

MEETING OF THE PARLIAMENT

Wednesday 7 June 2000
(*Afternoon*)

Volume 7 No 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Wednesday 7 June 2000

SCOTTISH MINISTERS AND DEPUTY MINISTERS
PRESIDING OFFICERS
SCOTTISH PARLIAMENTARY CORPORATE BODY
PARLIAMENTARY BUREAU
COMMITTEE CONVENERS AND DEPUTY CONVENERS
SCOTTISH PARLIAMENT STAFF

Debates

Col.

TIME FOR REFLECTION	1
PARLIAMENTARY BUREAU MOTIONS	3
<i>Motions moved—[Mr McCabe].</i>	
STANDARDS IN SCOTLAND'S SCHOOLS ETC BILL: STAGE 3	5
STANDARDS IN SCOTLAND'S SCHOOLS ETC BILL	81
<i>Motion—[Mr Galbraith]—moved.</i>	
The Minister for Children and Education (Mr Sam Galbraith)	81
Nicola Sturgeon (Glasgow) (SNP)	83
Mr Brian Monteith (Mid Scotland and Fife) (Con)	85
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)	86
Mrs Mary Mulligan (Linlithgow) (Lab)	87
DECISION TIME	89
STANDARD LIFE	92
<i>Motion debated—[Ms MacDonald].</i>	
Ms Margo MacDonald (Lothians) (SNP)	92
Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)	95
Bill Aitken (Glasgow) (Con)	96
Donald Gorrie (Central Scotland) (LD)	97
Mr John Swinney (North Tayside) (SNP)	98
Bristow Muldoon (Livingston) (Lab)	99
Robin Harper (Lothians) (Green)	100
Fiona Hyslop (Lothians) (SNP)	100
Andrew Wilson (Central Scotland) (SNP)	101
The Minister for Enterprise and Lifelong Learning (Henry McLeish)	102

SCOTTISH MINISTERS AND DEPUTY MINISTERS

FIRST MINISTER—Rt hon Donald Dewar MSP
DEPUTY FIRST MINISTER—Mr Jim Wallace MSP

Children and Education

MINISTER FOR CHILDREN AND EDUCATION—Mr Sam Galbraith MSP
DEPUTY MINISTER FOR CHILDREN AND EDUCATION—Peter Peacock MSP
DEPUTY MINISTER FOR CULTURE AND SPORT—Rhona Brankin MSP

Communities

MINISTER FOR COMMUNITIES—Ms Wendy Alexander MSP
DEPUTY MINISTER FOR COMMUNITIES—Jackie Baillie MSP
DEPUTY MINISTER FOR LOCAL GOVERNMENT—Mr Frank McAveety MSP

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Henry McLeish MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Nicol Stephen MSP
DEPUTY MINISTER FOR HIGHLANDS AND ISLANDS AND GAELIC—Mr Alasdair Morrison MSP

Finance

MINISTER FOR FINANCE—Mr Jack McConnell MSP

Health and Community Care

MINISTER FOR HEALTH AND COMMUNITY CARE—Susan Deacon MSP
DEPUTY MINISTER FOR COMMUNITY CARE—Iain Gray MSP

Justice

MINISTER FOR JUSTICE—Mr Jim Wallace MSP
DEPUTY MINISTER FOR JUSTICE—Angus MacKay MSP

Law Officers

LORD ADVOCATE—Colin Boyd QC
SOLICITOR GENERAL FOR SCOTLAND—Neil Davidson

Parliament

MINISTER FOR PARLIAMENT—Mr Tom McCabe MSP
DEPUTY MINISTER FOR PARLIAMENT—Iain Smith MSP

Rural Affairs

MINISTER FOR RURAL AFFAIRS—Ross Finnie MSP
DEPUTY MINISTER FOR RURAL AFFAIRS—Mr John Home Robertson MSP

Transport and the Environment

MINISTER FOR TRANSPORT AND THE ENVIRONMENT—Sarah Boyack MSP

PRESIDING OFFICERS

PRESIDING OFFICER—Rt hon Sir David Steel MSP
DEPUTY PRESIDING OFFICERS—Patricia Ferguson MSP, Mr George Reid MSP

SCOTTISH PARLIAMENTARY CORPORATE BODY

PRESIDING OFFICER—Rt hon Sir David Steel MSP
MEMBERS—Robert Brown MSP, Des McNulty MSP, Mr Andrew Welsh MSP, John Young MSP

PARLIAMENTARY BUREAU

PRESIDING OFFICER—Rt hon Sir David Steel MSP
MEMBERS—Patricia Ferguson MSP, Mr George Reid MSP, Lord James Douglas-Hamilton MSP, Mr Tom McCabe MSP, Michael Russell MSP, Iain Smith MSP

COMMITTEE CONVENERS AND DEPUTY CONVENERS

Committee	Convener	Deputy Convener
Audit	Mr Andrew Welsh	Nick Johnston
Education, Culture and Sport	Mrs Mary Mulligan	Karen Gillon
Enterprise and Lifelong Learning	Mr John Swinney	Miss Annabel Goldie
Equal Opportunities	Kate MacLean	Shona Robison
European	Hugh Henry	Cathy Jamieson
Finance	Mike Watson	Elaine Thomson
Health and Community Care	Mrs Margaret Smith	Malcolm Chisholm
Justice and Home Affairs	Roseanna Cunningham	Gordon Jackson
Local Government	Trish Godman	Johann Lamont
Procedures	Mr Murray Tosh	Janis Hughes
Public Petitions	Mr John McAllion	Pauline McNeill
Rural Affairs	Alex Johnstone	Alasdair Morgan
Social Inclusion, Housing and Voluntary Sector	Ms Margaret Curran	Fiona Hyslop
Standards	Mr Mike Rumbles	Tricia Marwick
Subordinate Legislation	Mr Kenny MacAskill	Ian Jenkins
Transport and the Environment	Mr Andy Kerr	Nora Radcliffe

7 June 2000

SCOTTISH PARLIAMENT STAFF

OFFICE OF THE CLERK/CHIEF EXECUTIVE AND THE PRESIDING OFFICER

CLERK AND CHIEF EXECUTIVE—Paul Grice
PRIVATE SECRETARY TO THE CLERK/CHIEF EXECUTIVE—Vanessa Glynn
PRIVATE SECRETARY TO PRESIDING OFFICER—Huw Williams
PRIVATE SECRETARY TO DEPUTY PRESIDING OFFICERS—Robert Rae
ASSISTANT PRIVATE SECRETARY TO CLERK/CHIEF EXECUTIVE—Linda Pender
ASSISTANT PRIVATE SECRETARY TO PRESIDING OFFICER—Laura Ullock
LIAISON OFFICER & DEPUTY SECRETARY TO CPA (SCOTTISH BRANCH)—Roy Devon
OFFICE MANAGER—Angela Moffat
SENIOR ADMINISTRATIVE ASSISTANT—Mairi Pearson
ADMINISTRATIVE ASSISTANTS—Douglas Millar, Grahame Wear
ADMINISTRATIVE ASSISTANT/TYPIST—Anne Sneddon

LEGAL OFFICE

LEGAL ADVISER—Ann Nelson
ASSISTANT LEGAL ADVISERS—Elizabeth Blair, Christine Boch, Ian Leitch, Margaret Macdonald, Sandra Sutherland
PERSONAL SECRETARY—Kirsten Neill

DIRECTORATE OF CLERKING

DIRECTOR OF CLERKING—Carol McCracken
PERSONAL SECRETARY—Marion Falconer

COMMITTEE OFFICE

HEAD OF COMMITTEE OFFICE—Elizabeth Watson
PERSONAL SECRETARY—Lynn Patterson
CLERK TEAM LEADERS—Martin Verity, Eugene Windsor, Simon Watkins, Alistair Rankin, Jennifer Smart, Stephen Imrie, Richard Davies, Andrew Mylne, Gillian Baxendine, Callum Thomson, Shelagh McKinlay, Lee Bridges
SENIOR ASSISTANT CLERKS—David McLaren, Richard Walsh, David McGill, Irene Fleming, Mary Dinsdale, Anne Peat, Alison Taylor
ASSISTANT CLERKS—Alistair Macfie, David Simpson, Craig Harper, Tracey Hawe, Fiona Groves, Alistair Fleming, Rodger Evans, Sean Wixted, Ian Cowan, Alison Campbell
SUPPORT MANAGERS—Hazel Anderson, Sarah Aitcheson
ADMIN SUPPORT—Patricia Ramsay, Craig Bryson, John Nicol, Carol-Ann Mitchell

CHAMBER OFFICE

HEAD OF CHAMBER OFFICE—Bill Thomson
PERSONAL SECRETARY—Alison McCabe
CLERK TEAM LEADERS—Ken Hughes, John Patterson, Hugh Flinn
SENIOR ASSISTANT CLERKS—Mark MacPherson, Steve Farrell, Jim Johnston, Allison Williams
ASSISTANT CLERKS—Fergus Cochrane, Kate Tough, Frances Bell, Katherine Wright
SUPPORT MANAGERS—Jane Sutherland, Jake Thomas, David Igoe
ADMIN SUPPORT—Bryan McConachie, William Adamson, Jennifer Rudkin, Eileen Martin, Lewis McNaughton

DIRECTORATE OF CORPORATE SERVICES

DIRECTOR OF CORPORATE SERVICES—Stewart Gilfillan
PERSONAL SECRETARY—Gill Swan

PERSONNEL OFFICE

HEAD OF PERSONNEL—Ian Macnicol
DEPUTY HEAD OF PERSONNEL—Mary Nicol
PERSONNEL OFFICER—Ann Marie Finnigan
TRAINING & DEVELOPMENT MANAGER—Judith Proudfoot
OFFICE MANAGER—David Moyes
PERSONNEL ADMINISTRATORS—Irene Henderson, Nikki Wilson, Dominic Johnston
PAYROLL & PENSIONS MANAGER—Derek Stein
PAYROLL SUPERVISOR—Kevin Borthwick
PAYROLL ADMINISTRATORS—Pauline Cummings, Karen Sim
PENSIONS SUPERVISOR—Annette McEnaney
PENSIONS ADMINISTRATOR—Alison Murray

WELFARE OFFICE

WELFARE OFFICERS—Duncan Heal, Nancy Scott, Elsie Shiel
ADMINISTRATOR—Joan Stevens

FINANCE OFFICE

HEAD OF FINANCE—Robin Andrews
DEPUTY HEAD OF FINANCE—Derek Walker
TEAM LEADERS—Annemarie Marko, Andrew Shanks
FINANCE ADMINISTRATORS—Karen Robertson, Lynne Kennedy, Angela Inglis, Rebecca Devlin
FINANCE ASSISTANT—Karen Sim, Lesley Henderson
HEAD OF ALLOWANCES—Jackie Giulianotti
TEAM LEADERS—Karen Spence, Lori Gray
TRAVEL & EXPENSES ADMINISTRATORS—Heather McNeilly, Darren Doejee, Joanna Menzies
ALLOWANCES ASSISTANTS—Lyndsey McKendry, Jaine Rutherford, Dominic Gibbeson

PROCUREMENT OFFICE

HEAD OF PURCHASING—Lynn Garvie
DEPUTY HEAD OF PURCHASING—Angela Wells
PURCHASING MANAGERS—Derrick Welsh, Valerie Cowie, Veronique Malcolm
IT PURCHASING OFFICER—Linda Stewart
OFFICE MANAGER—Karen Pow
PURCHASING OFFICERS—Sharon Millar, Stuart Todd, Simon McLean
PURCHASING ASSISTANT—Sandi Downie

BROADCASTING

HEAD OF BROADCASTING—Alan Smart
DEPUTY HEAD OF BROADCASTING and CORPORATE AFFAIRS MANAGER—Ruth Connelly
BROADCASTING OFFICER—Delina Cowell

SECURITY OFFICE

HEAD OF SECURITY—Bill Anderson
DEPUTY HEAD OF SECURITY—Brian Wilson
SECURITY OFFICE MANAGER—Margaret Neal
TRAINING & DEVELOPMENT MANAGER—Stephen Robinson
ACCESS CONTROL ADMINISTRATOR—Jennifer Balfour
SECURITY FORCE MANAGER—Wallace Brown
DEPUTY SECURITY FORCE MANAGER—Alistair Murray
COMMITTEE ATTENDANT MANAGER—Philip Horwood
COMMITTEE ATTENDANTS—Robert Bell, Anne Gilchrist, Robert Lloyd, John Main, Colin Marshall, James Moncur
SENIOR PUBLIC ACCESS CONTROLLERS—Elizabeth Black, David Frazer
SHIFT MANAGERS—Denise Currie, Robert Duncan, John Green, Thomas McCabe, Loughland Mackintosh
PUBLIC ACCESS CONTROLLERS—Jane Barclay, Mary Dudgeon, Dave Evans, Marie Glendinning, Roddy MacCormick, Narbada MacDonald, John McNally, Denis Nimmo, Dave Young
GALLERY ATTENDANTS—Laurence Docherty, Michael Docherty, Ian Lafferty, Ruth Lavery
CONTROL ROOM OFFICERS—Callum Campbell, Roderick Fitzroy, Robert Maiden, William Martin, Alan Poldark, Ginny McAra(Tully), Craig McGuire, Kevin Shearer, John Wilkie, James Young
SECURITY OFFICERS—Alfred Anderson, James Anderson, William Anderson, Murray Begg, Rob Bell, Thomas Bell, Philip Black, David Brunton, James Bunyan, Carol Cameron, Derek Cranston, Caroline Crawford, Ian Cunningham, Douglas Czeschel, Peter Douglas, Stephen Fricker, Allan Hay, Audrey Headrick, Jean Hex, George Johnston, Debbie Jones, Brett King, Martin Lavelle, Andrew Logan, Elizabeth Long, James Mack, Jane MacGregor, John McDonald, James Matear, Robert Matheson, Steven Miller, Jacqueline Mitchell, Eric Moodie, Carol Nicholson, George O'Neill, William Palmer, Bill Paterson, William Paterson, Dean Ronaldson, Evelyn Stewart, Richard Sim, Robert Stuart, Thomas Wood, Douglas Woodburn

FACILITIES MANAGEMENT OFFICE

FACILITIES MANAGER—Charlie Fisher
BUILDING/TECHNICAL MANAGER—Shirley McMillan
FACILITIES MANAGERS—Christine Gray, Ross McArthur, Ricky Morrison, Lynn Mustard, Kirsty McGuire
SPACE PLANNER—Leigh Murdoch
ADMIN SUPPORT—Rahit Bajum
HELP DESK SUPPORT STAFF—Claire Glendinning, Susan Whyte, Thomas Ward
SUPPORT SERVICES ASSISTANTS—Stephen Lafferty, Robert Aitken, Alexander Stupart, Robert Shaw
RECEPTION ASSISTANTS—Murray Tyrrell, Catriona Wylie, Gordon Robertson-Chelsworth, Mary Riddell

DIRECTORATE OF COMMUNICATIONS

DIRECTOR OF COMMUNICATIONS—Lesley Beddie
PERSONAL ASSISTANT—Yvonne Georgeson

SCOTTISH PARLIAMENT INFORMATION CENTRE

HEAD OF RESEARCH AND INFORMATION SERVICES—Janet Seaton

STOCK AND SERVICES MANAGER—Jean Smith
PRINCIPAL RESEARCH SPECIALISTS—Sue Morris, Patsy Richards
SENIOR RESEARCH SPECIALISTS—Rebecca Badger, Morag Brown, Stephen Curtis, Murray Earle, Fiona Killen, Murray McVicar, Denis Oag, Tom Peters, Connie Smith, Simon Wakefield
REFERENCE AND DOCUMENTATION SPECIALIST—Francesca McGrath
ACQUISITIONS AND CATALOGUING LIBRARIAN—Maryann Cox
LOANS LIBRARIAN—Clare O'Neill
BIBLIOGRAPHIC SERVICES LIBRARIAN—Shona Skakle
LIBRARY LIAISON OFFICER—Paul Anderson
INDEXERS—Maureen Harkness, Sherry Wilson
PARLIAMENTARY DOCUMENTATION OFFICER—Jonathan Elliott
RESOURCES MANAGER—Tori Spratt
DATABASE SUPPORT OFFICER—Andrew Patience
DATABASE ASSISTANTS—Liz Rowlett, Paul Grant
INFORMATION CENTRE ASSISTANTS—Megan Hunter, Emma MacDonald, Laurence Macdonald, Steven Tallach

OFFICIAL REPORT

EDITOR—Henrietta Hales
DEPUTY EDITOR—Stephen Hutchinson
SUB-EDITORS—William Humphreys-Jones, Anne Lynas, Bronwyn Brady, Janet Foster, Murdo MacLeod
REPORTERS—Robert Arnott, Mark Ewing, Claire Hall, Sue Innes, Ellen-Raissa Jackson, Simon Jessop, Alison Lang, Ian Lavery, Polly Mackenzie, Simon McCartin, Ian Methven, Diarmid Mogg, Fiona Shaw, Cameron Smith, Mark Taplin
OFFICE MANAGER—Catherine Johnstone
OFFICE ADMINISTRATORS—Gail Grant, Jacqueline Watson, Margaret Crisp
PUBLISHING ADMINISTRATOR—Diane Barr

IT SERVICES

HEAD OF INFORMATION TECHNOLOGY—Cathy Watkins
BUSINESS SUPPORT MANAGER—Ian Perry
TECHNICAL SERVICES MANAGER—Derek Duthie
TECHNICAL SUPPORT MANAGER—Jennifer Reid
TECHNICAL SYSTEMS MANAGER—Bob McDougall
NT/EXCHANGE MANAGER—Peter Geppert
BUSINESS ANALYST—Kerrie-Ann Murdoch
TECHNICAL ANALYSTS—Malcolm Graham, Jill Ferns, Duncan Kerr
DEVELOPMENT OFFICERS—Deborah Duncan, Bill MacTaggart, Scott Hanley, Bob Bridges, Colin Roger, Emma Moore
PC SUPPORT OFFICER—Graeme Ingram
NETWORK/TELS SUPPORT OFFICER—Ben McLeavey
NETWORK SUPPORT OFFICER—Drew Mitchell
NETWORK SUPPORT ASSISTANT—Kenny Dunlop
PROJECT SUPPORT ASSISTANT—Martin Laing

INFORMATION SYSTEMS

HEAD OF INFORMATION SYSTEMS—Bethan Hubbard
INFORMATION SYSTEMS MANAGER—Andrew Wilson
INFORMATION SYSTEMS OFFICER—Ann Bulloch
WEBMASTER—Hazel Martin
ASSISTANT WEBMASTER—Andrew Pearson
MEDIA RELATIONS OFFICER—Andrew Slorance
ASSISTANT MEDIA RELATIONS OFFICER—Eric MacLeod
MEDIA RELATIONS ASSISTANT—Nicola Edwards
PUBLIC INFORMATION MANAGER—Rosemary Everett
EDUCATION OFFICER—Alan McClosky
ASSISTANT EDUCATION OFFICERS—Jackie Speirs, Robert McGill
PR ASSISTANT (EDUCATION)—Janis Marshall
VISITOR CENTRE MANAGER—Kirsty Nicol
RETAIL MANAGER—Alison Turner
ENQUIRY UNIT MANAGER—Deborah Slater
PUBLIC ENQUIRY OFFICERS—George Clark, Keith Johnstone, Gillian Mair, Gwynneth Williams
PUBLIC INFORMATION ASSISTANT—Elizabeth Cantlie

HOLYROOD PROJECT TEAM

PROJECT DIRECTOR—vacant
DIRECTOR'S PERSONAL ASSISTANT—Ginny Spencer
PROJECT MANAGER—Martin Mustard
PROJECT DIRECTOR (PROFESSIONAL & TECHNICAL)—Humphrey Sharp
ASSISTANT PROJECT MANAGERS—Paul Curran, William Heigh
PERSONAL SECRETARY—Jacqui Lamb
CONSTRUCTION & PROCUREMENT LIAISON OFFICER—Jim Fairclough
CLIENT/SERVICES CO-ORDINATOR—Brian McGarry
PUBLIC RELATIONS—Eric Kinsey

PROJECT OFFICERS—David Gilmour, John Glen, John Gordon, Shona Lines, Vicky O'Donnell, John Paterson, Maurice Williams, Avril Coats
PROJECT ASSISTANT—Mary Riddell
FINANCE & COMMUNICATIONS OFFICER—Jim Reville

AUDIT OFFICE

AUDIT ADVISER—Dave Ferguson

7 June 2000

Scottish Parliament

Wednesday 7 June 2000

(Afternoon)

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

Time for Reflection

The Presiding Officer (Sir David Steel):
Welcome back, everyone.

