

# **MEETING OF THE PARLIAMENT**

Thursday 15 June 2000

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## Scottish Parliament

*Thursday 15 June 2000*

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

### Scottish Executive Announcements

**The Deputy Presiding Officer (Mr George Reid):** The first item of business this morning is a Scottish Conservative and Unionist Party debate on motion S1M-905, in the name of Bill Aitken, on announcements made by the Scottish Executive, and amendments to that motion.

09:30

**Bill Aitken (Glasgow) (Con):** I take Parliament back to just over three years ago, when we entered the brave new world of new Labour politics. What has happened since then?

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** There are no Labour members in the chamber.

**Bill Aitken:** Labour members cannot even get up in time to attend a debate in which they are being strongly criticised.

I repeat—what happened after the advent of the Labour Government? The spin began, and has continued to the extent that we no longer know what Labour members believe in. They say that they are inclusive, that they provide joined-up government, that they empower people and that they are building a new democracy. From time to time we are forced to ask ourselves, “But what do they think about telling the truth?” Time after time in the Scottish Parliament, at Westminster and by means of press releases, situations have arisen that are—to be frank—disgraceful.

Funding announcements follow fairly tightly laid-down criteria. An announcement is trailed, made and then reannounced. An announcement is then made about an increase, in which the increased figure is the amount that was announced originally. At the end of the day, government, in its broadest sense, is losing credibility.

A number of outstanding examples of such announcements are worthy of mention, from fairly unimportant examples to very serious ones. The announcement of a “Transport Boost for North-East” was first made in a Scottish Office circular in March 1999, when £4 million was announced for a bus priority scheme and park-and-ride facilities in Aberdeen. However, on 28 October 1999, we

learn that the north-east is to receive an extra £4 million. There is no doubt that Brian Adam would be keen to have an extra £4 million invested there, but that was the same £4 million that was announced in March 1999, which the Executive described as a “boost”.

On 11 March 1999, a press release announced a

“£14 million public transport boost for the West of Scotland”—

from the public transport fund, which included

“£6 million to develop three quality bus corridors”—

in Glasgow. The same bus corridors manifest themselves on 28 October, in the Scottish Executive’s circular 1086, when Glasgow was awarded an “extra” £6 million.

Then, with Henry McLeish’s announcement of a total expenditure of £11 million, came the Scottish Office’s boost for tourism. Thereafter, Alasdair Morrison had to admit that £5.75 million of the alleged new money had been allocated previously. That sort of thing is simply not on.

When Parliament sat in Glasgow, Fiona Hyslop quite properly raised the matter of housing expenditure and the alleged £12.5 million of public investment. That was the same £12.5 million of public investment that had been announced by the Scottish Office in a circular that was dated 25 February 1999. What is happening? I repeat—government, in the broadest sense, is losing credibility.

It is essential that the Executive stops patronising the Scots people by continually reannouncing old spending commitments. Both Labour and Liberal ministers continually make such reannouncements in attempts at spin when things are going badly, but we find that there is no story behind the spin.

As I recall, it was Goebbels who said that the bigger the lie, the more readily it is believed. The Executive has adapted and, indeed, improved upon the Goebbels principle—the more often it tells the truth, the closer that truth gets to being untrue. For many Scots, the Executive announcements make it seem as if the Executive is living in a perpetual groundhog day, in which ministers continually make reannouncements in an attempt to spin a story where none exists.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Does the member agree that Alastair Campbell learned the principle of “The more you repeat a lie, the more it is believed,” at Sir Bernard Ingham’s feet? Bernard Ingham repeatedly rubbished Cabinet ministers, calling them semi-detached, in preparation for their sacking a few months after appointment. This is a bit rich coming from Bill

Aitken—it was the Conservative party that invented spin.

**Bill Aitken:** I am pleased that Mr Raffan has raised that issue, as I was about to come to it. Yesterday, Downing Street announced that Mr Campbell's activities will, in future, be restricted to dealing with the Government's record. That means that the spin-doctor incarnate is being imported to put out more lies and fiction about Government expenditure. That is what we are dealing with.

I refer Mr Raffan to my earlier remarks. What about the new politics and this new democracy? In recent months we have heard the reannouncement of accident and emergency funding and of Wendy Alexander's £12.5 million for Glasgow. We have heard the reannouncement of tourism funding. We must now ask whether ministers think that the average Scot has a head that zips up the back. The main problem is that their exaggerations, especially of health and housing spending, repeatedly raise hopes and expectations and those are not fulfilled. It is high time that that contemptible and thoroughly patronising tactic ceased.

Today we are asking the Executive to put in place a protocol for clarifying references to former spending commitments. The self-styled champions of freedom of information must come clean with the people of Scotland—they must state categorically when money is new spending and when it is just a reiteration of an earlier announcement. Time after time we see the tactic of the trail, the announcement, the reannouncement and the presentation of an increase—usually a marginal increase—as entirely new money. We have become used to all the new Labour buzz words—"additional funds", "additional resourcing", "funding boost", "extra", "award" and "injection of cash". The list is endless and the words are meaningless.

I say to the Minister for Parliament that what is at stake is not merely a political knockabout, but the integrity and credibility of government in its broadest sense. If people cannot accept at face value the announcements that are made by the Scotland Office and the Scottish Executive, the whole political process will be brought into disrepute. Honesty and integrity—the ability to be up front with the people of Scotland—are absolutely vital, especially at a time when there is an increasing amount of cynicism about politics and politicians generally.

This new Labour spin simply will not wash. In future we must be honest with the people of Scotland. In our motion we ask for appropriate protocols to be put in place. Under such protocols, the Scotland Office and the Executive would be committed to indicating whether money was new or whether it had been announced previously.

**Des McNulty (Clydebank and Milngavie) (Lab):** I hear Bill Aitken saying that it is important to be honest and up front. Will he apologise for the £150 million that was taken away from Glasgow as a result of local government reorganisation in 1996 and 1997? The member represents the people of Glasgow and an apology would be very acceptable.

**Bill Aitken:** I need make no apology for what the Government of Scotland prior to 1997 did for the people of Glasgow. A Government that invested £2 billion in Glasgow's housing and created an economic climate that generated considerable employment in the Glasgow area is obviously a successful Government. Apologies are due from the Executive, which consistently and persistently undermines the integrity of government and which fails to recognise that the people of Scotland are not daft. They realise what the Government is at. This nonsense must stop.

I move,

That the Parliament agrees that considerable confusion has been caused by a number of recent Scottish Executive announcements, particularly funding announcements; believes that the way funding announcements are made by the Scottish Executive has done little to further open government; notes that the Executive has allowed the same resources to be announced as "new funding" on more than one occasion, thus damaging public scrutiny, and calls upon the Scottish Executive to institute a new protocol for all public and press announcements in order that these make clear whether funding announced is additional resources or whether it is part of a previous funding package and, if it is, when and through what statement the funding was previously announced.

09:39

**The Minister for Parliament (Mr Tom McCabe):** If there is no truth in the suggestion that the Tory party in Scotland is lurching to the right, we will have to accept that Conservative members quote Mr Goebbels as a matter of course. That is a very strange way of behaving.

Reannouncements seem to be the Opposition theme of the moment. Perhaps they are a convenient cover for other embarrassments. I do not know which way to look when I talk about other embarrassments—

**Michael Russell (South of Scotland) (SNP):** Behind you. [*Laughter.*]

**Mr McCabe:** It is an odd subject on which to use up parliamentary time. We in the Executive would have preferred to discuss the subjects that really matter to the people of Scotland—housing, health and jobs—rather than the political froth that we are debating this morning. Froth it might be, but it provides a welcome opportunity for the Executive to set the record straight. It is a wonderful chance—regardless of whether the Tories or

others like it—to reiterate what the partnership Government is doing and to contrast our vigour and investment with the barren years of Conservative Governments.

The wording of their motion and Bill Aitken's opening speech suggest that the Conservatives have no idea what they are talking about. It is simply not enough to make unsubstantiated allegations and there is little indication that the Opposition has given serious thought to important issues. Those issues include the democratic need to keep people fully informed about what elected representatives are doing in their name and with their money and the fact that announcements have to address a wide range of different audiences that have different interests. There is also a need to avoid making announcements outside Parliament without keeping Parliament fully informed of them and a need not only to make initial announcements about proposals, but to report progress, which must be put in its proper context.

Communication is not just about news releases that are read by a few. It has been said that to govern is to inform. It is a duty of Government—if we are to have a genuinely participative democracy in Scotland—to use a wide range of communication methods to allow people to keep themselves informed about the issues that interest and concern them.

**Fiona Hyslop (Lothians) (SNP):** Does the minister agree that in order to have openness in the Parliament we must, when discussing budgets, distinguish between announcements of initial allocations and announcements of distribution of those initial allocations? Does he agree that, for the good of this Parliament and for the good of the Government and so that people understand what the Government is doing, he should ensure that his colleagues make it clear what are initial allocations and what are subsequent distributions?

**Mr McCabe:** That is an important point, and I will return to it later in my speech.

The Executive has been accused of announcing more than once money for health, for housing, for homelessness and for combating the menace of drugs. If, during the long years of Tory government, we could have persuaded the Tories to invest properly in those areas even once, perhaps Scotland would be in a better state today.

We make no apologies for explaining how we spend taxpayers' money. Yes, we announced more money for health, education and policing. Yes, we then announced how that money would be spent on more heart operations, classroom assistants and police on the beat. To the Tories, those might be reannouncements, but to hundreds of thousands of Scots they represent simply

relief—relief from the barren years of Tory government during which such announcements were all too scarce. They represent relief that more operations are being carried out, relief that kids are being taught in smaller classes and relief that our streets are being made safer.

When we take another step to improve people's lives, we will mention it time and again. It is no wonder that the Tories do not like hearing our announcements. With every announcement that we make, we give greater opportunities to Scottish families—opportunities that they were denied for so long.

**Phil Gallie (South of Scotland) (Con):** The minister mentioned smaller classes. I have examined class sizes in South Ayrshire and there is no difference there, other than a slight increase in class sizes since 1997. Can the minister justify his comments?

**Mr McCabe:** I can justify my comments simply. We have committed ourselves to reducing class sizes in the first three years of primary education. We have committed ourselves to an overall reduction in class sizes throughout Scotland. There is much empirical evidence to suggest that class sizes are decreasing. Mr Gallie has examined the situation in South Ayrshire, but I suggest that he re-examine it. Not only educationists, but parents will inform him that the situation in their children's classrooms has improved considerably.

It has been claimed that we repeat announcements for political advantage. Of course all political parties want to gain credit for their actions—that should be blindingly obvious even to those who have no experience in government and to those who have no chance of gaining government experience.

However, we recognise that it is our duty to explain the Government's policies, decisions and actions impartially. That is the guiding principle behind the Executive's information service. The processes and business of government involve the announcement of many facts and financial figures. It is the Executive's duty to try to present those in a clear and comprehensible way. Too often, the Opposition sees its duty as being to distort simple facts.

We have been criticised in a number of areas. In health, the Executive was accused by the Conservatives of recycling announcements in relation to the £1.8 billion of new money for the health service that resulted from the comprehensive spending review. That was new money, on top of the baselines that we inherited from the previous Conservative Government. If only that level of investment could have been achieved under its cack-handed stewardship of

the national health service.

The Conservatives were inaccurate when they made that criticism—which was also unjustified—and when they issued their press release, they even got the year wrong. Since the CSR, there have been other increases in the health budget, most recently in the addition of extra resources that followed the Chancellor of the Exchequer's March budget. The Executive has kept Parliament and the public fully informed of those changes to the overall budget and—through a wide range of further announcements—has reported on allocations to priority areas and on how money will be distributed geographically. That is not reannouncing money.

We make no apology for any of that. People have a right to know what their money is being spent on and they want to know that in a number of ways. They want to know, for example, how much is being spent on health in a particular area and how much is being spent on accident and emergency services in their area. That is the kind of information that people demand. They have a right to receive it and we provide it as part of our democratic responsibility.

The Executive was criticised for reannouncing money that resulted from the United Kingdom budget consequentials. The Executive was accused of reannouncing the resources that came to Scotland as a result of the budget. The Minister for Finance announced those figures in a statement on 30 March, which made it clear that the allocation of those resources would be subject to further consideration. On 16 May, he answered a parliamentary question and explained:

"Further to my announcement in my statement to Parliament on 30 March, I can confirm that Cabinet have resolved the following allocations of resources, by programme."—[*Official Report, Written Answers*, 16 May 2000; Vol 6, p 148.]

The purpose of that was to ensure that Parliament was kept fully informed of the Executive's decisions about those resources. Far from concealing a previous announcement, we made specific reference to it. There was no confusion about figures—the Executive was merely ensuring that Parliament was treated properly. How loud would the outcry have been if we had done anything else? The Tories are often the first to shout if the Parliament is not given its proper place.

**Andrew Wilson (Central Scotland) (SNP):** On the same day as Jack McConnell's answer to the parliamentary question, David Whitton, the chief adviser and spin-doctor to Donald Dewar, gave a press briefing in which no reference was made to that parliamentary answer. The press was not informed. That is the point that we are trying to make—the announcement was not fed to the

press, but was fed quietly to Parliament.

**Mr McCabe:** I did not know that the member was so dependent on what he often refers to as Executive spin-doctors for his information. I thought that an important part of the job of the Opposition was to look at the answers to parliamentary questions and take that information in.

We were criticised about rough sleepers. On 1 June, the Minister for Communities was criticised when she announced the allocation of £13 million funding through the rough sleepers initiative. I stress that the announcement was about allocation, not availability, which was previously known. On that day, she also announced—

**Fiona Hyslop:** Will the minister give way?

**Mr McCabe:** No, I have taken a few interventions.

The minister also announced £12 million of new money for that initiative, which comprised £4 million for a health initiative, £6 million to deal with the problems of bed-and-breakfast accommodation and £2 million to deal with the problems of replacing Glasgow hostels. There are clear distinctions between availability, allocation and new money.

The real problem for the Tories is not reannouncements, but the fact that the governing partnership in Scotland is investing substantial sums to improve the lives of the people of Scotland. On coming to office in 1997, the new Government invested an additional £1 million to tackle the problem of rough sleeping. That was increased by £14 million in the comprehensive spending review, and the partnership Executive increased it by a further £6 million last year. A number of announcements have been made since October 1997 regarding rough sleepers, all of which show a determination to remove the tragedy of rough sleeping from our streets.

Perhaps that is what gives the Conservatives their biggest problem. Perhaps their real gripe is about the fact that those announcements contrast the work of the partnership Executive only too vividly with the dark days of the me-first attitude that was all too prevalent during the Tory years.

Let us contrast the Tories' record with that of the Government at Westminster and this partnership Executive. Since the previous UK budget, there have been announcements totalling £2.2 billion of new money for health, £87 million of new money for education, £16 million of new money for transport and £9 million of new money for additional policemen. I could cite more examples, but I am conscious that I might risk being accused of making more reannouncements. Restatement of that money is what enrages the Conservatives,



because it illustrates the contrast between their performance and the performance of the Executive.

It would be too easy simply to portray this morning's business as a flavour-of-the-month debate. It is, in fact, a fear debate. The Tories fear our innovation, our vigour and our determination to tackle Scotland's problems. They are on the brink of the electoral precipice and they are terrified that the Executive's policies will push them over the edge.

We will not be deflected from our professional approach. We are committed to record levels of investment and public spending, and to creating a new Scotland where there is opportunity for all. If the best that the Tories can do is to challenge us for explaining that to the people of Scotland, we are winning the argument and they are losing it.

I move amendment S1M-905.1, to leave out from "agrees" to end and insert:

"notes that the provision of information by the Scottish Executive about its policies, spending plans and public services is an essential part of open, participative Government; agrees that such provision of information needs to be carried out in a modern, professional, proactive and impartial manner so as to engage all interested citizens, and notes that the Scottish Executive will continue to pursue these aims."

09:52

**Michael Russell (South of Scotland) (SNP):** I agree with Bill Aitken about the issue of misleading and deliberately repeating announcements, but the real problem for his party is that its announcements are all too clear. That can be seen from the front page of *The Herald* this morning, which says that one of the Tories' brightest candidates, Tasmina Ahmed-Sheikh, has joined the SNP because of the right-wing, bovver-boy approach of the Tory party—which is confirmed in her letter of resignation.

**Bill Aitken:** Will Mr Russell give way?

**Michael Russell:** No, I will not. One hears the term right-wing bovver boy from the Tory back benches quite often. It is usually used to describe Brian Monteith, but Tasmina Ahmed-Sheikh was describing William Hague's attitude. I welcome Tasmina into the SNP and I hope that she will be sitting in the chamber with us before too long, and sitting in government.

**Bill Aitken:** Will Mr Russell give way?

**Michael Russell:** No. Let me get into my speech.

**The Deputy Minister for Local Government (Mr Frank McAveety):** Will Mr Russell give way?

**Michael Russell:** I have much to say about Mr

McAveety, but I want to get on with my speech.

My amendment to Mr Aitken's motion goes to the heart of the Executive's problem. The Scottish Parliament is founded on a number of key principles, which are laid out in the report of the consultative steering group and with which Mr McAveety and his colleagues are familiar. The introduction to that report was written by none other than Henry McLeish, when he was a minister of state and Scottish Office Minister for Home Affairs and Devolution. In those days, he was higher in the new Labour pecking order than he is today.

The principles in that report are worth repeating. Labour members might not like the principles, but I shall repeat them. The Scottish Parliament was meant to

"embody and reflect the"—

**Mr McAveety:** Will Mr Russell give way?

**Michael Russell:** Let me get through the principles—I will then take Mr McAveety's intervention. I am sure that he has been up all night thinking of an intervention, and he will get his chance.

The Scottish Parliament was meant to

"embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive".

The key principles went on to say that

"the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and Executive should be accountable to the people of Scotland".

The report said that the Scottish Parliament must be accessible, open and responsive. In its operations, the Scottish Parliament

"should recognise the need to promote equal opportunities for all."

The CSG report went on to say that those principles were—and indeed are—the benchmark of the success of Scottish democracy. They are, as the CSG said,

"a symbol of what the Scottish people may reasonably expect from their elected representatives."

Measurement of the Executive and its conduct over the past year—even if we measure only how it announces its policies and its funding commitments—shows that it is obvious that the Executive is falling short of the CSG principles. The CSG said something else that the Executive finds difficult—it found in its investigations that there was a cynical disillusionment with politics. It said that Parliament should set "the highest standards" so that the Scottish people "will trust and respect" Scottish democracy and the Scottish Executive. How can the people of Scotland "trust and respect" government by illusion?

Announcements are repeated as if they are new and resources are doubled, trebled and quadrupled. Ministers not only connive in such actions—they perform them.

In the course of researching for the debate, the SNP has—in a paper that we will publish—identified endless examples of double and treble counting. There is a paper trail of illusion that involves Sam Galbraith, Susan Deacon, Wendy Alexander, Jackie Baillie, Frank McAveety, Angus MacKay, Jack McConnell, Ross Finnie, Donald Dewar, Sarah Boyack and others. *[Interruption.]* I think that Mr Peacock wants to be included in the list. Let him be included in the list. All those ministers and more are involved in the exercise.

It appears that the only minister who is not involved is the one who has drawn the short straw in answering today's debate. *[Interruption.]* I am sorry—Mr Smith wants to be counted in. Mr Smith and Mr McCabe are not guilty. I know their jobs well—I shadow them. The problem is that neither Mr McCabe nor Mr Smith has the opportunity to be involved in the exercise, so they are not guilty only because they cannot find a way of doing what the other ministers do.

I will use an example. It is interesting that Mr McCabe used the same example in his speech, but I suspect that there is a touch of guilt involved—Mr McCabe knows where the bodies are buried. The example is this year's budget at Westminster. On 18 May, David Whitton gave a briefing to the press. He had round his neck—as Tricia Marwick noted—a red cord that was stamped "Labour", in case anybody found him and had to return him home. He told the Scottish press that the Cabinet had that day

"given final approval after an exhaustive and comprehensive new method of agreeing department shares of available money".

That announcement was old even when David Whitton made it. Allegedly, there had been a Sisyphean struggle within the Cabinet. Ministers had all been contending with each other. They had argued *[Interruption.]*—I am glad that Mr McNeil liked the word, I will write it down for him later. There had been a Sisyphean struggle within the Cabinet. At the end of that process, ministers divided the money up.

Mr Whitton then gave a list of figures. Health was to receive £173.3 million—well done, Susan Deacon. Education was to get £86.6 million—Sam Galbraith is still in there. Transport and the environment was to get £15.9 million—I think Sarah Boyack is in trouble. Justice was to get £8.9 million—Jim Wallace clearly does not have any clout on that matter.

That was the division of the money that was announced proudly on 18 May. The Executive,

through its spokesman, presented that as a triumph for the new system of government, a triumph for individual ministers and a triumph for new Labour. What was the truth?

**Mr Rumbles:** Does Mike Russell welcome the extra money?

**Michael Russell:** Mr Rumbles does not know the truth. He has had the wool pulled over his eyes, like all the Liberals.

The truth is that the figures are identical—not roughly equivalent to, but identical—to those that were announced by John Reid two months earlier on budget day. Surprise, surprise—they are also identical to the figures in the annual expenditure report of the Scottish Executive that was published on 19 April.

There is another truth to be told. Those sums were trumpeted as massive increases as the McConnell gambit—exaggerate everything—came into play. The McConnell gambit presented those figures as massive, yet they did not even match the parsimony of the final Forsyth years.

**Mr Rumbles:** Does Mike Russell welcome the massive increase in health spending and the new money for education? He should compare that with what happened under the Conservatives, who could not make such announcements during their years in power because they would not invest.

**Michael Russell:** I remember when Jim Wallace was acting as Mike Rumbles's party leader and not acting as First Minister. At that time he described those increases as a joke and talked about the need for more public expenditure. Mike Rumbles has swallowed the spin.

I will conclude by making it clear that the figures that were announced were illusions. They were announced once, twice and three times. Susan Deacon even announced the figures on health spending a fourth time in the chamber. She called that an emergency statement, but Duncan Hamilton described it memorably as

"more of an accident than an emergency."—*[Official Report, 22 March 2000; Vol 5, c 868.]*

In reality, on every occasion on which the Government speaks, it breaks the CSG recommendations. Today we tell the Executive that it is falling very far short of the principles that it and the Parliament accepted. It must return to those principles and it must ensure that it speaks the truth to the people whom it represents. At the moment, it is not doing those things.

I move amendment S1M-905.2, to leave out from "a new protocol" to end and insert:

"and implement with immediate effect a policy for all Parliamentary, press and public announcements which is based upon the founding principles of this Parliament as

defined by the Consultative Steering Group, that is to be accountable, accessible and open, and in particular to make absolutely clear in all such announcements whether policy innovations are new or repeated, whether funding announcements are allocations or distributions and from what budget in what year these sums will come."

10:01

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** After that piece of very light entertainment, I will follow Mr McCabe in striking a serious note in the debate, as is my wont. I do not want to anticipate the Finance Committee's report on stage 1 of the budget, which will be debated in the chamber in two weeks' time, but I will briefly reiterate a few of the points that I have made over the past few months. I am grateful to the Minister for Finance for the constructive session that we had with him in the Finance Committee on Tuesday.

As I have long said, we need a radical restructuring of "Investing in You". I am sometimes teased because I say that it should be along the lines of the Oregon budget book. We need more substantial detail and we need figures in real as well as cash terms. Moreover, we must clearly delineate underspends, so that we have a baseline and know exactly what the real increases are.

On drugs—an area in which I take particular interest—we need to know the total amount that is being spent on enforcement, treatment and prevention. It is difficult to find out such information, because drugs is a cross-cutting issue. If we do not have such robust information, how can the Parliament and the committees play their full part in suggesting where spending should be reallocated?

On the Conservative party, which, of course, is a favourite theme of mine, I have to concede that nobody could accuse the Scottish Tory party of not being open and transparent. Indeed, thanks to Mr Murray Tosh's lengthy epistle to *The Scotsman*, we all now know who hates whom in the Conservatives' current bitter civil war.

**Bill Aitken:** We hate Keith Raffan.

**Mr Raffan:** The one theme is that they all hate Mr Monteith, who usually sits at the back in a separate row. I will give the Conservatives a bit of friendly helpful advice: ditching Mr McLetchie and replacing him with Mr Tosh would be like going directly from the frying pan into the crematorium. I can safely say that everyone in the chamber—I will even speak for the SNP on this, if I may be so presumptuous—is eagerly looking forward to the Tory conference in Dundee, which is certainly more than the Tories are.

The Tory motion starts off somewhat unfortunately. It says that

"the Parliament agrees that considerable confusion has been caused by a number of recent Scottish Executive announcements".

Of course, one could delete "Scottish Executive" and replace it with "Tory party", because nobody can be more confused than the Tories are over their economic policy, on funding in particular. The Tories could get away with such a motion only if their economic policy were not in its current state of chaos and confusion.

Let us take the so-called tax guarantee, which is to reduce the share of national income absorbed by taxes during the lifetime of a Parliament. Mr Hague announced that that would be a guarantee. Then the shadow chancellor said that it was not a guarantee but an aspiration. Two days later, Mr Hague corrected Mr Portillo by saying that, no, it was a guarantee and he would have a word with Michael.

**Phil Gallie:** My understanding is that the economy of Scotland has been devolved to some degree. Is not Mr Raffan talking about national economic policies, which are irrelevant to the argument?

**The Deputy Presiding Officer:** That is not a point of order.

**Mr Raffan:** I can imagine that even Mr Gallie occasionally gets embarrassed by the UK Tory party and their antics.

While Mr Portillo and Mr Hague were disagreeing about the fundamentals of their economic policy, Tory spokesmen continued to make spending announcements almost every day, which made a nonsense of the whole thing anyway. The Tories are in no position to talk about confusion in the Executive's funding announcements when their own economic policy is in such a state of chaos.

**Bill Aitken:** Will the member give way?

**Mr Raffan:** No, I do not want to embarrass the Tories any further. I am about to move on to the SNP.

I am not going to spend too much time on the SNP, because I am a charitable figure and the SNP has had a tough week. The SNP amendment calls for accountability, accessibility and openness. Let us remember those words—the very characteristics that we all associate with the SNP's handling of its party finances.

I congratulate the SNP on its new recruit, announced in *The Herald* today to try to distract us from the Blackford saga. I hope that she brings the party some badly needed financial experience. As a qualified solicitor, she should certainly help in the forthcoming lawsuit.

**Michael Russell:** Will the member give way?

**Mr Raffan:** No.

Let us get real. How can the SNP attack the Scottish Executive over the way in which it runs its finances when the SNP cannot run its own? According to Mr Blackford, a distinguished banker, the SNP's overdraft is more than £400,000. The SNP cannot live within its means. If that is what it does to its own finances, what on earth would it do to Scotland's?

Mr Salmond is now on his third treasurer in 10 years. He has had almost as many treasurers as Elizabeth Taylor has had husbands. Whenever one of the SNP's treasurers calls for openness and accountability, Mr Salmond gets rid of them. The final rich irony is that Mr MacAskill has now been put in charge of the SNP's books. That is like putting an alcoholic in charge of the brewery. He is just the man to double the overdraft.

Let us look at the SNP's spending commitments since 1 September last year. I will have to refer to my notes to get the latest figure, as it goes up every day. Of the £2.4 billion committed since 1 September, Mr MacAskill is responsible for £1.076 billion—more than 40 per cent—for everything from building every road to nationalising Railtrack. He never consults poor Mr Wilson, the jelly chancellor, who has absolutely no input whatever into the spending commitments that his people make.

All that the Tories and SNP do is swap ideas about how to conduct their respective bitter civil wars and, occasionally, members. The motion should be about when we are going to get a decent Opposition in this place—neither of the two parties provide it and I am fed up with trying to provide it on my own.

10:09

**Andrew Wilson (Central Scotland) (SNP):** It is with a due sense of balance and statesmanship that I rise to take part in what is an important debate. First, let me say to Mr McNeil that Sisyphean struggles refer to the myth of Sisyphus.

**Michael Russell:** I told Andrew that.

**Andrew Wilson:** According to Mike Russell, Sisyphus was condemned by the gods to push a boulder uphill all his life. I am sure that that is something that Mike can relate to in his personal life.

As has been pointed out, Mr McCabe, as the only not-guilty member of the Executive, has been asked to take part in this debate on the Executive's approach. I am surprised about that, because I thought that it was Mr McConnell's job to control the Executive's approach to public information. Mr McCabe's key comment today was that every political party wants to gain advantage

from their actions. No one doubts or disputes that. However, the core of the argument is that the Government should not use the levers of state power for party political advantage.

Mike Russell outlined the approach to the budget and I do not need to repeat that in detail. The key point is that the Executive should not use people paid by the public fund to advance party political cases. John Reid's assistant appears consistently as a contact on Labour party press releases, despite the fact that he is paid out of the public purse. Likewise, Dave Whitton may be many things—he may be modern, professional, have his own ideas and be proactive, to use the words in Mr McCabe's amendment—but he is certainly not impartial. We need look no further than Liz Drummond, the former head of the information service. When Labour first came to power in 1997, she resigned almost immediately, along with most of the Government information service directors across the country. She said that, whereas the Government information service had abided by the old cliché that facts are cited but comment is free, she did not think that the Labour Administration would.

That is the key point. Professionals who dedicated their lives to and made a vocation of progressing public information on behalf of successive Governments do not regard Labour as impartial. They regard Labour as entirely partial—it abuses public resources for its own political ends.

**Dr Richard Simpson (Ochil) (Lab):** I wonder whether Mr Wilson will remind us whether it was 24 or 26 times that the Conservatives changed the basis of the unemployment statistics? There was no protest about that from the information department or the statistics department, which at that time was regarded simply as a wing of government.

**Andrew Wilson:** It was actually 31 times. The current Government—first Mr Dewar and now Mr Wallace—has consistently used those same statistics in order to argue that unemployment is the lowest that it has ever been. The Labour party has picked up the baton from the Tories. The claimant count has been cited on successive occasions at question time. I agree that that is something that should be addressed.

The point of today's discussion is whether the information service should get away with the act of continually recycling announcements. That is something that happens across all policy matters—health, education, drugs, law and order and transport. Wendy Alexander is involved in a Sisyphean struggle within the Cabinet to replace part of Sarah Boyack's brief as the minister responsible for recycling. That was exposed by Fiona Hyslop in Glasgow, to the Government's embarrassment. If people are to have faith in

government, we must know exactly what is being done in our name. That is why I support Mike Russell's amendment and urge everyone else to do the same.

**The Deputy Presiding Officer:** Let us wind this up fairly snappily.

10:13

**Karen Gillon (Clydesdale) (Lab):** I will be gentle—as always. I am pleased to take part in the debate. I am grateful to my colleague Mr Raffan for, as ever, introducing some humour, with a fair sprinkling of facts, into the proceedings.

I find the Conservative motion particularly annoying, if not distressing. I believed that the Tories would take this opportunity to debate some of the big issues that affect the people of Scotland. They might have wanted to discuss poverty—they caused most of it. They might have wanted to discuss homelessness—they caused most of that. They might have decided to discuss falling educational standards—again, they mostly caused that. However, that was not to be. They did not choose to discuss any of the major issues that face the people of Scotland; instead, they chose to focus on pedantic semantics about announcements made by Government ministers.

I wondered what the thrust and substance of the Tory debate would be—I am still wondering. However, as Tom McCabe said, policies do not come out of the air fully formed, as the Tories well know. In a democratic society, policies develop as different agencies are consulted and as circumstances change. In Scotland in particular, we hoped that our new Parliament would enable us to have a more open and pluralistic decision-making process.

Surely the Conservatives do not want us to stop informing the public about changing and developing policies. Does Bill Aitken really believe that we should stop communicating with those who gave us power, or exclude the groups and organisations that have something positive to contribute to our legislation?

It is entirely sensible to have several announcements as Government policy develops. Tom McCabe took us through what happened with the rough sleepers initiative. First, the Executive's continuing support for the project was announced in the partnership agreement; afterwards, we announced that we had identified extra resources and were calling in bids; and finally we announced which of those bids had been successful and how much money would be allocated. In time, ministers will visit those services, which have been paid for with public money. All those announcements referred to the same resources, yet at each stage the policy had been developed. It would be remiss,

indeed negligent, for the Executive not to keep the public and the press informed about that.

The truth is that the Government inherited the Tories' declining spending plans but has turned them round into increased expenditure. This year's budget has delivered an extra £288 million for public services, in the context of a comprehensive spending review that has already delivered £1.8 billion for health and £1.3 billion for education. I will certainly not apologise for that and I do not think that any minister in the chamber should apologise for it. However, the Conservatives do not want to talk about that.

The main point of today's debate should be what the Tories would have reannounced if they had been in power. Would they have reannounced the poll tax, and the poverty and misery that it caused? Would they have reannounced the Black Wednesday fiasco, which caused businesses to plunge into decay? Would they have reannounced the scandal of 4 million people being unemployed and languishing in hopelessness and helplessness? That is the truth of what the Tories did to Scotland.

Since it came to power, the Executive, with the Scottish Parliament, has been turning round the misery that the Tories caused to the people of Scotland. The people of Scotland will not be fooled by the Tories' crocodile tears or by their pathetic words. They know the Tories' record, they know what the Tories are about and they know that we are delivering on the people's priorities.

10:17

**Fiona Hyslop (Lothians) (SNP):** I have a sense of déjà vu. Somehow I feel that I have been here before—but, then, reannouncements are the point of the debate.

Let me take members back to Glasgow, to illustrate the point. On the first day that we met in Glasgow, we realised that the £12.5 million of new money was not quite new money. On our last day in Glasgow, we had the announcement of the £12 million "boost"—I remind Mr McCabe that that is a quote from the press release. It is one thing to reannounce the same money for the same policy initiative, but when the Executive starts announcing the same money for different initiatives, it is straying into different territory. The purpose of the SNP amendment is to stop that practice.

When I asked the minister where that £12 million had come from, she said:

"The additional funding for the rough sleepers initiative that we are announcing today will be met from underspends that are carried forward from the previous financial year. The Minister for Finance will issue a more detailed statement. Those funds are drawn from prudent

financial management across the whole of the Executive's budget".—[*Official Report*, 1 June 2000; Vol 6, c 1301.]

