mr Macintosh:** I welcome Nicola Sturgeon's comments and agree with the thrust of what she is saying. From my reading of the bill, it is outwith the legal competence of the bill to outlaw corporal punishment, but I am certainly happy to discuss the matter. It can be debated at stage 2, and I would welcome the Executive's comments on it. I share Nicola's views on that.

For me, the most important part of the bill is the section dealing with national priorities. We do not want a dry exercise in performance testing, nor do we want rigid reliance on passing exams. I hope that members are all aware of the dangers of reducing education to a league table of schools that are graded by exam results. The emphasis needs to be on the qualitative as well as the quantitative improvements that we can give to our young people.

It is through the national priorities that we can ensure that our young people learn the importance of being good citizens as well as being good at

maths and English. In the past, the prejudice and snobbery that has favoured traditional academic subjects over development of the individual has hampered as many pupils as it has helped.

It is as important that young people leave schools with a sense of their own worth as it is that they leave with a clutch of exam passes. Young people can achieve their full potential only through building their self-esteem and self-confidence and through being made aware of their role in society and their duty and responsibility to others.

To return to my opening remarks, there has been concern about what the bill can do to help Gaelic, and, specifically, to promote Gaelic-medium education—teaching not only of Gaelic, but through Gaelic. Gaelic language and culture will flourish through being identified as a national priority.

The debate on national priorities is still to come. When it comes, those priorities will be set through consultation. I do not expect the Scottish Executive to lay down prescriptive controls over local authorities; I do expect everyone—from the classroom teacher to the minister—to live up to their obligation to drive standards up. Today, we have the chance to create the framework that will give our children the start in life that they deserve. I commend the bill.

16:05

**Brian Adam (North-East Scotland) (SNP):** I share with others the concern that local government cuts are leading to deterioration in education. In my constituency, three of the four councils have brought in significant cuts that total £6 million. The range of cuts goes from none in Angus to £4.3 million in Aberdeenshire. I would like to quote Mr David McGinty, the secretary of the Educational Institute of Scotland in Aberdeenshire:

“It makes absolutely no economic or educational sense that we are having money poured into after-school clubs while at the same time losing our visiting specialist teachers.”

Only a few days ago half the budget for visiting specialist teachers in Aberdeenshire was cut. That does not sit well with the mantra that Mr Macintosh just gave us of “education, education, education.”

I would like to correct Mr Johnstone's geography. Boharm lies in the county of Banff. It might lie within the area that is covered by Moray Council, but it is, undoubtedly, in the county of Banff.

**Alex Johnstone:** I have been corrected before.

**Brian Adam:** Not only rural schools are under threat—in the city of Aberdeen, two primary schools face closure. We hear the usual excuses

that that is being done for educational reasons, but the reality is that it is for financial reasons.

**Lewis Macdonald (Aberdeen Central) (Lab):** Does Mr Adam accept that there are circumstances in which it is educationally advantageous to close schools; or does he take the view that, no matter how small the school roll, a building should be kept going simply because it is open already?

**Brian Adam:** There are, indeed, circumstances in which schools will close; if, for example, there is a change in direction, as with special educational needs. However, I do not accept that that is the case with either of the potential closures in Aberdeen.

I would like to deal briefly with the proposals in the bill for school boards. For the same reasons that she gave, I share Nicola Sturgeon's concerns about making it easier to fill vacancies on school boards. We could have a situation in which people just appoint themselves to boards. However, I am intrigued by the desire to restrict the rights of councillors to be members of school boards in their authority's area—that seems to be a sensitive issue. That is illustrated by the careful wording of the amendments to say that councillors who are already members of school boards may continue to be members, but that those who are not members may not become members, although they will be allowed to attend school board meetings and speak. I shall examine that aspect of the bill with great interest. In his winding-up speech, the minister might care to elucidate why he is making that change.

I am a little wary of the changes that have been made concerning requests for placing; there could be a lot more challenges in court. However, I am sympathetic to the idea of allowing parents maximum choice.

There is one area in which I believe the bill is significantly deficient. It is an area that is very important in education these days—discipline. Although I welcome the outlawing of corporal punishment, there is no doubt that we have discipline problems in our schools. Sometimes that happens in places where the schools already have other problems. I have received a couple of e-mails from an assistant head teacher in Aberdeen, who works in a school in an area that would normally be regarded as being, perhaps, a little deprived. He is extremely concerned that there seems to be one way of dealing with discipline problems in some of the allegedly prestigious schools in Aberdeen—where it is quite possible, if a major disciplinary matter has arisen, that a pupil might quickly be excluded sine die—but another way of dealing with similar problems in that assistant head teacher's school, where it might well take months to tackle a disruption. We do not

seem to have equality across the board, even in the state sector. There are problems associated with discipline that make life very difficult.

The assistant head teacher points out that his time ought to be used to develop the curriculum and so on—not on disciplining pupils. He says to Mr Blair that education these days is not just about “education, education, education”; to create opportunities for all, it should be about “discipline, discipline, discipline”. I would like the minister to address disciplinary methods other than corporal punishment in his winding-up speech.

16:10

**Dennis Canavan (Falkirk West):** I welcome the declared intention of the bill to raise educational standards. The bill talks about objectives and about progress reports on meeting objectives, but it does not define those objectives. It also refers to reviews of school performances but it does not say how performance is to be measured.

When the dreadful Michael Forsyth first introduced school league tables, there was outrage from educationists and Labour politicians. In today's climate of freedom of information, it is difficult to argue against publication of any facts and figures. Is it, however, beyond the wit of the Scottish Executive to find a more valid way in which to measure and compare educational progress and attainment than raw examination results—a way that is, instead, based on added value? When Helen Liddell was the shadow minister for education, she gave a commitment to do that. However, such a system was never implemented and new Labour continues to copy part of the Forsyth agenda.

Of course examination results are important, but they are not the be-all and end-all of education. The consultation document “Improving Our Schools” sets out objectives of ensuring that young people are not only literate and numerate, but confident, well motivated and fully rounded, with skills and aptitudes that will allow them to work flexibly, seize opportunities and play their part as citizens of a modern democratic society.

No one would argue with any of that, but none of it is included in the bill. I can find no specific reference to improving children's skills in computers, foreign languages, music, art or sport, apart from a passing reference to physical abilities in section 2. Sam Galbraith was dismissive of the legitimate point about sport that was made by Tommy Sheridan.

School sport has never recovered from the teachers' dispute of the 1980s. That might be one reason why Scotland is not performing nearly as well as it should in sport at international level. Non-participation in sport might also be one of the

reasons for the poor state of the nation's health. Recent research by Ninewells hospital in Dundee showed that 25 per cent of Scottish children between the ages of 11 and 14 show signs of heart disease. There is also a high incidence of child obesity, which is due not only to bad diet, but to lack of exercise.

I hope that the Executive will ensure that the bill improves standards in sport, as well as in other educational activities, and that the McCrone committee will consider ways in which teachers can be given incentives—additional remuneration or time off in lieu—to give more time to school sport.

The role of the teacher is crucial in improving educational standards. Politicians sitting in Parliament will not directly improve educational standards in schools—teachers working with pupils will. It is not our job to tell teachers how to teach, but it is our job to provide the legislative framework and the resources that will enable teachers to get on with the jobs for which they are qualified.

Despite my misgivings, I hope that the bill, when amended, will provide that legislative framework. I hope that the statement that the Chancellor of the Exchequer made yesterday will help to provide at least some of the resources that are desperately needed to improve educational opportunities and standards of attainment for the children and young people who will build Scotland's future.

16:14

**Cathy Peattie (Falkirk East) (Lab):** I am pleased to speak at long last on the Standards for Scotland's Schools etc Bill. As a member of the Education, Culture and Sport Committee, it has been interesting to watch the bill take shape. There have been considerable changes since the consultation on the “Improving Our Schools” document, and I am sure that a few more changes will have been made by the time Parliament finally approves the legislation.

As someone who has had a long involvement in education at all levels, I have a particular interest in the commitment to participation and partnership that underpins the bill. The challenge must be to ensure that every child and young person in Scotland has the right to an education that enables them to achieve their full potential. The days when children and young people were expected to be seen and not heard are, thankfully, long gone; a child-centred approach to education means listening to children and young people and involving them in school development plans.

The Education, Culture and Sport Committee received evidence from a number of sources—I particularly enjoyed the session with Save the

Children, during which we heard evidence from young people. I recall two primary 4 pupils telling us about their school policy, how the school worked and some of the challenges facing the school. They said that bullying was a real issue and went on to tell us how that problem was being dealt with. By involving children in school planning, schools can not only take young people's views into consideration, but involve them in solving problems. We can learn a lot from young people, and we must listen to them. It is vital that there are structures that allow their participation.

I also want to mention the role of Her Majesty's Inspectorate of Schools. Although HMI agrees that consultation with children, young folk and parents is necessary, the procedures are not yet in place to allow that. It is also vital that HMI takes a stakeholder approach to inspections of community schools and that inspectors talk to all the partners involved in schools, including voluntary and community organisations, parents and pupils. The success of community schools should be measured not on narrow performance indicators, but on how the school delivers for children and creates family-friendly education.

16:17

**Shona Robison (North-East Scotland) (SNP):** Commenting on the Scottish Executive's attempts to mainstream equal opportunities in the Standards for Scotland's Schools etc Bill, Morag Alexander of the Equal Opportunities Commission said that she would

"give the Executive one out of 10 for that".—[*Official Report, Equal Opportunities Committee*, 16 November 1999; c 153.]

As a result, the Equal Opportunities Committee has a number of serious concerns about what is missing from the bill and the apparent lack of conviction on issues of equality of opportunity behind some of its major proposals.

Equal opportunities have not been explicitly addressed without reservations anywhere in the bill. A number of organisations such as the EOC, the Commission for Racial Equality, the Equality Network and the Equity Group have raised concerns that the bill does not go far enough to ensure equality of opportunity in education.

The Equal Opportunities Committee heard evidence from a wide range of organisations with an interest in equality. The CRE and the Centre for Education and Racial Equality in Scotland have proposed the inclusion of a positive duty to promote equal opportunities, which is entirely consistent with the responsibilities of Parliament and the Executive under schedule 5 to the Scotland Act 1998. The CRE, the EOC and the Equality Network have all said that ministers

should have an explicit duty to secure improvement—which should refer to schedule 5 to the Scotland Act 1998—that enables Parliament to ensure that equal opportunity requirements are met by public authorities. Will the minister indicate whether he will accept such a duty in principle at this stage in the bill's progress; and if not, why?