I welcome the Very Reverend Graham Forbes, who is the provost of St Mary's Cathedral in Edinburgh, to lead our time for reflection today.

Very Reverend Graham Forbes (Provost, St Mary's Cathedral, Edinburgh): Thank you, sir.

Jesus of Nazareth, quoting the Hebrew prophet Isaiah, said:

"The Spirit of the Lord is upon me, for he has anointed me to preach good news to the poor, to proclaim release to the captives, to set at liberty those who are oppressed".

I found last Thursday moving. For the vast majority of Scots, I suppose it was just another day, although for Celtic supporters it was all about whether Martin O'Neill would head north. However, for one 80-year-old man in poor health and living in Aberdeenshire, who had come to Edinburgh, it was a very special day, the report of which was buried on page 13 of Friday's edition of *The Scotsman* and was featured in other newspapers.

I suppose that, in proper parliamentary fashion, I should declare an interest. The case of George Fraser, who was found guilty of indecently assaulting his niece 52 years ago, is the first case that the Scottish Criminal Cases Review Commission has referred to the Appeal Court. The Crown conceded that the indecent assault conviction should fall. For myself, my fellow commissioners and our staff, the decision marked the culmination of more than a year's painstaking work. For George Fraser, it marked the end of his 52-year battle to clear his name. For Scotland, and for MSPs as our legislators, it marked justice ultimately being done and wrongs being righted, albeit half a century later.

Both Jesus and Isaiah spoke of

"setting at liberty the oppressed".

All of us, irrespective of our beliefs, would sign up to that. All of us want to build a more just society and a more humane world. However, such fine sentiments must embrace both the big and the small, the macro and the micro, the high profile

and the mundane, the cosmos and the kitchen. My cathedral, no doubt like MSPs' constituency surgeries, is a place where all shapes and sizes turn up.

A famous children's author admired his new concrete path, which was slowly setting. The kids next door hopped over the fence to retrieve a lost ball and ran across the path, at which the author was furious. A neighbour saw what had happened and called out, "You're meant to love children," to which the author replied, "I do. I love children in the abstract, not in the concrete."

Love of justice must be in the concrete, not in the abstract—George Fraser bears testimony to that.

And a prayer.

Father of all, bless this Parliament, guide its members and direct us in the ways of justice and peace, as we strive to build a more just society and a more humane world, today and tomorrow. Amen.

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): Our next item of business is consideration of Parliamentary Bureau motions. We have several such motions, which will be followed by the business motion.

The Minister for Parliament (Mr Tom McCabe): We have a series of motions before us. Motion S1M-967 asks the Parliament to agree that, on Thursday 22 June, decision time should take place at 5.30 pm. Motion S1M-968 asks the Parliament to agree to suspend the standing orders on Thursday 22 June for the purpose of holding decision time at 5.30 pm. Motion S1M-974 asks the Parliament to agree that Mr Des McNulty be appointed to the Rural Affairs Committee. Motion S1M-965 asks the Parliament to agree to the timetabling of this afternoon's stage 3 debate on the Standards in Scotland's Schools etc Bill.

The Presiding Officer: We will take the first two motions first. Donald Gorrie has requested to speak. Is it on those two motions?

Donald Gorrie (Central Scotland) (LD): No, on motion S1M-965.

The Presiding Officer: I am sorry. We will come to that, as it is a separate issue. Voting on motions S1M-967 and S1M-968, relating to Thursday 22 June, will be held over until decision time, as will voting on motion S1M-974—nobody has requested to speak against that.

Motions moved,

That the Parliament agrees that under Rule 11.2.4 of the Standing Orders, Decision Time of the Meeting of the Parliament on Thursday 22 June 2000 should begin at 5.30 pm.

That the Parliament agrees that Rule 5.6.1(c) of the Standing Orders be suspended for the duration of the Meeting of the Parliament on Thursday 22 June 2000.

That the Parliament agrees that Des McNulty be appointed to the Rural Affairs Committee.

The Presiding Officer: I now call Tom McCabe to move motion S1M-965, on the timetable for today's business, which we must decide on right away.

Motion moved,

That the Parliament agrees that the time for consideration of Stage 3 of the Standards in Scotland's Schools etc Bill be allotted as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins) –

Section 1 to section 9 - up to 40 minutes

Section 10 to after section 12 - up to 55 minutes

Section 12A to section 19 - up to 1 hour 15 minutes

Section 20 to section 40 - up to 1 hour 45 minutes

Remainder of the Bill - up to 2 hours 5 minutes

Motion to pass the Bill – no later than 2 hours 30 minutes—[Mr McCabe.]

The Presiding Officer: Donald Gorrie wishes to speak to this motion.

Donald Gorrie: I have spoken to a number of members who feel, as I do, that the Parliament spends too much time debating rather footling motions and does not allow enough time for the consideration of stages 1 and 3 of bills. I want that point on the record and hope that the Parliamentary Bureau will give it some consideration. I will not challenge this particular motion, as I do not know enough about it. However, there is a risk that some members with important things to say about bills are prevented from saying them by the timetable, while we waste a lot of time on useless motions.

The Presiding Officer: Mr McCabe, do you wish to reply?

Mr McCabe: I fully accept that Mr Gorrie puts his point forward with the best of intentions. However, he serves on the Procedures Committee, which may be a vehicle for raising concerns of this nature. I point out to Parliament that when we draw up a timetabling motion we ensure that we speak to representatives of all the main parties, in particular those represented on the bureau, to ensure that people are broadly content with the proposed timetable. Donald Gorrie may want to speak to his own business manager, who I am sure will reflect his views in future.

The Presiding Officer: The question is, that motion S1M-965, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

Standards in Scotland's Schools etc Bill: Stage 3

The Presiding Officer (Sir David Steel): Before we begin I will run through the stage 3 procedure, as it is still fairly new to members, although they should be becoming familiar with it.

We will deal first with amendments to the bill and will then move on to debate the question that the bill be passed. For the first part of the debate, members should have the bill, SP Bill 6A, as amended at stage 2—not the original bill—the marshalled list, which contains all the amendments selected for debate, and the groupings, which I have agreed.

Amendments have been marshalled in the order to which they relate to the bill; that is, all the sections in order followed by all the schedules in order. Amendments will be debated in groups, where appropriate, where that has been indicated on the groupings sheet. Each amendment will be disposed of in turn. An amendment that has been moved may be withdrawn with the agreement of members present. Amendments may also be withdrawn before they are moved.

The electronic voting system will be used for all divisions. The chair will allow an extended voting period of two minutes for the first division on each section of the bill. The only other announcement that I have is that unfortunately the stopclocks are still not working. I do not know whether that is anything to do with the General Assembly. We have a stopclock on the desk and will be keeping a close watch on time. As Donald Gorrie has just indicated, the timing for each group is tight, so we will need to stick to the speech time limits.

Section 1—Right of child to school education

The Presiding Officer: I call Nicola Sturgeon to move amendment 11, which is grouped with amendment 13.

Nicola Sturgeon (Glasgow) (SNP): I will not incur the wrath of my constituents by suggesting that it is good to be back in Edinburgh, but it is certainly nice to be out of the rain.

It gives me great pleasure to move amendment 11. I will attempt to be brief, as there are a number of amendments to get through. Amendment 11 would ensure that education authorities have a duty to consider the welfare of children when making or entering into arrangements for the provision of school education. As many members will be aware, article 3 of the United Nations Convention on the Rights of the Child requires that in all decisions affecting children their interests must be a primary consideration.

At present, in Scotland, courts, local authorities—in functions other than education—children's hearings and other bodies charged with making decisions about children have a duty to regard children's welfare as a paramount consideration, but education authorities owe no such duty. In my view, that highlights a gap in legislation.

Amendment 11 would impose such a duty for the first time and seek to define the extent of the welfare duty to show that it includes aspects other than educational well-being. Various aspects of a child's well-being may be at issue while the child is at school. It should be incumbent on the education authority, when making decisions that affect children, to consider the physical and emotional well-being of children as well as their educational well-being.

This amendment has been debated at stage 2 and has the support of many organisations in Scotland, notably children's organisations such as Children in Scotland. It also has the support, in its technical aspects, of the Law Society of Scotland. It would improve the law on children's welfare and bring education authorities into line with other bodies that are charged with making decisions about children's welfare. For that reason I ask the Executive to consider this amendment favourably.

I move amendment 11.

The Presiding Officer: Amendment 13, in the name of Scott Barrie, is grouped with amendment 11.

Scott Barrie (Dunfermline West) (Lab): Amendment 13 seeks to put children, young people and the students in our schools at the heart of the bill. A bill that will have such a dramatic effect on young people, who spend a long period of their life, prior to adulthood, in schools, should have due regard to their views.

During the stage 2 debate, Karen Gillon said that one area in which the bill is particularly weak is consultation with children and young people about their education. Consultation is what this amendment attempts to ensure. Karen Gillon also said that she or one of her colleagues would lodge a further amendment to clarify that point at stage 3. That is what I hope to do this afternoon.

Amendment 13 has the support of other political parties and seeks to install in education legislation aspects that will make it compatible with other children's legislation and conventions—the Children (Scotland) Act 1995 and the UN Convention on the Rights of the Child. Section 17 of the Children (Scotland) Act 1995 makes it clear that before any decisions are made which affect a child, the child's view should be ascertained if he or she wants to express a view. The wording of amendment 13 is drawn exclusively from that act.

Article 12 of the UN Convention on the Rights of the Child requires that

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child”.

I hope that the minister will accept this amendment in the spirit in which it is offered, in the hope that it will build on the discussions at stage 2 in the Education, Culture and Sport Committee.

Mr Adam Ingram (South of Scotland) (SNP): I support amendment 11. Enshrining the right of any child to receive a school education, as this bill does, is a welcome step forward and brings statute in this country into line with the European convention on human rights and the UN Convention on the Rights of the Child. It is a necessary improvement in the legal framework and it focuses on the rights of the individual.

However, it is not enough to ensure that a child's educational experience leads in the direction of fulfilling that child's physical and mental potential. All of us acknowledge that many children face considerable barriers to accessing education. Those barriers cover a range of physical, psychological and emotional factors that are imposed by their environment. At the very least, education authorities must be required to ensure that the school environment does not impose barriers to access. Physical safety and security must be a prerequisite for the establishment of a proper learning environment.

14:45

As it stands, the bill does not recognise that a welfare duty is owed by authorities to pupils in their schools. That is surely anomalous, bearing in mind the fact that—as the Law Society of Scotland and others have said—the courts, local authorities and children's hearings, in making decisions about children, must regard the child's welfare as the paramount consideration. Furthermore, such a position is at odds with article 3 of the United Nations Convention on the Rights of the Child, which requires that in all decisions affecting children, their best interests

“shall be a primary consideration.”

Amendment 11 proposes subsection (2), which would rectify that, and subsection (3), which seeks to define the extent of the welfare duty.

The misery and harm that can be inflicted on the bullied child is well documented. Surely it is reasonable and appropriate to direct education authorities to exercise a duty to eradicate the oppression of children by bullying in our schools. It is equally reasonable to require that safety and supervision on transport to and from school should be addressed. Surely the right to a school

education is compromised if it is unsafe for a child to travel to school in the transport provided for that purpose.

Finally, the Executive itself has articulated the need for a joined-up approach to education and child development. Initiatives have been taken to establish community schools, breakfast clubs, after-school care and anti-bullying policies in an attempt to follow a social inclusion agenda. Amendment 11 is an opportunity to secure that commitment with a legal anchor.

The Presiding Officer: Four other members wish to speak on this group. I remind them that we have to get through three groups of amendments in 40 minutes. Brevity is the order of the day.

Irene McGugan (North-East Scotland) (SNP): We have had many debates in the chamber in which a commitment has been sought—and been given—that the views of young people should be actively canvassed and given due regard. Amendment 13 seeks to do no more than require local authorities to take those views into account. It would have the positive effect of promoting the involvement of children in the delivery of their education and make a real commitment to giving children and young people early, meaningful and relevant experience of the process of decision making. That was one of the Executive's aims in “Improving our Schools”, which sought actively to involve children in citizenship skills.

As members have heard, another argument is that amendment 13 would ensure that local authorities and the law are more in line with existing family and child care law. At present, local authorities must have regard to the large number of children and young people who are looked after. Decisions made about children at school are just as important—and children are just as competent to speak on them—as decisions made about children in relation to care. It would seem inconsistent to have one without the other.

The UN Convention on the Rights of the Child is soft law. There are no strict enforcement mechanisms, but there is an expectation that we will comply with its terms. Article 12 requires that children have the opportunity to express their views, but there is no such right for pupils in Scots education law. I urge members to support amendment 13.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I will speak in support of amendment 13 and wish to say a few words about the importance of taking on board the views of children and young people in decisions that significantly affect them. As Scott Barrie outlined, the amendment was lodged on the basis of an acceptance in principle during stage 2 that that was important. The amendment was lodged on

behalf of the cross-party children's group. The aim is to tidy up the section. We hope that the Executive will feel able to support it.

As Irene McGugan mentioned, there is an issue about bringing the law into line not only with the UN Convention on the Rights of the Child but with the Children (Scotland) Act 1995, which obliges parents to seek their children's views or to take account of those views in major decisions. It would be inconsistent for education authorities not to do the same.

Some people have been concerned that this might be seen as a step too far. I want to put on record that this is not about ensuring that children are consulted about the minutiae of day-to-day life—the school curriculum, for example—but about demonstrating that young people's views are valued and are important. The need for that has been made clear during consultation processes. I am glad that—hopefully—it will now be enshrined in legislation.

Donald Gorrie (Central Scotland) (LD): I endorse the previous speech. There is strong, cross-party support for amendment 13 and an effective all-party group that relates MSPs to many organisations that help children. The cross-party group has pursued the important issue of listening to young people better than we do. I urge members to support the amendment.

The Deputy Minister for Children and Education (Peter Peacock): I will try to address both amendments as quickly as I can. I spoke extensively at stage 2 to what is now amendment 11, which seeks to impose on education authorities a duty to make the welfare of the child a primary consideration.

Contrary to what Nicola Sturgeon and others have said, education authorities have a duty under a range of measures to ensure the health, safety and mental and physical well-being of pupils in their care. Those measures include a common-law duty of care, the Schools Safety and Supervision of Pupils (Scotland) Regulations 1990, provisions governing medical and dental inspections, duties under the Children (Scotland) Act 1995 to safeguard children at residential schools, and a range of guidance on protecting children from abuse. There are Scottish Criminal Record Office checks on the appointment of staff, and Her Majesty's inspectorate has scrutiny powers relating to the welfare of children at school. In addition, a range of measures has been brought forward to tackle bullying. That is a serious problem in our schools which is being addressed effectively.

Given that battery of safeguards covering health and safety in the widest sense, it is unnecessary for those aspects of welfare to be further

reinforced in this bill, which focuses on the educational welfare of the child and gives it new meaning by taking internationally accepted and understood key words from the UN Convention on the Rights of the Child.

The bill sets a purpose for education in Scotland: the development of the personality and talents and physical and mental abilities of the child or young person to their fullest potential. Education legislation addresses a narrower component of welfare than other forms of legislation—in this context the educational component—and fleshes it out substantially. I hope, although I doubt, that that will satisfy Nicola Sturgeon and that she will feel able to withdraw amendment 11.

I turn now to amendment 13. The Executive has already signalled its intention to promote the involvement of children and young people in decisions in matters affecting their education. The process by which we consulted on the draft education bill showed our commitment—as do new provisions that are included in the bill. For the first time, schools will be required to say what they are doing to consult and involve children and young people in decisions concerning the everyday running of the school. That is in section 6.

Under section 5, local authorities are required to give children and young people an opportunity to make their views known regarding local improvement objectives for school education. Scott Barrie's amendment 13, supported by Cathy Jameson, Irene McGugan and Nicola Sturgeon, is more narrowly drawn than its predecessors and runs very much with the grain of our policy. I am happy to recommend its acceptance to the Parliament.

Nicola Sturgeon: I thank the minister for his reply. As at stage 2, the minister outlined the range of duties that are already incumbent on local authorities in dealing with children in their care. What is lacking, however, is an overarching duty on them, while carrying out their education functions, to make the welfare of children a primary consideration. It is not immediately clear to me why courts, children's hearings and local authorities—other than in their education function—should be under such a duty but education authorities, whose decisions affect all children on a day-to-day basis, are exempt.

Irene McGugan said that there is an expectation that national legislatures will comply with the spirit of the UN Convention on the Rights of the Child. I endorse her comments. Peter Peacock said that the bill picks out key phrases from that convention. I submit that it is important to do much more than that to ensure that the spirit of that convention is incorporated into all legislation that affects

children. Amendment 11 would ensure that that is the case for education authorities.

The Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnston, Nick (Mid Scotland and Fife) (Con)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLeish, Henry (Central Fife) (Lab)
McLetchie, David (Lothians) (Con)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Mundell, David (South of Scotland) (Con)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Wallace, Ben (North-East Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)
Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 28, Against 83, Abstentions 0.

Amendment 11 disagreed to.

Amendment 13 moved—[Scott Barrie].

The Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: Amendment 13 is agreed to. We now come to amendment 17, which is grouped with—

Lord James Douglas-Hamilton (Lothians) (Con): On a point of order. Members of the Conservative party called out “No” with regard to amendment 13. We might not have been as audible as we should have been.

The Presiding Officer: I am terribly sorry. I genuinely did not hear that. In that case, 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (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)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 92, Against 16, Abstentions 0.

Amendment 13 agreed to.

Section 3—Raising standards

The Presiding Officer: We come now to amendment 17, which is grouped with amendments 1, 22 and 23.

Dennis Canavan (Falkirk West): The bill places a statutory obligation on Scottish ministers to try to secure improvements in the quality of school education. That is welcome, but it is not good enough. If amendment 17, which I lodged, is accepted, it would place an obligation on Scottish

ministers not just to try to achieve an improvement in the quality of school education, but to do so.

I take it that we all want an improvement in the quality of school education, but what happens if such an improvement does not take place? If the finger were pointed at Scottish ministers, they could defend themselves by saying that they had tried but that the failure was the fault of the local education authority or the teachers.

Ministers are smart at setting targets and placing obligations on teachers to achieve those targets, but they are not so smart about placing obligations on themselves. If an inspector or a head teacher told a teacher that he or she was not achieving the set target and the teacher replied by saying that he or she was trying to reach the targets, the head teacher or the inspector would say that that was not good enough. Ministers should have a similar obligation not only to try to improve standards but to achieve an improvement in standards.

As things stand, it would be hard to enforce section 3(1) through the courts. If ministers are accused of failing to bring about an improvement, they could say in their defence that they were nevertheless trying to bring about an improvement, even if their best efforts were clearly not good enough. In his written evidence, Tom Mullen of the University of Glasgow school of law said that

"the duty is weaker than the existing duty of local authorities under the Education (Scotland) Act 1980 . . . There would be no obligation to achieve the underlying goal of the legislation which is to improve standards. In theory they could meet their legal obligations even if educational standards in schools go down. By contrast the duty under the 1980 Act was to achieve the goal of adequate and efficient provision of school education not merely to try to do so".

15:00

New Labour ministers are constantly trying to tell us that they support modernisation. However, their obligation under this bill would be less than the obligation that was set by a Tory act of Parliament 20 years ago. That is not modernisation; it is turning back the clock. The parents and children in our schools deserve much better. Parents should be given an assurance that, if standards do not improve, some body or bodies at ministerial level will take responsibility. I fear that, unless my amendment is passed, the ministers will be able to pass the buck and blame the teachers, the parents or the pupils. Ministers must face up to their responsibilities. That is why there should be a statutory obligation on them to improve the quality of education in our schools.

I move amendment 17.

The Presiding Officer: I call Jamie Stone to speak to amendments 22 and 23.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Amendment 22 seeks to insert, after the word "school" on page 4, line 5, the words

"have access without cost to the development plan and the report upon request and".

