

# **MEETING OF THE PARLIAMENT**

Wednesday 29 November 2000  
(*Afternoon*)

Volume 9 No 5

£5.00

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## Scottish Parliament

*Wednesday 29 November 2000*

*(Afternoon)*

[THE PRESIDING OFFICER *opened the meeting at 14:32*]

### Time for Reflection

**The Presiding Officer (Sir David Steel):** Our leader of time for reflection today is the Rev Alan McDonald, minister of the parish churches of St Leonard's and Cameron in St Andrews and convener of the church and nation committee of the Church of Scotland.

**Rev Alan McDonald (Minister of the Parish Churches of St Leonard's and Cameron in St Andrews and Convener of the Church and Nation Committee):** As a parish minister from St Andrews, it is a great honour for me to be here on the eve of St Andrew's day. I am sure that members will understand that St Andrew means a great deal to those of us who live in and around the north-east corner of the kingdom of Fife.

I offer two brief glimpses of Andrew from the gospels. The first is from the gospel of Matthew, chapter 4, which says:

"As Jesus walked by the Sea of Galilee, he saw two brothers, Simon, who is called Peter, and Andrew his brother, casting a net into the lake—for they were fishermen. And he said to them, 'Follow me, and I will make you fish for people'. Immediately, they left their nets and followed him."

In the context of the work of the Parliament, there is surely great encouragement for everybody here in knowing that our patron saint was one who responded so readily to that invitation to fish for people. Andrew caught people. He caught their imagination with a vision of a comforting and yet disturbing person who will always be found among the least, the last and the lost in this or any society—the hungry, the naked, the stranger, the sick and the prisoner.

A second glimpse of Andrew is from the gospel of John at chapter 6, as part of the story of the feeding of the 5000. It says:

"One of the disciples, Andrew, Simon Peter's brother, said to Jesus, 'there is a boy here who has five barley loaves and two fish'."

Again, in the context of the Parliament, surely all of us in the chamber and in the public gallery can take great heart from knowing that St Andrew was the one with the wit and the imagination to spot the wee boy with humble gifts and to see how those gifts might be used so that everyone would

be included in the feast and food left over as well.

Andrew means a great deal not only to those of us who live in Fife or Scotland but to people in other lands, far to the east of here. For example, Andrew has been regarded as the patron saint of both Greece and Russia. In keeping with Scotland's best traditions, which have always encouraged us to look beyond ourselves and our own shores to see how we fit into the larger picture, here is a short prayer from the Eastern Orthodox tradition. Let us pray.

Blessed are you, O Christ our God,  
You revealed your wisdom to simple fishermen,  
Sending down on them your Holy Spirit,  
And thus catching the universe in a net.  
Glory to you, for you love humankind. Amen.

### Affirmation

**The Presiding Officer (Sir David Steel):** I now invite the new member for Glasgow Anniesland, Bill Butler, to make his solemn affirmation.  
[Applause.]

*The following member made a solemn affirmation:*

Bill Butler (Glasgow Anniesland) (Lab)

## Surjit Singh Chhokar

**The Presiding Officer (Sir David Steel):** The next item of business is a statement by the Lord Advocate on the murder of Surjit Singh Chhokar. The Lord Advocate will take questions at the end of his statement, during which there should be no interventions. The statement is, inevitably, rather lengthy and I would be grateful if those members who wish to ask questions would press their request-to-speak buttons during the statement.

14:35

**The Lord Advocate (Colin Boyd):** Presiding Officer, with your permission, I would like to make a statement on the murder of Surjit Singh Chhokar.

I am grateful to the Parliament for an opportunity to speak today, following the conclusion yesterday at the High Court in Glasgow of the trial of David Montgomery and Andrew Coulter for the murder of Surjit Singh Chhokar, of which neither was convicted.

As I made plain in my statement yesterday, which was in response to a written parliamentary question from Pauline McNeill, and also when I met Mr and Mrs Chhokar this morning, I have already established failings in the level of support and information provided to Surjit Singh Chhokar's family. In a letter provided to Mr and Mrs Chhokar yesterday and at my meeting with them this morning, I conveyed my personal apology for the Crown's failure to meet their needs at the relevant time. I repeat my apology now.

I want to pay tribute to Mr and Mrs Chhokar. It is clear from the events of yesterday and from my meetings with them before and after the trial that their lives have been torn apart by the murder of their son and by the lengthy investigation and court procedures that have followed. As I acknowledged yesterday, two years after his death and two trials later, no one has been convicted of his murder. I can only begin to understand the full extent of the pain that all this has caused his family.

There has also been criticism of the Crown's decision making in this case. It is because of that, and because of my own concerns about the way in which the case has progressed, that I have commissioned the two independent inquiries that I announced in my answer yesterday.

Members might find it helpful if I outline in brief the history of the case. Surjit Singh Chhokar was killed on 4 November 1998 in Wishaw. By 10 November, three men—Ronnie and Andrew Coulter and David Montgomery—had been

charged with his murder. In early November 1998, Andrew Coulter and David Montgomery were released on Crown counsel's instructions, because there was insufficient evidence available against them on the murder charge at that stage.

After investigation by the Crown, a decision was made to indict Ronnie Coulter first and separately from the other two, but it was alleged in the charge that he murdered Mr Chhokar while acting along with others. His trial proceeded in March 1999. The murder charge was considered by the jury, but he was convicted of assault only. The advocate depute did not move for sentence against him on the assault charge and, accordingly, no penalty was imposed.

Following Ronnie Coulter's trial, there was much publicised criticism from the trial judge, Lord McCluskey, of the Crown's decision to indict Ronnie Coulter separately. The Chhokar family justice campaign was launched.

A precognition on oath was obtained from Ronnie Coulter in April 1999. He denied stabbing Mr Chhokar—a position that he maintained at the trial of David Montgomery and Andrew Coulter. In the light of that and of other new evidence gathered, Crown counsel reconsidered the case against David Montgomery and Andrew Coulter. In July 1999, they were indicted for the murder of Surjit Singh Chhokar and other related charges. They were due to stand trial in August 1999, but an ultimately unsuccessful defence appeal to the Judicial Committee of the Privy Council in relation to pre-trial publicity prevented the trial from proceeding until the sitting of 6 November at Glasgow High Court. The trial started on 10 November and concluded yesterday.

The jury found Andrew Coulter guilty of assaulting Surjit Singh Chhokar, while acting along with Ronnie Coulter, by repeatedly striking him on the body with a piece of wood and metal. He was also convicted of a charge of house-breaking at Mr Chhokar's house, of the theft of a cooker and giro cheque and of a charge or uttering in connection with the giro cheque. He received a total sentence of 15 months' detention, consecutive to the sentence that he is currently serving. David Montgomery was acquitted.

The concerns that have been expressed about the handling of the case relate first to the Crown's decision making, particularly the decision to indict Ronald Coulter separately from the other two and, secondly, to the way in which the police and Crown dealt with the deceased's next of kin, especially his parents, during the investigation and the first trial. I have announced inquiries to consider each of those aspects.

First, I have taken the unprecedented step of commissioning an independent judicial inquiry into

the Crown's decision making in this case, including the decision to indict Ronald Coulter separately from Andrew Coulter and David Montgomery. I reached the decision some time ago that an independent inquiry was warranted in this case in view of the concerns that have been expressed.

I approached Sir Anthony Campbell, justice of the Supreme Court of Northern Ireland, who agreed to take on the task. He is a Lord Justice of Appeal in Northern Ireland and has been a member of the Northern Irish judiciary since 1988. He is also a privy counsellor. It is entirely appropriate—particularly in view of the criticism that emanated from the Scottish bench following Ronnie Coulter's trial, and the subsequent debate—that inquiry be made by a judge from outwith this jurisdiction.

In conducting the inquiry, Sir Anthony will have unrestricted access to all the Crown's papers and to the individuals who were involved in the decision-making process. Although the inquiry will be conducted in private, I will publish Sir Anthony's report. I cannot tell members today what the time scale of the inquiry will be. That will depend largely on whether Andrew Coulter lodges an appeal against his conviction and/or his sentence. If he does, Sir Anthony will await the outcome of the appeals process before interviewing those involved in the case. He can, however, commence his examination of the papers straight away. If there is no appeal, I expect that the inquiry will be completed within a reasonably short period. Sir Anthony will have the assistance of Scottish senior counsel.

Secondly, Dr Raj Jandoo will review and report on the liaison arrangements between the police, the procurator fiscal service and the family of Surjit Singh Chhokar. Dr Jandoo is an advocate and the deputy chair of the Executive's Stephen Lawrence inquiry steering group.

An internal inquiry into the Crown's liaison with Surjit Chhokar's family throughout the investigation and the trial of Ronald Coulter has already been conducted. I commissioned that inquiry some time ago from a very senior member of the procurator fiscal service who had no connection with the case. I have received her report, which, regrettably, has found a number of failings in the way in which the Chhokar family were treated. Earlier today I provided the report, with a Punjabi translation, to Mr and Mrs Chhokar. I will ensure that it is placed in the Scottish Parliament information centre today, so that parliamentary colleagues may have the opportunity to consider the work that has already been undertaken.

Until yesterday, I had not made known the existence of the report. It would have been

inappropriate to do so while proceedings were continuing. For the same reason, hitherto it has not been possible to consult the family or others whose contribution to the report and its recommendations is necessary, such as the Commission for Racial Equality and Victim Support Scotland.

Although I am satisfied that the inquiry was carried out in an impartial manner, public and parliamentary confidence demands that it now be taken forward by an independent party external to the department. The existing report will be the starting point for Dr Jandoo's inquiry. He will seek to interview members of the Chhokar family and he will consult the Commission for Racial Equality, the police and others to produce recommendations. The interviewing of family members and others will be conducted in private, but Dr Jandoo will hold public sessions to consider the form and nature of the recommendations that he will make.

Some of the areas of concern that have already been identified—family liaison, victims and witnesses, and translation and interpretation—are the subject of recommendations in the Stephen Lawrence inquiry report. They have relevance for all parts of the criminal justice system. For that reason, Dr Jandoo has been asked to report jointly to the Minister for Justice and to me on the results of his inquiries. He has been asked to submit his report by April next year. We will publish his findings and the Stephen Lawrence inquiry steering group will oversee the implementation of his recommendations.

The Chhokar family and their representatives will have the opportunity to participate in both inquiries and to make their views known. It is my sincere hope that they will contribute.

As I indicated yesterday, I want the people of Scotland to have confidence in our prosecution system. I want the Crown Office and procurator fiscal service to provide the highest possible quality of service. I want the Crown Office and procurator fiscal service to offer a better and more consistent service to victims, witnesses and bereaved next of kin. I want to ensure that appropriate consideration is given to the needs of people from ethnic minority communities and of people whose first language is not English. If mistakes have been made, I want to know about them and to work to put things right.

In the past two years, much has been done in the Crown Office and procurator fiscal service, and in the Executive as a whole, to improve practice and procedure in these areas. The concerns arising from this case originate in events that took place before the publication in February 1999 of the Stephen Lawrence inquiry report and our response to it.

Considerable progress has been made over the past 20 months in relation to anti-racist and victim and witness policy and practice in individual departments and in partnership.

Within six weeks of the publication of the Stephen Lawrence report, my predecessor had accepted two of its recommendations—33 and 34. He instructed prosecutors that there should be a rebuttable presumption in favour of the prosecution of racially motivated offences and that pleas of guilty should not be accepted that exclude available and admissible evidence of racial motivation.

On 20 July 1999, the Executive published its Stephen Lawrence action plan, which detailed steps already taken and future plans for the Crown Office and the police, among others.

The Stephen Lawrence inquiry steering group, which consists of representatives of the police, Crown Office, CRE, the Convention of Scottish Local Authorities and independent members, has a remit to oversee the implementation of the Executive's response. The Crown Office reports regularly to the group on its progress. The group has had full access to the work that is being done by the police and the Crown Office in response to the Lawrence inquiry. The group has discussed family liaison, translation and interpretation services. It has endorsed the Association of Chief Police Officers in Scotland's racial diversity strategy. Next month it will publish its review of progress and the next steps.

The Crown Office has introduced a comprehensive programme of anti-racist training, which is provided in part by representatives of the CRE and other ethnic minority groups. We have mainstreamed anti-racist training for all staff—legal and non-legal. I established a race strategy group within the Crown Office, which is chaired by the Solicitor General.

We have also introduced a comprehensive programme of victim awareness training. That will also be mainstreamed. Comprehensive best practice guidance has been issued to all staff and a programme of training events is assisted by Victim Support Scotland and other victim groups.

Following the feasibility study that was announced earlier this year, which was commissioned jointly by the then Lord Advocate and the Deputy First Minister, I have announced the establishment of a Crown Office victim and witness service, which will be operational in each region within 18 months. A pilot is under way in Aberdeen and a further pilot is planned for Hamilton, which will commence in April 2001.

That package of work addresses many of the criticisms of the handling of the Chhokar family. We plan to incorporate into the work any

recommendations that Dr Jandoo makes. A public inquiry would effectively halt the momentum that has been built up, as work could not credibly be taken forward until the inquiry had reported.

In light of the work that has been outlined and the real efforts that we have made, I am especially disappointed to read claims that nothing has changed since Surjit Singh Chhokar's death. However, I acknowledge that much has still to be done. I want the prosecution service and the justice system to learn what lessons it can from the experience of this case.

There are calls for a public inquiry into this case. A public inquiry would be a very lengthy process. I do not think that it would serve any purpose that would not be achieved by the measures that I have announced. It could not begin until any appeals or proceedings in the case were concluded. There are outstanding inquiries in relation to the evidence of Ronnie Coulter and Mrs Sandra Tierney, who gave evidence at the most recent trial. They are to appear again before the trial judge on 19 December. Any further proceedings in relation to those witnesses would also require to be concluded before a public inquiry could get under way.

A public inquiry into the issues that are raised by this case would have an extremely damaging effect on the considerable work on anti-racist and victim and witness policy and practice that I have outlined. It would halt further progress on that work.

A public inquiry would essentially be a backward-looking exercise, which would focus on events that took place between 20 months and two years ago. A public inquiry that was commissioned by the Executive or Parliament might compromise the independence of prosecution decision making and would be contrary to the spirit of the Scotland Act 1998.