We do not know any more than that, because we have not had that more detailed statement, but we must have it. I want to know what that money is not being spent on. Is it teachers, nurses or policemen? Where has the money come from? I welcome the fact that the money will tackle homelessness, but I want to know where it comes from.

It is the duty of the Parliament to scrutinise Government. The money belongs not to the Executive, but to the people. This is not about largesse and making announcements about other people's money; we must ensure that we know where the money is coming from and where it is going.

The Minister for Communities and her team are the serial offenders.

**Michael Russell:** She is away again; she is not in the chamber.

**Fiona Hyslop:** Yes, she is away.

For the Scottish community investment fund, £10 million was announced on 3 November. On 13 March, £10 million was announced, again for that same fund—but, of course, that was a loan.

On the domestic abuse fund—welcome as that is—£6 million was announced on 27 October, with only £3 million coming from the Executive and, on 28 March, £5 million was announced, with only £1.2 million coming from the Executive.

What about the warm deal? Well, here we go: £12 million—the Executive must have a thing about that figure; the announcements always seem to be about £12 million—was first announced on 20 October 1999 by Frank McAveety. That announcement was not the first, not the second, but the third press release on that amount in six months.

What about the rough sleepers initiative? In December 1998, Calum MacDonald announced £14 million. In September 1999, Wendy Alexander announced £6 million. In November, she added the two sums together to make £20 million and the Scottish Executive press release—"Alexander announces next round in fight against rough sleeping"—said:

"Wendy Alexander today outlined proposals for spending a further £20 million".

It is wrong to claim that such funding is "additional" and "further" to existing funding.

The problem concerns policy announcements as well as funding. The licensing of houses of multiple occupancy was first announced on 4 June 1998 by Calum MacDonald, again on 30 September 1999 by Wendy Alexander and yet

again, with the identical press release, on 11 October 1999. It is interesting to find that, since the Tories lodged their motion for this debate, that press release has disappeared from the Executive website. The Executive must have realised the duplication.

Keith Raffan mentioned drugs. Mr MacKay announced £1 million for drug action teams in November and December 1999, and in January and February of this year. Such announcements lull people into a false sense of security by making them think that additional moneys are being invested in one of the Parliament's most serious policy issues.

The bottom line is trust in politicians. As Bill Aitken pointed out, the Executive is not just letting down the Labour party, the Government and the Parliament, but affecting people's faith in politicians. It must get its act together.

10:21

**The Deputy Minister for Parliament (Iain Smith):** I am not sure that there is much that I need add after Keith Raffan's excellent speech. This is a relatively pointless debate on a concern that is more apparent than real.

We will not take any lessons from the Conservatives about the Executive's professional and comprehensive system for keeping the public and Parliament informed. The Executive believes in open government and is delivering on that.

Repetition is often necessary and appropriate for a variety of reasons. It provides context; shows changes from previously announced positions; keeps different audiences informed; and serves as a reminder. For example, it might be worth reminding people today that the Scottish Executive has abolished tuition fees. We have to keep reannouncing that because the SNP and the Conservatives do not believe it; we will continue to reannounce it because it is true.

We agree with the Opposition that announcements should clarify instead of confuse, but there is no evidence that the Executive's practice of keeping a wide range of audiences fully informed at all stages of policy development has caused confusion. The public really want to know not just how much money is being spent but what is being done with it. That is why we have committed ourselves to such a major exercise of public and parliamentary consultation about our spending plans. For the first time, people throughout Scotland and the Parliament have been given the opportunity to make their views known on our spending strategy. That has never happened before under any Government; it certainly never happened under Conservative Administrations, when Scotland simply received

the block allocation without any advance information or consultation on how that money would be spent.

The Executive pays considerable attention to how it announces policy precisely to ensure that Scottish citizens are kept fully informed and given the opportunity to engage fully in the process of government. Mike Russell accuses us of not following the consultative steering group's principles of openness, accountability and accessibility. Then he waves a sheaf of papers that he claims to be a detailed report that will be published—presumably after the debate—without giving the Parliament a chance to challenge him on the veracity of the contents of those papers. That is not being open, accessible and accountable.

**Michael Russell:** The papers contain the Executive's announcements.

**Mr Raffan:** Let the SNP publish its own finances, too.

**The Deputy Presiding Officer:** Order.

**David Mundell (South of Scotland) (Con):** Does the Deputy Minister for Parliament agree that one of the best ways of improving the openness of the Scottish system of government would be to allow MSPs much more direct access to Scottish Executive civil servants? Will he undertake to review the current code of access?

**Iain Smith:** I have already appeared before the Procedures Committee on that very issue. MSPs have significant access to civil servants through public information lines, the Executive website—which contains all the statements that Mike Russell claims are reannouncements and therefore mislead the public—and the “Investing in You” document. A vast array of sources of information is available to MSPs and the general public about what the Executive is doing. Nothing is being hidden; we are committed to openness and accountability.

We had sparse examples from Bill Aitken and Mike Russell of what we are supposed to be doing. Mike claimed that we were breaching the principles of the CSG, but the example that he gave related to the budget consequentials, the process of dealing with which is an example of the Executive's completely fulfilling the CSG principles. We announced what the consequentials would be and what the decision-making process for allocation would be. Once the Executive had considered the amount of money available, it made the announcement in the form of an answer to a parliamentary question, which was available to every member of this Parliament. We are now going beyond that to announce the details of how the money will be spent in specific areas. No doubt the money that has been announced for

the police will be referred to in the next debate this morning. That process demonstrates openness and accountability.

**Michael Russell:** Has the minister not grasped that we are talking not about the fact that the Executive does not talk enough but about the fact that it constantly repeats itself? The minister has had an example of that from me, from Fiona Hyslop and from other members. Will he answer those points or simply deny their existence?

**Iain Smith:** No member of any party has given me an example of a substantial problem in relation to reannouncements. We have been given a lot of smoke and puff about very little. We need to acknowledge that the Executive is committed to openness and that the information is available.

The charge of reannouncement has been levelled by the Opposition parties this morning, but it does not hold up. They have homed in on the fact that figures might appear in more than one announcement, but they have not thought about why that happens. A more detailed look at the evidence shows that a process aimed at giving full information on policy and spending decisions means that people must be kept informed of developments and changes.

The Executive is committed to open government. Our actions speak as loudly as our words. Provision of information in a modern, professional way is an integral part of that commitment. We are aware of the risk that people might suffer from information overload, which might lead to confusion—the Opposition parties certainly seem to be confused—but we are happy to listen to constructive criticism and positive ways in which we can improve the presentation of information to the public.

I am happy to support the amendment in the name of Tom McCabe.

10:28

**Ben Wallace (North-East Scotland) (Con):** The Executive has failed to grasp the point of this debate. We recognise that much more important issues face Scotland than this subject; that is why we allocated only an hour of our Opposition morning to it—we did not think that it would take too long to discredit the Executive.

The debate is about how the mechanics of government affect the people who have to live with the effects of the policies. Yesterday, I received a letter from a senior nurse in Edinburgh. She explained that she had heard many announcements from the Government, but had never seen any improvements. Her final comment was interesting. She said:

“Labour only cares about the headlines”.

Therein lies the problem.

Like the boy who cried wolf, a Government can announce new money only a certain amount of times before the electorate stop believing it. Labour spin has remained just that. Things have not got better and the people in this country know that all too well. Phil Gallie made a concrete point. He said that the class sizes in South Ayrshire had not got smaller. The Executive replied that he was wrong and that the problem was only that its message was not getting through. That is a classic example of the fact that the Executive prefers the spin to the truth.

Keith Raffan has become rather like Roger Irrelevant from *Viz*. The subject of this debate is whether the Executive is correctly handling its announcements. However, all that he gave us was Westminster-centred points about William Hague's tax policies and internal party politics. He conveniently failed to mention the fact that a Liberal Democrat, Donald Gorrie, signed the SNP motion when it was lodged.

**Mr Rumbles:** Will Ben Wallace take an intervention?

**Ben Wallace:** No, I am closing.

Andrew Wilson's point about Liz Drummond was pertinent. Right across the United Kingdom, Government information officers started to resign when new Labour came to power, as the Government was intent on manipulating information rather than passing it on.

I congratulate Iain Smith on—was it his maiden speech? I am not sure. The subject of tuition fees has become a bit like a B&Q advertisement—although Labour members do not like B&Q, because it is not up to their standard any more—which says, "Buy now, pay later." The nurses and the doctors in accident and emergency wards are probably quite confused over all the redevelopments that have been going on. After all the cash boosts, which have been reannounced five times since October 1998, many of them still say that nothing has improved.

In December 1998, Sam Galbraith, as Scottish Office health minister, announced money for modernising health centres. The Government obviously thought that we might have forgotten about that over Christmas, as the money was reannounced in February 1999. That became an annual event; the money has since been announced again. Under this Government, the additional money for health spending has had more relaunches than the space shuttle and the difference between the spin and the reannouncements adds up to nearly £190 million.

When Sam Galbraith decided to go off to become the Minister for Children and Education,

he could not resist taking the habit with him. He announced £2 million for special educational needs in April 1999, which was reannounced in February. It is rife across the Executive.

**Karen Gillon:** His wife? [*Laughter.*]

**Ben Wallace:** Rife. I can give Karen Gillon elocution lessons later, if she wants.

Some might say that it is right to reannounce money. However, to coax press releases to give the impression that new money is being spent is at best misleading and at worst downright dishonest. The Government inserts the words "extra", "boost for" and "cash for" to give the impression that the money is new. Reannouncements have become the trait of an Executive that believes primarily in presentation. Members will recall that the NHS Direct 24-hour service line was announced more than 15 months ago. The truth is that that service does not exist and has never existed in Scotland, although it has been up and running in England and Wales for more than eight months. The Royal College of Nursing and the Scottish health councils have not even been consulted yet. That is the truth.

As the Executive promises so much, yet delivers so little, building its houses on sand, it should not be surprised when its emperor's new clothes start to wear away. I end with words that were written to a member of the Labour party.

"Labour is not believed to be real. We lack convictions, it is all spin and presentation. We just say things to please people, not because we believe them."

Those are not my words or those of the SNP. They are the words of Philip Gould, one of the arch Labour spinners and a designer of new Labour. It is the truth. New Labour is no different from the dome that it created: good on the outside, but nothing much on the inside. I support the Conservative motion.



## Crime and Punishment

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is another Scottish Conservative and Unionist Party debate, on motion S1M-1008, in the name of Phil Gallie, on crime and punishment, and amendments thereto.

10:34

**Phil Gallie (South of Scotland) (Con):** In his closing speech in the previous debate, Ben Wallace said that there are more important issues to debate here today. He was right. There is nothing more important than the security and well-being of our citizens. Justice and the law mean nothing unless they are perceived to satisfy the interests of the wider community.

The law has been designed to protect the interests of the weak and the innocent; but all too often it appears to favour the interests of the criminal rather than the victim. It is accepted that justice is not served when people are convicted of crimes they have not committed, but a balance must be found that ensures that those charged with the most violent and damaging offences cannot use technical judicial points or failures of the system to escape justice.

Justice belongs to all the people, not only to the learned fraternity of solicitors, advocates, Queen's counsels, sheriffs and judges. I agree with Johann Lamont, who on Sunday was quoted as asking:

"How can we have a system so out of kilter with the commonsense view of natural justice? The justice system is too precious to be left in the hands of the legal establishment."

I believe that Johann had a real point there that many people will identify with—albeit not too many in the legal fraternity. We have to be aware of public perceptions; if we do not address them, the system will be in danger of breaking apart. There is no room in a civilised society for people who take the law into their own hands.

With some justification, the public regard the criminal justice system as being under increasing pressure. People feel that far too often the deck is stacked in favour of the criminal and against the victim. We are all aware of the difficulties associated with convictions in rape cases; quite a number of instances come to mind. We must all be concerned about recent events in which dealers found guilty of being in possession of £30 million-worth of cocaine walked free because of a procedural foul-up. I found it incredible that, in a case local to me, a dealer who was hiding heroin in his body was freed because a wrong name had been inserted on a search warrant. That individual

was later convicted of supplying a lethal dose of heroin to someone who regarded him as a friend. Some friend. There are many other examples that members will know of.

The perception of the system is more than justified, especially when we see it being bombarded from all sides—by the European convention on human rights, by reduced budgets, by falling police numbers, by reduced prison places, by increasing crime rates and by lighter sentences. The galling point is that all that follows an election campaign during which people who are now members of the Executive promised to be tough on crime. Putting policemen back on our streets and into our housing schemes was promised as a priority. I expected from the Liberals that those promises would not be kept; but, as an eternal optimist, I thought that new Labour might have meant what it said. I should have known better.

Victims' agony is being drawn out with ever lengthening delays in our courts. Those who are prepared to act as witnesses begin to wish that they had stepped aside as delays begin to affect their employment or business involvements.

**The Deputy Minister for Justice (Angus MacKay):** Mr Gallie suggests that budgets are falling. Will he say which ones he thinks are falling, given that the baseline budget of the justice department and of the Scottish Prison Service is rising year on year?

**Phil Gallie:** If we consider the reductions in the Prison Service, we find that budgets are not being kept in line with real-terms increases.

**Angus MacKay:** They are rising.

**Phil Gallie:** Pension schemes and early retirement have a massive effect on police budgets; that has not been recognised. Overall, there is an underfunding that the Executive is failing to address.

I was referring to the ever lengthening delays in our courts. If a case eventually comes to court, the accused may be convicted of at least one offence and then sentenced. All too frequently, within the space of just a few months, someone who was given what the victim was told was a three-year sentence appears out of the blue, at the bus stop—or beside their victim in the local paper shop. The figures that we have seen demonstrate that.

We are told that the Executive will introduce a freedom of information bill. The priority should be to inform victims of crime what sentences in court really mean and to ensure that they are advised when prisoners are to be released. It should be explained that if a three-year sentence is given, periods of remand must be deducted and that a

period of only 18 months in total will be served. That does not need a freedom of information act; all it requires is for the Executive to get its act together, to ensure that people who are directly affected are prepared for what can be a fairly traumatic encounter, particularly for the elderly.

A first step—

**Dr Richard Simpson (Ochil) (Lab):** Before Phil Gallie moves on to his next point, will he explain what his party did during their 18 years in government to inform victims of exactly the same situation on remand? There has been no change. What did the Conservatives do?

**Phil Gallie:** The answer is simple—not enough. We took steps and sought assistance—

**Dr Simpson:** Eighteen years.

**Phil Gallie:** Yes. We did not exactly do well in that area—and in a moment I will mention another issue that we did not do well on. We are prepared to look back and acknowledge some of our mistakes; we want to look to the future and attempt to rectify them. That is what the debate is about. It is not about hiding behind figures, as happened in the previous debate. It is not about kidding on the public. It is about setting out in straight words the facts as we see them and moving forward.

I said, “A first step”—and I have lost my place.

I believe that the Executive needs to revisit sentencing policy. It is nonsense that someone who is sentenced for four years serves only 50 per cent of that period, irrespective of his or her attitude or behaviour in prison. I take no pride in having been part of a Government that introduced that measure, but I took some consolation from Michael Forsyth’s late attempt to recoup the situation. Before other members jump up and down blaming the Tories, I must point out that when that measure was introduced, all the parties represented here today wanted to go further in liberalisation.

The effects of automatic remission and early release are reflected in the rising crime figures—a recycling effect is adding to the pressures on the courts and the Prison Service. Early release before adequate time for reflection leads to reoffending, additional burdens on the courts and similar complications for the Prison Service. Scottish Conservatives seek a system of conditional early release whereby remission will have to be earned and the maximum remission will be one sixth of a sentence’s duration. My understanding is that the Crime and Punishment (Scotland) Act 1997 caters for that and that the minister can raise a statutory instrument at any time to bring such a measure into force. We would give him every assistance if he did that.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Phil Gallie seems to imply that early release is the cause of rising crime. He also seems reluctant to acknowledge that during the 18 years of Conservative government the number of crimes rose—from 340,000 in 1979 to 420,000 in 1997; eight more victims every hour under the Conservatives. If Phil is so concerned about victims, I do not think he needs to look at the early release scheme for the reasons; it is a general trend.

**Phil Gallie:** Is this an intervention or a speech?

**Mr Rumbles:** I have one quick quotation.

**The Deputy Presiding Officer:** Very briefly, Mr Rumbles.

**Mr Rumbles:** It is that

“crime has risen and continues to rise throughout the industrial democracies . . . It would be astonishing if patterns were not repeated.

The challenge is to deal with that situation”.—[*Official Report, House of Commons*, 5 November 1996; Vol 284, c 1092.]

Does Phil Gallie recognise that? It was Bill Walker MP.

**Phil Gallie:** If Mr Rumbles looks back at the previous law and order debate he will see that he asked the same question and that I gave him a more than adequate answer. I suggest he does his reading.

Crime did rise under the Tories—at the same time as the drug culture built up here and in the rest of the world. The key issue is that when the Tories left office, the crime figures were going down. Now, they are on the rise again.

It is my charge that in rape cases the judicial system favours the accused against the interests of the victim. Cross-examination of a victim by the person whom she or he believes to be their violator creates a situation in which the victim suffers the humiliation for a second time. How can a 13-year-old cope with that? Henry McLeish pledged to stop it when he was a Scottish Office minister. His pledge has gone the way of so many other promises made by new Labour in government. We are told that the European convention on human rights stands in the way, but it seems to me that the ECHR is breached by the status quo. I consider the ECHR to be a red herring in the matter of cross-examination of rape victims.

Senior civil servants giving evidence to the Justice and Home Affairs Committee on Tuesday stated that ministers had other concerns. In the interests of justice and the freedom of information the Minister for Justice holds so dear, I ask ministers to act now and, if they will not, to state

clearly why they will not.

I urge ministers to look at the statistics and not to go soft on juvenile young offenders. Efforts have to be made to find new ways of diverting young people away from anti-social and criminal activity. I saw one of those last week, when I visited Rathbone Community Industry in Kilmarnock. I suggest that the impression that youth is an excuse for escaping responsibility for criminal acts is not one of those new ways. The police are constantly frustrated by the fact that when they catch youngsters under the age of 16 who have committed what many people would consider serious offences, after interview, they are turned back on the streets again to offend.

I have some figures that date back a year or two, to when the Tories were in power. They show that 15 youngsters in the Ayr constituency committed more than 800 offences—obviously repeat offences. As is obvious, they were caught and returned to the community. We must do something about that, but the minister's intentions towards young offenders will make the situation worse rather than better.

**Scott Barrie (Dunfermline West) (Lab):** Will Phil Gallie give way?

**Phil Gallie:** I do not have time. I am sorry.

I welcome this week's report from the minister on drugs and confiscation and the fact that its publication was timed for just before this debate—timely indeed. There are one or two issues, however, that I have to ask the minister about. I would like to know whether he intends to ensure that when drug dealers are charged, steps will be taken to freeze their assets at that point. The minister can answer me later, in his speech. I am short on time.

I would also like to ask the minister whether the special finance unit that he intends to set up will be properly resourced, with new people and new money to get it up and running. It will, perhaps, become self-financing later. I would like to think that money will go back into the law and order budget at that point.

I cannot accept either of the amendments to the motion. I cannot accept the SNP amendment because of its reliance on the ECHR which, through incorporation, has brought problems to our judicial process. We have agreed that we observe the ECHR all the way along the line, but its incorporation is the wrong aspect to consider.

**Angus MacKay:** Will Phil Gallie give way?

**Phil Gallie:** Yes.

**The Deputy Presiding Officer:** Please wind up after the intervention, Mr Gallie.

**Angus MacKay:** The ECHR is a critically

important point to raise in this debate. A number of rights are safeguarded by it. It prohibits torture, slavery and forced labour and safeguards the right to liberty, security, freedom of thought, conscience and religion, all of which I would assume every member, including the Conservatives, would sign up to.

Mr Gallie has made great play of the effect of the ECHR, as have many other Conservative MSPs. Amendments relating to the ECHR that read across to the Human Rights Act 1998 were introduced at quite a late stage during the passage of what became the Scotland Act 1998. The Tories did not vote against the bill on second reading, or third reading, or during the Commons' consideration of the Lords' amendments.

Nor did the Tories raise any objection, as far as it is possible to discern, to the proposition that the Executive and Parliament should be required to act in a way that is compatible with the ECHR. Furthermore, the Conservative party did not vote against the second or third reading of the bill that became the Human Rights Act 1998. In the end, they gave the bill a fair wind and "wished it well".

**Phil Gallie:** One of the problems the Conservatives in Westminster have is that they do not benefit from the presence of Scottish Conservative MPs. My understanding was that Conservatives did vote against incorporation in the Scotland Act 1998, but I stand to be corrected if that was not the case.

**Michael Matheson (Central Scotland) (SNP):** You have been.

**Phil Gallie:** As well as the reference to the ECHR in the SNP amendment, I find Roseanna Cunningham's appeal for a body to look at public opinion on the effects of sentencing rather strange. The public opinion that I gauge is that of my constituents, and their opinions are pretty clear. I would not have thought that my constituents are that different from hers.

We can go along with the comments on witness support in the Executive amendment and on the confiscation aspects, but the suggestion that we are doing well on police numbers stretches the imagination. We cannot support that. Do not pussyfoot around with this motion. Accept it in good faith and do service to the people of Scotland.

I move,

That the Parliament notes that public confidence in the criminal justice system is at an all time low due to the Scottish Executive's failure to take effective steps to curb rising crime; recognises the frustration and anxiety felt by the victims of crime and the wider Scottish public arising from early prisoner release and asks the Scottish Executive to restore honesty in sentencing by ending automatic remission; further notes with concern the proposals to raise

the age of criminal responsibility from 8 to 12 and to bring 16 and 17 year old offenders within the Children's Hearings System; calls upon the Executive to reject the proposals and demands that the Executive brings forward its proposals to strengthen the law in relation to the seizure and confiscation of assets suspected of being derived from drug dealing.

10:48

**The Deputy Minister for Justice (Angus MacKay):** There is no doubt that law and order and the principles governing crime and punishment are essential to the well-being of any society. I welcome today's debate as an opportunity to reject the simplistic solutions to complex problems that are being peddled by the Opposition—principally the Conservatives—and to show how the Scottish Executive is tackling in a positive way the issues that affect the people of Scotland.

First, however, I invite Mr Gallie to accept that his motion is inaccurate. It states that

"public confidence in the criminal justice system is at an all time low."

From recent events in Opposition parties, it appears that extreme confidence in the Scottish criminal justice system is being expressed. The SNP seems intent on using the system as an internal management tool for its party problems. Mr Gallie may wish to comment.

**Phil Gallie:** Perhaps the SNP is satisfied, but I draw the minister's attention to the comments made by Johann Lamont, from which I quoted and which she fully accepts.

**Angus MacKay:** I have no idea to which comments Mr Gallie refers. I will move on to the substance of my speech, but I pause at this point to invite any further Conservative members who wish to cross the floor to do so.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Does the Presiding Officer not think it a bit worrying that a minister is sitting here who does not seem to understand the difference between civil and criminal law?

**Angus MacKay:** I welcome Tricia Marwick's pettiness. I will continue my speech.

I am very happy to engage in political hooliganism with Mr Gallie, but I think that law and order is far too important for that and if we cannot raise the level of debate, we genuinely do a disservice to the country. I want to explain our policy on law and order and then help the Opposition to understand the Scottish Executive's justice programme.

First, we are going to be tough on crime and on the criminals who blight our communities. Secondly, we are taking—and will take—action to

prevent the causes of crime. Thirdly, we are going to prevent recidivism through alternatives to custody and the rehabilitation of offenders. Fourthly, and most important, we are pledged to support the victims of crime. How we treat victims and witnesses and how we deal with offenders is a measure of our progress and our civilisation.

We do not share the Opposition's belief that it is enough simply to react to crime, nor do we believe that locking people up will provide the answer. That has been tried and it has failed. Recorded crime in Scotland reached its highest level in 1991, after 12 years of the Conservative Administration. I intend to set out how our policy and programme for action are making an impact, even after only 12 short months.

Members of Opposition parties are the last people who can complain about high crime rates. None the less, we appreciate the anxiety that people may feel about crime, which is why we announced recently an additional £8.9 million for the police to help put more officers on the streets.

Although the level of additional money has been criticised in some quarters, the president of the Association of Chief Police Officers in Scotland, Bill Robertson, who is the chief constable of Northern constabulary, said:

"I hear that some people have been quite grudging about it and started to question it, but I think today should be about celebration. Today, we should say thank you very much".

Bill Robertson was speaking as a chief constable when he made those comments. The eight chief constables in ACPOS have more than 30 years' service as chief constables and more than 200 years' service as police officers. They are more than qualified to decide what represents a step change in the quality of funding for the Scottish police service. Other chief constables, such as Sir Roy Cameron and John Orr, have also been enthusiastic about and appreciative of the extra resources and are committed to putting extra officers on the streets.

As well as the £8.9 million for recruitment, which is sufficient for more than 300 extra officers, we gave the police an additional £1.7 million for DNA testing. We are pledged to take tough action against drug dealers, about which I will say more shortly.

**Phil Gallie:** At present, Strathclyde police alone has a shortfall of 350 officers. Both the Scottish Police Federation and ACPOS estimate that by the end of the year there will be a shortfall of 1,000 officers. The minister's measures for recruiting 300 officers hardly measure up to that shortfall.

**Angus MacKay:** The previous highest level of police officers in Scotland was in 1997, under the Labour Government. We expect our

announcements about the extra £8.9 million, with the funding of the Scottish Drug Enforcement Agency and the additional officers that that funding will bring, to create record, or near record, levels of police officers on the streets of Scotland. Everyone in the chamber should applaud that.

We are taking tough action on dealers, which we have backed up with £10 million for the Scottish DEA to allow it to place an extra 100 officers in local police forces to tackle drug misuse. Taken with a 3.8 per cent increase in grant-aided expenditure, the police are receiving an increase of 6.6 per cent over last year. We believe that those resources will boost police numbers to record levels. However, just as we recognise that tackling crime is not a simple matter, neither is policing; given chief constables' knowledge and professionalism, they are best placed to deploy those resources.

Drug-related crime is one of the most serious issues facing society. The Scottish Executive is determined to deal firmly with the drugs issue, which is why we moved quickly to establish the Scottish DEA. The first ever director of the new agency was appointed on 25 February. His management team is in place and I formally launched the agency on 1 June. All that was achieved within six months of our announcement of our detailed plans. The creation of the Scottish DEA means that, for the first time, Scotland will have an organisation dedicated to tackling drug crime. It will build on the excellent work done by the enforcement agencies in trying to tackle those who profit from human misery.

The public have started to play a part in identifying the drug dealers. Nearly 200 calls have been received from the public, which the Scottish DEA is actively pursuing. The Executive calls on all Scotland—politicians, the police and the public—to join forces to deal with those people once and for all.

Prevention is clearly better than cure. We must get to the roots of crime if we are to prevent it occurring. It is a sad fact of life that children are sometimes involved in crime. We need to decide how best to deal with those cases. I am disappointed that the Opposition attempted to make political capital out of a serious and sensitive issue.

The Executive is not rushing into anything. In the context of the review of youth crime, we will ask the Scottish Law Commission to consider the age of criminal responsibility, which is currently set at eight years of age. Although there is no reason to think that that would put Scots law in breach of the ECHR, it remains an important issue for consideration. Eight is not the lowest age of criminal responsibility in Europe, but the Thompson and Venables case was a sharp

reminder of how vital it is that the justice system deals effectively and sensitively with children who commit crime.

I therefore look forward to the Scottish Law Commission's response, which will inform the debate on this important issue. I make it absolutely clear that until the Scottish Law Commission has reported, in March 2001, no decision will be taken for or against a move to a higher age. Any decision will take into account the need to ensure that young children are treated fairly and that those who do wrong can be, and are, dealt with appropriately. Whatever we do, there will be no statistical fiddles: crimes will be recorded as crimes, whatever the culprit's age.

Young people are responsible for a disproportionate amount of crime. There are some very stark statistics. Sixteen to 24-year-olds account for 41 per cent of all persons convicted for crimes and offences and 4 per cent of all persons proceeded against in court. Most are young men. However, males aged 16 to 24 make up only 12 per cent of the total population. In the eight to 15 age range, around four times as many boys as girls are referred to children's panels on offence grounds.

We need to tackle this issue quickly, but in an effective and sustained way that makes young people face up to offending behaviour, promotes reparation to or mediation with victims—where that is desired or appropriate—and generally helps young people move into more responsible styles or patterns of living. Those are the right options for young offenders. There is no point in throwing young people into prison, where they learn the tricks of the criminal trade at an early age and, perhaps, turn into habitual criminals, if—and I stress the word if—there is a solution that better suits individual circumstances. That is why the Executive has responded so positively to the advisory group's report "It's a Criminal Waste: Stop Youth Crime Now".

Our response sets out how we intend to tackle this vital issue. We are not about offering soft options. We want challenging programmes and interventions that will give the public confidence that we are making communities safer and will address the needs and deeds of the young people concerned, to help them develop. That means effective measures for young people, whether they come through the court system or through the children's hearings system. It is best to follow programmes that work and are successful in changing the behaviour of young people. We want them to stop offending while they are on the programme and after they have finished it. That is the way to benefit those who are hit by crime.

Some have said that the children's hearings system does not work. We believe that it works

well and has an excellent track record over the 30 years of its existence. Its philosophy of examining what causes the child to behave in a particular way, or to be at risk, and of taking steps to deal with those causes is a better and more effective approach than prison. We accept, of course, that it could be improved on.

One of the concerns identified by the youth crime review advisory group was the lack of an effective range of programmes to support the hearings system. We are addressing that by injecting £3 million of new money this year, rising to £4 million next year. That will pay for effective programmes to make young people confront their offending behaviour and to provide them with the education and preparation for employment that they need to stay out of trouble. We want such programmes to be part of the mainstreamed activity in each local authority and to be tailored to what is required there.

The Presiding Officer is indicating that I do not have a tremendous amount of time left, so I will finish by saying this. In the programme for government, we made the pledge that we would be tough on crime and on criminals. Today I have tried to set out the principles that we are following and the steps that we are taking to tackle crime now and to prevent it occurring in the future. We want to protect our communities from criminals. To do that, we must tackle criminal behaviour before it escalates, and break the cycles of reoffending.

That does not need to mean being soft on crime. It means being imaginative and ensuring that courts have effective disposals to hand. That is why we are determined to rehabilitate offenders, through training, education and work, and why we continue to put emphasis on alternatives to custody. It also means ensuring that the police have the necessary resources to tackle crime now and to reassure our communities that the Scottish Executive is taking crime seriously. That is why the justice department's budget is rising in real terms, why police expenditure is rising in real terms and why the prison budget is safe in our hands.

I move amendment S1M-1008.1, to leave out from first "notes" to end and insert,

"continues to support the Executive's policies on law and order and commends the priorities identified in the Programme for Government being taken forward by the Executive, including combating drug misuse as set out in the Drugs Action Plan Protecting our Future and through the creation of the Scottish Drugs Enforcement Agency which will fund an additional 100 officers in local forces, tackling youth crime, particularly persistent offenders, as set out in the Report It's a Criminal Waste: Stop Youth Crime Now and the Executive's response, helping witnesses by extending a volunteer Witness Service to all Sheriff Courts, and the injection of an additional £8.9 million for the police which is sufficient for forces to recruit a further 300 extra officers".

11:04

**Roseanna Cunningham (Perth) (SNP):** In my view, issues of crime and punishment cannot be reduced to simplistic slogans. Today we have had a typical Tory response on any law and order issue—totally unfocused, ill thought out and produced without any sense of responsibility for the effectiveness of what little was suggested. Listening to the Tories, people would be forgiven for assuming that crime rates went down between 1979 and 1997. Instead, they went up by about 40 per cent, if not more.

Mr Gallie might at least have the humility to admit that if there were an easy solution, 18 years would have been sufficient time to find it, but the Conservatives did not. Therefore, there can be only two conclusions: either he has to admit that there is no easy solution, or he has to admit that the 18 years of Tory rule were 18 years of incompetence in the area of law and order, because those are the only conclusions that the crime rate increase justifies on the basis of his own logic.

**Phil Gallie:** I thought that Roseanna Cunningham had been present all the way through the debate; I acknowledged that crime rates went up under the Tories. I gave reasons for that. I said that I did not feel that everything that we did was perfect and correct, and that I wanted to look forward and do something about it. I pointed to the fact that crime levels had been coming down for the past—

**Roseanna Cunningham:** Mr Gallie has already had a chance to make a speech. He should restrict his interventions to questions. I listened carefully to what he said, and what I heard is what I would describe as a farrago of simplistic nonsense, which did not deal with some of the complexities involved in the issue.

I want to focus on one or two issues that relate to the adequacy of resourcing of the system at all levels. I do not have a great deal of time, so I will cover only a few of the issues. My colleague Tricia Marwick will address the issue of victim services in more detail, but suffice it to say that right now the role of the victim in the process—we have seen plenty of headlines on that recently—and the role of victim services are hardly likely to inspire confidence. The Executive has to address that matter more urgently that it is currently doing. I am aware that some initiatives are on-going, but they are not anywhere near enough and they are not moving fast enough. I hope that the minister will address that directly.

The fiscal service is another area that is all too frequently overlooked, but it is equally vital. The suspicion continues that under-resourcing of the service leads to cases being marked for no

proceedings, which has a direct impact on public confidence. We know from recent months that the courts have had problems that are of a particular origin, but I also know from conversations with sheriffs of my acquaintance—

**Gordon Jackson (Glasgow Govan) (Lab):** Name names.

**Roseanna Cunningham:** I have heard from more than one sheriff that problems arise as a direct result of the lack of enough fiscals to cope with the work load in the criminal courts. That goes back to the comments that I made about the fiscal service.

That example shows a fundamental problem with the criminal justice system, which I admit is not easy to deal with. I do not look for a simple one-line answer. One cannot address one area in isolation without there being an immediate impact elsewhere. More police and more efficient policing inevitably lead to a greater clear-up rate and more cases referred to the fiscal, which means more stress on the fiscal service and more court time taken up. It is a circular system, which means that if one part of it is plucked, all of it will be affected. My concern is that that knock-on effect is too frequently overlooked, with troubling consequences.