Like other members of the Education, Culture and Sport Committee, I support the notion of involving children and young people as much as possible in the education process. The bill, as agreed at stage 2, allows children and young people to receive copies of a summary of the development plan, but I feel that they should have access to the plan itself. That would help to inform young people and pupils and to make them feel included. Not all pupils will fall over themselves to get a copy of the plan, but I commend amendment 22 to the Parliament. It would be a move in the right direction and would send out an inclusive message to our young people that they matter as much as the teachers, parents and councillors do.

Nicola Sturgeon: I support amendment 17, in the name of Dennis Canavan. He argued the case for his amendment convincingly. It is an amendment that I had previously lodged at stage 2.

The purpose of the amendment is to strengthen the duty on ministers. It takes account of the views of Tom Mullen of the University of Glasgow, who said of the duty imposed on ministers by section 3 in its current form:

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

That is a damning indictment of the legal effect of section 3 as it stands. It is effectively a con trick on the Scottish public. It says that ministers want to act tough when it comes to raising educational standards, but in fact they are not under any legal obligation whatever to bring about those improvements.

The Education, Culture and Sport Committee stage 1 report commented on that. It said that

"the Committee was concerned about how meaningful the duties imposed were . . . 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".

The problem with section 3 in its current form is the degree of discretion afforded to ministers. Amendment 17 would cut that discretion and, in doing so, would make the duties more meaningful and more enforceable.

As Dennis Canavan rightly said, we have a right to expect that ministers will not simply try to raise educational standards but that, once in a while, they will actually deliver on raising educational standards. Let us say what we mean in legislation,

and not legislate to allow ministers to cop out further down the line.

The Presiding Officer: I remind members that the debate on the section must, according to the motion that has been passed, be concluded at 3.20 pm, which does not give us much time for the debate on Gaelic education. We lost three minutes in voting time, which is counted in the total time, so we should move on quickly. I call Peter Peacock to respond to the amendments and to speak to amendment 1.

Peter Peacock: I will try to deal with all the amendments, beginning with amendment 17. The new duty that Scottish ministers are placed under by section 3 is quite clear; it was discussed and agreed after long debate at stage 2. Section 3 requires that ministers

“endeavour to secure improvement in the quality of school education . . . and they shall exercise their powers in relation to such provision with a view to raising standards”.

In section 3, we have indicated clearly our commitment to work to improve Scottish education. That is an appropriate duty that takes account of the responsibility shared between local authorities, the Executive, parents and pupils. The responsibility, therefore, does not fall uniquely on one organisation or one individual. We are clear that improvement can be delivered only on the basis of partnership. For that reason, it would be inappropriate to place Scottish ministers under an absolute duty to secure improvement in the school education system, given that the responsibilities are in different hands.

Contrary to what Dennis Canavan said, the new duty in section 3 is additional to the duty in section 1 of the 1980 act. It is clearly the case that we do not, as ministers, indicate any reduction in the Executive's commitment to raising standards and delivering improvement. Our position simply reflects the key element of partnership that is central to the endeavour of securing improvement in education.

It is also the case that the Parliament provides scrutiny of ministers' activities, and I am sure that Dennis Canavan would be one of the first to ensure that that happens. Scrutiny is also provided by the committee system of the Parliament, questions and so on. Moreover, I am quite clear that the First Minister will ensure that his ministers are delivering for him; if any of us falls short on that, I think that we know what to expect as a consequence. There is no doubt about those matters.

Amendment 1 is technical. Section 3(2) places education authorities under two new duties in relation to securing improvement in school education and raising standards in education. A reference to the duties under that section

incorrectly refers to “the duty” instead of duties. Amendment 1 has been lodged to correct that.

On amendment 22—

Michael Russell (South of Scotland) (SNP): On a point of order. As the sound system is not working, can we suspend the meeting? The timetable for debate has been set and we are losing valuable time.

The Presiding Officer: All I can suggest is that we adjourn the meeting. The timings for the debate will be adjusted.

15:07

Meeting adjourned.

15:30

On resuming—

The Presiding Officer: I will add 35 minutes to the scheduled time, which means that consideration of this group of amendments will now finish at 3.55 pm instead of 3.20 pm. We are all back in order, except that the microphones in the row immediately behind John Home Robertson are not working. Members should not look so alarmed; it just means that those sitting in that row cannot talk to us—if you want to do so or to vote, you will have to move temporarily to another desk.

Mr Peacock, you were saying?

Peter Peacock: In the interests of time, I will recommend that the Parliament accept amendment 22 in the name of Jamie Stone.

I understand the concern behind amendment 23, in the name of Jamie Stone, which seeks to ensure that authorities take action to deal with an underperforming school within six months of the review of the school's performance. As it is important that authorities take action as soon as a problem is identified, I am concerned that a requirement for the review to be undertaken within a specific time scale of six months might lead authorities to believe that they do not have to take immediate action but can delay for up to that length of time. Although I know that that is not the intention behind Jamie Stone's amendment, that might be the practical effect. As a result, I cannot support amendment 23 and ask Jamie Stone to withdraw it.

In conclusion, I ask members not to press amendments 17 and 23 and to accept amendments 1 and 22.

The Presiding Officer: Thank you very much.

In view of the loss of time, I propose to change my ruling on the two-minute vote. If members are agreed, we will limit all votes to 30 seconds, just to

try to catch up.

Members indicated agreement.

The Presiding Officer: Members behind the glass screens at the back of the chamber had better be warned.

Mr Canavan, do you wish to respond to Mr Peacock?

Dennis Canavan: No.

The Presiding Officer: In that case, I will now put the question. The question is, that amendment 17, in the name of Dennis Canavan, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The Minister for Rural Affairs (Ross Finnie): On a point of order, Presiding Officer. You have just ruled that there will be a limit of 30 seconds for votes. However, I regret to say that some members were not in the chamber when you gave that ruling. With all due respect, I feel that you might have to extend this first vote for a moment to let them come into the chamber.

The Presiding Officer: I take your point; I see members scurrying in.

I will take the vote again, giving 30 seconds. As I said, 30 seconds, not two minutes, will be allowed for all the votes from now on. I remind members that the system in the row behind John Home Robertson is not functioning, so members should not sit there.

The question is, that amendment 17, in the name of Dennis Canavan, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. *[Interruption.]*

The voting system is not working. *[Interruption.]*

I wonder whether it would save time if we took this vote by a show of hands. *[Interruption.]* It seems that my screen is defective. However, the clerk's is working, so we can proceed to the division on amendment 17.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)

Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Salmond, Mr Alex (Banff and Buchan) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnston, Nick (Mid Scotland and Fife) (Con)
Johnstone, Alex (North-East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 33, Against 79, Abstentions 0.

Amendment 17 disagreed to.

Amendment 1 moved—[Peter Peacock]—and agreed to.

Section 5—Education authority's annual statement of improvement objectives

The Presiding Officer: We now come to amendment 19, which is grouped with amendments 20, 21 and 34.

Peter Peacock: I will deal with all the amendments in this group. Amendments 19 and 20 were lodged in the name of the Minister for Children and Education.

Following discussion at stage 2, I undertook to lodge amendments relating to equal opportunities and Gaelic. The Executive is whole-heartedly committed to promoting equal opportunities in all spheres of activity. Following representations and discussion at stage 2, we have lodged a new amendment to require authorities to say what they will do to promote equal opportunities in schools.

It is important that equal opportunities are promoted in school education. The new provision in amendment 20 will ensure that authorities are transparent about what they are doing to promote equal opportunities in schools. The provision ensures that authorities, as managers of schools, report on action at the strategic authority level. We

think that the new provision improves the bill and clearly signals the Executive's commitment to mainstreaming equality in all that it does.

I would like to thank the Equal Opportunities Committee of the Parliament, and in particular Malcolm Chisholm, for having raised the matter with me. I sympathise very much with the intentions behind amendment 21, which was lodged by Malcolm Chisholm. However, throughout the bill, we have been reluctant to place specific legal duties on head teachers, who are employees of councils.

There are also technical problems with amendment 21, as it refers to the head teacher providing education when legally it is the education authority that provides education. Schools fit within the duties on authorities, and I firmly expect that the equal opportunities requirements that we place on authorities will cascade down to the school level.

It will give me particular pleasure to move amendment 20, which is on the provision for Gaelic-medium education. Our proposals for section 5 of the bill—and our use of other provisions in the bill to create national priorities in education—represent the biggest boost to the proper recognition of Gaelic that will ever have been achieved.

We are lifting Gaelic-medium education from a position of no official status to one in which it is proposed to become one of Scotland's top priorities in educational activity. In addition, the new provision in amendment 20 requires authorities to provide an account of what they will do to provide Gaelic-medium education and, if they do not currently offer it, the circumstances in which they would provide it in the future. Where Gaelic-medium education is already provided, or if it is to be provided by an authority at some point in the future, amendment 20 also requires authorities to say how they propose to develop that provision from that point.

By referring to Gaelic-medium education in statute, we are sending a clear message that Gaelic is an important part of our education system, which in turn has a major contribution to make to the survival of Gaelic. However, the amendment is not prescriptive; it is not about imposing Gaelic-medium education where there is no demand for it. We are requiring authorities to be accountable to local people for what they are doing in relation to Gaelic-medium education.

I now come to amendment 34, which was lodged by Mike Russell. As the Executive has made clear by lodging amendments 19 and 20, we are committed to supporting Gaelic-medium education. The commitment of the whole Parliament to Gaelic has been made clear in

previous debates. I know that Mike Russell's amendment, which has the support of John Farquhar Munro, was lodged with the best of intentions. However, I have to point out that there are a number of technical and practical problems with it, including a large number of drafting problems.

The amendment refers to "reasonable demand" for Gaelic education, but it does not successfully define what constitutes reasonable demand, nor does it define a mechanism or a responsibility for determining reasonable demand. That would mean that matters were quickly dragged into the courts for them to determine. I do not believe anyone would regard that as satisfactory.

Amendment 34 seeks to place duties on "education authorities", in the plural, yet authorities, in the plural, are not a recognised legal entity. It is therefore not possible to place a duty on them. It is not clear from the drafting whether it is intended for local authorities collectively or for a single authority to determine reasonable demand. The drafting implies that, where there is reasonable demand—if we assume that the earlier difficulties can be overcome in one authority—all education authorities would have to provide education in Gaelic. There is no proviso that such education is limited to those who ask for it. We do not want to impose Gaelic on those who do not wish it.

The amendment requires councils to provide resources and so on

"to a standard comparable to those available for education in English."

That could be interpreted as requiring schools in the Highlands that had higher levels of spending on Gaelic to reduce that spending. Executive grants specifically for Gaelic are justified on the basis that there is a higher cost to authorities providing Gaelic-medium education than to those providing only English-medium education. If expenditure on Gaelic-medium education is to be brought into line with English-medium education, as the amendment implies, the policy rationale for specific grants goes. Moreover, as the amendment applies to the bill outwith the sections on the improvement framework, ministers would not be able to issue guidance on Gaelic-medium education to which councils would have to have regard.

I could go on to raise other problems with the drafting. I fully accept that none of them was intended, but they are real problems none the less. We should not enact such a flawed amendment. It would, at best, leave Gaelic in its current state; at worst, it could lead to the disadvantages that I have described, although I accept that that is not the intention of those who

lodged it. The Executive amendment would bring about positive benefits without any of the flaws inherent in Mike Russell's well-intentioned amendment. I invite members to support amendments 19 and 20 and to reject amendments 21 and 34.

I move amendment 19.

The Presiding Officer: I call Malcolm Chisholm to speak to amendment 21.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The Equal Opportunities Committee did a great deal of work on the Standards in Scotland's Schools etc Bill and heard a lot of evidence on it. In our report to the Education, Culture and Sport Committee, we expressed concern about the fact that the bill contained nothing specific about encouraging equal opportunities, in particular the observance of the equal opportunities requirements. I therefore welcome the Executive amendment to section 5 that has been put forward today. It entirely meets the wishes that we expressed throughout our work on the bill, particularly what we said at the committee meeting two weeks ago.

Some of us wanted to put the icing on the cake with the amendment to section 6. I accept that, as the Deputy Minister for Children and Education said, there are problems in placing legal duties on individual employees. Given that the substance of our demands has been met, I am minded not to press the amendment to a vote, as long as assurances are given that the local authorities will ensure that all schools are signed up to encourage equal opportunities and to the observance of the requirements.

The Presiding Officer: I call Michael Russell to speak to amendment 34.

Michael Russell: Tha mi glè thaingeal gu Comunn na Gàidhlig, Comann nam Pàrant Nàiseanta agus gu Iain Fearchar Rothach.

Following is the translation:

I am very grateful to Comunn na Gàidhlig, Comann nam Pàrant Nàiseanta and to John Farquhar Munro.

The member continued in English.

Amendment 34 seeks to provide for the first time a statutory right to Gaelic-medium education. Nobody should be in any doubt about the parlous state of Gaelic. We debate the amendment in the context of next year's census, which may see the number of Gaelic speakers drop below 50,000. That would be a decline of 20,000 in 10 years. In the previous 10 years, from 1981 to 1991, the number dropped by 13,000. There are half the number of Gaelic speakers today that there were 40 years ago. More worrying still is the detail of

those figures. It is estimated that, in the crucial three to 15 age group, there are now fewer than 7,500 children who speak Gaelic. More than half of Gaelic speakers are 45 or older. It is little wonder that a distinguished European academic was quoted in *The Scotsman* last week as saying:

"Gaelic could die out by the end of the century if more children are not encouraged to learn the language".

He went on to say that

"the only way for a threatened language to survive is to have at least 100,000 speakers and receive full support from the nation state."

Amendment 34 seeks to start the process of providing that full support from the nation state. There is no doubt that what is crucially required is a legal right to education in the language. That right exists in Wales, where the number of Welsh speakers is increasing. That right does not exist in Scotland, where the number of Gaelic speakers is plummeting. The Executive amendment does not provide that legal duty.

I stress that I am asking members to support the Executive amendment and to support this amendment as well. We have heard a lot of criticism from the minister about the drafting—civil servants are adept at picking holes in other people's amendments. However, this is not about bureaucracy or what the minister called "drafting problems". It is about survival for the language; it is very much about human rights.

15:45

Amendment 34 is not open-ended, although that criticism has been made. Currently, about £10 million is spent by the Executive and local authorities on Gaelic education. This amendment might double that sum over three or four years. Even if it did that, we would be spending only 0.6 per cent of the Scottish education budget on Gaelic education—somewhat less than is being spent to save the corncrake in the western isles. The amendment is a step towards building a right to Gaelic-medium education, although it is only a step. Regrettably, the Executive amendment is not a step, but a gesture.

The Executive amendment falls foul of something that the Deputy Minister for Highlands and Islands and Gaelic announced in this chamber on 2 March—the fact that the UK Government has signed the European Charter for Regional or Minority Languages. Article 7 of the charter insists on

"the need for resolute action to promote regional or minority languages in order to safeguard them".

It also insists on

"the provision of appropriate forms and means for the teaching and study of regional or minority languages at all

appropriate stages".

It goes on to stipulate:

"In determining their policy with regard to regional or minority languages, the Parties"—

meaning the UK and, under devolution, this Parliament—

"shall take into consideration the needs and wishes expressed by the groups which use such languages."

That charter is a binding international obligation, and the Executive amendment does not meet it. The Executive amendment does not represent resolute action, it does not safeguard Gaelic at this critical time and it does not provide appropriate forms for the teaching of Gaelic at all stages. Most crucial, it flies in the face of the express wish of Gaelic organisations and parents in this matter. The amendment lodged in my name and the name of John Farquhar Munro is backed by Comunn na Gàidhlig and a range of organisations.

Presiding Officer, you are indicating that I should finish. Before I do so, I would like to quote from an article published in the *West Highland Free Press* in July 1998. One of the paper's regular columnists wrote:

"Why are we still in the situation in Gaelic-speaking areas . . . where parents who want their children taught through the medium of Gaelic must prove that there is enough demand for it?"

This forces Gaels to their knees to beg for something so basic as education in their own language, in their very own communities."

He went on to say:

"I think that the Gaelic world and, especially, the groups that represent us are far too reasonable. They think it a big deal if they send 'reasonable' demands to the Scottish Office . . . And in spite of these 'reasonable recommendations', the numbers of Gaelic-speakers, especially young Gaelic-speakers, is declining. If you look at the situation from another point of view, reasonable recommendations are actually killing Gaelic."

That young journalist is covering this debate today. He is John Morrison, who is now BBC Scotland's chief political correspondent. He is no wild voice of unreason, as the Deputy Minister for Highlands and Islands and Gaelic knows. His views, and his plea, are echoed by the entire Gaelic community.

John Morrison finished his piece by asking the question, "Will Gaelic survive?" I hope so, but today every member of this chamber can take part in helping Gaelic to survive by voting for amendment 34. That is the right thing to do. If the amendment is not approved, the language will continue to decline.

The Deputy Presiding Officer (Mr George Reid): I remind members that, under Sir David's revised timetable, we must conclude this section

of the debate at 15.55, when I will put the question. I ask members to keep contributions short. Mr Gallie, do you wish to speak? [*Laughter.*] We are having continuing problems with the screen. I call Jamie McGrigor.

Mr Jamie McGrigor (Highlands and Islands) (Con): As a member of the party with the best history of support for Gaelic, I reaffirm the Conservatives' support for Gaelic language and culture, now and in the future. Although we entirely support the sentiments that are expressed in amendment 34, we have considerable difficulty with some of the points that it contains. We wish that we had been consulted at an earlier stage on something so important that required our support.

We are particularly worried by the wording in subsection (3) of the proposed new section, which states:

"Where education in Gaelic is provided under subsection (1) or (2) above, the education authority shall provide adequate resources, support and advisory services in Gaelic to a standard comparable to those available for education in English."

Because more is spent per capita on Gaelic-medium education, that provision might allow a local authority to reduce the amount spent on Gaelic, which would be worse for Gaelic provision rather than better. That would be self-defeating and disastrous.

Furthermore, there is a risk that the wording in subsection (5)—on ascertaining what "reasonable demand" is—would take it for granted that a reasonable demand must exist, which might leave an authority under pressure to take finance from English-medium education. Already many small primary schools are under threat of closure, and the bias in the amendment might worsen that situation.

We are well aware of the advantages of children being bilingual, thanks to Gaelic-medium education. We want to promote Gaelic education and culture further. What has happened to the development of the Gaelic school at Tollcross, here in the capital? Where is the dedicated Gaelic television channel? Both those things were promoted in Alasdair Morrison's speech on 2 March but, as far as I know, nothing has happened.

Whatever happens today, this party has always been, and will always be, genuinely committed to helping Gaelic. We will consider the possibility of introducing a member's bill with cross-party support to achieve that end in the future.

Mr John Munro (Ross, Skye and Inverness West) (LD): I am delighted to have the opportunity to participate in this debate, particularly because I wish to support whole-heartedly Mr Russell's amendment on Gaelic education.

The original draft of the Standards in Scotland's Schools etc Bill did not include a section on Gaelic or Gaelic-medium education, which I suggest, as I did at the time, was an affront to the Gaelic community. I am pleased to accept that that error has now been addressed, although I do not accept that the form of words that the Executive has produced does anything to strengthen the current position of Gaelic-medium education. It requires local authorities to state the ways or circumstances in which they will provide Gaelic-medium education, but there is no requirement for them to do anything other than produce a written report.

As members would expect, I consider the amendment by Mr Russell and me to be moderate and reasonable and think that it goes a long way to meeting the wishes and aspirations of Gaelic groups, organisations and parents, who have fought over many years to retain their language and culture and for the explicit right for children to be educated through the medium of Gaelic. By voting against, or abstaining on, amendment 34, members will be indicating their disregard for the human rights of a sizeable section of the electorate, who I am sure would expect their Scottish Parliament to support a very basic human right.

Much of the Parliament's time over the past year has focused on the scourge that is all forms of discrimination, most recently in our lengthy debates on section 28, when we were anxious to protect from discrimination a section of our community and, in particular, our children. Why are we not prepared to convey that worthy principle into the Gaelic community, whose parents and children are entitled to the same protection as any other section of our society is? By voting against amendment 34, members will be indicating their willingness to discriminate against that group.