The bill provides Parliament with a valuable opportunity to place a duty on education providers in Scotland to promote equal opportunities. Amending the bill in such a way would also provide a true example of mainstreaming in action. It would be straightforward to amend section 1 of the bill to incorporate the principle of non-discrimination, so that every child has a right to education irrespective of their sex, race, colour, national origin or disability. I hope that the minister will accept that principle today.

Common themes for all the organisations that were consulted were the need for performance indicators to be set in relation to equality and for disaggregated data to be submitted by local authorities to measure the impact of equal opportunities initiatives.

The most powerful evidence that was submitted to the Equal Opportunities Committee was on the right of disabled children to mainstream education. The Equal Opportunities Commission recommended that the bill should establish the right of every child to be educated in a local mainstream school and to receive individual support when and where necessary.

The evidence from the Equity Group and from a group of parents of children with disabilities on the Isle of Bute lent weight to that recommendation. Hearing directly from parents of disabled children was very persuasive—they were clear that inclusive education is an equal opportunities issue and that a clear national policy on the education of children with disabilities in Scotland is needed. They said that there is a need to shift the balance away from diminished expectations in relation to people with disabilities and that parents should have a choice about whether their children are educated in mainstream or special education. The right of every child to the best education that is available must be enshrined within the bill.

There has been stagnation in the progress of the education of disabled children. In 13 years, there has been no increase in the number of children with special needs attending mainstream schools in Scotland. A parallel statistic is that 95 per cent of adults with disabilities are unemployed. The lack of mainstream educational opportunities leads to the denial of the right to school choice that is enjoyed by the families of able-bodied children. Considering that 15 per cent of children in Scotland have some form of disability, we are talking about a sizeable number of people being

denied equality of opportunity.

Mainstreaming of children with disabilities is proven to be the most beneficial option, socially and academically. That is true on a long-term basis both for disabled and able-bodied children. The results of more than 114 different research studies conducted between 1986 and 1998 have provided empirical proof that children with disabilities demonstrate higher levels of social interaction when they are in integrated settings. That is not an attempt to run down the efforts of the special needs sector, which will always have a role, especially in relation to children who have communication needs that are the result of sensory impairment. It must be acknowledged that the vast majority of disabled children could be accommodated within mainstream education if the will to do that existed, along with the resources to back it up.

In conclusion, the bill has much to commend it, but it is sadly lacking in explicit commitments to equal opportunities. I urge the minister to listen to the views of the many equality organisations that are saying the same thing and to indicate today that he will support amendments to the bill that would enshrine equal opportunities at its core.

16:23

**Bill Aitken (Glasgow) (Con):** When I first read the bill, I was reminded of the legendary curate's egg: the bill is good in parts. Those parts are the ones where the Labour party has used Conservative education policy as the basis for its continued approach.

As recently as 1996, George Robertson described compulsory testing as "irrelevant". The Executive is now seeking to consult, with a view to the possible introduction of compulsory testing. The real story about the bill is that it is an opportunity lost; there was an opportunity to carry out close and rigorous consideration of standards in education and to consider how we could have improved standards for the benefit of all. The bill is an anodyne response, because there is so little in it that will contribute to improving standards in education—which is what the minister is anxious to achieve.

When people are given ownership of a problem, inevitably they respond to it. The bill contains very little input from the people who really count—the parents. I do not know the history of St Mary's Episcopal Primary School in Dunblane, nor have I visited it, but surely any school that attracts 97 per cent support from the parents of its pupils for the retention of its present form cannot be all that bad.

However, having been intimately involved in its formulation, I do know about the scheme that allowed Jordanhill school to continue. I was the

councillor for the Jordanhill area at the time. When Sam Galbraith moved into that area, I was naive enough to think that that had something to do with the quality of the local government representation there, but it did not. He wanted to move into the catchment area of Jordanhill school. There is nothing wrong with that—as a responsible and concerned parent, Sam Galbraith was entitled to do it.

**Nicola Sturgeon:** Far be it from me to defend the Executive; I am sure—although it shows no signs of it—that the Executive can do that itself. However, the bill has 57 sections that have wide-ranging implications for the Scottish education system. Are the Scottish Conservatives saying that they have nothing to say about the vast majority of the provisions in this bill and that they will concentrate only on a tiny part of it?

**Bill Aitken:** The Scottish Conservatives have everything to say about improving education standards. The Jordanhill school delivers education that puts to shame the publicly controlled schools in Glasgow, and that provides evidence time and again of the efficacy of the system there. If one wants to succeed, one should examine what has succeeded in the past.

Let us expand on the thinking on the ways in which parents can become involved in schools. Ms Sturgeon and other SNP members seem to think that everything that is connected with a school such as St Mary's or Jordanhill smacks of elitism. Perhaps what has been wrong with our education thinking during the past 20 years or so is that it has not been accepted that there is nothing wrong with a degree of competition and elitism. It has been proved time and again that education is failing. We should give more power to parents and involve them in the control of schools' budgets and bureaucracy.

**Karen Gillon:** Bill Aitken believes in elitist education. The fact that in 1997 no Conservative MPs were returned to Westminster from Scotland showed people's verdict on the Conservatives' education policy, its elitism, and its lack of understanding of the need of ordinary working-class people to receive adequate education.

**Bill Aitken:** Perhaps one reason why the Conservatives lost office was dissatisfaction with the education system, which is almost exclusively controlled by Labour local authorities that have failed time and again.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Will the member give way?

**Bill Aitken:** I cannot because I must let other members speak.

**The Deputy Presiding Officer (Mr George Reid):** As it is an important point, I will allow you



an extra minute, if you wish to take the intervention, Mr Aitken.

**Bill Aitken:** Let us have it then.

**Cathy Jamieson:** I thank Bill Aitken for reminding me why I entered politics—to fight the kind of nonsense that we have heard from the Conservatives today. I ask him to concentrate on the positive points that he has admitted are in the bill. We should get back to delivering for the people for whom we said we would deliver: all the children in Scotland's schools, and not just an elite few whose parents can afford to send them to schools that are outwith the state system.

**Bill Aitken:** I am sure that the Presiding Officer will allow me to deal with the positive points—it would not take terribly long.

Education is failing our children and our teachers, many of whom are dissatisfied with the way in which they are forced to do their jobs—jobs that are vital to the community of Scotland. At stages 2 and 3 we will put forward amendments, which I trust will be debated and received seriously. Members will then see exactly where we are coming from and we will have a much wider argument than time permits at present.

16:29

**Lewis Macdonald (Aberdeen Central) (Lab):** I welcome Mr Aitken's comments—I am sure that Labour councillors will be pleased to be given so much credit for bringing down the Tory Government. That proves that our councillors were indeed effective in the 18 years in which the Tories were in power.

Although it might not have been obvious from every speech, we are here to discuss the general principles that underlie the bill, which I welcome. The bill touches on the general principles that underlie the devolution settlement. Members will recall that, at the time of the devolution referendum and in the run-up to the Scottish Parliament election, there were genuine and widespread concerns about what devolution would mean for the powers and functions of local government. Some of those concerns focused on whether the provision of school education would remain the responsibility of local authorities, or whether that power would be sucked up and centralised by the Parliament.

I believe that the bill answers those concerns. Far from reducing the role of education authorities, the bill gives them a clear role, within a clear structure and division of responsibilities among Scottish ministers, education authorities and individual schools. That structure is focused not on keeping things as they are, but on making them better. It is focused on excellence, as Nicola

Sturgeon said, and on recognising that achieving excellence requires improvement.

That means new challenges for education authorities. A particular challenge faces Stirling education service, not only to maintain and improve high standards in all its schools, but to expose as groundless fictions the claims about bureaucracy and dogmatism that were expressed at such length by Mr Monteith and Mr Aitken. I am sure that Stirling Council will relish that challenge and that all the schoolchildren of Dunblane will benefit—as the local MSP, Sylvia Jackson, has said—from an integrated local authority education system. That is the right way forward in raising standards in Scotland's schools.

The bill presents wider challenges to all education authorities. I welcome the opening sections of the bill, which spell out the right of the child to receive and the duty of the council to provide a rounded education. I welcome those, but not as the basis for litigation, compensation or—the SNP favourite—legal opinion.

**Nicola Sturgeon:** As Lewis Macdonald is a member of the Education, Culture and Sport Committee and subscribes to the report of that committee, will he tell us whether he thinks that there is any merit in the legal opinion offered by Tom Mullen, and whether the Education, Culture and Sport Committee should ask for further clarification? Surely he agrees that there is no merit in passing meaningless legislation.

**Lewis Macdonald:** Politicians are well advised to read legal opinions before they comment on them. However, I support the report of the committee and I am looking forward to receiving further clarification.

The important thing about the bill's opening sections is that they lay the basis for the wider structure of school improvements, including the role of education authorities, which form the vital link between national priorities and school development plans. The challenge for councils is to translate those national priorities into a local sense of direction, adding local priorities where appropriate and ensuring that all schools in the area reach national and local standards. For the first time, education authorities will also be subject to inspection. They will welcome that as supporting, rather than weakening, their position.

In Aberdeen, the Primary Headteachers Association has echoed the concerns of the GTC about the reserved powers—under section 50 of the bill—of ministers to take a hand in the membership of the GTC committees. I welcome the minister's comments on that and seek an assurance that it does not suggest a lack of faith in the ability of the GTC to handle its own affairs.

Finally, in bringing forward the amendment to

which Mr Galbraith referred, will Mr Peacock reflect on the concern that mainstream education might not be appropriate for every child in every circumstance?

**The Deputy Presiding Officer:** I offer my regrets to the six members who were not called in the debate. We now move to the winding-up speeches.

16:33

**Donald Gorrie (Central Scotland) (LD):** The Liberal Democrats welcome the bill and the debate. The bill provides a good foundation on which to build. However, it has a rather mechanistic and top-down approach.

I view the bill from the point of view of the people who really matter: the children, the parents and the teachers. There have been some improvements, but the bill is not yet sufficiently child-centred. Children are at the centre of the enterprise and the bill should recognise that. In particular, the bill should take account of children's views. We have all remarked on listening and consulting, but there is no mechanism for listening to children. It is important that they can put their point of view. We must find out what pupils think about higher still, discipline in their schools and their opportunities for recreational activities.