Phil Gallie talked about public perceptions of sentencing and detention. I am always amazed at the ease with which Phil can refer to the numerous conversations that he has with his constituents, as if somehow we are to believe that it is not a self-selecting group. As politicians, we cannot ignore the issue of public confidence, but we need to test more carefully the true attitudes of the public, and not assume that the more lurid tabloid headlines necessarily reflect reality, which I fear is what Mr Gallie does.

In the past, I have seen research—I am sorry that I cannot give proper references, but this occurred to me only when I was listening to Mr Gallie—which suggests that when people are confronted by the realities of cases and potential disposals, their views about appropriate sentencing might not be as clear-cut as Mr Gallie seems to think. It would be useful if the Executive considered looking at attitudes to sentencing and detention, whether of youths or of adults, because there are some confused messages about.

Some of those confused messages relate to young people and to the apparent incidence of crime being committed by young people. The issue of the age of criminal responsibility has been raised before in the chamber. The truth is that Scotland has one of the lowest ages of criminal responsibility in Europe. Whether the Tories like it or not, it is almost certainly challengeable under the European convention on human rights. In my

view—and in the view of a great many other professionals—that challenge will be successful. To refuse to consider it now would be utterly irresponsible. I accept the—

**Robert Brown (Glasgow) (LD):** Will the member give way?

**Roseanna Cunningham:** I will run out of time, otherwise I would let the member in.

I welcome the review of the age, but the truth is that most young offenders go before the panel anyway. They go there for other reasons, allied with any crimes that they might have committed: truancy, substance misuse, being beyond control or whatever. Changing the age of responsibility will not change that, so I must challenge the Tories' approach to 16 to 18-year-olds. Do they really think that sending youngsters in their mid-teens to court for relatively minor offences will be helpful to anyone? It is not cost-effective and there is no evidence that it will deter repeat offending, which should be the fundamental aim of what we are trying to do with young people.

Although I know that this aspect is not entirely within his remit, I say to the minister that if the hearing system is to deal with the age groups that we are discussing, the issue of resourcing the appropriate disposals must be taken on board. I listened carefully to what he said about money. There is concern that that issue is not being taken on board. I know of one case in Glasgow: a 10-year-old boy who has not been to school in 18 months, has been on home supervision requirement for the whole period and has still not been allocated to a social worker. He is not offending now, but there is no guarantee that he will not do so.

That case is one of many. Sources in Glasgow City Council will privately admit that more than 600 child care cases are waiting to be allocated to a social worker. That is a big stumbling block when it comes to dealing with youth crime, and in regard to the initiatives that are being put in place. That is the point at which we can try to turn young people away from crime. I listened to the minister talking about money. What I really want to hear from him is whether he can guarantee that the money which he is talking about today will plug that gap right across Scotland. Otherwise, any youth crime initiatives will be undermined.

In the few minutes available, I could not hope to address all the relevant issues; my colleague Michael Matheson will deal with issues related to drug crime. However, I would appreciate it if, in his reply, the minister would spend a little more time talking about the resourcing of the system overall and the reality of the knock-on effect that one aspect of the system has on the other.

I move amendment S1M-1008.2, to leave out

from first "notes" to end and insert:

"recognises that issues of crime and punishment are complex; contends that to ensure public confidence a criminal justice system requires to be effective, which in turn depends on adequate resourcing at every level; further recognises that there is some identifiable concern amongst the public about both current sentencing patterns and the effectiveness of detention; welcomes the fact that Scotland has human rights responsibilities as a result of the incorporation of the European Convention on Human Rights; and calls upon the Scottish Executive to consider the establishment of an accurate review of public attitudes to sentencing and detention which would inform both the judiciary and the Scottish Prison Service and further to address urgently the current under-resourcing of all parts of the criminal justice system in Scotland."

11:12

**Euan Robson (Roxburgh and Berwickshire) (LD):** In contrast to the text of the motion, Phil Gallie's speech was more thoughtful than the usual Tory parcel of predictable prejudices. Clearly, we in the Justice and Home Affairs Committee are having a benign influence on him.

Essentially, ours is a law-abiding community: people respect and uphold the law. However, we must never be complacent about crime. As many members said in yesterday's debate, we must equip the police to deal with the ever more mobile, technologically sophisticated and well-resourced criminal. That is why the announcement of the Drug Enforcement Agency was right and proper. I welcome the extra 100 police posts created and look forward to the results of the officers' work.

The recent investment of just under £9 million in police forces across Scotland was also right and proper. The money will recruit more officers, especially if the level of efficiency savings for the next financial year is tempered. If more than 90 per cent of the bill for the police is the cost of manpower, efficiency savings must affect the number of staff. We therefore have to be careful not to give this year that which is taken away next.

Without question, however, there will be more officers on the beat and a more visible police presence in many areas—partly because civilians are increasingly replacing police in administrative tasks.

We have heard much about crime statistics in the debate—I do not wish to repeat them, other than to say that the highest level of recorded crime in Scotland was in 1991, at just under 600,000 offences. As Phil Gallie was good enough to acknowledge, the golden legacy—sometimes appearing in Tory press releases—is perhaps a little tarnished.

On funding, an answer to Sir Robert Smith MP in March 1999, on the year-on-year change in central Government funding for police in Scotland between 1979-80 and 1997-98, showed that in

four years, there had been a real-terms cut. Those cuts took place in 1985-86, 1990-91, 1994-95 and 1996-97. The largest real-terms increase of 8.4 per cent occurred in 1997-98.

However, the public are more interested in plans to tackle crime than in trading figures from the past. Mike Rumbles referred to Bill Walker, who quite rightly said that

"crime has risen and continues to rise throughout industrialised democracies . . . It would be astonishing if patterns were not repeated.

The challenge is to deal with that situation".—[*Official Report, House of Commons*, 5 November 1996; Vol 284, c 1092.]

Keith Raffan will talk about tackling drugs misuse if he catches your eye, Presiding Officer—or rather, if he presses his request-to-speak button. We need to invest in education about the dangers of drugs; we must also invest in rehabilitation. Reducing demand and thus the illicit gain from drug dealing, together with enforcement, is the way forward. We can double, treble or quadruple enforcement but, without the other approach, as senior police officers of my acquaintance regularly tell me, the drug dealers who are removed are swiftly replaced and the vacuum is easily filled. We must prevent young people from experimenting with and using drugs, and rehabilitate those who are already users.

There is a real need to improve crime prevention measures by educating our citizens to protect themselves and by improving home security, perhaps in conjunction with home energy efficiency measures—such schemes are being piloted in some parts of Scotland. We must improve the design of buildings and of housing estates, and such seemingly mundane matters as upgrading street lighting could help. Perhaps we need to consider the grant-aided expenditure settlement for local government roads departments.

I now refer to offending by young people. At eight, Scotland has, as Roseanna Cunningham said, the second lowest age of criminal responsibility in Europe. In England and Wales, the age of criminal responsibility is 10. Even at 12, it would be lower than in the majority of European countries. In France, the age of criminal responsibility is 13 and in Italy and Germany it is 14. As Roseanna said, there will be a challenge under the European convention on human rights, and the Executive is right to review the matter now. If the Executive had just waited for a challenge, it would have been accused of failure to foresee the problem.

I am not aware of the proposal to bring 16 and 17-year-olds within the children's hearings system, as is suggested in the motion. The report of the



independent think tank, facilitated by the Convention of Scottish Local Authorities, on ways forward in working with young people who have offended, got many of the issues right. The transition from the children's hearings system and adult courts is too abrupt and fails to acknowledge the gradual nature of undertaking adult responsibilities. The report proposes a number of important measures for young offenders. It commends

"greater incorporation of restorative justice approaches commensurate with age and maturity. Certainly for 16+, but for many younger people this would make sense to them as well".

The report also refers to the comprehensive use of arrest referral schemes, which would

"ensure that appropriate services such as drug and alcohol treatment, supported accommodation for those who are homeless and mental health services"

are made available at the point of arrest. The report stresses disposals such as probation with conditions, community service orders, drug treatment and testing orders and supervised attendance orders.

For younger children, we need to develop comprehensive cross-agency early intervention. There is a range of measures that we can build on to tackle truancy in schools, which is often the first step on a criminal path. Instead of exclusion from school, supported inclusion within mainstream education should help children to avoid the slippery slope into crime. We must enhance home visiting for children who are most in need and retain our focus on the prevention of child abuse. Early intervention should be seen as part of a child protection and welfare strategy, rather than a narrow crime prevention strategy, but it will help to prevent crime.

We must recognise the impact of domestic violence and abuse on the development of children, and how that can contribute to childhood behavioural problems and adult difficulties. There must be support to help compensate for the lack of significant adult role models in children's lives. Children whose main carers lead chaotic lives clearly run a severe risk of being offenders later in life.

I make a final plea to the minister. As Justice and Home Affairs Committee members saw when we went to Longriggend prison, there is a problem with remand prisoners. All remand prisoners are categorised as being in one category. They are all lumped together; the drug dealer and the drug user are in remand in the same place. We are in danger of ensuring that education in crime takes place. We ought to separate out types of offenders within remand, so that minor offenders can be rehabilitated and serious offenders kept separate.

We must take the law and order debate seriously. We must get away from what raises a cheer at Tory conferences and go on to the real issues that will make a meaningful difference to levels of crime. Selective amnesia is probably a necessary therapy for a party that leaves government for opposition, but today we have heard concessions from Phil Gallie about the record in the past. Let us build on the progress that we can make. I support the Executive amendment and its more constructive approach to tackling crime.

11:21

**Lord James Douglas-Hamilton (Lothians)**  
**(Con):** Euan Robson talked about Longriggend. I would like to comment on prisons in the context of the call in the motion for

"effective steps to curb rising crime".

The Scottish Prison Service is going through massive upheaval. Last November, it was announced that there are plans to reduce staffing levels among the officers by some 400. What makes that more astonishing is that over the past 10 years, the prison population has increased by 1,300. While the prison population has been on an upward trend, the number of prison officers will be substantially decreased. There will be closures, mothballings and mergers. Penninghame, Dungavel and Longriggend are all to close, as well as Peterhead special unit.

That has caused dismay in the Scottish Prison Officers Association to such an extent that its general secretary, Derek Turner, said:

"We can only say that our savings have been stolen by the Scottish Executive".

He went on to say that there were no words to describe the betrayal and that the association was extremely worried about overcrowding and violence. The £13 million stolen from the service was going to fund the new Drug Enforcement Agency. He described it as an affront and betrayal to the Scottish people and their public service.

It appears that the Executive has, at the same time, released a considerable number of violent offenders. In 1999, the figure was 185, through early release—those released had committed crimes including culpable homicide, assault with deadly weapons and attempted murder. Early release on that scale is considered to be inappropriate by a substantial proportion of the public, who would like stronger protections to be put in place.

**Angus MacKay:** Does Lord James Douglas-Hamilton accept the comments by Clive Fairweather, HM chief inspector of prisons in Scotland, when the proposals for the closure of

the establishments that he mentioned were announced? Clive Fairweather welcomed the proposals because of the nature of the facilities and the structure of the buildings that were to be closed. He indicated that the services were better provided elsewhere.

**Lord James Douglas-Hamilton:** I have Clive Fairweather's statement in front of me. He said:

"The main job of prisons in Scotland is to protect the public from violent or persistent criminals—and to reduce the future number of victims of crime."

I am especially concerned about whether Peterhead prison will be closed. When Angus MacKay has been asked about that in the past, he would not say whether it will be closed. I am especially concerned about that, because sex offenders in Scotland go there in considerable numbers. As the minister will be well aware, there is a code of honour among criminals. Those who attack or harm children can be extremely badly treated in Scotland's prisons. Therefore, they are taken to Peterhead prison, where special educational and rehabilitation programmes are in operation. At some time, many of those individuals are likely to come back into the community, so it is extremely important that the programmes that are in place ensure that they do not reoffend in the future.

If Peterhead was closed, great instability would be introduced into the Scottish Prison Service and a body of expertise that has been built up steadily over the years would be removed. I hope that the Executive will not go down that path.

In the statement to which the minister referred, Mr Fairweather did not call for Peterhead to be closed. I believe that that would be a retrograde step, which would be very damaging to the Scottish Prison Service, because it would mean that sex offenders would not receive the intensive education and rehabilitation programmes that they need. If those people are distributed throughout the Prison Service in a way that is not thought out, enormous harm will be done.

**Angus MacKay:** As Lord James Douglas-Hamilton knows, the Peterhead issue that he raises is part of an on-going Scottish Prison Service estates review. We await the result and recommendations of that review.

On the issue of addressing offending behaviour and providing rehabilitation regimes for sex offenders, such regimes do not solely exist in Peterhead but are delivered in other prisons. Any decision about Peterhead—should it come to that—would not necessarily imply the end of the provision of such rehabilitation regimes in other prisons or elsewhere. In fact, it should be put on record that it certainly would not imply the ending of such regimes.

**Lord James Douglas-Hamilton:** I remind the minister of what Clive Fairweather said. At the end of his statement, referring to the closure of four prisons, he said:

"I doubt if there has ever been such an announcement made about prisons in Scotland for over 100 years."

The closure of Peterhead prison would be going much further. Of course, I accept that the education and rehabilitation programmes are not restricted to one prison—nor should they be. I am suggesting to the minister that a body of expertise has been built up there. I believe that he has plans to close that prison; otherwise he would be clearing the air this morning. If he closes that prison, his action will be condemned by the entire Prison Service in Scotland. It will be a bad move, because it will mean that sex offenders will not be given the same excellent treatment that they receive at present.

We want to ensure that those people do not reoffend. Communities may not welcome them with open arms when they come out, but every step has to be taken to ensure that the best possible service is maintained. That service is seriously at risk. As long as the minister leaves this question up in the air, there will be dismay in the Prison Service.

11:27

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I will concentrate on young people in the criminal justice system. First, I want to make it clear that the majority of young people are not criminals or young offenders. There is sometimes a danger that we forget that when we see headlines about "teeny terrors" or whatever. It is true that there are young people who indulge in criminal activity. Our communities want to tackle that, and I certainly want to tackle it, but we should put things in context.

The report of the advisory group on youth crime suggested that perhaps between 1,000 and 1,200 persistent young offenders are dealt with in the children's hearing system annually. We have to think about targeting the resources that are needed to tackle those cases. We should remember that the vast majority of children who come before the hearing system do so because their welfare needs require to be met.

We should also remember that the failure to bridge the gap between the children's hearing system and the adult court system—young people who are aged 16 or 17 suddenly find themselves in the adult court system—leads to a disproportionate number of young men, in particular, ending up in Longriggend and other institutions that have been mentioned this morning.

The Tories have a bit of a cheek to talk about reannouncements from the Executive, given that they reannounce speeches the whole time. I am sure that I heard Phil Gallie's speech in this debate several years ago. There are no new ideas or ways forward, and nothing positive is being suggested.

In contrast to that, the Executive should be congratulated on commissioning the report, "It's a Criminal Waste: Stop Youth Crime Now", and on its response. Roseanna Cunningham raised the issue of time scales, but the report clearly underlines the time scales. The Executive has made it clear that it wants early expansion of the range and availability of effective, community-based intervention programmes for young offenders. There are a number of good schemes around Scotland, which could be used as a model.

Those are not soft options. I challenge anybody who thinks that to spend a week during the summer recess working with one of the projects, talking directly to the young people and staff involved and doing something constructive by finding out about the projects and getting some new ideas.

The report also talks about ensuring access to the range of interventions for persistent offenders up to the age of 18 for procurators fiscal and the courts. The Scottish Executive accepts that recommendation and is looking to put some resources into it in the short term.

We know that the children's hearing system has for many years been a subject of worldwide scrutiny because of its success. Things can change and the Executive has said that it will examine what can be done in future, including the feasibility of bringing 16 and 17-year-olds who require such a service into the system. I know that there are people in the Conservative party who serve on children's hearings, who think that that is not a bad idea.

The Presiding Officer is indicating that I ought to wind up, so I will confine my final remarks to promoting something positive for young people. SACRO—Safeguarding Communities, Reducing Offending in Scotland—operates a scheme that brings together young people who have offended with the victims of their crimes and examines how reparation can be made. We ought to support such a scheme.

In some instances, young people cause problems, but they can also be part of the solution. In my constituency, a group of young people in Bellsbank, which would usually be described as a very deprived community, have come together with the local community policeman to produce information for a peer education project that will address the causes of offending behaviour and try

to get the message across. That is how we should progress.

We should look constructively at the solutions. It is not good value for money to lock people up simply because they are too poor to pay their fines. The Executive is committed to addressing that issue. I look forward to that. The report is good. The way forward is good. We should take things forward on a cross-party basis, and so ensure that our communities are the safe places that we want them to be.

11:32

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

We are told that children and young people were responsible for more than 42,000 crimes and offences last year, which is an increase of 6 per cent on a rate that has been rising steadily for years. It therefore follows that we need to rethink current practice. We need to reduce levels of youth crime, restore public confidence and improve community safety. However, the debate is not simplistic; it is not about hard or soft options. The aim must be to find strategies and policies that work, which address offending behaviour and divert young people from prison.

The proposal that the age of criminal responsibility should increase from eight, as it must, is less of an issue than by how much it should be raised and when. The United Nations Committee on the Rights of the Child levelled criticism at the UK Government on the matter as long ago as 1995. The Conservatives' argument that raising the age of criminal responsibility will allow young criminals to get off with it is totally spurious.

I remind Phil Gallie and others that the strapline of the Scottish Children's Reporter Administration is care and justice. The Kilbrandon committee gave reasons—which remain valid—why that is appropriate. The principle of dealing with juvenile justice cases and care and protection cases in the same forum, subject to the same procedures, and, crucially, accessing the same resources, remains valid. As we have heard, the strength of the hearing system is that it deals with the whole person and not just the offending behaviour.

Many people working in social work have been concerned for some time about the abrupt transfer from the children's hearing system to the adult criminal justice system, often with supervision orders being discharged just before a person's 16<sup>th</sup> birthday, which results in very young people with very troubled backgrounds being put in prison to no good effect.

Statistics from one local authority are very revealing. They show that in the year leading up to March 2000, of the total number of 16 to 18-year-

olds who received community service, more than one third had previously been in care or involved in the child protection system. Furthermore, of those 16 to 18-year-olds who received probation, more than two thirds had previously been in care or involved in the child protection system; of the group who received custodial sentences, half had previously been in care or involved in the child protection system in some way. I suggest that that is more than enough evidence of the impact of social background factors to merit a very serious reassessment of resource allocation, perhaps towards more robust fostering services.

The Conservative motion implies that it would be totally unacceptable to refer 16 to 18-year-olds to the hearing system. I disagree. However, persistent offenders in that age range require something more than the options and disposals that are currently available. Alternative measures would need to be put in place before greater numbers of youngsters are referred.

A broad range of community-based resources, adequately funded and supported by all agencies, would help to tackle the complexity of problems faced by young people. That would make a saving to the public purse by transferring resources from residential schools, prisons and secure accommodation, although I accept that those facilities will always be needed for some people. However, that is not an easy option and it might just work.

11:36

**Johann Lamont (Glasgow Pollok) (Lab):**

When I heard Phil Gallie commenting favourably on something that I said, I was tempted to throw away my speech, throw up my hands and admit total defeat. I certainly do not know what that will do for my credibility in the Labour party. We shall have to wait and see.

It is important to recognise that we are debating a complex issue. One of my concerns about the approach of the Tories is the suggestion that there are all these easy solutions that are just sitting there, waiting for the political will to pick them up and run with them. We do a disservice to those who suffer most from crime to suggest that it is as easy as that.

It is important that we take the debate around crime and disorder out of the ownership of the Conservatives. Crime is a concern in all our local communities. In the recent past, I have dealt with very specific and troubling cases where constituents have been concerned about sentencing decisions that they cannot understand or where they have had horrific experiences as the victims, or relatives of the victims, of crimes. People also have great concerns about the way in

which bail agreements are reached, because they believe that the result is detrimental to their rights. Even when we discuss more local issues such as housing, they are often linked to questions of youth disorder in the local community. There are anxieties about policing decisions. People feel frustrated that the police do not respond quickly enough to incidents that take place on the doorstep.

I agree with Roseanna Cunningham that at the heart of the debate is the issue of confidence. Those who have been accused of a crime must believe that they will get a fair trial. However, the victims of crime must believe that they, too, will get a fair hearing. Our communities, including elderly people who have been harassed by youngsters or residents who have been harassed by their neighbours, must believe that their concerns are being taken seriously and must have confidence that the police will respond to local priorities. Similarly, our young people must feel that they have the right not to be moved on and harassed simply because they are young; they ought not to be judged by their age or have presumptions made about their behaviour.

I will briefly touch on the question of children's panels. Before I became an MSP, I worked with young people who were saved by that early intervention and by the willingness of the legal system to look beyond a child's behaviour to what had caused that behaviour. It is not an easy process and often calls parents to account in a difficult way. It would be to our detriment to have a system that said that we believe that young people at the ages of 12 and 13 are beyond the pale and cannot be saved. We know that locking up our young people does not work.

Recently, we have seen a good example of the importance of having confidence in the system. We have had a debate on the cross-examination of witnesses in sexual crimes. I believe in the right of people to be considered innocent until proven guilty. However, no one has been able to explain to me why that important principle would be damaged by introducing a general category of crimes where a defence is pursued through a third party.

Unlike the Conservatives, I am committed to the European convention on human rights, but we need to understand that we have to defend the rights of all, including those who are accused of crime and those who have suffered it. In the past few days, there has been a concerted and ferocious attack on those who have been making the argument about protecting victims in such cases. I have been shocked by the ferocity of the attack, for while we may argue about the solutions to the problem, the fact that there is a problem is self-evident.

We have heard accusations that we want to deny people their human rights. It has been suggested that rape cases are pursued inappropriately to court when they are unlikely to lead to a conviction; in fact, the women's organisations are saying that the big concern is that rape cases go unreported because women are frightened of what will happen to them in the system. It has been suggested that this is about the special agendas of women's groups—that the legal profession gives us considered advice while the rest of us are in the business of special pleading. Quite offensively, it has also been suggested that women, and others who are campaigning on this question, are chasing tabloid headlines. The reality, too often, is that women in rape trials have been at the wrong end of tabloid headlines. To suggest that people are in the business of chasing such headlines is offensive.

Women's organisations at the sharp end of supporting women who have been the victims of sexual crimes have sought not publicity, but equal access to justice. If women's organisations, those who support children and those who campaign on behalf of victims had not campaigned long and hard, there would have been no change in the process that is now trumpeted as sufficient safeguard against harassment. There would have been no video links, no special arrangements for children and no discussion around inappropriate questioning. Those were all, at one time, feared and resisted on the basis of the rights of the accused.

At the heart of the serious debate about options, there must be close scrutiny of what the judicial process does and how that works out in our local communities. We need more transparency about what judges are asked to do. We need a police force that is linked more closely with its local communities and their priorities. There must be an acknowledgement that, while we are told that we are all equal under the law, many groups in our society have the strong feeling that there are still some who are more equal than others. For as long as citizens feel that way—even if the feeling is ill founded—and we do nothing at all about it, we will have a problem in sustaining a fair system of justice, because our justice system will be undermined by people's lack of confidence in it.

11:42

**Robert Brown (Glasgow) (LD):** I will go back, if I may, to the Tory motion. What is it about the Tories when it comes to law and order? We know, and they know, that the causes of crime are complex, yet a glazed look seems to come over their faces when the subject of law and order is raised. Even the most reasonable Tories—and Phil Gallie is not necessarily always the most

reasonable of them—seem to be programmed in that way.

We all know from what we see on television that the surest way to popularity at Conservative conferences is to rant and rave about the tide of criminals that are pillaging and robbing their way across the country and how they all ought to be horsewhipped and locked up for ever. When the Tories were in power, as a number of speakers have said, that sort of approach—even when it was moderated by the responsibilities of Government—produced overflowing prisons at huge and ineffective expense to the public. Remember the short, sharp detention centres that provided a short, sharp training course on how to become a more successful criminal? Did that stem the crime surge? No. The result of such policies, under the Conservatives, was eight additional crimes an hour.

I am not one of those people who say that Governments create crimes; that fallacy is sometimes put across in debates such as this. The fact is that crimes have many causes; I will use some figures to illustrate that. A 1997 survey at Polmont young offenders institution revealed that 41 per cent of offenders had been in special education facilities as children; 82 per cent had truanted; 83 per cent had been suspended from school; and 55 per cent had been expelled or excluded from school. Surely those figures tell us something about the basis of crime and the reasons that lie behind it.

Crime has many causes. There is a proven and major link between addictive substances—alcohol and drugs—and crimes of both violence and dishonesty. The problem will not be solved by posses of justice ministers on white horses going around the place curbing crime.

My main point relates to the procedures of the law, so castigated by Phil Gallie in his opening speech. In my time, I have been both a criminal defence lawyer and a procurator fiscal depute, so I have seen something of the legal system from both sides. Nobody should be convicted of a criminal offence except on solid and convincing evidence. That does not stop reforms in the legal procedures, but—and this is a basic fact—arbitrary power, in the hands of the state and its law enforcement officers, would produce the very situation that Phil Gallie goes on about: the collapse of confidence in the legal system and the crucial knock-on damage to confidence in the police and their ability to do their job.

Our traditions have been buttressed by ECHR regulations to which, to its credit, a more sensible Conservative Government of an earlier age signed up. I have a direct question for the Conservatives. Phil Gallie is rightly concerned about the trauma suffered by a 13-year-old in court undergoing

cross-examination in a rape case; however, what spasm of neanderthal logic makes the Tories want to haul eight-year-old boys and girls before the criminal courts?

Although there is a serious debate to be had on that issue, this is not it. This kind of motion wastes the Parliament's time when we should be more closely examining the real and basic causes of crime. The Scottish Executive—and Governments of all persuasions—have done much good work on the issue. The dividing line between today's proposition that a swing of the sword can sort out all the problems—

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

**Robert Brown:** No, I am finishing on this point. The dividing line between today's proposition that a swing of the sword—

**Phil Gallie:** Will Mr Brown give way? He did ask us a question.

The answer to that question is the nature of the crime, not the individual. Although I am very sympathetic to many of the points that have been raised about looking after children, eight to 12-year-olds must be held responsible for serious offences.

**The Presiding Officer (Sir David Steel):** We are now over time.

**Robert Brown:** My concluding comment is a response to Mr Gallie. The Conservatives do not understand the basic philosophy of the children's hearing system. The system is not based on criminal responsibility, but on the need for care and protection of vulnerable children who might have committed crimes.

11:47

**Bill Aitken (Glasgow) (Con):** It is quite facile to pretend that this is not a complex matter, and the Conservatives generally accept that simplistic solutions are not necessarily the answer. However, an injection of realism is sometimes needed in the debate.

The fact is that the children's panel system, which the minister has advanced as an outstanding success, has been a dubious success. The Kilbrandon committee did not get it right. I attended a children's panel hearing on Friday, and accept that the system fulfils an admirable role in the treatment of children at risk. However, the system is frankly impotent in dealing with persistent and determined young offenders and, as a result, is losing credibility. If the system has been so successful and is admired throughout the world, why has no one else copied it? The reason is that it does not work with young offenders.

Like Robert Brown, I have seen both aspects of the juvenile system. As a Glasgow magistrate and justice of the peace, I have sent more than my fair share of people to prison over the years, but I never did so lightly. I can assure the chamber that no judge at any level sends anyone to prison unless there is no alternative. Although sending people to prison is a terrible thing to do—and I was never comfortable doing so—it had to be done in the greater interests of society.

That said, I am perhaps one of the few in this Parliament with a criminal conviction. When I was 13, I was fined the princely sum of 2s 6d for the heinous offence of street football. We fully accept that there is a case for not sending youngsters to a criminal court for very minor matters. However, if we increase the age of criminal responsibility to 12—with which there is an ECHR problem—what do we do with an eight-year-old, nine-year-old or 11-year-old who commits murder? There have been instances of such crimes in the UK. For example, there was a deliberate stabbing in Glasgow not so long ago. How do we cope with such a serious offence?

**Scott Barrie:** In his opening remarks, Bill Aitken condemned the children's hearings system by saying that it fails young people who have committed an offence. He then talked about a possible increase in the age of criminal responsibility. Does he accept that one of the great advantages of the children's hearings system, as Johann Lamont said, is that it does not deal only with why someone is there but with their entire background? That is why the system is valuable. Committing a criminal offence is only one of 17 grounds of referral to a hearing. There are 16 other reasons why young people appear before children's hearings. Surely that is the point that we should be addressing.

**Bill Aitken:** The input of the children's panel system in relation to children at risk or in homes in which we would prefer them not to be is invaluable. However, the system lacks teeth and does not cope with the criminal aspect, a fact that is demonstrated by the recidivism rate.

The interventions that were referred to earlier are not sufficiently challenging to stop repeat offenders. It is a pity that Cathy Jamieson is not here, as my point is relevant to what she was saying. We have to educate the offenders to give them a better prospect of employment, but I would be uncomfortable if we came to a point when offenders got a better education than non-offenders.

If the age range of the children's panel is increased, we could see the farcical situation in which a 17-year-old will be brought before a children's panel for beating up his wife. I doubt that that we want to arrive at that situation.

I firmly support Phil Gallie's motion.

**The Presiding Officer:** Three more members wanted to be called to speak but there is no time. I appeal to the winding-up speakers to stick rigidly to time as we have a ministerial statement to follow.

11:54

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** The issue of tackling drug abuse should be central to this debate. The number of injecting heroin addicts in Glasgow is estimated at between 12,500 and 15,500. The figure for Scotland—which I think is an underestimate given by the Executive—is more than 30,000. The addicts in Glasgow steal, burgle and shoplift an estimated £190 million a year to finance their habit. The figure for Scotland is probably more than £400 million. That is the scale of the problem that we are dealing with. In some of our prisons, more than 70 per cent of inmates are in for drug-related offences. Many of them, quite frankly, should not be in prison at all.

The Executive deserves credit for instituting the drug testing and treatment orders. I hope that the minister will tell us how many offenders are undergoing treatment as a result of the orders. I understand that there are worryingly few, but then, of course, the system operates in only two pilot areas: Fife and Glasgow. The orders demonstrate an attempt to establish alternatives to prison and divert problematic drug users away from the prison system into treatment, where they belong.

I would like a pilot scheme on drug courts to be introduced. Such a scheme would relieve pressure on our courts and prisons. It makes no sense to send an addict to prison at an average cost of £27,000. As I saw in Saughton prison, some of the inmates have the courage to get off drugs. However, they are then put into drug-free zones where they get little support, treatment or counselling. When released, they return to the people they knew before and the places where they used to live, relapse into addiction, reoffend and end up back in prison.

Prison for them is not a sensible use of public money. We must break that cycle. If those problematic drug users can get treatment in prison and then get into halfway houses, or through-care as provided by the Simpson House drug project in Edinburgh, we have an excellent chance of preventing them from relapsing and reoffending upon release. That makes sense. I am not calling for public spending that will go down the drain. I want public investment that will bring a return. If we can guarantee treatment for those people so that they can recover and gain employment, they will cease to be a drain on our finances and will

become contributors to our economy and taxes.

The Scottish Prison Service has produced a drugs strategy. I have reservations about the Prison Service and its lack of openness. I hope to meet the minister to discuss some of the problems in detail. That service must be made far more accountable, not just to the minister but to this Parliament. When I meet the minister, I shall give him details of my experience when the service has not been open.

**Fiona McLeod (West of Scotland) (SNP):** Will Keith Raffan give way?

**Mr Raffan:** No. I am sorry, but I have very little time left.

I hope that we can have a debate on the Scottish Prison Service's drugs strategy in the near future, which will include consideration of whether mandatory drug testing is a worthwhile investment of public money. I share Dr Richard Simpson's reservations on that issue. In a debate not so long ago, he outlined his reservations far more eloquently than I could have done. We also need to look to the CARATs scheme in England and learn from its experience.

I have to wind up, although I would have liked to go on to talk about the Scottish Drug Enforcement Agency. Let us hope that we can have a debate on that agency in the near future.

In *The Herald* today, Tasmina Ahmed-Sheikh says that she has left the Tories because of their

"appeal to base prejudices which I find wholly unacceptable and highly offensive."

Among that party's members I have respect for Lord James Douglas-Hamilton, but the Tories must stop appealing to base prejudice. It is time that they developed an intelligent and thoughtful approach on these issues, rather than the base prejudice that they continually display. I believe that they will pay a huge price for that, resulting in defeat at the next general election.

11:56

**Michael Matheson (Central Scotland) (SNP):** In Tory debates on law and order, members are often left wondering what the Tories will do. Their motion for this debate was confusing and unclear, and some of the points that are raised in the motion have not been addressed.

This debate illustrates the fact that there is no simple way of tackling the problem of crime in Scottish society. Unfortunately, the Tories are trying to pander to the prejudice of the headline, and are calling for tougher sentencing while ignoring the root causes of crime.

Phil Gallie's main explanation for the increase in crime in Scottish society centres on the problems

in the remand system. Although there are problems in the remand system, the issue of crime in our society is much more complex. He also mentioned that people have been acquitted on procedural grounds and that the justice system is failing people. In 18 years of Tory Government, was no one acquitted? Were no mistakes made? Let us be honest: mistakes will be made in the future as well. We must try to limit them as far as we can, but it is folly to kid on that mistakes have started to occur only in the past couple of years.

I have sat next to Phil Gallie in the Justice and Home Affairs Committee in recent weeks, and I have noticed, as Euan Robson has noticed, that his manner seems to have mellowed somewhat towards crime issues. That may be the commonsense revolution arriving at Phil Gallie's door, although I never saw Phil Gallie as the new face of the Tories' justice policy.

**Mr Raffan:** He is said to be in the mainstream.

**Michael Matheson:** Maybe.

One of the major causes of crime is the misuse of drugs. It is shameful that, after securing this debate on crime, the only issue that the Tories have raised, in relation to the drugs problem in Scotland, concerns the confiscation of assets. That is only one part of the equation; a multitude of other measures must be deployed—some of which Keith Raffan has touched on—to deal with the drugs problem.

**Phil Gallie:** Will Michael Matheson give way?

**Michael Matheson:** No. I have very little time.

Although the confiscation of assets is a useful measure, we must try to deal with the root causes of crime.

Let us be quite clear: we have to deal with enforcement; we have to consider getting prisoners with a drug problem off drugs; and we have to improve our rehabilitation services. There are question marks over whether the policies that are being pursued by the Executive sufficiently address getting the balance right. In my view, the balance may be tipped too much towards enforcement and not enough towards rehabilitation and support services, to break the cycle of people continually committing crime. People go to prison because they have committed a crime due to a drug problem, and when they get back out, they do exactly the same thing.

The causes of crime are often linked to people's poverty, to their social circumstances. If we are to be realistic in our efforts to address the problems of crime in our society, we must also be committed to being holistic in our approach. If we are to reduce crime in Scotland, we must do so from a platform that is based on facts and not on headlines.

I ask members to support the amendment in Roseanna Cunningham's name.

**The Presiding Officer:** Thank you, especially for sticking to the time.

12:01

**Angus MacKay:** This has been an interesting debate and we have covered an enormous amount of ground in the past hour and a half—culminating, somewhat bizarrely, in Michael Matheson recommending himself as the personal rehabilitation project for Phil Gallie. That is an onerous undertaking and we all wish him well in that enterprise.

I will try to pick up on some of the points that have been directed at the Executive. One of the big issues that has been raised has been the increase in recorded crime. A wide range of factors influence the incidence of crime.

For example, the number of non-sexual crimes of violence increased by 11 per cent in 1999. Within that total, there was a 17 per cent increase in crimes of handling an offensive weapon. However, that is an example, at least in part, of crime rates increasing because of sustained efforts by the police to tackle the culture of violence. It is clearly better to have weapon carrying detected than to have violent crime committed with the weapon. That is an example of positive, proactive policing affecting the crime rate. Similarly, encouraging women to report domestic violence and supporting the victims mean that more crimes are reported.

By contrast, specific campaigns by the police to detect and prevent crime can have the effect of reducing crime rates. For example, the 5 per cent reduction in 1999 in house-breaking is undoubtedly partly due to the kind of special efforts undertaken by forces based on intelligence-led policing. It is important that we look behind some of the figures and avoid knee-jerk reactions.

I would like to talk about victims. In my opening remarks, I said that the fourth strand of our strategy concerned victims. In the past, there has sometimes been a view that victims are there solely for the benefit of the criminal justice system. We think that the opposite is true: we think that the system should be there for the victims. Our strategy is to ensure that there is a co-ordinated approach to services for victims across the criminal justice system and across other agencies that have contact with victims. We look to those agencies to develop services within the framework of the strategy and to monitor how well those services meet victims' needs.

**Tricia Marwick:** Will the member give way?

**Angus MacKay:** Not at this point.



We continue to support the victims of crime through funding to Victim Support Scotland—£1.2 million this year, which is up 9 per cent from last year, goes towards meeting the cost of local victim support services. Those local services are at the sharp end. They provide much-needed direct help and support to victims of crime. The grant that VSS receives pays for a network of 29 area services, 68 locally based employees, and the recruitment and training of 750 volunteers. A further £700,000 is being provided this year for VSS to roll out the witness service in sheriff courts. Additional funding is also being provided to support VSS's national headquarters. In total, therefore, VSS will receive more than £2.2 million from the Executive this year.

In December 1999, we announced the roll-out of the volunteer witness service to all sheriff courts in Scotland. We see it as vital for witness—especially those who are also victims—to have access to support, reassurance and information. For many people, appearing in court is stressful and upsetting. The witness service volunteers can help in a range of ways; for example, by arranging court visits, by explaining procedures, or simply by spending time sitting with a witness who is waiting to be called.

I do not want to leave the issue of the support that we give to victims without mentioning a particular and real concern that has been expressed by members and which was discussed on Tuesday by the Justice and Home Affairs Committee—the issue of rape victims being cross-examined by their alleged attackers. I want to make it clear that ministers have instructed officials that proposals be developed to prevent an accused person who has been charged with a sex offence from cross-examining a victim personally, and to strengthen the provisions restricting cross-examination on sexual history. It is not a question of whether we intend to do it, but of how. Scottish ministers are committed to achieving that policy and work has begun on assessing how we can do it. We recognise that we must balance the need to protect witnesses and their rights with the rights of the accused in a way that is consistent with the ECHR.

The debate offers some interesting contrasts. We have an Executive that concentrates on delivering, a partnership between Labour and the Liberal Democrats that was criticised at its outset but that has many concrete achievements. Today we can contrast that with the blood feuds that are breaking out in the Opposition parties.

**Roseanna Cunningham:** As if Labour never had any.

**Angus MacKay:** The hard right is attacking the mad right in the Conservative group—and it is sometimes difficult to distinguish who is a member

of which tendency. In the SNP the fundies and traditionalists are tearing each other apart. Alex Neil must be wondering when the midnight knock is going to come on his door.

Let us look at the record of this Administration. We have given the police resources sufficient to boost policing numbers to record levels. We have set up the Scottish Drug Enforcement Agency, with a £10 million budget, to target the dealers. We are rolling out the witness service to all sheriff courts in Scotland. More than £21.4 million extra is being made available to give courts the full range of options for disposing of offenders. Ministers have instructed officials to develop proposals to prevent those charged with a sexual offence from cross-examining a victim personally. We are supporting the recommendations of the youth crime review and ensuring that offenders face up to the consequences of their crime.

**Mr Raffan:** Before he closes, will the minister undertake to give a detailed breakdown of spending to tackle drug misuse on enforcement, treatment and prevention? I am happy to put down a written question to facilitate the answer. We do not have the breakdown of the figures so we cannot make up our minds whether the proportions are right.

**The Presiding Officer:** The minister is on his last minute.

**Angus MacKay:** I will not reply in detail at the moment. That information will be forthcoming when we publish the policy unit's work, which has been done, and further work will be undertaken.

We have spent an additional £1.7 million on DNA testing. We have ensured that justice department baselines will have increased by more than £100 million between 1998-99 and 2001-02. That is a real-terms increase of £40 million. We have ensured that the prison budget will have increased by £32 million in the same period. The finances of the infrastructure, the framework of our criminal justice system in Scotland, are safe.

The Executive has set out its stall in our commitment to creating a safe and fair Scotland. We have introduced practical and effective policies to combat crime and the scourge of drugs in our communities. We are committed to tackling the problem of persistent reoffending and to rehabilitate offenders through training, education and work and through alternatives to custody. We have put in place imaginative and deliverable policies to support the victims of crime and we are working to protect the most vulnerable members of our society. We have done all that in just one year.

I commend the Executive's approach to members and invite members to support the Executive's amendment to the motion.

12:08

**Mrs Lyndsay McIntosh (Central Scotland)**

**(Con):** I am conscious of the time and wish we had more of it. I will judiciously cut out half of my speech.

What a debate—everything that was known to be happening on crime and punishment but which the Executive is too scared to confront. I excuse Mr Wallace and his Liberal-Democrat colleagues from that because they promised to be tough on crime and its causes. To truly deliver on such a pledge you must be proactive, not reactive.

Things, we were assured, could only get better; yet the Scottish people live in greater fear of crime today than they ever have. We can list the reactive measures taken by the Executive more easily than we can list measures taken proactively. I will only mention two: the Ruddle muddle and temporary sheriffs. To cap it all, we are now seeing rising crime rates, prison closures, falling numbers of prosecutions and falling police numbers. That directly contradicts the social justice rhetoric that I and others here had to listen to at recent elections. That rhetoric is based on a policy of legislation for the many, not the few.

What about the rights of the many law-abiding citizens, not of the few in the criminal fraternity? For too long, we have heard about Labour in power, both at Westminster and here at Holyrood, pledging to act for victims and to punish criminals. But talk is cheap. The people of Scotland want actions, not words. Scotland wants a commonsense solution to blindingly obvious problems in sentencing policy. We want commonsense powers to be given to the police to enable them to deliver for the communities that they serve.

**Mr Raffan:** Will Mrs McIntosh give way?

**Mrs McIntosh:** I am terribly sorry, I would normally, but I am right up against the time.

Scotland wants a commonsense, coherent drug action plan, not the lengthy consultation exercise that the Executive has conducted. In short, Scotland wants, needs and deserves a commonsense revolution in our criminal justice and sentencing policies.

**Fiona McLeod:** Will Mrs McIntosh give way?

**Mrs McIntosh:** I really do not have time. I have only three minutes now.

Let me give one example of those who would welcome the day that reform is delivered on their behalf. The home of a couple from East Ayrshire was ransacked, resulting in several hundreds of pounds of damage. The lady of the house was terrorised and was held against her will at knife-point by an inmate of Shotts prison, who escaped

his prison escort while in transit from Kilmarnock sheriff court.

The Scottish Prison Service advertises itself as an agency of the Scottish Executive justice department. We might think that those in the Prison Service, of all people, would be sensitive to the victims of the offence, particularly when it was their inability to fit a pair of handcuffs that enabled the crime to take place. But no: in its letter of 16 May to the couple's solicitor, the service repudiates the claim for compensation. It wrote that

"the Scottish Prison Service cannot be held responsible for" the prisoner's actions.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Will Mrs McIntosh give way?

**Mrs McIntosh:** I am really sorry. I took plenty of interventions in the chamber yesterday, but not today.

To add insult to injury, that was justified because

"He was handcuffed to a prison officer who had no reason to suspect that"

the prisoner "would slip the cuffs".

We must structure our criminal justice system so that it delivers for people. To do so, we have to ensure that a whole load of conditions exist, some of which have been mentioned already. Putting the victim first is essential to re-establish public confidence in our police and criminal justice system, and is a fundamental plank of Conservative policy.

As a mother, I would like to address the recent suggestion that the criminal age of responsibility could be raised from eight to 12 years, which is the age of youths who are throwing stones and bricks at the windows and doors of two constituents in Grangemouth. Mrs Rennie and Mr Elliot are prisoners in their own homes because of the antics of young hooligans.

We have commented on the good that can be done by the children's panel system, and I am happy to concede that I am probably the person to whom Cathy Jamieson alluded in her speech. Hearings can be enormously effective, and can help when considering the whole situation.

The police have been very sympathetic, but cannot be there all the time for constituents such as those I mentioned, and there seems to be little that they can do. Does it not mean anything that those people are trapped? I welcome the assurance of the Deputy Minister for Justice that no decision has been made on the matter so far, and that it will be next year before a decision is made. The ECHR can and will have many effects on legislation, but we eventually have to take a

principled stance. We have to say that we can go thus far and no further.

From my experience as a justice of the peace, courts take an extremely sensitive approach to dealing with children between the ages of eight and 12, and it is only right and proper—and demonstrates a commonsense ability on the part of the courts—to assess the current situation. However, youngsters may take away a message that their actions are unacceptable, and that what they did constituted an offence. I have a son and a daughter, and I would like them to learn that lesson.

We ask for cross-party support to require the Executive to strengthen legislation in order to tackle the problems in our society, rather than producing bills which dilute powers and advantage criminals. All our postbags support our position, and I hope that the Parliament will accept it—although, having said that, I doubt that it will today.

## Water Industry

12:15

**The Minister for Transport and the Environment (Sarah Boyack):** Today I am launching a consultation paper on modernisation and competition in the Scottish water industry. The paper's themes are: ensuring that the water authorities—while remaining in the public sector—are able to respond effectively to the challenges of competition; dealing with increasing competition in the sector; and meeting our objectives on social inclusion, public health and environmental protection.

Competition is already a fact of life for our water authorities. They have to compete for business in a number of areas—although that is confined, so far, to services that are not delivered through their own networks. The Competition Act 1998 extends the possibility of third parties competing to provide services on those networks—whether through common carriage or other arrangements. Competition is, therefore, likely to become an increasing feature of the sector. There are potential benefits, and I welcome that. Where there is competition, customers have choice. Choice encourages innovation, improvements in service and keen prices, all of which mean value for money for customers.

I want to see those benefits for water customers throughout Scotland. That does not mean that there will be unfettered competition without regard to the wider public interest. Our water and sewerage services are too important for that. They have a vital role to play in maintaining public health, protecting the environment and promoting social inclusion. That means that they must be safe, accessible and affordable. Any competition must contribute to that—not undermine it.

The aim is for competitors to offer real choice through greater efficiency and improved services—not through the crude cherry-picking of the most attractive customers by playing the system and adding nothing to it. The challenge for our publicly owned authorities is to continue to improve the quality of the service that is available to current customers. Any shift to different providers would be entirely a matter of customer choice.

Meeting our objectives means that we must put in place a proper statutory framework. At present, Scottish water and sewerage legislation makes no provision for third parties serving customers through access to, or use of, the public networks. That situation needs to be remedied to avoid wholly unregulated competition. The last thing we

want is for policy in this crucial area to be determined through the courts. It is imperative that the Scottish Parliament sets the limits. We must set the boundaries and the right framework. That is why the consultation paper proposes a new statutory framework for the Scottish water sector.

The new framework will introduce a licensing regime that requires all operators to meet high standards of technical competence and financial strength. That regime will be an absolute requirement. It will make new entrants to the market liable to criminal prosecution if they supply unwholesome water—as applies to our water authorities at present. The framework will give water authorities clear responsibility for safeguarding continuous service on the public networks and it will clarify that authorities can permit access to the networks. It will also ensure that the authorities' charges for access to the networks are fair and fully reflect the costs to the authorities of maintaining the networks.

To secure this network, the water industry commissioner needs to be given the duty of licensing operators. At the same time, we should enhance the powers of the Scottish Executive as the drinking water quality regulator.

Everyone must recognise that operating water and sewerage systems is a complex technical task. Delivering drinking water that is wholesome and that also meets all our expectations for taste and appearance requires skill and constant vigilance. Meeting the ever higher standards of environmental protection requires massive investment in new treatment works. It is only right that those who want access to the networks must meet the exacting standards that are required of the water authorities day in and day out, or face the consequences. There is no place for cowboys, or for the "here today, gone tomorrow" sort of operator. Anyone wishing to operate services must be able to stay the course.

Affordability of services is also a major issue for the authorities, particularly for vulnerable groups in society. In the longer term, the standards that are set by the water industry commissioner to increase efficiency will work to keep charges as low as possible.

For the time being, the Executive is considering ways of improving on the protection that is already provided to many of the least-well-off consumers. Last week, we began a short exercise to canvass the opinions of experts in the field. We will draw on their advice when we frame our proposals, which will be the subject of consultation later in the year. Our proposals will require legislation by the Scottish Parliament. There will be an announcement on the timing of that legislation in due course, after the consultation exercise.

Our planned legislation will recognise the crucial role of the Scottish water authorities in delivering vital services. It will also acknowledge their continuing place in the public sector. The Executive remains committed to the authorities as publicly owned bodies. Nothing in our proposals alters the fact that the authorities are accountable to ministers and, through ministers, to Parliament. They are responsible for the public infrastructure of water and sewerage in Scotland. That fact is fundamental to our policy, but that is not to say that some changes might not be necessary. Competition poses a challenge for incumbent producers and suppliers, which is why it is good for the customer. The water authorities are no different—they must meet their customers' demands as efficiently as possible.

This is undoubtedly a challenge for the authorities. I want them to rise to that challenge and, in doing so, to vindicate the public sector model by competing fairly and successfully with the private sector. While the Executive believes that the authorities are capable of that, if they are to succeed, the Executive, as owner on behalf of the public, will have to reassess some of its controls over them. Therefore, the consultation paper seeks to encourage debate about the ways in which the authorities will need to adapt as competition develops, because they will need to be able to develop innovative approaches.

The consultation paper describes our decision to relax the guidelines that govern joint ventures. Such action is not dependent on legislation and it, therefore, can be implemented independently and quickly, which is important in enabling water authorities to retain their customers where competition exists for waste water services.

A more flexible approach to commercial opportunities is an important element of the authorities' response to competition. However, the key for the water authorities is for them to concentrate on delivering the core services the public expects of them as efficiently as possible. If they do so, their position will be secure and their customers will be well served.

The consultation paper sets out our proposals for ensuring that customers benefit fully from increasing competition in the Scottish water sector. It does so in the context of our commitment to develop a public sector water industry in Scotland that is empowered to deliver for its customers and to develop services that meet the need for clean, safe and affordable water.

I want customer choice and a modern public sector industry, with no compromise on public health, environmental standards or social inclusion. Therefore, we need a framework that delivers those objectives. We must enable the authorities to modernise and we must equip them

to deliver for the future. Already, they are implementing a major investment programme that will deliver cleaner beaches and safer water and that will maintain our Victorian infrastructure.

In the consultation paper, we are proposing competition that will work in all our interests. I look forward to receiving comments on our proposals.

**The Presiding Officer (Sir David Steel):** I thank the minister for finishing before the time limit. A large number of members wish to ask questions, so short and snappy exchanges would help.

**Richard Lochhead (North-East Scotland (SNP):** I welcome the minister's statement, given the importance of the Competition Act 1998 to the future of the water industry in Scotland. However, I was thoroughly disappointed to read some of the details of the minister's statement in yesterday's press. Perhaps, in future, ministerial statements could be kept for the chamber.

I am also extremely disappointed by the delay in the minister's announcement—we were promised it months ago. The announcement should not have come four months after the 1998 act came into force—it should have come four months before that happened, so that we would not have to play catch-up.

I trust that the minister agrees that the best way forward for the water industry is for the three authorities to become efficient and competitive publicly owned enterprises. That would enable them to fight off competition and to keep down water bills in Scotland. None of us wants any part of Scotland's water industry to fall into private hands.

While the minister says that competition might offer the opportunity to ensure that the public authorities deliver the best possible services to customers in Scotland, we know that there are serious threats to that opportunity. The overwhelming view in Scotland is that our water industry must remain firmly in the public sector, yet competition places a big question mark over the industry's future under the new Labour Government.

I trust that the minister agrees that it would be bad news if privatised water companies were to cherry-pick the biggest industrial customers, leaving the rest of us to pay higher water charges to fill the gap.

I would like straight answers to the following questions. First, does the minister agree that water bills have rocketed because the new Labour-Liberal coalition that runs the Government has refused to contribute one penny towards the massive investment programme that is currently under way in the industry? We face the danger

that private companies will feel able to compete against the water authorities in Scotland, enforce the act and poach the big commercial customers. That would leave us with a smaller customer base, from which authorities would have to raise their income.

Secondly, in order to avoid such undermining of our publicly held authorities, will the Scottish Executive dip into its pocket—or Gordon Brown's pockets—to finance the measures that the authorities will need to implement to see off the competition? Even better, will the Executive reduce next year's water bills to make the water authorities more competitive?

Finally, it would be appalling if—just as the water companies in England are turning their back on privatisation and becoming publicly owned—ministers here were prepared to stand back and allow our industry to be privatised via the back door.

**Des McNulty (Clydebank and Milngavie (Lab):** On a point of order.

**The Presiding Officer:** I know the point of order that Des McNulty wants to raise. I always allow the Opposition spokesman a reasonable right of reply, but short and snappy exchanges should follow.

**Des McNulty:** Is it in order for members to make a speech before they ask three questions?

**The Presiding Officer:** As I said, Opposition spokesmen are always given some latitude.

**Sarah Boyack:** Although Richard Lochhead's welcome for my statement was a bit grudging and he does not appear to have read some of the detail, I appreciate it.

I want to make absolutely clear that there has been no delay in bringing this statement before Parliament. We made a commitment to make a statement to Parliament and I am honouring that commitment today. This is the right time—

**Richard Lochhead:** On a point of order. The details of the statement appeared in five newspapers yesterday. Presiding Officer, can you clarify whether that is in order for ministerial statements?

**The Presiding Officer:** That is not a point of order. Carry on, minister.

**Sarah Boyack:** I reassure the member that no details of my ministerial statement appeared in the newspapers. After this week's Cabinet meeting, there was a press briefing on the issues that were discussed—that happens every week. That is not the same as a briefing on the content of my statement.

There has been no delay in making the statement. This is the right time for us to act. The

consultation period over the summer will enable consumers, those who work in the industry and those who have knowledge of it to engage in the discussion.

The Competition Act 1998, which the SNP supported at Westminster, is a reality. Richard Lochhead asked three questions, but two of them were the same. There is already competition in the water industry—some major customers are putting their contracts out to tender and our water authorities need to be able to respond. I am proposing that the Scottish Executive's control be loosened to enable the water authorities to do that, so that they can keep those customers. The key issue is to set in place a new legislative framework that will avoid the cherry-picking to which Richard Lochhead refers. To do that, we need a regulatory framework. If we do not have one, the water industry will be wide open and the issue will be dealt with in the courts. That is why we need to address the matter.

Richard Lochhead's suggestion that the Executive has not invested in the Scottish water industry is simply not true. I have made clear on a number of occasions that, through the external finance limits, each of the Scottish water authorities receives direct financial support from the Executive. That support was proportionately greater in the north of Scotland, where we knew there was a more significant investment challenge. I am happy to have the opportunity to lay to rest again the myth that Richard Lochhead propagates.

The aim of the consultation paper is to boost our Scottish water industry and to ensure that we have the appropriate regulatory framework that will ensure that the industry is not undermined. I ask Richard Lochhead to read the detail of the paper and to engage with the questions that we are asking about how to deliver a secure, safe regulatory framework. I invite all colleagues in the chamber to do likewise.

**The Presiding Officer:** Now even more members want to ask questions.

**Mr Murray Tosh (South of Scotland) (Con):** Having raised the matter on a number of occasions, I welcome the fact that the minister has made a statement on it today. I welcome, in particular, her concern that the water provided by all operators should be of the same quality as that which the existing water boards are expected to provide to customers.

I have two questions. The first relates to cherry-picking. The minister was firm about that, but it is not clear from her statement or from the consultation paper how cherry-picking can be avoided in practice. I suspect that the detail might lie somewhere in what she said about continuous supply, but it would be helpful if that could be

made clearer and more specific.

My second point relates to what the minister said about joint ventures and greater commercial freedoms. I have looked carefully at paragraphs H8 and J4 of the consultation document—which address joint ventures and invite consultation on that issue—but there does not appear to be a clear or detailed proposal from the Executive. It would help the chamber to determine whether it is possible to generate significant and adequate additional investment if the Executive divulged its thinking on the nature of the commercial freedoms that it proposes to confer on the water authorities.

I hope that that was reasonably short and snappy.

**Sarah Boyack:** I shall try to give relatively short and snappy answers.

On cherry-picking, we will require average water charges to be in place and to be delivered through the mechanisms that we have identified in the paper, via a combination of the water industry commissioner and the water authorities identifying access charges. Having an average water charge means that in rural areas and throughout the wide swathes that are covered by water authorities, the cheapest customers cannot be picked off and dealt with. That is the mechanism that will address the issue.

Secondly, on joint ventures, the issue is not about legislation, but about regulations. At the moment, the water authorities are in a tied straitjacket with regard to entering into joint ventures. I propose to loosen that straitjacket, which will put less of a burden on the authorities in terms of consultation and give them more freedom within the public sector framework. The paper identifies why we intend to do that.

**Nora Radcliffe (Gordon) (LD):** The consultation paper is timely and welcome, because it is essential that we get the matter of water services right. I hope that we get a wide range of responses that will feed into getting it right. We need a regulatory framework that maintains the viability of public water authorities and protects rural interests.

Will the minister consider the overall structure of the water industry in Scotland? Does she see the water regulator as the champion of the consumer? When will we see evidence of the commissioner acting in that capacity?

**Sarah Boyack:** I welcome the comments on the need for the widest possible consultation. The issue affects every one of us and our constituents. I have considered the overall structure of the water industry in great depth, particularly in the light of the challenge of investment in the industry, which I know is of concern to members.

At the moment, the top challenge for our water industry and water authorities is to make sure that the investment programmes that they have to deliver—which amount to £1.8 billion—are delivered as efficiently and effectively as possible. That point was picked up by both Opposition parties' spokespeople and we are all agreed on it. My view is that playing around with the overall structure of the three water authorities would be a diversion. However, in the medium to long term we need to think about that structure and I am keenly interested in the development of the mutualisation process that is being considered in England and Wales. Although I do not think that now is the time to address that issue—we need to get the framework in place to regulate competition and to defend interests in water safety and public health—it is a longer-term issue to reflect on.

The water industry commissioner has already published for consultation a set of tougher standards for the water authorities to meet on the timing of the delivery of their services and the compensation that might be given to people if they experience a failure in service delivery. The requirements that it is proposed the water authorities should meet are tough and crunching. If members wish to support them or suggest alternative mechanisms, now is the time to give feedback to the commissioner. However, his overall approach of trying to improve efficiency and effectiveness in the industry is about value for money for customers. That is the biggest contribution that the water industry commissioner has made.

**Mr John McAllion (Dundee East) (Lab):** Will the minister explain whether the new regulatory framework would specifically prevent privatised companies from cherry-picking lucrative commercial contracts, such as the multi-million pound contract to supply water to Grangemouth, which—if lost—would fatally undermine the financial viability of East of Scotland Water Authority?

As Yorkshire Water—which ripped off taxpayers at the time of privatisation—is now seeking to offload massive debts on to the backs of water consumers through mutualisation, we should not be paving the way for such people to come in, but seeking to keep those privatised sharks out of Scottish water altogether.

**Sarah Boyack:** The critical challenge that is faced by the water authorities is not the result of the access issues that were opened up by the Competition Act 1998. The challenge is that, for a number of major contracts, there is already scope for customers to have water supplied from outwith Scotland's water industry.

My proposals, on the regulatory side, for joint ventures are designed to give our water authorities

the opportunity to compete with the big water authorities that are being invited to tender for contracts by organisations such as BP Amoco.

There are two issues to reiterate. First, there is existing competition, which is why I wish to offer the authorities, in a modernised, public sector framework, the challenge to compete, so that they do not automatically lose out when contracts are being awarded.

Secondly, there is the longer-term issue of delivering a viable framework, set by the Parliament, that will deal with issues about fair competition and access charges, so that the investment that we are making through the three water authorities is not given away. If anyone wants access to our water industry, they will have to pay a fair price. The mechanism that I suggest we set up, through the regulatory framework, would let us deliver that. It would let us set the ground rules, rather than those rules being decided by the courts. We need the legislation—decided accountably and transparently by Parliament—in place, so that people can see what we are trying to deliver.

**Colin Campbell (West of Scotland) (SNP):** First, people have been hit by enormously increased water charges this year. They already have bills to pay. Does the minister think that it was really good enough to canvass expert opinion on affordability last week, when water charges have increased 300 per cent since Labour was elected in 1997? Is not that too little, too late?

Secondly, how can giving authorities power to borrow money, which will be paid back by the customers, be described as a Government investment in water?

**Sarah Boyack:** If we have a public sector water industry, we need to be able to raise investment. That is done on the public sector balance sheet. The point that I made to Richard Lochhead when he raised that matter in the chamber was that if investment is not raised through increases in charges or customers' payments, it comes back to the Scottish balance sheet. It then has to be paid for through increased taxes. If the Scottish National Party is seriously suggesting that £1.8 billion should be paid for by the public purse through raised taxes, it can do that, but it should be honest about it.

The point of borrowing money is that we need to modernise the system if we are to have a Scottish public water authority. The paper opens the debate on how we do that. It is not a debate that we should duck—we need to engage in it.

On Colin Campbell's first point about increased water charges, everybody in the chamber acknowledges the need for massive investment to meet European requirements, the need to deliver

safe water across Scotland and the need to ensure that what we do is carried out in the most efficient way possible. Those are the challenges and we all accept that. The member can haggle about how we deliver it, but if his alternative solution is funding through the public purse, that would mean more taxes. He should be honest about that.

**Robin Harper (Lothians) (Green):** John McAllion's question is the most important that has been asked in the debate. However, on water quality, is it still the Executive's intention to add fluoride to Scotland's water?

**Sarah Boyack:** That issue is not covered in today's paper, which is about modernising the water sector. Robin Harper's question is for another day.

**Des McNulty (Clydebank and Milngavie) (Lab):** I agree with the minister's point that there is no place for cowboy operators of the "here today, gone tomorrow" variety. In that context, will the minister tell me how the water industry commissioner will ensure that any new entrants pay their fair share towards the cost of public water networks?

**Sarah Boyack:** Two points are crucial to that. The first is that we must identify a licence system so that every potential competitor is assessed on their capability to deliver a wholesome, safe, secure water service. That means that we must make requirements about their financial status. The last thing we want is some fly-by-night operator that does not have financial security. The point about liability is critical. To ensure that there is a level playing field, our current water authorities are liable if they provide unhealthy water services. Any new competitor would have to operate under the same regime.

The second critical point is financial viability. Those who know about opencast mining will know that any company that is obliged to reinstate land after mining an area is required to submit a bond. Our consultation document asks for views on how to secure that, but there must be financial viability in the long term, not just in the short term. We must regulate the process and, in the customers' interests, we must require that the water industry commissioner is the person who hands out licences. That process should be subject to public scrutiny and access charges should be fair and should reflect the investment that the water authorities have made. We must deliver the whole package, and the document sets out the framework for that in detail.

**David Mundell (South of Scotland) (Con):** The minister is familiar with the difficulties that Moffat residents have suffered with their water supply. In the interests of snappiness, I shall not go over

them. Although it might have been superficially attractive for residents to change to a competitor company, the water that they received would have been the same. What assurance can the minister give that the consumer will have the key role in determining whether the quality of the water supply is adequate?

**Sarah Boyack:** The water industry commissioner has set up three consultative committees that will give him advice and feedback. I met members of those committees when the Parliament met in Glasgow a few weeks ago. The questions they asked persuaded me that they are completely engaged in the challenges of representing consumer interests and feeding that directly to the water industry commissioner.

Wholesome water is not the same as water that is safe, because taste is important. David Mundell and other members have raised questions not only about safety, but about people's perceptions of the quality of their water. The system that we have set up with the water industry commissioner and his advisory committees will enable those points of view to be put directly into the framework that we are trying to develop.

**Dr Richard Simpson (Ochil) (Lab):** I welcome the statement, the commitment to keeping water in the public sector, the licensing regimes and the access charges. At the moment, the capital requirements are being met mainly through public-private partnerships, capital from the Government or from an income stream. Will the consultation document open up the water boards, not just in the joint venture system, but generally, so that they can obtain capital in different or innovative ways?

**Sarah Boyack:** I have included in the consultation paper a question that invites views on how to change the process and what opportunities can be plugged in. I have spoken to the water authorities about the broad content of the paper. During the past few months they have raised, in discussion, points about the need for greater flexibility. That is something that I am prepared to consider. However, we must modernise the public sector in a way that retains accountability. That is a critical issue on which I am determined to deliver.

**Euan Robson (Roxburgh and Berwickshire) (LD):** If the water industry commissioner is now to deal with licensing, is not it time to remove his role as the consumers' representative and set up an independent consumers' body, as in the energy industry and other industries?

**Sarah Boyack:** The paper explores the complex relationships that are needed to manage the new regulatory framework. Euan Robson should study the details of how we propose to allocate the



different responsibilities. He is right to say that the water industry commissioner must act in the interests of the consumer. His role is central in licensing and in considering the way forward for the industry. He is in a crucial position to deliver for the consumer—that is why his role is important. The advisory groups that he has set up to give him feedback on consumer interests will allow us to manage that tension. Parliament is a major stakeholder in Scottish water and the public sector authorities, and we can influence the industry through the framework that we set as a Parliament.

**Mr Gil Paterson (Central Scotland) (SNP):** The law of the jungle in the water industry usually means that there is cherry-picking of large companies. I heard what Sarah Boyack said and she has heard the concerns about cherry-picking that have been expressed by all parties. If cherry-picking takes place, can the minister give a cast-iron guarantee that small companies and domestic users will not have to pick up the tab? Will the minister take measures to ensure that bills remain the same and that they are not excessively high in the domestic sector?

**Sarah Boyack:** We are bringing forward proposals for a regulatory framework. The Competition Act 1998 opened up the possibility of access to the water network. In England and Wales they have had a different history. There are already privatised water companies and there are licensing arrangements.

In Scotland, we have no such framework and no protection for consumers. If the matter is dealt with through the courts, Parliament is unable to take action on the points that I raised about cherry-picking, setting of access charges and setting of high environmental and health standards, because we have no legislation that allows it to do so. We need the legislation, such as that which I am putting out for consultation, to avoid the problems that Gil Paterson has raised. We need a robust system. There must be a proper framework and that needs the democratic legitimacy of Parliament. The challenge for us all is to decide on the detail of the bill, as it will be when it comes before Parliament.

**The Presiding Officer:** I apologise to the four members who I have not been able to call, but we are out of time. As the minister said, we will come back to this subject in the future.

## Business Motion

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of business motion S1M-1006, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, which sets out the business programme. I call Iain Smith to move the motion.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 21 June 2000

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Debate on the Ethical Standards in Public Life etc (Scotland) Bill
5.00 pm	Decision Time
<i>followed by</i>	Members' Business – debate on the subject of S1M-882 Roseanna Cunningham: Edinburgh Folk Festival

Thursday 22 June 2000

9.30 am	Non-Executive Business – Scottish National Party
<i>followed by</i>	Business Motion
<i>followed by</i>	Executive Motion on Care Standards Bill – UK Legislation
<i>followed by</i>	Members' Business – debate on the subject of S1M-913 David McLetchie: Milestone House Hospice
2.30 pm	Question Time
3.10 pm	First Minister's Question Time
<i>followed by</i>	Stage 1 Debate on the Bail, Judicial Appointments etc (Scotland) Bill
<i>followed by</i>	Financial Resolution in respect of the Bail, Judicial Appointments etc (Scotland) Bill
<i>followed by</i>	Parliamentary Bureau Motions
5.30 pm	Decision Time

Wednesday 28 June 2000

2.30 pm	Time for Reflection
<i>followed by</i>	Committee Business – Finance Committee Debate
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 29 June 2000

9.30 am	Ministerial Statement
<i>followed by</i>	Parliamentary Bureau Motions

*followed by* Stage 3 Debate on the Education and Training (Scotland) Bill  
*followed by* Business Motion  
 2.30 pm Question Time  
 3.10 pm First Minister's Question Time  
 3.30 pm Executive Debate on Forward Strategy for Scottish Agriculture  
 5.00 pm Decision Time  
*followed by* Members' Business—[*Iain Smith*.]