Like many members, I was delighted when we agreed to appoint a minister for the Highlands and Islands, who also had the honour of being responsible for Gaelic. I was encouraged by the appointment and by the statements that the minister made at various Gaelic events throughout the Highlands.

The Deputy Presiding Officer: Could you close, please.

Mr Munro: The minister told the people at those meetings that they had the ear of the Government and that he looked forward to hearing from them; that Edinburgh would be different from Westminster; that the voice of the community would be listened to; and that the views and the ideas must come from the people.

What has happened? I am not aware that those

laudable views have been promoted today. I am sure that people in the Highlands and Islands expected more from their minister, particularly because he was nurtured and had a career in Gaelic before he entered politics.

The Deputy Presiding Officer: Could you close, please.

Mr Munro: On behalf of those people, I express disappointment at the lack of effective action. I am disappointed to learn—

The Deputy Presiding Officer: You have 10 seconds.

Mr Munro: I am about to finish. I am disappointed to learn that our Conservative friends are likely to abstain. They should reflect on their position, particularly given that we all acknowledge the generous financial support that was given by the Conservative Government.

The Deputy Presiding Officer: You are out of time, Mr Munro. The knife has fallen.

Amendment 19 agreed to.

Amendment 20 moved—[Peter Peacock]—and agreed to.

Section 6—School development plans

Amendment 21 not moved.

Amendment 22 moved—[Mr Stone].

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South 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)
 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)

The Deputy Presiding Officer: The result of the division is: For 99, Against 16, Abstentions 0.

Amendment 22 agreed to.

Section 7—Review of school performance

Amendment 23 not moved.

Section 10—Code of practice as regards inspection of education authorities

Amendment 24 not moved.

After section 11

The Deputy Presiding Officer: We come to amendment 2, in the name of the minister.

Peter Peacock: I will deal with both amendments 2 and 10, if I may. Following the committee's discussions at stage 2, the Executive undertook to lodge an amendment that would meet the concerns raised about a code of practice for inspection of schools. Amendment 2 extends minister's powers to issue codes of practice for pre-school inspections and for the inspection of initial and in-service teacher training provided by higher education institutions. Amendment 10 alters the long title of the bill, to include the inspection of teacher training establishments within the ambit of the bill.

The bill already provides for a code of practice for the inspection of education authorities, an entirely new procedure on which we felt it important to set out a code of practice from the outset. The inspection of initial teacher education is also in its early stages and, again for that reason, a code of practice will be helpful.

The procedures and practices of a school inspection and a pre-school inspection are well established. However, I have accepted the

arguments that have been made to me that a code of practice can only add to the transparency of the inspection system. These amendments extend the code of practice to all areas of inspection activity in the school sector, which will ensure openness and clarity across the system. I encourage members to support these amendments.

I move amendment 2.

Nicola Sturgeon: I support amendment 2 and I commend the Executive on accepting the arguments made at stage 2. Amendment 2 is an example of how the bill has been strengthened during the stage 2 proceedings.

At stage 1, the committee heard many concerns about the role and operation of Her Majesty's inspectorate and about the potential conflict between HMI's inspection functions and its influence on policy development. There was also some evidence of growing distrust between HMI and sections of the teaching profession.

At stage 1, the committee was not in a position to judge to what extent those concerns were justified. However, given HMI's central role in the education system, the committee's view was that it was vital that HMI was both trusted and respected by other partners in the education system and by the teaching profession in particular. A code of practice that gives guidance about school inspections and that promotes good practice in inspections will go some way to repairing the relationship between HMI and the teaching profession, both of which are vital to the success of the education system. For that reason, I am happy to support the amendments put forward by the Executive.

Amendment 2 agreed to.

After section 12

16:00

The Deputy Presiding Officer: We move to amendment 25, which is grouped with amendments 35, 36, 37 and 38.

Mr Brian Monteith (Mid Scotland and Fife) (Con): There was some debate about home education at stage 2 and a number of amendments were discussed. With this new amendment, I hope to allow for the issuing of guidance by Scottish ministers to local authorities on how to determine how home education can be administered or allowed.

For those who did not follow the stage 2 debate, I should explain that the Education (Scotland) Act 1980 gives parents the legal right not to send their children to school. Some parents choose to educate their children at home. If a child has never previously attended school, parents do not have to

inform their local authority or seek the authority's permission. However, if a child is registered and has started at school, they do.

Parents may decide, for a wide variety of reasons—bullying, because they are unhappy with the child's education or because the child is unsettled at school—to educate their child or children at home. Although local authorities cannot unreasonably withhold consent, in practice it can take a considerable time for consent to be granted. In the meantime, children and parents are subjected to great distress.

Practice among local authorities across Scotland is not consistent. Some local authorities are quick to provide consent, others are slow and some, sadly, are even obstructive. By issuing guidance, a more consistent approach could be established. The matter was discussed at stage 2. With this amendment, I want to see whether the minister will accept the idea of issuing guidance. At stage 2, he suggested that he was keen to do so. However, any guidance must be helpful if it is to improve the situation. There is still some concern among parents that guidance will not be enough and could even worsen the situation. I wait to hear what the minister has to say about the purpose and style of any guidance that he may seek to bring forward if the amendment is passed.

I move amendment 25.

The Deputy Presiding Officer: I call Mr Stone to speak to amendments 35 to 38.

Mr Stone: I will speak to all my amendments at once. They are tidying amendments that were recommended to me by the Law Society of Scotland. I do not feel particularly strongly about them, other than wanting to ensure that the wording is absolutely watertight. I will respect the Deputy Minister for Children and Education's response. It is obvious what I am trying to do, but I will take on board whatever Mr Peacock comes back with.

Donald Gorrie: I would like your guidance, Presiding Officer. After discussion with Sir David, I submitted to him a drafting amendment to amendment 25. In discussions with the various people involved, I gathered that the minister and many other people supported the thrust of Mr Monteith's amendment, but felt that the wording was not consistent with the bill in various ways. The drafting amendment suggests amending the wording to read "The Scottish Ministers may issue guidance". That would enable Mr Monteith's amendment to fit in tidily to the bill, which seems a legitimate thing to do.

I move the amendment to amendment 25.

The Deputy Presiding Officer: Let me give some guidance to the chamber on this point,

which has already been raised with Sir David. Sir David is minded to accept the amendment under rule 9.10.1, which states that, provided there is no dissent:

"Amendments to a Bill shall be in such form as the Presiding Officer may determine."

This is a grey area. If there is no dissent, in the first line of amendment 25, "shall" will be replaced by "may" and the words

"and may at any time revise"

shall be removed. Is that agreed?

Amendment to amendment 25 agreed to.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am delighted that that amendment to amendment 25 has been agreed to. I was going to say that I was concerned that the bill may be interpreted as eroding parental choice in children's education outwith school. I would like to place on record my wholehearted support for Brian Monteith's amendment. Now that it has been amended by Donald Gorrie's amendment, I certainly intend to vote for it. I urge every member to do the same.

Nicola Sturgeon: I, too, speak in favour of amendment 25. Brian Monteith has covered the arguments for this amendment. It is a reality that some people—although only a small minority—choose to educate their children at home. For some that is a positive decision, as they think that it is the best way in which to educate their children. For others it is a negative decision, as their child may be unhappy at school: the child may have been bullied at school or have special needs that the school cannot cater for. It is important that the rules are clear and consistent, and that they ensure the greatest possible protection for children.

At the moment, parents need local authority consent before they can withdraw a child, and the process of obtaining that consent can be lengthy and frustrating. The most worrying aspect is that the attitudes of local authorities vary considerably. Some local authorities seek to expedite the process, whereas others drag it out. If the process is being dragged out, the effects on a child who is having severe problems at school can be extremely detrimental. The danger for children is that parents who are faced with those circumstances may try to circumvent the rules to have their child removed from school. There is a possibility that we will allow children to slip through the net and through the safety procedures that local authorities have in place.

I am glad that Peter Peacock is accepting this amendment—he said at stage 2 that he would accept an amendment on guidance—but I ask him to enter into early discussion with people who

have an interest in this matter. There are active organisations that represent the views of parents who educate at home, which have clear views about what the content of the guidance should be. I urge the minister to enter into discussions with those organisations before finalising the guidance, to ensure that we get it right.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I endorse what Nicola Sturgeon has said. At stage 2, I felt uncomfortable with the attempts to help the home education movement. The technicalities of the motions and amendments at that point were difficult to vote for. I am delighted that this amendment has been lodged and I urge the minister to ensure that the guidance is helpful to those who want to opt out for good reasons, while protecting the children from use of the legislation as a way of avoiding schooling for less happy reasons.

Peter Peacock: I am happy to accept the amendment as amended by Donald Gorrie. We would have accepted it had it not fallen foul of the slight drafting requirement. I said at stage 2 that we would issue guidance, and, in doing so, consult widely those who have an interest in this matter. I repeat that undertaking now. We will ensure that there is wide consultation with those who are involved, to ensure that this matter is dealt with properly.

I shall now address amendments 35, 36, 37 and 38. Amendment 35 concerns pupils who are unable to attend school through ill health. I assure Jamie Stone that the broad term "ill health" in the bill includes those aspects to which he specifically refers. Amendment 35 is, therefore, unnecessary.

Amendment 36 would allow special arrangements to be put in place for children who are expected to be unable to attend school for a full term because of ill health. Unfortunately, it does not take account of pupils who are unable to attend for significant periods that are shorter than a full term, or those children who suffer from recurring illness that, in appropriate circumstances, may be properly regarded as ill health. We would not support amendment 36 for those reasons.

Amendments 37 and 38 are overly restrictive in requiring an education authority to implement special arrangements without delay. Experience shows that, in the case of a child who is ill, careful consideration needs to be given to what special arrangements would be most suitable, taking into account the actual state of health of the child and what he or she can cope with.

In the case of a child carer, full account must be taken of all circumstances, including those of the family. We believe that qualifying periods and time scales are issues best covered in guidance. We

have already given a commitment, in our special educational needs programme of action, to issue guidance to education authorities. I assure Jamie Stone that the guidance will take account of the point he makes, when we get to that stage, and I ask him not to press his amendments on the basis of the assurances I have given. I indicate my support for amendment 25, as amended.

The Deputy Presiding Officer: I remind members that this amendment is itself amended. The Scottish ministers may issue guidance as to the circumstances. Since this is a grey area, Sir David will refer the matter to the Procedures Committee.

Amendment 25, as amended, agreed to.

Section 12A—Requirement that education be provided in mainstream schools

The Deputy Presiding Officer: Amendment 3 is grouped with amendments 26, 27 and 4.

Peter Peacock: It gives me great pleasure to introduce this section of the bill, which represents the biggest step forward to inclusion for children with special educational needs in our schools.

However, before moving on, I wish to refer to what I believe has been the quite grotesque misrepresentation of the Executive's position on this issue, which has given rise to lurid press headlines. It is disgraceful to purposefully mislead and alarm parents about our intentions. To prey on the emotions of already vulnerable children and families is utterly despicable—almost as despicable as politicians who seek to fuel those fears and exploit the emotions of parents and children for their own ends.

I shall set out clearly what the Executive intends and reassure all those parents who have been wilfully and unnecessarily misled on this matter. We propose that, for the first time in Scotland, we will create a presumption that every child in Scotland—every child—will go to a mainstream school. Many parents will be frightened by that prospect, believing that their child would be better off in a special school.

There can be circumstances where that would be in the best interests of the child. The law, at the very least, should allow for a balance on whether it is always in the best interests of the child or the wider community for that to happen. We have defined three limited circumstances when that debate about such matters could occur. I have consistently made it clear that those circumstances cannot be regarded as an opt-out by local authorities. To underpin that, I have lodged a further amendment to strengthen that position by making it clear that those circumstances can only be considered exceptionally.

Mary Mulligan has also lodged an amendment to seek to further limit the circumstances. She has found a better expression of our policy intent and I recommend that we accept her amendment, although, by implying that councils could ordinarily act unreasonably, it is not perfect in its construction. I will need to consider how we might tidy that up at some point in future. However, it is important to accept that amendment today.

Amendment 26 would have the effect of negating key elements of what I have argued is a major new duty on education authorities and a substantial strengthening of a parent's ability to secure mainstream education for their children. It would undermine the careful balance that we have been trying to strike between the sometimes competing interests of all parties involved.

It would also bring with it problems in implementation. It potentially sets the child's view at odds with the parent's view. It proposes an independent arbitration service in the event of a difference of opinion between an education authority and the family, without defining what is meant by the family. It proposes arbitration—something that we would not rule out for future consideration but restricted to the suitability or otherwise of education being provided in a special school and not the suitability of mainstream schools. That is what the amendment implies. I cannot, therefore, recommend acceptance of the amendment in Nicola Sturgeon's name, but I have pleasure in moving the Executive amendment and asking members to support that of Mary Mulligan.

I move amendment 3.

Nicola Sturgeon: I start by saying that the grotesque misrepresentations that the minister referred to are the genuine concerns of parents of children with special educational needs and the groups that represent them. I say to the minister in all sincerity that in future he could consider his language a bit more carefully.

16:15

I support the intention of section 12A(1), which is to create the presumption that children with special educational needs will be educated in mainstream schools. That is something for which many groups and individuals have campaigned for many a long year. The concerns arise because of the opt-outs contained in subsection (2) of section 12A. I and others expressed the view at stage 2 of the bill that subsection (2) gives local authorities too wide a discretion to refuse children with special educational needs access to mainstream schooling. Many of the groups which represent children with special educational needs, including Equity, believe that subsection (2) in its current form, far from improving the position of children

with special educational needs, makes matters worse. It gives local authorities more freedom than they have at the moment to refuse those children access to mainstream schooling.

The first opt-out in subsection (2) says that mainstream education will not be provided in a mainstream school if the school would not be suited to the ability or aptitude of the child with special educational needs. Let us be quite clear at the outset. Very few mainstream schools, without very special effort, would be suited to the ability or aptitude of children with special educational needs. Surely the challenge of inclusion is to make schools accessible for all children, not just for some? A good school will adapt to suit the abilities of all children, not just some. The first opt-out absolves local authorities of the responsibility to provide schools designed to bring out the best in all children, regardless of their abilities. That responsibility should be the hallmark of a good education system.

The second opt-out says that education will not be provided in a mainstream school if it would be incompatible with the provision of efficient education for other children. That is the age-old argument that children with special educational needs spoil the educational experience for other children. The research says exactly the opposite: that the presence of children with disabilities in mainstream education has a positive impact on other children, exposing them to experiences and to learning opportunities that they would not otherwise have. Anybody who has visited a mainstream school that has within it children with special needs will know the positive impact that those children have on the school and on the other children. The objection to the second opt-out is that it sends a message that mainstream schools are for some and not for all. We should be taking great care not to send out that message.

The final opt-out is that mainstream education will not be provided if it would result in significant public expenditure. The central objection to that clause is that we should not—we cannot—put a price on inclusion. Those decisions should not be based on consideration of cost. We are talking about children's lives and those decisions should not be reduced to crude calculations of costs. Costs incurred by including one child will open up a school to other children with special needs.

There is also the question of definition. What is significant public expenditure? Or, if we accept Mary Mulligan's amendment, what is unreasonable public expenditure? Peter Peacock said that Mike Russell's amendment on Gaelic-medium education had a technical flaw in that it did not define "reasonable demand". If that was true of that amendment, then it is true of this amendment and its failure to define significant or

unreasonable public expenditure. Who decides what significant public expenditure is? I see that the Minister for Finance is listening carefully. We all know that there are many cash-strapped local authorities in the country. Even small amounts of public expenditure will be significant if a local authority does not have the money.

Malcolm Chisholm: Will the member give way?

Nicola Sturgeon: We are saying that local authorities will be able to refuse access because they cannot afford it. I will give way.

Malcolm Chisholm: I had considerable concerns about section 12A before the Executive introduced its new amendment today. Can Nicola Sturgeon tell us why she did not oppose the unamended section 12A when it was debated in committee? Does she not agree that today's Executive amendment makes a significant difference to the original formulation? To say that it should be presumed that those circumstances apply only exceptionally is in fact a radical policy development.

Nicola Sturgeon: If Malcolm Chisholm reads the *Official Report* of the Education, Culture and Sport Committee meeting, he will see that I raised exactly those concerns. That was not pushed to a vote. I reserved that position to allow every member of this Parliament to take a decision on one of the most important amendments that we will examine today.

It is true to say that the amendments improve the situation, but they do not do enough. "Unreasonable public expenditure" still has not been defined and neither has the term "exceptional circumstances" in the minister's amendment. Section 12A gives the green light to bad local authorities that do not want to make an effort to include children with special educational needs in mainstream schooling. I do not believe that any member wants that to happen. My amendment deletes the opt-outs but also recognises that there will be circumstances in which it will not be in the best interests of children to be educated in a mainstream school. It makes it clear that those decisions will be made, not on the grounds of cost or what it would mean for other children, but on the grounds of what would be in the best interests of children with special educational needs. If we are committed to an agenda of inclusion, that is the basis on which the decisions should be made.

I urge members not to reject the amendment, which is supported by the parents of children with special needs and the organisations that represent them. It will prevent us from passing a bill that will make matters worse for the children with special needs whom everyone in this chamber wants to help into mainstream education to ensure that they

get the best possible opportunities in life.

Mrs Mary Mulligan (Linlithgow) (Lab): I want to make it clear that I and the other members of the Education, Culture and Sport Committee were totally in favour of ensuring that all children with special educational needs were entitled to be educated within the mainstream, where that was appropriate.

The witnesses to whom the committee has spoken, including those to whom we spoke as part of our investigation into the provision of special educational needs, continually told us that, while they accept that it is desirable to have most children in mainstream education, there will be individuals for whom that is not the best circumstance. That is what Peter Peacock's amendment picked up on. I think that Nicola Sturgeon has missed the point. As she said, the committee discussed the definitions of various words. I believe that I questioned the minister on the word "significant". Like Nicola, I was not convinced that that word went far enough. Significant public expenditure could be anything above the norm. We did not think that that was acceptable, which is why we lodged this amendment.

Nicola Sturgeon: For the benefit of everyone in the chamber, could Mary Mulligan define what is meant by "unreasonable" public expenditure? It seems that the problem of definition is as significant in relation to that word as to the word "significant".

Mrs Mulligan: As Peter Peacock said, the amendment is imperfect, even with the substitution of "unreasonable". However, the word "unreasonable" signifies that the expenditure would have to be unreasonable within the context of the budget of a local authority. It also puts the onus on the local authority to say why the expenditure is unreasonable, rather than having the parents of the children battling against the local authority. However, we recognise that we have to consider individual cases and not take the broad-brush approach that Nicola Sturgeon has taken.

It is unfortunate that people have been misled in this debate and I hope that this amendment will reassure the parents, families and children that we want to ensure that all the children, where suitable, have the option of mainstream education.

The Deputy Presiding Officer: In this section, I have to put the question at 16:35. I therefore ask for short and snappy contributions.

Shona Robison (North-East Scotland) (SNP): I support amendment 26, which is one of the most important amendments that we will be discussing today. It goes to the heart of what the Scottish Parliament is about: the integration of equal

opportunities into all policy development, legislation and implementation. Section 12A, however, undermines equal opportunities as it will be used to exclude disabled children from mainstream education.

Amendment 26 seeks to rectify that situation by putting the child's best interests at the centre. It explicitly rules out disability and additional expenditure as primary reasons for refusing a child a mainstream placement. The existing section 12A is a licence to segregate disabled children and will mean that they will continue to be excluded from mainstream education, not through choice but through prejudice.

As the Riddell report highlighted, there has been no improvement in the past 13 years in the number of disabled children in mainstream education, and section 12A will do nothing to rectify the situation. The last-minute—which says it all—Executive amendment to include a presumption that the opt-outs can be used only in exceptional circumstances is not enough to address the concerns of parents of disabled children. Their concerns were very much in evidence when they held a demonstration at this Parliament just last night.

It is extremely patronising to say that the parents of disabled children do not know exactly what they want from this legislation. They know what they want and they know that what is being proposed is woefully inadequate. It certainly falls short of the Executive's stated commitment to inclusive education, and comes as a bitter disappointment to the families of disabled children. This bill is an opportunity for Scotland to be in the vanguard of inclusive education. Without amendment 26, it will continue to lag behind.