As some of the groups that have given evidence have told us, the bill does not provide joined-up services for children. There must be better co-ordination between the proposals for services for children in schools and services provided by other agencies outwith schools.

In general, there should be more concentration on education outwith school. In his entry in "Who's Who", a prominent old Etonian said that education happened during holidays from school. However good a school might be, we must have better education outwith school—there must be more youth work and activity of that sort and we must invest some of the important new funds in that.

We must involve parents more through discussion and involving them in setting targets, setting the curriculum and so on. The stushie about section 28 may have had a good side effect in that it has stirred up a lot of parents who will go to schools to discuss how issues such as social education and sex education are dealt with—that is a good foundation on which to build.

Issues relating to the GTC and the professional development of teachers have been dealt with by other speakers. The Liberal Democrats believe that there should be more professional development through the GTC, but that the GTC should also help teachers who are either in the wrong job or have run out of steam to move into

some other activity or help them to deal with the defects from which they suffer.

Teachers are the key people in delivering education. There is, undoubtedly, a lot of stress on them at the moment. Some of the causes of that stress are excessive paperwork, unreasonable target setting and discipline problems. Ministers have good intentions and ideas, but they produce so many good ideas and the education department produces so much bumf that teachers suffer from initiative fatigue and are flooded with paperwork. We must deal with that. We might do that through a bumf-busting committee—which I have suggested and which people laugh at, although I think it is a good idea—or some other mechanism. We must reduce paperwork in schools because it creates a huge amount of problems.

The targets must be set from below by agreement; they must not be imposed from above. Targets must belong to the school—teachers must feel that they have ownership of them. Adequate resources must be provided to meet those targets.

I will take up Brian Adam's point about the problems that are created by disruptive pupils. The problems are few but they create a huge problem—just like the Irish Republican Army does in Northern Ireland. We must give more support to teachers to deal with that. Many good teachers, who teach many classes successfully, give up in a class that has three or four disruptive pupils. We must invest in more staff to help, either within or outwith the school, with difficult pupils.

There is concern that there is pressure on teachers and head teachers not to discuss those matters openly. Bullying does not only take place in the playground—it can also take place in the offices of directors of education, chairmen of education committees and so on. We must face those issues openly and honestly and deal with them. Dealing with a few disruptive pupils makes some teachers' lives hell. We must deal with that.

16:39

**David Mundell (South of Scotland) (Con):** I declare my usual British Telecom interest and my wife's membership of the GTC and continuing teaching activities.

I felt like I was back in school when Mike Russell told Maureen Macmillan off for laughing in class. I hope that she will not be detained on Saturday morning for that indiscretion.

Before summing up, I will raise a matter that has not been touched on, other than by Dennis Canavan. It is a matter that is close to my heart: information technology skills and the need—within our wish to improve standards—to develop a clear

set of principles for IT skills. We want children in primary and secondary schools to have those skills. Although I have submitted a number of questions to the Executive on IT skills in schools and the work force, I have not received a wholly clear and satisfactory answer on where the Scottish Executive is going on that issue.

I want to mention rural schools, and pick up on what Mr Galbraith said about public-private partnerships. In an area such as Dumfries and Galloway, it can be quite difficult to put together public-private partnerships for maintenance and improvement of smaller rural schools. I hope that the Executive will consider that point, because it is vital that schools are not closed simply because of the cost of maintaining them.

The Conservatives agree with the general thrust of the bill. However, we have significant concerns about the inclusion of seven sections on ending self-governing status. That gives disproportionate weight to what is clearly a dogmatic wish to remove St Mary's Episcopal Primary School's independence. We have already made clear how short-sighted we think that wish is, and our reasons have been clearly set out by Brian Monteith and others.

Although we agree with the aim of improving standards, we do not agree with the methods that are set out in the bill. We do not believe that they are appropriate or strong enough and we will lodge amendments on the points to which Brian has already alluded. We want a more complex set of improvement plans to be developed. We believe that there is a need for partnerships and for involvement of parents, teachers and pupils. The bill, with its rather enigmatic title, is likely to raise parents' expectations. However, like many other Executive policies, it will fail to follow through with action.

Spending and the position of local authorities, especially on school maintenance, are issues that the minister must address. He cannot deny that local authorities will have £23 million sliced from education budgets in 2000-01, which represents a cut in real terms of 0.82 per cent. Standards will never rise if local authority education budgets continue to be cut, as many members have pointed out.

We recognise that the vast majority of teachers are committed to increasing professionalism, and we welcome the thrust of the proposals on the GTC. However, we will seek to strengthen further the GTC proposals. Teachers should know that improving standards, ensuring that there is retraining and disciplining of failing teachers, will be done fairly, using similar systems to those that are used for doctors, nurses, solicitors and other professionals.

As Bill Aitken said, the bill is a curate's egg. Our amendment to today's motion has not been accepted. We will, therefore, vote against the motion.

16:44

**Fiona McLeod (West of Scotland) (SNP):** I reiterate Nicola Sturgeon's welcome on behalf of the SNP for the Standards in Scotland's Schools etc Bill. However, I must respond to David Mundell and his colleagues, who used the words "dogmatic" and "dogmatism". We have listened to a debate in which every contribution from the Conservatives has concentrated on one school in Scotland. There are more than 3,000 schools in Scotland, and they should think about raising the standards in all of them.

The Government disingenuously attempts to get away from the fact that we cannot improve schools in Scotland without adequate resources. A number of members, SNP and others, have said how the lack of resources hampers teachers in their vital work. We have heard a lot about Jordanhill, the school of Mr Galbraith's children. I draw the minister's attention to other schools that he and I know well in the East Dunbartonshire Council area that face a £480,000 cut in enhanced staffing levels. He talked in his opening speech about raising standards in schools in areas of deprivation, but schools in areas of deprivation in his constituency have just suffered a cut in resources of nearly £500,000.

**Mr Monteith:** Is the member aware that a Labour party branch in the minister's constituency has called for him to resign over the education cuts? Would she agree that he should seriously consider doing that?

**Fiona McLeod:** I would hate to get involved in an internal Labour party dispute.

We welcome the mainstreaming of special educational needs but resources must follow that intention. Again in the minister's constituency, East Dunbartonshire Council is about to cancel its plan to fill a post in psychological services in the education department. In that area, there is already a 34-week wait to have a child's needs recorded. That is nearly a whole school year before the child's needs are addressed.

I will raise an issue that has not so far been mentioned—no one will be surprised that I raise it—the position of school libraries and school library services. Last week, Mr Galbraith said that he considered information-handling and problem-solving skills as a national priority in education. With no statutory basis for school libraries, however, we deny children the opportunity to receive professional teaching of those essential, lifelong skills. I hope that the Executive will return

to that issue and the submissions made on it by the Scottish Library Association, the Scottish Library and Information Council and COSLA.

The basis of the bill is partnership in improving schools and education. That partnership must be with the most important users of the service, the pupils. We must never pay lip-service to involving pupils in their education. I said in Parliament to the Minister for Children and Education that he had left one group off the initial consultation list—pupils. I am delighted to say that he took up that suggestion and involved pupils in the consultation on the bill. However, pupils should be consulted under two sections. Section 5 deals with the annual statement of the education improvement objectives; subsection (2) states that the authority must seek to involve parents, but it does not say that pupils should be involved. Section 7(1) deals with the review of school performance; again, reference is made to parents, but not to pupils, being involved in that review. We must write pupils into the legislation to ensure that their part is recognised and acted on.

Parents are at least mentioned. However, we need to be more imaginative and creative in involving them. School boards have a role to play but we must involve parents in education forums in education authorities and schools and in subject circles. We need to promote active participation of parents, pupils and teachers together.

Pre-school has been mentioned. I must pick up on the question of physical punishment.

**The Deputy Presiding Officer:** Very briefly please.

**Fiona McLeod:** We cannot hide behind the legal technicality that physical punishment of three and four-year-olds in private nurseries cannot be prevented. We must address that in the bill.

In conclusion, the SNP welcomes the bill. With my colleagues on the Education, Culture and Sport Committee, we will work hard at stage 2. However, I finish with the caveat that legislation alone will not improve education; it is the people, and the people with resources, who will enhance Scottish education and ensure that it is a world beater.

16:50

**The Deputy Minister for Children and Education (Peter Peacock):** This has been a full debate and I am afraid that there is not enough time to address all the points that have been made. I am grateful for the support for the general principles of the bill from all the political parties, with the mean-minded exception of the Conservatives, for reasons that I may explore shortly.

**Mr Monteith:** We have tried to explain that there are aspects of the bill that we will support, but that at this stage we do not feel that we can support the bill in its entirety. We sought to lodge an amendment to the motion, which might have enabled us to support it, but that was not allowed. At later stages, we may change our attitude and our approach.

**Peter Peacock:** I will come back in a moment to an issue on which the Conservatives have been focusing and what they want to do with the bill.

As I said, I do not have time to deal with all the issues that have been raised, but stage 2 will provide us with the opportunity to address many of them.

A number of members have pointed to the fact that education cannot be improved just by passing new legislation. A combination of skills arising from local authorities, teachers, parents and pupils working together are required. If the bill represented all that we were doing about education, it would be fair to criticise us and say that, in itself, the bill would not automatically improve education. However, the bill is not the only thing that we are doing about education. Mike Russell managed to produce only three press cuttings from the whole of Scotland to justify his case—

**Michael Russell** *rose*—

**Peter Peacock:** I am sorry, Mike, but I must keep going. Contrary to Mike's case, more than £1.3 billion extra is going into Scottish education over the period of the comprehensive spending review. Yesterday, the Chancellor of the Exchequer increased education funding—I am sure that, as Sam Galbraith said, Scottish education will get its fair share.

Nobody mentioned the excellence fund. Nobody mentioned the national grid for learning.

**Nicola Sturgeon** *rose*—

**Peter Peacock:** It is appropriate that Nicola gets to her feet, because she wants to scrap the national grid for learning and take Scottish children back in time.

Nobody mentioned the early intervention programmes. Nobody mentioned home-school links. Nobody mentioned the specialist schools that we are opening. Nobody mentioned the extra money for special educational needs. This Administration is implementing a catalogue of measures that are improving Scottish education and, through the bill, it is creating a framework for the future on which we can have further debates and continue to improve the education system. That is what we are seeking to do.