I believe that the measures that I have announced are a robust, comprehensive and proportionate response to this case and the concerns that surround it. The inquiries that I have commissioned can be carried out swiftly; Dr Jandoo's report will be available next April. The findings of each inquiry can be fed into, and contribute to, the continuing work that I have outlined. The independent judicial inquiry is, as I have said, an unprecedented move by a Lord Advocate. I have undertaken to make public the whole findings of each inquiry.

As I said yesterday, losing a son—as Mr and Mrs Chhokar have done—would be traumatic enough for any parent; however, the trial has been an almost unbearable ordeal for the family. I wish to reiterate my tribute to the great dignity shown by them under such terrible circumstances. Mr and



Mrs Chhokar will always mourn the son whose life was cut so cruelly short. Although any steps that we have taken will not be enough, I am quite determined that we learn from the mistakes that have been made and that we take all necessary steps to strengthen confidence in our legal system. Scottish justice must be blind to race, colour and creed; it must also serve everyone in Scotland equally and take account of differences where necessary.

I know that members have questions and I will do my best to respond to them.

**Roseanna Cunningham (Perth) (SNP):** I am sorry to say that, in the circumstances, I regard the Lord Advocate's statement as wholly unsatisfactory, particularly after such a catastrophic sequence of events for the Crown Office. Does not the Lord Advocate recognise that the whole culture of the Crown Office has been under sustained criticism for a considerable time? All MSPs have experienced in their offices people's concerns about the workings of the fiscal offices and the Crown Office. People feel that there is a culture of secrecy and a tendency to refuse to explain or to justify, which has partly led to the situation that is before us.

The Lord Advocate must answer two major questions in considerably greater detail. First, why must there be two separate inquiries? He must surely accept that any allegations of institutionalised racism should be dealt with as part and parcel of a single inquiry into the whole decision-making process of the Crown. Extracting that issue for a separate inquiry is likely to lead to the same concerns that have been expressed about the handling of the case.

Secondly, the Lord Advocate claimed that there are several reasons why a public inquiry was inappropriate. Does not he understand that the Chhokar family are prepared to wait for as long as it takes to get justice? They are concerned to see that justice is done. In view of that fact, some of the Lord Advocate's reasons for not having a public inquiry are simply unjustified. Insistence on an inquiry that is anything other than public will do nothing to alleviate the concerns of either the Chhokar family or the wider public. I ask the Lord Advocate to explain in considerably more detail why he thinks that a public inquiry would halt any continuing anti-racist work in the justice system. As for his attempt to present such an inquiry as a

"backward-looking exercise which would focus on events that took place 20 months to two years ago",

what on earth will the inquiry be about if not those events?

I believe that the Lord Advocate must answer those questions in considerably more detail to allay people's concerns—the inquiry should be

and must be in the public domain.

**The Lord Advocate:** I am very disappointed by Roseanna Cunningham's response to my statement. She fails to recognise that I have put in place something that is wholly unprecedented as far as the Crown Office is concerned. We will have two inquiries that will be robust and independent. They will also be open—I have undertaken to publish both inquiries' reports.

There are two separate inquiries because there are two separate and distinct issues to address. First, there is the issue of the handling of the family, which I acknowledge was not appropriate. We fell below the standards that we set ourselves and below the values that should be inherent not only in the justice system, but in the Crown Office. Secondly, the Crown counsel's professional decision to indict Ronnie Coulter alone has been the subject of criticism from the trial judge, Lord McCluskey. I recognise that there has also been wider public concern about that decision. I want to address that concern and ensure that we learn lessons from the case.

I acknowledge that Mr and Mrs Chhokar and their family have waited two years, but we cannot hang around and wait for inquiry after inquiry. We know what the Stephen Lawrence inquiry recommended and its recommendations are being implemented by the steering group. It would be extremely unfortunate if we were to sweep that away by commissioning yet another inquiry.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I welcome the Crown Office's speedy response to yesterday's events. I hope that the Crown Office will take such an approach in future.

Is there any scope for the prosecution of Ronnie Coulter, given that—as many of us heard in court—he perjured himself in the Glasgow High Court? Will the Lord Advocate assure Parliament that the secrecy that has surrounded the Crown Office's actions in the case will not prevail over the judicial inquiry?

**The Lord Advocate:** The court has ordered Ronnie Coulter to appear on 19 December. Pauline McNeill will appreciate that, in the light of that decision, it would be inappropriate for me to comment on what steps might be taken in relation to Mr Coulter.

I hope that Pauline McNeill will also accept that I have addressed the issue of secrecy by setting up the independent inquiry—the judicial inquiry—and by giving a commitment to publish its findings. The internal report is, in part, highly self-critical and it has been made available to members through the Scottish Parliament information centre, which I hope is a measure of the openness with which I am determined to deal with the matter.

**Phil Gallie (South of Scotland) (Con):** In keeping with the Crown Office's performance, the veil of secrecy extended to the Lord Advocate's statement, which members did not receive until 2.29 this afternoon.

Does the Lord Advocate share my belief that, from a racial perspective, a major cause of concern in the Chhokar case is communication? Will he assure me that Dr Jandoo's report will be implemented fully?

Does the Lord Advocate acknowledge the widespread concern over the performance of the Crown Office? Although he says that secrecy is being addressed, does not he agree that, by holding Sir Anthony Campbell's hearings behind closed doors, he extends that veil of secrecy? Does he agree that, in the new open Scotland, that is not the way in which we should act? Does he agree that the real issue in the case is why the first accomplice was tried on his own and why the trial of two others followed thereafter? Surely, that point must be addressed in public.

Does he agree that the police are easy targets in this case, in that they supply evidence to the Crown Office through the procurator fiscal service? They do not lay down the conditions for prosecution and, in this situation, the buck stops with the Crown Office. Given that Andrew Coulter was on bail when he killed Patrick Kelly on charges relating to the death of Surjit Singh Chhokar, does the Lord Advocate have any concerns about the way in which our bail laws are being used?

Finally, given that the case book on this murder is now more or less closed, does the Lord Advocate consider that, when new evidence or circumstances arise that are associated with such a case, a double jeopardy clause should be invoked in the interests of justice?

**The Lord Advocate:** Mr Gallie raises a number of points. The professional decision to indict Ronnie Coulter alone was made by the Crown counsel on the basis of the evidence that was available to him.

I want Sir Anthony Campbell to have all the Crown papers available to him, including papers that would not usually be made public. I have made a commitment that Sir Anthony will see all the papers. I have also made a commitment that the report will be published.

On the implementation of Dr Jandoo's report, my colleague Jim Wallace, the Minister for Justice, and I will consider carefully all the recommendations that come out of the report.

On bail laws, bail provisions have recently been amended. Bail is essentially a matter for the court, but we will oppose bail where appropriate.

**Euan Robson (Roxburgh and Berwickshire) (LD):** This is a distressing case, in which it is clear that justice has neither been done, nor has it been seen to be done. I express sorrow at the suffering of Mr and Mrs Chhokar and their family. I welcome the inquiries, but does the Lord Advocate agree that the independence of the Crown Office in making decisions about prosecutions must be maintained? Does he accept that, in certain instances, explanations should be given for why decisions—which might give rise to public anxiety—have been taken?

**The Lord Advocate:** I acknowledge that many victims, bereaved next of kin and others who are closely associated with victims want explanations of decisions that have been taken. I referred to the victim and witness service. We are considering the kind of explanations that could be given to victims and next-of-kin through that service. I am keen that we should be able to provide some explanations. As for public explanations, in my view the balance is currently in favour of refraining from giving public explanations, although there are occasions when there is particular concern about an individual case—this may well be one of those cases—when explanations must be given at the appropriate time of why certain decisions have been made. If we move away from current practice, which is not to give explanations, my view is that we should give explanations to victims and bereaved next-of-kin—the people who are most intimately involved. We will consider doing that through the victim and witness service.

**Shona Robison (North-East Scotland) (SNP):** I want to press the Lord Advocate on his arguments against a public inquiry. The Lord Advocate cites time as an argument against a public inquiry, yet the family have waited for more than two years to receive no justice for their son's murder. At lunch time, Mr Chhokar told me:

"I just want justice. It is irrelevant how long it takes."

The Chhokar family have made it clear that they want a full independent public inquiry, not an inquiry that is conducted in private. After all that has happened and everything that they have been through, should not the family's wishes be met?

The Lord Advocate has also failed to explain why he said that

"A public inquiry into the issues that are raised by this case would have an extremely damaging effect on the considerable work on anti-racist . . . policy and practice".

Will he explain what he means by that? Does the Lord Advocate agree that not holding the inquiry in public will have an extremely damaging effect on the way in which the justice system is viewed by every ethnic minority community in Scotland?

**The Lord Advocate:** People in ethnic minorities want positive action—not words—which is what

we intend to provide. We intend to ensure that we have recommendations that can be implemented quickly and that can be fed into the continuing work of the Stephen Lawrence steering group.

A public inquiry would be a lengthy process that would involve more lawyers. Frankly, the people who would benefit most from that would be lawyers. I believe that an inquisitorial inquiry by an independent judge will be more flexible. It will get to the truth more quickly and be able to be more robust than a public inquiry because the witnesses will feel in no way inhibited in speaking to it. It will also have complete access to all the Crown papers.

**Mr John McAllion (Dundee East) (Lab):** I welcome the Lord Advocate's public apology to the Chhokar family, his public acknowledgement of failures in the Crown Office and his announcement of the anti-racist measures. However, does the Lord Advocate concede that to publish the report of a judicial inquiry that will be conducted in private by a leading member of the UK legal establishment is not the same thing and cannot be the same thing as a full, open and independent public inquiry? Although he discounts such an inquiry as a "backward-looking exercise", will he concede that there is a series of Crown Office decisions on prosecutions, stretching all the way back to Piper Alpha, that not only deserve to be revisited but ought to be revisited if the Crown Office is to be brought blinking into the light of democratic accountability in Scotland?

**The Lord Advocate:** I hear and respect what Mr McAllion says, but there is a fine line to be drawn between independence with democratic accountability and political interference. Although I acknowledge fully the need to be accountable, in no way do I acknowledge that there should be political interference in legal decisions. My position in the Scottish Parliament is unique—for the head of the prosecution service to be accountable to a parliamentary body is quite unique. It would be with trepidation that we would go down the road of political interference in legal decisions.

I believe that the measures that I have put in place are unprecedented, robust and independent. They are from somebody who is not, as Mr McAllion would say, a member of the Scottish legal establishment.

**Lord James Douglas-Hamilton (Lothians) (Con):** Does the Lord Advocate agree that, whenever our countrymen and countrywomen are more confident speaking in other languages, they should be offered access to good interpreting facilities? Is he aware that there might well be room for substantial improvement in that area? Will he ensure that the matter will be dealt with fully by one of the inquiries?

**The Lord Advocate:** Lord James raises an important point. It will be apparent from the internal report that has been made available that part of the Crown Office's failure was a failure to appreciate the needs of the Chhokar family in terms of the provision of interpreting facilities. That is important not only to the prosecution, but to other elements of the criminal justice system. That is a major piece of work that is being done principally under the auspices of Jim Wallace, but which is also being addressed within the Crown Office.

**The Presiding Officer:** I have allowed the period that was allocated for the statement to overrun. My apologies to members whom I have not called, but I must protect the main debate this afternoon.

## Points of Order

15:14

**Tommy Sheridan (Glasgow) (SSP):** On a point of order. Presiding Officer, I appreciate that you could not call every member who wanted to question the Lord Advocate today. However, the Lord Advocate was twice asked a specific question and twice he avoided that question. Is it in order for the Lord Advocate to come here and avoid questions?

**The Presiding Officer (Sir David Steel):** We cannot have arguments about ministerial answers. I have said that time and again. I apologise for the fact that I was not able to call every member who wanted to question the Lord Advocate, but I allowed the statement to run over by five minutes and many members—including Mr Sheridan—want to speak in the debate.

I appeal to opening speakers—including the Minister for Social Justice, if she does not mind—to try to bring their speeches in below the time limit.

**Mr Kenneth Gibson (Glasgow) (SNP):** On a point of order. I seek your guidance, Presiding Officer. Is it in order for the Executive to make an announcement on an issue as important as the delay in the next local government elections through the medium of a reply to a written parliamentary question—which had not even been published—after decision time on the day of a by-election? If that is in order, can we all look forward to our written questions being answered prior to their publication? If it is not in order, do you agree that the parliamentary process has been made a mockery of by an Executive that is determined to undermine scrutiny and democratic accountability by failing to make a statement or hold a debate in the chamber on this important matter?

**The Presiding Officer:** I am afraid that that will remain a matter of opinion and argument. I have looked into the matter: what happened was in order, as the question was properly lodged and properly answered. Whether it should have been done in the way that it was is entirely a matter for argument in the chamber; it is not a matter for me to treat as a point of order.

**Fiona Hyslop (Lothians) (SNP):** On a point of order, Presiding Officer. I do not know if the Presiding Officer has seen the film, "Groundhog Day", but I think that I have been here before. I wish to ask about this morning's announcement by the Executive of £18 million for domestic abuse funds.

I understand from a previous ruling that the

Presiding Officer is to be sensitive about the matter and will look into the issue of ministerial speeches following such pre-announcements—announcements that should be made in the chamber. I realise that a question by Helen Eadie has been published in today's business bulletin—as a planted question—to enable that to happen.

If the Presiding Officer is to be true to his conviction of wanting to ensure that the chamber is the place where serious announcements are made, will he please give a judgment and guidance on how he will treat the ministerial speech that we expect?

**Phil Gallie (South of Scotland) (Con):** Further to that point of order, Presiding Officer. I support the comments that were made by Fiona Hyslop. Many members put a considerable amount of work into preparing for the forthcoming debate. It would have been courteous of the Government to make its announcement during the debate. That is what the debate was aimed at.

**The Presiding Officer:** I ask Fiona Hyslop to supply me with a copy of what she complained about specifically. I will look into the matter and respond at the end of the afternoon.

## Domestic Abuse

15:17

**The Minister for Social Justice (Jackie Baillie):** Tackling domestic abuse is, rightly, one of the priorities of this Executive and of this Parliament. I recall our debate in October last year, which was characterised by cross-party agreement.

Today, we launch the first ever national strategy to tackle domestic abuse in Scotland. Our mission is not simply to reduce but to eradicate domestic abuse from our society. Let no one underestimate the scale of the task ahead of us. One in five women in Scotland will experience domestic abuse in their lifetime; one in 10 women dies each year as a result of domestic abuse. It does not make a bit of difference whether a woman lives in Bearsden or Drumchapel, in Morningside or Wester Hailes. That is the stark reality of what is happening in Scotland now.