Inclusive education has been a reality for more than 20 years in Norway and Italy, and even the proposed legislation for England and Wales contains a stronger commitment to inclusive education than the Scottish bill does and makes no reference to ability or aptitude. Do we really want to have weaker legislation in Scotland than in the rest of the UK? The Equity group, which gave us this amendment, also gave excellent and persuasive evidence to the Equal Opportunities Committee.

Johann Lamont (Glasgow Pollok) (Lab): Will Shona Robison give way?

Shona Robison: I am running out of time. The amendment recognises the need for continued special education where that is the wish of the parents or child, or where the local authority can show that a mainstream placement would not be in the interests of the child. There is therefore a safeguard, and an independent conciliation service would resolve any disputes.

Amendment 26 puts the interests of the child first and foremost and has the support of Children in Scotland, Disability Scotland, the Association of Scottish Principal Educational Psychologists, as well as this Parliament's cross-party group on children.

Amendment 26 rules out disability and additional expenditure as primary reasons for refusing a mainstream placement. The Disability Discrimination Act 1995 will be extended to include education later this year, making unjustified discrimination and admission arrangements to schools unlawful. Let us get ahead of the game and make it clear that discrimination has no place in educational legislation for Scotland.

I urge members to support amendment 26.

Mr Monteith: I support Nicola Sturgeon's amendment. This is an important debate and I agree that the opt-outs in the bill are too wide-ranging. We should be moving away from the idea that considerable cost should have a bearing on decisions about mainstream placement.

I support the idea of mainstreaming where it is appropriate. There has been much discussion about integration, but the use of the term integration denies the fact that there are separate groups. To achieve inclusive education does not always have to involve mainstreaming; in some cases it should involve the provision of special educational schools, such as Donaldson's College, the Royal Blind School and the Craighalbert centre. Nicola Sturgeon's amendment recognises that. The proposed phrases:

"would be incompatible with the wishes of the child and the child's parents"

and

"can be demonstrated by the education authority not to be in the best interests of the child"

mean that those schools would still have a place. I find it quite possible to support Nicola Sturgeon's amendment, and I am pleased to give my support today.

16:30

Karen Gillon (Clydesdale) (Lab): I want to support the Executive amendments and oppose Nicola Sturgeon's amendment, and to put on record my disgust at the politics that are being played in the debate with vulnerable young people.

Yesterday evening's television contributions and today's press contributions did nothing to inform the debate, but everything to scare people into believing that their children were about to be withdrawn from mainstream schools. If I, or my

colleagues on the Labour benches, believed for one minute that that was the case, we would not support the amendment. Many members on the Labour benches have a long and proud tradition of supporting children with special educational needs. We will not be lectured by anyone on those children's need to be included in mainstream schools.

Nicola Sturgeon: Will the member give way?

Karen Gillon: No.

The issue is far too important to become a political football. For too long, the subject of special educational needs has been placed on the sidelines of the British political debate. Once and for all, we have included in an education bill a presumption of mainstreaming for children with special educational needs. At the same time, the bill will enable a balance to be achieved—that is important because there will continue to be parents who wish their children to be educated in a special school. There are genuine views on both sides of the debate, and those views have to be taken on board.

Sam Galbraith's amendments help to place that balance at the centre of the bill and allow both sides—special schools and mainstream schools—to have their place. To say to people, falsely, that the bill will mean that their children will be forced out of mainstream education is simply wrong, untrue and dishonest. People are being used to make cheap political points.

I urge members to oppose the amendment in the name of Nicola Sturgeon.

The Deputy Presiding Officer: The minister has just under three minutes to respond.

Peter Peacock: I will be brief.

The amendments that we tried to deal with at stage 2 are extraordinarily difficult. They concern children with very difficult personal circumstances, and we are genuinely trying to find ways of bringing those children into mainstream education. We are striking a blow for equality by ensuring that we can, as a presumption in law, ensure that every child in Scotland goes to a mainstream school.

There was consent at stage 2 from the SNP and the Tories. They recognised that the matters were difficult and that we were trying to find a proper balance. We refined our earlier amendment with a further amendment today to try to give greater strength to that balance. We are prepared to accept Mary Mulligan's amendment today, again to find greater consent and balance and to give greater effect to what we are trying to do. Let no one say that we are seeking to remove children from mainstream schools and put them into special schools. That is simply a lie. Our intention

is exactly the opposite. We believe that we have found the right balance in difficult circumstances.

I cannot really believe that Nicola Sturgeon and Brian Monteith believe that we should not have a debate when—in extreme, exceptional circumstances—it is right to have that debate about whether a child should go into a mainstream school or not. We must always leave that option open, in the interests of the child and of the community. That is what we are seeking to do. These are difficult matters, but we are seeking to deal with them genuinely and I think we have found the right balance.

I very much regret that, at the first sniff of trouble around the issue, the SNP breaks off the consensus and seeks, like a shark in water that has sniffed a bit of blood, to get in and cause greater difficulty. It is shameful that that has happened.

Amendment 3 agreed to.

The Deputy Presiding Officer: I ask Nicola Sturgeon to move amendment 26 formally.

Nicola Sturgeon: I move amendment 26. Do I get to sum up?

The Deputy Presiding Officer: No.

The question, is that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Those who wish to support amendment 26 should press their yes buttons now.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McLetchie, David (Lothians) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 45, Against 69, Abstentions 1.

Amendment 26 disagreed to.

The Deputy Presiding Officer: I put Ms Sturgeon at a disadvantage; we are having difficulty with our screens. I should have called her to sum up and did not—my apologies.

Amendment 27 moved—[Mrs Mulligan]—and agreed to.

Amendment 4 moved—[Peter Peacock]—and agreed to.

After section 20

The Deputy Presiding Officer: We now come to amendment 29, in the name of Mr Brian Monteith.

Mr Monteith: There was some debate at stage 2 in regard to self-governing schools. Evidence has been heard by the Education, Culture and Sport Committee on Gaelic schools, and there has been some debate about pluralism in education in relation to the curriculum, specifically in regard to Rudolf Steiner schools.

Amendment 29 seeks to consider all those issues and to provide some hope to parents who have interests in all those matters. There is no reason why the Government cannot establish, for instance, grant-aided Gaelic-medium schools where there is a clear parental demand.

In Dunblane, we have St Mary's Episcopal Primary School, which has only 65 pupils, achieving tremendous results that are well above the national average. St Mary's is an ideal example of self-government by parents and could be used as the model for Gaelic schools. Edinburgh's Gaelic-medium unit could become a grant-aided Gaelic school. Eventually, across Scotland we could see the development of Gaelic

education boards, which would have responsibility for Gaelic education. That diversity of choice would sit well with our provision for Roman Catholic schools and other types of schools.

Gaelic is rich, alive and has a future. If the amendment were accepted, our Gaelic schools could flourish across the land. St Mary's is of course the sole surviving self-governing school. It consistently performs above the local and national averages. It is not about some abstract law of self-governance that allows schools to manage their own affairs with the involvement of parents. It is not some Tory relic of an imagined, horrible past. This affects a school that has real people, real teachers and real pupils in it, some of whom are in the public gallery today to hear the debate.

Many parents are—or should I say were—Labour voters. They—like Sam Galbraith—saw no difficulty in sending their children to an independent state school, but now they find that the independence that has contributed so much to the improvement of standards at their school is to be snuffed out, yet the independence at Jordanhill will remain. What parents seek is a level playing field.

Labour talks of elitism in education; with the bill, we see that the elite in Scotland is the Labour establishment. The amendment would put the parents at St Mary's and parents in the rest of Scotland on the same footing. In that sense, it is inclusive and anti-establishment and is about equality of opportunity.

I move amendment 29.

Dr Sylvia Jackson (Stirling) (Lab): Having listened to the views of those involved with local authority schools in the Stirling constituency, of which Dunblane is part, I would like to make a few points.

First, and most important, it should be remembered that St Mary's opted out of local authority control and received Scottish Office grant because of Tory policies to break local authority control over education. As a result of having opted-out status, St Mary's has received more favourable funding from the Scottish Office and then the Scottish Executive, and from the local authority, than have comparable primary schools in the Stirling area. Mr Monteith's amendment would mean that St Mary's privileged position continued, when it is high time that the school was returned to local authority control. I therefore urge members to oppose this Tory amendment.

Bill Aitken (Glasgow) (Con): I have some experience in these matters as I was the city councillor who represented the Jordanhill area at the time when Jordanhill School's funding became a problem. The matter was satisfactorily resolved by the direct intervention of the then Prime

Minister.

When Sam Galbraith stayed in my constituency, I was gratified to think that it might have been the quality of the local government representation that tempted him to remain in the Jordanhill area. As a responsible parent, he sought to avail himself of the facilities available through the school. The school is an excellent example of what happens when parents are involved.

Amendment 29 captures the difference in philosophy between ourselves and the Executive: we believe in giving parents the choice, and we believe in giving them the maximum input into their children's education. Jordanhill has been a classic example of that. It is the height of unfairness that other parents throughout Scotland—and not just parents of children at St Mary's, although that school is another good example—do not have the opportunity to avail themselves of similar opportunities to those that exist in Jordanhill, which is an outstanding success by any criteria. The amendment seeks to give parents those opportunities.

The Deputy Presiding Officer: I call Mr Monteith again, but please be brief, as you and your colleague have had a good crack at it.

Mr Monteith: I was distressed to hear Sylvia Jackson's contribution, which will not sit easily with parents who send their children to St Mary's and to other Dunblane primary schools. Repeating yet again the same old tired statistics—which are, I feel, rather misleading—does her no favours.

Amendment 29 is about providing a level playing field and it is about giving equal opportunities to parents throughout Scotland, so that they have the same opportunities that the minister enjoys. That applies to all parents—whether they wish to have Gaelic-medium education, or a different curriculum through Rudolf Steiner or other kinds of schools, or whether they simply wish to have a school such as St Mary's where the parents have a clear role in the management. This is not about resources; it is about improving standards. That is what the bill is meant to be all about.

Peter Peacock: Presiding Officer, you will not be surprised to learn that the Executive opposes amendment 29, in the name of Brian Monteith. St Mary's has absolutely nothing to fear from going back into the local authority set-up. It will do fine within that family of local authority schools, where it will receive greater support and will flourish.

It seems a little bizarre that Brian Monteith should lodge an amendment that would require ministers, upon receiving an application, not to withhold unreasonably grant aid to Scotland's private schools and the other schools that he mentions. Such a commitment would be clearly contrary to our policy that publicly funded schools

should be managed by local authorities, which are best placed to plan provision and offer a supportive framework.

David McLetchie (Lothians) (Con): If it is the policy that publicly funded schools should be managed by local authorities, will the minister please explain why that rule does not apply to Jordanhill?

Peter Peacock: I have dealt with that point many times in Parliament, and I have no desire to do so again. I will continue with the point that I was making.

There is nothing to stop managers of educational establishments applying for a grant from Scottish ministers under section 73 of the Education (Scotland) Act 1980. However, the proposal to impose an explicit requirement that consent to such funding should not be unreasonably withheld would unduly restrict the discretionary power to award such grants. When making funding decisions, ministers need to consider a wide range of general funding priorities, and not just the circumstances of individual schools. For those reasons, I recommend that we reject the amendment.

16:45

The Deputy Presiding Officer: The question is, that amendment 29 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (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)
McLetchie, David (Lothians) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Mundell, David (South of Scotland) (Con)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Tosh, Mr Murray (South of Scotland) (Con)
White, Ms Sandra (Glasgow) (SNP)
Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Canavan, Dennis (Falkirk West)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McLeish, Henry (Central Fife) (Lab)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Sheridan, Tommy (Glasgow) (SSP)
Simpson, Dr Richard (Ochil) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)

Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 64, Abstentions 25.

Amendment 29 disagreed to.

Section 25—Vacancies for parent members of School Boards

The Deputy Presiding Officer: We now come to amendment 5, which is grouped with amendment 6.

Peter Peacock: Amendments 5 and 6 follow from an amendment that was tabled at stage 2 by Fiona McLeod, with which the Executive agreed in principle. The amendments introduce a requirement for authorities to take reasonable steps to notify parents that a vacancy has arisen and cover the circumstances in which a by-election should be held within a school board. That means that parents will be notified of their continuing right to request a by-election. However, unlike the earlier amendment, the amendments give authorities the flexibility to do that in a way that does not create extensive administrative burdens for the school or the authority. Authorities oversee the regular election process and are already required to notify parents that a regular election is being held. I recommend that members accept the amendments.

I move amendment 5.

Nicola Sturgeon: I welcome the amendments that were lodged as a result of discussion at stage 2. I understand the thinking behind the provision to allow co-option where vacancies on school boards arise. However, there was a concern that that might lead to situations in which a majority of school board members were co-opted rather than elected. The provision to allow a certain number of parents to request an election to fill a vacancy was an improvement on the initial provisions. However, that right will have meaning only if parents know about vacancies. The amendments oblige local authorities to take reasonable steps to ensure that parents are aware of such vacancies.

In that spirit, I am happy to accept the amendments and commend the Executive for introducing them.

Amendment 5 agreed to.

Amendment 6 moved—[Peter Peacock]—and agreed to.

Section 28—Delegation of education authority's functions to School Board

The Deputy Presiding Officer: We now move to amendment 31, which is grouped with amendment 43.

Mr Monteith: I lodged amendment 31 after a significant debate at stage 2, on the issue of withdrawing children from sex education. Parents can—and occasionally do—withdraw their children from sex education in some local authorities. That is good practice, but not a legal right. Members do not need to take my word for that—I asked the Scottish Parliament information centre to provide me with the legislation that allows for withdrawal specifically from sex education classes, but SPICe could not find it. Such provision exists in relation to religious instruction. However, the withdrawal of children from sex education is not a legal right, but simply good practice. I seek to give reassurance to parents who would like to know that that is their right. The words of ministers do not carry enough weight. It is important that that right is part of legislation—that is what my amendment seeks to achieve.

At stage 2, I lodged a probing amendment, which sought to determine the views of the committee and the minister. At that stage, members indicated sympathy for the principle of the ability to withdraw children from sex education classes. However, I will be humble and honest and say that members of the committee were queuing up to condemn the fact that the stage 2 amendment was too far-reaching. Indeed, Mike Russell and others were worried that the effect of that amendment could be the creation of a national curriculum. They were worried that the effect on the curriculum would be devastating and that it would be possible to withdraw a child from English literature classes in which D H Lawrence or other authors whose work had a content of sexuality was being discussed.

I have listened to Mike Russell's argument, and those of other committee members, and I am happy to accommodate them. That is an important aspect of having the different stages of discussing the bill, so the amendment that I propose today limits itself to sex education, and does not deal with the discussion of sexuality in, for example, guidance or in English classes or, as it was so eloquently put, in discussions about plugs and sockets in the techie block. This is a genuine attempt to give many parents the reassurance of a legal right. My language has been careful and restrained, and I have attempted to attract cross-party support for the amendment.

Presiding Officer, would you like me to move on

to the next amendment, because amendments 31 and 43 are grouped together, or shall I end there?

The Deputy Presiding Officer (Patricia Ferguson): It is up to you, Mr Monteith, so proceed if you wish.

Mr Monteith: I will happily sit down now.

I move amendment 31.

Nicola Sturgeon: With your permission, Presiding Officer, I will address my remarks to both of Brian Monteith's amendments in the interests of time.

First, I will deal with amendment 31. I agree that parents should have the right to withdraw their children from sex education classes, but I also believe that they already have that right. I do not know whether Brian Monteith has read the draft guidance on sex education, which of course will be given legal effect by section 51A of the bill. Paragraph 11 of that guidance states that

"in the event of a parent or carer concluding that he or she wishes to withdraw their child, arrangements should be made for the pupil to have alternative positive educational provision."

In view of that, I consider amendment 31 to be entirely unnecessary, and I ask Brian Monteith to withdraw it.

Mr Monteith: I understand the point that the member makes, but surely it has already been clearly shown, with regard to the guidance that will be issued, that local authorities shall only "have regard to" that guidance? As was clearly explained by the minister at stage 2, "have regard to" can mean that the local authority can ignore the guidance in the final analysis, so it does not provide a right because it can be ignored.

Nicola Sturgeon: There is no doubt in my mind that local authorities will be obliged, when the bill becomes law, to "have regard to" the guidance. The guidance clearly gives parents the right, as they should have, to withdraw children from sex education classes. For that reason, I consider amendment 31 to be unnecessary.

I will turn my attention to amendment 43, which I will not support, because what it seeks to do is inappropriate. It seeks to take a few lines of what the Conservatives want to see included in the guidelines and to insert them completely and totally out of context into statute. I see that the Tories seem intent today on continuing their complete refusal to make any constructive contribution whatever to the debate. They are becoming part of the problem rather than part of the solution.

I will now refer to the Executive, because it is the Executive that has the power to settle the issue. We are within touching distance of settling this

debate to the satisfaction of the vast majority of parents in Scotland. It is for the Executive now to reach out and grasp that settlement. The SNP has said consistently since February that the issue will be settled in keeping with the best traditions of Scottish education, in the guidance and in the guidelines. The Executive itself seemed to accept that position a few weeks ago when it agreed to insert section 51A into the bill. However, the semantic arguments that it has insisted on indulging in since then have threatened to jeopardise the chance of settling the debate.

In two weeks' time section 2A will be repealed, and rightly so, but I call on the Executive to make use of those two weeks, until stage 3 debate of the Ethical Standards in Public Life etc (Scotland) Bill, to provide the clarity that is now needed to reassure parents about the context in which their children will be taught sex education, and once and for all to bring this issue to a close.

What we need are not the amendments lodged by the Conservatives, but three things. First, we need a clear, non-discriminatory reference to marriage in the guidelines. There should be recognition of the important place of marriage in society and of other forms of relationships, and a clear statement in the guidelines that children, no matter what their background, will not be stigmatised in the classroom. Secondly, we need an end to semantic arguments and an assurance that the guidance will make it clear that local authorities must also have regard to the guidelines. The Executive should provide that clarity for parents and stop indulging in semantics.

David McLetchie: Will the member give way?

Nicola Sturgeon: No.

Thirdly, where there is a reference to "stable family life" in the guidance, there should be a clear definition that tells parents that "stable family life" includes marriage and other forms of relationship. We need such a definition to settle the debate. What can any member possibly object to in that suggestion?

I call on the minister, in his summing-up, to reject the wrecking amendments lodged by the Tories.

David McLetchie: Will the member give way?

Nicola Sturgeon: No, thank you.

The minister should take this opportunity to provide that clarity to Scottish parents and reassure them that they will have the protection that they require. That will bring the debate to a close once and for all.

The Deputy Presiding Officer: As we have a number of items of business to get through before 5.5 pm, I will go straight to the minister.

Peter Peacock: Like Nicola Sturgeon, I will try to deal with both of Brian Monteith's amendments. Although I recognise the sentiments that lie behind those amendments—

David McLetchie: On a point of order, Presiding Officer. Mr Monteith has moved only amendment 31. Perhaps if Mr Peacock responds to amendment 31, Mr Monteith will have an opportunity to move his other amendment. Mr Peacock can then respond to that amendment. With respect, the debate is going the wrong way round.

The Deputy Presiding Officer: No. When Mr Reid was in the chair, he called amendment 31, which is grouped with amendment 43. It is normal practice for members to address all the amendments in a group.

David McLetchie: You said that it was all right to split the grouping.

The Deputy Presiding Officer: When Mr Monteith asked me whether I wished him to carry on, I said that it was entirely up to him. He had that opportunity. I will allow Mr Monteith to speak to amendment 43 if he is very brief, then I will return to the minister. Minister, I apologise for that.

Mr Monteith: Thank you, Presiding Officer.

Amendment 43 does not create a statutory guideline. I have previously pressed the minister on the form of words, and it is clear that the phrase "shall . . . have regard to" stops short of creating a statutory guideline. However, the wording "must have regard to"—which is the wording used in English legislation where statutory guidelines exist—would have taken us down the road of a national curriculum that none of us in this chamber wishes to travel. The amendment says that there shall be guidelines and that they shall include, but are not limited to

"marriage, parental commitment and stable family relationships".