A number of members have asked whether

targets are too narrow a measure of how we quantify success in education. We have a lot of sympathy with that view. Targets remain an important part of the future measurement of success, but they are rather narrow in their definition. Part of the purpose of the bill is to promote national debate about the priorities for education, and within that debate we hope to explore that matter in more detail. Dennis Canavan talked about added-value measures, rather than pure-target measures. Work is ongoing on that, and we hope to make progress in the near future.

**Nicola Sturgeon:** I know that the Deputy Minister for Children and Education is keen to gloss over the issue of resources, but I do not think that the rest of the chamber is quite so keen to let him. If everything in education is so fine in terms of resources, can he answer the questions that were posed by many members across the chamber today? Why did local authorities only last week cut £23 million from education budgets? Why is it that special educational needs provision is being reduced? Why is it that school meal prices are going up and other services are being cut? If everything in the garden is rosy, why are local authorities screaming for more resources?

**Peter Peacock:** That is a complete distortion of what is happening. The Executive, as Sam Galbraith indicated, has passed on to local authorities an increase of something like 17 per cent in grant-aided expenditure over recent years. Someone alluded to Aberdeenshire Council—some councils are attracting a lot of attention. The fact is that Aberdeenshire Council spends below its GAE. It is for that council to prioritise its spending and for it to explain to its electorate why it is spending below its GAE. The Executive is—quite properly—approving increasingly more resources for education.

A number of members referred to the enforceability of section 3 of the bill, which sets out an explicit new duty on ministers and local authorities to seek improvement over time. That is a new and important step forward, which extends the existing provisions for local authorities to provide adequate and efficient education. Ministers and authorities may be called on to account in the courts for their efforts to promote improvement and Scottish ministers may be held to account against that standard in Parliament.

Under an amendment that will be brought forward to the committee by Scottish ministers, ministers will be given the power to direct a local authority to comply with that duty or any other duty under the bill. Should an authority fail to do that, there will be a power to take appropriate action. That brings the bill into line with the powers under the Education (Scotland) Act 1980.

**Michael Russell** *rose*—

**Nicola Sturgeon** *rose*—

**Peter Peacock:** I must press on, Presiding Officer.

We have had an extraordinary display this afternoon from the Conservatives, whose only contribution to the debate has been to look back in time to a period of substantial difficulty in Scottish education, rather than to look forward. St Mary's was about the only thing that the Conservatives could talk about—they focused on 70 children in Scotland, not on the 700,000 children for whom we are responsible.

That typifies the Conservatives' approach of the past and sends a signal to the Scottish people about how they would treat power if they were ever given it again. It is as if the Tories have rediscovered a cupboard full of old policies that they could not sell the last time round. Instead of having the guile to repackage them, they are trying to flog them again, despite the fact that no one wanted them the first time around and that they are well past their sell-by date. St Mary's is the only school that has opted out. It should have absolutely no fears about joining the majority of Scottish children back in the fold of local authority control. I am absolutely confident that it will flourish in that situation; indeed, it may achieve even higher standards in a supportive environment.

**Mr Monteith:** Will the minister give way?

**Peter Peacock:** No, thank you.

A number of members have referred to the SJNC. The SNP in particular has made clear its opposition to our proposal to abolish the statutory basis of the SJNC. No one with the real interests of teachers and education at heart will thank them for that.

In evidence to the Education, Culture and Sport Committee, the National Association of Schoolmasters/Union of Women Teachers, the Association of Head Teachers in Scotland and the Convention of Scottish Local Authorities opposed the SNP's proposition. All cast doubt on the effectiveness of the SJNC. Even Ronnie Smith of the EIS recently lamented the decline in teachers' relative standards of living during the past 12 years, the period in which the SJNC has been at the height of its powers—although he did not seem to be able to make the connection between the two things. The plain fact is that the SJNC has failed teachers and, by failing teachers and pupils, has failed the education system of this country. It is time to move forward and to find a new framework, which is what we intend to do.

**Nicola Sturgeon:** Will the minister give way?

**Peter Peacock:** I am not giving way any more.

Nicola Sturgeon, Brian Monteith, Ian Jenkins and a number of other members raised points about the GTC. We are proposing significant changes to the powers of the GTC. As Sylvia Jackson said, we need to give the new organisation time to settle down before we review how its powers may be further extended. The continuing development of the GTC remains on our agenda. That is central to the way in which we can improve the status of teachers, their professional development and professional regulation.

Our proposals for the GTC have received widespread support. The SNP, like Brian Monteith, suggests that we should go further and give powers to the GTC to investigate directly complaints about teachers and potentially, therefore, to discipline teachers. We do not believe that that is the right way in which to proceed at this time. Not only would that proposition cut directly across the rights, duties and role of the teachers' employers, making their job as employers less clear and more complex; it would, we believe, have very significant resource implications.

**Nicola Sturgeon:** Will the minister give way?

**The Deputy Presiding Officer:** The minister is winding up.

**Peter Peacock:** The Advisory, Conciliation and Arbitration Service is helping us review with local authorities the discipline procedures that apply to teachers. Within that context, it may be that we can move further forward, but we must wait to see the outcome of the work.

I do not think that anybody denies the policy intention that we are trying to achieve with our proposals on placing requests. However, we are relaxed about adopting a different set of words to maximise parental choice and to ensure that the system runs efficiently, if such words can be suggested to us during stage 2. We do not have a closed mind to that in any respect, provided that we meet our policy intention, which everyone, I think, shares.

Michael Russell and others touched on Gaelic-medium education. Just a few weeks ago, members from all parties in the Parliament showed their commitment to Gaelic. I support the determination to see Gaelic survive and thrive in a secure environment.

During the period at Highland Council when I was responsible for the council's finances, and when I was leader, Gaelic-medium education grew substantially. That did not happen by accident, but on purpose. My commitment to Gaelic is real and it leads me to the view that the way in which we plan to promote Gaelic-medium education is in the

best long-term interests of the cause that we all support. We plan to build support by consent and to use the new legal framework that the bill provides to promote Gaelic as a national priority, thus strengthening its position. Our plan recognises that the law alone cannot secure Gaelic; we require more teachers and a whole range of other services. The stage 2 committee discussions will give us all an opportunity to set out more clearly our thoughts on that.

We have listened closely to what has been said on equal opportunities by Mary Mulligan, Shona Robison and others, including the Parliament's Equal Opportunities Committee. The Parliament's own processes and opportunities for legislation present some opportunities. Equally, we must recognise that opportunities exist at UK level. Furthermore, we are all bound by the legislative provisions of the UK Parliament. In that context, it is important to draw a distinction between what should be dealt with in education legislation and what is best—and most appropriately—dealt with elsewhere. However, we are mindful of the points that a number of members have made and we hope to provide appropriate reassurance on those issues at stage 2.

As Kenny Macintosh said, the people of Scotland know that in this Administration they have a Government that is committed to education. We are committed to ensuring that every child in Scotland has the ability to reach their full potential and that all our efforts are directed to supporting that aim, putting individual children at the centre and heart of our education policy. The bill will contribute significantly to the achievement of that goal and I commend it to the Parliament.

## Standards in Scotland's Schools etc Bill

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Standards in Scotland's Schools etc. Bill, agrees to the following expenditure out of the Scottish Consolidated Fund—

(a) expenditure of the Scottish Administration in consequence of the Act; and

(b) increases attributable to the Act in the sums payable out of the Fund under any other enactment.—[Mr McCabe.]

## Business Motion

*Motion moved,*

That business be extended beyond 5.30 pm to consider members' business.—[Mr McCabe.]

*Motion agreed to.*

## Decision Time

17:02

**The Presiding Officer (Sir David Steel):** The first question is, that motion S1M-532, in the name of Sam Galbraith, on the general principles of the Standards in Scotland's Schools etc Bill, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

### ABSTENTIONS

Harper, Robin (Lothians) (Green)

**The Presiding Officer:** The result of the division is: For 88, Against 19, Abstentions 1.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Standards in Scotland's Schools etc. Bill.

**The Presiding Officer:** The second question is, that motion S1M-460, in the name of Jack McConnell, on a financial resolution on the

Standards in Scotland's Schools etc Bill, be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Standards in Scotland's Schools etc. Bill, agrees to the following expenditure out of the Scottish Consolidated Fund—

(a) expenditure of the Scottish Administration in consequence of the Act; and

(b) increases attributable to the Act in the sums payable out of the Fund under any other enactment.

## National Health Service

**The Presiding Officer (Sir David Steel):** We now come to an urgent ministerial statement by Susan Deacon on the national health service in Scotland. The minister will take questions at the end of the statement, so there should be no interventions.

I apologise to the minister; I have been in meetings all afternoon and have only just seen the statement—it is rather long and contains material that I do not consider to be urgent. I hope that it will be shorter in delivery than the text that I have in front of me. With that health warning, I invite the minister to deliver the statement.

17:04

**The Minister for Health and Community Care (Susan Deacon):** Presiding Officer, I am grateful for the opportunity to make this statement. I will take your words to heart, as I had intended to. I also apologise to Opposition colleagues for the late delivery of my statement this afternoon, for which I take full responsibility.

Today, I want to set out how the Scottish Executive intends to translate some of the major spending commitments made in yesterday's budget into real improvements in the NHS in Scotland and in the health of the Scottish people.

This afternoon, the Prime Minister made a statement at Westminster on the UK Government's plans for the NHS. It is right and proper that I should take this opportunity to set out to the chamber the Scottish Executive's plans for health policy in Scotland.

As I have said consistently, the NHS is our most important public service, the most important goal of which is the health and well-being of our people. In our partnership agreement and again in our programme for government, we made clear our commitment to work together to build a healthy Scotland and to make substantial, real-terms increases in NHS spending each year for the lifetime of this Parliament. An extra £300 million has already been invested in the current year and we have already committed an additional £300 million for the 2000-01 financial year. That is—already—a record level of investment in the NHS in Scotland, but now we can do even more.

Yesterday's budget demonstrated the UK Government's commitment to the NHS and our public services. The Scottish Executive shares that commitment and we welcome the resources to support it. We recognise also that the increases in public spending, north and south of the border, have been made possible only as a result of



sound management of the UK economy.