Equally worrying is what the future holds. Research conducted by the Zero Tolerance Trust tells us that almost 40 per cent of young men aged between 13 and 16 think that it is acceptable to hit a woman. Is that the future that we want for successive generations of Scots? Do we really believe that domestic abuse is acceptable in a modern and progressive society? I think not. That is why our strategy is such an important step in the war against domestic abuse. This is just the beginning; the challenge for us all is to make the recommendations and actions outlined in the strategy come alive.

Before I move on, I thank all the members of the Scottish partnership on domestic abuse. Ably led by Anne Smith as the chair, they devoted two years of their time and their considerable experience to this important area of work. Thanks must also go to Dr Sheila Henderson, who, as the consultant to the partnership, assisted its members throughout the process.

Their work is complete but, to ensure that the actions that have been identified are carried forward in a coherent and structured manner, I intend to set up a national group early in 2001 to oversee implementation of the plan. It will be chaired by Margaret Curran and will develop links with local groups and service providers, with the aim of ensuring a consistency of approach across Scotland.

The document that is before members today comprises a comprehensive overall strategy, a detailed and practical action plan, good practice guidelines and service standards. It is the product of wide consultation at two stages of drafting,

involving organisations that have direct experience of the problem, such as Scottish Women's Aid and the Scottish Rape Crisis Network. We hope and believe that we have a mandate for the strategy from organisations and bodies that have a role in addressing domestic abuse.

The strategy identifies key areas of work that need to be carried out and will instruct the way forward at national and local level. Our aims are stated clearly: prevention, protection and provision—the three Ps. Our aims are the prevention of crimes of violence against women and children; appropriate legal protection for women or children who experience abuse; and adequate provision of support.

The action plan lays out clearly what should be accomplished in each of the next three years and, which is important, identifies just who should be doing what. It requires us all to work together if we are to succeed. I hope that all local and national organisations will embrace the strategy and play their part in implementing the action plan.

On behalf of the Scottish Executive, I wholeheartedly endorse the strategy and definition of domestic abuse and commit us to delivering results that will make a real difference to people's lives. We fully accept that to put the partnership's recommendations into practice, we have to come up with resources. That is exactly what we have done. I am delighted to tell Parliament that we have introduced a comprehensive financial package that is worth more than £18 million, which will enable us to make a difference.

**Fiona Hyslop (Lothians) (SNP):** I welcome the statement, the strategy and the funding. Will the minister clarify whether that funding is the money that she reported to the Social Inclusion, Housing and Voluntary Sector Committee on 1 November was available because of the recalculation of housing debt, or is it new money? Is it correct, as I read in the press coverage of the pre-announcement, that Glasgow will get only three additional refuge places? Does the minister recognise that cities, whether Glasgow, Edinburgh, Aberdeen or Dundee, often act as a magnet for women seeking support? Will she pay special attention to the needs of cities in that respect?

**Jackie Baillie:** I assure Fiona Hyslop that the funding is new money. I am disappointed that she chooses to question that yet again—it seems to be a common theme for SNP members when they have nothing else to say.

The Women's Aid provision in Glasgow covers four different areas. The target is 83 places, and there are currently 80 places, but some of the accommodation is not ideal. We intend to use the money not just to build new facilities but to expand

existing facilities. We recognise that cities act as magnets for areas that have no provision.

One of the first tasks that the action plan calls for is a review of the Convention of Scottish Local Authorities recommendations for refuge spaces, which should be followed by the provision of the required number of refuge spaces to meet the needs of the population. We have to recognise the diversity of needs—the needs of disabled women and children and those of women and children from ethnic minority groups. The plan also calls for the provision of refuge services for those who do not currently have access to such provision, such as women using drugs or alcohol, or those who have learning disabilities or mental health problems.

We have long accepted that current refuge provision falls far short of what is needed. There are something like 320 places, compared to a recommended figure of approximately 680. For example, in Aberdeenshire, the recommended number of places is 30, but the actual number is 10; in Angus, the recommended number is 15, but the actual number is four; and in Edinburgh, the recommended number is 60, but the actual number is 18. Women are turned away daily because provision is not adequate. We are therefore putting an additional £10 million into the Scottish Homes budget, over the three years from April 2001, to fully address the shortage of refuge spaces.

We will build new refuges and adapt, extend and upgrade existing ones. Importantly, there will also be an on-going commitment to running costs for all of the new refuges. I am delighted to say that we have the full backing of COSLA for our proposals. I am confident that that very considerable sum of money will enable us to ensure that refuge provision will be available to every woman and child in Scotland who needs it, whether from the north, the south, the east or the west, for as long as they need it.

As I said, the programme will begin in April 2001, but we are not just sitting back and waiting until then. We have identified £818,000 in the current year's budget to enable us to make an early start in improving services. That funding has been made available to Scottish Women's Aid for projects in areas identified by the partnership as requiring particular attention.

**David Mundell (South of Scotland) (Con):** Will the minister confirm that funding will be made available both to groups affiliated to Scottish Women's Aid and those that are not affiliated? As she knows, in most of rural Scotland services are provided by groups that are not affiliated to Scottish Women's Aid.

**Jackie Baillie:** I confirm that the funding is

available to all women's aid groups in Scotland, whether affiliated to Scottish Women's Aid or not.

Those areas include training for professionals working in the domestic abuse field, for example, the police, health services, social workers and legal professionals; translating existing information leaflets into ethnic community languages; and producing a leaflet for children and young people who live with the daily horror of domestic abuse. It will provide local groups with funding to improve disabled access to refuges and offices and to improve facilities in refuges and offices for children and young people.

**Christine Grahame (South of Scotland) (SNP)**  
rose—

**Jackie Baillie:** I have taken a number of interventions and I have a time constraint.

We are also providing an extra £4.5 million, over the next three years, to take work forward in other areas prioritised for action by the partnership, including the development of preventive work with children and young people, outreach work with women and children and training for service providers.

We are also extending the domestic abuse service development fund for a further two years with an extra £3 million. That fund, which started in April this year, is currently providing support for 58 projects in 31 local authority areas. Work under way includes the development of multi-agency partnerships, outreach work in rural areas and services for children and young people.

The Scottish Executive is providing a total sum of over £18 million to tackle domestic abuse in Scotland. That is over and above the £3 million we have already put into the domestic abuse service development fund and the £2 million already committed by Scottish Homes for refuge and move-on accommodation. That makes Scotland a leader within the United Kingdom if not a leader in the world.

We are not complacent. The task ahead of us is enormous, although we are not starting from scratch. On the prevention side we will continue our work on awareness raising with a brand-new advertisement to be screened over the festive season, from boxing day to the end of January. Research shows that awareness raising works—attitudes change and women realise that they are not alone, so have the courage to come forward. If there is one signal that must go out consistently, it is that the victims of domestic abuse are never to blame. Do not suffer in silence.

We are also working with the Zero Tolerance Trust with a view to using their respect programme in all schools in Scotland. A pilot of the materials is being carried out in Edinburgh schools from

January 2001. If we are to truly change attitudes for future generations we must start young, challenging the assumption that it is somehow acceptable to hit a woman.

The domestic abuse helpline that we set up last June is answering an average of 50 calls a week. It takes calls from anyone affected by domestic abuse and is staffed from 10 am to 4 pm, Monday to Friday. I am pleased to be able to say that the helpline will be extended. From 11 December, it will be open for 12 hours a day, between 10 am and 10 pm, seven days a week, to help more women and children across Scotland.

Our recent white paper on family law contains proposals to extend the protection available under the Matrimonial Act 1981 to spouses, whether together or separated, to divorcees, and to cohabitants and ex-cohabitants. It also proposes that a power of arrest should be attached to interdicts for three years, where requested. That will give greater protection to abused women.

We are also taking steps to protect victims of rape and sexual abuse from being subjected to cross-examination by the person who is alleged to have abused them, and to strengthen the provisions restricting the extent to which evidence can be allowed regarding their sexual history and character.

Let me challenge the notion—which does exist out there—that domestic abuse is somehow just a feminist issue. It is not. It is a matter of basic human rights—the right to dignity, the right to security and the right to live free from fear. It concerns each and every one of us. There is no place for domestic abuse in a modern Scotland; we are determined to do all we can to reduce and, ultimately, eradicate it. The Scottish Executive is providing unprecedented resources and commitment to tackle the problem and I am convinced that, if we all pull together, we can really make a difference.

I will finish with the words of a woman who has been battered for over eight years.

"I never talked to anyone about it because I didn't think they'd believe me. When everyone says how nice your husband is, you begin to think it's you that must be in the wrong. I was embarrassed and ashamed when it all came out but, at the same time, I was relieved because it showed I wasn't crackers."

To women across Scotland I say: do not suffer in silence.

I move,

That the Parliament approves the final Report of the Scottish Partnership on Domestic Abuse, endorses the National Strategy to Address Domestic Abuse in Scotland and welcomes the funding package which has been put in place to implement the recommendations of the Partnership.

15:32

**Tommy Sheridan (Glasgow) (SSP):** I welcome not only the content of the minister's speech but the style in which it was delivered and the genuine passion and commitment that it contained. The Scottish Socialist Party commends the Scottish Executive's initiative to develop the Scottish partnership on domestic abuse, and agrees with its definition of domestic abuse. However, we have some criticisms. In particular, and despite the minister's comments, we are worried that resources and funding will not go to the people who really need them now. I am talking about the women who are still living with violent men, and those who are trying to get away from them.

The Executive's national strategy envisages the setting up of working groups at three levels: an overall national multi-agency group; specific issue-based working groups with co-opted experts; and local multi-agency groups to consider the issues and collate the data. However, we would argue that we already know what the problems are, and that we have done for 30 years or more. The first women's aid organisation was set up in 1973; we have been discussing these problems ever since.

Although discussion is necessary and positive, what we need now—and, in particular, what women and children under threat need now—is action. The working groups should not take money, energy and resources from the vital services that women and children need now. Discussion is never wasted. We want to encourage as many people as possible, especially women, to raise their voices, to tell those people who provide services what they need and want. However, that cannot be a substitute for providing resources.

The lack of costings for the many services that women need in order to make the decision to leave a violent man is glaring. I suggest that an overhaul of public authority funding is needed. That would cost a considerable amount. Will there be an expansion of public funding, or will funding be taken from other services? The minister has indicated that the funding that is being introduced is new money. I am glad that it is new money, but I am disappointed that some of the money is spread over three years, because that dilutes the sum available here and now. Who will decide what services are needed and what services cannot be afforded? To whom will the people who make those decisions be accountable?

Would women and children find safe housing in the community to which they wanted to belong or would they be ghettoised in housing that they do not want? That is a problem, particularly in relation to wholesale stock transfer. The minister must address the question of what would happen if stock transfer takes place in a city such as

Glasgow. Currently, the local authority has a legal responsibility to house women in areas away from violent partners. We must ensure that the agency that takes over in the event of a successful stock transfer has similar responsibilities.

**Johann Lamont (Glasgow Pollok) (Lab):** Would Tommy Sheridan agree that the reason that it is important to have discussion is that all the agencies that have sought to provide housing for women have failed to understand the complexities of the problems that women bring with them? The idea that Glasgow City Council has always offered safe refuge to women is not true. Would Tommy Sheridan accept that no one in favour of housing stock transfer as a solution to Glasgow's problems would endorse anything that would put our women more at risk and less likely to have somewhere safe to go? The housing association movement and the co-operative movement have both given refuge to women in the past.

**Tommy Sheridan:** I hope that the member will accept that I am not arguing that any member of the Parliament who supports wholesale stock transfer is oblivious to the problems that it might create in relation to the responsibilities that currently rest with local authorities. I hope that she will accept that although Glasgow City Council still has a long way to go, it has radically improved its treatment of women fleeing violent relationships. Similarly, I had a discussion yesterday with the chief superintendent of Pollok police office, and I know that Strathclyde police have improved radically their approach to such cases.

I am not accusing members who support stock transfer of not thinking about those issues; I am merely pointing out that those issues have not yet been addressed and that they must be. I do not raise such questions to be contrary, but for genuine reasons. I believe, as I am sure does the minister, that the people of Scotland, particularly women, need to know the answers.

**Fiona Hyslop:** Perhaps Mr Sheridan has missed the point of the debate and the proposals made in the strategy. The strategy recognises that there must be multi-agency use. People must come together to recognise such issues, particularly in relation to housing. This morning, the Social Inclusion, Housing and Voluntary Sector Committee took evidence from Scottish Women's Aid about what provisions should be included in the housing bill to defend the rights of women and ensure that refuge places are available, regardless of the outcome of the ballot in Glasgow. That is the spirit in which we should debate the matter. The debate is not an opportunity to do some knocking, particularly where it is unjustified and does not merit argument.

**Tommy Sheridan:** That is rather unfair. I have not tried to knock, but I have tried to point out a

concrete problem. I am concerned that organisations such as Scottish Women's Aid, which have been carrying out sterling work for years, often find themselves subject to budgetary conditions that are a damned disgrace. I am trying to point out that long-term resources are required, rather than just words. The discussions and the multi-agency approach have been long overdue. I referred to the changes in the council housing department. I referred to the changes in Strathclyde police and their approach. That is all welcome, but it also has to be properly funded.

We want a Scotland where domestic abuse can be talked about openly, where friends and families can support each other and where women are immediately believed and supported and do not have to convince housing departments, the Department of Social Security and social work officials that their stories are true and recount what has happened over and over again. We want a Scotland where agencies, whose job it is to support women, actually support them, rather than have to fight year after year for crumbs off the table, particularly when they are facing service closures and resource cutbacks.

We want a Scotland that addresses male violence against women and children and does not sweep it under the carpet in the hope that it will just go away, and where men address their violence and are held accountable for it. Such work should be done in relation to services supporting women, where the partners and ex-partners of these men are supported throughout. That should be done in an accountable manner and where professional principles are held up to scrutiny. Addressing men's violence should be paramount in keeping women and children safe.

We want a Scotland that empathises with and supports women who have had damaging experiences of male violence. They need to be supported, not criminalised and treated as outcasts and as women with no voice. I refer in particular to Cornton Vale prison, where recent research suggests that 80 per cent of women there admitted to having suffered from domestic violence.

The issue of domestic abuse is of paramount importance to this Parliament and the people it represents. I only hope that the national strategy to address domestic abuse does exactly that, and does not become, as have many attempts in the past, empty words without the resources to back them up. We want to build a Scotland where women and children are able to live safely and free from domestic abuse. That is why I hope that members will accept, as my amendment states, that while these measures are an important first step, they are just a small step.