What could be more acceptable than that? Before anyone says that I am trying to rank those aspects or to create a league system, I have no intention of demeaning, stigmatising or stereotyping those different forms of family relationship. I have made that clear by including that in my amendment.

My amendment seeks to accept that there will be guidelines; however, although the guidelines will be all-encompassing, they must include certain aspects of family relationships. That will not make the guidelines statutory; those parts of the guidelines will simply be included in the legislation. I see no difficulty in accepting the fact that the guidelines will contain more information, particularly in the light of Nicola Sturgeon's views.

Having rubbished everything that I have put

before the chamber, Nicola Sturgeon started more or less making the arguments that I have made. It is clear that, at every opportunity, the Conservatives have lodged amendments and tried to discuss the issue. Although we have constantly heard that the SNP would lodge amendments, how many amendments has Nicola Sturgeon lodged on this issue? How many of her amendments are in the papers before us, to put the SNP's name on the line in the debate? None.

Nicola Sturgeon: Will the member give way?

Mr Monteith: No, I am just finishing.

Nicola Sturgeon has lodged no amendments. The SNP's position changes all the time to suit the tabloids. The SNP blames us; at least we have been consistent.

Peter Peacock: I will deal with amendment 43 and then with amendment 31. The Executive has made its position clear on a number of occasions, both in the consideration of this bill and in the consideration of the Ethical Standards in Public Life etc (Scotland) Bill. The issues raised in those amendments have been considered in depth at stage 2 debate of both bills, and amendments of this nature have been overwhelmingly rejected in committee.

I have said before that the amendments are unnecessary, given both the provisions that are already in place and the provisions of the Ethical Standards in Public Life etc (Scotland) Bill, which set the legislative framework for the repeal of section 2A. In asking the Parliament to reject Brian Monteith's amendments, I am not asking members to reject people's concerns, rather to recognise what is already being done to meet concerns.

17:00

The amendments seem to disregard the safeguards that are already in place, or which are in the process of being developed. Section 26 of the Ethical Standards in Public Life etc (Scotland) Bill provides for a new general duty on local authorities, when exercising powers

"which relate principally to children, to have regard to—

(a) the value of stable family life in a child's development".

That applies across the full range of local authority functions that relate to children, not just school education.

The term "stable family life" includes marriage, and we recognise its importance to the majority of our community. However, we are anxious not to create a hierarchy of relationships. Our provisions recognise today's reality that family units take many forms. We do not honour marriage by denying the reality of other relationships that are

well established in our society today. We would be failing in our duty if we did not ensure that the legislation that we pass now acknowledged that diversity.

In January, we announced a package of safeguards for the delivery of sex education in schools, which will be put in place before any repeal of section 2A of the Local Government Act 1986—

Nick Johnston (Mid Scotland and Fife) (Con): Will the minister give way?

Peter Peacock: No, I will not give way.

The package of safeguards will be put in place before any repeal of section 2A comes into force. The safeguards will ensure that the best advice is available and that good practice continues after repeal.

We set up a working group to examine the range of materials dealing with sex education, in the light of the repeal of section 2A, and to consider the scope and general content of the package of safeguards. The group concluded that the package of safeguards is sufficiently complete, wide-ranging and robust to meet the concerns of the public, of parents and of teachers about the repeal of section 2A.

The group has already signalled that it sees the value in summary guidance for teachers, advice on how to consult parents and a package of advice for parents. The group has been asked to report on those matters to Sam Galbraith by 16 June.

We will all have access to the group's report before being asked to consider the Ethical Standards in Public Life etc (Scotland) Bill. Section 51A of this bill, the Standards in Scotland's Schools etc Bill, which amendments 31 and 43 seek to overturn, is a direct response by the Executive to address the concerns expressed by the Education, Culture and Sport Committee. The section provides for the statutory underpinning of guidance on the conduct of sex education, which is what the committee sought.

The section was considered in detail by the committee, and it was overwhelmingly accepted at stage 2. Amendment 31 relates to the "Right of parents to withdraw children from sex education". Parents do not need a new statutory right to withdraw their children from sex education. Parents may already do so if they wish.

I ask the Parliament to reject amendments 31 and 43.

The Deputy Presiding Officer: The question is, that amendment 31 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Johnston, Nick (Mid Scotland and Fife) (Con)
McGrigor, Mr Jamie (Highlands and Islands) (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)
Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Canavan, Dennis (Falkirk West)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
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)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McLeish, Henry (Central Fife) (Lab)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
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)
Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 15, Against 68, Abstentions 29.

Amendment 31 disagreed to.

Section 29—Provision of education for pre-school children etc

The Deputy Presiding Officer: We now come to amendment 33, in the name of Dennis Canavan. I ask Mr Canavan to be very brief.

Dennis Canavan: I trust that the Executive will accept amendment 33, because it is in accordance with the policy commitments of the Labour party, in case members of the Labour party have forgotten.

I have in front of me a Labour party official

document, which states:

“A vote for Scottish New Labour next May is a vote for a national child care strategy for Scotland. It will mean a nursery place for 3 and 4 year olds within the next 3 years”.

My amendment will turn that commitment into a reality, and I therefore hope that all members will vote for it.

I move amendment 33.

The Deputy Presiding Officer: I ask the minister to be equally brief.

Peter Peacock: I could say a great deal about the amendment. We are obviously making huge progress in pre-school education, and the number of places is increasing all the time.

There was a lengthy debate about the matter at stage 2, and the Executive recognises that there are a range of issues around entitlements to pre-school education, and around the relationship between pre-school education and deferred entry to a primary school. Those issues require much more consideration.

I agreed at stage 2, with the consent of the Education, Culture and Sport Committee, that we would set up a working group with the relevant interests of parental bodies, the Convention of Scottish Local Authorities, the Executive and others, to explore how to extend the rights of children in relation to pre-school education, and how to deal with matters relating to deferred entry with regard to pre-school education.

I suggest that in the light of that commitment by the Executive, which would take the matter further than Dennis Canavan himself seeks to do, it would be unwise to close the issue down today. With that assurance that it is being looked at and that we will come back with a proposal to use regulations if necessary to extend the rights of children in that regard, I invite Dennis Canavan to withdraw the amendment.

The Deputy Presiding Officer: Mr Canavan?

Dennis Canavan: No.

The Deputy Presiding Officer: The question is, that amendment 33 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 33 disagreed to.

After section 36

The Deputy Presiding Officer: Amendment 34 has already been debated in the third group.

Amendment 34 moved—[Michael Russell].

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

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)
 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)
 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)

The Deputy Presiding Officer: The result of the division is: For 36, Against 62, Abstentions 17.

Amendment 34 disagreed to.

Section 37—Education outwith school

The Deputy Presiding Officer: Amendments 35, 36, 37 and 38 have already been debated, in the fifth group. Mr Stone, are you moving these amendments?

Mr Stone: No.

Amendments 35 to 38 not moved.

After section 37

The Deputy Presiding Officer: We now come to amendment 40, in the name of Cathy Jamieson. Please say only two sentences in moving the amendment.

Cathy Jamieson: I am moving amendment 40 to bring the bill into line with other legislation, most notably the Children (Scotland) Act 1995 and the Age of Legal Capacity (Scotland) Act 1991. It seeks to give young people the right to appeal

against exclusion from school themselves rather than having to rely on their parents to do it for them. It is supported by a number of children's organisations and by the Law Society. I am personally aware of a number of occasions over the years on which that provision would have been very helpful to young people in pursuing their education.

I could say a great deal more as I have campaigned on the issue for 10 years. I hope that the Executive will accept the amendment so that I can celebrate tonight.

I move amendment 40.

The Deputy Presiding Officer: We have no time to take any other speakers. Will Mr Peacock indicate his position?

Peter Peacock: I am happy to accept the amendment.

Amendment 40 agreed to.

Section 41—Further provision as respects placing requests

The Deputy Presiding Officer: We now come to amendment 7, which is grouped with amendments 8 and 9.

Peter Peacock: At stage 2, some concern was expressed about the intention underlying the power in section 41(4), which would allow Scottish ministers to make regulations requiring the General Teaching Council to provide information to other persons or bodies. At stage 2, I explained that that provision was included because the new general teaching councils for England and Wales will be required under statute to refuse registration to a person whose name has been removed from the register of the GTC for Scotland or who has been refused registration on the grounds of misconduct or criminal conviction. It was suggested that the provision should be more tightly worded, and we agreed to consider an amendment at stage 3. I accept the point that was made, and amendment 7 is designed to address that. It also provides for information to be given to the GTC for Northern Ireland, once it is established.

Amendments 8 and 9 are minor consequential amendments. I hope that members will welcome this clarification.

I move amendment 7.

Amendment 7 agreed to.

Amendments 8 and 9 moved—[Peter Peacock]—and agreed to.

Section 46—Professional Conduct Committee and Investigating and Disciplinary Sub-committees

The Deputy Presiding Officer: I call Mr Monteith to move amendment 41.

Mr Monteith: The purpose of amendment 41 is to recognise that teaching is a profession that is worthy of a status that is equal to that which is enjoyed by doctors, lawyers, accountants, surveyors and many others. Those professions have self-regulating professional bodies that are the guardians of professional competence. Amendment 41 seeks to ensure that the General Teaching Council is placed on the same level as such bodies. It seeks to ensure that head teachers, teachers or parents and guardians can refer to the GTC any concerns about serious professional incompetence. If Sam Galbraith can accept the rulings of the General Medical Council, to which parents can make complaints about the professional behaviour of surgeons or doctors, he should accept that the General Teaching Council should be able to take complaints directly from colleagues or parents and guardians.

It has been argued that local authorities are teachers' employers and that complaints should be channelled through them. However, local authorities also employ lawyers, accountants, surveyors and other professionals. Complaints against those professionals can be and are directed to the relevant professional body. If that professional body strikes a professional from its register, the local authority has to consider whether that person can continue in post and, of course, they rarely can.

I am concerned that vexatious and trivial complaints should be filtered out. Very briefly, I will give an example of how that is already done in disciplinary cases for misconduct and conviction. Last year, 244 such cases were referred to the General Teaching Council. Some 176 of those were filtered out by the GTC. Twelve cases were referred to its investigating committee, and two teachers were found guilty and removed from the register. Of 244 cases, two were concluded with teachers being struck off the register. That shows that the General Teaching Council can filter complaints and consider cases of serious incompetence.

I move amendment 41.

The Deputy Presiding Officer: I have had no indication that any other member wants to speak to the amendment, but I am conscious that the computer screens are not working particularly well.

Nicola Sturgeon: I would like to hide behind the fact that screens are not working, but the truth is that I did not press my button.

I would like to speak briefly in support of the amendment, which is sensible and would bring the General Teaching Council's status into line with that of other professional bodies. At the moment, there is an inconsistency in the operation of the GTC. In cases where teachers are accused of misconduct, the GTC has an investigative role, but in cases where the competence of a teacher is at stake, it is not open to a parent to request that teacher's investigation by the General Teaching Council. Instead, parents must rely on a local authority to take action. As many parents know, that is not necessarily an easy or quick procedure.

17:15

The overwhelming majority of our teachers do an excellent job and the number of teachers who perhaps should not be in the job is very small. However, the teachers who are in that small category must be dealt with, for the benefit not only of children, but of the profession. The amendment would be a step forward, in that it would give the GTC greater power to regulate the profession. The GTC does a good job with the powers that it has, but the amendment would bring it into line with other professional bodies and enable to do an even better job of ensuring that we have a high-quality, motivated teaching profession.

Peter Peacock: The bill contains substantial new provisions that will, for the first time, allow the GTC to remove teachers from the profession for reasons of professional incompetence. The provisions in the bill enable the GTC to consider deregistering a teacher who has been dismissed for incompetence or who has left their job after receiving notification of a disciplinary hearing.

The bill reflects our strong belief that it is for employers to manage the teaching force. The GTC's functions concern the fitness of teachers to be in the teaching profession rather than a teacher's performance in a particular post. However, we have listened carefully to the view expressed earlier that the GTC should be able to investigate complaints against incompetent teachers.

I set out our latest thinking in a letter to the convener of the Education, Culture and Sport Committee on 30 May, which was circulated widely. Essentially, we do not rule out a role for the GTC in investigating allegations of incompetence. However, that would be a significant step beyond the proposals for the GTC on which we consulted last year. Such a change would need to be discussed with the GTC, employers and other interested parties. It is not possible within the time constraints of the bill to give those matters proper consideration.

There will be other opportunities to introduce any legislative proposals arising from the consultation. Also, we want to take full account of the new disciplinary procedures for teachers that are being developed through the work that the Advisory, Conciliation and Arbitration Service is leading.

Although Brian Monteith's amendment is well intentioned, it illustrates perfectly the confusion that could arise if we rush into further legislation in this complex area. The amendment gives the GTC the power to investigate complaints by parents about incompetent teachers, but is silent on what action the GTC could take if it discovered that a complaint was well founded. It gives employers the right to complain to the GTC about an incompetent teacher, but does not explain how that would relate to action by employers under the new procedures that are being developed.

I have made it clear that I am prepared to consider a wider role for the GTC and have proposed a sensible and measured way to proceed. In that spirit, I urge Brian Monteith to withdraw his amendment.

The Deputy Presiding Officer: Mr Monteith, do you intend to withdraw your amendment?

Mr Monteith: No, I would rather be obstinate and press it.

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)

McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (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)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 44, Against 70, Abstentions 0.

Amendment 41 disagreed to.

Section 51—Abolition of Scottish Joint Negotiating Committee for School Education

The Deputy Presiding Officer: We now move to amendment 42, which is grouped with amendment 45.

Dennis Canavan: Since lodging amendment 42, I have been informed that it has the support of the Educational Institute of Scotland, so I should perhaps declare an interest in that I am a member of the EIS. However, I make it clear that I do not receive any money from the EIS—indeed, any financial transactions are in the opposite direction by way of membership subscriptions.

Section 51 proposes to abolish the Scottish Joint Negotiating Committee, which was established under section 91 of the Education Act (Scotland) 1980. During the past 20 years, the SJNC has helped to bring about some significant improvements, including the establishment of maximum class sizes at a time when similar arrangements were unheard of in other parts of the United Kingdom.

The SJNC has the support of the main teachers' unions. It is not perfect, but it provides a statutory framework in which negotiations take place. It is not surprising that many teachers were very angry when the Scottish Executive took the unilateral decision to abolish the SJNC, which was an example of deplorable industrial relations.

The Scottish Executive is asking teachers and Parliament to buy a pig in a poke, because we do not know what will take the place of the SJNC. Last week, Professor McCrone's committee reported and recommended collective bargaining through a national bargaining committee. In some respects, that national bargaining committee might be rather similar to the SJNC, although it need not

have a statutory basis. However, we do not yet know whether the Scottish Executive will accept that recommendation, because it has not given its official response to Professor McCrone.

The very least that the Scottish Executive could do is to keep the SJNC in existence until such time as the Executive produces proposals for a new negotiating mechanism. At present, the only mechanism that is available is the SJNC, and it would be foolhardy of the Scottish Executive and Parliament to abolish it.

This is a sensitive period for the teaching profession, the relations between teachers and their employers and the relations between teachers and the Scottish Executive. In the crucial weeks and months that lie ahead, teacher negotiations will dominate as the McCrone report is digested and acted upon. To abolish the only existing mechanism for negotiations would be not only foolish, but it could be provocative. Therefore, I appeal to the Executive to think again.

I move amendment 42.

The Deputy Presiding Officer: I am afraid that the clock is against us once again. I am forced to move straight to the minister.

Peter Peacock: Amendments 42 and 45 were debated and rejected by the Education, Culture and Sport Committee during stage 2 debate.

Section 51 removes the statutory basis of the SJNC, while leaving in place existing agreements—its effect is to abolish the SJNC. Abolition of the SJNC is necessary because it has patently failed teachers, parents and the pupils in our schools. The breakdown in negotiations over last year's millennium review demonstrates that the SJNC was incapable of modernising the terms and conditions of teachers and of giving us a teaching force that is able to deliver the improvements to education that we all want and need. The employers' side of the SJNC—half of the SJNC—agrees with our position.

The committee that we established under Professor McCrone has reported and has recommended a national bargaining authority that has no statutory authority and which is backed up by an independent body that would carry out three-yearly pay reviews. During the negotiations that will take place over the summer the question of future negotiating and pay machinery will be considered with the trade unions.

The McCrone recommendations require careful consideration and further discussion with employers' and teachers' representatives. The continued existence of the SJNC as a statutory body with responsibility for teachers' pay and conditions would seriously impede discussions on those and other recommendations in the McCrone

report. Therefore, we cannot support amendments 42 and 45.

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Salmond, Mr Alex (Banff and Buchan) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North-East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Fergusson, Alex (South of Scotland) (Con)
Finnie, Ross (West of Scotland) (LD)
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
Gallie, Phil (South of Scotland) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Watson, Mike (Glasgow Cathcart) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 82, Abstentions 1.

Amendment 42 disagreed to.

Section 51A—Code of practice as regards inspection of education authorities

Amendment 43 moved—[Mr Monteith].

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 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)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 17, Against 100, Abstentions 0.

Amendment 43 disagreed to.

After section 52

The Deputy Presiding Officer: We move to amendment 44, which stands on its own, in the name of Helen Eadie.

Helen Eadie (Dunfermline East) (Lab): Amendment 44, if passed, will increase the number of children living in poverty who are entitled to free school meals and it will ensure that those who are already entitled to them—those whose parents receive income support or income-based jobseekers allowance—will be encouraged to take school dinners. Currently, only 20 per cent of those who are entitled to free school meals take them up. That is due, in part, to the stigma that is associated with the way in which the system is administered. The nutritional content of school meals will be increased and nutritional education will be built into the syllabus. The Education (Scotland) Act 1980 governs school meals and is, I believe, within the legislative competence of the Parliament.

There are those who argue that my proposal is flawed, in that there is an element of finance for free school meals built into the working families tax credit. People would have been entitled to the benefit under the previous rules, prior to 1998, under family income supplement.

In early 1999, the Government outlined the cost of extending free school meals provision. According to a written answer at Westminster, extending provision to all school-age children would cost £1.8 billion. It would cost £1 billion to extend provision to primary school children. The Child Poverty Action Group is calling on the Scottish Executive to give free school meals to all school children whose parents receive the new tax credits. In the UK as a whole, that would cost £410 million, or £210 million for schoolchildren under 11. Those figures are from a written answer at Westminster. Such a measure would affect about half of the 1 million poor children who do not currently receive free school meals.

The Standards in Scotland's Schools etc Bill is about ensuring that there are standards in place that will maximise the achievement of children in school. At constituency level, it has been pointed out that the bill provides a valuable opportunity to address other issues that affect children's achievements at school. In that regard, the purpose of the amendment is to set standards for school meals, which in turn will help to address the disadvantages of poverty and ill health, which work against children's performance at school and affect their life chances.

Research shows that there are clear links between nutrition, health and educational attainment that affect disproportionately the most disadvantaged children. One in three children in

Scotland lives in poverty. We are all aware that Scotland's health record is poor in comparison with the records of other European countries. The health gap between the richest and the poorest is the biggest that has ever been measured. I hope that the chamber will support the amendment.

I move amendment 44.

The Deputy Presiding Officer: I ask Peter Peacock to be brief.

Peter Peacock: I will try.

I recognise the strength of feeling that lies behind amendment 44. Helen Eadie has campaigned consistently on this and similar issues.

The amendment has three parts. I will try to deal with them all. The first relates to the working families tax credit and other benefits. It is defective because it refers to section 53(2) of the Education (Scotland) Act 1980, which was amended and repealed by the Social Security Act 1986. The amendment therefore has no effect. I know that that was not what Helen Eadie sought to do, but that is the practical effect.

In any event, the tax credits already include an element that is intended to take some account of the cost of school meals. If the amendment were accepted, a free meal entitlement could be extended while the tax credit continued to include an element for school meals payable for 52 weeks of the year, rather than only in term time, which clearly would be wrong. While I understand the importance for many children of receiving a good school meal every day, the Executive is not persuaded of the case for this amendment.

No one—certainly not the Executive—would quarrel with the sentiments that lie behind the other elements of Helen Eadie's amendment. What it suggests about nutritional standards in school meals is very important. It is important that children have access to a good diet, but I do not think that legislation is the best way in which to provide that. I know that, through local authorities and health boards, a number of healthy eating initiatives are under way or are being considered. I make it clear that as a result of Helen Eadie's amendment, I will pick up discussions with Susan Deacon and the health department to try to ensure that we address and put further emphasis on the very important points that her amendment raises.