**The Presiding Officer:** The question is, that motion S1M-1006 be agreed to.

*Motion agreed to.*

12:48

*Meeting suspended until 14:30.*

**The Presiding Officer:** Donald Gorrie will speak against the motion.

**Donald Gorrie (Central Scotland) (LD):** I want to raise with the minister the matter of the timetable for debate of the Ethical Standards in Public Life etc (Scotland) Bill on the afternoon of Wednesday 21 June.

The experience of the stage 3 debate on the Standards in Scotland's Schools etc Bill showed that the timetable adopted for that day was totally inadequate. I am concerned that we are again limited to a debate from 2.30 pm to 5 pm. It is important that section 28 is seen to be debated for a satisfactory length of time. Will the minister give an assurance that there will be hours and not merely minutes to debate section 28? Secondly, will the minister give an assurance that more time will be allowed if consideration of the other amendments demands that?

**The Presiding Officer:** Before the minister replies, I say to Mr Gorrie that his point about the inadequacy of the timetable for the stage 3 debate on the Standards in Scotland's School's etc Bill has been unanimously accepted by the Parliamentary Bureau. The timetable was unsatisfactory.

**The Deputy Minister for Parliament (Iain Smith):** There will be discussions between the party business managers on the timetabling of the Ethical Standards in Public Life etc (Scotland) Bill. Because standing orders say that decision time is at 5 o'clock, that is the time that appears in the business motion.

The Parliamentary Bureau motion following time for reflection next Wednesday will set a timetable. I will be very surprised if it does not set a timetable with a later finishing time. There will be discussions between the business managers to ensure that all aspects of the bill that require full debate are fully debated in the chamber. We accept that the timetable for the Standards in Scotland's Schools etc Bill did not quite work last week, but timetabling motions for previous stage 3 debates have worked perfectly satisfactorily. The intention is to obtain a timetabling motion that will allow adequate debate of all the key points at stage 3.

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** Before we start question time this afternoon, I want to say several things about the points of order that were raised at the close of the previous three question times.

First, I always carefully read the *Official Report* on question time to see what lessons we can learn; the record is not simply ignored afterwards.

Secondly, to give an illustration of the problem, members might be interested to know the number of questions that were asked last week. Seventeen members had their questions called, together with supplementaries. In the course of the hour, 19 other supplementaries were called and 36 were not called. I point that out because, each time a member approaches me on this subject, they seem to think that I have selective myopia. That is not true; the fact is that many questions are not called. The shorter and sharper the exchanges, the more members will be called.

Finally, members will remember that, last week, I had to stand and ask a member to sit down. The member explained that it was not her fault; because of the noise, she simply could not hear my two previous invitations to sit down. The less noise we have, the faster we will get on.

### Holocaust Memorial Programmes

**1. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive whether it has any plans to develop Holocaust memorial programmes in Scottish schools and communities. (S10-1936)

**The Deputy Minister for Children and Education (Peter Peacock):** The answer is yes. A teaching pack is being developed for use in P6 and P7 in primary schools. We are also discussing what support might be offered to the City of Edinburgh Council, which will be hosting the Anne Frank exhibition in January 2001.

**Ian Jenkins:** I welcome the minister's answer, particularly the information about the packs. I understand that there might also be an exhibition at Kelvingrove.

The minister will agree that, although this episode in our history shows mankind at its most inhumane, it gave rise to deeds of courage and fortitude that brought families to Scotland. Will the

minister consider creating a national memorial to mark Scotland's remembrance, with the National Archive of Scotland perhaps establishing a programme of education and culture to remind our youngsters to avoid the politics of exclusion, intolerance and hatred?

**Peter Peacock:** Obviously I agree with Mr Jenkins about the sheer horrific nature of the Holocaust and that we need to keep reminding people about that through schools and other available mechanisms. Mr Jenkins will know that plans for a Holocaust memorial day on 21 January 2001 are being led by the Home Office. The Scottish Executive and the Scotland Office are involved in those plans and we are about to involve local authorities. I am happy to feed Mr Jenkins's points into those discussions.

### Ambulance Service

**2. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive how the initiative Beyond 2000 will benefit the Ambulance Service. (S10-1957)

**The Minister for Health and Community Care (Susan Deacon):** The Scottish Ambulance Service initiative Beyond 2000 is designed to modernise and therefore improve services for patients. It will review three key operational areas: non-emergency services; operations control rooms; and the emergency service. All those reviews are being taken forward in full consultation with staff, patient representative groups and the wider national health service in Scotland.

**Mary Scanlon:** Does the minister believe that a priority-based dispatch system is the best means of improving response times? Furthermore, does she share concerns that the interrogation in 999 calls might result in less assertive callers being given a lower priority?

**Susan Deacon:** There is a clear recognition of the need to explore fully and effectively a priority-based dispatch system. For that reason, in March, the Executive allocated £100,000 to conduct an evaluation in that area. I am very grateful for the Scottish Parliament Audit Committee's report on the Scottish Ambulance Service, which was published today and will contribute to this discussion. There is a real desire to work to improve the available service; to do that, the area must be fully explored.

**George Lyon (Argyll and Bute) (LD):** As the National Audit Office report published in 1999 revealed, ambulance response times are a problem in sparsely populated areas such as my constituency of Argyll and Bute, where 10 per cent of ambulances failed to arrive in the target time. What action is being taken to target that low success rate?

**Susan Deacon:** As my previous answer indicated, a range of measures are going forward. We want to build on the Ambulance Service's good record and examine ways in which it can be developed and improved. Those ways will vary in different parts of the country. As we know, rural areas have particular health care delivery needs. That is why the remote and rural resource initiative that was established in Inverness is significant. It provides an opportunity to examine the overall health needs of rural communities and to explore ways of delivering health services that will best meet those needs. All that will contribute to improvements in those areas.

### **Voluntary Organisations (Consultation)**

**3. Mr Gil Paterson (Central Scotland) (SNP):** To ask the Scottish Executive what steps are being taken to remunerate adequately voluntary organisations for their expertise and time contributed in respect of the consultation period on rape and domestic violence issues. (S1O-1946)

**The Deputy Minister for Communities (Jackie Baillie):** The Scottish Executive seeks to include the views of the voluntary sector wherever possible in its policy-making process. It is for organisations to decide whether and how to respond on any given issue. It would not be feasible or practical to build a scheme of payments into the consultation procedure.

**Mr Paterson:** I am sorry to hear that. Will the minister comment on a letter that was sent to the Justice and Home Affairs Committee this week by the Zero Tolerance trust, which reluctantly declined to give evidence? In the past two months, members of the trust have spent six days in this Parliament giving evidence. The trust pays for the associated costs out of its own pocket. The Parliament cannot do without such a group's expertise and knowledge. It would be good if the Executive could come up with some money to help voluntary organisations that come before the Parliament.

**Jackie Baillie:** Many voluntary organisations welcome the opportunity to have an input into developing Government policy and perhaps to change the Government's intentions. The case that Mr Paterson refers to, in relation to the Justice and Home Affairs Committee, is a matter for the Parliament, not the Executive.

### **Youth Crime**

**4. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what action it is taking to tackle youth crime. (S1O-1951)

**The Minister for Children and Education (Mr Sam Galbraith):** On Friday 9 June, we published the advisory group's report on youth crime

together with the Scottish Executive response to its recommendations. Copies of both were placed in the Parliament's reference centre.

**Karen Whitefield:** The minister will be aware that those between the ages of 16 and 24 account for 41 per cent of all persons convicted of crimes and offences. Does he agree that providing increased employment and training opportunities is one of the ways of reducing that statistic and that initiatives such as the new deal play an important part in the fight against youth crime?

**Mr Galbraith:** It is important to treat not just outcomes but the causes behind them. There is no doubt that increased employment and giving people a future in life and a stake in society are absolutely vital in dealing with crime. However, folk will continue to commit crimes and it is important that we deal with them effectively. Simply banging them up does not reduce the rate of reoffending. That is why we have looked at tough options, including making offenders confront what they have done—and sometimes confront their victims—and become involved in reparation. We have put £4 million into that. Increased employment, along with those new measures, can finally deal with the scourge that is present in some parts of our society.

**Phil Gallie (South of Scotland) (Con):** What proportion of the massive 17 per cent increase in the incidence of weapon carrying was made up of those currently classified as young offenders? What does the minister intend to do about that issue?

**Mr Galbraith:** We must be wary about the use of crime statistics because, often, the numbers are dependent on the amount of activity that goes into targeting the issue.

We have to deal with young offenders effectively. That is not a question of choosing a tough or an easy option; it is about choosing the right option. The right option is to prevent them from reoffending. Clearly, many of the measures that have been employed—including banging people up—do not work, which is why we have introduced a range of other tough options.

**Colin Campbell (West of Scotland) (SNP):** Does the minister accept that high unemployment, a lack of local facilities, poor housing conditions and the ever-present menace of drugs—all of which exist in the Robert Street area of Port Glasgow, which was long ago promised a housing action area that has never materialised—are major contributing factors to a high level of youth crime? What reassurances can he give to the residents of areas such as Robert Street that their plight will be addressed effectively and swiftly?

**Mr Galbraith:** I am surprised at that question. Members should listen to the answers that are

given—that question was similar to the one that was asked by Karen Whitefield. I said to her that we must consider the total approach and the social circumstances. That is why we should applaud the fact that this country has the lowest unemployment rate and the highest number of people in employment in 20 years. We forget such facts, but we should congratulate the Executive on those achievements instead of constantly talking them down.

### **Scottish National Dictionary Association**

#### **5. Irene McGugan (North-East Scotland)**

**(SNP):** To ask the Scottish Executive what steps it is taking to secure the financial viability of the Scottish National Dictionary Association. (S10-1941)

#### **The Deputy Minister for Culture and Sport**

**(Rhona Brankin):** I am arranging for a grant of £50,000 to be made available to the SNDA to enable it to continue preparatory work for the Scottish dictionary database. The grant will be paid through the Scottish Arts Council, which will continue to monitor the SNDA to ensure that the extra public funding is used most effectively.

**Irene McGugan:** I thank the minister for that answer, which I am sure will reassure the SNDA. Does the minister accept that Scots is an important element of our culture and that the SNDA is doing more than any other body to preserve it and to encourage its use, albeit on very limited means? Is she aware that other countries cherish their languages and that support for Swiss German and Frisian dictionaries has been increased? I hope that that approach will be emulated in Scotland.

**Rhona Brankin:** The Scottish Executive considers the Scots language an important part of Scotland's distinctive linguistic and cultural heritage. We feel that it is important for young people to have access to Scots—they should have the chance to study and learn about Scots in schools. The Scots language is under consideration as part of the national cultural strategy.

### **Rural Schools**

#### **6. Mr Duncan Hamilton (Highlands and Islands) (SNP):**

To ask the Scottish Executive how many rural schools are currently threatened with closure. (S10-1942)

**The Minister for Children and Education (Mr Sam Galbraith):** The Scottish Executive does not collect systematic information on the schools that education authorities may have under review for possible closure.

**Mr Hamilton:** Is the minister aware of the comments of the English minister with

responsibility for schools, Jacqui Smith, who said at a conference that the UK Government had managed to reduce the rate of closure of rural schools to an eighth of what it was 10 years ago and that it had reduced the average number of closures from 30 a year to four a year? Will he reflect on the fact that, rather than a reduction in the number of school closures in rural communities in Scotland, there has been an acceleration of that process due to local government cuts? Will he tell us when the Executive will finally fund local government properly, to ensure that local rural schools become a national priority?

**Mr Galbraith:** I am aware of Jacqui Smith's comments, but I am surprised that, once again, Mr Hamilton is being London led and does not think that we should have distinctive policies here. *[Interruption.]* There is some shouting from a sedentary position. I could not hear what John Swinney said, but if he writes to me I shall answer his question later.

The other interesting aspect of Mr Hamilton's question is that he is concerned specifically with Argyll. We should all be aware that the proposals for the closure of rural schools in Argyll come from the nationalist convener of the local authority and that, therefore, Mr Hamilton should speak to him. However, I realise that the nationalists cannot speak to one another, as they are busy fighting all the time.

#### **Alex Johnstone (North-East Scotland) (Con):**

What are the minister's views on the proposed closure of St Vigeans school in Arbroath by the SNP-controlled Angus Council?

**Mr Galbraith:** I thank Alex Johnstone for once again highlighting the SNP's record on closing rural schools. As he will realise, we, too, have a role to play in the closure of some of the schools, so I cannot comment on the case.

We recognise the importance of rural schools not only for the education of the children, but for the role that they play in the rural communities. That is why it is important that we analyse these issues carefully and make decisions that are based on sound educational values as well as on other matters. SNP members should not go around taking up political postures and saying, ridiculously, that no school should ever be closed when, at the same time, nationalist conveners are doing the closing.

**Mr Andrew Welsh (Angus) (SNP):** Members should note that the proposed closure of St Vigeans is backed by all parties in Angus Council—including the Conservatives. Does the minister accept that outside toilets and inadequate buildings are simply not good enough for Scottish education in the 21<sup>st</sup> century? Will the Executive

make available capital amounts that will allow local authorities to bring local rural schools up to 21<sup>st</sup> century standards?

**Mr Galbraith:** We make capital allocations available to all local authorities, including Angus Council. They have all agreed to give priority to schools. If, however, Angus Council chooses not to do so, that is again something that members should take up with the council.

### **National Health Service (Resources)**

**The Presiding Officer:** Question 7 is from Margo MacDonald. *[Applause.]*

**7. Ms Margo MacDonald (Lothians) (SNP):** Oh dear—and those members of other parties have not even heard the question.

**The Presiding Officer:** Do not respond, Ms MacDonald.

**The Minister for Children and Education (Mr Sam Galbraith):** She has been gagged.

**Ms MacDonald:** Now that would be a first.

To ask the Scottish Executive whether it will institute a review of bed capacity, medical and ancillary facilities for the new Edinburgh royal infirmary in advance of the implementation of the Arbuthnott report on the distribution of NHS resources. (S1O-1918)

**The Minister for Health and Community Care (Susan Deacon):** Bed capacity, medical and ancillary facilities for the new Royal Infirmary of Edinburgh are matters for Lothian Health and Lothian University NHS Trust to consider.

**Ms MacDonald:** Thank you. I knew that already. I am sure that the minister expected me to ask whether she would ensure that the orthotics facilities, which are currently located in the Princess Margaret Rose hospital, would be greatly upgraded when they move to the new infirmary. She also probably expected me to ask whether we could have a decent number of orthopaedic beds, as too many people seem to be complaining that there are not enough. However, I will ask the minister to ensure that the absolutely excellent bereavement service for child bereavements, which is currently located in the sick kids hospital, is maintained throughout the upheaval that will lead to the establishment of the new hospital. I have received any number of endorsements of how good the service is.

**Susan Deacon:** I am delighted that Margo MacDonald was able to join us today to ask me that series of questions. On this side of the chamber, we presume that Ms MacDonald is still addressing us on behalf of the SNP; no doubt we will be advised on that later.

I am obviously not in a position to deal with the many detailed issues concerning the new Edinburgh royal infirmary that Margo MacDonald raises. I am pleased to say, however, that Lothian Health has made progress on those issues, and many others, to ensure not only that the new infirmary meets the needs of the people of Edinburgh, but that the wide range of other community facilities that are being developed across the city meet the needs of the people of Edinburgh and the surrounding area now and in the years to come. It is worth remembering that the people of Edinburgh and the Lothians have waited decades for a new hospital. Within the next couple of years, they will have that new hospital, which will provide the appropriate modern facilities that they ought to have.

I am pleased to agree with Margo MacDonald about matters such as bereavement counselling. No matter how high-tech our health service is, it must retain the human touch that is so important for patients. The ability to counsel the families and relatives of those who are ill is important. Such facilities must be protected.

**Mrs Margaret Smith (Edinburgh West) (LD):** Question 7 refers to the Arbuthnott report. Will the minister indicate to the chamber the present position on the review of that report and will she say when the report will finally be implemented?

**Susan Deacon:** I am delighted to give Margaret Smith—and, indeed, the whole chamber—the information that I was asked for when I recently attended the Health and Community Care Committee. The Arbuthnott review will put in place a fairer system of allocating some £5 billion of national health service resources across Scotland, to address in particular the needs of deprived and rural areas. Following extensive consultation, the Arbuthnott group is now working its way through the various responses that have been received. I expect to receive the revised recommendations from that group by the end of June and hope to be in a position to make a statement to Parliament very soon after the summer recess.

### **Rural Transport**

**8. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Executive what progress is being made in increasing transport choices for rural communities. (S1O-1965)

**The Minister for Transport and the Environment (Sarah Boyack):** Our rural transport and public transport funds are providing significant additional resources to improve transport in rural Scotland. We are also giving the highest ever level of subsidy to lifeline air and sea services.

**Rhoda Grant:** Does the minister agree that, as many people in rural areas do not have access to

a car, a key issue in such areas is ensuring that there is quality, affordable, reliable public transport?

**Sarah Boyack:** I agree absolutely. That is why we are making funds available through the rural transport fund to make sure that local authorities can make the needed investment. For example, the fund provides for around 350 local bus services that would not otherwise be in existence. We will review the impact of that investment to see whether we can better target it to reach the parts of rural Scotland where affordable services are needed but are not commercially viable.

**Mr Murray Tosh (South of Scotland) (Con):** Will the minister accept that the various forms of road transport are necessarily the principal transport choice for rural communities? Will she indicate whether she is seeking, in the next comprehensive spending review, to make steadily increasing resources available from her budget to fund route action plan schemes for the many important trunk roads in rural areas?

**Sarah Boyack:** I agree absolutely that for many people in rural communities the car is their lifeline. That is why we are putting money into rural petrol stations to make sure that they stay open and why I announced in November that a number of trunk roads and routes in rural areas will get significant investment. Examples include the road to Mallaig and the Fochabers to Mosstodloch bypass. We are spending money on trunk roads and I shall be making a number of suggestions in the comprehensive spending review this summer about investment in transport. It will not be until the autumn that we will be able to reveal the results of those discussions.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Does the minister also agree that the only transport choice for many, if not most, people in rural Scotland is the car, and that the car is a necessity, not a luxury? Will she now accept what everybody in the Highlands and Islands knows to be true, that we have the highest fuel costs and fuel tax in the world? Is the ultimate purpose of new Labour policy to make pedestrian transport the only choice—to paraphrase George Orwell, two legs good, four wheels bad?

**Sarah Boyack:** This is like “Play it again, Sam”—last week a member of the SNP asked me the same question about rural fuel duty. I said then that the SNP’s budget for Scotland at the elections to this Parliament included the full weight of the fuel duty escalator until the year 2034. In the budget this year, Gordon Brown took his foot off the fuel tax accelerator. There will be benefits to people throughout the Highlands and Islands in the investment that is now going into rural roads.

## Education Research

**9. Tavish Scott (Shetland) (LD):** To ask the Scottish Executive what the reasons are for its proposal to withdraw funding support to the Scottish Council for Research in Education and what its proposals are to provide an alternative source of independent research into education. (S10-1927)

**The Minister for Children and Education (Mr Sam Galbraith):** The Scottish Executive has not withdrawn funding from the Scottish Council for Research in Education. The Executive is committed to encouraging independent research and is spending £1.38 million this year in commissioning research projects on education from a range of academic and independent sector organisations.

**Tavish Scott:** Will the minister accept that I have received representations from constituents who, as head teachers of rural schools—indeed, open and thriving rural schools—have commented that the bulletins that they receive from SCRE are informative and helpful? Does he agree that Scottish education needs research, including research that comes to conclusions that are sometimes uncomfortable for the Government? In that spirit, does he accept that there must be research from bodies outwith Government? If there is not, Her Majesty’s inspectors of schools may be the only source. There is a need to maintain independent research.

**Mr Sam Galbraith:** I very much agree with what the member has said; that is the reason for making some changes to the nature and structure of SCRE. My view is that far too much research is commissioned by Government—giving research to SCRE means giving it to an organisation that not only has members of the Government on its board but is funded by the Government. It is important that research is uncomfortable, open, transparent, honest and initiated by the research institutions; it is important that research institutions come forward with ideas and seek funding from the Executive and others. I hope that, with that, I can fulfil all the requests to which Tavish Scott referred.

**Robin Harper (Lothians) (Green):** Given that the Executive has withdrawn funding from the Scottish Environmental Education Council, does it intend the council’s work to continue in any other form?

**Mr Galbraith:** I am not aware of the matter relating to the Scottish Environmental Education Council, but I will look into it and write to Robin Harper.

**Mr John Swinney (North Tayside) (SNP):** How seriously does the Executive take independent research into education, bearing in mind the fact

that the convener of its independent inquiry into student finance has said that the Government's back-end tuition fees proposals—to have an endowment repayment at £10,000—are absolutely unsustainable?

**Mr Galbraith:** I must say that I am impressed by Mr Swinney; like me, he has been at Westminster and knows how to get in his question even though it is not relevant to the original one. As he asks a supplementary question that is not relevant to the main one, I will give him a non-relevant answer—I will sit down.

### Higher and Further Education

**10. Euan Robson (Roxburgh and Berwickshire) (LD):** To ask the Scottish Executive what steps it is taking to ensure that people from low-income groups have improved access to higher and further education. (S10-1938)

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** The £50 million package of student support, to be implemented from 2001, will provide bursaries for those from lower-income groups and a £10 million bursary fund for mature students. It will exempt particular categories of students in higher education from the graduate endowment. In addition, we are increasing places in further and higher education by 42,000 by 2002. Many of those places will be targeted at those people who are currently under-represented in tertiary education, including those from low-income groups.

**Euan Robson:** Will the minister look into the problem in rural areas with the up-for-learning project? Will he investigate revising that scheme so that it covers participants other than those who are redundant or who are facing redundancy? That would ensure the continuing viability of the project's outreach centres.

**Henry McLeish:** I am very willing to take up that invitation to investigate the matter. It seems important that European schemes, which are often very worth while, should operate in both urban and rural contexts to the advantage of people in those areas. I will look into the matter and I will reply to Euan Robson.

**Marilyn Livingstone (Kirkcaldy) (Lab):** What impact will the introduction of individual learning accounts have on widening access for disadvantaged groups?

**Henry McLeish:** That question highlights the fact that, in our attempts to widen access to higher and further education, we need to ensure that we attack the problem on every front. We are doing that through education maintenance allowances in schools and we hope that the individual learning accounts will allow a lot of people to get involved

in education for the first time. A hundred thousand accounts will be set up. A £150 contribution will be required from the Government for each account and a contribution from the individual involved will also be requested. The scheme will be a tremendous spur to the learning revolution that we want to take place. I have made a point of ensuring that we do not target people with qualifications; we want to target those who have perhaps not been involved in education to the extent that they should have been but who now want to get into the process of learning.

**Dennis Canavan (Falkirk West):** Does the minister agree that students from low-income backgrounds would receive more encouragement to go on to college or university if the Executive were to implement fully the recommendations of the Cubie report, which said that graduates should not have to start repayments until their income reached £25,000 per annum, as opposed to the miserable £10,000 per annum proposed by the Executive?

**Henry McLeish:** I simply do not accept that—

**Mr Swinney:** What do you say about Cubie?

**Henry McLeish:** I think that John Swinney came in on the wrong question. I do not think that he can shout from a sedentary position and attempt to get in on this question.

On Dennis Canavan's question, it is important to point out for the record that the system proposed by the Cubie committee would have demanded a large bureaucracy to track every graduate each year, and to seek repayments from them every month, based on their actual income. We have chosen to work within the existing student loans system. That means that the students will pay the endowment by adding an additional £2,000 loan to their account, rather than making a separate payment of £3,075, as the Cubie committee recommended.

Students throughout the UK pay their loans back under the current scheme at 9 per cent above an income of £10,000. The additional loan will not add anything to monthly outgoings. As far as the Executive—and, I hope the Parliament—is concerned, £50 million is one of the biggest investments in student support in recent years. I do not think that we should look backwards; we should now look forwards and see how we can build on that for the benefit of students in Scotland.

### Education (Parental Participation)

**11. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Executive what steps are being taken to encourage parents to participate in their children's education. (S10-1967)



**The Deputy Minister for Children and Education (Peter Peacock):** We are taking a range of measures to encourage parents to participate in their children's education. Those include a new duty on councils to include a statement on how they will involve parents in their improvement plans. We are investing £15 million through the excellence fund to support projects such as home-school link teachers and family literacy schemes.

**Elaine Smith:** Would the minister agree that the Standards in Scotland's Schools etc Bill sets the tone to enable parents—specifically those who have children with special educational needs—to have a greater say in the education of their child? That should see an end to the circumstances under which parents in my constituency feel that they have no option but to take legal action against the local authority to have their child educated in the school of their choice.

**Peter Peacock:** It will always be regrettable if the relationship between parents and the local authority breaks down to the extent that parents feel that they must take court action. I would always seek to avoid that. Elaine Smith is correct to point out that the new bill sets the tone for better dialogue between parents and the school system. The bill is designed to create a framework to do that. The presumption now is that all children with special educational needs will go to a mainstream school.

### Lifelong Learning

**12. Ms Margaret Curran (Glasgow Baillieston) (Lab):** To ask the Scottish Executive what progress is being made in ensuring that lifelong learning benefits all social groups and particularly those from the most socially excluded areas of Scotland. (S10-1954)

**The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen):** At the risk of repeating some of the points mentioned by Henry McLeish, I can say that good progress is being made in helping more people into lifelong learning. Action has included an extra 42,000 student places to help more people participate in further and higher education; extra child care funding worth £8 million; an extra £50 million package to abolish tuition fees and reintroduce bursaries; and the launch in the autumn of this year of the Scottish university for industry, along with individual learning accounts

**Ms Curran:** I welcome those announcements. The emphasis on child care is particularly important. We must recognise that the causes of exclusion are profound and complex. Can the minister reassure me that the Executive recognises that to maximise participation in post-school education we must emphasise informal

learning strategies and community education services and suchlike?

**Nicol Stephen:** I agree that an integrated approach is essential, which means that it will not always be the traditional universities and colleges that provide the learning. Our universities and colleges are already changing the way in which they deliver their services, often providing them through learning centres out in the community and by working more closely with schools and local authorities. That partnership approach will create the changing culture that is needed for lifelong learning and to create the knowledge economy that will drive the future success of Scotland.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister agree that it is important that we monitor not only the number of youngsters entering further and higher education, but the number of youngsters who complete further and higher education? Many of my constituents are not able to complete their education, such is the pressure of poverty and being a student. Will the minister explain what the Executive will do to monitor strictly the number of students who enter and the number who complete education?

**Nicol Stephen:** I agree with that. In terms of universities' retention of students and ensuring successful graduation, Scotland's position in Europe is good, but the drop-out rate among students from disadvantaged backgrounds is significantly higher than that in other social groups. That is a concern. Tackling that problem, which Tommy Sheridan rightly identifies, will require additional support and resources.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** The minister mentioned the Scottish university for industry. Does the Executive have any plans to target access to it among people who live in social inclusion project areas?

**Nicol Stephen:** Responsibility for ensuring access to the Scottish university for industry in areas of disadvantage will rest primarily with local enterprise companies. People will be able to contact the Scottish university for industry direct, through the internet and a freephone service. We recognise that we must get into the most deprived areas.

One of our main reasons for setting up the Scottish university for industry and individual learning accounts is to try to reach people who have not accessed learning and who are not society's traditional learners. Local enterprise companies will have a key role in marketing access to both new initiatives at local level. As part of that work, I am sure that the SIPs will be involved in discussions locally. We will try to address access in the SIP areas as a priority.

### British-Irish Council

**13. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive when the next meeting of the British-Irish Council will take place. (S10-1926)

**The Minister for Finance (Mr Jack McConnell):** Following the restoration of devolution to Northern Ireland on 22 May, member Administrations of the British-Irish Council are considering when the council should next meet in plenary session.

**Alex Neil:** First, may I ask the minister to join me and, I hope, other members in wishing Tommy Sheridan and Gail all the best for their wedding on Saturday?

**Mr Kenneth Gibson (Glasgow) (SNP):** We can tell Alex has had an invitation.

**Alex Neil:** People should not read too much into that.

Will the council establish a joint ministerial committee on pensioners and pensioner poverty? If so, will the minister learn the lessons of the Government in Ireland, where pensioners receive 30 per cent more, in real terms, than do pensioners in Scotland? Will he press for Scottish pensioners to get the same standard of living as their Irish counterparts?

**Mr McConnell:** I join Mr Neil in endorsing Mr Sheridan's endorsement of the institution of marriage—I am sure that that sentiment is reflected across the chamber. Of course we wish him all the best.

The British-Irish Council exists to swap information and best practice, to conduct dialogue, to promote co-operation and to discuss the way ahead across the islands. Those are the important functions of the council as an institution. It does not exist so that its members can compete on the different levels of taxation and benefits in the different nations and areas of Britain and Ireland.

I have no doubt that the work that the British-Irish Council is doing on social justice, on which the Scottish Executive and the National Assembly for Wales lead, and the work that it will do over the coming months in drugs, will be vital to the continuing improvement of the quality of life for everyone, including pensioners, in Britain and Ireland. Pensioners are as interested in those issues as they are in the issue raised by Mr Neil.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** On behalf of the Liberal Democrats, I congratulate Mr Sheridan on his forthcoming nuptials.

Does the minister agree that the British-Irish Council plays, or will play, an important role in underpinning Ulster's fledgling democracy? Does

he agree that it would best if that body were owned by the Parliaments of the British Isles? Will consideration be given to extending membership of the council from ministers to back benchers, to allow the Parliaments to own that group?

Just say yes, minister.

**The Presiding Officer (Sir David Steel):** I think that Mr McConnell was overcome by the nuptials and did not pay attention to the question.

**Mr McConnell:** Thank you, Presiding Officer.

As I said before—[*Laughter.*—]the British-Irish Council exists to allow dialogue between ministers of the different member institutions. There is a role for dialogue between the different Parliaments, which will be an important part of the dialogue that will take place over the next few years. I want to encourage that dialogue.

**Lewis Macdonald (Aberdeen Central) (Lab):** Is the minister aware that I wrote to the Deputy First Minister several months ago to suggest that the meeting after the next meeting of the British-Irish Council could find no better venue than the excellent conference facilities that are available in Aberdeen?

Will the minister reflect on the experience of the Irish-Scottish forum, which was held a few days ago at the Kings College conference and visitor centre in my constituency? Now that devolution in Northern Ireland is back on track, will ministers reach an early decision that Scotland and the city of Aberdeen should play host to the meeting after the next meeting of the council of the isles?

**Mr McConnell:** I am aware of the high quality of the discussions that took place in the forum. I hope that it will develop and prove a good focal point for continued discussion of British-Irish relations and the development of Scottish-Irish links. However, it is important that we choose the right location for the meeting of the British-Irish Council that will take place in Scotland. We will do that after considering all the facts and different ideas from different areas.

**The Presiding Officer:** I will allow injury time for my opening remarks.

### ScotRail

**14. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what discussions it has had on the franchise renewal process for the ScotRail network. (S10-1931)

**The Minister for Transport and the Environment (Sarah Boyack):** Scottish Executive officials meet the shadow strategic rail authority regularly and discuss a range of matters, including franchise replacement in Scotland. I will raise that issue when I meet the chief executive of

the authority later this month.

**Bristow Muldoon:** As the minister will be aware, there are demands throughout Scotland for expansion of the railway network—for new railway lines, enhanced capacity on certain lines and enhanced levels of service on lines, including two in my area, the Shotts and Bathgate lines. Does the minister feel that there is any danger of a hiatus in such positive railway developments in Scotland as we approach the end of the current franchise?

**Sarah Boyack:** The ScotRail franchise runs for seven years and expires in March 2004. The shadow strategic rail authority has indicated that it is keen for the process of franchise renewal and replacement to be brought forward. It is our intention to start discussing with interested parties the future shape of the franchise. That process will begin in the autumn of this year. We will focus on issues such as network enhancement, journey times, capacity, punctuality and performance. As we move towards the end of the franchise, we will examine the performance of the current franchise holders with keen interest.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Scottish Executive Priorities

**1. Mr Alex Salmond (Banff and Buchan) (SNP):** To ask the First Minister what the Scottish Executive's main priorities currently are. (S1F-410)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The Executive's priorities were set out clearly in "Making it work together: A programme for government", which was published last September. That document explained what we are committed to achieving in government and turned our priorities into a programme for action, on which we are now delivering.

**Mr Salmond:** Does the acting First Minister recall that we were debating at a meeting in Glasgow the night the news of the Chinook disaster came through? That disaster, in which 29 people lost their lives, happened more than six years ago. For the past five years, two of those families have borne the added burden of the accusation of gross negligence that has been levelled at their loved ones. Now that new evidence has come forward, cannot a way be found of giving those men's families the opportunity to clear their name?

**Mr Wallace:** I recall the evening to which Mr Salmond refers; we were at a debate in advance of the 1994 European elections. Everyone present was shocked and saddened by what had happened.

As Mr Salmond and the Parliament will know, the Lord Advocate, who, quite separately from the Executive, has responsibilities for matters relating to fatal accident inquiries, asked that further consideration be given by Crown counsel to whether the fatal accident inquiry should be reopened. Members will recall that the sheriff concluded that he did not think any useful purpose would be served by speculating further on the matter. In a letter to Mr Salmond's colleague, Kenny MacAskill, the Lord Advocate indicated that he thought it highly unlikely that the findings of the sheriff would be different, even in the light of further information.

**Mr Salmond:** I have the letter to Kenny MacAskill with me. The Lord Advocate said:

"The FAI did not consider in any detail any matter relating to FADEC"—

the system of fuel injection that we now know to be faulty. Will the acting First Minister confirm that the fatal accident inquiry did not investigate it

because the information was withheld by the Ministry of Defence? Will he join the then Secretary of State for Defence, Malcolm Rifkind, in condemning the Ministry of Defence for withholding that vital information from the Scottish legal system?

**Mr Wallace:** As Mr Salmond and the Parliament will fully appreciate, I am in no position to confirm or not confirm anything on behalf of the Ministry of Defence. The Lord Advocate has made it clear that he accepts the fatal accident inquiry did not consider in any detail matters relating to the full authority digital electronic control system. As a result, he sought a review of the fatal accident inquiry papers and other information that had been published.

Mr Salmond will be aware that the sheriff took the view at the fatal accident inquiry that it had not been established to the sheriff's satisfaction that the cause of the accident was the decision by the crew of ZD576 to overfly the Mull of Kintyre at cruising speed and their selection for that purpose of an inappropriate rate of climb. He was unable to say what the cause of the accident was. It is clear also from the Lord Advocate's letter that any further inquiry might only reinforce the sheriff's inconclusive determination with regard to the cause of the accident.

**Mr Salmond:** How can we possibly know that, given that the sheriff did not have vital information? Unfortunately, the board of inquiry did not follow the wisdom of the Scottish sheriff; it found gross negligence and allocated responsibility to the two pilots. Given that that is the position, and that for five years the families have had to suffer the stigma of their loved ones being allocated that gross negligence verdict by the board of inquiry, cannot Mr Wallace, who is the Minister for Justice as well as the acting First Minister, find a method or formula to reopen investigation of this case to allow what those families want—the opportunity to clear the names of their dead loved ones?

**Mr Wallace:** Everyone in the Parliament has the fullest sympathy with the families of those who died. I must emphasise—and all credit to him—that this matter is the Lord Advocate's responsibility, not the responsibility of the Executive. He acts independently of the Executive in these matters. He considered a number of ways in which it might be possible to reopen the inquiry, including a petition to the nobile officium of the Court of Session. He concluded that that would not serve any useful purpose and indeed might reinforce the sheriff's findings.

As to whether the Ministry of Defence should take further steps, I am sure Mr Salmond will recognise that that matter should be pursued with the Ministry of Defence; it is not the responsibility

of the Scottish Executive.

### **Secretary of State for Scotland (Meetings)**

**2. David McLetchie (Lothians) (Con):** To ask the acting First Minister when he next expects to meet the Secretary of State for Scotland and what issues he intends to raise with him. (S1F-406)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I expect to next meet the Secretary of State for Scotland tomorrow at the joint ministerial committee on health. It is probably rather obvious that we will be discussing health.

**David McLetchie:** In view of the imminence of the meeting, it will almost certainly take place before Mr Wallace has an opportunity to meet his friend Mr Salmond as part of the invisible Scotland in Europe campaign. Given that at its launch last October Mr Wallace was such an enthusiast for joint campaigns, things seem to have gone rather quiet on this issue. Can Mr Wallace tell us whether he intends that the cross-party Scotland in Europe campaign should come out of the closet, or is it now officially dead in the water?

**Mr Wallace:** Mr Salmond probably has quite enough on his plate without seeking a further meeting with me. I emphasise that almost all parties in this Parliament—bar Mr McLetchie's, but I suspect that there might be some in his party who hold this view—recognise the importance of a positive Scottish, and indeed British, contribution in engaging with the European Union. The campaign to achieve that is alive and well and on-going, and it does not require publicity events to sustain it. Engaging with Europe will deliver jobs and prosperity for Scotland and the United Kingdom and it is something to which my colleagues and I are fully committed.

**David McLetchie:** The acting First Minister says that the campaign does not require any publicity events. Perhaps he can explain why the First Minister described that day on the steps of the Mound as a photo-opportunity. How many more such stunts will we hear of? Does this reluctance to engage arise because the three members of the unholy alliance who want to ditch the pound are being shown to be increasingly out of touch with mainstream opinion? Opposition grows by the day and now includes Eddie George, Jim Sillars and the majority of people in Scotland.

As a member of a party of self-confessed Eurofanatics, is Mr Wallace disappointed at the lack of urgency among his Labour and SNP colleagues, or are they reconciled to the fact that there is no point in having any future meetings or running a campaign because we in the Conservatives are the ones who speak for people in Scotland?

**Mr Wallace:** A moment's reflection will make

clear the number of Scottish jobs that are dependent on our having good, positive links with the European Union. The people in those jobs know who their real friends are; those of us who want to develop Scotland's links with the EU, not those who want to shut the door on the EU and therefore put in jeopardy many Scottish jobs.

Over recent weeks, a number of my ministerial colleagues have been engaging positively with their counterparts in the European Union to ensure that we have policies that are good for Scotland, good for Europe and will deliver jobs and prosperity for Scotland.

**David McLetchie:** On jobs, the Deputy First Minister will be aware that Eddie George said that joining the euro was irrelevant to the prosperity of the City. [MEMBERS: "The City?"] The City in the broadest sense. Only last week, economists said that Scotland's financial centre, Edinburgh, is flourishing outwith the euro and that its prosperity as the UK's fastest-growing city is not dependent on membership. That is what jobs are really about.

**Mr Wallace:** There are £300 billion of managed funds in Edinburgh, but Mr McLetchie gave the game away when he talked about Eddie George's comments on the City. I do not think that Mr George had Edinburgh in mind when he made that comment.

Considering the number of manufacturing jobs that are exporting to European Union destinations, if the people whose jobs are dependent on Scotland having positive links with Europe think the Conservatives are their friends, they had better think again. Their real friends are the people who wish to support those jobs. They are those of us who wish to engage more positively with the European Union and who see that as Scotland's proper destiny.

### **Rape Victims (Cross-examination)**

**3. Malcolm Chisholm (Edinburgh North and Leith) (Lab):** To ask the First Minister what assessment the Scottish Executive has made of the European convention on human rights in relation to the cross-examination of rape victims by the alleged perpetrator. (S1F-422)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** As Angus MacKay outlined on 6 June in his answer to parliamentary question S1W-07543, Scottish ministers have instructed the development of proposals to prevent an accused person charged with a sex offence from cross-examining the victim personally and to strengthen provisions restricting cross-examination on sexual history. Ministers are committed to achieving that policy and work has already begun to assess ways in which we can do that.

Of course, we need to protect the rights of the accused—the European convention on human rights reinforces that—but, as I am sure Mr Chisholm and other members will agree, it is crucial that we protect the rights of victims.

**Malcolm Chisholm:** I welcome the commitment to act but deplore the way in which the European convention on human rights has been used as a smokescreen by people who support the continuation of this totally unacceptable practice.

Is it not the case that the European Court of Human Rights has already ruled that a state can require a defendant to act through a lawyer? Could not failure to end this practice lead to a challenge under article 3 of the ECHR, on the rights of victims? That is exactly what happened to the United Kingdom Government before the law was changed at Westminster.

**Mr Wallace:** Victims do indeed have rights; they should not be subjected to degrading treatment. The right of an accused person is that witnesses should be cross-examined, not that they should, necessarily, be cross-examined by the accused person himself. I believe that we will be able to find a way forward that will satisfy European convention considerations. Indeed, we would be obliged to do that. I hope members agree that it is important that we get it right. No interests of justice would be served by passing legislation that failed the test, with the result that someone who otherwise would have been found guilty walked free.

**Dorothy-Grace Elder (Glasgow) (SNP):** Will the minister give us a timetable for ending the torture and torment of women and children in the witness box while being cross-examined by men accused of raping and sexually abusing them? Will he assure us that he feels equal shame that Scots law allows that torture of human beings to this day?

**Mr Wallace:** I will not give a specific date but I repeat that we have already instructed the development of proposals. A solution is actively being pursued. We all want to ensure that this is done at the earliest possible opportunity.

### **Child Poverty**

**4. Tricia Marwick (Mid Scotland and Fife) (SNP):** To ask the First Minister what action the Scottish Executive intends to take in response to the recent UNICEF report on child poverty. (S1F-415)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The UNICEF report highlights the scale of child poverty, but is based on 1995 data. As Tricia Marwick knows, and as I acknowledge, the report praises the United Kingdom Government's social inclusion policy.

Tackling poverty and social exclusion is a key priority of the Scottish Executive, as was clearly set out last November in "Social Justice . . . a Scotland where everyone matters". We are committed to working in partnership with the United Kingdom Government to eliminate child poverty. As a start, 100,000 children will be lifted out of poverty in Scotland in 2001.

**Tricia Marwick:** The report indicates that Britain has one of the worst records of childhood poverty in the industrialised world. Given the important role played by local authorities in Scotland in combating child poverty by providing hot school meals, grants for uniforms and free school travel, will the minister tell us whether he agrees with his colleague, Mike Rumbles, that the local government settlement was damaging, or with Donald Dewar, who said that it was satisfactory?

**Mr Wallace:** I emphasise that the Executive is pursuing a range of initiatives to take children out of poverty, many of which are directed to families with pre-school or school-age children. For example, the sure start programme, which will tackle child poverty and social exclusion, has already received substantial funding. That will help to address poverty and allow children who go to school to get off on the right foot, because problems such as bad health will have been tackled in their pre-school years.

**Scott Barrie (Dunfermline West) (Lab):** As the Deputy First Minister said, the UNICEF figures are some five years out of date. Does he agree that it is only by taking an holistic approach to child poverty that we will be able to lift the vast number of children who live in poverty out of that situation? We can certainly not do it by individual programmes; we must take a joint approach in partnership with the UK Government.

**Mr Wallace:** I certainly agree that poverty must be approached by pursuing initiatives at Westminster and in this Parliament. That is why we have had a joint ministerial committee on poverty, at which child poverty has been discussed. The Executive is committed to ending child poverty within 20 years. The measures that have already been taken should lift 100,000 children out of poverty in Scotland in 2001. I hope that members on all sides of this Parliament are prepared to applaud that.

### Cashmere Industry

**5. Euan Robson (Roxburgh and Berwickshire) (LD):** To ask the First Minister what plans the Scottish Executive has to promote the Scottish cashmere industry. (S1F-411)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The most immediate problem for the industry is, of course, the renewed

threat of sanctions by the United States Administration. I have been keeping closely in touch with this situation. Everything possible is being done to overcome that threat.

More generally, the Scottish cashmere industry is supported primarily through the enterprise network's Cashmere-made-in-Scotland project, which is being run by Scottish Enterprise Borders. More than £600,000 of public money is expected to be spent on the initiative over the next two years. That will provide support for cashmere companies across Scotland in a range of activities to help them develop markets at home and abroad, boost awareness of the sector, encourage collaboration between companies and increase the overall competitiveness of the sector.

**Euan Robson:** Does the Deputy First Minister agree that the imposition of a tariff as a result of the US Trade Carousel Act would be detrimental to the Scottish cashmere industry? Although this is primarily a matter for Westminster, will he use his good offices to persuade the European Union finally to settle the banana trade dispute?

**Mr Wallace:** I accept that putting cashmere on the carousel list would be very damaging indeed to the industry. It is for that reason that considerable efforts have been made to resolve the problem. I am taking a personal interest in the matter. There has been engagement with UK ministers and between officials of the Scottish Executive and officials of United Kingdom Government departments about this issue.

The introduction of the World Trade Organisation-compliant banana-importing regime should go ahead without further delay. I share the view expressed earlier this week in a meeting of the Scottish Grand Committee by Brian Wilson, the Minister of State at the Scotland Office. He said that the list of victims threatens to change or even to lengthen and that those who are responsible for the negotiations in Brussels have to recognise that that is intolerable. It would indeed be intolerable if the list were lengthened and included cashmere.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I welcome the minister's comments in support of the cashmere industry. Does he agree that other products made in Scotland may be at risk if the tariff list goes ahead, as expected, on 19 June? Can he assure us that he has taken every possible action to reach a solution, not just for the cashmere industry, but for other Scottish products?

**Mr Wallace:** That is a pertinent point. More than the cashmere industry is threatened by this—a number of other products could be threatened. I can assure Cathy Jamieson that considerable efforts are being made. The matter is primarily the

responsibility of the Westminster Government, but as I have said there have been contacts at ministerial level and between officials to ensure that Scottish interests—cashmere and others—are properly recognised.

**Christine Grahame (South of Scotland)**

**(SNP):** Cashmere production in the Borders involves 40 companies, employs 2,000 people directly and currently has a £21 million order book, mostly directed to the United States. Is the acting First Minister really satisfied that Labour's Stephen Byers is treating the drastic threat to this vulnerable Borders economy as a priority, given that the deadline for returning cashmere to the 100 per cent plus tariff carousel levy is 19 June?

**Mr Wallace:** In the preface to her question, Christine Grahame referred to the success of the cashmere industry in the Borders, which is a great tribute to an industry that produces a high-quality product and has bounced back after the threat that hung over it in March of last year, when the so-called banana wars were looming.

I am satisfied, from the contacts that have been made, that this issue is taken seriously by the United Kingdom Government, which is well aware of the time deadlines and is making every effort. We are certainly in close co-operation and consultation with it to that purpose.

### **Carers Week 2000**

**6. Karen Whitefield (Airdrie and Shotts)**

**(Lab):** To ask the First Minister what actions the Scottish Executive is taking to recognise and support Carers Week 2000. (S1F-400)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** At a meeting in March, carers organisations were asked to consider what support they would like from the Executive for Carers Week. They asked the Deputy Minister for Community Care to launch the Scottish Carers Alliance as the flagship event of the week. I am delighted to report that Iain Gray was able to lend his support to the launch, which took place on Tuesday 13 June.

**Karen Whitefield:** Is the Deputy First Minister aware that a report published by the Carers National Association, "Caring on the Breadline", points out that Scottish carers have greater debt problems than do carers in other parts of the United Kingdom? Does he agree that there is a need to target resources such as debt counselling, money advice services and access to credit unions to Scottish carers?

**Mr Wallace:** I hear what Karen Whitefield is saying. We want to ensure that carers are more aware of what services and help are available to them. As has been said in some of the discussions on the law of diligence and the need to tackle debt

problems generally, not just for carers, credit unions are one of the options that we are considering.

## Early Education and Child Care

**The Presiding Officer (Sir David Steel):** We will now move on to the main item of business, which is the debate on motion S1M-1007, in the name of Sam Galbraith, on early education and child care, and amendments to that motion.

Before we begin the debate, I bring members' attention to a typographical error in Brian Monteith's amendment S1M-1007.2 as it appears in the business bulletin. The references in the sixth and last lines of the amendment to "patients" should read "parents".

15:33

**The Minister for Children and Education (Mr Sam Galbraith):** Last November, the Parliament held a debate on child care strategy. The Parliament confirmed its support for the strategy and the substantial funding package that accompanies it. The strategy was devised to meet the needs of all Scotland's children. It commits the Executive to improve availability, accessibility and quality of child care and pre-school education.

The challenges are real and testing, but the prize is great. If we succeed we will, first, be giving our children the best possible start in life. We will also be helping families at risk of social exclusion. We will be helping parents to balance home and work life, which will ease the pressure on families. Very importantly, we will be smoothing the path for children in their transition into primary school. We are in this for the long term.

Today, I am pleased to announce that 68 per cent of Scotland's three-year olds are now in free pre-school education. That exceeds the milestone that we set ourselves in the programme for government. Only three years ago, under 20 per cent of three-year-olds had access to pre-school education. Now nearly 70 per cent benefit from high-quality play-based learning. We shall continue to invest in that expansion until parental demand is satisfied.

That is a considerable achievement, credit for which goes to local authorities and their partners in the private and voluntary sectors all over Scotland, and to staff and workers in early education and child care, on whose effort and dedication the whole service depends. On behalf of the Executive, I thank all of them.

There is also welcome news in the figures for partnership. Private and voluntary centres working in partnership with local authorities are educating 38 per cent of the three-year-olds in provision. That is a substantial share, and I am delighted that authorities are enjoying the real benefits of

developing quality provision in partner centres to meet the preferences of parents and children.

The figures also show that the expansion of pre-school education is vigorous in both rural and urban areas. In fact, of the 12 authorities that receive the rural pre-school grant supplement, seven have a proportion of three-year-olds enjoying access to pre-school education that is at or above the all-Scotland level of 68 per cent. Given the challenges that are involved in developing centres in remoter areas, those authorities and their partners have done extremely well and are to be congratulated.

The expansion of pre-school education is only part of the story. We have also improved the availability of pre-school education and child care. Through sure start Scotland and the investment of £42 million over three years that we are making in targeted support for children and families, local authorities and their health service partners are creating new child care places for nought to three-year-olds and providing outreach services to disadvantaged families. There is also growth in out-of-school care. More than 5,600 new out-of-school child care places have been created through the new opportunities fund, which support at least 10,000 children.

We have also significantly improved access to pre-school education and child care. In January, I officially launched ChildcareLink, the national child care information line for parents, which is a sister service to the website, which was launched in November. Response to the national service so far has been encouraging; there have been more than 1,400 calls to the line and almost 400,000 people have visited the Scottish pages of the GB website.

By improving child care information services, we have helped parents to access places that are right for their children. Access is also being improved by on-going efforts to make child care more affordable. The working families tax credit can meet up to 70 per cent of child care costs and offers a way into affordable child care for many parents. It is a valuable resource and it is important that all those who are eligible to access it do so. We understand that around 10,000 families in Scotland are receiving child care tax credit.

Work has continued to improve the quality of provision in the sector. In February, the Executive published the self-evaluation guide for early years centres, "The Child at the Centre", which helps centres to take a considered look at the services that they provide and decide how they can improve them in the future. The early years best practice initiative continues to bring professionals together to share knowledge and good practice through a range of national and local seminars and a dedicated website, confirming yet again that



quality grows from within.

The Executive, working with the national training organisations, the Scottish Qualifications Authority and others, is continuing to promote the development of the early years work force. On 18 May, I made an important announcement on the regulation of early education and child care. The new Scottish commission for the regulation of care will ensure a consistency of approach in the quality of care across Scotland. It will also ensure that children receive enjoyable, stimulating and safe care through focusing on care standards that deal with real outcomes and not just inputs. We will extend regulation to local authorities' provision for nought to five-year-olds and to out-of-school clubs for older children as well as the under-eights.

**Tavish Scott (Shetland) (LD):** On the commission and the proposals for regulation that are out for consultation, will the minister go into detail about the outcomes? There is concern in different parts of Scotland that outcomes must be relevant to them.

**Mr Galbraith:** We will consult widely on the outcomes. It is important that we concentrate on outcomes. Too much attention has been paid to physical inputs—the number of people, spaces and so on. Although the physical inputs are important, it is the experience and the outcomes that are important. We want to agree a broad list of outcomes, which will be available to Her Majesty's inspectorate and to the commission, so that they both examine the same areas. Work is being done on that. I will be grateful for any thoughts that the member has in that area.

I have outlined the valuable work that has been done to implement our child care strategy, but despite that, real challenges remain. We must continue to expand the service, improve access and ensure quality.

Last November, I highlighted significant increases in the funding available to local authorities to implement the strategy this year and next year. However, we recognise that the challenges are enormous and undoubtedly put heavy pressure on local authority resources. Over the past few months, therefore, I have considered carefully how further resources can best be allocated to meet the remaining challenges of the child care strategy. I have identified three priorities for immediate assistance: providing child care support for students; improving the infrastructure of the child care sector; and addressing the sector's training and qualification needs.

We believe that those initiatives will reinforce one another and will produce real long-term gains. Of course, they require funding, and some £14 million in total will be available over two years. The

Minister for Enterprise and Lifelong Learning, Henry McLeish, has already announced child care support for students as part of the infrastructure initiative. I can announce that I am making a further £6 million available over two years in additional allocations, mainly to local authorities.

On 24 May, the Executive's full response to the Cubie recommendations was published in the consultation document, "Scotland the Learning Nation: Helping Students". Launching the document at Anniesland College, my colleague, the Minister for Enterprise and Lifelong Learning, announced an £8 million package focusing on child care for students. Part of the package committed £6 million over two years to help students in further education with child care costs. The result will be significant improvements in student parents' ability to access child care.

However, it is not as straightforward as that. If we give students the means to take up child care places, we must ensure that the places exist, which is why, as outlined by the Minister for Enterprise and Lifelong Learning on 24 May, £2 million of the £8 million package will be committed to local authorities to fund improvements in the child care infrastructure for student parents. That £2 million is part of the overall commitment to the child care strategy until 2002, but is additional to the allocations made to date to local authorities.

The rate at which the early education and child care sector has expanded in the past three years is remarkable, but while we are busy expanding the sector to meet the challenge of universal pre-school provision and to address the wider child care needs of families for wraparound care, we must continue to invest in the infrastructure of the existing system.

We recognise that the long-term health of the pre-school and child care sector depends on the quality and quantity of its physical infrastructure and equipment. We also recognise the need to address the shortage of properly equipped provision to cater for children with special educational needs and physical disabilities. I am therefore pleased to announce that a further £2 million, of the £49 million total for the child care strategy, will be made available to local authorities this year and next year, to improve the child care infrastructure in their area. Taken with the extra support for student child care, that makes a total of £4 million over this and next year. That £4 million is additional funding, which will go direct to local authorities to supplement the funds that they already receive to implement the child care strategy.

As I have said several times, the child care strategy commits the Executive to the expansion of high-quality, affordable child care. However, we will never achieve that goal without a flexible, well-

trained work force. The Executive is not blind to the existing strains on the early years work force. Therefore, our plans will be accompanied by funding worth around £4 million over two years. We will expect authorities to involve partners in decisions on the use of those resources at local level.

Overall, therefore, I am making available £8 million over two years in additional allocations to local authorities. That is a sizeable injection of funds, which shows the Executive's commitment to continuing its investment in child care and to producing a system that is available to those who require it, at levels that they can afford. I commend the motion to Parliament.

I move,

That the Parliament supports the progress that the Executive has made towards the twin goals of free pre-school education and affordable, accessible, quality childcare in every locality and welcomes the additional resources allocated to local authorities and other bodies in order to make further progress with these objectives.

15:45

**Nicola Sturgeon (Glasgow) (SNP):** I was somewhat confused when I saw from the business bulletin that we were having this debate today. It was not immediately obvious why we were having the debate, given that we had a debate on child care last November and that Sam Galbraith made a ministerial statement on the subject in May.

I was glad to hear the funding announcements that the minister made in his opening remarks, although I am sure that he will forgive me for reserving judgment until I get the opportunity to check whether they were announcements of new money or of recycled money. As members will know, recycled money, rather like recycled debates, seems to be the stuff of the Executive.

I cannot always say this about Conservative motions, but I am sorry that I missed this morning's debate on recycled spending announcements. I am sure that Sam Galbraith—if he can stop yawning for a moment—would be glad to hear me say that I think that he should be high up the list of people who deserve the reward for recycled spending announcements. On 21 September 1998, in a press release, Sam Galbraith announced £91 million for child care. On 7 December 1998, Sam Galbraith announced an additional £15 million for child care, even though that £15 million was part of the original £91 million. On 17 November 1999, Sam Galbraith—by then in his new role as Minister for Children and Education—announced a cash boost for child care, which was followed up by a press release. However, the press release went on to say that the resources were part of a total package of £91 million allocated to child care. That is the same

spending announcement, three times over. Although I welcome the announcements made by the minister today, it is fair for MSPs to take the opportunity to check whether it is new money.

Child care is one of the most important issues in the minister's portfolio. However, today's debate seems to be an opportunity for the Executive to indulge in the kind of self-congratulation that drives the women's institute crazy. Before the minister gets upset, let me make it clear—as I did in the debate last November—that I think that the Executive deserves credit for the priority that it has given to child care and the development of a national strategy and for the progress towards the provision of child care and nursery places for three and four-year-olds. However, people do not want to hear simply about what has been done, particularly as most of that is down to the hard work of local authorities and child care partnerships, as the SNP amendment reflects. People also want to know what will be done further to improve provision and to address the many problems that have been identified.

Many issues were raised in the debate last November and again in the statement last month. I make no apologies for raising them again today, because we are still awaiting a reasonable response from the Executive on many of those issues. They are issues of quality, about affordability, sustainability and the particular problems of rural communities.

Last month, the Daycare Trust published a survey that showed that, even taking account of the child care strategy and the working families tax credit, three out of four parents believed that working parents do not have access to enough affordable child care. When I raised that issue before, the minister put on his best Victor Meldrew scowl and said that the working families tax credit was a "highly significant start". I agree that the working families tax credit is a good start, but does the minister agree that it has its limitations?

Parents in receipt of the child care credit still have to pay at least 30 per cent of the costs of child care. For those on tight budgets, even that amount would put quality child care out of reach. Some people who previously, on specific initiatives, would have been receiving 100 per cent subsidised child care, will now have to pay a proportion of the costs. Students and those who are out of work are not helped at all by the working families tax credit, and there is evidence that child care providers are increasing fees because of the availability of the tax credit, adversely affecting those who do not qualify for child care credit.

Although I accept that working families tax credit is a significant start—or as the minister said today, is making child care affordable for many parents—can he or the deputy minister outline what further

measures the Executive is putting in place to make child care genuinely affordable for all parents?

We move on to the issue of sustainability. As we know, new opportunities funding is being used to stimulate the supply of out-of-school places. However, that is funding for one year only and there are huge concerns about what will happen to many of those places when the funding runs out.

When I last raised that issue, the minister said that sustainability would be provided through the working families tax credit, but there are real doubts among child care providers about whether the working families tax credit, on its own, can sustain the new places that are being created. Do not just take my word for that; let me quote Children in Scotland, which said of the new opportunities funding that the

"limit of one year is too short . . . there is some apprehension about what happens when NOF money runs out. There is genuine concern about local authorities being left to pick up the tab."

Children in Scotland also made the important point that that problem has a disproportionate impact on rural communities, because child care projects in those areas generally take longer to become established.

Capability Scotland, which has a particular interest in child care from the point of view of children with special educational needs, said at yesterday's meeting of the Education, Culture and Sport Committee that it welcomed new opportunities funding but had real concerns about sustainability.

Those are real concerns, held by real people who provide and use child care. Will the minister listen to those concerns? Can he guarantee sustainability beyond one year, without projects requiring to look to local authorities for support? If not, what further support can he put in place to ensure the sustainability of those child care places?

I will deal briefly with issues that have been raised by people in rural communities in particular. I welcome the fact that there is weighting of funding towards rural communities, and the comments that the minister made today. However, there are problems that are particular to rural communities. I mentioned new opportunities funding; let me give another example. In Highland, it is estimated by Children in Scotland and others that 75 per cent of three-year-olds will have a child care place by autumn 2000, but the other 25 per cent will be the hardest to reach because they live in remote areas and will be unable to travel. How does the Executive propose to reach those children, and what alternative methods of provision will it put in place?

Quality child care depends on the availability of appropriately qualified child care workers. Again, I welcome the minister's comments on that, but last month I asked him for an update on how many of the 5,000 new deal opportunities that he promised back in 1998 had been taken up. He could not give me that update, but he has had a few weeks to find the answer, and I trust that the Deputy Minister for Children and Education will be able to give it when he winds up today.

Quality for all is also important. It is important that children with special needs have access, like other children, to quality child care. I would like to hear further comments from the deputy minister about the steps that are being taken to ensure integration through links with educational psychological services, speech therapists and so on.

Those are just some of the issues that are being raised out there in the real world, by real parents and real child care providers. I make no apology for raising those issues; people out there want to hear the answers. The Executive should not be defensive on the subject; after all, the Tories left a woeful legacy on child care. Nobody expects things to be perfect overnight, but there are real issues to be addressed. Instead of the Executive patting itself on the head, perhaps the minister, in his winding-up speech, could answer some of those questions.

I move amendment S1M-1007.1, to leave out from "supports" to end and insert:

"congratulates local authorities and childcare partnerships on the progress made by them in providing more nursery places to three and four year olds and increasing provision of affordable, accessible, quality childcare in every locality; welcomes the resources already allocated for the furtherance of these objectives: and calls upon the Scottish Executive to ensure that its future policies and spending plans will enable local authorities to make continued progress towards the achievement of universal access to free pre-school education and affordable, accessible, quality childcare."

15:53

**Mr Brian Monteith (Mid Scotland and Fife)**  
**(Con):** I was interested to hear Nicola Sturgeon's remark about woeful provision. That certainly does not fit with the reality or the history, but I will leave Nicola Sturgeon to make her disparaging and inaccurate remarks.

I have pleasure in moving the amendment and in opening for the Conservatives today. It will not have escaped the notice of the Minister for Children and Education and the Deputy Minister for Children and Education that our amendment does not seek to delete words from their motion. Instead, we seek to congratulate them on the work that they are doing. We do that in a friendly spirit;

after all, it was the action of the Conservative Government, in introducing nursery vouchers for four-year-olds, which stimulated—that is an important word—child care provision and the child care debate in Scotland. Vouchers not only increased provision and gave parents greater access to voluntary and private provision, but, more important, increased choice.

**Scott Barrie (Dunfermline West) (Lab):** Will the member give way?

**Mr Monteith:** No. I am just starting; I will get into my stride before I consider taking interventions.

That choice increased parental expectations and led to more flexible child care provision and better quality child care. I say that because it was clear that, although many local authorities had good provision, it was not consistent throughout Scotland and vouchers sought to raise levels across the country.

**Fiona McLeod (West of Scotland) (SNP):** Will the member give way?

**Mr Monteith:** No; I am carrying on.

By allowing parents a direct choice through vouchers, we gave them a stake and control in their child's education that they did not have before and do not have now. Such direct parental involvement brought the greatest revolution in child care that this country has seen, and the Executive's child care strategy is built upon the good work that the vouchers started and is intended to meet the expectations of parents that vouchers raised. Those expectations have meant that some local authorities such as Edinburgh are now trying to compete directly with the private sector, by starting wraparound care and extending nursery hours. The stimulus has come because working parents with the ability to choose have chosen private care because of flexibility, which is one of the key aspects of private sector provision.

Of course, the irony about the debate is that the strategy is not needed to achieve the child care strategy's aims of more flexible, better quality and increased provision. They would be more quickly and simply achieved if nursery vouchers were reintroduced, as we proposed in our manifesto.

**Tavish Scott:** I must confess that I think that Mr Monteith is speaking the biggest load of rubbish I have ever heard about nursery education. Nursery vouchers were an unmitigated disaster and caused complete chaos in certain rural areas. He simply does not know what he is talking about. He should ask some rural authorities in the Highlands, Orkney or Shetland what happened when the Conservative Government tried to introduce that policy. What he is saying is nonsense.

**Mr Monteith:** As someone who not only has visited many establishments, institutions, nurseries

and playgroups but has brought up children of my own, I can testify that vouchers were highly popular. Indeed, when I visited a number of areas such as some parts of north Lanarkshire not noted for their Tory support, people were supporting the Tory party because of the voucher scheme.

Labour claims that its child care policies are improving choice for parents. That is simply not the case. The Government's own figures show that the majority of four-year-olds are in local authority places: that figure, which was 80 per cent in 1997, has now risen to about 86 per cent. Choice is clearly being eroded. Labour's decision to abolish the nursery voucher scheme took choice away from parents and concentrated it in the hands of local authorities that decide on their own child care partners. Administration costs also vary considerably. It is clear that top-slicing continues and that nurseries receive very little from it. In Falkirk, the charge is £295. In Highland Council, it is £245 for the voluntary sector and £105 for the private sector. North Lanarkshire Council charges £240 and Western Isles Council £35. Local authorities impose those charges and private nurseries have to pass them on to parents as an extra charge.

Parents and nurseries usually receive little or nothing from that charge, and the fact that it varies so much shows that there is no consistent view about what could or should be provided by way of training or other support. I am sure that most nurseries would say that little or nothing is provided, which is what I am told when I visit them.

The Scottish Pre-School Play Association is also extremely concerned about the future of the partnerships, and believes that the situation will worsen for partner providers in the future through the funding of places for three-year-olds as local authorities deliberately build up their own provision over time. The association believes that the Government's proposal to remove the ring fence and put resources into councils' general funds will mean that resources will be even more tightly restricted to council places.

The fact is that only the Conservatives have a genuine policy to assist parents and improve choice and provision of child care in Scotland. Unlike the Executive, we trust parents to make choices and to determine what is best for their children. Under the Executive, child care is about "nanny knows best". We must provide a future with improved, flexible vouchers that genuinely allow parents to meet their own child care needs in a way that suits their family circumstances and with a child care ethos that meets their views. If we want true partnership, let the customers find the appropriate partners for their child care.

I move amendment S1M-1007.2, to insert at end:

“; recognises that this progress has built upon the achievements of the last UK Conservative Government in increasing demand for high quality pre-school education and childcare and in increasing choice for parents through the nursery voucher scheme, and looks forward to the reintroduction of vouchers as a means to further extend provision of childcare and increase choice for parents.”

16:00

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** What can I say? Beam me up, Scotty. Strike me blue, I have heard it all. We all know of the Japanese soldiers that they would find in the 1970s on wee islands in the Pacific who were fighting on for decades after the war had ended. I must tell Mr Monteith that Thatcherism is dead, my friend. It is dead and buried and will not resurrect itself.

It is easy to see that Brian was never a councillor. As Tavish Scott said, the Conservative's voucher scheme was chaos. Peter Peacock and I know that only too well.

**Mr Monteith:** Mr Stone may remember that, although I was not a councillor, he was my client. I have worked in local authorities.

**Mr Stone:** Our association was the kiss of death for the campaign for smaller local authorities in the Highlands, as Mr Peacock knows. He was seen popping champagne corks when Mr Monteith became a consultant.

Mr Monteith's speech made me think that I had stepped into a time machine. Did I get into the lift at parliamentary headquarters or did I get into the TARDIS? The speech was full of backward-looking stuff. It is not on, and Brian knows it.

This is a good-news story. The minister has come today with money in his pocket. As Nicola Sturgeon said, the Executive should not be on the defensive today. I support the minister and everything that has been delivered.

**Nicola Sturgeon:** Shock, horror.

**Mr Stone:** Oh, shock, horror, drama. Nicola Sturgeon supported the Executive in her speech as well. Although she spent time going through the figures, she could not deny that it was a good-news story. The money is on the table.

Nicola Sturgeon mentioned the transport problem. With a story such as this comes a challenge. The solution on the transport issue is the idea of community transport, which Sarah Boyack has been working on. There is a link between the provision of transport for small children and the provision of transport for the elderly. Both groups have the same requirement in terms of safety. The Highlands and Islands integrated transport authority, when it comes about, can tackle the challenge of community

transport head on.

Quality training is an issue for the Highlands. We mentioned in November that, for reasons of distance and rurality, it is sometimes difficult to get a trained person into the job. Physical accommodation brings challenges. Many Highland schools are small, Victorian buildings. They were fine for their time, but work will have to be done on safety if nursery units are to be put in.

From my own experience, I know what a difference that type of provision can make. When I left Aberdeenshire in 1986 and came to live in Tain, my daughter was four years old. In Aberdeenshire, there was no provision of nursery units, but there was in Tain. Engaged, as I was—dare I say it in this chamber—in cheese making, and with my wife working as well, the provision was a godsend. That was an example of early intervention by Highland Council and it—as well as similar adventurous work across other councils—did more to set the agenda than anything that Mrs Thatcher, Mr Forsyth or any of their cohorts did with pieces of paper. Their vouchers scheme was more akin to lining up at the cold-meat counter in Safeway than delivering nursery education.

This speech, like all of my speeches, contains a challenge for the minister. It is linked to the debate that we had last week on the subject of Gaelic. Jean Brodie said:

“Give me a girl at an impressionable age, and she is mine for life.”

It strikes me that, in the nursery system, we have an opportunity. In those areas that require Gaelic, we could increase the Gaelic teaching. Academic evidence shows that considerably fewer man-hours are involved in launching a child aged three or four on the road to learning a language than in doing so with an older child.

I would be grateful if the minister would consider my suggestion as his work progresses. I believe that such a move would go some way towards addressing the will in the Gaelic communities to underpin the language. The minister has put more money on the table today. Let us not muck about: this is a good day for our children. We should all take pride in this motion, and I have great pleasure in supporting it.

**The Deputy Presiding Officer (Patricia Ferguson):** We now move to open debate. Many members want to speak, and the time is limited; therefore, I would be grateful if members could keep their speeches to four minutes.

16:05

**Scott Barrie (Dunfermline West) (Lab):** I welcome today's debate on early education and child care. As Nicola Sturgeon said, we have

debated young people's issues on many occasions, and I welcome the fact that we are once again debating them. I could debate them every week if members wanted to do so.

As Jamie Stone said, today we heard some good news. We are not just having a debate for its own sake, and the money that the minister has announced will be welcomed by all local authorities. If Brian Monteith had taken my intervention at the beginning of his speech, it would have clarified some of what he went on to say. I was going to make the point that it did not take Tory vouchers to achieve almost universal nursery education in our local authorities: Labour-controlled Fife Council had achieved that long before the vouchers were announced. In addition, the advent of a Labour Government has meant that there are almost as many places for three-year-olds in Fife. That situation was replicated in several authorities, and it is erroneous in the extreme to suggest that only Tory education vouchers spurred on pre-school education in Scotland.

I hope that progress will be made on some of the points that are included in the document that has been issued by the Executive, entitled "Regulation of Early Education and Childcare: The Way Ahead". It was recently brought to my attention that neither the current legislation nor the guidance that is available from the Scottish Executive prescribes staff-pupil ratios or the size of groups of pre-school children for outings. That is a serious omission. Staff-pupil ratios in nurseries are clearly defined, but those ratios are not specified for outings. I am conscious of the fact that the Executive document discusses those issues; however, I would like clarification from the minister that it will specify the exact figures for such a vulnerable age group.

I am also conscious of the fact that the Executive document talks about the importance of outputs. Currently, day care guidance requires attention to the quality of experience, but deals in more detail with the inputs, such as staff numbers and the suitability of premises. Although those requirements will remain and act as a basic safeguard, they cannot ensure quality provision. I am therefore pleased that the Executive document makes it clear that the quality of the output of day care and education provision for pre-school children will be measured. It is not enough just to accommodate children. There must be some added value to their experience.

I am interested in the number of letters that I am receiving from parents in my constituency about deferred entry to primary school for children whose birthdays fall in the early months of the calendar year and the late months of the school year. I raise this as a general point, not as a major

issue. In Britain, the compulsory school starting age is five years, but in other European countries it is six years. Has the Scottish Executive considered studying any of the evidence from countries such as the Netherlands and Denmark, to find out whether there is anything to learn from their experience of starting children in compulsory education later and achieving greater educational outputs as a result?

Nicola Sturgeon—and Brian Monteith, to an extent—complimented the Executive on the strides forward that it has made in implementing a child care strategy. As Jamie Stone said, we should welcome what has happened today. All power to the Executive's elbow.

16:10

**Colin Campbell (West of Scotland) (SNP):** We welcome the fact that all staff are eventually to have qualifications in child care, either through on-the-job training, by seeking accreditation of their skills and experience or by formal training. We recognise that many people are informally involved in child care and childminding; those people have to be encouraged into the educational process.

I hope that members will bear with me for the next part. The national certificate of child care exists as a one-year course, which is succeeded by a year's higher national certificate course, leading to a qualification equivalent to the old nursery nurse certificate. For people between the age of 17 and 20, entry requires just three S grades. Over-21s gain entry by interview. Other avenues of entry, such as the Scottish vocational qualification in child care, are available to people who are currently practising child care without formal qualifications. People who want to enhance their qualifications can take the professional development award. I gleaned most of that information from a phone call to the James Watt College, and I also received an interesting wiring diagram from Lauder College in Dunfermline, which gives the whole process by which people can become qualified in child care.

It has been suggested to me that, to encourage more participation in formal qualifications, more status must be given to SVQ2 and the national certificate, which concentrate on the practical side, and are less deterring to people with no formal qualifications. Most courses are available on a full-time or a part-time basis. In-service courses are available for people who are working, and there are distance-learning facilities for people who are not in the immediate vicinity of a college. There are also on-site child care, nursery and after-school care facilities for participants' children, all of which are designed to make access to courses as easy as possible. Those should be preconditions

of every course that is available in the child care field. Sufficient funding must be provided to enable people to participate in courses. How far the additional funding that has been announced today will go, I do not know. I understand that people who are just outwith benefit are having difficulty with funding. That has to be looked into.

All those courses are an improvement on the status quo in after-school care. I phoned an excellent carer yesterday, who reported: "They have some courses, and you can go if you like. I try to go once in a while; otherwise they get nippy." That is not the way in which to arrive at an efficient child care system. There appears to be a gap in the training pattern in after-school care, which covers a wider age group than pre-school care. That gap should be filled.

There should be sufficient flexibility in the system to accommodate the experienced parents and grandparents who are currently doing good work in child care. If they are in any sort of organisation at all, they must not be frightened off by talk of formal qualifications. The interim solution may be a blend of informal and formal qualifications. Nor should there be an overemphasis on the need to have management training that may frighten off some voluntary providers.

Whatever benefits accrue to the children as a result of planned improvements in child care—and we welcome those—the education of the carers will enrich the carers, will build their own self-esteem and confidence, and will possibly lead to further education for themselves. All those things would be beneficial to their children, to themselves and to the people of Scotland.

16:13

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I would like to speak about child care and early learning from the Gaelic angle, which was mentioned by Jamie Stone. Many of the 6,000 languages that are spoken worldwide are in danger of disappearing. Incredibly, we are losing one every two weeks, on average. Gaelic, our historic Scottish tongue, is also under threat. The problem is that, although the language is taught in schools, most children revert to English in the playground, and not many homes now converse in Gaelic. The television is also mainly in English so, not surprisingly, English is predominant.

Latin, a dead language, is a gateway to western European literature, history, art and culture. In the same way, Gaelic is a key to a glorious Scottish heritage of history, literature, poetry and song, which is priceless. The best way in which to teach children is from as early an age as possible. Parents should be able to choose such education

for their children, and the Government must give its support to that.

It is reckoned that to bring a child to fluency in Gaelic takes an average of some 2,000 hours of learning from the ages of two to five. A new fast-track method is being developed by the Gaelic playgroups association. That method is undergoing sea trials at the moment and could bring the time needed to achieve fluency down to 1,000 or even 500 hours. The details of the scheme will be announced soon. I urge the Executive to put its weight behind such an exciting development.

Funding is desperately needed to develop the fast-track system, which will have a big social inclusion aspect. The time taken to become fluent in Gaelic could be cut to perhaps even a quarter of the time now taken and the method could be used by children to learn other languages as well. Importantly, it will enable Scotland to become a leader in the field and to export the system to other countries, but funding is the key.

The lack of teaching and nursery staff holds everything back. There is a shortage of nursery nurses and pre-school staff and too few development staff to cater for groups that want to set up in Scotland. In some local authorities such as Argyll and Bute, funding is very low and existing primary schools are already under threat of closure. The fast-track system would enable children to enter school already fluent in Gaelic at the age of five, whereas at the moment their first year at school is often spent learning the language.

In New Zealand, where the Maori population is under 10 per cent of the total population, all children learn Maori at school. In the Basque country, 500 new teachers a year are being trained in the language and teachers are being taken out of school to learn Basque, for 40 hours a week for one or two years, until they are fluent in it. That allows the new system to develop more quickly. The Basque Government provides a lot of funding for that. The benefits to children of becoming bilingual at a very early age are well known. They are far more able to learn other languages.

An announcement will be made later this year on the fast-track solution for Gaelic. I urge the Executive to back it to the hilt. If the scheme is successful, it will lead to a generation of children being proud of and confident in Gaelic. They will never lose it and will ensure an expansion of the Gaelic language and culture that will greatly enrich our Scottish heritage worldwide.

16:17

**Tavish Scott (Shetland) (LD):** I notice from the daily bulletin that the amendment in the name of Brian Monteith talks about patients rather than parents. That may be a mistake, although I imagine the whole Tory group will agree with me that it is time that he spent more time in the "institutions" he mentioned earlier.

I express a personal interest in child care. As a councillor, I spent some considerable time arguing at local government level for the expansion of nursery education, long before it became a glint in Michael Forsyth's eye. We had some success in that in Shetland, as did Mr Peacock and Mr Stone in the Highlands.

**Mr Monteith:** I think the member will find that Michael Forsyth not only was a parent but was also a councillor sooner than he was and had that glint before he did.

**Tavish Scott:** I would not dispute that, but we will leave glints for another day.

I want to praise the Executive for bringing forward the motion and, more to the point, the funding that Mr Galbraith announced earlier. I have a couple of points on the consultation paper "Regulation of Early Education and Childcare: The Way Ahead"—which I believe Colin Campbell also mentioned—arising from my meeting with the Shetland child care partnership in my constituency on Monday of this week, after, I may say, I had dropped my kids off at school.

The premise of the consultation paper is that the current system is in need of reform. Some professionals and parent providers particularly are concerned about that suggestion. They are also concerned about the ethos of the consultation paper. Does it suggest that there is a need to move towards a more educational type of provision rather than emphasising child care? It is important that the Executive's response to the consultation includes the question of ethos—the balance between education and child care.

What, too, is the role for local authorities to be in the regulation of early education and child care? In my constituency one local authority inspector currently has a very central role not only in inspecting providers but in working constructively on development and co-ordination of the service. In reading the consultation paper, I can find no relationship or relevance to that role. It would appear sensible not to dismiss that role, especially when considering the size of the authorities in the cases concerned. The role may differ according to the size of authority.

Mr Monteith mentioned this in his speech: would the minister accept that not all local authorities are top-slicing the £1,200 per place? Some are

passing on all the money to the partner providers. I am concerned, however, about the regulation of early education child care. Were that child care simply to be introduced, some money might have to be top-sliced—because that is the system—in order to find mechanisms to fulfil the requirements of the regulation proposals.

There is concern that playgroups are going through considerable change. There has been something of a rolling programme, and the proportionate aspect especially needs to be considered with regard to people who give up much voluntary time because they care about providing that service in small communities.

I would like briefly to mention staff-pupil ratios, which Scott Barrie mentioned. Surely there should not be a blanket ratio, as the consultation paper suggests. I would be grateful if the minister could consider that in the context of the consultation period. The ratio should reflect different circumstances and different need. In Shetland, for example, the current ratio for teachers to three to five-year-old pupils is 1:6. I would not want to see that diminished because of a national regulation.

We need quality care, standards and best value, but that must go hand in hand with appropriate training, budgets and support. I support the motion in Sam Galbraith's name.

16:22

**Mr Kenneth Macintosh (Eastwood) (Lab):** I am glad that we have the opportunity today to discuss early years education and child care. We in the Scottish Parliament can be proud of what we are helping to achieve in those fields. Pre-school and nursery education, even five or 10 ten years ago, was relatively thin on the ground, or was limited to the fortunate or privileged few. I make the exception for areas such as Labour-controlled Fife, mentioned by Scott Barrie a few minutes ago, where substantial progress had been made.

Now, everywhere we look, in every constituency, nurseries are springing up. Whereas the past three or four decades were marked by the expansion of higher education and the huge number of new and ever-larger colleges and universities, the defining feature of this era is the phenomenal growth of nursery provision. There are still some prejudices to overcome. It is still assumed by some that early years education is there just to replace working mothers, or to make up for something missing in children's lives, and not there as an inherently valuable service in its own right.

For the most part, the benefits for children and their families are there for all to see. The advantages in promoting social inclusion are now



accepted. I am glad that we have put child care and education in the motion, because they are closely linked. It is recognised that good teaching is best provided in a safe, caring, stable environment, and that carers, whether trained or untrained, have a role to play in educating our youngest children.

The process benefits us all, not just the individual, but our schools, our community and our society. The process has been achieved through partnership working, which has been supported by the Executive and supplied and regulated by local authorities. It has often also been delivered by the private or voluntary sector.

There are other hurdles to overcome. In many ways, policy is still being developed and good practice is being built on. Questions are still being asked about the structure of the pre-school and early primary curriculum: for example, whether the formal teaching process for boys should be delayed until they are five, six or seven.

The importance of learning through play is now appreciated, and there are lessons to be learned for older children. In the past, those working on nursery education just thought of children enjoying themselves, but it is now recognised that good communication, mobility and social skills, among many others, can be developed when the child is under appropriate supervision. I hesitate to speak as a father, but many of us are aware of the differences between a young child on the rampage and one learning through a stimulating, hands-on environment.

I want to express my reservations over baseline assessment. For the most part, baseline assessment in primary 1 is a useful tool in identifying the needs of children and families, and in helping teachers to evaluate best practice and to raise standards. However, there is the odd horror story of children treating early assessment like secondary school exams or finals. There is a line to be drawn between assessment and testing. We should not be asking our youngest children to prove their competence. Instead, we should be concentrating our efforts on building their self-confidence and letting them express themselves. We must ensure that teachers spend the bulk of their time teaching pupils, not measuring them.

One of the largest strides forward has been made in providing reliable information for parents. Where standards once varied widely, now the inspection regime and our proposed new measures on the regulation of care give parents the reassurance of quality that money could not buy. When parents are asked what they want from pre-school provision or nursery care—and I speak as a parent myself—the answer is invariably a safe environment where children can learn, run by well-trained staff. We will continue to question the

methods of delivering pre-school education, but I hope that we can all accept that we have made huge strides in providing that education.

The transition from one stage of the education process to another can be one of the most difficult times for all children. It is a measure of how far we have come that the first day at school is no longer quite the momentous occasion that it once was in a child's or parent's life, nor so traumatic for all concerned. By the time our children reach school, we have given them the start that they deserve: the chance to make the most of their abilities, and to go on and make the most of their opportunities to contribute to future generations.

16:26

**Mr Andrew Welsh (Angus) (SNP):** The key to this debate is affordability. Although that is an extensive subject and could easily consume the whole debate, I would like to use the short time that I have to highlight my particular concern: that of the working families tax credit.

Since its introduction last October, WFTC has attracted considerable attention. Only last month there was a seminar in Glasgow with the theme: "Is the new working families tax credit working for you?" Introduced to replace family credit, it is widely accepted that the WFTC is an improvement on its predecessor. However, while we recognise those benefits, there are many areas of concern that must be addressed. It is a means-tested credit, so applicants must apply for it. Despite the Government's £12 million advertising campaign, there is still a generally low awareness which, together with complicated forms, has resulted in a smaller take-up than was hoped for.

I am pleased that Angus Council has led the way in addressing that problem. The council has devised a programme which calculates eligibility for WFTC. When the benefit was introduced, the council began a campaign to maximise take-up in which 5,400 staff were contacted with information. Forms were returned, a simple eligibility check was carried out and a telephone information line established. Thanks to Angus Council's actions, employees are now better off to the tune of £300,000. The success of that initiative has resulted in other local authorities pursuing Angus Council's initiative, to the extent that, in two weeks' time, there will be a national launch of the scheme by the Scottish Low Pay Unit to attract wider use and wider benefit.

I am concerned with a number of other aspects of the working families tax credit. Any award granted is eroded through the loss of housing benefit and other council tax benefits. Glasgow City Council research shows that, on average, families that appear to gain £110 in WFTC in

effect gain only £25 per week because of the loss of housing benefit and council tax benefit allied to the cost of travel, school meals and child care. At the WFTC seminar in Glasgow, there was grave concern that many parents, after commencing work and receiving benefit, gave up work because they were no better off. In some cases, they were worse off.

It is clear that the Government's underlying policy purpose is not working in those cases. Parents have raised concerns that awards are made for a period of 26 weeks. That has created difficulty for parents facing increased child care charges, with the parent having to bear the increase until the next review date. The fact that the system does not allow for changing circumstances is a particular problem which I hope that the minister will address.

The council tax credit covers a maximum of 70 per cent of child care. Parents must therefore find 30 per cent of costs. Council tax credit does not help students, or those not working. Some people who previously received 100 per cent subsidised child care under specific labour market initiatives now must find 30 per cent of the cost of their child care from what is, usually, a very low wage. Free school meals and the automatic rights to passported benefits are lost when income reaches £11,250, which simply increases in-work costs for many who claim WFTC. Once again, Angus Council must be congratulated for addressing that problem by spending extra money on subsidising school meals for those who, under the scheme, are no longer eligible.

Child care providers have raised concerns about the provision of child care tax credit, as part of the WFTC, for six months after applicants have signed for a place, even if the applicants do not intend to use that place. Feedback from child care providers indicates that some parents may claim child care tax credit without intending to use the child care service provided. That could cause problems for nurseries, out-of-school care, childminders, those who provide child care services and parents who may find that child care providers introduce a system of refundable deposits or contracts that stipulate advance notice requirements before children are withdrawn.

I want the Executive to consider those problems, and I also want to take this opportunity of saying that I appreciate this debate on these important issues. I hope that the measures taken will produce real and lasting benefits for communities throughout Scotland.

16:31

**Elaine Smith (Coatbridge and Chryston) (Lab):** As we are short of time, I will leave out my

preamble.

I commend the Executive for the policies that it is pursuing on early education and child care, and I am pleased to learn that 68 per cent of three-year-olds are now in nursery education. Early education and child care are important in providing children with an enjoyable and stimulating experience, which can help their personal and social development. However, good quality and affordable child care can also enable parents who wish to work to do so by supporting them. Part of achieving that objective is the promotion of the vision of family-friendly employment practices to businesses and employers in Scotland. I know that the Executive is committed to promoting that.

However, MSPs should also pursue that vision in our working environment. In my first speech in the chamber, I said that if Safeway could provide crèche services for its shoppers, surely Scotland's Parliament could do likewise so that parents can access the Government. I am well aware of the space restrictions in our temporary accommodation and I do not doubt that other employers have the same problem, but it is about time Parliament showed commitment and set an example for others to follow.

How can we expect business and employers to adopt family-friendly policies when we do nothing, in a practical sense, in our own workplace to promote such an ethos? A nursery is required for everyone who works in the Parliament and we should provide a drop-in crèche for visitors and for people in emergencies.

It is not acceptable to wait for the new accommodation, although—while I am on that subject—I hate to think that we will have three or four restaurants while being given the excuse that there is not enough space for a crèche and a nursery. Frankly, every MSP must take responsibility for that.

The present members' lounge lies empty most of the time. Occasionally, it is used for lunches or receptions. If we got our priorities right, that space could become a drop-in crèche. We do not want it to become a smoking room instead.

I have no doubt that the Executive is determined to provide support for children and families, and I fully support Sam Galbraith's motion. In that sense, the Parliament is family friendly. However, alongside the Executive's policies, we must get our own house in order, and we must start right now. If not, the message that we will send to employers is, "Do as we say, not as we do."

Fine words and rhetoric in debates are worth nothing unless they are accompanied by action. I urge every MSP to demand action now, to prove that we can lead by example.

**The Deputy Presiding Officer (Mr George Reid):** We have time for two more speakers, if they keep their speeches to about three minutes.

16:34

**Irene McGugan (North-East Scotland) (SNP):** I would welcome an indication from the minister about the extent to which he believes accessibility in child care has been achieved, as distinct from reiterating the funding that he has targeted at the child care strategy.

In rural areas, accessibility is still some way from realisation. Nicola Sturgeon gave an example from the Highlands, where different methods of providing such a service should be considered and promoted. However, that would require additional support. Distance is the overwhelming factor in the Highlands and in other regions.

Transport has been mentioned, but unless such considerations are made integral to all rural child care developments, the true cost of providing those facilities will be underestimated and projects will struggle to be viable almost from day one. Amazingly, some bids from rural groups for new opportunities fund money have been turned down on the ground that their unit costs are too high. Perhaps that is because they submitted realistic transport costs. That has happened despite the Scottish Executive's acknowledgement of the higher cost of child care in rural areas, as evidenced in the welcome supplement that was made available to rural local authorities.

It has never been satisfactorily explained why the new opportunities fund is restricted to funding new places, rather than existing ones. All too commonly, child care groups experience problems of sustainability. The new opportunities funding limit of one year for most projects is too short. What happens when the money runs out? Most local authorities are unable to provide continuation funding. The policy does not even begin to take into account the devastating effect on families who have come to rely on a service that is suddenly withdrawn after one year. Surely accessibility should last longer than that. A sample of child care partnerships in predominantly rural areas were asked what they needed to help support their work and methods of sustaining services. Transport solutions were top of their lists.

The document "Regulation of Early Education and Childcare: The Way Ahead" refers to the development of innovative solutions to cater for local circumstances, which sounds very good. I hope that it will apply in rural areas, where it might be difficult for local groups to access the involvement of teachers in the delivery of pre-school education.

Quality will be the key test, but I am concerned

that we might allow the perception that there is a two-tier system of child care and education—that in rural areas the standard might be lower. I urge the Executive to clarify what is meant by flexible arrangements, to ensure that such a perception does not persist.

16:37

**Kate MacLean (Dundee West) (Lab):** I would like to focus on an area that I believe is missing from the Executive's strategy and from most debates about pre-school and early-years provision: the issues that surround gender and work with young children.

In Scotland, 98 per cent of the workers who provide child care to young children up to five years of age are women. Out of 3,245 students who are currently studying for a child care qualification, only 25 are men. That is worrying, but it is probably not surprising, given that research shows that women are seen as better carers and teachers of young children than men. Career advisers, teachers and employment agencies rarely suggest child care as a career to boys. What is most worrying—and this is what rules out child care as a choice for most men—is the reaction of a boy's or man's friends and family when he says that he is interested in working with young children. There is an underlying suspicion of men who want to work with children.

I realise that some people, like me, will be in favour of encouraging more men into child care and early-years education, whereas others will not. However, we should at least debate the advantages and disadvantages of a mixed-sex team delivering child care and early-years education. Although I am not comfortable with the assumption that men might provide substitute father figures—particularly for boys from families whose sole parent is a mother—there is evidence that men who work in child care can provide positive role models for boys. If they see men working in a caring profession, that might shape their future career choices. It would be interesting to do more research into the benefits for boys and girls of spending time in mixed-sex environments in their early years—not forgetting the benefits of mixed-sex workplaces to the employees and to the services that are delivered.

I do not expect any commitment from the minister when he sums up at the end of the debate, but I hope that in his summing up he can at least say whether the Executive is prepared to examine the issue. There are some current initiatives that the Executive could consider. In Scotland, the Pilton Partnership is seeking to increase the number of men who work in child care. The Government of Norway has recognised the problem and has set a five-year target to have

20 per cent of child carers being men.

Although it looks unlikely that the Norwegian Government will be able to meet that target, there has been a significant increase in the number of men who work in child care. I will give a plug to a book that was discussed at a conference on Monday, which was organised by Children in Scotland, called "Men in the Nursery". That book would be a good place to start, because it explores and researches the issues in depth.

Now is as good a time as any to make sure that the environment in which children are being looked after in their early years is the proper environment for them. I would be interested to hear what other members have to say, especially the minister.

**The Deputy Presiding Officer:** We move now to winding-up speeches. I call Ian Jenkins for the Liberal Democrats, who has up to four minutes.

16:40

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I welcome the debate and its constructive tone and the announcement that 68 per cent of three-year-olds are in free pre-school education. That is a great success story. I welcome also the special help for students. This afternoon has been positive in every way.

We must remember that we are trying to help children. We are giving youngsters massive opportunities, access to facilities, personal and social development and stimulation. In every way, this is a success story for the Government and Parliament. It is also good for parents, because they can get access to advice and expanded opportunities that will help to educate their children.

As far as the amendments are concerned, Jamie Stone said that Brian Monteith must have been in a TARDIS. In the Education, Culture and Sport Committee we are used to Brian Monteith's probing amendments. It is clear that he is really a lunar probe, because there is something of the moon about many of his amendments. That is Brian dealt with.

Nicola Sturgeon's amendment would be perfectly acceptable to everybody if it was an add-on amendment, but it seeks not to give any credit to the Executive. She did that in her speech, but not in the wording of the amendment.

**Nicola Sturgeon:** Read the amendment.

**Ian Jenkins:** The amendment acknowledges local authorities, but not the Executive.

I worry still whether all the money that has been announced will go where it is supposed to go. There is tension over ring-fencing and top-slicing.

We need to consider that. There is a need for training. I am worried about the danger of having too much bureaucracy. I hope that there will still be flexibility, because we do not wish to put people off by making it too difficult for them to provide help, although of course we want to maintain standards.

I ask the minister to remember what Scott Barrie said in the Education, Culture and Sport Committee about deferred entry and what was said about clearing up the difficulty when youngsters who are born with a February birthday start school.

Scott Barrie and Ken Macintosh alluded to the fact that the system is starting to take off. However, once the system is better established we need to take a step back to examine what we are doing with three to five-year-olds and to consider whether we need to examine the starting point for formal education. We need to consider not testing pupils and not making formal education about results, results, results. We need to think about whether results are the be-all and end-all. We want to allow children to be three, four and five-year-olds and to develop as individuals before we start taking them into the test, test, test regime.

16:44

**David Mundell (South of Scotland) (Con):** Before I concentrate on what was covered in today's debate, I would like to take the minister back to the dyspraxia debate that we had in Glasgow and reiterate the points that were raised about how important nursery and pre-school education are for children who have disorders such as dyspraxia and other special needs. The nursery can be a more appropriate environment for support to take place because—unlike in school—there is no need to take children out of the classroom. We need to reiterate that important role. I hope that the minister will confirm that the funding that he promised in that debate will continue to be spent. Children in Scotland raised an important point about linking pre-school provision with educational psychology, speech therapy and other services. There is more work to be done.

My second point ties in with Elaine Smith's comments, with which I agreed 100 per cent. Many members with children can still remember the almost farcical arrangements on the Parliament's opening day. That is not on. A great deal more has to be done—not only in the Parliament, but in workplaces across Scotland—through encouragement of workplace development. There are difficulties for parents who are required to take their children in one direction when their workplace is in another. We need more co-ordination.

Another factor that interests me is the concept of making child support relevant to homeworking. Homeworking is developing enormously and we must understand that although people might wish to work at home, they do not necessarily wish to have their children with them constantly. My son thought it would be useful to fax a leaf to one of his friends and brought my homeworking mechanism to an end.

I hope that the minister will take on board the important rural issues that Nicola Sturgeon and Irene McGugan touched on, and the issues in the document called "The long and winding road—transport and child care in rural Scotland" that has been produced by Children in Scotland. It highlights something that we do not often pick up on, which is the negative impact on a young child's life of excessive travel. That can be a detriment to social activity and physical fitness. As other members have said, many positive things go on in rural areas. However, the minister must demonstrate greater support for that and must not always make cost a determinant. There is a great deal more scope for multi-functional use of facilities.

I hope that the minister will take on board my colleague Jamie McGrigor's point on the Gaelic fast track and will consider the sea trials that we were all fascinated to hear are under way.

Tavish Scott made an important point about the ethos of child care and whether it constitutes education or merely the care of children. By not deleting anything in the Executive motion, we have indicated that there is much to be welcomed in the work that has been done so far.

16:48

**Fiona McLeod (West of Scotland) (SNP):** Scott Barrie said that he could talk about child care on a weekly basis—I am sure that many members do that informally. Members are always talking to people who provide child care.

The debate has provided an opportunity to acknowledge all the work that has been done and the Scottish National Party recognises the work that has been done by the Executive. However, the intention of the SNP's amendment is to bring into focus the fact that the work that has been done on child care often raises as many questions as it answers. The idea behind the amendment is to ensure that any future funding and policy by the Government is directed at addressing the problems that were raised in the debates in November and today and that are raised when we discuss child care in our constituencies.

I would like to touch briefly on a few points that have been raised and pose questions on them for the Deputy Minister for Children and Education to

answer in his response.

Children with special educational needs cost more in terms of out-of-school care and pre-school care—that is a simple fact of life. Capability Scotland ran a two-week summer scheme last year for 20 children, which cost £20,000. By my reckoning, the £2 million that the minister mentioned at the beginning of the debate for special educational needs requirements means that we can provide facilities for 80 children with special needs for one year. That would not go anywhere near addressing the problems that are faced by those children. There is similarly patchy provision for children with special needs in pre-school, so we must consider the matter seriously.

Transport has been mentioned more than once. Peter Peacock has been more closely involved in the Standards in Scotland's Schools etc Bill than I have, but I do not remember anything in the bill that says that now we have to provide pre-school places for three and four-year-olds, we must also provide them with transport to pre-school. Can he confirm how local authorities, especially in rural areas, will meet the transport needs of the 68 per cent of three-year-olds who attend pre-school facilities?

Funding was mentioned in the November debate and again today. I do not want to keep asking the same question, so I hope that we will get some answers today. The sustainability of funding concerns pre-school providers and especially those who provide after-school care. One-year funding is insufficient to set up a service and ensure its continuity. I have direct experience of that in my constituency. A parent planned to set up after-school care provision, but when she told people that she could apply for only one year's funding, 20 or so parents said that they would look elsewhere because they did not want to make annual arrangements for out-of-school care for their children.

Qualifications have been mentioned. Nicola Sturgeon has already asked twice about the update on the 5,000 new deal training opportunities. This is an appropriate moment for the Executive to answer those questions. When will the Executive respond to the SPRITO Scotland and Play Scotland joint initiative to set up a play-work, education and training unit? Those organisations had hoped to do that by April this year, but they have still not been given the go-ahead or any advice from the Executive.

Sam Galbraith announced a total of £8 million today. Am I correct in thinking that £2 million of that sum had already been announced as part of the £49 million? I thought that he said that £2 million would be allocated to local authorities from the existing £49 million. If that is right, today's announcement is of £6 million, not £8 million. I ask

the minister to answer some of the questions and to stick to the facts.

16:53

**The Deputy Minister for Children and Education (Peter Peacock):** Although this has been a short debate, many important points have been made and I shall try to address as many of them as I can.

In contrast to the positive speech that Sam Galbraith made, which detailed the Executive's progress in expanding provision, we heard a sadly mean-spirited speech from Nicola Sturgeon, who failed to acknowledge what the Executive has managed to achieve in a very short period of time. Her contribution was confused and contradictory. On the one hand, she said that she was pleased to hear about the funding announcements, but on the other she tried to accuse us of reannouncing money. Throughout his speech, Sam Galbraith made it quite clear that what he announced today were additions to the allocations that were already announced to individual local authorities. It was clear that those sums were within the totals that had previously been announced.

As Nicola Sturgeon said, she missed this morning's debate. That is unfortunate, because her speech was simply a recycling of her prejudices on the matter, which were all well rehearsed this morning. She accused us of self-congratulation and then gave us credit for the priority that we attached to the subject. She said that we do not recognise the fact that students have specific needs, but then said that part of our announcement addressed that matter.

She asked us what else we were doing, when Sam Galbraith had just announced £6 million more for students, £2 million more to support the infrastructure of care facilities for students with young children, £2 million for the infrastructure generally and £4 million for training. That is in addition to all that has been done in the past couple of years to take the matter forward.

Nicola Sturgeon, Jamie Stone, Irene McGugan, David Mundell and others mentioned transport in rural communities. I make it clear that we already take account of the additional spending requirements in rural areas through the funds that we make available. We do that by skewing the allocations towards rural areas and our more deprived communities. That is partly to take account of the fact that there are extra transport needs and partly to take account of the fact that more units of provision are required per head of population. We are trying to give that proper recognition.

It is interesting that some rural areas—specifically Argyll and the Borders—are further

ahead than many urban areas in making available more comprehensive provision than would otherwise be available.

Fiona McLeod raised the point about whether the Standards in Scotland's Schools etc Bill covers transport for pre-school education. It covers it to the extent that it empowers local authorities to make provision for transport—a power that local authorities sought.

I had an interesting meeting earlier this week in Lochaber, which is one of the more remote areas in the Highlands. I met a child care partnership and explored with it a range of things it could do to address transport needs within the framework of a range of the Executive's policies. There is, for example, the rural transport fund. There is the funding that we already give to local authorities for their mainstream school provision and for transport costs that might arise in social inclusion partnership areas. We have told local authorities that they should use the flexibility that is available to them to make the right provision for their area and to amalgamate funds where that is appropriate. Local authorities should not feel that there are barriers to making local provision.

I am glad to say that new facilities are being successfully provided throughout rural Scotland. If we can go further in examining best practice in relation to that, we will be happy to do so.

**Fiona McLeod:** The minister says that the bill empowers local authorities to provide transport. Will he confirm that when the grant for pre-school provision comes to an end and is incorporated into grant-aided expenditure, he will ensure that GAE takes into account increased transport costs for pre-school provision?

**The Deputy Presiding Officer:** There is a loud buzz of private conversation around the chamber. Members could perhaps do the minister the courtesy of not talking during his speech.

**Peter Peacock:** As I have said, the existing funding arrangements are skewed towards rural areas. That will continue as part of the funding process for that type of provision.

Brian Monteith made the most bizarre speech that I have heard in the chamber for a long time. I was glad to see that David Mundell did not, in his summing up, support a word of what Mr Monteith said. He made a most unusual speech that contrasted with David Mundell's speech, which was—as usual—constructive. David Mundell made a point about special educational needs and the importance of ensuring that pre-school provision or child care provision helps to contribute to the diagnosis of the difficulties that children might experience. We want to bring early intervention to bear to help improve children's skills at the earliest possible opportunity and to

join up all the services that are required to support them.

Brian Monteith's only policy suggestion today was to reintroduce vouchers—one of the most discredited policies in a bag of discredited policies that the Tories tried to push through in the 1980s. That policy does not add anything to the debate and I do not intend to dwell on the matter. He also alleged that choice had been restricted in the present set up, but that is not the case. There is possibly more choice than ever for parents, because there is more provision. That is taking place within a mixed economy of provision; the voluntary sector, the private sector and the local authority sector are all making a contribution.

Jamie Stone, in a well structured speech, made all the right points. He referred to the chaos of the voucher system, which Brian Monteith seeks to reintroduce. He talked about this being a good-news story, which, essentially, it is. There has been a massive expansion of provision. He raised the matter of qualifications, as did Colin Campbell. We take that matter seriously and we want a structure that attracts and retains people who have good qualifications and the required expertise.

Jamie Stone also mentioned Gaelic. We support Gaelic—as Jamie McGrigor said that we should—and we will continue to support Gaelic pre-school provision and see an expansion of it in line with other areas of Gaelic education provision.

I will try to pick up quickly on some other points. If Scott Barrie cares to write to me—

**The Deputy Presiding Officer:** There is still far too much private conversation. I will identify some of the miscreants if they continue their private confabs.

**Peter Peacock:** If Scott Barrie cares to write to me about the ratio between staff and school pupils, I will be happy to set out the position and investigate the matter further.

During the progress of the Standards in Scotland's Schools etc Bill we have given assurances that we will examine deferred entry much more closely. We think that we can address Scott Barrie's point about the least mature children having the least time in pre-school education and, therefore, having difficulties throughout their school careers.

I also ask Tavish Scott to write to me setting out his concerns more fully. We will certainly address them and consider the role of local authority inspection. We want the inspection process to be consistent across all sectors, but that is not to say that local authorities will not continue to have an important role in quality improvements of the sort that he described.

Andrew Welsh raised a valid point about take-up

of the working families tax credit. He highlighted good practice in one local authority, but that can be found much more widely. We need to keep our eye on that and address it. It is in everybody's interests to improve take-up of the WFTC.

Kate MacLean talked about the gender balance in the pre-school sector, but her point extends into the primary school sector. She is right to raise that matter, which the Executive is concerned about. There is a complete imbalance in the employment of women and men in the sector. It is very difficult to get men into the jobs that are becoming available. If we want to do that, we must create a proper career structure. It is important that children experience the right balance in their learning. The action plan on training and qualifications that will be developed will address specifically how we bring more men into the sector. We share Kate MacLean's view and agree that we need to address this issue.

The Executive has already made a huge difference to the provision of child care and pre-school facilities. A massive expansion has taken place. We are providing a more coherent approach—we are joining up our approach in a way that has not been done before. We are in this for the long term. The contribution to combating social exclusion that can be made by the pre-school and child care sector is crucial. We will make a difference. I commend the motion to the Parliament.

## Decision Time

**The Deputy Presiding Officer (Mr George Reid):** As there are no parliamentary motions before us today, we move straight to decision time. There are nine questions to be put, but that number may shrink. If amendment S1M-905.1 is agreed to, the subsequent amendment will fall.

The first question is, that amendment S1M-905.1, in the name of Mr Tom McCabe, which seeks to amend motion S1M-905, in the name of Bill Aitken, on announcements made by the Scottish Executive, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

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)  
 Harper, Robin (Lothians) (Green)  
 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)  
 Murray, Dr Elaine (Dumfries) (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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 MacDonald, Ms Margo (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)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of 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)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)



**The Deputy Presiding Officer:** The result of the division is: For 63, Against 51, Abstentions 0.

*Amendment agreed to.*

**The Deputy Presiding Officer:** The second question is, that motion S1M-905, in the name of Bill Aitken, on announcements made by the Scottish Executive, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

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)  
 Harper, Robin (Lothians) (Green)  
 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)  
 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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 MacDonald, Ms Margo (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)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of 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)  
 Welsh, Mr Andrew (Angus) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 64, Against 49, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes that the provision of information by the Scottish Executive about its policies,

spending plans and public services is an essential part of open, participative Government; agrees that such provision of information needs to be carried out in a modern, professional, pro-active and impartial manner so as to engage all interested citizens, and notes that the Scottish Executive will continue to pursue these aims".

**The Deputy Presiding Officer:** We move to the third question. If amendment S1M-1008.1 is agreed to, amendment S1M-1008.2 will fall.

The question is, that amendment S1M-1008.1, in the name of Angus MacKay, which seeks to amend motion S1M-1008, in the name of Phil Gallie, on crime and punishment, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

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)  
 Harper, Robin (Lothians) (Green)  
 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)  
 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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

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

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (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)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of 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)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 63, Against 20, Abstentions 31.

*Amendment agreed to.*

**The Deputy Presiding Officer:** Amendment S1M-1008.2 therefore falls. The next question is, that motion S1M-1008, in the name of Phil Gallie, on crime and punishment, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

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)  
 Harper, Robin (Lothians) (Green)  
 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)  
 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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

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

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (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)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of 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)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 64, Against 20, Abstentions 30.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament continues to support the Executive's policies on law and order and commends the priorities identified in the *Programme for Government* being taken forward by the Executive, including combating drug misuse as set out in the *Drugs Action Plan Protecting our Future* and through the creation of the Scottish Drugs Enforcement Agency which will fund an additional 100 officers in local forces, tackling youth crime, particularly persistent offenders, as set out in the Report *It's a Criminal Waste: Stop Youth Crime Now* and the Executive's response, helping witnesses by extending a volunteer Witness Service to all Sheriff Courts, and the injection of an additional £8.9 million for the police which is sufficient for forces to recruit a further 300 extra officers.

**The Deputy Presiding Officer:** The next question is, that amendment S1M-1007.1, in the name of Nicola Sturgeon, which seeks to amend motion S1M-1007, in the name of Mr Sam Galbraith, on early education and child care, be agreed to. Are we 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)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 MacDonald, Ms Margo (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)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of 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)  
 Welsh, Mr Andrew (Angus) (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)  
 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)  
 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)  
 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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)

(LD)

Thomson, Elaine (Aberdeen North) (Lab)  
 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 51, Against 63, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that amendment S1M-1007.2, in the name of Mr Brian Monteith, which seeks to amend motion S1M-1007, in the name of Mr Sam Galbraith, on early education and child care, 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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East 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)  
 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)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 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, 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)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 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)  
 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)  
 Stephen, Nicol (Aberdeen South) (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)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (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 20, Against 90, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The final question is, that motion S1M-1007, in the name of Mr Sam Galbraith, on early education and child care, be agreed to.

*Motion agreed to.*

That the Parliament supports the progress that the Executive has made towards the twin goals of free pre-school education and affordable, accessible, quality childcare in every locality and welcomes the additional resources allocated to local authorities and other bodies in order to make further progress with these objectives.

**The Deputy Presiding Officer:** That concludes decision time. Members who are leaving the chamber should do so quickly and quietly.

## Greenock Morton Football Club

**The Deputy Presiding Officer (Mr George Reid):** The final item of business is a debate on motion S1M-894, in the name of Duncan McNeil, on Greenock Morton Football Club. The debate will be concluded without any questions being put after 30 minutes.

I remind members to hold their conversations outside the chamber, rather than inside it.

*Motion debated,*

That the Parliament recognises that football plays an important part in our social culture and sporting life; recognises the important contribution made by local football clubs to the communities in which they are based; expresses concern over recent reports of developments at Greenock Morton Football Club; acknowledges that to lose a community asset such as Greenock Morton would be detrimental, not only to its supporters, but also to the community as a whole, and recognises that proposals such as community ownership and increased rights for supporters in the running of their teams offer the best opportunity for securing the long-term future of local clubs and promoting links between them and the communities they serve.

17:11

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** I thank those members who were able to stay for tonight's debate. I also thank the Morton supporters for their serious campaign to meet the challenge that the club faces. Some of those supporters are in the gallery this evening. *[Applause.]* However, they were beaten to it by members of the Argyll and Bute youth forum who at lunchtime today handed out leaflets from Cowal Morton supporters asking for the club to be saved.

In 1874, the people of a thriving industrial Clyde coast town established their own football club. Now, after a century and a quarter, Greenock Morton Football Club faces its greatest ever challenge. It has no manager, a crumbling stadium, only four players and a majority shareholder who has lost the confidence of the fans. Make no mistake, the club is facing a serious crisis. However, the debate is not just about Morton, or just about football; it is about a community, its assets and our right to have a say in how those are run.

The club is in trouble—that is not at issue. Only yesterday, a morning newspaper told us that the Scottish Football Association was ordering the club to pay the £19,000 that it owes Heart of Midlothian Football Club or face expulsion from the league. The books are to be opened and the majority shareholder has been invited to attend Tuesday's SFA executive committee meeting. I agree with the Morton legend, Allan McGraw,

when he says that, although the financial probe is welcome, expulsion would deal a severe blow to the club. Indeed, many fans have made that point in the past few days. The SFA must have regard to the best interests of the club and must not—whatever Hugh Scott may or may not have done—expel the club from the league. To do so might destroy the club for good.

The bond of trust between the club and the fans has been broken—even to the extent that threats have been issued to close Morton “like the shipyards”. That is a far cry from the 10,000-seat stadium and a team aiming for the Premier League, which the fans were promised when the current majority shareholder arrived. The irony is that, by welcoming inward investment and new opportunities, the local area has moved on from those dark days when we lost the shipyards. However, at Morton, it has been a case of broken promises and missed opportunities.

Despite such problems, a great deal of good will remains towards the club. The fans in the public gallery and those who were here at lunchtime, who have made the trip from Inverclyde and beyond, all want to safeguard the future of this 126-year-old community asset. There is genuine feeling that something must be done. The Scottish Parliament is the appropriate forum in which to put that case.

As one Morton fan said to me yesterday, “If politicians truly believe that local football teams are good for our communities, will they stand by while one man brings embarrassment and disgrace to this community?” I hope that the debate will send a strong signal to politicians that they cannot stand by and watch community assets be lost for ever.

We all know how easy it is to bemoan the performance of those who are in charge of our local clubs—doing that is an art form on a Saturday evening—but if we are to move forward, we must propose constructive solutions.

Before we can begin to work towards those solutions, we must recognise that community-based football clubs cannot be run as if they were supermarkets. If Rangers Football Club closed down tomorrow, the great and the good of Govan could not switch to Rangers’ main competitor for their football. We cannot treat community assets such as football clubs as ordinary private businesses. Owners of such assets have a brand loyalty that would be the envy of many. That point was underlined in a report that I read yesterday from the Scottish independent supporters coalition, which said:

“Supporters are the essential lifeblood of the game. They are more than just customers or consumers. They support their club almost from the cradle to the grave and will not take their support or ‘custom’ elsewhere even if the quality

of the team they support deteriorates. They aspire for success but their loyalty is not conditional on this. They are genuine stakeholders in their clubs and deserve to be treated as such. If supporters become alienated or excluded from their clubs, they will continue to support the club but will simply stop going to games and purchasing merchandise. As they will not—and indeed by definition cannot—go elsewhere, their involvement and spending power is lost to the game as a whole.”

Another point, made by Tony Higgins, the secretary of the Scottish Professional Footballers Association, is that football clubs are companies that receive funds from people other than those who pay at the turnstiles. People do not need to go through the turnstiles to put money into the chairman’s wallet—if people have Sky television, buy a lottery ticket, or pay their council tax or income tax, they give money to football clubs. As a press release today confirmed, Morton has received £500,000 and has been offered another £600,000 in a package for further improvements.

The football authorities must recognise that point about funds and modernise their articles of association to take account of it and protect our community clubs. Failure to make the distinction between consumers and other sources of funding has unfortunate consequences, of which Morton fans are all too well aware. Under the current system, Hugh Scott can basically do what he likes. If he is successful in closing down Morton, there are many other businessmen who could, and would, do the same thing to other clubs. Therein lies the nub of the issue: today, our local club is under threat from a hard-nosed businessman, but tomorrow it could be yours.

If we accept that football clubs are different from other limited companies, how do we take the issue forward? It has been suggested that legislation should be put in place to prevent businessmen from chairing football clubs purely for financial gain. Others argue that it must be ensured that, in future, all community-based clubs are just that; local councils and Government must be involved, along with supporters and owners, to ensure that people such as Hugh Scott cannot do what they like.

It is time to move to protect the interests of our community assets. If we are serious about protecting our community clubs, we must consider the safeguarding of supporters’ interests. In the short term, however, we must address the situation at Morton. I have refrained, until now, from calling for the resignation of the majority shareholder, Hugh Scott, but he is proving to be a significant obstacle to progress. A leading supporter summed it up when he said, “Hugh Scott has upset and argued with the SFA, the Scottish Football League, the local council, local police, the local press, Hearts, Clyde, St Mirren and Dunfermline—not to mention the support.”

**The Deputy Presiding Officer (Patricia Ferguson):** Can you wind up now, please?

**Mr McNeil:** I will finish; I appreciate that I have had lots of time.

I do not say this lightly, but I feel that Hugh Scott's continued presence at the club is preventing us from arriving at a solution. Only if he stands aside can we begin to restore this community asset. Greenock Morton has served our community well for the past 126 years. It is time for us to repay that debt and to ensure that we have a further 100 years.

**The Deputy Presiding Officer:** It will come as no surprise that more members wish to speak than we have time available. I ask members to keep their speeches as short as possible, preferably around three minutes. I will try to accommodate everyone who wishes to speak, but I must warn members that that is unlikely to be possible.

17:20

**Fiona McLeod (West of Scotland) (SNP):** I will try to keep my remarks brief.

In members' business debates, it is normal to thank the member in question for securing the debate. Although I thank Duncan McNeil for doing so, it is probably more important to thank the fans of Greenock Morton Football Club, who have stuck by the club through thick and thin to ensure that it has a future and that people still come to watch football. However, whether that will happen remains to be seen.

As for the SFA's meeting on 20 June to decide whether Greenock Morton should be expelled from the league, it is just a shame that the organisation cannot expel Hugh Scott and be done with it, so that we can get on with playing football. *[Applause.]*

I apologise to the Greenock Morton fans, but we must widen the debate to discuss the lessons that Scottish football can learn from this situation. It is with great trepidation that I suggest that we can learn lessons from what is happening in English football—my apologies. The English football task force made a number of recommendations, one of which was that supporters trusts should be further investigated to ensure that community clubs are just that—community clubs.

The task force also made recommendations about what to do with directors who hold the purse-strings and control the lifeblood of a club, and can thereby prevent the club from moving on and up the leagues. Perhaps our football task forces should consider what to do with directors such as Hugh Scott.

The Scottish Parliament cross-party sports

group, of which I am a member, has taken persuasive and supportive evidence about supporters trusts. At one meeting, we learned that, south of the border, the Minister of Sport has given £1 million to facilitate the investigation of supporters trusts. The day after that meeting, there was a debate in this chamber on sport and social inclusion, during which several members asked the minister, Rhona Brankin, to address that point. The minister has also been asked at question time about giving financial backing to supporters trusts. Sadly, she has continually said that the Scottish Executive will not provide funding to investigate the possibility of supporters trusts in Scotland. I hope that, given the evidence that she has heard tonight about just one football club, she will examine the issue in more detail and come up with a funding package to support supporters trusts. That might ensure that, each week, fans from different football clubs will not have to come to the Parliament to try to save their club from the clutches of directors who are simply out to make money.

**The Deputy Presiding Officer:** It would be inconsistent of me not to point out that members of the public in the gallery should refrain from making any noise, understandable though it might be.

17:23

**George Lyon (Argyll and Bute) (LD):** I also support Duncan McNeil's motion in favour of Greenock Morton supporters. Today, I had the pleasure of welcoming to the Parliament Argyll and Bute youth forum, which included three young Greenock Morton Football Club supporters who are based in Dunoon. Those supporters are desperately worried about the future of the club and asked me to highlight their concerns in the debate.

The issue affects not only Morton, but Clydebank, Airdrie and many other smaller clubs that face extinction. However, it is very ironic that, at the same time, obscene amounts of money are circulating at the highest level in football. For example, the English Premier League was last night offered £1.6 billion over the next three years by television companies; meanwhile, clubs in Scotland are going to the wall for the sake of a few hundred thousand pounds. What a dilemma to find ourselves in.

Those small clubs are the grass roots that will provide the next generation of players. If Scotland ever wants to compete at the highest level again and wants to be recognised on the international stage, we let those clubs go to the wall at our peril. They give opportunities to young people who want to play football, improve their skills and go on and play for the bigger teams. If such people cannot have access to football in their communities, the



game does not have a long-term future and the national team will be short of Scottish players.

When I was young, many of us in Rothesay and Dunoon played for Rothesay Brandane football team, which is in the amateur league, and Dunoon Boys Club. I played for both. Many of those younger players then went on to play for Morton. It was like a stepping stone. If we lose Morton, that step disappears. That is why I support Duncan McNeil's motion.

17:26

**Miss Annabel Goldie (West of Scotland) (Con):** I support Duncan McNeil's motion and echo everything that he said. The reason why I did not feel able to sign the motion was that it did not go far enough. I supported Brian Monteith's motion, which specifically calls on Hugh Scott either to get his act together and help Morton to be once again a prominent force in Scottish football or to get out of the scene altogether and allow the club to be sold to someone else who will have more confidence in it and can take it forward. That is the difference between the two motions.

As Duncan McNeil knows, I was accustomed to strutting my sporting stuff in the Battery park in Greenock, but I have never strutted my stuff in Cappielow—who knows, the time may come, although the fans may flee.

I have been reading, with great interest, a wonderful book that will be familiar to the fans in the gallery, "Greenock Morton 1874-1999". It is a fascinating history, but it should not become the only remaining trace of that club. Everyone here tonight wants Greenock Morton to go from strength to strength.

The current dilemma of the club has illustrated two distinct issues. One is that the club is a priceless asset for the community. The other is that, without some definite control by the SFA or the Scottish Football League, people such as Hugh Scott have unfettered power over small clubs. The message that members are putting across tonight is that the SFA and the league are not simply official figures but have an important role to play as the custodians of football in Scotland. That means that they have to be prepared to take action when chairmen such as Hugh Scott impede the natural growth and development of the club.

People who buy football clubs should be allowed to do so. That is not the issue. However, their ownership of the asset should be closely regulated and they should have an obligation to work for the betterment of the club and the community. That might extend into planning law. It is entirely logical that, if the football authorities have a great responsibility for the continuance of our football

clubs, our planning authorities should give greater priority to the planning and zoning of a football ground and make it an almost sacrosanct and protected facility in the area, which would be immune from transference as a normal asset disposal, but could be passed on only if it were to be used for the provision of football in the area.

I and the Conservative party are happy to support Duncan McNeil's motion. We are delighted that the fans are here tonight. We hope that the strongest message reaches the minister about the urgency of the issue. As Fiona McLeod said, not just Greenock Morton is affected, but the issue strikes at the heart of the preservation of football clubs throughout Scotland.

**Trish Godman (West Renfrewshire) (Lab):** Given the number of members who wish to speak, I think that it would be appropriate to extend the debate by half an hour. May I move that motion?

**The Deputy Presiding Officer:** Yes.

*Motion moved,*

That the debate be extended for up to 30 minutes.—  
[Trish Godman.]

*Motion agreed to.*

17:30

**Trish Godman (West Renfrewshire) (Lab):** I would like to make it clear to the supporters in the gallery that Labour members are so few and far between because an emergency meeting has been called. I can say, on their behalf, that they support the supporters' position. I am sorry that they are not here in body; they are certainly here in spirit.

I will not take too long. Congratulations are due to Duncan McNeil on securing this debate on the present circumstances and prospects of one of our oldest and proudest football clubs—Greenock Morton. I was born within the sight and sound of one of Scotland's biggest football clubs, but I say to all football supporters of large and not so large clubs that it is in all our interests to care for the smaller and less-well-off clubs and grounds throughout Scotland.

Cappielow is within a kick and a shout of Port Glasgow, in my constituency. Perhaps I should declare an interest, as it is the only club where I have sat in the directors' box to watch a game. That was long before the present administrators—or perhaps I should say maladministrators—fouled up that wonderful club. Duncan McNeil is right to say that Mr Scott and his colleagues should depart Cappielow sooner rather than later. Mr Scott must stand aside, and they should remember the words of Lady Macbeth to her guests:

"Stand not upon the order of your going,

But go at once.”

Greenock Morton, its players and—most important of all—its wonderfully loyal and stoical fans deserve better than Mr Scott. We should demand of the SFA much more than an investigation into the club’s finances and management, although that investigation is welcome. The SFA chiefs should show the same keenness to help to rescue Greenock Morton that they showed in welcoming Mike Tyson to Hampden.

An application could be made to the national lottery. Without wanting to sound like an ethnocentric philistine—which I cannot be, as I have just quoted from “Macbeth”—I wonder why, if lottery funds can be used to fund English National Opera, they cannot be used to fund Greenock Morton.

In his motion, Duncan McNeil recognises the important role that football plays in our social and sporting life. The contribution that is made by clubs in attacking the sources of drug misuse and racism in our communities is difficult to measure. However, we know that young boys and girls listen to football stars when they talk about such things, and it is so much better if those football players are in their community where they can see them daily. Communities cannot afford to lose that local input. Proposals such as community ownership and increased rights for supporters in the running of their clubs are important and should be supported, and George Lyon was right to point out that the role of small clubs in training and preparing players to move on to bigger clubs is essential.

Greenock Morton, this old football club next to my constituency, can and should be saved, and should be given another two or three cracks at getting into the Scottish Premier League.

**The Deputy Presiding Officer:** Before calling the next member to speak, I should like to make it clear that the three-minute limit to speeches still applies, out of fairness to members who spoke earlier.

17:33

**Brian Adam (North-East Scotland) (SNP):** Today’s debate is about Greenock Morton, but so many of our clubs have recently found themselves in a parlous state. I understand that the Airdrieonians Football Club is not far from closure, in spite of the significant investment that it has made in its new ground: even that does not seem enough to overcome its difficulties. The SFA and the Scottish Football League have an important role to play. If they are not prepared to regulate their affairs, perhaps the Parliament should intervene in the interest of nurturing our national

sport.

There is a great aspiration to increase the size of the Scottish Premier League from 10 clubs to 16 clubs. Next year there will be 12 clubs. However, if we lose Airdrie, if we make it difficult for Falkirk, if Clydebank no longer plays at Clydebank, and if we find Morton in grave difficulties, that will be four of last season’s 10 first division clubs out of consideration. Unless the other six are just accepted into the Scottish Premier League, it will be difficult to find the competition that will encourage and nurture growth in our game.

There is a sickness in our game at the moment. Much of that has been caused by television deals, in which Sky sports channels seem to determine what will happen in football in this country. I am concerned by the attitude of the sport’s administrators towards that. The deal that was struck for our national team, which signed up with Channel 5—which many people in the country cannot even get—on the basis that we would get a few shekels more, did not do anything for Morton or for Airdrie. Whom did it do anything for? I have lost confidence in the administrators.

Perhaps we ought to look not only at supporters trusts, but at how, in a more wide-ranging way, we can reclaim the sport for the people. It is the people’s sport; it is not Mr Scott’s sport. It is not about Rangers or Celtic, or even Aberdeen in its current parlous state; it is the people’s sport. We should encourage community clubs. We want the people to determine the nature of the sport rather than the businessmen, who are exploiting it for their own ends.

17:36

**Mike Watson (Glasgow Cathcart) (Lab):** I join others in congratulating Duncan McNeil on securing the debate. I also congratulate the football supporters—who are not only Morton supporters—who are in the gallery to support Duncan’s motion. This is an important issue.

Annabel Goldie said that she felt that Brian Monteith’s motion was stronger than Duncan McNeil’s and that that was why she had supported it. In fact, Brian’s motion is weaker in a significant way, because it makes no mention of the supporters’ involvement in clubs, their right to own shares in clubs, and their right to have a direct say in clubs. I understand what Annabel and Brian have said about the need to let companies run their own businesses, but—I am sorry—as Duncan has said, football clubs are not just businesses.

This is not a case of customers who do not have anywhere else to go, or of customers who stop buying because they do not like the product. As

Duncan McNeil said, Morton has been called in front of the Scottish Football Association to account for the way in which it carries out its operations. That would not happen to a corner shop that was a member of the Scottish Retail Consortium. The shop could not be called in front of that organisation, or if it was, and if it was found guilty, it would not go out of business as a result. That is what will happen to Morton if it is thrown out of the league. Similarly, it would not happen to an engineering company that was called in front of the Scottish Engineering Employers Federation. If that company was found guilty of a misdemeanour, it could still trade. Morton cannot trade, so we are not just talking about a normal business relationship.

We should not forget the jobs involved. Airdrie has been mentioned; 23 of Airdrie's players have been made redundant. The Morton players have already been made redundant; goodness knows how many will have been taken on for the start of the new season. Presumably, there will have to be 15 or so if the club is to be able to play a game, but those will not be full-time jobs. Morton and Airdrie have been full-time clubs, so jobs are disappearing. Clydebank, Hamilton and other clubs that are in trouble have been full-time clubs. Again, jobs are disappearing, and we should not ignore that.

I hope that the minister, when she sums up, will give encouragement to the idea of a movement towards a similar arrangement to that of the supporters trust organisation in England. I know that we are not talking about Government money, but we need some encouragement that the Football Foundation in Scotland, or the Co-operative Bank in Scotland, can come up with a similar arrangement to help supporters who want to buy into their clubs—not necessarily to run them, although that might happen. The supporters should have the opportunity to have a say in the clubs. They invest much more than just a few pounds a week, or a couple of hundred pounds for a season ticket.

A number of initiatives are on the go at the moment. Duncan McNeil mentioned SISCO—the Scottish independent supporters coalition—an organisation that has grown up in the past few months to promote the common interests of football supporters at many clubs. The biggest club involved in that is Celtic, and some of the smallest clubs are involved as well. Nobody is seeking advantage—they just want to have a bit of a say in running their club.

The supporters are the life-blood of the game. The players and the coaches come and go, as do the managers and increasingly the directors; the supporters were there before the others arrived and they will be there after they leave. We must

not lose sight of that point.

17:40

**Donald Gorrie (Central Scotland) (LD):** I would like to endorse the thanks that have been offered to Duncan McNeil and the supporters who are present.

There are football clubs in the area that I represent in central Scotland, such as Hamilton Academical and Airdrie, that are also facing severe problems. I would like to focus on two points that have been mentioned by other members, but which I think are important. The Deputy Minister for Culture and Sport must find some way of helping to set up an organisation like supporters direct—which exists in England—to help supporter trusts in Scotland. There are academics, lawyers and others who will give help and advice, but a little bit of money and organisation is needed to help to set groups up. The money is not to buy shares but to get organisations going. That would not need a lot of money—whether it came from Government, the lottery or a bank—but the money would be well used.

We must get supporters involved. The future of the clubs lies in striking a balance between outside money—which clubs need, or they will collapse—and involving the community and supporters. At the moment, the balance is wrong because the clubs are treated as ordinary companies that are subject to ordinary market forces. Ministers have felt—so far—that they should not interfere, but as others have said, football clubs are pillars of their communities. They are not merely supermarkets selling beans.

Parliament has to get stuck in. We must not do that alone, but in collaboration with the SFA and the league. We must say that we will legislate and that we will sort the situation out, because football is central to the Scottish way of life. We should examine issues such as independent financial scrutiny of majority shareholders—or of those who want to be majority shareholders—and annual audit of the procedures of the companies. The audit must be not only of clubs' finances, but of how they operate.

Parliament is meant to be keen on social inclusion, equal opportunities, getting rid of racism and so on. We should make sure that clubs deliver on those aims. Religion can also cause problems for some well-known clubs.

Clubs should not be allowed to dispose of their grounds without consent. We could examine the Italian system of municipalisation of grounds. Annabel Goldie addressed some of those issues and came to other conclusions and that is fine—we need a serious debate. We must strike a better

balance between communities and capitalists and we must sort out how clubs are run.

Just as religion is too important to be left to the priests, football is too important to be left to the SFA. We might need something like a royal commission—though that might be a dirty phrase—or a committee to examine football in Scotland. There is all-party support for that—especially in supporters' organisations. The message to the minister and to the SFA is that there is great support for doing more, so let us get stuck in.

17:43

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I also thank Duncan McNeil for getting this debate on the agenda. As someone who is used to supporting a team that plays in blue and white—not the team whose supporters are here today—it is great to see fans taking the time to come to Parliament. As a politician, I regularly walk tightropes, such as the one that I walk for being a Kilmarnock supporter who represents part of Ayr. Splitting my allegiance between Cumnock Juniors, Auchinleck Talbot and Glenafton Athletic is also a delicate balancing act.

Bill Shankly said:

"Some people think football is a matter of life and death...I can assure them it is far more important than that."

We are facing a matter of life or death in Scottish football. If we do not get our collective act together we will see clubs such as Morton disappearing. Although I do not support Morton, I want to retain my right to spend a few more miserable Saturday afternoons at Cappielow watching Kilmarnock being beaten 3-0—which has happened occasionally.

Duncan McNeil said that football is not like a supermarket. I want to take issue with that, because it could be if it was run like the Co-op. That would mean that club members and people who were involved in football would own the shares in it and would have a say in the democratic running of the game.

Trish Godman and Fiona McLeod referred to the supporters direct initiative. That came about as a result of "A New Framework for Football—Labour's Charter for Football", which was published prior to the 1997 election. It mentioned giving local authorities more involvement in the running of community clubs. It also said that clubs should be viewed more as assets to their communities. I have been involved in the co-operative movement, so it is a delight for me that so many people are beginning to accept that common ownership and participatory involvement might not be such bad things.

The initiative that was set up south of the border has helped clubs such as Crystal Palace to set up new structures, which will ensure that their assets are retained in perpetuity for the benefit of the community. The clubs that are involved have been able to set up schemes in which significant capital is injected into the clubs and the fans have a say in that process. We need to introduce such an approach in Scotland.

The minister has heard me say this before, and I will say it again, but it will be difficult to proceed until we get an answer. I know that the Executive is, in principle, sympathetic to giving fans advice and support, but we need a small amount of financial backing to set up a supporters direct organisation in Scotland that will provide practical advice. There are people who will get involved and who will provide that advice.

I hope that the story of the Morton fans who are here today becomes a success story, but we must look to the future with regard to other clubs' situations. We need the support of legislation and we need to see policies put in place.

17:46

**The Deputy Minister for Culture and Sport (Rhona Brankin):** I recognise the commitment and loyalty of the fans in the public gallery, who fear that their club faces bankruptcy and possible suspension, or indeed expulsion from the SFA. We acknowledge the difficulties that they face. I also recognise the role that has been played by Duncan McNeil—the local MSP—in trying to find a solution to the problems at Greenock Morton.

The Executive recognises the contribution that football clubs have made and continue to make to sport, culture and local communities. However, ministers cannot become directly involved in the plight of individual clubs such as Morton. The SFA is the governing body of football, not the Scottish Executive.

Nevertheless, we are in touch with the SFA, and we are aware that it has been considering the situation at Greenock Morton as a matter of urgency. It has required the club to arrange for inspections of its financial records by auditors appointed by the SFA and to pay its outstanding debt to Heart of Midlothian. It has also invited the club's chairman to meet the SFA executive committee on 20 June.

It is for the SFA to decide what sanctions to impose on any club that does not abide by the association's rules and regulations.

**Miss Goldie:** Is it acceptable that one of those sanctions is the club's expulsion? That plays into the hand of a director or chairman who does not want the club to succeed.

**Rhona Brankin:** I can only repeat that the SFA is the governing body for the sport. As Duncan McNeil has said, Greenock Morton, like many clubs in Scotland, has benefited from public money for stadium improvements, including essential safety works. It received more than £500,000 from the Football Trust and it has been offered a package of £600,000 from that trust and sportscotland for further improvements. There has been public investment in the club, but it must be up to the sport's governing body—the SFA—to try to solve the problems.

Ministers are generally sympathetic to the idea of supporters' involvement in football clubs. Fans are the life-blood of the game, and it is important that their views are known and taken into account.

We have discussed supporter involvement and supporter trusts with the football authorities and we will put that on the agenda for the next meeting of the Scottish Football Partnership. We will ensure that written guidance and advice is made available to those in Scotland who are interested in forming supporter trusts. At this stage, our difficulty is that we are not persuaded that scarce public funds should be diverted towards paying for the legal and other costs that are involved. Our priority is to develop a network of youth academies.

Fiona McLeod was not quite accurate when she said that the Department of Culture, Media and Sport has given £1 million to fund the establishment of football trusts. DCMS is still considering the business plan and at the moment a unit is operating in only shadow form, but we keep closely in touch with DCMS on those developments.

I was interested in what Brian Adam said about community football clubs. We recognise the important role that football clubs play in local communities and it may be that—as football develops in the 21<sup>st</sup> century—the concept of community football clubs will become increasingly important. We might need to examine partnerships with local authorities and the roles of local authorities and football clubs.

I turn now to public funding for football. The Football Trust has, since 1990, provided over £168 million of grant aid throughout Great Britain for works related to the Taylor report. Some £40 million of that has been allocated to Scotland—clubs in Scotland have received 23 per cent of the total of the reduction in pools betting duty moneys. When other Football Trust grant aid programmes are added, professional clubs in Scotland have received some £60 million from the trust during the past decade.

Until 1999, more than £2 million was awarded from the lottery sports fund. The lottery distribution

strategy, which was published in September 1999, provides for £500,000 per annum until 2003 to be allocated to works associated with the Taylor report and other essential safety works. As a result of the moneys that have been made available, all senior grounds can be considered safe. A considerable amount of public money has been put into football through sportscotland. It is important to do that and we are keen to examine how we can support supporters, because we recognise the important role that they play in football clubs.

We acknowledge the importance of a club such as Greenock Morton to its local community—and the importance of other football clubs to their local communities. As Donald Gorrie said, those clubs play an important role in promoting social inclusion. I hope that the issue is resolved, but I can only reiterate that it is a matter for the SFA and not for ministers.

*Meeting closed at 17:53.*



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