As a consequence of yesterday's budget, the assigned budget of the Scottish Executive will now receive an additional £300 million in the next financial year. We will not specify today the details of how those resources will be allocated, as that is, rightly, a matter to be considered and determined in Scotland. Next week, the Scottish Cabinet will start to discuss how this major spending boost can best be matched to the delivery of our policy priorities and further detailed announcements will be made to this Parliament.

However, I can announce to Parliament today that the Executive will direct, from within that £300 million, substantial extra investment to the NHS in Scotland—over and above what we have already committed. I stress that we will not only spend more; we will spend better, which is why the additional investment we will now direct to the NHS in Scotland must be linked to change—real change to deliver real benefits to real patients. Investment must be linked to improvement. It must be coupled with reform and it must lead to a fundamental shift in the quality and responsiveness of the health care that the NHS provides.

Let me be clear: the quality of clinical treatment and care offered in the NHS in Scotland is high. In many cases, it is world class. However, the patient's experience of the service as a whole must be improved. As I have said before to the chamber, the system lets patients down too often, with poor communication, badly designed services, old demarcations, old buildings and old ways of working, which must change. Our programme of investment in the NHS must—and will—go hand in hand with our programme of modernisation, improvement and change, which has already started. The additional new investments that we will announce will enable us to accelerate that programme radically. We are investing in change and in improvement.

I am clear that we will not simply take this extra money, give the NHS a major cash injection and sit back hoping that it hits the right target. Over the coming months, we will work in partnership with local health boards to put in place a planned and transparent programme of investment and change across the NHS in Scotland. The Scottish people rightly expect results, as do I, and I will report those results to Parliament.

Our extra investment will deliver better services and more support for NHS staff to deliver the kind of care that they—and I—want patients in Scotland to have. I want an NHS that is based on partnership and collaboration and that shares expertise across the service, across sectors, across professional boundaries and across different health board areas. That learning and

willingness to share experience and ideas must extend right to the heart of Government.

This afternoon, the Prime Minister invited the devolved Administrations to join the UK Government in a Joint Ministerial Committee and to work in partnership to improve the NHS. I welcome that invitation. We are sharing experience where appropriate and developing distinctive solutions where necessary.

It is to a distinctive policy initiative—a solution to an enduring Scottish problem—that I now want to turn. An effective health policy is not just one that gets better at treating more and more sick people in hospital; it is one that gets better at enabling more people to stay well and to stay out of hospital.

Our hospitals are important, which is why we are investing in eight new state-of-the-art hospital developments—the biggest hospital building programme in the history of the NHS. However, our efforts and our investment to build a healthy Scotland go well beyond providing hospital beds and bricks and mortar. Our policy is about prevention as well as cure. Half of all Scots will die from cancer and heart disease, although a third of cases could be prevented. Scotland ranks high on the European league table of ill health and compares poorly with other parts of the UK. That must change.

On 1 September, I led a debate in this Parliament on our plans to improve the health of the Scottish people and on ways in which we can work together once and for all to rid Scotland of the tag “the sick man of Europe”. Four major national health demonstration projects, backed by £15 million of investment, are now being undertaken as test beds for action on improving children's health, sexual health, cancer and heart disease. That is a start, but the problem is deep-rooted.

We all know that we need to improve Scotland's health record and change the life circumstances, lifestyles and life habits that are so deeply ingrained in Scottish society. We know that our people's quality of life will suffer, that too many people will die young and that our national resources will for ever be under strain to treat more and more sick people if we do not do that. Today, I am signalling this Executive's absolute determination to turn the situation around.

The chancellor yesterday announced details of the proposed tobacco tax on cigarettes. Today, I am pleased to confirm to Parliament that it is our intention to hypothecate Scotland's share of that money to the health budget. I am even more pleased to announce that we will direct £26 million to support the largest investment in health improvement and public health in Scotland's

history. That is the biggest ever springboard for what needs to be done in Scotland: we must wage war on ill health among our people.

We will create a health promotion fund to help meet our long-term targets for better health and social justice. We will use the new resources from tobacco taxes to step up our anti-smoking measures and to tackle the habit that kills more Scots than any other. We will seek to extend screening into new areas of disease and across wider age groups. We will step up vaccination programmes to protect the vulnerable and prevent the spread of illness. We will renew health promotion in Scotland to make a real and lasting impact on lifestyles—not meddling or nannying, but, for the first time, delivering step change improvements in physical and mental health—by taking action on diet, exercise, alcohol and drug misuse as well as on smoking.

I will introduce a new national strategy group to drive forward our work in this area. It will comprise government officials, health professionals, teachers and voluntary and community representatives as well as health education and promotion experts. The new national group will play a key role in helping us to determine how best the resources can be directed. We will be aided by a new public health institute for Scotland that will provide a new focus and drive for our work.

Primary care professionals will be at the heart of our plans and their delivery, and our work will place particular emphasis on our children and young people. There is overwhelming evidence that giving babies and children a healthy start in life provides them with the foundation for good health throughout their life.

Today's announcement—a distinctive Scottish solution to the Scottish problem—indicates a radical shift in emphasis towards investing in better health, investing in the next generation and investing in Scotland's future. This is a watershed moment for the Parliament. I hope that all members will share my enthusiasm for the opportunities and challenges that lie ahead of us and that, at last, we can unite in support of measures that will enrich and extend the lives of so many ordinary people here in Scotland.

**The Presiding Officer:** I would like to thank the minister for taking my hint.

**Kay Ullrich (West of Scotland) (SNP):** I bet all members are very glad that they stayed on for that. It was a gey insubstantial emergency statement, even by new Labour standards. We have tried for months to secure an admission from the minister that the health service in Scotland is grossly underfunded and been unable to get it from her. We have at last secured it through the back door, by the chancellor's statement

yesterday.

In his speech, the chancellor committed the UK to a 6.1 per cent increase in the health budget—this year, next year, the year after that and the year after that. Will the minister today make the same commitment to a 6.1 per cent increase over and above the rate of inflation in the budget of the health service in Scotland? To meet the chancellor's commitment to the UK, the minister owes Scotland an additional £1.1 billion. Is she prepared to commit that amount to the health service today—yes or no?

**Susan Deacon:** A couple of weeks ago, I picked up a major Scottish Sunday newspaper and was pleased to see the SNP health spokesperson on the front page calling for a cross-party war on ill health in Scotland. This afternoon, I have announced the biggest ever injection of resources and energy into tackling that problem. It would be helpful and mature if SNP members would have the good grace to welcome that. If they want to unite with us in tackling the real problems of Scotland, that is what they should do.

**Members:** Answer the question.

**The Presiding Officer:** We cannot have shouting when the minister is replying.

**Susan Deacon:** We have just said that we are going to make substantial additional investment in the NHS in Scotland. We have said that the detailed decisions will be taken here in Scotland. We have said that Scottish ministers will take them and report them to this Parliament. I am sorry, but that is what I thought Scottish democracy was about, and that is what we are about.

**Mary Scanlon (Highlands and Islands) (Con):** I thought the nearest our impartial Presiding Officer came to saying that the statement was froth and had no substance was his polite indication that it did not contain material that he considered urgent. We very much welcome that.

On its web page, the BBC reports that £173 million of additional money will be available to the NHS in Scotland. If we deal with three scandalous problems that were caused by this Administration, we will already have spent £181 million. If we use it to tackle the 1,271 unfilled vacancies for nurses, that will cost £25 million. It will cost £106 million to get rid of bed blocking, while the financial deficits in our hospitals are running at more than £50 million. Will the minister address those problems, or will the money be used to tackle other problems that the Executive is about to create?

In 1997, the Government promised that the NHS was safe in its hands. [MEMBERS: "The Tories said that."] In 1999 it promised the same thing. It is doing it again in 2000.

**Ben Wallace (North-East Scotland) (Con):** Twenty-four hours to save the NHS.

**Mary Scanlon:** Absolutely—the Government has had three years.

The minister says that the investment is linked to reform. We would all welcome that, as there are serious partnerships that have to be identified in the NHS. Today, an official investigation by the Office of the Commissioner for Public Appointments has been announced into the fact that 75 per cent of appointments to health boards and health trusts are Labour political appointments. Will appointments to the new bodies to which the minister has referred be based on merit, or need only card-carrying members of the Labour party apply?

The minister announced the national strategy in September. She has had seven months to get it up and running. She is now saying not that she has put it in place, but that she will bring people together. How many strategies, focus groups, commissions, reviews and glossy brochures have to be announced before things can actually happen?

Finally, of the eight new hospitals, four were already announced under the Tories. Could we have bit of truth here?

**Susan Deacon** *rose*—

**The Presiding Officer:** Before you answer, minister, I would like to say that members must not bring the Presiding Officer into this argument. The minister quite properly removed parts of her prepared text, which I had. I think that the statement that was given was perfectly in order.

**Susan Deacon:** I do not know about ministerial statements not containing something new, but one thing is for sure: Opposition spokespeople's comments and questions in health debates certainly do not seem to contain anything new. That is a pity. We are on terrain on which we can and should unite, as we have said before. The Executive is prepared to do that. It would be helpful if Opposition members would consider doing that.

Mary Scanlon talks about our not having done enough in seven months. I remind Conservative members that they had 18 years to do some good for the NHS in Scotland and for the health of the people of Scotland. The reverse was achieved, and the very reason why we need such deep-rooted, long-term solutions now is because of the long-lasting damage that the Conservative Administration did.

Today, we have set out the targeting of £26 million for improving health. We have been clear—not just in our words, not just in our investment, but in our action—about tackling some of the real,

deep-rooted changes that need to be made to deliver effective health and social care for the people of Scotland. I defy anyone in the chamber to question the Executive's commitment to that agenda. I do not think that anyone would believe the questions that have been raised by members of the Conservative party.

**Nora Radcliffe (Gordon) (LD):** It is quite nice to have £300 million extra to spend, I would have thought.

The minister's statement gives me particular pleasure on two counts. My Westminster colleague Malcolm Bruce, speaking as Treasury spokesman, advocated the hypothecation of tobacco duties for health years ago. It was a Liberal Democrat manifesto commitment in 1997. A health promotion fund was in the Scottish Liberal Democrat manifesto and in the partnership agreement. I am delighted that that will come to fruition now and that we do not have to wait for 10 years to have it.

**The Presiding Officer:** We need a question.

**Nora Radcliffe:** Does the minister agree that this new allocation of money is an excellent—even golden—opportunity to break new ground without having to take resources from on-going work? Does she agree that prevention is better than cure and that public health and preventive measures are the most effective way of spending the money?

**Susan Deacon:** I am glad Nora Radcliffe has raised those points. [*Laughter.*] I am glad because they are the real issues. So often we hear pleas from people inside and outside this chamber that we should focus on the real issues. I do not know what is more real than focusing on improving the health of the people of Scotland.

Suggesting that there is a quick fix to the problems of the NHS and to improving Scotland's health, and suggesting that there is any one package of money that could do that is either irresponsible, stupid or economical with the truth. We are being honest and open about how we are going to set about that challenge and about how we are going to pay for it. We are clear about our determination to do that.

On that point, Labour and the Liberal Democrats in this Parliament and in this Executive stand shoulder to shoulder. Devolution is about delivering real improvements to the quality of people's lives. Devolution is about making real improvements in the health of the people of Scotland. While we reach for real improvements and for real solutions, certain members seem to be able to reach only for their calculators. When will they raise their game? It is about time the Scottish people were told.

**Bristow Muldoon (Livingston) (Lab):** Does the minister agree with me—[MEMBERS: “Yes.”] Does the minister agree that the orchestrated carping that is coming from SNP members, who want the NHS to fail so that they can use it as a political football, and from Conservative members, who want to privatise it, is extremely disappointing? We should be welcoming the investment of £26 million in public health in Scotland that the minister has announced, which will be added to the Executive’s recent investment in accident and emergency services. We should congratulate the Labour Government in Westminster on the stewardship of the economy that has made those resources available.

**Susan Deacon:** It will come as no surprise to colleagues in the chamber that I am happy to agree with Bristow Muldoon. I would like to pick up on two of the points that he raised. It was announced this week that a further £11 million will go into the redesign of accident and emergency services in 12 different projects across Scotland—including one in Bristow Muldoon’s constituency, which I know is why he takes a passionate interest in this. That is a prime example of the way in which we are linking investment to improvement. It is not about throwing money at problems; it is about targeting money on solutions.

My second point concerns something that Bristow mentioned but which I did not mention—privatisation. We know that there are huge demands on the NHS and that huge challenges face us. We are matching those demands with action, with investment and with change. We will not allow the fundamental principles of the NHS—that it should be free at the point of need and funded by general taxation—to be challenged. Certain members in the chamber should be honest and admit that they would prefer a two-tier privatised system. We will have none of it.

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** While we are on the subject of accident and emergency, I am beginning to think that this statement is more of an accident than an emergency.

May I drag the minister kicking and screaming all the way back to the first question? The chancellor has said that there will be a 6.1 per cent, real-terms, above-inflation increase every year until 2004. Will the minister—or will she not—give that commitment to Scotland? It was a clear and simple question, but it was clearly beyond her. If she is going to tell us that it is a matter for the Scottish Executive, will she also take the opportunity to give her personal commitment to fight for a 6.1 per cent, real-terms increase every year until 2004? Will she admit that if that 6.1 per cent increase is to happen, it will mean that the Executive owes Scotland £1.1 billion? Is she going

to make that money available, or is she not? Will she tell us the truth now? Otherwise, she will be harried all the way to Kingdom come.

**Susan Deacon:** Fact: an extra £300 million has gone into the NHS this year and another £300 million will go in next year. Fact: an extra £300 million is going into the Scottish block as a consequence of yesterday’s budget. Fact: this Scottish Executive will consider the best way of using those resources and will make the NHS a top priority. Those are the facts; the answers have been given.

While Duncan Hamilton was honing his student debating skills before he entered this Parliament, some of us were working out there, in the real world, in Scotland’s public sector, in our public services. Now that we are in here, we have the chance to make a real difference and we are going to do it.

**Ms Margaret Curran (Glasgow Baillieston) (Lab):** On a point of order. I am the last person who should criticise people for shouting in the chamber, but the shouting should surely not be so loud that we cannot hear a word that is being said.

**The Presiding Officer:** I sympathise with that point. If SNP members want to be called to ask questions, they may want to be a little quieter and listen to the answers.

**Mr John McAllion (Dundee East) (Lab):** I would like to give a warm welcome to the news that a Labour chancellor, in the best old Labour traditions, has given a massive cash boost to the NHS in Scotland.

The minister will be aware that on 1 April Tayside University Hospitals NHS Trust will carry over a £12 million deficit to next year’s budget, which already has an in-built £10 million deficit, leaving the trust facing cuts of more than £20 million over the next year. Will the minister assure us that Tayside’s share of the massive increase in spending in the NHS from 1 April will be sufficient to buy enough time for the health board to carry through and fully consult on the changes arising from its acute services review and that the trust will not have to implement any changes before that consultation is completed?

**Susan Deacon:** The chamber has discussed the health service in Tayside on a number of occasions. It is because of my concerns about deep-rooted problems—financial and otherwise—in Tayside that an expert task force has been established and is working with the health authorities in Tayside to consider how the financial situation can be turned around and how the health service in Tayside can be restored.

I will repeat a relevant point that I made earlier. High-quality patient-centred care will be delivered

not by simply throwing money at problems, but by ensuring that services and resources are managed effectively and are targeted to need. Of course the health service in Tayside will benefit from the additional resources, but it will be required to demonstrate how those resources will be put to use and how patients can reap the benefits of the additional investment that we are making.

**Ben Wallace (North-East Scotland) (Con):**

Just like a good Labour chancellor, Gordon Brown overestimated revenue from tobacco duty last year by £3 billion. If his figures are similarly out this year and next, the hypothecated £26 million could well reduce to £18 million. Will the minister therefore assure us that, should that revenue reduce, she will make up the shortfall?

**Susan Deacon:** My preference would be for fewer people to be smoking. Should the tax revenue from tobacco decline, I would not weep.

We have made a commitment based on the best estimates that can be made. *[Laughter.]* Well, if SNP members can gaze into their crystal ball and tell me how many cigarettes will be smoked next year, I will be impressed. Maybe they could get their calculators out to help them.

We have allocated £26 million in the coming year. As that shows, the Executive is committed to improving public health. I am happy to give that assurance to the chamber.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister agree that the health service in Glasgow is in a critical condition and needs massive investment? Does she agree that today's announcement represents the proverbial sticking plaster on the gaping wound that exists in Glasgow?

Is she aware that the Greater Glasgow Health Board launched this week its consultation exercise on a massive programme of cuts? The cuts will mean that Stobhill infirmary will lose all medicine, surgery, oncology and gynaecology services; the Western infirmary will lose all medicine and surgery services; Victoria infirmary will close; the Queen Mother's hospital will close; the sick children's hospital will close; the dental hospital will close; and all accident and emergency departments apart from those at the Southern general hospital and the Glasgow royal infirmary will close. Will the minister give a commitment that money will be diverted to Glasgow to avoid those closures?

**Susan Deacon:** The misleading nature of Tommy Sheridan's question is reprehensible. As he well knows, the process of change that the health board has embarked upon—openly and in full public consultation—is not about a programme of cuts or service reductions but about a wide-

ranging programme of service transformation and improvement for the benefit of the people of Glasgow.

The way hospital facilities in Glasgow have developed over the years reflects the needs of the people of the past, not the people of the future. Greater Glasgow Health Board has made clear that its changes will be coupled with investment totalling £400 million.

This is about improvement and change. If Tommy Sheridan or any other member wants to stand up and say that the status quo is enough and that there should be no change in the health service, they should say so. We are prepared to say that change is not only desirable but necessary, and we are backing such change with money and determination. I am sure that Greater Glasgow Health Board will do the same.

**The Presiding Officer:** Although a lot of members want to ask questions, the time is up. However, I will take two more questions.

**Des McNulty (Clydebank and Milngavie) (Lab):** I strongly agree that the overriding intention behind the minister's measures is to improve the quality of health. Given that greater Glasgow has one of the poorest overall health records in Scotland, is the minister considering distributing additional resources, particularly money raised through the tobacco tax, in line with health needs? Furthermore, will there be a clear bias to ensure that areas with the poorest health benefit the most?

**Susan Deacon:** One of the features of this Administration's health policy is the recognition of the clear link between poverty and ill health. We are determined to tackle that. That approach not only informs our health policy but extends into the Executive's work on housing, education, transport and so on. I know that Des McNulty was involved in the Glasgow Healthy City Partnership. The work of such organisations provides a model for how agencies can come together to make a real difference to the needs of people in our poorest areas.

We are determined to allocate and direct resources to meet those needs, which is why we are embarked on a review of how we allocate the total amount of NHS funding in Scotland. I hope that we can make progress on that in the coming months, because it matters. Alongside that review, we will work with communities, other organisations and people in Glasgow and throughout Scotland to ensure that people's health improves.

**Mrs Margaret Smith (Edinburgh West) (LD):** I welcome the minister's statement, particularly its focus on public health and the prevention of ill health.

I have two questions. First, what is the remit of the proposed public health institute for Scotland? Secondly, people have raised concerns about the shortage of public health professionals in Scotland. Will some of this new money be used to train and employ more public health professionals to work on the ground to tackle Scotland's health problems, particularly the problems of health inequalities that Des McNulty mentioned?

**Susan Deacon:** I am grateful to Margaret Smith for her questions and for focusing on the substance of the issues that I have raised this afternoon. On the first question, the proposal for a public health institute derives from a report published just before Christmas by the chief medical officer, Sir David Carter. The report set out the outcome of a full review of the public health function in Scotland and, as a widely participative and consultative exercise, its findings represent the consensus of a wide range of public health professionals right across Scotland. The report recommended the creation of a public health institute in Scotland to provide a real focus for research in this area and to harness the excellent work in gathering data and evidence. That will give us the basis to inform our policy making to take action on and link investment to areas of real need.

The institute will also help us to establish the best ways of deploying resources and staff to tackle the problems we face. The work of all our health professionals—people who work in schools, directors of public health, public health nurses, health visitors, midwives and others—will be crucial to the agenda that I have outlined, and I look forward to the future to find out how we can harness such expertise and resources to make the greatest possible impact on the health of the people of Scotland.

**The Presiding Officer:** I can see that there is a point of order. I have allowed a five-minute overrun on the normal time for statements, but I must protect the following members' business debate.

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer. Will you consider referring the question of emergency statements, and the criteria for them, to the Procedures Committee? Members have experienced great difficulty getting emergency questions and debates, and what we have heard today is much closer to a party political broadcast than an emergency statement. The only emergency is the collapse of Labour party poll ratings.

**The Presiding Officer:** It is not for me to refer to the Procedures Committee. You are a member of that committee—you are capable of raising it there yourself.

## Lothian and Borders Police

**The Deputy Presiding Officer (Patricia Ferguson):** I ask members who wish to speak in the debate to press their request-to-speak buttons now, please.

The final item of business is a members' business debate on motion S1M-451, in the name of Mr Kenny MacAskill, on Lothian and Borders police. The debate will be concluded after 30 minutes without any questions being put.

### *Motion debated,*

That the Parliament, recognising the additional burden placed on Lothian and Borders Police by the arrival of the Parliament and the security and public safety implications thereof, notes that in London additional resources are made available to the Metropolitan Police; seeks that due cognisance be given of this situation; and recognises the importance of ensuring that sufficient and adequate resources are made available to the Lothian and Borders Police to meet the additional requirements facing them.

17:41

**Mr Kenny MacAskill (Lothians) (SNP):** I would previously have begun a speech on the police by saying, "Ladies and gentlemen of the jury, I ask you to disbelieve the evidence of the police officers." However, times have changed, as has my employment. In this instance, I have no hesitation in asking the minister and the members present to accept the evidence of the police.

There are two aspects to this motion. The first relates to the increased policing requirements of Parliament and the second to the increased policing requirements of Edinburgh. Those aspects are interrelated, but the effect is the same. The police in Lothian and Borders are required to do ever more work, requiring ever more resources, without any significant increase in funding. I am aware, as are the police, that there is no bottomless pit of money.

I am aware that the Scottish Parliamentary Corporate Body has funded in part the Parliament police unit. I think I speak for everybody, within and without the chamber, when I say that the members of that unit, to a man and to a woman, have acted courteously and affably and have been extremely professional. Their presence is reassuring to all in the Parliament; they have been open and friendly, while providing security for the Parliament. They have maintained a warm welcome, not only for MSPs, but for visitors and tourists alike.

However, the parliamentary unit cannot cope with all the additional requirements of the Parliament. Indeed, evidence of that was seen as recently as Tony Blair's visit, when additional officers were required and were brought in from

elsewhere within the jurisdiction. While the current unit can cope with the day-to-day running of the Parliament, it is not in a position to deal with the ever-growing burden of responsibility that is brought about by the knock-on effects of the Parliament.

This motion is, in part, a request that—like the Parliament's recognition of its responsibility for increased policing requirements—there should be national recognition of and responsibility taken for Edinburgh's increased policing requirements, which are, in whole or in part, brought about by Parliament's existence. It would be wrong to expect Lothian and Borders police to cut its uniform, so to speak, to fit its budget, or to expect council tax payers in Lothian and Borders to meet the increased costs alone. While everybody in Edinburgh and its environs welcomes the Parliament, it would be unfair to burden them with its total cost. Edinburgh has moved from being a capital city in name only, to being a capital city with all the needs and requirements that go with that.

What are some of those additional requirements? First, there has been a growth in the number of foreign consuls locating in the city. They provide us with status that is welcome. Secondly, VIP visits—by Tony Blair or others—are on the increase. Such visits are mainly the result of the establishment of the Parliament and the creation of a focus for visiting this city. I understand that there were more than 160 such visits from VIPs and royalty last year.

Thirdly—and this is, to some extent, related to VIP visits—there has been an increase in the number of ceremonial occasions such as the opening of Parliament. Fourthly, there has been a growth in the number of conferences, which is partly due to the opening of the Edinburgh International Conference Centre and the availability of facilities such as hotels. However, the recognition of Edinburgh as a capital city and its growing cosmopolitan status have, no doubt, added to its attraction as a conference venue.

Those events and occurrences require to be policed. Some of the occasions might simply require traffic management and crowd control. These are serious matters that require significant planning and forethought. Other matters, such as the Commonwealth Heads of Government meeting and the NATO conference, constitute a significant security risk. Accordingly, heightened police presence is required, with the increased pressure and planning that that involves.

Although payment was made directly for the policing of CHOGM and the NATO conference, such payments are not always applicable. Moreover, the payments that are made do not adequately reflect the costs that are incurred.

Although recompense is made for the use of police officers, nothing is provided for the disruption that is caused elsewhere in the force's jurisdiction. Edinburgh's gain for events such as those conferences is at the expense of policing in places such as the Borders.

Those are some of the technical reasons for more police, but there are other structural and demographic reasons. Edinburgh is booming—it is not only a capital city, but a cosmopolitan one. As a long-time resident of Auld Reekie, I welcome the change, but I think that it puts increased strain on the police service. The growing number of visitor attractions such as Dynamic Earth brings in tourists for the day or longer. They, too, require increased police resources while they are guests in our city; they require to be kept safe and secure. However, their presence is often a magnet for a criminal element who see easy pickings and who prey on such crowds.

The hogmanay and festival attractions are added to by the city's growing international reputation, which is partly fuelled by its capital status. From a policing perspective, they are a significant consideration and require substantial resources. The level of policing for the millennium celebrations was considerable—Lothian and Borders police officers were not at liberty to celebrate the new millennium with their families or friends when the clock struck 12.

Lothian and Borders police, partly—if not mainly—as a result of the Parliament, directly or indirectly faces increased responsibilities. The landing of the Parliament in Edinburgh has created not so much a ripple but a tidal wave for police requirements. The motion in my name seeks recognition that Edinburgh, and Lothian and Borders police, must be given additional resources. This is not a request for a blank cheque, but a plea for recognition of changed circumstances and a clear additional need.

The circumstances that Edinburgh faces are not unique, as the English capital, London, has similar significantly increased requirements. I do not seek to put the needs of Edinburgh on a par with those of London, but Edinburgh should receive additional resources in recognition of its increased responsibility. The Metropolitan police service receives additional money for a variety of its functions—many such functions must also be undertaken by Lothian and Borders police.

The Metropolitan police receives a substantial additional payment to cover its extra responsibilities, which mirror some of Lothian and Borders police force's additional responsibilities. It would be unfair to burden the council tax payers of London with a responsibility that should be met by everyone in the United Kingdom. Similarly, it would be unfair to burden people in Edinburgh or

in the rest of Lothian and the Borders with such a responsibility.

Last year, the Home Secretary made an additional payment to the Metropolitan police of almost £180 million. Members and the minister will be glad to know that the chief constable of Lothian and Borders police does not seek that much. He seeks sufficient funding—£600,000—to employ 25 more officers. That will enable the creation of a dedicated city-centre community police team, which will ensure continued high-profile and active policing in central Edinburgh.

That police team will add to the security and protection of the Parliament and the increased number of visitors and visiting VIPs to it. Such a resource is necessary for Edinburgh, which is now truly a capital city. Such funding must be in addition to the usual grants that are made to police authorities.

Edinburgh does not seek special treatment. This is simply an acknowledgement of the special circumstances that face Scotland's capital at the start of the 21<sup>st</sup> century. To some extent, Edinburgh is a victim of its own success; it cannot allow itself to become a victim of crime as a consequence of that success.

**The Deputy Presiding Officer:** To accommodate all those who wish to speak this evening, members should adhere to a three-minute time limit.

17:49

**Lord James Douglas-Hamilton (Lothians) (Con):** I strongly support Kenny MacAskill's motion. Some weeks ago Fiona Hyslop, David McLetchie and I attended a briefing at police headquarters, at which senior officers pointed out, very professionally, the great needs of the capital city.

Edinburgh has gone through a period of dramatic change. It is indisputable that the population is growing by about 1,000 a year—the Scottish Parliament has attracted many more residents to the city. Besides the growth in population, there are many other considerations such as the number of visits by heads of state, by parliamentarians from countries such as the United States, and by members of the royal family. There are rallies, conferences, the festival and the tattoo, all of which emphasise Edinburgh's status as a capital city. The growth in the number and success of international conferences and the new Parliament will necessitate a greater police presence.

The Metropolitan police has recognition and extra funding—it is allotted around £111.6 million to deal with the responsibilities that are associated

with capital-city policing. Lothian and Borders police needs only 25 more police officers, which would cost about £600,000. The Administration contributed exactly that sum to the National Gallery of Scotland to purchase a painting by Botticelli for educational purposes. Although I welcome the value that that work will give to children of great talent throughout the Lothians, the employment of 25 police officers would be relevant to an even greater number of people. I hope that the minister will do everything in his power to advance the priority of Scotland's capital city in that respect—it is very much needed.

17:51

**Ms Sandra White (Glasgow) (SNP):** Sometimes I feel that it is my destiny not to be able to raise certain subjects. I have tried since last September to highlight the anomaly between the police forces in Scotland and those down south. Rather cheekily, I am not going to focus on Edinburgh, although I agree with what Kenny has said. I suggest that the minister should consider carefully the difference in funding between Scottish police forces and their southern counterparts. Edinburgh, as a capital city, should have extra funding. Glasgow too, which has three major football stadiums and receives visits from dignitaries, deserves extra funding.

The Scottish Police Federation has said that a predominant problem is financing and resourcing, that the police budget is in a dire situation and that if that situation is not greatly improved quickly, it will reach crisis point. The SPF says that for the year 2000-01, the Government has set the police budget at £741.9 million, which represents a significant cut in real terms, the end result being that staff numbers will be cut.

A recent Treasury document says that the overall settlement for the Metropolitan police in the year 1999-2000 was £1.774 billion—billions of pounds rather than millions. More interestingly, the document says that included in that settlement is an increase of £25 million to special payments in recognition of the Metropolitan police's distinct national and capital city functions. That payment rose from £151 million to £176 million because the Home Secretary considered that it is particularly important to maintain public confidence in policing the capital city. Is not Edinburgh a capital city? Is not it important enough to deserve the policing that is required to protect people?

I ask Angus MacKay to speak to relevant ministers and to point out to them that Edinburgh is Scotland's capital city and deserves extra funding. I can give him a copy of my correspondence if he would like it. I thank Kenny MacAskill for securing the debate.



17:53

**Bristow Muldoon (Livingston) (Lab):** Kenny MacAskill said that he was in the unique situation of having to invent a new speech relating to the police. I, too, find myself in a unique position in relation to a speech by Kenny MacAskill—I agree with it entirely.

Kenny has concentrated on the pressures that are faced by police in central Edinburgh. Along with other Lothian MSPs, including Kenny MacAskill, I attended a meeting at which Sir Roy Cameron, the chief constable of Lothian and Borders police, described some of the pressures on the force. I will not rehearse those, but I endorse the arguments that Kenny made.

I want to address the additional pressures on Lothian and Borders police. Lothian and Borders has the fastest-growing population in Scotland; the two local authority areas where there is greatest growth are West Lothian and East Lothian. West Lothian's population will grow by 14 per cent over the next 10 to 15 years. One of the major issues for me as a Lothian MSP is the constant demand on Lothian and Borders police to increase its resources in order to deal with an increasing population and an increase in businesses in the area.

One of the answers that I regularly get back from Roy Cameron is, "Yes, indeed, but I also have increasing pressures on the city of Edinburgh and East Lothian." We must recognise that where population increases, business increases and tourism increases—that results in additional crime. It requires the police to put additional resources into maintaining public safety. There is a special situation in the Lothians, which we should examine. We should focus on the issue that Kenny MacAskill and Roy Cameron have raised about the creation of a city-centre police force. That would be a useful way of recognising Edinburgh's special status and would, I hope, alleviate some of the pressure on Lothian and Borders police and enable Roy Cameron to release more uniformed police officers to the outer parts of the Lothians.

I endorse Kenny MacAskill's contribution and ask Angus MacKay whether he will consider the issue and discuss it in detail with Roy Cameron. The financial cost is not too high. I hope that Angus MacKay will respond favourably to the debate.

17:56

**Ms Margo MacDonald (Lothians) (SNP):** In supporting Kenny MacAskill's motion, I must declare an interest—a member of my immediate family will join Lothian and Borders finest shortly.

That is not the only reason that prompts me to support the motion and to ask the minister to find

the money to give Sir Roy Cameron a dedicated city-centre community policing force. As the minister knows perhaps better than I do, there are areas on the outskirts of Edinburgh from where—under the present arrangements—police are drawn during the summer for higher-profile policing in the city centre; that also happens, as Kenny MacAskill pointed out, during the winter festivals. That is not fair on those areas, which are often the ones that are under the most pressure. I am certain that the same is true outside the city.

Bristow Muldoon made an excellent case in stating the obvious: because more and more people live in and around Lothian and Borders and more and more people are coming to visit us—thank goodness—we need more policemen. It is as simple as that. It will not require a lot of money and it will be great value for money. I heartily commend the motion to the minister.

**The Deputy Presiding Officer:** I hope that, in future when I recommend brevity, members will listen to me as assiduously as they have done this evening.

17:58

**The Deputy Minister for Justice (Angus MacKay):** I congratulate Kenny MacAskill on calling this important debate. I put on record my thanks to the Parliament police unit for its dedicated and discreet work in and around Parliament; I am sure that all members—present and absent—would wish to have that recorded. Moreover, I follow Margo MacDonald's lead in declaring an interest, as an immediate member of my family serves on Lothian and Borders police.

The debate gives me an opportunity to do three things: first, to set out some detail about how the police are funded; secondly, to set out why I believe that the parallels that have been drawn between Lothian and Borders police and the Metropolitan police are not valid; and, thirdly, to set out the steps that we are taking to ensure that police grant is distributed properly and fairly.

As a backdrop to the debate, I begin by welcoming the £285 million announced yesterday by the Chancellor of the Exchequer for increased investment in law enforcement activity across the UK. I look forward to discussing with colleagues in the Executive how that, and other substantial additional investment in public services, will be set out in Scotland relative to Scottish spending priorities.

I want to make it clear that Scottish ministers do not set the budgets for individual forces. Force budgets are agreed locally by police authorities, which, in turn, are made up of representatives of their constituent local authorities. Local authorities have an important part to play in the funding of the

police to ensure that policing continues both to respond to local needs and to be locally accountable.

Scottish ministers decide how much the Scottish Executive will pay by way of police grant, which meets 51 per cent of police costs up to a cash limit. We do that by setting a figure for expenditure up to which we are prepared to fund, known as grant-aided expenditure. Police authorities can choose to fund their force at, below or above that level. If they fund below GAE, police grant is unclaimed, and if they fund above it, police authorities meet 100 per cent of the additional costs. Operational matters, such as the deployment of officers to specific tasks or to specific areas, are solely for chief constables to decide.

The funding of the police in England is different. Outside London, police authorities can decide for themselves how much money is needed from local authorities. In London, the Home Secretary is more closely involved in the running of the Metropolitan police. Another crucial difference is the way in which GAE is distributed. In England, it is done by a formula. In Scotland, the Scottish Executive discussed the GAE settlement for 2000-01 with forces before decisions were made. The distinctive approaches north and south of the border reflect Scotland's different priorities and preferences. That is something that I am sure members will welcome. However, it also means that direct comparisons cannot be made between what happens in England and what happens in Scotland.

As well as the different funding mechanisms, there are other reasons why comparisons with the Metropolitan police are simply not valid. The Metropolitan police has a range of UK and GB responsibilities, such as providing bodyguards for the royal family, protecting embassies and visiting VIPs, and counter-terrorism activities. There are no parallels to the majority of those tasks within Lothian and Borders police. The extra grant from the Home Office is necessary because the existing method of distributing GAE in England and Wales makes insufficient allowance for the extra work that the Metropolitan police force undertakes, particularly in relation to its wider duties.

In Scotland, GAE for 2000-01 was distributed by meeting in full such unavoidable costs to forces as pensions, commuted sums and rates, and by distributing the balance in proportion to the bids received from forces. The distribution to Lothian and Borders police was based on a formula agreed to in principle by the majority of the forces and in discussion with the Association of Chief Police Officers in Scotland. Comparisons between the treatment of the Metropolitan police and Lothian and Borders police do not stand close

scrutiny. The Metropolitan police has a wider role than Lothian and Borders police has, and is funded under a different system.

There are, of course, policing requirements that, although delivered locally, are of national concern. Where it would be unfair for the local community to bear the burden, a case can be made for the Executive to meet that burden. For the policing of the Commonwealth Heads of Government meeting in 1997, we increased the GAE to Lothian and Borders police as well as giving a 100 per cent grant to that force and to Fife constabulary to meet additional costs. The Scottish Executive provided £4.7 million for policing the millennium celebrations. It also provides a 100 per cent grant of more than £300,000 a year to pay for 15 officers to provide security for the Parliament. The majority of those officers are available for redeployment when Parliament is in recess during the summer and at other times.

It has been argued that the policing of Edinburgh's city centre deserves special support because of Edinburgh's higher status as a capital city with a Parliament, its increasing popularity as a tourist destination and the number of high-profile events that take place here each year. However, the policing of a city centre is not the same as the policing of a specific event or venue. It is more akin to the normal, albeit varied, policing pressures that forces across Scotland face. For example, Northern constabulary has to deal with an annual influx of tourists in a largely rural area. Grampian police has to police the major oil city of Aberdeen as well as the North sea oil installations. For the Scottish Executive to get involved in direct funding of what are fundamentally normal policing tasks would undermine the whole basis on which the police are currently funded and would strike at the crucial role played by locally elected representatives.

None the less, it is clear that the diversity of size and geography of police forces in Scotland throws up different pressures, and the police grant needs to be distributed as fairly as possible. The Scottish Executive has recognised that by undertaking a review of GAE distribution, which aims to assess objectively the factors that drive demand for police services so that GAE can be distributed accordingly. As part of that review, special cases will be considered, and Lothian and Borders police will be able to argue that there should be special provision for policing the capital city. Other forces will no doubt raise issues that are of concern to them. However, if it appears that special factors remain that cannot be taken into account in the GAE distribution, I would wish to give the matter further consideration. It would be premature, however, to do so while the review is under way.

The review should be completed in time to

inform the financial year 2002-03. It is worth noting that per capita expenditure on the police in Lothian and Borders is 7.9 per cent above the Scottish average, at £151 per head of population—the second highest figure in Scotland. I am sympathetic with and support the demands of the police service, but it is for individual chief constables to deploy their resources to meet the demands of their force areas.

In conclusion, comparisons between the Met and Lothian and Borders police are not directly valid because they have different responsibilities and are funded under different systems. The Scottish Executive already provides a 100 per cent grant of more than £300,000 for policing the Parliament. The method of distributing GAE is currently under review and a special case can be made for the additional burden of policing the capital in that review.

**Lord James Douglas-Hamilton:** There should be recognition that Edinburgh is the capital with a Parliament and that that will mean extra policing. Leaving that until 2002-03 is not acting with sufficient urgency.

**Angus MacKay:** I might be prepared to concede that were all other things equal but, as the member knows, they are not. I have already alluded to the £285 million additional investment that Gordon Brown announced yesterday for policing in the UK. It remains to be seen how that and other additional investment in public services will be reflected in Scottish spending priorities. As the member also knows, the Scottish drugs enforcement agency will mean that around 100 extra officers are deployed in individual forces, which will have a significant impact on policing time and the ability of the police to respond to public pressures. That is why I do not think that the matter is as pressing as the member suggests.

**Fiona Hyslop (Lothians) (SNP):** Following yesterday's budget, we have not had an emergency statement on how the minister wants to spend additional policing resources, but the budget surely offers him an opportunity to recognise the need for special provision in Edinburgh, as a capital. I understand what he is saying about the GAE review, but Lord James Douglas-Hamilton made the valid point that our emergency is here and now. Bristow Muldoon and others argued, rightly, that the issue in Edinburgh is not the people who live here but those who visit. We cannot wait until 2002. I look forward to an early statement on the distribution from the budget allocation.

**Angus MacKay:** I will repeat what I have just said, because it is important. If all other things were equal, I would have sympathy for the case, but they are not. First, we must see what Scottish spending priorities result from Gordon Brown's

announcement of additional public sector investment. That is likely to be available before 2002-03. Secondly, the investment in the SDEA should allow for 200 extra officers across Scotland and 100 in local forces; that will be implemented before 2002. I hope that any perceived current emergency will be ameliorated to some extent by those factors well before the GAE distribution review is concluded.

Presiding Officer, I see that you are making anxious gestures. I hope that my comments will reassure members that the legitimate requirements of police forces across Scotland, as well as in Lothian and Borders, are being met or will be met at the earliest possible time.

*Meeting closed at 18:08.*



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