With the recognition that there is a technical defect in the amendment, and with the assurances that I am giving Helen Eadie, I hope that she will withdraw her amendment.

17:30

The Deputy Presiding Officer: Mrs Eadie, do you wish to press your amendment?

Helen Eadie: On the basis of the assurances the minister has given me, no, although I will tie him to a time scale. If he does not, within a period of one year, take action on the ground, I shall introduce a member's bill or whatever is required. He has one year to take action on this.

The Deputy Presiding Officer: The amendment is not pressed.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order. Helen Eadie seeks to withdraw this amendment, but I object to that. According to the standing orders, I suggest that this amendment go to a vote.

The Deputy Presiding Officer: That is absolutely correct. The question is, that amendment 44, in the name of Helen Eadie, be withdrawn. Are we agreed?

Members: No.

The Deputy Presiding Officer: I am told that we cannot have a division on this. We must vote on the amendment. The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Cunningham, Roseanna (Perth) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Munro, Mr John (Ross, Skye and Inverness West) (LD)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Salmond, Mr Alex (Banff and Buchan) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Smith, Margaret (Edinburgh West) (LD)

The Deputy Presiding Officer: The result of the division is: For 36, Against 77, Abstentions 1.

Amendment 44 disagreed to.

Long Title

The Deputy Presiding Officer: Amendment 45, in the name of Dennis Canavan, has been debated with amendment 42.

Dennis Canavan: The amendment is consequential on the previous amendment, and is not worth moving now.

The Deputy Presiding Officer: My apologies, Mr Canavan. You are absolutely correct.

Amendment 45 not moved.

Amendment 10 moved—[Mr Galbraith]—and agreed to.

Standards in Scotland's Schools etc Bill

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is a debate on motion S1M-877, in the name of Mr Sam Galbraith, which proposes that the Standards in Scotland's Schools etc Bill be passed.

17:35

The Minister for Children and Education (Mr Sam Galbraith): I am pleased to stand before the Scottish Parliament today to speak for the Scottish Executive on the Standards in Scotland's Schools etc Bill. It is a major piece of legislation which, with the new investment the Executive has made in schools education, will promote improvement and excellence in all Scotland's schools, for the benefit of each and every child in Scotland.

The bill places the child at the centre of education. It ensures that every child has the right to an education that is directed towards the development of their personality, talents and mental and physical abilities so that they may achieve their full potential. It imposes, for the first time, new duties on Scottish ministers and education authorities to promote improvement in school education. It puts in place the strategic framework to deliver that improvement. It will link national priorities, local authority improvement objectives and school-level targets to create an integrated framework for schools education in Scotland.

National priorities are the key to that framework. They will determine the outcomes for education, so that every child—

The Deputy Presiding Officer: I ask members to keep the noise level down while the minister is speaking.

Mr Galbraith: I thought I was speaking pretty loudly.

The Deputy Presiding Officer: You were, Mr Galbraith.

Mr Galbraith: Thank you.

They will determine the outcomes for education, so that every child is equipped with the skills required for life. We are already consulting widely on what should be the national priorities for schools education and will present our proposals to the Parliament later this year.

The improvement framework will be underpinned by the new power to inspect education authorities. That will allow us to highlight good practice but also to identify areas of

underperformance to ensure delivery of the improvements in education that our children deserve.

The bill contains the first substantial provisions relating to the General Teaching Council for Scotland since it was set up in 1965. We have strengthened the GTC's role in ensuring the highest professional standards in Scotland's teaching force by extending its responsibilities into the areas of teachers' continuing professional development and competence. For the first time, the council will have aims consistent with the general raising of standards in the profession and will be subject to a general public interest duty.

The bill ensures that the membership of the council, while retaining a majority of registered teachers—a majority that has been increased during the passage of the bill—represents the teaching profession and a wide range of other interested parties. The future direction, structure and conditions of service of the profession will be taken forward in the context of detailed discussions on the implementation of the McCrone report. That report has been prepared following thorough and wide-ranging consultation but implementation will require considerable groundwork with teachers and the Convention of Scottish Local Authorities.

I have already signalled the Scottish Executive's intention to use the summer period to take forward bilateral discussions. I hope that that will clear the way for the tripartite implementation group that will commence in the autumn. This is an important stage for the development of the profession and the future of our schools. I hope that the Parliament will be supportive of us in this task.

Parents have a key role to play in the education process. That is reflected in the bill, which places new requirements on education authorities and schools to consult and involve parents in school education. For the first time, the bill defines the purpose of school boards as supporting schools. It removes the by-election in school board elections to streamline the process and generally to make it less intimidating for parents to put themselves forward for board membership. The bill will support the dramatic expansion of pre-school education, with a new, stronger, statutory framework, guaranteeing access for children.

The bill contains major steps towards promoting inclusive educational policies for children with special educational needs, whether they are in school or unable to attend for some reason, such as ill health. It combines a strong commitment to including all children in mainstream schooling with a realistic acknowledgement that the needs of a small number of pupils will be best met through alternative provision.

The bill has been introduced and promoted by the Scottish Executive, but its final form has been moulded by the Scottish Parliament and the people of Scotland. The Education, Culture and Sport Committee has worked hard to ensure that it is the best it can be and I thank its members for their diligence and for the excellent way in which they have brought it through the process. In particular, I thank them for the constructive role that they have played. I wish also to thank the clerks for the assistance that they have given.

I want to put on record my thanks to my colleague, Mr Peter Peacock, who has done all the hard work behind the scenes—and up front—to make this such a successful bill. Finally, I also record my thanks to all who participated in the various consultations. The new processes have worked and, as we have seen today with further amendments in respect of equal opportunities and Gaelic-medium education, we have a better bill because of them.

The bill offers a major opportunity to develop and take forward schools education in Scotland. I call on all members of the Parliament to show their support for this objective and to approve the bill.

17:41

Nicola Sturgeon (Glasgow) (SNP): I would like to join Mr Galbraith in thanking a number of people. It is entirely appropriate to thank the committee clerks for their work and assistance throughout the progress of the bill. I would also like to thank my colleagues on the Education, Culture and Sport Committee for the constructive spirit in which we approached consideration of the bill. We did not always agree and we had a few good debates, but the approach was constructive and was designed to improve the bill. I hope that we have achieved that.

I also thank the deputy minister and his officials for the good humour with which, for the most part, they have dealt with amendments to the bill. It would also be appropriate to thank the Minister for Children and Education for popping in for the final stages of the bill and joining us as it passes. Finally, like Mr Galbraith, I thank the many individuals and organisations who took the time to give evidence to the Education, Culture and Sport Committee. Their input was invaluable, if not always listened to by the Executive. I hope that that has confirmed in their minds the value of the Parliament's procedures to ensure that the people are listened to.

This is a bill that, in general terms, the SNP has been happy to support at all its stages, although we made efforts, especially at stage 2, to improve and to strengthen it where it was seen to be weak. Some of those efforts were more successful than

others, but the bill that we will pass today is in many respects better than the one that was published a couple of months ago.

Any moves to raise the standards of education in Scotland are to be welcomed and endorsed. There is much in the detail of the bill that, I agree with Mr Galbraith, will help to improve the educational experience for children in Scotland. The obligation on ministers to consult on and to publish national priorities in education and have them approved by Parliament will, I hope, ensure that change in education is developed and implemented in a much more inclusive, measured and thoughtful way than has been the case in the past, avoiding the sense of alienation and initiative overload felt by many in the teaching profession and in parents' organisations.

The bill will at long last remove the divisive, Tory-imposed opt-out legislation. That legislation was always rejected by the Scottish people and it will now be removed from the statute book. That is to be welcomed. I hope, however, that the minister will take time to reassure the parents at St. Mary's in Dunblane that they have nothing to fear from the bill. The provisions on independent schools, the tidying up of the placing requests system and the start to extending the remit of the General Teaching Council are also to be welcomed.

The Executive made a number of concessions at stage 2: a code of practice will be issued for HMI school inspections; the national priorities will be approved by the Parliament and not simply issued by the Executive; measures will increase the democratic nature of school boards; there will be an increase, albeit a small one, in the teacher majority on the General Teaching Council; and local authorities will be required to pay heed to guidance on sex education.

There were other issues on which the Executive did not concede, such as the strengthening of the GTC's power to regulate the teaching profession, the inclusion of children with special educational needs, Gaelic-medium education and ensuring that the system is child-centred. The debates on those matters will continue and I hope that the Executive will show that it is willing to listen.

I remind the chamber that for all that this is a good bill, there are big issues in education that it will not address. Far too many of our school buildings are in an appalling state. It will take £1.3 billion to bring them up to an acceptable standard. Implementation of the McCrone committee's recommendations is an important issue. I hope that the minister will acknowledge that local authorities cannot afford to implement the recommendations and that he will say how much money the Executive will make available to ensure that they are implemented. We must also tackle deficiencies in our curriculum: only 12 per cent of

our school population study modern languages to higher level.

Let us pass the bill and reflect on the good things it will do, then let us quickly address the other, much more difficult, issues that we must face if we are to improve the education system for the young people of Scotland.

17:46

Mr Brian Monteith (Mid Scotland and Fife) (Con): I, too, would like to record my thanks to the clerks and all those on the committee who helped with the bill. I also thank the people in the Scottish Executive's back-room team who have helped to smooth the way for a number of amendments to be accepted.

It is recorded that the Conservative party group voted against the bill at stage 1. Sadly, I have to say that not enough has been done to it since to allow us to find our way to support it now.

We believe that the bill represents a missed opportunity. It is ironic that it is called the Standards in Scotland's Schools etc Bill, as it fails to give the GTC the powers that would enable it to raise the professional status of teachers, it fails to give the reassurance over sex education that it could, it fails to deal with areas of great importance such as discipline and it fails to deal with the pay and conditions of teachers. All those affect standards in schools and tackling them properly would increase confidence in schooling.

The bill devotes five sections to raising standards but seven sections to repealing the self-governing status that has contributed to raising standards at St Mary's school, a local school with 65 pupils that has achieved, through independent management, what we like to talk of often in the committee and in this chamber—partnership. The school has achieved a good partnership between parents and teachers, which is what we want all our schools to achieve. The words “sledgehammer” and “nut” come to mind when one considers the bill.

There is much talk in committee and in Parliament of a new politics and a new consensus, but the bill gives us a clear example of the listening Government failing to listen. Conservatives could have supported the repeal of self-governing status for schools if the independence of the schools could have been maintained. It would have been an anomaly to maintain St Mary's independence, but Jordanhill in Glasgow is an example of such an anomaly and it survives. We see double standards, not standards, in schools.

The bill is not a major contribution to raising standards, it is a managerial handbook for the

Labour nomenklatura—the Labour elite that says one thing and does another. It says that ministers will have to seek to improve standards, yet the ministers seek to snuff out a school in which standards have improved. Independence can bring results. Parents at St Mary's think so and I have found parents at Jordanhill who think so. I presume Sam Galbraith thinks so—he sends his children to Jordanhill.

As if that were not enough, the minister announced last week that £32 million is to be given to schools independently—not through local authorities. If Sam Galbraith's policy is to let local authorities manage state schools, why not apply that to all schools? He was asked and could not respond.

Ministers were invited to St Mary's, but they did not have the guts to face the parents, the teachers and the children. The minister would not even talk about St Mary's in his winding-up speech. He should not be proud of this bill, he should be ashamed; ashamed that he is the political bully who in losing the argument—indeed, not even facing it—has used the Executive's majority to force it through.

17:50

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I rise to my feet with some trepidation after Mr Monteith's speech. I hope to strike a slightly warmer and more positive note.

This has been a first for many of us. I have never been through the legislative process before and I have never done anything like this. Personally, I am proud to have played a part in shaping this impressive bill, which takes us forward.

I also thank my colleagues on the Education, Culture and Sport Committee—Nicola Sturgeon, Brian Monteith and all the other members. I say a special thank you to Mary Mulligan, who has piloted us through choppy waters and has shown a mixture of common sense and grace when dealing with difficult colleagues such as me and Ian Jenkins. A special thank you also goes to Gillian Baxendine and the clerks, who have worked extremely hard trying to make sense of some of my amendments.

In particular and last, I thank Sam Galbraith and Peter Peacock; both are masters of the art of taking members on in debate across the committee table. We did not always get what we wanted, but Nicola Sturgeon must admit that it was an interesting and instructive process.

I will close by making one serious remark. My good friend Mr Alasdair Morrison was mentioned earlier. I will say this about Alasdair: he is a true

son of Gaeldom and has done good work for the Gaelic cause in Scotland. Let no one be mistaken about that. I have seen through my constituency work how people who want to learn Gaelic near their homes through tertiary education have been enabled to do so. That has been made to happen. It has the fingerprints of Mr Alasdair Morrison on it.

Through talking to Karen Whitefield, I happen to know that Alasdair went down to Airdrie and Shotts and surrounding villages the other day to meet some people who have been learning Gaelic and have won a top prize. Let us make no mistake about Alasdair's role. I am deliberately going on the record as being supportive.

Some months ago, Alasdair Morrison said:

"It would be sad if political walls were to come between Gaelic and its success and development."—[*Official Report*, 2 March 2000; Vol 5, c 388.]

Some of us would have liked to see more on Gaelic in the bill today, but that is not to be. That is the nature of democracy. There has been an improvement. Let there be no mistake; it is better today than it was yesterday. However, I ask the Executive to consider the possibility during the lifetime of this Parliament of a Gaelic bill, not just to address the language, but to address the culture and the fragile economy of the Gaelic-speaking parts of Scotland. If in their hearts ministers in the Executive could find the time—I know the problems with Cabinet business—for us to consider such a bill, I know that it would send out an important and supportive message to Gaeldom.

The Presiding Officer (Sir David Steel): We are supposed to finish this debate in about 20 seconds' time, but I will give the Education, Culture and Sport Committee convener a chance to make a brief speech.

17:54

Mrs Mary Mulligan (Linlithgow) (Lab): I add my thanks to the committee clerks, who kept me on the straight and narrow, and the witnesses. As has been said, without the people who were willing to put their views in writing and to brave coming to the committee, we could not have made the informed decisions that members have seen here today.

Stage 2 produced much thoughtful and considered debate. There is much to be welcomed in the bill. Issues such as Gaelic-medium education and special educational needs have already been mentioned, so I will not go over them, but I will address Brian Monteith's point about St Mary's school. I am more than certain, Brian, that St Mary's will continue to go from strength to strength under the auspices of the local authority. We will see that in the coming months.

The bill's promotion of equal opportunities and the raising of standards will be welcomed by people all over Scotland. It is a good basis for discussions and for teachers, parents, local authorities and this Parliament to work together. I hope that it augurs well for the future.

I would like to thank Peter Peacock, who attended the committee and assisted us in all our decision making. The committee worked well; I am sure that issues that have been discussed today will be returned to in future.

The Presiding Officer: Mr Galbraith, do you want to respond?

Mr Galbraith: No. [*Applause.*]

The Presiding Officer: Clearly the most popular speech of the day. That concludes the debate.

Decision Time

17:56

The Presiding Officer (Sir David Steel): I have four questions to put as a result of today's business.

The first is, that motion S1M-967, in the name of Mr Tom McCabe, proposing that decision time begin at 5.30 pm on Thursday 22 June, be agreed to.

Motion agreed to.

That the Parliament agrees that under Rule 11.2.4 of the Standing Orders, Decision Time of the Meeting of the Parliament on Thursday 22 June 2000 should begin at 5.30 pm.

The Presiding Officer: The second question is, that motion S1M-968, in the name of Mr Tom McCabe, proposing that rule 5.6.1(c) of the standing orders be suspended for the duration of the meeting of the Parliament on 22 June, be agreed to.

Motion agreed to.

That the Parliament agrees that Rule 5.6.1(c) of the Standing Orders be suspended for the duration of the Meeting of the Parliament on Thursday 22 June 2000.

The Presiding Officer: The third question is, that motion S1M-974, in the name of Mr Tom McCabe, proposing that Des McNulty be appointed to the Rural Affairs Committee, be agreed to.

Motion agreed to.

That the Parliament agrees that Des McNulty be appointed to the Rural Affairs Committee.

The Presiding Officer: The fourth question is, that motion S1M-877, in the name of Mr Sam Galbraith, which seeks agreement that the Standards in Scotland's Schools etc Bill be passed, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)

Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 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, 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)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 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, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (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)
 Wilson, Andrew (Central Scotland) (SNP)

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)
 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)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 100, Against 16, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Standards in Scotland's Schools etc. Bill be passed.

The Presiding Officer: Before we go on to members' business, I say again to colleagues that I am sorry that we have had such difficulties today. The occupants of the chair have had extra difficulties because the screen in front of us is not working at all. A row of microphones is also not working. Our technicians will be helping to put things right. It only goes to show what happens when you let the landlords back into your premises.

Standard Life

The Presiding Officer (Sir David Steel): We turn now to members' business. I apologise to the Rural Affairs Committee, which will meet immediately after this debate. It will be running about half an hour late. Would members who are leaving do so as quickly and as quietly as possible.

Members' business this evening is a debate on motion S1M-787, in the name of Ms Margo MacDonald, on Standard Life mutuality. This debate will be concluded after 30 minutes without any questions being put.

Motion debated,

That the Parliament expresses its support for Standard Life, the largest Mutual Insurance Company in Europe and one of the most important financial institutions in Scotland; notes that mutuality allows Standard Life to focus its interests solely on the long term financial security of its members, and further expresses its dismay that this mutuality and success could be threatened by the actions of a few individuals or "carpet-baggers" seeking short-term, individual gain.

17:59

Ms Margo MacDonald (Lothians) (SNP): I would like to thank all members from all sides of the chamber who have offered their support for this motion, both by signing it and by staying for tonight's debate. I will try to be brief. Rather than simply giving my own point of view, I would prefer to show the breadth of support that there is for the continued mutuality of Standard Life.

I should declare an interest. No, I am not a with-profits policyholder. I am not even a without-profits policyholder. However, I do live in Edinburgh, and so have a real interest in ensuring that Standard Life continues to be, in a practical sense, a very important part of the economy of Edinburgh. Europe's biggest mutual life assurance company provides 7,500 secure and satisfying jobs. That is to say nothing of the spending power that comes into this area from the £160 million it pays in wages. We should think of the local companies that are involved with Standard Life because of its local purchasing power.

I support the ethos and humanity that is implicit in Standard Life continuing as a company that puts the best interests of its policyholders first, rather than the demands of shareholders. I am a nationalist who believes that Scotland will achieve its full potential as a distinctive community of people in Europe and the wider world only if we aspire to the quality standards of the world's best in business, inventiveness and administration in public and private enterprises. We should also take the greatest amount of responsibility possible

for the effects of our decisions on future generations.

By and large, those sentiments are echoed in the way in which Standard Life goes about its business. Mutuality eschews the quick buck in favour of handing the benefits of the accumulated savings down the generations. It is to the credit of the 6,000 employees of the company who presented the Parliament with a petition that they are determined to resist—on behalf of their company, their community and all Standard Life's policyholders—the quick buck, quick fix and gold that Freddie Woollard has been suggesting. I do not intend to refer to that gentleman any further, because I have a feeling that he is a star that has shone briefly and brightly and, perhaps, is waning even now.

I also salute the management of Standard Life, although it is an open secret that they have not always made common cause with the point of view that I represent. However, as the anthem reminds us, those days are past now and we are all in it together. It is in everyone's interest that Standard Life should continue to exist as it does. I salute the management's fight to keep the company mutual. They could make a lot of fast bucks for themselves if they decided to follow the plc route of Freddie Woollard.

I will turn to the business case. In the endowments and pensions that it guarantees to its policyholders, Standard Life stands comparison with any of its publicly quoted, shareholder-owned competitors. Time is short, so I will resist rhyming off the figures with which I am by now very familiar. However, I will advise policyholders who have to vote on the demutualisation proposal to consult pages 6 and 7 in the booklet "The real facts and figures about your future", which is published by Standard Life.