I move amendment 1400.1, to insert at end:



"but believes that this represents only a small step in the direction of tackling real problems which women and children who live with, are planning to leave or have left violent men face and that immediate resources need to be made directly available to women and children in this position."

15:42

**Linda Fabiani (Central Scotland) (SNP):** The SNP commends the members of the Scottish partnership on domestic abuse on the report, and all the agencies and individuals that contributed to and informed the debate over the piece. Our party's position has long been that a national strategy is necessary and we are pleased that this Parliament has produced a working document. I say that the Parliament produced a working document, but not as an attempt to do down the Executive in any way. The Minister for Social Justice mentioned the cross-party consensus on this matter and it is important that the whole Parliament takes ownership of this issue and moves it forward.

Over the past couple of weeks, the SNP has criticised the Executive's strategy papers on social justice and equality. I want Parliament to understand that our position was born not out of disregard for the fine principles in those strategies, but out of the frustration that we feel that, under the devolution settlement, we do not have the powers truly to implement them. That is not so this time. It is wonderful that, this time, the Parliament has the powers to address one of the biggest problems facing Scotland. With the commitment of all members, I am optimistic about the results.

However, we should not get carried away and start to believe that the problem can be sorted quickly and simply by cash injection. We should recognise that the strategy must be implemented in two main areas: we have to deal with the symptoms, which can be alleviated in the short term, and we have to tackle the root causes, which is a long-term goal. As the minister said, the strategy's aims define those as the three Ps—prevention, protection and provision. Today's funding package will go a long way towards provision, and the consistency of that funding must be maintained. I was glad that that was detailed in the minister's speech. However, protection and prevention are a lot more difficult.

Earlier this afternoon, it was made clear that many of us have huge concerns about the weaknesses in our criminal justice system and its seeming inability to cope fairly and equitably with all those involved in it, either as victim or as alleged perpetrator. We have generally recognised that institutional racism exists in our country and that it is often implicit rather than explicit. I think that, to some extent, the same can be said of institutional sexism. I have been appalled by some

of the recent decisions of the judiciary. We hear of a man who received only 200 hours of community service after raping his estranged wife, despite a record of previous violence. Another man received two years' probation and 200 hours of community service after stabbing his estranged wife. Something is very wrong when a Scottish judge justifies his sentencing decision because a stabbing was, in the judge's words to the perpetrator,

"a reaction on your part to a very distressing set of circumstances created by the victim herself."

Surely no set of circumstances can invite such violence. If such attitudes persist at the highest level, how can any woman be confident of protection? If we want to influence prevention of domestic abuse, the shortcomings of our institutions must be examined and their structures must be seriously revised.

There is a distinct lack of female representation in the judicial system. Scotland has 32 judges, of whom only two are women. The first was appointed only in 1996. When I discovered that this morning, I was amazed. Of 128 permanent sheriffs, only 18 are female, and of 40 procurators fiscal, only five are female. Similar figures apply to high-ranked police officers, as I have said before.

The minister said that the education process must start as early as possible. I was pleased to note the action plan for education and training in the strategy. In summing up, will the minister explain how the curricular content of the pilot project that is being set up in Edinburgh primary schools fits into the curricular framework? When is the pilot study intended to finish, so that we can implement the plan in all schools?

We must find ways of teaching our children that we are all equally valuable. We all have the same right to expect our lives to be free from abuse, violence and discrimination, regardless of gender, race or sexual orientation. We must also recognise that violence can be caused not only by an abuse of power, but by feelings of powerlessness or inadequacy and by lack of self-control. I hope that we will be imaginative in teaching our children. We should not underestimate their understanding of the issues.

Last year, George Lyon and I visited a seminar day at Dunoon Grammar School. First-year pupils were being given citizenship training as an introduction to secondary schooling. Presentations from the local Scottish Women's Aid group and other voluntary agencies were incorporated. We should consider teaching such matters as anger management, self-control and self-worth. That is probably the long-term road to prevention of abuse.

The strategy that the Parliament has produced

against domestic abuse should be welcomed. It contains a lot of good stuff, but the debate should not stop now just because we feel that we have achieved something. As consistent and planned funding is necessary, so is consistent and planned monitoring and improvement. I was pleased when the minister announced that a national group is to be set up in early 2001 to monitor the plan. She also referred to the Zero Tolerance Trust report. Perhaps the Parliament could consider whether such a report could be compiled on a regular basis, as a way of tracking changing attitudes and charting the progress of our strategy.

I close with a reaffirmation of the SNP's commitment to tackling the pain and problems caused by domestic abuse in any form and aimed at any person. I trust that members will all help to make real progress in the implementation of the Parliament's strategy to address domestic abuse in Scotland.

15:50

**Phil Gallie (South of Scotland) (Con):** I want to ensure that some contentious issues are raised in the debate by registering a little disappointment with the minister's speech—not with its content or presentation, but with the fact that, once again, the minister showed discourtesy to the Parliament by making her announcement outside the chamber. It was a good announcement, but I believe that it should have been made to the Parliament, if the Parliament is to maintain its stature. Had it been made to the Parliament, the press conference could have followed our debate.

Today is the Parliament's third debate on domestic abuse, in addition to the many debates that we have had in the Justice and Home Affairs Committee. The Conservatives did not lodge an amendment because we are perfectly satisfied with the motion as it stands. Consensus has always been evident whenever the issue of domestic abuse has arisen.

We challenge some of the points that are made in the report. Given that the report is extensive, it would be surprising if all members of the Parliament were simply to sign up to every point that it makes. However, today's debate does not allow us the time to analyse the report in great detail.

We would have liked some clarification on the £18.3 million that was announced today and on what happened to the £8 million that was announced previously, but the minister's time was limited. Has the £6 million that was to be spent on development gone? Has it been used wisely? What are the minister's opinions on how that money was spent? What has been achieved with the £2 million for Scottish Homes?

We welcome the £10 million for refuge places, but I want to ask a wee question. It is acknowledged that domestic abuse is not always directed against women, but where do men with children go when they have been subjected to domestic abuse and dispossessed?

**Jackie Baillie:** I will reply to Phil Gallie's questions. Fifty-eight projects have benefited from the domestic abuse service development fund and a variety of work has taken place across 31 local authorities in Scotland. The £2 million for Scottish Homes will create 120 new bed spaces.

Like all members, I recognise the growing concern about provision for men who have been abused. We have instructed officials to commission research on the scale and nature of the problem, on what services exist and, critically, on what more needs to be done. However, I remind Mr Gallie that the statistics show that about 96 per cent of those who are abused are women and that they are abused by men.

**Phil Gallie:** I thank the minister for her positive response and I welcome her comments about abused men. On that basis, I would move on from the issue, but she gave a figure of 96 per cent, whereas I was given the figure of 93 per cent. Perhaps that 93 per cent takes account of same-sex partners and others, but it still leaves, at 7 per cent, a significant minority of people who are not covered.

**Johann Lamont:** Will the member give way?

**Phil Gallie:** Although I am limited for time, of course I will give way.

**Johann Lamont:** Does Mr Gallie think that, in any reasonable assessment, 93 or 96 per cent would be considered a pattern? If one identifies a pattern, one can challenge the attitudes that create it. If one acknowledges that the pattern is overwhelmingly one of male abuse of women, one can speak to young boys in schools and ask them to think about the attitudes that create those overwhelming figures.

**Phil Gallie:** I go along with Johann Lamont's comments. I will address one or two of those points if I am given time.

We believe that Tommy Sheridan is right to highlight the urgency of the situation. Given the consensus on domestic abuse, I do not understand why all members do not sign up to his amendment. It seems to me that his comments were aligned to those made by other members. I apologise to him if he is embarrassed by Conservative support, but his amendment bears scrutiny.

I mentioned minority views. There is a real problem with respect to ethnic minorities, particularly when it comes to the isolation of wives

in family groups. That is something that must be addressed. On a controversial note, I draw attention to the problems of female circumcision. We know that that is illegal in this country, but a practice seems to be developing whereby some children are sent abroad and then returned to this country. That is a serious issue that the Executive would do well to take account of.

It is estimated that 100,000 children in Scotland are affected by domestic abuse. They are not necessarily physically abused themselves, but they may witness a parent being abused by the other parent. That ought to give us great concern. We should consider the effect that witnessing abuse has on young children as they progress through their lives, because it must leave some stain on them.

The document mentions domestic abuse associated with broader gender inequality. That should be understood in historical context. It seems to me that there is a growing awareness of domestic abuse. I am not sure whether domestic abuse itself is growing. When we talk about gender inequality and perceptions of historical context, I must admit that I am concerned about attitudes among young people today. I am concerned by the kind of change in standards that we see among girls. Maybe I am old-fashioned—I am certainly pretty old—but it seemed unusual 15 or 16 years ago to hear young girls using bad language on the streets. It seems to me that there is a change in the make-up between young boys and young girls. Perhaps that leads to a changing attitude between males and females as they grow older.

When we look at the statistics, we find that crimes of violence among young males are predominant in the 15 to 25-year-old age band. However, when we consider the statistics for domestic abuse, we find that the age band advances to the 25 to 35-year-old grouping. I wonder whether that level of violence is being carried over from the young men into partnership relationships. I have grave concerns about that.

I am pleased that the minister referred to the Zero Tolerance Trust figures, which send shivers down my spine. One in two young men think that it is okay to strike a woman and one in three girls expect it. That is really shocking and suggests that there is something wrong. Perhaps it goes much deeper than the social make-up of our society; perhaps it cuts right down to education services.

I have a serious point that I think the minister should take on board. We should consider changing the way in which secondary schools operate. They tend to have mixed classes as opposed to separate classes for boys and for girls. I am not suggesting that that is the problem; I am simply saying that it is worth considering.

I compliment the Strathclyde police and other police forces on the way in which they address these issues. They have taken on board the real problems and no longer think of such cases as just another domestic, but as situations that involve domestic violence. I would like to think that the recommendations to the police and the reports that go to the procurator fiscal's office could be treated just a little bit more seriously at times. The Conservatives support the minister and her motion.

15:59

**Nora Radcliffe (Gordon) (LD):** The statistics on domestic abuse are horrifying. We are told that one in five women in Scotland will experience domestic abuse at some point in their lives. We know that domestic abuse can and does happen anywhere. Therefore, among our friends, family and acquaintances, a high percentage will have been or are subjected to domestic abuse. That we cannot identify them demonstrates the hidden nature of the problem and the importance of those aspects of the strategy that will raise general awareness and offer encouragement to victims to come forward and seek help.

I mention the importance of raising general awareness because the onus to act is on us all, as individuals as well as in other roles. It can be too easy to ignore signs that should prompt us to acknowledge that a friend, relative or neighbour has a problem and may be putting out feelers and seeking help. The first step in seeking help is usually to confide in someone else. We should never underestimate the courage that is needed to take that first step or ignore the fact that some encouragement is often necessary for it to be taken.

The onus is on us, as members and as a Parliament, to ensure that help is available when it is sought. As a Parliament, we have had to learn the lesson of the cruel shortfall in resources that confronted those people who responded to Scotland's first national domestic abuse helpline. Women plucked up the courage to take that first step in escaping from violence, but they could not be accommodated in a refuge because the number of available places was so inadequate. That was despite the fact that substantial sums of money had been targeted at increasing the number of places of refuge through the domestic abuse service development fund, to which reference has been made, and the cash boost that Jackie Baillie announced in March, when she was still Deputy Minister for Communities. We are still a long way from providing enough places in every part of Scotland, so that a place is available for everyone who asks for refuge.

The particular difficulties of providing accessible

services in rural areas have been recognised. Those difficulties include the high unit cost of service provision to small numbers. I know that the refuge in Aberdeenshire has had a financial struggle to keep going, so I was delighted to hear the minister's response to David Mundell's intervention. The difficulties in rural areas are not simply practical ones, relating to poor public transport or lack of access to a car. There are also social and family barriers for women living in small communities where everyone is related to everyone else. In those circumstances, to whom do or can they turn? Where a woman's every move is visible, trying to get away can be hazardous. Small communities can also mean small ethnic minority communities within larger communities, where the same difficulties apply.

The other group whose practical difficulties make it harder for them to access help is people with disabilities. That fact has, at least, been recognised, which is a first step towards exploring how those difficulties can best be mitigated.

A place of refuge is just a part of what is needed. At this point in their lives, women need help with the practicalities of their situation, a great deal of emotional support and, sometimes, skilled counselling. The other huge shortfall is in proper support and help for the children who are caught up in the hell and chaos of people fleeing from domestic violence. Those children, in particular, need skilled help if they are to come through their experience as unscathed as possible.

The strategy highlights the importance of education and training—for the general population, for young people and for the teachers, professionals and voluntary sector workers who seek to help victims of domestic violence. It is right that that issue should have been singled out, because we have a huge job to do to shift social attitudes to domestic violence, so that we acknowledge its roots and take responsibility, individually, collectively and professionally, for making it unacceptable and a thing of the past.

Policy and legislation are another main line of attack. Protection—in the three Ps of prevention, protection and provision—needs a fair bit of extension in terms of our current legislation. I welcome the fact that moves are being made on that front. In one way or another, through the family law bill and through the work of the Justice and Home Affairs Committee—and possibly its committee bill—some of the gaps in legislation that leave categories of victim unprotected by the law will be filled. The Justice and Home Affairs Committee has also raised the issue of making access to legal aid easier and, therefore, fairer. It is necessary to get the legislation right, but it is also necessary to have it as soon as is practically possible. We may measure any delay in weeks or

months; some people are measuring it in how many more hidings they will get.

Another priority that has been identified is the need to collect information and statistics nationally and to distribute that information as appropriate. That could be seen as a diversion of money and energy from front-line action. However, we need to know the scale of the problem and whether the measures that we are taking are having an effect on the problem. We need good information to do that.

The other trick with information is to use it accurately, sensibly and constructively. I do not usually have a go at anybody, but when I was shown the question on the Scottish Conservative Party's website, which asks

"Did you know . . . Violent crime has increased by 22% under Labour and the Liberals",

my first response was, "That is sloppy." We do not know that violent crime has increased; we know that violent crime that has been reported has increased.

Statistics are important, but they have their limitations. It is always necessary to look behind the figures to work out what is really going on. We do not know whether violent crime has increased or decreased. If the increase in reported violent crime means that more people feel that such crime is worth reporting because they have confidence that it will be dealt with, that is a good thing. If more violent crime is being reported because more people find violence unacceptable, that means that the message that we are trying to send about violence is reaching its target.

If such statistics are used irresponsibly, as a stick to beat Government or police forces with, will not that encourage public servants to ignore or belittle suspected violence, because dealing with it might spoil their batting average?

**Phil Gallie:** In those figures, we were referring to violent crime as a whole, not domestic abuse. I, too, raised the issue of the quality of information on domestic abuse. If Nora Radcliffe were to visit some hospital accident units on a Friday or Saturday, she would find out the extent to which violent crime—certainly violent action—has increased recently.

**Nora Radcliffe:** I take Phil Gallie's point. However, we must look behind the statistics. It is easy to use numbers in a non-constructive way.

My final point touches on what Phil Gallie said. In our work to combat domestic violence, we have largely concentrated on male violence against women and children. In 93 per cent of incidents where the victim's sex was recorded, the victim was female, so that is the right place to start. However, we will have to pick up on the fact that

men can also be victims of domestic violence. A point that has not been mentioned, but should be, is that both men and women can perpetrate violence against children.

**The Deputy Presiding Officer (Mr George Reid):** Far more members have asked to speak than can be called. I ask members to keep their speeches to around three minutes and to limit interventions.

16:08

**Maureen Macmillan (Highlands and Islands) (Lab):** I thank Jackie Baillie for her comments today. I welcome the publication of this strategy and the funding that goes with it.

The first members' business debate that I secured in the Scottish Parliament was on this subject. In closing my remarks, I said:

"No amount of refuge provision will stop abusers, but a change in social attitudes will . . . Domestic violence is a cancer in our society and we must do our utmost to find a treatment." —[*Official Report*, 2 September 1999; Vol 2, c 187.]

Those words are as true today as they were one and a half years ago. I am confident that the publication of this strategy is a huge step forward. I am sure that it will be widely welcomed by many organisations across Scotland and that it will make a significant difference in the provision of refuge, outreach, education and training for police and health services and will lead to standards of good practice across the country. I especially welcome the commitment to total refuge provision the length and breadth of Scotland.

It is only right that we recognise the contribution that has been made by hundreds of people who have voluntarily gone out to try to make a difference for women and children who are caught up in violence and abuse. We should also recognise the courage of those women who have taken a step out of an abusive relationship and sought help.

The strategy that the minister outlined today takes an holistic approach to the problems of domestic abuse. In previous debates, members from all parties have pointed out the problems that exist and the weaknesses that have affected delivery. I have done that many times before. I am pleased that the strategy recognises the problems that there have been in the past and seeks to redress them. The strategy outlines many measures to prevent domestic abuse, to provide appropriate legal protection for women and children, to ensure adequate provision of support services for women and children and to confront the attitudes that condone violence.

In the Justice and Home Affairs Committee, I have focused mainly on legal protection, but I want

briefly to mention the need to educate and reassure communities and to educate certain sections of the press.

Representing a mainly rural constituency, I am acutely aware of the difficulties of providing the necessary support services in remote rural areas and have been pleased with the expansion of refuge and outreach centres over the past two years. However, that has raised another problem. Only a month ago, plans for a new Women's Aid refuge in Dingwall were opposed by some local residents. At an extremely irate meeting, residents refused to listen to Women's Aid workers and called for the new refuge to be sited elsewhere.

All of us who have been working to address domestic violence in the Highlands were saddened that such attitudes should still persist. There was obviously a perception that a refuge would bring some sort of danger to the community, which of course is not the case. A refuge provides a place of safety; it does not bring trouble in its wake. Indeed, the neighbours of the present refuge in Dingwall totally support it. I was deeply saddened to find that that community felt that a refuge in their midst posed a threat and that, while saying they support help for abused women, they also said, "Not in my back yard." Now that those attitudes have become entrenched, I wonder how we can convince those people otherwise.

Furthermore, I am saddened that the press do not always play a responsible role. On 9 November, columnist Colin Campbell wrote in *The Press and Journal*:

"The Women's Aid service may regard the needs of its 'clients' as being paramount, but not everyone—especially local householders—can reasonably be expected to take the same view."

How can we make people realise that abused women do not come from some twilight zone and are not unfit to mix with ordinary people? Abused women are ordinary people who live and work in every sphere of life. They do not just live in housing estates; they are in the leafy suburbs of our cities and the well-kept houses in rural areas.

Abused women are part of our society—they are in our back yard. They might be in this chamber, or in the gallery; they meet us in the street and come to our surgeries. Refuges should be considered as an integral part of the community and deserving of community support. How can we change public attitudes?

Turning to legal remedies—

**The Deputy Presiding Officer:** I am afraid that you have had one minute more than the allotted time. I must ask you to end, otherwise members will not get in.

**Maureen Macmillan:** Thank you, Presiding

Officer. I will end there.

16:12

**Kay Ullrich (West of Scotland) (SNP):** I am often asked, "How can you be bothered with politics?" and I must admit that there are times when it is a pretty fair question. At moments such as this, however, I must say that I am glad I bothered. I am proud that all parties in the Parliament are nailing their colours firmly to the mast and saying loudly and clearly that domestic violence will not be tolerated anywhere or for any reason in a 21<sup>st</sup> century Scotland. For too long, domestic violence has been under-recognised, far too often misunderstood and, for the workers who have struggled to provide support to victims, grossly underfunded.

We all know that this initiative alone will not instantly put right all the wrongs of the past. Furthermore, any thoughts that the younger generation have different attitudes towards domestic violence have been shattered by the findings of the surveys that have already been mentioned. Although the figures shocked us all, the problem is not just young people; we must target what I would call institutionalised attitudes, which are found in all walks of life, not least in the criminal justice system itself.

I must once again highlight the 18 pilot diversion from prosecution schemes that are operating in Scotland. Diverting from prosecution a case of domestic violence not only gives out entirely the wrong message to both offender and victim, but puts the offender on a par with an elderly woman who slips a tin of salmon into her shopping bag. More important, it allows excuses to be made for totally unacceptable behaviour. Quite often, a perpetrator of domestic violence is simply referred for alcohol counselling, which gives weight to the age-old excuse, "It was the drink, m'lord."

In all my years as a social worker at a sheriff court, I never failed to be amazed at the willing acceptance of drink as an excuse for an assault on a partner and must admit that I find that defence very difficult to understand. After all, if the drink made the perpetrator violent, why did he wait until he got home before he assaulted somebody? Why did he not assault the big guy in the pub? No prizes for guessing the answer to that question—the big guy would have hit him back. I urge the Executive to remove domestic violence from the diversion from prosecution scheme.

I also want to highlight a scenario that I have witnessed and is unfortunately all too typical of the institutionalised attitude that pervades our legal system. A man had been arrested for a violent assault on his wife on a Saturday night. That led to the discovery of an outstanding warrant for

stealing lead from a disused factory roof. In the plea bargaining session before the Monday custody court, the procurator fiscal agreed to accept a not guilty plea on the wife assault but in no way would he accept a similar plea against the apparently more serious charge of theft. I had to return to my office and tell a terrified woman that her husband was probably going to jail—not for his violence against her, but for the apparently more heinous crime of stealing lead from a disused factory.

Is it not time that, under Scots law, a crime against property ceases to be more important than an assault against a woman, and that a woman is no longer regarded as simply the property of her husband or partner? I am happy to support the Executive motion and hope that the minister will acknowledge the points that I have made.

16:16

**Trish Godman (West Renfrewshire) (Lab):** Domestic violence is a cowardly and vicious crime. It has been said before in this chamber and I say it again: it is an abuse of human rights. No one has the right to knock the living daylights out of anyone else.

In the United Kingdom, a person is assaulted in their home every 20 seconds. Since I got to my feet, a woman has been assaulted. The strategy that has been introduced today by the minister—including the action plan, service standards and good practice guidelines—will go a long way towards improving the lives of those who are abused. However, like other members, I want to be sure that the proposals are matched with resources. I therefore welcome the funding that has been announced.

In my brief speech, I can offer only a few suggestions. First, there should be easy availability of services for women, as some women are still unsure where to go. I am pleased to hear the announcement of the extension of the helpline. Secondly, there should be a right to legal aid. Thirdly, I suggest the development of education programmes. It has been said before that 12-year-old boys must be told that it is not acceptable to slap a woman. However, that becomes more difficult when certain sportspersons and pop stars do it and do not appear to be challenged.

We also need to educate the judiciary. If our black and ethnic minority sisters have recently arrived in this country to marry, but are abused and leave, they can be deported. It is much more difficult for them to seek help when English is not their first language. Also, women who are caught up in domestic violence are not treated as vulnerable witnesses in court, even though they may be sitting a few feet away from the alleged

abuser. Should not video evidence be the norm in such cases?

I am unhappy with the phrase "domestic violence". We are talking about a violent crime. The word domestic is too cosy and homely, suggesting that because the violence takes place behind closed doors it is private. That is simply not the case—it is our problem.

I said that I would be brief, and I shall finish by quoting Rosina McCrae, the co-ordinator of the Glasgow women's survivors group, SAY Women:

"These are strong, courageous women and that is what needs to be invested in—their strength and courage—rather than identifying them as problematic."

I hope that this debate will send a message to all women who are abused: we are here and we are listening.

16:18

**David Mundell (South of Scotland) (Con):** I was pleased to hear what the minister said about unaffiliated groups receiving funding, as Dumfries and district Women's Aid is such an organisation. It is the first organisation of its kind in the UK to gain funding—currently through the auspices of Comic Relief—to employ a specialist worker to work specifically with older and disabled women. It has a specialist refuge with three places, although the demand is higher.

The need for that pioneering work in the seemingly idyllic rural south-west was identified after the group had to support three ladies in their 80s who came forward within a relatively short period of time. One of them had been the subject of abuse for more than 60 years, but had not previously felt able to seek help because of the stigmatisation and the generally unspoken rules of rural communities.

Feeling sadness and anger when we hear stories such as that is inevitable, but they send out a message of hope: they demonstrate that attitudes are changing. If a frail woman in her 80s can have the confidence to leave an abusive relationship, every woman in Scotland should have the support to enable her to do so.

We must also recognise the plight of disabled women who are in abusive relationships. In many cases, they are very isolated. Their principal carer may be their abuser. Those women are the most vulnerable in our society and find it the most difficult to leave. One woman identified by the Dumfries project was cared for by her husband, who completely controlled her access to the outside world, yet it was discovered that in three years he had not spoken a word to her.

I am sure that the work that is being done by the Women's Aid project in Dumfries is only the

beginning of the work that could and will now be done across Scotland. I was pleased to hear that the new funding will be continuing funding. Often, specialist project funding is available but core funding of organisations is not, which is an issue that must be addressed. We must also focus better the efforts of councils, health trusts, health boards, the police and the voluntary sector. There is often duplication within the bureaucracy that deals with domestic abuse, but at the front line there is none—in fact, there are not enough resources.

The fact that the Parliament has focused on domestic abuse is a tribute to its work and I feel proud to have been part of it. I hope that the minister's initiative and the work that the Parliament will continue to do will make the difference that we all want it to.

16:22

**Mr Gil Paterson (Central Scotland) (SNP):** The strategy is a major and welcome step in the right direction. Many organisations with whom I have been in touch, including the Zero Tolerance Trust, Scottish Women's Aid and the Fife Domestic Abuse Forum, have reacted positively to it.

The most important aspect of the strategy is that it is national. Many members will have heard of the family violence initiative, which is the Canadian Government's long-term campaign to end domestic abuse. The key characteristic of the campaign, which was started in the late 1980s, is that it is organised at national level. The only way to tackle domestic abuse in a coherent, consolidated manner is through a national strategy. Implementation of such a strategy is a breath of fresh air.

The Canadian initiative places great emphasis on prevention. Every project funded through the FVI must include a preventive element. I am pleased that the national strategy has a strong preventive element at its core. Mass media campaigns and abuse prevention work in schools will be introduced. As I keep saying, prevention is better than cure.

The use of abuse prevention programmes in the education system is a subject that the cross-party group of which I am convener has discussed and it is an issue of great concern to many members. The national strategy will encourage and develop such programmes. I hope that schools are not seen as the only way in which to educate young people about domestic violence. Whenever abuse prevention programmes are used, disclosures are inevitable. My concern is that teachers, or whoever receives such a disclosure, should have adequate training to deal with the aftermath. The general education of young people in issues of

domestic violence is also included in the strategy. Does the minister have any plans to work with education departments to make such education compulsory?

I stress that I believe that the strategy is excellent, but I have some concerns and questions, which the minister may be able to clear up for me. They relate to the procedures for evaluating progress of the strategy, the method for sharing good practice and, of course, money—I will return to that.

The national strategy is to be evaluated after three years. I believe that three years is too long before the first evaluation. I encourage the minister to consider annual evaluation. I would also like the minister to clarify who will evaluate the progress of the strategy, since the partnership will now be disbanded.

The sharing of information is vital if the organisations involved in tackling domestic violence are to develop more effective methods. Can the minister be more specific about the mechanisms for sharing good practice? As she will know, there are many excellent local initiatives, but they are isolated and there is little communication of ideas. Inevitably, a certain amount of reinventing of the wheel goes on and a national strategy would be able to channel the initiatives efficiently and effectively.

I am rushing through my speech and missing some points, so I will put my notes down and congratulate the minister. This year, Ontario alone is spending around £60 million on its initiative. Proportionally, that would equate to a spend of £30 million in Scotland. I wonder, with good will, where the minister will get £30 million a year to spend on this much-needed initiative.

**The Deputy Presiding Officer:** I call Ian Jenkins, after whom we might just be able to squeeze in one last short speech.

16:26

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Jackie Baillie is a star.

**Jackie Baillie:** I like you too, Ian.

**Ian Jenkins:** What a wonderful day it is that sees us all agreeing on such a good topic.

I often start speeches with personal experiences, but I am glad to say that I have no personal experience of domestic abuse in my life. As a teacher, however, I saw youngsters with sad, hunted looks and anxious faces who came from homes where violence took place or who were sent from another town to my school because it was not safe to leave them in their home.

Some months ago, I was made aware of the

work of the Zero Tolerance Trust, which informed me of the gravity and the scale of domestic abuse in Scotland. Phil Gallie and the minister have quoted figures that reinforce the scale of the problem, so I will not go over them again.

Whenever I am asked to discuss the work of this Parliament, I never fail to say that one of the best things is that women's issues are given their proper place in our agenda. Today, the agenda begins to be properly addressed. Not only is there a substantial document and a full action plan that facilitates the kind of joint working that we need, but there is a clear and easy-to-understand structure to alter the situation: the three Ps, which are prevention, protection and provision. Above all, there is a substantial investment, which shows that we are putting our money where our mouth is and taking the problem seriously.

I welcome in particular the provision for education and training—not just for youngsters and the agencies that deal with the women involved, but for the public. We must challenge the assumptions that underlie the deep-seated Scottish traditions of male chauvinism and suffering in silence. That must be changed utterly.

I support Kay Ullrich's point about alcohol and remind the chamber of Donald Gorrie's wish to highlight the problems associated with alcohol abuse, which is a big contributor to domestic abuse.

I will end by talking about one aspect of the financial situation that surrounds the issue. My suggestion is a wee bit off the wall and out of the ordinary, but I ask the Scottish Parliament and ministers in the Executive to make powerful representations to Westminster to improve the working of the Child Support Agency, which deals with complex family issues. In many cases, it does so unfairly and impacts heavily on people who have been taken from their family home and placed in difficult circumstances.

I am grateful to the Zero Tolerance Trust and people such as Maureen Macmillan who have helped to make me and people like me much more aware of a problem that must be tackled if we are to create the kind of Scotland that I would like to live in.

**The Deputy Presiding Officer:** We have time for a brief contribution from Elaine Thomson.

16:29

**Elaine Thomson (Aberdeen North) (Lab):** Thank you for squeezing me in, Presiding Officer.

I want to endorse what every member has said and I welcome Scotland's first national strategy to address domestic abuse. I welcome especially the First Minister's announcement of £18 million that



will help to implement that strategy.

For many organisations, groups and women throughout Scotland, the landscape of combating and dealing with domestic abuse has been transformed over the past decade. However, it was clear from Maureen Macmillan's speech that a lot remains to be done and I recognise her anger.

Domestic violence has for far too long been a dark and malignant shadow cast over the lives of far too many women and their children. In the past, it has not been taken seriously by many agencies, including the police, local authority housing departments and the courts. It is now out in the open and will remain so for good. It is being tackled positively by many people. For example, Grampian police recorded about 4,000 incidents of domestic violence over nine months. More than 80 per cent of those incidents were recorded as crimes—that is a major step forward.

Parliament—not only ministers, but MSPs such as Maureen Macmillan—has tackled the issue head on. In the national strategy and in the resources that will be used to implement it, we have a clear action plan upon which everybody who is involved can act. That will allow us to put the lack of co-ordination between agencies—with desperate women being passed from pillar to post—behind us forever. Domestic abuse is a horror. It does not impact on only one generation; it can pass from one generation to the other.

A lady came to see me recently in Aberdeen. Her mother had been beaten for years on end, with no way out. The lady ended up in a violent marriage and was beaten for 20 years, after which she finally left. However, it was too late for her daughters—they also ended up in violent relationships, which thankfully they have left. However, unless they get help, their chances of moving out of that destructive cycle of behaviour are low. That is precisely what the resources that will be used to implement the national strategy will help to address. The resources will help to ensure that people in the situation that I have described will be able to access counselling.

The national strategy, with its three aims of prevention, protection and provision, will start to end what is a scourge on women's lives. As other members have said, it will tackle some of the attitudes that are consistently identified among both primary school children and teenagers, in particular the condoning of violence in relationships.

Last Friday, I helped to launch the Aberdeen domestic abuse project, funded from the domestic abuse service development fund, which formed part of the first £8 million that was announced last autumn. That money will provide two support

workers and a helpline.

I can see that you want me to wind up, Presiding Officer—I will do so.

Similar actions are being undertaken all over Scotland. The extra money that was announced today will allow the expansion of such services throughout Scotland. I welcome especially the allocation of extra money to provide refuge spaces. For example, Aberdeen Women's Aid was able to provide 140—

**The Deputy Presiding Officer:** You must close now.

**Elaine Thomson:** All right. Thank you.

**The Deputy Presiding Officer:** Elaine Thomson appeared courtesy of Tommy Sheridan, who has voluntarily given up three minutes of his closing speech for the benefit of other speakers. I would be grateful if other closing speakers keep their remarks very tight. Robert Brown has four minutes to wind up for the Liberal Democrats.

16:33

**Robert Brown (Glasgow) (LD):** This has been a debate of hope, inspired by some considerable speeches, if I may say so to colleagues in the chamber. The strategy document is weighty and has become a symbol of the way forward that Parliament and Scotland want.

I am not a great believer in strategies. Perhaps I have a concrete mind, but I like to see the resources, the decisions and the bits and pieces that make up the improvements that go with strategies. Against that background, the announcement of the money is extremely welcome.

When I looked through the press announcement relating to the £18.3 million, I saw that, although there is an adequate number of refuge places in Glasgow—according to the provision that has been set out for the city—that is not the case in the ring of local authority areas around Glasgow.

In South Lanarkshire, 41 places are required and 15 are provided. In North Lanarkshire, 44 places are required and 10 are provided. In East Renfrewshire, 12 places are required and nothing is provided—so it goes on.

**Fiona Hyslop:** Will Robert Brown give way?

**The Deputy Presiding Officer:** Briefly, please.

**Fiona Hyslop:** I am concerned that the press release uses Convention of Scottish Local Authorities figures that were based on 1989 figures. I am therefore concerned about the basis on which the figures were presented.

**Robert Brown:** I accept that. The wobbliness of

some of the statistics has been made apparent in the debate. The statistics need to be improved and that is dealt with in the report.

I have spent a fair bit of my professional life dealing with family cases. In that time, I have heard many stories and have seen evidence of considerable abuse. The point has been made that we are not talking about some airy-fairy domestic violence—the emphasis should not be on the nice “domestic”, but on the nasty “violence”. Domestic violence means broken arms and ribs, black eyes and people being bounced off walls, kicked down stairs and having all sorts of nasty things done to them. It is not only about overt violence. It is about abuse in the form of long silences and the kind of power play that members have described. It affects not only husbands, wives and partners, but children and other family members. Arguably, as we have heard in relation to investigations into matters such as drugs, it goes on from one generation to another. It is multifaceted.

The obstacles that people must overcome to leave a violent relationship are also multifaceted. We know about isolation and the problem of language, particularly among ethnic minority groups—I have had some experience of that. We know about the difficulties that people face in trying to find alternative housing. The importance of the availability of refuges cannot be overstated—that is why the money is so essential. We have heard about the need for support and counselling and the need to deal with children's problems. To some extent, children are dragged along in the wake of those disputes. Apart from being the spectators and sometimes the victims of disputes, children may have to move school and have their careers interrupted. Domestic violence is often associated with behaviour such as truancy. There are a number of implications for children as well as for partners in violent relationships.

The strategy provides a basis on which to move forward. There are legislative changes that should be made. The issue of legal aid was rightly raised. It is important that people, regardless of their modest or slightly less modest incomes, should have access to the resources that are needed to seek legal remedies.

Nora Radcliffe made the most important point—we must create an environment in which more people come forward because they have confidence that their problems can be dealt with. I return to the theme of hope, which I mentioned at the beginning of my speech. We hope that we can change the situation, move things along and produce a Scotland in which the scourge that is domestic violence and the damage that it does to individuals, families and communities are reduced.

16:38

**Mrs Lyndsay McIntosh (Central Scotland)**

**(Con):** I am mindful of your plea to members and ministers, Presiding Officer, so I will be as brief as possible. Before I address some of the issues that have been raised in the debate, I draw members' attention to the press gallery. On previous occasions, we have commented on the lack of attention that this subject attracts, so I am unsurprised by the low attendance in that gallery today.

I want to highlight some of the topics that have been raised. It is not good enough that 40 per cent of people believe that it is okay to hit. We have to challenge that belief at the youngest possible age. I welcome Jackie Baillie's announcement that Margaret Curran will chair the national group—I can think of no one better to take that on and she will have our support.

The Conservatives welcome the funding that has been announced for the non-affiliated women's aid groups. I am glad that David Mundell intervened on Jackie Baillie to address that issue.

I also want to highlight the television campaign that will run from boxing day to the end of January. I hope that that will lead to a resolution by many more members than are in the chamber today.

I welcome the fact that the hours for the telephone helpline will be extended so that it is open from 10 o'clock in the morning until 10 o'clock at night, seven days a week. However, one cannot make an appointment or plan to have an episode of domestic violence, so we should consider extending those hours to 24 hours a day. Will Margaret Curran tell us when we are likely to receive a response to the pilot study?

I like Linda Fabiani's ideas on anger management, self-esteem and awareness. That is the sort of thing that children ought to be taught.

Only Phil Gallie would bring up female circumcision—but he was right. The issue was highlighted in a magazine programme as recently as Friday, which featured a young woman from East Kilbride who had been operated on with a rusty blade. We are exposing women to a life of perpetual pain. I heard of a woman who was operated on without an anaesthetic, in the open, with a Coca-Cola bottle. It is degrading and wrong.

Maureen Macmillan was spot on in highlighting the fact that abused women come from all parts of society and all geographical locations. Domestic violence is not something that occurs only in sink estates—it happens everywhere.

I am as proud as Kay Ullrich is that we have nailed our colours to the mast. We will sign up to the diversions from prosecutions scheme. Trish Godman talked about the word “domestic”. I have

said in the chamber that home is sometimes where the hurt is—domesticity is not always pleasant. David Mundell highlighted elder abuse. How often do we give older people consideration in relation to this issue? Core funding will undoubtedly be needed. People need access to basic services.

Ian Jenkins highlighted education, as we might expect. Undoubtedly, as Gil Paterson said, prevention is better than cure and it should start at a very early age.

I apologise to those I have not mentioned and I thank Tommy Sheridan for giving up his right to reply to give others the opportunity to speak. Jamie McGrigor pleaded with me to mention children and I am happy to do that. We must pay attention to children, who are often the silent victims of domestic abuse. Studies suggest that as many as 90 per cent of the children who are affected are either in the same room or close by when a domestic attack occurs—what scars that must leave.

We welcome the strategy. I congratulate ministers and members of all parties on the adult and consensual way in which the debate has developed.

16:42

**Fiona Hyslop (Lothians) (SNP):** Last year, when we debated the domestic abuse work plan, there was a spirit of consensus, as there has been today. I pay tribute to the Minister for Social Justice in driving through the policy and the funding. I hope that she will join me in recognising that the power of Parliament, the pressure of speeches in this chamber and the work of the committees have been influential in pushing forward the agenda on tackling domestic abuse. We will give praise when praise is due—but, as is our duty in opposition, we will push and question.

There have been some powerful contributions this afternoon. Linda Fabiani's point about the sense of powerlessness that lies behind abuse and the importance of self-esteem was well made. Phil Gallie was right to ask for accountability—what has happened to the money that was pledged during the past year? The issue of rural provision is important and Maureen Macmillan's points about educating the community and the press were also well made, as was Kay Ullrich's point about institutional attitudes and the criminal justice system. In her brief contribution, Trish Godman made a good point about legal aid, which I will come back to.

Ian Jenkins wanted to have some kind of love-in with the Minister for Social Justice—which was rejected, I understand. He made a point about women's issues being addressed, but if he had

listened, the minister said that this is about human rights, not only women's issues. From his contribution, it seems he missed the point that Kay Ullrich made—alcohol is not the source of the problem, which is about power in relationships. I hope that he is suitably rebuked, but the sincerity with which he made his contribution is to be welcomed.

I also pay tribute to Anne Smith and members of the Scottish partnership on domestic abuse, whose report is well thought through and well argued. It sets out the comprehensive steps that were taken in arriving at the partnership's conclusions. The report marks out the route for policy and practice with vision—and that is what is needed.

If I have some slight criticisms, they concern the legal aspects, some of which the press has speculated on. Although the partnership's report indicates a need for comprehensive reform, more explicit information would have been helpful. The minister touched on that in her speech.

We should consider reform of legal aid rules and practices. I have in my hand a sample of the legal aid forms that a solicitor and client must complete. If sheriff officers are to serve court orders, a client under stress must complete at least some of these forms, which puts additional stress on women who might be frightened and confused. I will be interested to see what progress is made on reform.

The definitions of domestic abuse are at the core of the matter, as a number of members have said. The time scales on ownership are to be welcomed—results should be joined up.

This morning, the Social Inclusion, Housing and Voluntary Sector Committee took from Scottish Women's Aid evidence that showed that, although refuge funding was important, women and families must have accommodation to move to. Concerns were raised about Highland Council's requirement that all rent arrears should be cleared before others could apply for refuge places in that area. The witnesses told the story of a woman with five children who took a year to clear her rent arrears. As a result, only three other women and their children could be offered a place in that refuge that year—the woman with five children had to clear her debts before she could move on.

In hospitals, bedblocking is a horrible term, but we should recognise that refuge-blocking—although equally unfortunate as a term—is very descriptive. Because of the lack of suitable and affordable rented accommodation for women and their children who are fleeing domestic abuse, women must extend their stays in refuges, taking up places that others might need. The housing aspect of the problem is important and should be

addressed in the housing bill.

Points have been made about children and the psychological support that they need. We have to address the number of reserved powers—the Department of Social Security has been too slow to sort out income provisions.

I have said that we would call the Executive to account and raise important issues. This afternoon I received a distressing fax from Scottish Women's Aid which, if members will bear with me, I will read.

"We are in shock having been made aware that Glasgow is only being given an extra three bed spaces.

Please note the following—

Glasgow has four women's aid groups—not even one extra space per group.

Almost 11,000 women contacted our office last year for information, refuge and support.

Glasgow Women's Aid is in financial crisis and has been trying to secure core funding since the launch of the new Scottish Parliament. To date we have not received 1p!"

After making a number of further points, the fax continues:

"We do not provide a piecemeal service and we should not be treated in a piecemeal manner."

Members should listen to the final sentence:

"We feel extremely let down by our own Parliament and feel our work over almost 30 years has been negated."

That is a very serious point. It might be uncomfortable for members, but we must listen to it.

I would like to make a plea about funding, bearing in mind the money that is being put into an advert. Yes—advertises help to raise issues, but if there are not enough places to meet the demand that those adverts create, we will be in difficulty.

Scotland can never be at ease with herself if the fabric of family life is threatened by attitudes, behaviour and actions that mean that women and children live in fear. Parliament cannot and must not be silent on the issue, while women and children live in silent suffering. I am proud that the SNP supports the Executive's motion.

**The Deputy Presiding Officer:** Tommy Sheridan donated enough time for another member to make a speech, but has kept two minutes for his own summing-up.

16:49

**Tommy Sheridan:** Female members of my party who are involved in day-to-day contact with the victims of domestic violence and who sometimes work with the perpetrators of that violence insisted on our amendment to today's motion. They did so not to knock the strategy, and

not to knock the absolutely brilliant work that has been done on a multi-agency basis, but to remind everybody that it all comes down to resources. The strategy and the idea of trying to identify problems will amount to nothing unless resources exist to deal with those problems.

It is not a negative amendment; it is positive. It is not designed to knock the strategy and it does not delete the welcome for the strategy. The amendment simply points out that, until the resources are available, the strategy is a small step. The fax that Fiona Hyslop read out a moment ago confirms the need for such a positive amendment. We must remind everyone that the people who are working at the coalface require the funding that will allow them to do their work.

There have been some excellent speeches today. It is a pity that we had to have the Lord Advocate's statement earlier—although it was certainly necessary and therefore lengthy—because that cut the time for the debate. I hope that members accept that even the funding of refuge places is not enough. Refuges are only temporary solutions. What woman in her right mind wants to take her children to stay long term in a refuge? Women want to get away and they need to be comfortable and secure. However, at the end of the day, they want to rebuild their lives elsewhere, in areas where their children can feel safe and secure. That is why the provision of alternative accommodation is vital.

I hope that the Executive will agree to support the amendment.

16:51

**The Deputy Minister for Social Justice (Ms Margaret Curran):** This is an important day for Parliament and an historic day for Scotland. Many members and I have worked and argued long and hard for this day.

Today, for the first time, we have a national strategy to address domestic abuse in Scotland. That is a significant achievement, not only on the part of the members of the Scottish partnership on domestic abuse—whom I thank for their two years of effort—but on the part of many others, mostly women, over the past 30 years. Those people are today's unsung heroes. They succeeded in raising our awareness of domestic abuse by speaking out about their experiences and by continuing to speak out, even when no one seemed to want to hear them. I want to record my tribute to the survivors of domestic abuse, whose courage inspires us. Let us not forget those who did not survive, whose loss we mourn and in whose memory we are pledged to action.

The debate has, once again, shown Parliament at its best. I pay tribute to the consensus that has

been struck today. I have long acknowledged that not all the problems that we face are party political—many women in other parties have forged ahead in promoting action on the issue and I pay tribute to them.

I want to consider briefly where we have come from. Thirty years ago, there was nowhere for somebody to go in Scotland if they were being abused by their partner. There were no services, refuges or safe places for them and their children. What did women do when it was not safe for them to stay in their own homes and they could not afford a new home for themselves and their children? They went to stay with friends and relatives, where they could be found easily and forced back home, or they stayed where they were, risking injury, degradation and even death. Those women were often driven by an overwhelming commitment to their children.

What happened to those women was never talked about openly. There were no solutions that could be offered. There was only advice about keeping on his good side and how it was all part of married life—just something that women had to accept.

Things started to change in the early 1970s, when the women's movement began to get organised. It was established that the subject had to be recognised and that there was a need for safe places for women and children to escape from domestic abuse. Women's aid groups were established and they ran campaigns to set up refuges. Many women ran phone lines in their spare time and fundraised to keep the doors open, so that women and children had somewhere safe to go. Those pioneering women were derided and ridiculed and often faced threats to their own safety because of their championing of this unpopular cause. As somebody who has been involved in the campaign for some time, it is satisfying to know that we have moved away from the mockery and derision that we used to face in political debate. I thank some of the men who are now on side and Parliament for giving us our space to make our point.

Those women prevailed, and thanks to them there are now refuges throughout Scotland where women and children can go to rebuild their lives. Thanks to those women and the opportunities that they provided for the voices of survivors of domestic abuse to be heard, we found out about what happens to some women—at least one in five of all women in Scotland—and their children at home.

Once we knew about it, we were driven to begin to do something about it. Locally, all over Scotland, services for women and children who have experienced domestic abuse have developed. In some areas, men and women of

vision did not have to be persuaded about the need to fund safe refuge, counselling and support work—they got on and did it and started to raise awareness for local agencies and others to start delivering services. In other parts of Scotland, that has been a harder task. Many of us in the chamber and elsewhere have taken part in the long struggle to which I referred, facing those who denied the reality, scale and impact of domestic abuse in our country.

Services have developed, but in a piecemeal way. That is the challenge that we face in the Executive. There is good practice in some areas, but not in others. Women and children in different parts of Scotland have had access to different resources, which is an important issue when so many have to leave their own area to seek safety from an abusive man. We knew that we had to do something to change that situation and end the lottery in which where a person lives in Scotland determines the help that that person gets if they are being abused. I take seriously the points that have been made about Glasgow and I hope that we can begin to address them by addressing the issue of satellite areas, so that Glasgow is not overburdened by people who have to go there to access services. The strategy will begin to address that.

Looking back, it is obvious that we have come a long way since the early days. The pace of change has quickened, especially in recent years. The Convention of Scottish Local Authorities identified the important role of local authorities and in 1991 made recommendations in its "Women and Violence Working Party Report", some of which have not yet been fulfilled, although today's announcement of £10 million for refuge spaces will allow us finally to meet COSLA's target. A number of research studies that were published in 1997 drew our attention to gaps in services. COSLA produced a follow-up to its 1991 report, called "Guidance on Preparing and Implementing a Multi-Agency Strategy to Tackle Violence Against Women". In June 1998, the First Minister—then the Minister of State at the Scottish Office—announced the setting-up of the Scottish partnership on domestic abuse.

Two and a half years later, we have the results of that work—the results of many hours of discussion by many differing interests, all working towards agreement. I assure Tommy Sheridan that the emphasis is not on workers or professionals sitting around discussing the issue; it is on front-line services and making sure that they are delivered.

**Dr Richard Simpson (Ochil) (Lab):** Will the minister give way?

**Ms Curran:** I apologise, but I do not have time.

We have the first national strategy to address domestic abuse in Scotland. We have an action plan that sets out all the work that we need to do and identifies all those who need to be involved in carrying it out. We will emphasise good practice guidelines. We have an unprecedented funding package of £18.3 million, which is the largest amount of money ever committed to domestic abuse in Britain. I promise Parliament that I will continue to press for resources—when I think that they are necessary—for the victims of domestic abuse. I promise that, but I do not underestimate the significance of this public funding.

I have been genuinely moved by many of the contributions to the debate this afternoon. I extend my thanks to every member who has spoken and demonstrated their concern for the women and children who live in fear of abusive men. I am sure that their words will be listened to and warmly welcomed outside the chamber as evidence that politicians are finally listening to the voices of those who have had the courage to speak out.

Today is a starting point; the publication of the strategy is not the end of a process. In many ways, the hard work is beginning now, in the implementation of the action plan. In three years' time, we will be judged harshly if we have not made a real difference to the lives of many women and children, but we are not fooling ourselves that the outcome of those three years will be an end in itself. We have a great deal more work to do.

I welcome the contributions of Linda Fabiani and others. We have addressed training for the judiciary, and I will get back to Linda Fabiani on her point about the Zero Tolerance Trust material. Other members also made points that I will follow up.

In moving towards my conclusion, I wish to say one thing—although I am committed, as is Jackie Baillie, to driving forward this debate in the Executive, this issue has been owned by Parliament. I pay tribute to the Social Inclusion, Housing and Voluntary Sector Committee—of which I was a member—the Justice and Home Affairs Committee and other committees and the parliamentary cross-party groups that have been involved. This political consensus was not easy to achieve.

I will conclude by making a commitment, personally and on behalf of the Executive, that we will do everything in our power to eradicate domestic abuse in Scotland. Our aim is not just to reduce it; we want to see it gone for ever. We want a Scotland where there is no excuse for domestic abuse. We want a Scotland where no woman waits in fear of the sound of a key in the lock and where no child cowers under the bedclothes, terrified about what is being done to his or her mother. We want a Scotland where the law keeps

its promise to protect. Let Parliament show that it has the political will to make that happen.

**The Presiding Officer (Sir David Steel):** That concludes the debate.

I will return to the point of order that Fiona Hyslop raised at the start of the debate, about the pre-release of details on announcements that were to be made in the debate. I have now had the opportunity to examine the complaints that were made. I take the view that the problems centre narrowly on the timing of the publication of an answer to an inspired parliamentary question. As the Parliamentary Bureau discussed the arrangements for parliamentary questions only last week, I intend to take the matter back for further discussion at next week's bureau meeting. I hope that that keeps members happy.

## Parliamentary Bureau

17:00

**The Presiding Officer (Sir David Steel):** There are no Parliamentary Bureau motions today, but Tavish Scott has made a request to move a motion without notice on behalf of the bureau.

*Motion moved,*

That motion S1M-1408 be taken at this meeting of the Parliament.—[Tavish Scott.]

*Motion agreed to.*

**The Presiding Officer:** I ask Mr Scott to move motion S1M-1408.

**The Deputy Minister for Parliament (Tavish Scott):** I move motion S1M-1408 formally.

**The Presiding Officer:** Will you explain it to the chamber? I have a copy of the motion, but nobody else has.

**Tavish Scott:** Sorry, I assumed that members knew what it said.

I move,

That the Parliament agrees that Rule 12.3.3 of the standing orders be suspended from 12:30 pm until 2:30 pm on Thursday 30 November to allow the Education, Culture and Sport Committee to meet.

## Decision Time

17:01

**The Presiding Officer (Sir David Steel):** There are three questions to put as a result of today's business.

The first question is, that amendment S1M-1400.1, in the name of Tommy Sheridan, which seeks to amend motion S1M-1400, in the name of Jackie Baillie, on domestic abuse, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** Mr Sheridan, are you saying yes? Are you agreed?

**Tommy Sheridan (Glasgow) (SSP):** Yes.

**The Presiding Officer:** I was listening, but I did not hear anything from you.

There will be a division.

### FOR

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)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (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)  
 Young, John (West of Scotland) (Con)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 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, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)

Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (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)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs 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)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Quinan, Mr Lloyd (West of Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 20, Against 91, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that motion S1M-1400, in the name of Jackie Baillie, on domestic abuse, be agreed to.

*Motion agreed to.*

That the Parliament approves the final Report of the Scottish Partnership on Domestic Abuse, endorses the National Strategy to Address Domestic Abuse in Scotland and welcomes the funding package which has been put in place to implement the recommendations of the Partnership.

**The Presiding Officer:** The third question is, that motion S1M-1408, in the name of Tavish Scott, on the suspension of standing orders tomorrow, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Rule 12.3.3 of the standing orders be suspended from 12:30 pm until 2:30 pm on Thursday 30 November to allow the Education, Culture and Sport Committee to meet.



## Mental Health Carers

**The Presiding Officer (Sir David Steel):** We come now to the final item of today's business, which is a members' business debate on motion S1M-1189, in the name of Mr Adam Ingram. The debate is on mental health carers and will be concluded after 30 minutes without any question being put.

### *Motion debated,*

That the Parliament congratulates Trust: A Carers Connection on its campaigning for the rights of carers of the mentally ill in Ayrshire; recognises the specific needs of these carers; believes that the rights of carers of people with mental illness should be at least the same as those of other carers, particularly in relation to consultation over care issues concerning the patient, and acknowledges the invaluable work carried out by these carers.

17:04

**Mr Adam Ingram (South of Scotland) (SNP):** Before I begin, I would like to thank a number of people in the gallery who have come along to listen to the debate: Margaret Paton of Trust: A Carers Connection; representatives from the Mental Welfare Commission; professionals; and many carers from Ayrshire. I also mention Pat Whyte of Majella, who could not make it this evening.

Not long after I was elected last year, I met Margaret Paton and became interested in her work for carers. Trust: A Carers Connection has been working with mental health carers in Ayrshire for many years and is one of the few organisations for carers of people with a mental illness. Predictably, given the lack of public support for carers of the mentally ill, it is a voluntary self-help group that depends entirely on the commitment and determination of Margaret and others to keep going.

I lodged this motion in October because I believe that the rights and needs of mental health carers are not adequately addressed. I hope that the debate will highlight both the significant differences between carers of the mentally ill and other carers, and the fact that those differences are not catered for.

Carers and caring issues have a high profile in the Scottish Parliament. We have held debates on carers and a cross-party group has been set up as a forum for debate on caring. However, everything has been directed at caring in general, and general strategies that are aimed at all carers tend inadvertently to discriminate against and neglect mental health carers. Why should that be the case?

First, the stigma attached to mental illness is an

enormous barrier to overcome. It prevents some carers from seeking help, while many others remain hidden, trying to cope in isolation. Other carers do not usually share that experience. A member of Trust: A Carers Connection said:

"People who have experienced mental health problems know what it is like to suffer pain, but their families suffer the hidden pain—not being able to speak about it to anyone, no-one to listen to their problems. The Carers' group has helped me to cope with these problems, giving me support and hope for the future."

Most disabilities carry some form of stigma. However, the stigma that is attached to mental illness makes it one of the great taboos of modern life. Carers need to know where they can go for support from those who have had personal experience of caring in a mental illness situation. Otherwise, there is every possibility that they will keep their situation a secret, with isolation the result.

Secondly, carers of people with serious mental health problems often do not identify themselves as carers. A project explicitly for mental health carers would help to identify hidden carers, would assist in the identification of young carers and/or family members, and would promote the recognition of the needs of carers in mental health services.

Thirdly, carers are often the first to notice a change in the behaviour of the person for whom they care. Indeed, they may be the only person to recognise the development of a mental health problem in the first place. Those carers are not trained; they are thrown in at the deep end with little or no assistance to care for someone who has a condition about which they may know little.

Mental illness is not a consistent condition like that suffered by someone with a physical disability. Mental illness can fluctuate, with people becoming ill quickly and unpredictably. It can manifest itself in different ways, with the person becoming aggressive or withdrawn. It is intensely emotionally demanding of the carer, who may not know the best way to react to and deal with changing behaviour. At such times, it is important to know how best to respond—to be caring, calm and non-emotional—and to be supported in doing so. It is important for carers to be able to access expertise and understanding. Often, such support can be given effectively by other mental health carers as well as by professionals.

Many welcome developments have taken place in caring and mental health, but not in mental health caring. The national carers strategy is not relevant to mental health carers. The Millan committee, which is reviewing the Mental Health (Scotland) Act 1984, is mainly patient centred. I am concerned that the development of a system of nominated people, as recommended in the second

draft of the Millan committee's report, may lead to difficulties for the carer if the nominated person is different from the carer, who is often the nearest relative.

It is vital to ensure that carers' rights are balanced against those of the nominated person. For example, the professional care team should inform and consult the carer as well as the nominated person—if they are different—during a compulsory assessment and before discharge from hospital or variations to a community care plan. If those rights were provided for in new legislation, that would be an important step forward in ensuring better support for the carer and a more accurate view of the patient's situation and likely support needs. In some cases, it could also make things safer for the carers.

The nub of the problem faced by carers of people with mental health problems is lack of information. In carers' experience, patient confidentiality is often used as an excuse not to share information with or explain consent to those who care for people with mental health problems. That unacceptable practice can leave the carer under-informed, marginalised and even at risk. The challenge for this Parliament is to ensure that the needs of mental health carers are properly addressed and, in particular, that carers' rights to information and to be involved in decisions that affect them and those they care for are properly recognised in law.

One in four adults will suffer from mental ill health during their lives. They will for the most part be cared for by friends and family, saving the taxpayer some £280 million a year. Service users and carers deserve our attention and a much better deal. That is long overdue.

17:11

**David Mundell (South of Scotland) (Con):** I congratulate my fellow South of Scotland MSP, Adam Ingram, on introducing this topic for debate. He has highlighted not only the work of carers in Ayrshire—I used to live there, so I know something about that—but the whole issue of mental health, which I believe has not received as much attention from this Parliament as it deserves.

As is evidenced by the benefits system, ours is a society that has for the most part come to terms with long-term, identifiable physical injury and disability, but which finds it hard to cope with the unseen and variable conditions that people who suffer from mental health problems have to cope with. It is time for mental health to stop being the cinderella of the health service and to be given the priority and importance it deserves, not just words and documents. I accept, however, that the Executive's commitments to mental health care

are sincere.

Everybody knows someone who has had or is having a mental health problem. Each of us is much more likely to end up being the carer of someone suffering from a mental health problem than from a long-term, physical illness. Only a few minutes ago, we were talking about how stigma had been overcome and awareness increased in relation to domestic abuse. The same concerted effort is needed in respect of mental health. In my view, it is a national disgrace that progress is pitifully slow and that awareness of conditions that are so prevalent in society is so poor.

It is in that environment that carers are placed at such a disadvantage. They often have no more practical information than society at large, yet they are put into the front line of care. Formal support systems are non-existent. It is only groups such as Trust: A Carers Connection or organisations such as the Manic Depression Fellowship that offer help. There is no doubt that mental health carers should have the same input into care decisions as happens with physical illness. Experiences range from having no input into treatments that they do not understand, such as electric shock treatment, to being asked to make snap decisions that they find emotionally difficult to cope with, such as whether they are happy that their partner or child should be detained in a hospital against their will.

I do not believe that many professionals in the health and support services fully understand how disconcerting it is for a carer to see someone whom they know, love and respect undergo an almost complete change of personality. Often, as Adam Ingram pointed out, that can happen more than once. For too long, carers have been on the sidelines. They must be brought into the heart of the decision-making process in the development of care plans, just as if the person being cared for had a stereotypical physical, long-term condition. Doctors, and even community psychiatric nurses, can see a patient for only a few minutes in a week or, perhaps at best, a day. Carers live with the condition 24 hours a day and need to be involved in the process and treated by agencies with the respect that they deserve.

Carers also need practical help. They want support from people who can do shopping, wash the dishes, make the beds, clean the house and wash clothes—the things that keep the day-to-day structure of a life going. From constituents who speak to me about their experiences, I understand that social services find it very difficult to provide that sort of practical help. Instead, they offer unidentified support that is not domestic in nature. It is domestic support that people require.

Let us recognise mental illness for the serious problem that it is, not just in Ayrshire but throughout Scotland. Let us give it the priority and,

consequently, the resources that it deserves. Let us ensure that society is better informed. Most of all, let us respect and honour carers for the work that they do and give them the practical support that they need.

17:15

**Nora Radcliffe (Gordon) (LD):** Thirteen per cent of adult Scots are carers and their care is estimated to save the taxpayer £34 billion. What we do to care for the carers is woefully inadequate. What we do to help them is also woefully inadequate.

Carers need practical, financial and emotional support. They need information and, sometimes, training. They need information about services and benefits that they should be able to access, as well as information about the condition that affects the person for whom they care and how best to treat it. In a survey, it was found that two thirds of carers had received no information or guidance on the medical needs of the person for whom they were caring. For reasons that Adam Ingram outlined, that is even more important when the person being cared for has a mental illness. How many carers have had the benefit of training in, for example, how to lift or move a patient in a way that is safe for both the lifter and the person being lifted?

Professionals have a working week and a holiday entitlement. Carers are on duty 24 hours a day, seven days a week and 52 weeks a year unless respite provision is available to them. All too often it is not, especially when people with special needs or difficulties are involved. Caring can be exhausting, depressing and isolating. The demands on someone caring for a loved one with mental illness are often particularly complex and difficult. Hurtful behaviour caused by mental illness can be deeply distressing. Adam Ingram also highlighted the hurt that results from the stigma that can be attached to mental illness.

I thank Adam Ingram for lodging this motion. It affords us an opportunity to highlight these issues and to say how valuable the work is of organisations such as the one that he mentioned, which give help and support to carers—people who badly need it.

17:18

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Like the members who have already spoken, I thank Adam Ingram for lodging this motion.

I do not have a lengthy prepared text with lots of statistics and information, because I want to speak from a personal point of view. This is a subject close to my heart, as some of my close family

members have over the years suffered from mental illness.

When I was a young person, I never thought of myself as a carer for someone who was suffering from a mental illness. However, in effect, that was what I was. As a young person in that situation, I was aware that sometimes members of my family were seen as different from members of the families of other kids at my school. I was aware that often, because of the responsibilities that I had, I was unable to take part in after-school activities and activities in the local community that other young people had the opportunity to be involved in. I was also aware, from a very early age, that additional responsibilities were placed on me that would not have been placed on other young people in my community.

I recognise the need for us to change attitudes and to support young carers in particular. We are now identifying an increasing number of young carers, particularly those caring for people who suffer from various forms of mental illness and, sometimes, from both mental illness and addiction problems.

I hope, when we consider this problem, that we recognise that many people care for 24 hours a day, 52 weeks of the year. Many carers would not have it any other way. They want to do the caring; they want to take on the responsibility because they want to be the ones who look after their family members. What they want from society is not to be labelled, stigmatised or excluded. They want support to be available when they need it, in the form in which they need it. I have been a professional worker in social work and the mental health sector, so I know it from that side as well.

I commend the work that is done by all the voluntary organisations and the people who are directly involved in caring. When we develop our policies for the future, I hope that we will listen to what those people have to say and, more important, that we will hear and understand what they are saying and take their views into account.

17:21

**Brian Adam (North-East Scotland) (SNP):** I commend the voluntary sector for the hard work it does in many sectors. Here we are, yet again: where there is a need, people get together, rise to the challenge and provide, as far it is within their capacity, a help network to deliver services that other members have ably described.

I commend Trust: A Carers Connection for the work that it does in Ayrshire. There are other organisations elsewhere in Scotland. As I understand it, there is neither a national arrangement nor an informal network. I also commend a similar organisation in Grampian,

called Care Link.

It is often left to those who have experience of mental illness, or those who have been closely involved with people with mental illness, to drive this forward. There is a grassroots response from those who have such experience. They seek help from professionals and legislators to provide support mechanisms. It is much better that it comes from the grassroots than proceeds on the basis that we produce a national strategy and say, "You will do what you are told." This is a much better approach. It is unfortunate that part of the growing process derives from the fact that support is not in place.

I commend Adam Ingram for bringing this motion to the Parliament. Now that the issue has been aired, I hope that we will hear from the minister about how we will be able to support organisations such as Trust: A Carers Connection and Care Link and how we will encourage the growth of similar organisations elsewhere so that we might be able to put a national strategy and national framework in place for carers of people who are mentally ill.

17:23

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** I congratulate Adam Ingram on securing this debate.

I pay tribute to carers in general and specifically carers of people with mental health problems. I acknowledge the enormous contribution that they make to society. Some of them are in the gallery today; I welcome them. As we have heard, some are also in the chamber. We would like to acknowledge the forceful and moving speech made by Cathy Jamieson.

That carers' issues are being given the higher profile they deserve is a tribute to the years of campaigning carried out by organisations nationally and locally. Among those, I congratulate Margaret Paton and her colleagues in Trust: A Carers Connection on their commitment to support carers of people with mental health problems who live in Ayrshire.

Every carer faces a unique set of circumstances. Carers of people with mental health problems need to have particular skills and sensitivity. I heard what Adam Ingram said about the carers strategy being irrelevant to mental health carers. I would submit that all carers share some important needs.

I will talk briefly about the general strategy, but I accept that most of the debate will be—and ought to be—on the specific needs of those who care for people with mental health difficulties. The main

themes of the strategy are information, services, legislation, standards and monitoring. It goes without saying that all have relevance in different ways to carers of people with mental health difficulties. In particular, we know that carers want more support and better information to allow them to make real choices about how they run their lives.

I will briefly remind members of the funding that has been put into the carers strategy. We have asked local authorities to spend £10 million a year on supporting carers. As the statement at the beginning of October made clear, there will be new investment to fund 22,000 extra weeks of respite care for older people. Finally, there has been the more recent announcement of £500,000 over the next three years for voluntary organisations to help with the implementation of the carers strategy. If we bear that general background in mind, I will now turn to Adam Ingram's specific points about mental health carers.

Cathy Jamieson and David Mundell echoed Adam Ingram's opening comment about the specific problem of the social stigma attached to mental illness. We all recognise that that is an issue for people with mental illness and their carers and that we must address it on a broad front through educating the population about mental health and mental illness.

Adam Ingram pointed out that carers of people with mental health problems do not identify themselves as carers. Although we accept that, it is equally an issue for other carers. Furthermore, I accept that that might be an argument among others for specific mental health projects—I note and welcome the fact that there are such projects in Ayrshire and other parts of Scotland.

I also agree with Adam Ingram's point about training and general information and support. It is clear that carers of people with mental health problems have specific needs. That said, I must make a distinction between general information and particular information about certain individuals, which is the most controversial issue he raised. Carers need information to help them understand the health needs of the person they are caring for.

Health professionals should be proactive in seeking patient consent to share information with carers. However, if a patient refuses, that is their right and professionals are obliged to respect that choice. Although that is made clear in guidance from the General Medical Council, it is also right in principle. The particular issue of schizophrenia will be dealt with in the clinical standards on schizophrenia that the Clinical Standards Board for Scotland will issue in the next few days. Debate will continue on that issue; indeed, there

are other issues where there is conflict between the patient or user of the service and the carer. However, we must accept that the patient and the user of the service has to take priority. If that proves a controversial idea, no doubt we can discuss it further.

David Mundell asked us to make mental health a priority and hoped that we would have more debates on the subject. Although I am not entirely in control of the debates, I certainly welcome other members lodging motions on the matter. I should affirm that mental health is one of the Executive's top three health priorities. I must also pay tribute once again to the Health and Community Care Committee, which has done a lot of work on mental health, particularly through its inquiry on community care.

**Mary Scanlon (Highlands and Islands) (Con):** I appreciate the minister's comments and am delighted that mental health is one of the Executive's top three clinical priorities. Can the minister be sure that the issue is also a major priority at health trust level? The Mental Welfare Commission has raised concerns that its recent visits have highlighted the same problems as it highlighted five or 10 years ago. Although I appreciate the minister's commitment, can we be sure that the issue is a major priority locally as well as nationally?

**Malcolm Chisholm:** That is the challenge for us all. Health policy in general is now about translating the rhetoric of good policy documents into implementation on the ground. We have developed some mechanisms—I shall refer briefly to the mental health and well-being support group—but more work remains to be done on the performance management of mental health services and the general way in which we hold health boards to account for what they do.

Issues arose in Ayrshire some time ago about how much money was spent on mental health services. Members who know more about it than I do may want to intervene. Comparative progress has been made and the Executive will look closely at the health board in Ayrshire, or anywhere else, if it thinks that mental health is not being treated as a priority—although I am not suggesting that Ayrshire Health Board is not making it a priority now.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** I could not resist Malcolm Chisholm's invitation to intervene. Is he assuring Ayrshire members that all the problems about the accountability of the health board that were identified in previous debates have been resolved and that everyone in Ayrshire will get their fair shares?

**Malcolm Chisholm:** I would not be so rash as

to give that guarantee, nor would it be in my power to do so, but people who have seen the report of the mental health and well-being support group into mental health services in Ayrshire—of whom Adam Ingram is one—will know that we can point to increases in budgets for mental health services, both in the local authorities and the health board. Nevertheless, the support group referred to the difference between the announced intended revenue growth and what has happened. I hasten to add that it did not say that there had not been some expansion in resources, but it issued that caveat.

It is important to acknowledge that carers and service users are central to the framework for mental health services. That framework is designed to help health, social work and housing services and the voluntary sector to provide integrated and comprehensive health and social care services for people with mental health problems. The mental health and well-being support group was set up earlier this year to encourage and advance the framework's implementation agenda and its ambitions throughout Scotland. The group will offer support, advice, encouragement and examples of best practice to those who are involved on the ground. The group is an important initiative and its reports are important documents that I hope people will pay attention to in their own areas.

On the general issue of money—I have mentioned the case of Ayrshire—I can point to some extra money for mental health services. The forecast expenditure for mental health this year is up by 8 per cent in local authorities and by 3 per cent in the NHS. More significant, the mental illness specific grant—which has been frozen for some time—will rise by 5 per cent next year, to £19 million a year. A further £5 million has been announced for improvements in NHS mental health accommodation and £2 million has been announced for the mental health and well-being development fund. Ayrshire has claimed £275,000 from that fund and will submit further bids, I am sure.

There is more to providing support than simply resourcing services, important though that is. I pay tribute to all those who support people with mental health problems, many of whom work in the voluntary sector and have mental health problems themselves. We are determined to continue the work that we have started, to give mental health the priority it deserves. We may not be able to make everything perfect but, by continuing to work together, we can and will make a difference.

*Meeting closed at 17:34.*



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