In explaining why, as a nationalist, I can make common cause with an excellent example of a capitalist Scottish enterprise—as it is seen as part of the Scottish financial establishment—I have referred to the need for inventiveness as well as entrepreneurial ability. We need to be all that we can be and maybe even half as good as we sometimes kid ourselves that we are. I am aware that some people think that Standard Life is not as inventive or adventurous as it might be in its investment policies. Perhaps a dash less considered calculation and a soupçon more flair might have realised an even bigger and better yield for its policyholders. There may be some truth in that assessment—there is always room for debate—but the company has the time, expertise and assets to live a bit more dangerously in today's global economy, if the policyholders urge the board to do so. Part of the whole exercise will be that the board will be acutely aware of the

policyholders and their point of view.

Having said that, we should not forget how successful that board has been through the recent years of demutualisations, mergers, alliances and what have you, which have taken place in the shareholding sector of life assurers. Standard Life is not a company that needs an injection of cash, either to expand or to stand still. Thanks to the prudence of the management, its high standing in the estimation of the independent financial advisers and without the need to pay dividends to shareholders, Standard Life is a very viable company. Why should anyone, other than an opportunistic carpetbagger, want to risk upsetting the apple-cart?

Lots of people I have spoken to in and around Edinburgh have said that nobody is going to pass up the chance of a quick buck. I hope that other speakers will have the time to dissect some of the more hopeful calculations as to what policyholders might expect. I will just mention in passing what they might not expect should they vote against Standard Life's continued mutuality. For example, if the company becomes a plc, and is just as well managed as its competitors—as it is just now—everything being equal, there is a strong argument that policyholders will have to invest 10 per cent more in order to reap the same rewards as they do now. If they go for the windfall, if they go for the fast buck, sure, it is attractive if they have the bathroom to do up, but five years down the road, if they have a big roof repair and they have to take out another policy, or if they have to increase their present policy, they will have to pay 10 per cent more for it. That is the other side of demutualisation.

The ethos of mutuality is admirable. Standard Life is the sort of company that bestows an admirable reputation on Scottish business. Therefore, as the representatives of Scotland in this Parliament, we should promote and cherish it. At a time when the future pattern of investment is uncertain because of e-commerce and other new factors, which I will leave others to rehearse, it would be folly to destabilise a company such as Standard Life in pursuit of a one-off windfall. Even the most enthusiastic demutualiser must recognise the risk of diminishing the excellent performance of the company during a time of turbulence in investment patterns throughout the global economy.

Demutualisation is probably a bad idea. I am certain that it is one whose time has not come. I urge members to fall in behind this motion and give support to the notion of Standard Life remaining a mutual company.

The Deputy Presiding Officer (Mr George Reid): I am working blind without a computer screen. I think that I have applications to speak

from Cathy Jamieson, Bill Aitken, Donald Gorrie, John Swinney, Bristow Muldoon and Fiona Hyslop. If that is wrong, let me know. If anybody else wishes to speak, let me know.

18:07

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I ought to declare an interest. As the chair of the Labour and Co-operative group of MSPs in the Scottish Parliament, I obviously have an ideological commitment to mutuality, and I make no apologies for that. I do not have any policies with Standard Life, so I do not need to declare that as an interest, but I need to say that I believe that what happens to Standard Life will have a knock-on effect on other mutual organisations of which I am a policyholder and a member.

Standard Life is Europe's largest mutual assurance company. We know the number of employees that work for the company and we know the number of people in Scotland who benefit from it. I am concerned about some of the misinformation that seems to be going round at the moment. I noticed that a statement by Standard Life members action group says:

"As shareholders you have rights to vote on how the company is managed and by whom."

One of the things about mutual organisations is that members own the organisation, and therefore they have a say, because they partly own the organisation.

The statement also says:

"A PLC . . . is more accountable to its owners and is a more flexible business structure than a mutual."

As somebody who has been involved in organisations in the mutual sector for many years, including organisations such as the Co-operative Wholesale Society, I beg to differ with the notion that the only way in which a good business case can be delivered is through a plc structure. It is clear that not only has Standard Life been able to fulfil the ideological commitment of working on behalf of its members and policyholders, but it has been a successful business by anybody's standards.

Margo MacDonald referred to some of the concerns that people have about what might happen. I want to spend a couple of minutes talking about what has happened in other instances of demutualisation. I want to put on record the fact that the word demutualisation is bandied around a lot, but in effect when a company demutualises it is privatisation by another name. Let us remember that. What we are doing is giving the control and ownership of an organisation that is currently owned by its

members to a small group of individuals.

For example, when Bradford and Bingley Building Society members voted for demutualisation, the average windfall was estimated at £1,000, and is now expected to be somewhere between £350 and £700. I should say that a windfall is actually people being given their own money, not someone being generous. When Sun Life of Canada announced its demutualisation, the average windfall payment was expected to be around \$10,000 Canadian; the actual average payment when the company was floated two years later had fallen to \$4,725 Canadian. Following demutualisation, endowment policy payouts at Scottish Widows have decreased by about 8.4 per cent, and share prices at the Halifax have fallen by 17 per cent and at Northern Rock by 29 per cent. Furthermore, the share prices at the Australia Mutual Provident Society, Australia's largest life insurer, have fallen by 34 per cent since its flotation in April this year, and job losses have been announced.

From that evidence, it is clear that everything in the garden is not necessarily rosy. I concur with Margo MacDonald's comments that people are wise enough to know that the short-term gain will be detrimental not only to individuals in the long term, but to the stability of the organisation and, ultimately, to the common good.

I urge members to support this motion.

The Deputy Presiding Officer: We have one additional speaker. If members keep their speeches to under three minutes, everyone will get in.

18:11

Bill Aitken (Glasgow) (Con): Having first declared an interest as a Standard Life policyholder, I want to congratulate Margo MacDonald on not only temporarily joining the capitalist class, but securing this very important debate.

First, this Parliament has to be careful: any decision about this possible demutualisation is a matter for the policyholders alone. Although they will no doubt consider their options very carefully in the next few weeks, they must take other things into consideration. For example, they must take into account the fact that 7,500 employees are involved and the impact that any change in the Standard Life set-up is likely to have on the Scottish financial services industry. They are also perfectly entitled to consider the personal impact that any decision will have on them.

I worked in the financial services and insurance industry for 33 years—when some might say that I had a real job—the bulk of which was spent with a

mutual assurance company. As a result, I know the advantages of demutualisation for the customer and the staff. It is important to understand the meaning of mutuality: policyholders are in fact the shareholders in the company and, as such, are entitled to benefit from the success or suffer from the failure of the business.

I very much hope that the policyholders will think of the long-term, rather than the short-term, benefit. As Margo MacDonald pointed out, although a quick buck is probably always very welcome, the future must be considered. As a result, it is my considered judgment—I may be proved right or wrong—that Standard Life's future remains with the status quo, which is how I voted in the recent ballot.

I did so for several reasons, the most important being that mutuality is the best deal for the 7,500 employees. Secondly, I do not want the control of Standard Life to leave Scotland. It is a well-run company with a proven record of success. When I dealt with it in my previous career, I found it to be extremely professional in all departments.

In my view—and I stress that it is a personal view—the best deal for Scotland and for the policyholders is that the mutuality of Standard Life should be retained. I strongly advise everyone involved in the voting process to vote for the status quo.

18:14

Donald Gorrie (Central Scotland) (LD): I am happy to endorse the excellent remarks of the previous three speakers and I urge people to vote to retain Standard Life as a mutual company. However, I want to broaden the subject out a little and perhaps ask the minister to respond to a few points.

The great growth of capitalism arising from the industrial revolution was, as I understand it, funded in two ways: through companies with shares and the stock exchange route; and through the mutual, co-operative route. Over the past couple of hundred years, the stock market-based, share-dominated company has come much more to the fore and the co-operative, mutual tendency has diminished.

I think it unfortunate that that imbalance has occurred. The present capitalist system is short term in its outlook. The City of London is not very creative; it is often destructive, and it is manipulative. It does not create new wealth; it mucks existing activities about to the short-term profit of various people.

The capitalist system—shareholding and so on—has its use, but I think that there should be an

alternative route: that of the co-operative, mutual society. That goes right down to credit unions in housing estates.

I know that company regulation is a matter for Westminster, but there must be areas in which our ministers, and perhaps the Enterprise and Lifelong Learning Committee, could consider ways for the Parliament and the Executive to encourage the whole mutual co-operative sector, from small to large. There would then be an alternative—people would have two routes forward in developing companies: either the stock exchange route or the mutual, co-operative route. I hope that we can consider that, as well as the specific point that has been very well dealt with by the other speakers, whose remarks I am happy to endorse.

18:16

Mr John Swinney (North Tayside) (SNP): I congratulate Margo MacDonald on securing this debate and I thank the parliamentary business managers and the Minister for Enterprise and Lifelong Learning respectively for arranging and being able to respond to this debate.

Before I fell among thieves in being elected to the House of Commons, I worked for Scottish Amicable, which was at the time a mutual society. It demutualised and was taken over by the Prudential. There was a business case for Scottish Amicable having to demutualise, because the company had difficulty in gaining access to capital to fund its future development in a highly competitive market.

That is not the case for Standard Life. There is absolutely no business case to justify the company's demutualisation at this stage. We are faced, as was captured rather well by Bill Aitken, with the choice between long-term and short-term interest. There is a long-term interest for the people of Edinburgh, for the staff involved in the company and for the Scottish financial services sector as a whole to have such an anchor as the strength of company and strength of control offered by Standard Life in the Scottish marketplace.

One of the points in Donald Gorrie's argument related to the existence of the co-operative and mutual spirit; Cathy Jamieson made that point, too. That sounds like a soft argument, in the sense that such a spirit is nicer than the capitalist spirit and the great competitive edge of a plc environment. It has to be put on record, however, that, mutual status or no mutual status, Standard Life has delivered for its policyholders, co-operative spirit or not. It has delivered the goods for the people who had the good sense to invest in it. That is no soft option; it is no uncommercial environment. Standard Life is an intensively

successful company and a jewel in the crown of Scotland. It has provided a very effective return for its policyholders.

This debate is not just about the people involved in Standard Life today; it is about the people who will, I hope, be involved in Standard Life tomorrow. The generation of people who are considering ballot papers now and deciding how they should vote should perhaps think of making it possible for future generations to have access to the benefits to which they have access and to the strong financial stability that a company such as Standard Life has been able to provide.

18:19

Bristow Muldoon (Livingston) (Lab): I, too, support Margo MacDonald's motion; I congratulate her on bringing about this debate and on her excellent opening speech. I should add that each of the subsequent speeches has also contributed to the debate.

I declare an interest: like Bill Aitken, I am a policyholder of Standard Life and have a vote. I have followed the press coverage and read the literature produced by Standard Life. I support the motion and, thanks to a constituent, I also have the tee-shirt that says no to mutualisation.

I have already cast my vote against demutualisation in the ballot. There are several reasons why I did so, mostly mentioned by other members. I will concentrate on two of them. The first is performance. As John Swinney pointed out, if Standard Life's performance is compared with other companies in the mutual and public limited companies sectors, it has been a success—it has delivered greater dividends on policies than the average plc has. Any change in the status of Standard Life can only be to the detriment, potentially, of the interests of policyholders in the medium term.

The second reason is employment. As many people have pointed out, Standard Life is the major employer in the Edinburgh area and a major part of the Edinburgh financial sector. Many of those employees are my constituents and have spoken to me about their concerns about what demutualisation could do to their individual circumstances, to Standard Life and to the Edinburgh financial sector. Any policyholder—indeed, anyone resident in Scotland—should be concerned about the possible effects on the Edinburgh financial sector.

Standard Life is a Scottish success story that has become an international success story. It forms a vital part of the mutual financial sector, which Cathy Jamieson referred to. As a fellow member of the Co-operative Party, I share her support for that sector. We should not put that

success story under threat by allowing carpetbaggers to induce people to vote for demutualisation for a short-term financial gain. I encourage all members of Standard Life in and outwith Scotland to vote against the potential short-term and ill-defined windfall and to give their backing to the continued success of Standard Life as a mutual.

18:22

Robin Harper (Lothians) (Green): I have a few very brief points to make. I have no interest in Standard Life at the moment, but I did have a savings plan with the company; it did very well and I cashed it in and spent it.

I visited Standard Life with Fiona Hyslop, and on other occasions I have met people from the company. I am very impressed by their efficiency and commitment to and links with the local community. As a local company, it provides huge opportunities, as several members have said. I have always been in favour of mutual companies and have viewed with concern the gradual process of demutualisation that has been infecting the sector over the past five to 10 years. We are offered phrases such as “exciting and adventurous” or “trim, slim and competitive”. Those are short-term things, in contrast with what mutuality offers: solidity and dependability. Mutuality is local and provides local opportunities; it is co-operative and reliable and, above all, it is long term. That is what we need in Scotland and what this Parliament is getting round to. I support the motion.

The Deputy Presiding Officer: If Fiona Hyslop keeps her speech to under three minutes, that will leave two minutes for Andrew Wilson.

18:24

Fiona Hyslop (Lothians) (SNP): I declare two interests. I was an employee of Standard Life before I was elected to the Parliament and I am a with-profits policyholder.

The issue is crystallising between the long-term and short-term positions. Do people want a quick buck and a long-term loss? As a Parliament, our responsibility is to the long term, not just of this city but of Scotland. Standard Life is a successful company and the fact that its headquarters are in Edinburgh brings great benefit to a range of local interests. A huge number of employees are dependent on that success.

Why do companies demutualise? I will refer to David Forfar, a fellow of the Faculty of Actuaries and senior lecturer in actuarial mathematics at Heriot-Watt University, for an independent view. He argues that demutualisation of companies tends to take place for one of several reasons.

The first is the perceived financial weakness of the company; that is not the case with Standard Life. The second is a wish to increase capital in order to increase investment freedom for the investment funds that back with-profits policies; that is not the case with Standard Life. The third is a wish to have access to a wider market than the new owner can provide; that is not the case with Standard Life. The fourth is a judgment by the board, exercised wholly objectively, that demutualisation is in the best interests of the company; that, again, is not the case with Standard Life. Demutualisations that we have heard about in past have tended to take place on the grounds that I have just outlined. That is not the case with Standard Life and there is no strong business case for demutualisation. It comes down to a short-term raid, and the long-term damage could be substantial.

I will focus on one specific danger. Because of the success of Standard Life, we must recognise that, should it demutualise, there is a strong risk of a takeover—not necessarily by European competitors, but from America and further afield. The final decision will be with the with-profits policyholders, but this Parliament has a responsibility to take an interest in the long-term future of a successful company in Scotland. The risk of takeover, to which the company may not have drawn attention and which may not have been highlighted in coverage so far, is something that we should be acutely aware of.

We should recognise the success of the company and show solidarity with the staff who have presented the petition. They include constituents from across Lothian and beyond. We should send out a message of support for the principle of mutuality. I, for one, will be voting no to demutualisation when I cast my ballot tomorrow.

18:26

Andrew Wilson (Central Scotland) (SNP): I congratulate Margo MacDonald and others on bringing this motion before the Parliament. Anyone who saw the happy demonstration by Standard Life staff members and the reception that was accorded to MSPs of all parties will have been encouraged.

I will make two brief points. First, it is important to disabuse ourselves of the notion that mutuals are soft touches in the marketplace—quite the reverse. They are simply a different form of market engagement. Mutual companies do not have the dividend chase that floated companies have. As a result, they have more money to reinvest. As Fiona Hyslop said, mutual companies run no risk of takeover, because they are not floated on the stock exchange. It is difficult for the minister to enter into a debate that is essentially a matter for

the company itself—the Government's policy on that is clear—but, as Margo MacDonald said at the outset, anyone who is interested in the long-term future of the Scottish economy will endorse the need for a flourishing Standard Life, based here in the heart of the Scottish financial community.

My second point—and I am sure that this will not be lost on Standard Life, which, as Margo said, was not known for its support for the creation of a Scottish Parliament—is that this debate would not have taken place at Westminster. That shows the benefits of establishing the Scottish Parliament, because we are able to make a big issue such as this known in Scotland and to give voice to the concerns of many people in the Scottish business community. If ever there was a business case for the Scottish Parliament, we have seen it in this debate.

18:28

The Minister for Enterprise and Lifelong Learning (Henry McLeish): I join members in congratulating Margo MacDonald on securing this debate at such an important time. I agree with Andrew Wilson that it is important that Scotland's national institution, its Parliament, should debate issues of concern and interest to the nation. There has been an unusual alliance of mutual interests in this debate. Presiding Officer, you have allowed 10 speeches, including mine, which is good going in half an hour. I thank you for that.

I have no interest to declare today, other than a big interest in one of Scotland's greatest companies. Like many members present, I have followed the debate on the forthcoming vote on whether Standard Life should remain a mutual company, which has attracted much interest and comment—and deservedly so. That has been reflected in today's debate.

Let me begin by emphasising how much the Executive values Standard Life. This year, the company celebrates its 175th anniversary. Established in 1825, it has much to celebrate; that sentiment has been echoed around the chamber this evening. Standard Life is of course Europe's largest mutual life assurance company—indeed, it is one of the largest in the world. It is a major investor in the UK equity market, holding more than 2 per cent of the UK stock market. It currently has assets under management of some £79 billion—a formidable set of assets by any standards.

As members would expect, the Executive has a good working relationship with Standard Life, because the company brings substantial benefits to Scotland's economy. The point has been well made that it is headquartered here and provides jobs for 7,500 employees in Scotland and 10,000

employees globally.

Let me dispel any myth that Standard Life does not have financial muscle, that it is somehow not innovative or that it is sitting back content with its achievements to date. I assure everybody listening to the debate that that is not the case. The company is a heavyweight in the industry and is one of only a handful of life assurance companies in the world that are currently rated triple A for financial strength by the independent rating agencies Standard & Poor's and Moody's Investors Services.

What about innovation? In January 1998, Standard Life was innovative when it opened Standard Life Bank, which has been a major success story, surpassing all expectations and now employing 1,200 people. In January 1999, it entered the mortgage market, when the First Minister opened the new mortgage centre.

Standard Life is looking boldly beyond its traditional UK, European and Canadian markets. It is willing and able and is vigorously pursuing other markets. For example, it recently entered into a joint venture agreement to operate in India and is actively pursuing opportunities in China and Hong Kong. It is a company with global ambitions.

The board of Standard Life has much to be proud of. It is a major Scottish success story in a global economy. As John Swinney said, it is one of the jewels of Scotland's financial sector.

The success and standing of Standard Life is not at issue—there is unanimity in the chamber about that. Members have given the detail of that, and we can unite about it. However, members have also acknowledged that it is a democratically owned organisation and that any change in its mutual status can be brought about only by a legal vote within the company's rules.

Therefore, it follows that the future status of the company is a matter for the members and board of Standard Life. Many colleagues have expressed that view. The Parliament will understand that it would not be proper for the Executive to express a view on the vote. However, given that the future of Standard Life will be determined by its members, I think that we all recognise that considerable responsibility rests with the policyholders.

I expect that today's debate will be widely reported in the media and I am sure that the policyholders will pay full attention to the views that have been expressed here. If this debate helps to stimulate the members of Standard Life to think through the issues or to cast their vote when they otherwise might not have done so, it will have helped to serve the democratic process, which will govern the outcome of that vote and which governs the deliberations of the new Parliament in Scotland.

I hope that policyholders will take their responsibility on this matter seriously, will carefully weigh up all the arguments and, most important, will take the trouble to vote. I am sure that, in weighing up the arguments, policyholders will give proper consideration to the longer-term issues and the ethical arguments that have been set out. The Parliament and the board of Standard Life are making considerable efforts to impress upon Standard Life's members the benefits of mutuality. However, ultimately, it is the members who must decide.

Whatever is decided, I have faith that Standard Life will remain an important, highly visible and highly successful Scottish company in a global market. It is much valued by us all and I am fully confident that it will continue to go from strength to strength in Scotland.

In conclusion, it reflects great credit on the Parliament that we have provided a reasoned and responsible contribution to the future of a great company. I hope that people are listening. I welcome the fact that we have a broad alliance of agreement and can tell the wider world that there are important issues to be debated and voted on. Let us hope that that message will go out loud and clear from Scotland's Parliament.

Meeting closed at 18:34.

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 14 June 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

Committees annual subscriptions: £1000

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers