

MEETING OF THE PARLIAMENT

Thursday 15 February 2001

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Scottish Parliament

Thursday 15 February 2001

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

Motion of No Confidence

The Presiding Officer (Sir David Steel): Good morning. Our first item of business today is a debate on motion S1M-1621—a motion of no confidence—in the name of Bruce Crawford, and an amendment to that motion.

09:30

Bruce Crawford (Mid Scotland and Fife) (SNP): I state unequivocally that the SNP has no beef with a minister who is intent on producing savings in her budget, provided that she does so for the good of Scotland. Nor do we have any beef with a minister who can deliver a transport bill in the confines of the limited powers that are available to her. The Minister for Transport has done her best as she sees it for the good of Scotland.

However, the SNP believes that, in the case of the trunk road tendering process, there is substantial and solid evidence that the minister has failed seriously to discharge her ministerial responsibilities to a satisfactory standard. In other words, we believe that the decisions that she took did not serve Scotland well. In particular, she failed to ensure that, as part of Government policy, proper cognisance was taken of or proper weight was given to the requirement for an integrated and best-value approach to how the services are to be delivered across the public sector. That is a key issue in Scottish transport. The Government was meant to deliver on it, but the minister has failed to do so.

In addition, the minister is culpable because she was warned repeatedly about the dangers. During the initial consultation in 1999, the Convention of Scottish Local Authorities, many local authorities and others warned of the dire consequences of the Government's proposals. They warned that the process was too narrowly focused on the monetary cost to the Executive and that it was based on the old compulsory competitive tendering regime rather than on the principles of best value.

Karen Gillon (Clydesdale) (Lab): When—on what day and at what time—did the member first raise that issue with the minister?

Bruce Crawford: I raised it as leader of Perth

and Kinross Council way back when I was involved in the process. I have been involved in it all along.

The back benchers have a job to do today: they must decide either to stick up for their constituents or to stick up for the minister.

Fatally, the trunk road proposals ignored the fact that, if trunk road maintenance were to be completely separated from local road maintenance, the economies of scale and efficiencies from the integrated use of depots and plant would be lost.

Pauline McNeill (Glasgow Kelvin) (Lab): On a point of order.

Bruce Crawford: Can I just get on, please?

The Presiding Officer: Mr Crawford, there is a point of order.

Pauline McNeill: Presiding Officer, will you rule on whether it is in order for a member to claim in the chamber that he said something when he cannot substantiate that claim in debate?

The Presiding Officer: As I have said many times, the content of speeches and answers is not a matter for points of order.

Bruce Crawford: The minister knows all the things that I have outlined. She also knows that she failed to publish the outcomes of the consultation. Why did she fail to publish the outcomes of a consultation that was meant to be open? After all, even the Tories managed to do that in 1995.

The warnings of a public policy disaster were loud and clear from the beginning, but the minister chose not to listen; instead, she stumbled into a catalogue of errors over the tendering process. The result is the immediate threat to between 400 and 500 jobs, with 3,500 jobs potentially under threat as the loss of economies of scale begins to bite across local government. The council tax payer will be left to pick up the tab for redundancy costs and the loss of surplus income from the contracts.

The minister also failed to heed the many warnings about the quantities detailed for materials. Those figures were seriously flawed. In many cases, the base quantities differed from historical actuals by as much as 60 per cent. Incredibly, the Executive posted out the base quantities information, which was to be used in its assessment model, only after the deadline for the submission of tenders. That was far too late to allow tenderers to use it to inform their bids.

Those are the reasons why Scottish councils took the extraordinary step of going to court to challenge a decision of a Government that most of them support. It is important to note that, unlike

the minister's media spin, the courts were sympathetic to the views of the local authorities. Lord Macfadyen found that the local authority consortia had established a *prima facie* case and that existing tenderers, who had used accurate historical information, were disadvantaged because of the grossly overstated quantities.

What was the impact of those serious errors on the bidding process? For the north-west unit, Highland Council said:

"We estimate that the overall effect of the revision of the quantities used would have the effect of slicing a staggering £70 million from our tender assessment."

The south-west unit estimates a reduction of £60 million, the north-east estimates one of £21 million and the south-east estimates one of £20 million. As the minister knows, the bids could have been reduced by those sums if the quantities had been properly stated. If the process not been flawed, the bids of the existing consortia could have been reduced by £174 million over the five-year life of the contract.

Contrast that with the minister's hollow boasts in her press release of 23 January, when she said that she would save £75 million over five years in comparison to the existing arrangements, and with her constant plea that the decision would save money. It could not be clearer: if she had heeded the advice of the majority in this Parliament, she could have saved an additional £90 million over and above what she claimed was achievable.

What has the minister done, having got things so wrong? She has not taken steps to put them right; instead, she has compounded the errors by announcing an independent review, which is nothing of the sort. The so-called independent review has been undertaken by PricewaterhouseCoopers, a company that was a major part of the minister's performance audit group for the tender assessment panel and was substantially and materially involved in interviewing the organisations that had submitted bids. The review was not independent; it was—and was always intended to be—an internal whitewash.

There has been a genuine independent review, however—the one carried out by Trett Consulting for the Clyde Solway Consortium. That report's conclusion is very damaging to the minister's case. It states:

"This is undoubtedly the most onerous contract we have ever reviewed. The Scottish Executive have endeavoured to abdicate all responsibility . . . The contract virtually decrees a master and serf relationship and in our opinion is an affront to fair and reasonable contract drafting."

The process has been an affront to justice and fairness and an affront to the Parliament. The actions of the minister have been an affront to the

position that she holds. In view of the evidence that is stacked against any claim that the process was fair or just, it is reasonable to ask what was driving the minister. What was her motivation? Was it that, come hell or high water, she was determined to reach her budget targets, regardless of who got in the way and regardless of the dangerous impact that that would have on jobs and public safety? This was a minister driven by fear to misjudgments and errors in an effort to reach her targets. If she had referred the matter to the Transport and the Environment Committee, she might have saved even more money and many people's jobs.

Those who vote against the SNP motion will show that they have confidence in the way in which this whole sorry mess has been handled. They will show that they believe that public safety will be best served, that the minister has gained best value for the taxpayer and that 3,500 jobs were not worth saving. The Parliament should support the motion. The buck should stop with the minister. The case could not be clearer.

I move,

That the Parliament has no confidence in the Minister for Transport on account of her handling of the trunk road management and maintenance tendering process.

09:39

Mr Murray Tosh (South of Scotland) (Con):

We must congratulate Bruce Crawford on at least managing to unite the Executive on this issue.

Three weeks ago, the SNP did the Parliament a considerable favour by allocating some of its time to a debate on the trunk road maintenance and management tendering process, which is an important issue that had not been ventilated in Parliament or its committees. We were correct to discuss such an important policy switch. Today, however, the SNP has not done Parliament a service—by introducing a no confidence motion, it has, in effect, prejudged the matter.

The Conservatives have two essential concerns about the process, the first of which is the way in which the evaluation was carried out. That matter has been internally re-evaluated; the minister has invited the Auditor General to review the process and the Transport and the Environment Committee has intimated its intention to investigate the contracting procedure. If Bruce Crawford's concerns are vindicated by either or both of those investigations and if damning judgment is passed on the process, questions will quite rightly be asked about the minister's handling of the affair. However, I am afraid that, by bringing the matter forward at this stage—so prejudging the evidence and taking one side without allowing for the possibility that the analysis might be wrong—

SNP members have been opportunistic.

The Conservatives have no difficulty with the principle of tendering; our reservations have centred on the process and the initial risk transfer, which is an issue that has never been assessed, discussed or evaluated. However, those matters—along with the evaluation process—will be investigated and we are happy to await the outcomes of those investigations.

I do not understand why the SNP's motion attacks the Minister for Transport. The policy is not the minister's, it is the Executive's. In debating the matter, the minister has been consistent and honest—within her lights—in her handling of the matter. The SNP's personal attack on her is misplaced. If SNP members need a target, it should not be the tendering process or even the evaluation, which still await assessment; they should concentrate instead on the way in which the matter was slid past the Parliament in the roads debate three weeks ago. That was a rather sticky day for the Executive, and it was not Sarah Boyack who said at question time that afternoon that she would ensure that

"members' concerns are listened to and that everything humanly possible is done to address them."

It was not Sarah Boyack who regretted

"the rancour, mistrust and concerns that were expressed"

or who said:

"I cannot be specific, but I am sure that Bruce Crawford hears what I am saying and understands that I want to discuss the matter further."—[*Official Report*, 25 January 2001; Vol 10, c 657.]

Those were the First Minister's words and, if the SNP is unhappy with anyone, it should be unhappy with the organ-grinder, not the monkey.

The First Minister made those statements and then failed to deliver any substantive response to his commitments. All that happened was that, a week later, after the internal investigation, the contracts were awarded. None of the other issues was addressed or discussed and no further response was made to COSLA or the local authorities. If members are unhappy with the situation, their target should be the First Minister.

Of course, the First Minister's words were not accidental. Although words sometimes stumble out, I think that those words were carefully judged on the afternoon of the difficult discussions over the potential Sutherland U-turn. On that occasion, those words were meant to buy the silence of the lambs. Anyone who had followed the local press in certain parts of Scotland could have been forgiven for believing that the Liberal Democrats were leading the assault against the Executive initiative. Mr Iain Smith even said that he was going to press for a six-month delay; however, no one seems to

have told him how to lodge a motion in the Parliament, as such a motion did not appear for debate. The First Minister's response to the debate three weeks ago was an attempt to finesse the situation on a difficult day.

No one has addressed our remaining concern about the impact of the decision on the local authorities in relation to operational efficiency and value for money across the networks. That issue remains to be addressed; it was not good enough for the Minister for Transport to say in question time a fortnight ago that any diseconomies of scale for the local authorities have been compensated for by the additional resources that they received earlier this year. That capital allocation was announced to make the point that the Executive was funding road maintenance for councils; it is not reasonable to use that money to pay for increased revenue costs, much less redundancy costs. Any costs to the local authorities must be met from public funds. If they are not, the local roads service will suffer grievously, particularly in rural areas, which have seen their control over the standards of winter maintenance and their influence over substantial resources slide away.

There are substantial issues for the Parliament to investigate. When it has done so and received answers, we might purposefully and usefully debate no confidence motions. Until that time, such motions are of little value and command little respect.

I move amendment S1M-1621.1, to leave out from "has no confidence" to end and insert:

"supports the principle of competitive tendering in relation to public works contracts such as the contract for trunk roads management and maintenance, in view of the paramount importance of securing best value for the taxpayer at both local and national level; notes the concerns raised in relation to the award of the trunk roads contracts and the intention of the Transport and the Environment Committee to investigate relevant aspects of the process; endorses the Minister for Transport's invitation to the Auditor General for Scotland to review the tendering process and the evaluation in this case, and calls upon the Scottish Executive to clarify how the client and monitoring functions will be exercised under the new contracts and to review and report further to the Parliament on the implications of disaggregation of trunk and local services for local authorities."

09:45

Mr Andy Kerr (East Kilbride) (Lab): I congratulate Bruce Crawford on his total incompetence. He has succeeded both in uniting Labour back benchers and in defining the Parliament's dividing lines. The pettiness of the nationalists has been ranged against the benefits of working within the Parliament; our principles have been set against their opportunism; and the real world that we live in has been opposed by the

fantasy world in which the nationalists live.

I want the real Bruce Crawford to come on down. At the merest smell of blood, the same person who talked about cross-party consensus lodges this pathetic motion, which does nothing for road workers in Scotland. Indeed, it does nothing at all. He is not chasing political ambulances; he is chasing council gritters, and I have no confidence in him.

That is enough of the new SNP transport spokesperson. What about Kenny MacAskill, who is a fond sight to many of us? From autorant to autobank, he talked about spending money all over Scotland. However, he soon went over his credit limit and the nationalists took away his portfolio as transport spokesperson. As a result, we can have no confidence in his judgment either.

As for confidence in the judgment of MSPs, representatives of COSLA were in the visitors gallery two weeks ago when John Swinney rose at First Minister's question time. The ball was at his feet, but he kicked it over the bar and out of the stadium. Where was his concern about road workers? Did he care about them then, and does he care about them now? I think not, yet later we will see his crocodile tears. He is the Johnny-come-lately on this issue; his response has been rather pathetic and I have no confidence in him either.

Fiona McLeod (West of Scotland) (SNP): Mr Kerr has just stated that he has no confidence in Bruce Crawford's judgment. I take him back to the roads debate three weeks ago when he said:

"I have absolutely no confidence in Sarah Boyack's judgment on the matter."—[*Official Report*, 25 January 2001; Vol 10, c 579.]

Will Mr Kerr address that point now?

Mr Kerr: I am astonished that the SNP has chosen to raise that point. My debate with the minister is about trunk roads. I have thrown everything at her on this issue, including the kitchen sink, and she still does not agree with my position. That is what the Parliament is about. The Parliament will investigate the matter through its committees, not through the pathetic and petty motion that the SNP has lodged. If we cannot disagree on issues without lodging motions of no confidence, what is the Parliament all about?

Where were the nationalists 14 months ago when I was debating these issues with ministers? I say bluntly that I do not believe Bruce Crawford's comments about when he was leader of Perth and Kinross Council, because the issues were not the same then. Again, the SNP does not care about jobs and services. Although I passionately believe in retendering the exercise, I think that it will not happen.

As convener of the Transport and the Environment Committee, I have sat through many meetings with Sarah Boyack discussing the many issues in her wide portfolio. She understands the issues and I have great confidence in her ability. For example, when she was the Minister for Transport and the Environment, she introduced the ministerial action team for sustainable development. She delivered a free travel scheme for the blind and visually impaired and committed the Executive to free off-peak travel for pensioners and people with disabilities. Furthermore, she delivered a 45 per cent increase in the budget for transport over the next three years. We should compare that with the nationalists' pathetic response. More parochially, she has delivered the M74, which has proved to be of great value to my community, even though the nationalists opposed it. I have confidence in Sarah Boyack.

However, like the people of Scotland, I do not have any confidence in the nationalists. The debate is about principles and values; I have retained those values and will pursue those principles. I have fought for a level playing field for local authorities for 15 years, which is something to consider beside the unprincipled stance of the nationalists.

I cannot and will not support the motion. Focusing on one issue in an attempt to undermine a ministerial portfolio is unacceptable to me and my colleagues; one nationalist swallow does not make a nationalist summer. The issue of trunk roads is, and will remain, a matter of principle for me.

On the other hand, the nationalists have no principles. I am angry and disappointed that Bruce Crawford has chosen to abuse the issue of trunk roads for narrow political advantage. It was not right of him to have lodged the motion; however, it is right that I stand up to defend the minister. I share her many values and principles and I will defend her achievements and my party's achievements. I urge members to vote against the motion.

09:50

Fiona McLeod (West of Scotland) (SNP): I have to follow Andy Kerr. He said—

Iain Smith (North-East Fife) (LD): On a point of order.

The Presiding Officer: I hope that you are not raising a point of order about my selection of members to speak.

Iain Smith: I thought that it was normal to take a speech from a member of each party first.

The Presiding Officer: No. I must balance the debate, and I am taking the balance for and

against the motion.

Iain Smith: On a point of order. [*Interruption.*]

The Presiding Officer: Order. Let me hear the point of order.

Iain Smith: With respect, Presiding Officer, as you do not know what I am going to say, how can you make a judgment on it? It is normal—

The Presiding Officer: Order. There is no point of order concerning the selection of members who are called to speak. You will be called if you bide your time.

Fiona McLeod: Thank you, Presiding Officer.

Let us return to the issue at hand, which is the minister and her competence in the handling of the trunk roads maintenance contracts. She prejudged the issue and signed the contracts against the will of Parliament, which was expressed in the chamber three weeks ago when member after member rose to tell her to take her time, to wait for the committee's report and not to go ahead with the flawed process.

Andy Kerr said that there was only one issue over which he took issue with the minister. However, we must consider the minister's record not only on trunk roads, but on her general overseeing of the brief. There was the issue of the problems with Caledonian MacBrayne. We are sadly considering a seatrack rather than a Railtrack. She has considered bundling routes and she is reported to have visited Brussels on more than one occasion. Was any of that necessary? Could not the minister have sat down and worked things out properly in the first place?

There was the issue of the northern ferries contract. At the last minute, the minister had to come to Parliament—

Bristow Muldoon (Livingston) (Lab): On a point of order, Presiding Officer. Will you please ask Fiona McLeod to address the motion? None of the issues that she is raising is in the motion.

The Presiding Officer: The member is addressing the motion.

Fiona McLeod: Other members accept the fact that I am addressing the competence of the minister.

At the last minute, the minister had to make an emergency statement to Parliament on the northern ferries contract. Even after that, we still lost the contract to a Finnish yard.

Pauline McNeill: I remind Fiona McLeod of the text of the motion:

"That the Parliament has no confidence in the Minister for Transport on account of her handling of the trunk road management and maintenance tendering process."

There is no mention of CalMac or any of the other issues that she has raised so far. I ask her to address the motion, which the SNP should have got right in the first place.

Fiona McLeod: I do not intend to repeat continually that I am addressing the competence of the minister. The minister is already costing an extra £400,000 a year in public funds that are being used to support a Finnish yard rather than a Scottish yard.

We are talking about lifeline services, not the life of a minister. We are talking about the winter maintenance of our roads and the chaos that will result from the minister's actions—chaos that is already apparent. We have received reports that the contractors are asking local coal merchants and hauliers whether they will be able to help them to fulfil their part of the contract. We will have blocked roads this winter and a jigsaw of access because, although some roads will be cleared by the councils, trunk roads will not be cleared by the private contractors.

Karen Gillon: Will Fiona McLeod give way?

Fiona McLeod: No, I will not. I am closing.

The minister came to the Parliament with ideas about and commitment to an integrated transport policy. In this instance, she has failed in her brief and has failed the Parliament. It is time for her to go.

The Presiding Officer: Many more members want to speak than can be fitted into the time that is available. The shorter that members' speeches are, the more members will be able to participate. I call Iain Smith, to be followed by Kenny Gibson. [*Applause.*]

09:54

Iain Smith (North-East Fife) (LD): I am pleased to have a fan club.

The motion is a blatant exercise in political opportunism by the SNP. It has absolutely nothing to do with ensuring adequate public service on our roads, either this winter or in future; it is simply about taking a party political opportunity. That is all that the SNP knows. It is a disgrace that the motion is being debated and I agree entirely with Murray Tosh that the SNP lodged it simply for cheap political purposes.

Bruce Crawford completely failed to answer the question about when he started to raise concerns on the trunk roads tendering process. The SNP did not raise concerns early. There was nothing different in what Bruce Crawford said today from what he said in a previous debate and nothing to justify the motion of no confidence. He talked about an independent review; the Transport and

the Environment Committee will carry out an independent review. Surely that is the appropriate course of action. The Parliament should be able to investigate properly the awarding of the contracts.

Fiona McLeod: Will Iain Smith give way?

Iain Smith: No. I have only a short time and I will not take any interventions.

The fact that the SNP has lodged the motion is as much an affront to the Transport and the Environment Committee as it is an affront to the Parliament.

I cannot support Murray Tosh's amendment because I do not believe that competitive tendering is the only way in which to ensure best value. Competitive tendering is a way of judging best value, but it is not necessarily the only way.

Mr Tosh: Will Iain Smith give way?

Iain Smith: I am sorry, but I do not have time.

The lowest bid is not always the best and competitive tendering is only one of the vehicles that can be used by the Executive and local government in judging best value.

Several matters remain to be addressed. I hope that the Transport and the Environment Committee will carefully examine the issues surrounding the awarding of the contracts—the consultation process, the reasons for packaging the contracts as they were packaged, and the way in which the tenders were issued and evaluated. We must get to the bottom of all those important issues. We must also judge whether best value will be achieved for the public purse. That is the fundamental issue, and I am sure that the committee will investigate it.

Mr Tosh: Will Iain Smith give way?

Iain Smith: I am sorry, but I do not have time.

I hope that the First Minister will address those important issues when he sums up the debate.

We all accept that there will be serious implications for local government following the awarding of the contracts—no one is denying that. I have raised the issue with the minister, as did my colleague Jamie Stone as far back as October—unlike SNP members, we have been raising the issue for some time. We are aware of the concerns over winter maintenance and we must be reassured that local authorities will be able to continue to provide a service for our local roads to ensure public safety.

Local government must be able to spend the same money on the local road network and provide the same level of service as at present. If local government incurs additional costs—there is serious concern that there will be additional

overheads to meet and that the economies of scale will be lost through not having the trunk roads contracts—that must be addressed. I ask the First Minister to assure us that the Executive will listen carefully and sympathetically to any case that local government puts on that issue.

In this debate and in Kenny Gibson's comments about COSLA that appeared in today's newspapers, we have seen not only that the SNP is not fit to govern, but that it is not fit even to be in opposition.

09:59

Mr Kenneth Gibson (Glasgow) (SNP): What a load of waffling mince we have just heard from the Liberal Democrats, who are so concerned about this issue that only a third of their group have bothered to show up. Moreover, what can we say of the massed ranks of the Labour back benchers who have been dragooned into showing up today but who were not present in any numbers three weeks ago when the minister was getting a pounding from all parts of the chamber?

One or two members seem to be getting their knickers in a twist about the SNP even bringing this issue to the chamber today. We do so not out of spite or vindictiveness towards the minister, whom many of us like a great deal, or out of a desire to score, in the words of the immortal Iain Smith, "cheap political" points. We bring the issue to the chamber today because the minister has gone against the will of Parliament on the trunk roads issue to the detriment of the public sector and the public purse. Indeed, Donald Gorrie—who, I understand, is a colleague of Iain Smith—said in the previous debate:

"Although we do not want crises, votes of no confidence and so on, it is not acceptable for a minister to ignore the majority opinion of the Parliament."—[*Official Report*, 25 January 2001; Vol 10, c 593.]

Touché. However, it is clear that when a minister cocks a snook at Parliament, we have little option but to move a motion of no confidence, otherwise ministers could be forgiven for doing whatever they liked and thinking that they could get away with it.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Will the member give way?

Mr Gibson: Sit down.

Our party has nothing to gain from this issue. Parliament will gain. If the motion is successful, new Labour will select a replacement from its own ranks who not only might be more effective but, as important, will not be able to ignore the will of the chamber on issues that deeply affect the lives of many thousands of people across Scotland.

The fact is that, on the issue of trunk road

contracts, the minister chose to accept the advice of a small group of civil servants rather than that of local authorities, unions and fellow parliamentarians of all colours. Pleas calling for a delay so that the issue could be reviewed fell on deaf ears. Details have emerged showing not only that the process was flawed, but that the costs in terms of job losses, damage to local authority direct labour organisations and the waste of public money will be, as Bruce Crawford suggested, colossal.

On 25 January, ministers stayed away from the chamber in an act of outright political cowardice. Of the 22 members of the Executive, the only one who bothered to show up during the 90-minute debate to give Sarah Boyack an element of support was Rhona Brankin. Today, however, the ministers are in the chamber to ride shotgun over those Labour members who dared to criticise the minister and who now, suitably chastised, jump to her defence.

Mr Kerr: Will the member give way?

Mr Gibson: No. I am going to quote again the words of Mr Kerr for the benefit of those who did not hear them the first time. He said:

"I have absolutely no confidence in Sarah Boyack's judgment on the matter."—[*Official Report*, 25 January 2001; Vol 10, c 579.]

Today, Mr Kerr said that he had no confidence in Bruce Crawford. Who will Mr Kerr have no confidence in next month? The man who criticised the SNP for not being supportive of the Scottish Parliament is a man who does not even believe in devolution to the Scottish Parliament and who said to me and four of my colleagues that he was in the Scottish Parliament only to stop a devolutionist getting elected and that he had more in common with the Tories than he would ever have with Scotland's party. Andy has had his bum skelped over his comments of January 25—I hope only metaphorically—and we know that he has been told exactly what to say today.

The minister is under fire on other issues as well. This Monday, the headline of the *Evening Times* read: "Boyack Gets Bridge Message Wrong". The story said that

"drivers were misled over the lifting of restrictions on the Kingston Bridge."

There has also been criticism from Glasgow City Council and others over delays in the construction of the vital M74 northern extension and of the minister's continued tinkering with the plans. Before the accession of the new First Minister, the minister also had responsibility for the environment. Her brief was halved, which indicates that the First Minister must have had concerns about her abilities.

Regrettably, the minister listens not to Parliament, colleagues, councils or unions. It is time to replace her with someone who will.

10:04

Mr John McAllion (Dundee East) (Lab): I begin by agreeing with Kenny Gibson that, after his speech, the SNP will get no political advantage from today's debate.

Many things can be said about the motion, but the first thing that should be said is that it is not so much poorly timed as it is pathetically timed. Unlike Kenny Gibson, I do not wear knickers and therefore mine cannot be in a twist. However, I described the motion as I did because we still await the report of the Auditor General on the tendering process from the issuing of the consultation document in the spring of 1999 until the disastrous decision to privatise the services only a few weeks ago.

Alex Neil (Central Scotland) (SNP): Will the member give way?

Mr McAllion: Sit down.

We also still await the conclusions of the Transport and the Environment Committee, which is investigating the tendering process. Until we see those two reports, the Parliament can take no definitive position on the decisions that were made.

Fiona McLeod: Will the member give way?

Mr McAllion: Sit down. Fiona McLeod is not an experienced politician; I want to speak about somebody who is.

Any experienced politician or parliamentarian would understand the simple point that I have just made. I note that the SNP's most experienced and able politician, Alex Salmond, is not here for this important debate for the SNP. It is the party's first motion of no confidence. He has absented himself because he understands—even if the rest of the official Opposition does not—that it is impossible to get Parliament to take a definitive position until parliamentary committees have reported back on the facts of a situation.

Many of us believe that the tendering process was flawed, that it distorted the bids and that it put the public sector bids at a serious disadvantage. We also believe that the process put price before quality, to say nothing of the fact that it led to the bizarre situation of a Labour-led Executive privatising services out from under Labour-led local authorities. We recognise that those are serious charges that will need to be substantiated by hard evidence—that is generally accepted by all sides of the chamber. That will require attention to highly technical detail, which will have to be

supplied by expert witnesses who understand that technical detail. That can be done only through the committee process of the Scottish Parliament or by the Auditor General. When that has happened, we can carefully sift the evidence and come to a conclusion. Until that is completed, it is precipitous for the Parliament to jump to conclusions or to be asked to act as a Parliament before having the hard facts before it.

I must say that, if the Auditor General reports that the tendering process was flawed and that the Executive failed to act responsibly either through incompetence or arrogance, and if the Transport and the Environment Committee reports similarly, the Scottish Parliament will find itself in a different position. It will be required to hold the Executive to account for its failures and it will expect ministers to understand that the road to Cabinet preferment is not a one-way street. The Parliament will want ministers to understand that there will be times when they will be expected—as a matter of decency, honour and responsibility—to do the decent thing and go, if they are found to be at fault.

The motion that we are debating comes nowhere near those high parliamentary standards. In its rush to judgment, it asks the Parliament to act without the full facts being in the public domain.

Shona Robison (North-East Scotland) (SNP): Will the member give way on that point?

The Presiding Officer: Mr McAllion has one minute left.

Mr McAllion: I have no time to give way.

The motion also targets the resignation of a single minister for a collective Cabinet decision. Even if that resignation were achieved, it would change nothing. It would save no public sector jobs and leave the contracts in the hands of the private sector. The motion leaves the official Opposition looking like so many political hyenas, trying to pick off a person whom they perceive to be the weakest member of the Cabinet in an underhand attempt to secure some political advantage.

I do not quarrel with the SNP about trying to achieve political advantage on the eve of a general election, but I do not understand its naivety in believing that the rest of us will co-operate with its aim. My concern remains with my constituents who work for Tayside Contracts and who tell me that between 40 and 100 jobs might be lost, that seven of the 11 manned depots might be closed and that 60 of their vehicles might be declared surplus to requirements. That will threaten some of the vehicle maintenance depots, thereby threatening more jobs.

The Presiding Officer: Close, please.

Mr McAllion: If there is the slenderest hope of turning that decision around and saving those jobs in my constituency, I will cling to it. I look to the Auditor General and the Transport and the Environment Committee to move us forward. I do not look to the official Opposition, which has shown itself to be unworthy of that title.

The Presiding Officer: I am unable to call half a dozen members who wish to speak. As we are running over time, I am able to give Robin Harper only two minutes before we move to the wind-up speeches.

10:09

Robin Harper (Lothians) (Green): I want to explain to the SNP why I cannot support its motion. I observe with some pleasure that, at last, the Minister for Transport, who had two portfolios and no junior minister when she started, seems to be enjoying the kind of support from the Executive that she deserved last year but did not get. I cannot support the SNP's motion simply because I have confidence in what I believe that the minister has tried to achieve for Scotland in the past year and in what she continues to try to achieve.

The motion is previous, although the SNP is—quite rightly—trying to address a very important problem and to bring it out into the open. However, I look forward to the Transport and the Environment Committee's consideration of the detail of the matter—free of assertion and counter-assertion—and to coming to an agreement on a recommendation to the Parliament.

10:10

David McLetchie (Lothians) (Con): There is no doubt that the tendering process for the award of the contracts has raised many concerns, as was covered by Murray Tosh and other colleagues earlier in the debate. The Conservatives are content that those concerns will be fully investigated by the Parliament's Transport and the Environment Committee, and we support the invitation that was issued by the Minister for Transport to the Auditor General for Scotland to review the tendering process and the evaluation that was carried out in this case. I agree with Murray Tosh, Mr McAllion and Mr Harper, who have said that a rush to judgment today would be premature.

Whatever the rights and wrongs and arithmetical intricacies of the tendering process in question, we should not lose sight of the basic principles that are at stake. My party fully supports competitive tendering in relation to public works as the best method of securing best value for the taxpayer at local and national levels. Competitive tendering

and contracting out of services is something that the Conservatives promoted while in government, and we are proud that we have always sought to ensure that public services are run in the interests of the taxpayers, rather than in the vested interests of the service providers.

Tommy Sheridan (Glasgow) (SSP): Will David McLetchie take an intervention?

David McLetchie: No, thank you, Mr Sheridan.

In the past, that was done in the face of opposition from the Labour party, at national and local levels. Labour fought the reforms tooth and nail.

Mr Kerr: Will David McLetchie give way?

David McLetchie: No, thank you. It is a delicious irony that Labour is now defending a policy that it opposed so vehemently in the past, even although it defends it through gritted teeth.

The difference between the local authority and private sector contractors' bids was £190 million over the five-year contract period. We are told that that represents a saving on existing costs of about £75 million over five years. Those savings are welcome. However, that raises the question of what further savings could be achieved for hard-pressed council tax payers through competitive tendering for all local authority road contracts.

The fact that we support the principle behind the Minister for Transport's actions does not mean that we have any great confidence in the minister. Since her U-turns on motorway tolls and workplace parking taxes, her coat has been on a shooglie peg. As Mr Gibson pointed out, the minister was humiliated by her own back benchers in the debate on roads contracts only three weeks ago, and was abandoned by her ministerial colleagues. In the last reshuffle, the then Minister for Transport and the Environment lost half her job and it will not be long before she loses the rest of it. The blunt truth of the matter is that the Labour party has lost confidence in Sarah Boyack. Mr Kerr's pathetic attempts to kiss and make up will not change that harsh reality.

Mr Kerr: Will the member give way on that point?

David McLetchie: No, thank you. No one who has Scotland's best interests at heart could support the protectionist sentiments that underpin the SNP motion. Its archaic attitude assumes that Scotland can be insulated from the modern world.

Mr Stone: Will David McLetchie give way?

David McLetchie: No, thank you—I am in the last minute of my speech.

The SNP is a dinosaur party that wishes to turn Scotland into a giant jurassic park. It is trying to

wrest the banner of outmoded municipal socialism from a schizophrenic Labour party that does not know whether to let go or to cling on for dear life.

The Scottish Conservatives will have no truck with such outmoded attitudes; we believe that Scotland should be a progressive country that has nothing to fear and everything to gain—in this case—from public services being provided by the private sector in the interests of the public purse. I support Mr Tosh's amendment.

10:14

Mr John Swinney (North Tayside) (SNP): In winding up on the SNP's motion, I will concentrate on the key point of the debate—that this about real people and their employment. David McLetchie's attack of a moment ago on the SNP will be interpreted widely in the rural communities of Scotland, where his party aims to recover some of its lost ground.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): No chance.

Mr Swinney: I know that there is no chance of that happening, but the Conservatives' attack on us will be interpreted as an attempt to recover lost ground. There is a lack of concern on the part of the Conservative party about the issue of employment, which affects many rural communities. One of the Conservatives' candidates aims to win over at the Westminster election some of the rural communities in the constituency that I represent. He will get an horrific reception when he goes to the depots that face closure because of the insensitivity and weakness of the tendering process. The people who are affected by such closures should be uppermost in our minds.

The other people who should be uppermost in our minds are those who came to observe the proceedings of this Parliament a few weeks ago, when they sat in the galleries and watched the debate on an SNP motion—in SNP time—to bring the matter of the tendering process before Parliament. They would have heard lots of brave words and wise sentiment and all sorts of great commitments, including great claims from Andy Kerr and great comments from Kate MacLean about how appalled they were at the process that was taking place. What has happened? The contracts have been awarded. All those representations have been disregarded, and the contracts have been awarded in a way that the Parliament did not want.

Mr Tosh: Will Mr Swinney give way?

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will Mr Swinney give way?

Mr Swinney: I will give way to Mr Tosh.

Mr Tosh: Can Mr Swinney explain why the SNP motion of three weeks ago did not call for the contracts to be deferred? What did he and his party do to pursue the matter?

Mr Swinney: We provided an opportunity to bring together as many people in the Parliament as possible to produce the parliamentary consensus that people want and that will make ministers listen. I will return to the point about ministers listening in a moment.

At the heart of the debate is the question of what Parliament can do to deliver for the people who sit in the public galleries and hear our debates and concerns, and who hope that the Parliament will bring ministers to account.

I want to address a couple of Andy Kerr's points. He attacked me for not mentioning trunk roads maintenance during First Minister's question time on the day of the earlier debate on the matter. There was a good reason for that. We had had a full parliamentary debate, during which the issues were well aired. Janis Hughes lodged a question, which was in the business bulletin for that day, in which she raised the same issues.

Why did not I raise the issue during First Minister's question time? It was because I was trying to hold the wretched Executive to account on free personal care for the elderly. If the Opposition had not held the Executive to account on that issue on Thursday 25 January in a debate, and during First Minister's question time—forcing the Minister for Parliament to come to the chamber to save himself from an embarrassing defeat—it would not have been the right selection of topics for holding the Executive to account in all that it does.

Andy Kerr accused us of having our principles and opportunism out of kilter. Well—Andy Kerr told Parliament:

"I have absolutely no confidence in Sarah Boyack's judgment on the matter."—[*Official Report*, 25 January 2001; Vol 10, c 579.]

However, he stood before Parliament today, after the contracts have been awarded and signed and the pass has been sold, to say that all that he said—

Mr Kerr: I point out to Mr Swinney that the Transport and the Environment Committee and the Auditor General will consider those matters. That is what this Parliament is about—not pathetic motions.

Mr Swinney: That brings me to the second Labour contribution to which I want to refer, that of John McAllion, with whom I can normally agree on a number of things. He accused us of poor timing. In his intervention, Andy Kerr has just argued that we should have waited for the findings of the

Transport and the Environment Committee and of the Auditor General, and that that was all that was required. However, if the Transport and the Environment Committee finds against the minister, what will happen?

Mr Gil Paterson (Central Scotland) (SNP): Nothing.

Mr Swinney: Gil Paterson shouts "Nothing", and he is absolutely right. The contracts have been signed already and a pass has been sold.

John McAllion said that we held the naive view that Labour members might co-operate with us on a motion of no confidence in a minister. If we were naive, it was in believing that Labour members might—after the motion had been before Parliament for an honest and frank debate—vote at decision time in favour of a motion that we lodged and that was designed to capture the consensus of opinion on the widespread concern about the tendering process. However, although Labour members articulated their concerns in the chamber, they did nothing about them when it came to the vote.

Pauline McNeill: John Swinney and other members of his party have spoken about the will of Parliament. If, at 5 o'clock, it is the will of the Parliament that we have confidence in the minister—as I am sure it will be—what will be the SNP's position?

Mr Swinney: The SNP will have defended its parliamentary right as the Opposition to hold the Executive to account for its failure to deliver for the people of Scotland.

John McAllion accused us of unnecessarily lodging the motion. At a full meeting of Dundee City Council on Monday evening, an SNP motion of no confidence in Sarah Boyack was passed by 15 votes to 12. That council is led by the Labour party and the motion was supported by Kate MacLean's election agent, Councillor John Letford. We are more in tune with what is happening in local authority chambers than the Executive is.

Kate MacLean (Dundee West) (Lab): Does John Swinney accept that no other Labour member of the council voted for the SNP motion? Does he accept that Labour back benchers and others in the Parliament are able to articulate their views on the issue through the proper channels without supporting the bully-boys in Parliament?

Mr Swinney: Labour members are undoubtedly able to articulate their concerns. They have done so, and what they have said is recorded in the *Official Report*. The problem is that they do not vote on those concerns.

Murray Tosh made an interesting comment on the words of the First Minister on that fateful day, 25 January. The First Minister said:

"Today, as an act of good faith, I want to reflect on this morning's debate. It is not in the interests of the Parliament or the Executive for there to be the kind of rancour, mistrust and concerns that were expressed this morning. I cannot be specific, but I am sure that Bruce Crawford hears what I am saying and understands that I want to discuss the matters further."—[*Official Report*, 25 January 2001; Vol 10, c 657.]

That was another nod and a wink from Henry McLeish; another, "Stick with me and I'll make sure that everything's all right." The situation is the same regarding free personal care. The key point is that we had to drag the commitment to free personal care for the elderly kicking and screaming out of the First Minister. We are now holding the Executive to account for the remarks that the First Minister made to the Parliament on 25 January. Despite all the comforting words in response to Bruce Crawford and Janis Hughes, absolutely nothing happened other than that the contracts were signed. How can we take at face value remarks that the First Minister makes in the Parliament and how can we believe that he will address widespread parliamentary concern? That is why Opposition parties must use every device at their disposal to hold to account an Executive that tells the Parliament in good faith that it will deal with things, but which then welshes on that commitment.

Bruce Crawford has made a powerful case for the view that there were opportunities for savings to the public purse if the contract process had been handled properly.

Iain Smith: Will the member give way?

The Presiding Officer: The member is in his last minute.

Mr Swinney: The Executive has threatened the loss of more than 500 and possibly up to 3,500 jobs, but has expressed no real concern about that. The Opposition must use every device that it can to hold the Executive to account. The SNP motion does exactly that.

10:24

The First Minister (Henry McLeish): I welcome the opportunity to respond to the motion. Before I deal with the serious issue—trunk roads, rather than the SNP motion—I say that the Tories have been characteristically out of touch with reality. We had "Silence of the Lambs" from Murray Tosh and "Jurassic Park" from David McLetchie—one does not have to make a big conceptual jump to end up with "Titanic" to describe the Tories.

Mr Tosh: Will the First Minister give way?

The First Minister: I will give way later.

The Presiding Officer: He is in his first minute.

The First Minister: I understand that the Tories

are anxious.

Another general point that has arisen in the debate is that the SNP has screwed things up once again. It is impossible for SNP members to deny that the motion is anything more than cheap political opportunism. However, I want also to pay due credit to Bruce Crawford and the SNP. I want to share with the Parliament information about a meeting that took place in Perth on 31 July 1997. People must sometimes make tough decisions and Bruce Crawford may have to be congratulated on doing so. He was leader of Perth and Kinross Council, which was then putting out to tender a grounds maintenance contract. The contract was eventually won by Brophy, a subsidiary of Thames Water plc. The press and public were excluded from that meeting. Labour councillors suggested that there should be a six-month delay before the contract was awarded.

However—I must pay tribute to an inconsistency—the 18 SNP members of the council rejected that suggestion and agreed to award the tender to Brophy. I raise that not to make a political point, but merely to applaud it. There are times when one faces issues of legality and contractual compliance in which one must act accordingly. What members cannot stomach is a lecture on probity and effective procedures, given that in another life the person who now holds the SNP transport portfolio put forward a completely different view.

Bruce Crawford: It is a pity that the First Minister did not take the story forward a little to a meeting that took place between Perth and Kinross Council and the late First Minister when he was Secretary of State for Scotland. Representatives from across the council asked whether we could legally delay the contract. The Labour secretary of state refused and threatened the councillors with surcharge.

The First Minister: Bruce Crawford acknowledged that everything that I said was true. To be fair to him, I admit that tough choices have to be made. Bruce Crawford speaks here with one voice, but spoke with another voice elsewhere. Sir David, I cannot use a word that at Westminster would be considered unparliamentary, but it starts with "h" and finishes with "y".

Mrs Margaret Ewing (Moray) (SNP): Henry!

The First Minister: Good point. To clear up any lingering doubts, I will put the word on record; it is "hypocrisy".

I have listened to the debate and to previous discussions here and elsewhere. I recognise fully the range of views, emotions and passions that are aroused by the question of trunk roads maintenance. Against that background, it is all the more important that we think clearly about why we

are having the debate.

It is important that we should agree about the factual background and the contractual legal framework by which we are bound; about the process and how the Executive adhered to the process; and, finally, about the outcome. I will do more than that. I will show how, at every step of the way on this complex matter, Sarah Boyack and the Executive acted with full regard for their responsibility for probity and value for money in public spending. We have acted with full cognisance of process and probity and we have acknowledged every detail of the relevant guidance, including UK and European law. That is the world in which we must conduct the business of government and deliver results. Despite the obvious wishes of a number of members who have spoken, there is no other world to do it in.

Mr Tosh: The First Minister is clear about the processes and what was said and done. What could he possibly have meant when he said to Bruce Crawford:

"I cannot be specific, but I am sure that Bruce Crawford hears what I am saying and understands that I want to discuss the matters further"—[*Official Report*, 25 January 2001; Vol 10, c 657.]

What concessions, what behaviours, what policies were promised and delivered?

The First Minister: I stand by those words. At that point, we proceeded to have the audit done—that was important—and we looked at every conceivable aspect of the issue. That is why I captured that process in my remarks.

Mr Swinney rose—

The First Minister: I want to make some progress—I will then take John Swinney's intervention.

Historically, trunk road maintenance was carried out by local authorities, which acted as agents of the then Scottish Office. That situation obtained five years ago.

Since 1996, local authorities have continued to do the work, because local authority consortia succeeded in the first tendering process that was imposed by the Public Works Contract Regulations 1991, which were brought in to implement European Community competition regulations.

All those who are concerned have known that the works would be retendered from 1 April 2001. Consultations began as long ago as April 1999. Of the 66 responses to the consultation paper, 27 were from local authorities, 15 of which saw advantages in operating companies. Following the decision to proceed to tender for four regionally based operating companies, tender documents were issued in May 2000. Four hundred and thirty-

three tender queries resulted and 30 tender bulletins were issued.

Full consultation with the Convention of Scottish Local Authorities took place in the form of correspondence, a meeting with officials and a meeting with the minister. On 4 September 2000, in connection with the Transfer of Undertakings (Protection of Employment) Regulations, COSLA said that

"although there has been some delay in getting this matter clarified, the clarity and explicitness of your reply"—

that is, the minister's reply—

"is very helpful and I understand that local authorities involved in this process are also pleased to see the outcome."

Mr Swinney: Will the First Minister answer a question that was posed today on further consultation? If the Transport and the Environment Committee finds that the process was fundamentally flawed, that the process has not delivered what was expected and that the contractors have not been dealt with fairly, what will the Executive do on receipt of that committee's report?

The First Minister: If the Audit Scotland report or the committee report convinces us that there are serious difficulties with the contract, we can do two things. First, we can suspend the contract. That would involve a process of renegotiation to carry forward the existing contract. Secondly, that point can be followed by a retendering process.

Bruce Crawford: A couple of weeks ago, we were clearly told that it would be impossible to suspend the tendering process, because that would be against the law and against European legislation. Why is the First Minister now saying that suspension might be possible? I hope that the back benchers are listening.

The First Minister: Bruce Crawford completely misses the point again. There is no evidence whatever at this stage to justify such a course of action. That is why Audit Scotland and the Transport and the Environment Committee will want to look at the process further.

Fiona McLeod: Will the First Minister give way?

The First Minister: No. I want to make some progress on points in response to Bruce Crawford's intervention.

All tenders were submitted by 30 October 2000 and fully assessed against the quality standards before cash bids were evaluated. Given the time scale and nature of the process, there can be no serious suggestion that it was rushed or skewed against any bidder.

In mid-December, the Minister for Transport, Sarah Boyack, was aware of the outcome and

quite properly questioned officials closely about the process, its rigour and fairness and the extent of external validation that was involved. Thereafter, there was further discussion of the outcome and further questioning of the officials by a wider group of ministers. That was done in explicit recognition of the wider implications of the process and its outcome. Therefore, I am satisfied that a long, complex and exhaustive assessment within the relevant competition rules was carried out with sensitivity, rigour and fairness.

Although the process was challenged, the resulting three court judgments in the Court of Session served only to increase the Executive's confidence in both the process and its outcome. What is more, having completed the process with due probity and care, had we done anything other than award the contracts to the lowest bidders, we would have faced the real risk of being taken to court, losing in court and wasting taxpayers' money on compensation.

As members know, the outcome that the Minister for Transport announced by way of a written answer on 2 February was that two contracts each were awarded to Amey Highways Ltd and BEAR Scotland Ltd. On the point that was raised by David McLetchie, it is important to note that an extensive and now legally validated process that covered quality, quantities and price produced the following results: in the two southern areas, the Amey bids, at £176 million over five years, offer savings of £50 million on the current arrangements; in the northern areas, the BEAR bids, at £182 million over five years, offer a saving of £25 million.

Mr Tosh: Considerable concerns remain, particularly in the south-east, where the Balfour Beatty contract with the local authorities and two other private sector contracts came in at £97 million. Much of the contract is based on a lump sum, and there are concerns that the successful bidder could achieve such massive savings only if winter maintenance work was undertaken to a lower standard. The Executive must explain how the client side will work and how the quality side is to be guaranteed, so that people can be assured that remoter rural roads in particular will not be under-maintained.

The Presiding Officer: The First Minister will take no more interventions.

The First Minister: The winning bids were based on the same materials, which will be supplied, and there is no suggestion that quality will diminish; the contracts do not allow for that. We must bear in mind the substantial differences in the cost factors—even Murray Tosh and David McLetchie conceded that point. There is no evidence to suggest that there was anything untoward in that part of the process.

The local authority bids were more than 50 per cent higher than the winning bids and were evaluated as costing £190 million more over the five-year period. Clear quality standards are built into the contracts, which are binding, so there is no question that the winning bids will lead to lower maintenance standards. I must also put a stop to the idea that the winning bidders have no experience—both contractors have a proven track record; Amey already maintains much of the M74.

With three court judgments in favour of the Executive, backed up by an independent audit on quantities and methodology, we can be confident that the best outcomes were achieved from the bidding process and that they represent best value.

I want to address the concerns that have been expressed by COSLA and individual local authorities and I praise the convener of the Transport and the Environment Committee for pushing those concerns forward. There have been many conflicting reports about the number of DLO staff who are employed on trunk road maintenance. I assure members that Amey and BEAR have already approached existing employers to pursue staff transfers under TUPE. Both are advertising for staff and each will give preference to TUPE transfers. A preliminary assessment by BEAR suggests that the number of staff who are designated to transfer under TUPE in the northern areas is likely to be broadly in line with the number of staff that will be required. In the southern areas, the contractor still awaits detailed lists of staff who are considered to be covered by TUPE and I urge the authorities that are involved to provide that information quickly.

The savings that will be made from awarding the contracts to the lowest bidders will be available for us to invest in vital services for the public. It is also significant that the Minister for Transport secured an additional £70 million in the spending review for local authorities to spend on local roads and bridges. In addition to that extra work, there will be an opportunity for local authorities to bid for discrete contract work on packages of £150,000 and more; local authorities already win a significant amount of such work.

The Presiding Officer: Please come to a close, First Minister.

The First Minister: I will finish, Presiding Officer.

I appreciate fully that these matters are not simple and that detailed and reasoned arguments have not always been heard or listened to as they should have been. Emotions have run high and the disappointment of the local authorities that contended for the contracts is clear.

Let me repeat: the Executive has confidence in

the existing process—our confidence is supported by the views of the courts and by the independent audit. In order to provide further reassurance, Audit Scotland will investigate and will report in due course. Therefore, the public can also have confidence. I urge members to reject the motion of no confidence.

Education

The Presiding Officer (Sir David Steel): We now move to the next item of business, which is a Scottish National Party debate on motion S1M-1656, in the name of Michael Russell, on the future of Scottish education, and two amendments to that motion. As soon as he is ready, I will call Michael Russell to open the debate.

10:40

Michael Russell (South of Scotland) (SNP): The First Minister is never an easy act to follow, especially if one speaks English.

I would like to outline the components of the motion in my name. It is like Gaul—divided into three parts. The Minister for Education, Europe and External Affairs is a classicist and understands these things.

The first part is about what has been achieved. It is fair to give credit where credit is due. Yesterday, the minister was concerned about failing teachers. He has, of course, a series of predecessors who were failed or failing ministers—Raymond Robertson, Brian Wilson, Helen Liddell and Sam Galbraith. All of them failed to reach agreement or settlement with the Scottish teaching profession and failed to provide the context in which real development could take place in Scottish education. Where they failed, this minister has succeeded and I give credit to him. He may be in his post accidentally—the right man in the right place—but he has succeeded in achieving an agreement that will, I think, provide a period of stability in Scotland's schools and begin to provide a period in which there can be some consensus about what education is for.

The great advantage of the settlement is that it gives us the opportunity to ask basic questions. What is education for? What type of educational system do we want in Scotland? How can we achieve it? The rest of my motion is about those issues. It asks the questions and it begins to give some answers.

No party in this Parliament has a monopoly of educational wisdom or any other wisdom. There should be a vast debate in Scotland on what education is for. I hope that the minister will confirm this morning that he intends to bring forward a green paper on Scottish education. His department has planned to do so. We could then have a debate in the context of knowing that the major difficulty in building Scottish education has been removed and that we will have a period of co-operation and consensus in the classroom.

It is unfortunate that the Labour amendment—or

the Executive amendment—to my motion cuts out the words “beneficial development”, because we should be considering what beneficial developments there can be in Scottish education.

I will talk about those developments in a moment, but before I do I would like to talk about the part of my motion that deals with distracting voices from elsewhere. Many people in Scotland are immensely concerned about the noises that they hear from south of the border as we build towards a general election. I do not know whether people in the chamber have read the Prime Minister’s words from Monday. They make entertaining reading. We are used to the First Minister’s syntax and he now appears to be writing for the Prime Minister, which is a worrying development. The Prime Minister said:

“Diversity must become the norm, not the exception”.

That is probably impossible, but that is what the Prime Minister said.

The message from south of the border could be welcomed only by bullet-headed reactionaries—which, of course, is not a reference to any member on the Tory benches. The message seems to be encapsulated in the Tory amendment. The message talks about privatisation, it talks about selection and it talks about levels of specialisation that are absolutely foreign to the Scottish educational system.

Very generously, the SNP motion gives the Minister for Education, Europe and External Affairs and the Executive an opportunity to say that they will not follow the route that is being laid out by the Prime Minister. I am happy to give them that opportunity, and I am happy to give them the opportunity to confirm that the Scottish educational debate will be one that matters and that we will not listen to, take account of or implement the type of things that we hear from south of the border. Parents are genuinely worried; teachers are genuinely worried. There are people in Scottish education who know that what is said by any Prime Minister today finds its way into the Scottish educational system tomorrow.

I want to talk about one of the things that we hear about from south of the border—league tables—and about changes that we need to make. I know that the minister will tell us in his speech that there are no such things as league tables in Scotland. He may use the word that he used to describe them yesterday—mythic. If the minister would like to intervene, I would be happy to listen to him. In reality, much time and effort is expended in Scotland in producing what are essentially league tables.

On the internet, incidentally, we have a Government and not an Executive—the site is called scotland.gov and not scotland.exec. No

doubt Mr McCabe will do something about that.

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): You forgot the “.uk”.

Michael Russell: I think that scotland.gov sounds better than scotland.gov.uk—but then, I would. Mr McConnell is splitting hairs as usual.

Mr John Swinney (North Tayside) (SNP): Do not talk about hair.

Michael Russell: Indeed. I am not going to get into an argument about lack of hair with anybody, especially not with the leader of my party.

The lists of tables that are published on the internet show Scottish school costs, attendances and absences, and examination results. There is a website that asks, “How good are our results?” A league table is a league table is a league table. The information that is published on websites and published by the Government is essentially information that provides league tables in Scotland. Those league tables are damaging to Scottish education. They have found their way over the border thanks to the Scottish Conservative party and they have stayed over the border thanks to Scottish new Labour. They distort what can be done in Scottish education.

A great deal of time and effort is expended by schools that are trying to get the right results in the league tables. Sometimes it happens by accident. If I were to ask members what schools in Foula, North Ronaldsay, Cliasmol, Eriskay, Iona, Torridon and Papa Westray have in common, the answer would be that they had perfect attendance in 1999. However, the purpose of publishing that information on the internet is not clear. Are there parents who are so interested in perfect attendance that they will uproot their children from Easterhouse or Pilton so that they can attend school in North Ronaldsay?

The Deputy Minister for Parliament (Tavish Scott): Foula Primary School is a good school.

Michael Russell: I am happy to hear a defence of Foula Primary School. I would love to have attended Foula Primary School. However, the publication of information about attendance at Foula Primary School is not necessarily of great benefit to those who live elsewhere. I am sure that the member for Shetland is interested in it, but not many others are. The information that is published is, to be frank, of little use to most people.

Kay Ullrich (West of Scotland) (SNP): It is mince.

Michael Russell: Mince indeed. As Kay Ullrich says, it is mince. The reason that the information was published in England was to begin to attract pupils from one school to another and to

encourage the competitive ethos between schools. There is no need for that in Scotland; it is contrary to the Scottish educational tradition and the time and effort that is expended on it is absolutely wrong.

A great deal of work has been done on considering league tables throughout the United Kingdom. It is interesting to note that the best work that has been done in Scotland has been done by Dr Linda Croxford at the centre for educational sociology at the University of Edinburgh. Her conclusions are shortly to be published in an academic journal on educational research and evaluation. Her article has been subjected to full peer review. It is not an expression of opinion; it is an academic analysis of league tables. She says:

"We conclude that the broad . . . targets derived using the . . . Audit Unit's methodology do not have statistical or educational validity".

There is no statistical or educational validity either in league tables or in target setting.

It is clear that we do not need the information that is in the league tables. Statutory instruments ensure that schools publish their own yearbooks and handbooks. That information could be made available on the internet—there is no reason why the handbook of every school in Scotland should not be made available if the Government really wishes parents to see the reality of schools. I would encourage that, rather than the present way of giving information. I hope that the Executive will listen.

It could be argued that league tables should not exist at all. That is not to argue that targets and assessment should not exist.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The member is well known for his commitment to openness in Government.

Michael Russell: Yes.

Mr Monteith: If information is readily available in the Executive and in local authorities, should that information, as league tables or in other forms, not be available to parents so that they can decipher the school's performance?

Michael Russell: There is a great deal more information available than the information that is published by the Government. I am happy for all the information to be published. That is why I suggest that all school handbooks are published. That would give complete information on every school in a context that parents can understand, and would also encourage parents to visit schools.

Mr Monteith: Have you ever seen a school handbook?

Michael Russell: I have seen them, read them, marked them and inwardly digested them. I am

sure that it is easier for someone who is butterfly minded simply to flick through the league tables. In something as important as education it is better to encourage parents not only to look at information on the school but to visit the school and to talk to other parents about it. That is what we should encourage.

On target setting and assessment, it is clear that in any good educational system there should be targets set by teachers. Children should be continually assessed by their teachers. There is something very Stalinist, very five-year-plan-ish, about insisting that targets should be set and assessment should be imposed from the centre. Attempts have been made in recent years, as Mr McConnell indicates, to try to devolve target setting to schools. The reality is that schools still have to try to perform to criteria set elsewhere. That skews the learning that is done in schools. There is no doubt that children are being taught simply to meet targets and to pass assessments. There is more externally moderated assessment in Scottish schools than in any other schools in Europe. We do not see any benefit from it in the results.

There is a place for target setting and for externally moderated assessment, but the people who sat on the inquiry into the Scottish Qualifications Authority—and Cathy Peattie was one of them—know that one of the major problems for the SQA was the burden of data that went into the system, which it could not cope with. That burden of data came from the huge range of demands made on schools by externally moderated assessment that, in evidence to the Education, Culture and Sport Committee that Ian Jenkins will also remember, the schools said was unnecessary.

All teachers—good and bad teachers, but especially good teachers, of whom there are a great many—set targets for their pupils and assess them. They know that there should be some external checking of the work that they have done. However, constantly to examine the mechanism, for ever to be taking the watch to pieces to make sure that it is working, is very destructive in the classroom. Time is spent on very narrow learning tasks rather than on the broadest learning tasks.

The motion encourages the Executive to do a number of things. It encourages the Executive to celebrate the settlement in Scottish classrooms and not to complain about "failing teachers" but to work with other people to solve that problem.

Mr Frank McAveety (Glasgow Shettleston) (Lab): I have listened very carefully to what Mike Russell has said so far. I am alarmed that I am not hearing what he is in favour of, only what he is against. Many models of assessment from south

of the border are worth looking at, such as the baseline assessment that is advocated by Birmingham City Council to identify where children are when they begin education and, at each stage, to try to change that.

That is a welcome development and it is important for parents to have that information. If there are very similar catchment areas with an achieving school and, a mile down the road, a non-achieving school, what strategy would the SNP adopt? How would it change the experience of education for children in the most disadvantaged communities?

Michael Russell: That is a very simplistic approach from someone who knows the complexity of the system.

Mr Monteith: Mike Russell would understand it then.

Michael Russell: I will take no lessons in understanding from Mr Monteith.

To answer Mr McAveety's question, I would need to have his definition of a school that it is not achieving. Certainly it would be necessary to look very closely at the school. As I said at the beginning of my speech, let us engage in a debate about what is right for schools, and let us try to engage in it together in the Parliament as we have done in the Education, Culture and Sport Committee.

I am being clear about what I am in favour of: an educational system that allows people to learn, uninterrupted by over-targeting, over-assessment and without that learning being skewed by the publication of league tables that are not useful and are, indeed, damaging. As Mr McAveety knows, I am in favour of many other things in education as well, which we will debate over the weeks and months to come.

The two amendments to our positive motion are extremely unhelpful. The Tory amendment is simply reactionary and makes no educational sense whatsoever. It is an amendment from a party that has learned nothing either in government or in opposition and that has a bankrupt right-wing ideology. I am more hopeful about the Executive amendment. Vague as it is, light as it is—as Mr McConnell indicates—by not saying very much, it gives me an indication that the Executive is sympathetic to changing the way in which things are done in Scottish schools.

There are some good signs from Mr McConnell. When he came into office he took out of the filing cabinet the file that Sam Galbraith had put away that is marked "All the positive things that we should be doing". The things we are talking about today are also positive. I hope that Mr McConnell will consider them seriously and that, as we

debate them over the months to come, we will get to a definition of Scottish education that allows Scottish young people to learn in the way that the Scottish traditions of education have shown is the best way.

I move,

That the Parliament welcomes the acceptance of the McCrone settlement by Scottish teachers and looks forward to a new era of co-operation and consultation between government, teachers, parents and education authorities which could result in much beneficial development of our educational system; rejects the moves towards selection and privatisation of education outlined by the Prime Minister in recent speeches; expects the Scottish Executive to make no attempt to imitate such policies which are not only directly contrary to the Scottish educational ethos but would re-create resentment and division in our schools; calls upon the Scottish Executive to emphasise its desire to improve Scotland's distinctive education system by following the example of the Northern Ireland Executive in abandoning league tables, and further encourages the Scottish Executive to re-examine critically target setting for schools and the burden of externally imposed assessment on Scotland's young people.

10:57

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): I welcome the consensus in the chamber on educational matters over recent months, but that can sometimes be a little bit boring so I welcome the opportunity this morning, at Mr Russell's instigation, for a proper debate. There are three very different ideologies of education operating in this chamber, and if that is exposed this morning, that will be good for Scotland as well as for the parties in the coalition.

Much that is very good is happening in Scottish education. I think that it would be hard to find a realistic and honest person in either of the Opposition parties who is opposed to the many measures that are now making such a difference, from nursery schools through to the end of secondary school. In recent years, there has been an expansion of nursery school provision to include all four-year-olds and which will soon include all three-year-olds. There has been a systematic reduction in class sizes in the early years in primary schools, and early intervention schemes have been introduced to help pupils who for family or other reasons are starting to fall behind in the early years. We are seeing quality, diversity and standards brought into the primary curriculum. In the secondary sector there is the development of new community schools and action starting to happen on attendance, discipline and school buildings. There is the current action to ensure that the reputation of Scotland's exam system is restored and that this year's diet of examinations is run accurately and on time.

Those are all positive developments that

command a sense of common purpose in the chamber, a shared feeling about education and where we are going. Although we may disagree on the policies to achieve it, we also share a sense that the purpose of education policy is to raise levels of attainment and achievement and to promote excellence throughout Scottish education and, in the longer term, to promote lifelong learning from the cradle to the grave. I believe that we have a structure in place that will start to achieve that.

In the national framework—

Robin Harper (Lothians) (Green): I did not want to interrupt Mr McConnell in his first minute, but will he concede that there may be four different views of education in Scotland in this chamber?

Mr McConnell: That will be interesting to discover: we will have to wait and see. I hope that Mr Harper will welcome the fact that our model is at least sustainable.

There have been two serious structural changes in the national framework. One—as Mr Russell may have been alluding to—has been to the inspectorate. I believe that we need to have a strong, independent inspectorate for Scotland's schools and its local education authorities. That inspectorate should inspect and report and not make policy. I believe that we have achieved that division of responsibilities. The new agency will be in place on 1 April 2001. That will be good for Scottish education. The agency will drive up standards and clarify where the policy responsibility lies.

The framework of national priorities, local improvement plans and school development plans—properly inspected, but put together locally in an open and accountable way—can drive up standards in every school. We want to see every school as an improving school. We want to see standards raised in every classroom across Scotland. I want to see the classroom at the centre of our education policy, rather than our education policy being imposed on the centre of the classroom.

Yesterday, we debated the agreement reached for a future quality teaching profession for Scotland. That agreement gives us the opportunity to have a quality profession with quality rewards, as part of a quality system. The purpose of the system is not to reward teachers, employ teachers or listen to teachers. The purpose of those three elements is to ensure that pupils and parents have the best possible education service in Scotland.

I want to turn to the SNP motion and the Tory amendment, and will start by looking at the motion in front of us today. Perhaps, in these early days of George Bush's presidency—given the American President's use of syntax—it is dangerous to use

phrases such as back to the future. That said, I think that the SNP motion would take us backwards into the future. We would have a very depressing view of Scottish education if we went down the road that Mr Russell outlined.

I have to say that Mike Russell has made some welcome changes to the nationalist education policies in recent months. I remember Nicola Sturgeon's opposition last year to the setting up of the McCrone committee. That committee has made such a difference to developing a momentum for change, and has led to the unique partnership that was realised this week in the agreement. At that time, I believe that the nationalists were also opposed to the abolition of the Scottish Joint Negotiating Committee. Now there is a broad consensus across Scotland that the new tripartite machinery can, and will, work in practice.

It is much more worrying that the SNP motion is a plea for caution and conservatism, for the motion says that everything is okay and that nothing should change. I think that it is a sad day when the party of conservatism in education is the nationalist party and the party of dangerous radical change is the Conservative party. It is a very sad day for the Scottish Parliament that we have a motion from the nationalists that refers to a debate taking place in England and in Wales. That is not the debate that should be taking place in this chamber: we are here to debate the Scottish education system and to point the way ahead.

Michael Russell: I entirely agree with the minister—

Mr McConnell: I thought that that might provoke Mr Russell.

Michael Russell: I would be very happy if the minister were prepared to take the opportunity that I have given him to refute completely that the debate that is taking place in England will have any part in setting his policies. If he is prepared to say that now, on the record, I promise that this is the last time that we will debate it.

Mr McConnell: There will be an entirely separate and distinct green paper on the Scottish education system before the end of the calendar year and I look forward to the debate that that will promote.

If Mr Russell's comments about the speeches made by the Prime Minister and Mr Blunkett earlier this week mean that he is against choice, diversity, improvement, standards and excellence in education, it is Mr Russell who is wrong, not the Prime Minister and Mr Blunkett, and his motion is wrong too.

There are no league tables in Scottish education; there is a publication of statistics, which

every parent, pupil, community, education policy maker and elected politician with responsibility for education should welcome and use to drive up standards across Scotland's schools. There are no centrally imposed targets in Scotland's schools; there are targets that are set by the schools, which should be published and met, ensuring that standards are driven up to improve excellence and performance.

The publication of those statistics is good for Scotland's schools. Let me tell members about a school in my constituency, Braidhurst High School, which is approximately half a mile from another, Dalziel High School. Dalziel High School is a well-known school in Lanarkshire, which attracts pupils from outwith the catchment area, has a high level of academic and sporting achievement and has won awards. About five years ago, Braidhurst High School was struggling in relation to Dalziel High School. It had difficult social and economic conditions in the two communities that it serves, a low morale among staff and parents, low achievement levels and a falling school roll. That school has been turned round by the hard work of the head teacher, the teachers, pupils and parents. The fact that Braidhurst High School can see in the publication of the individual information about every school—not in a league table—that it has the second highest level of attendance of any North Lanarkshire school is a source of pride, raises morale and provides an opportunity to move forward. The school deserves great credit for that achievement.

The motion that we are debating implies that we should abandon target setting, the publication of information and assessment procedures and that there should be no change in Scottish education. That would be wrong and I am opposed to the motion on that basis. I am also opposed to the amendment in the name of Brian Monteith. I agree with Mr Russell—another worrying outbreak of consensus—that the Tory amendment is a worrying development. There is no place in the Scottish education system for privatisation, selection or streaming. I support diversity and choice, ensuring that the education in the classroom is right for the current level of ability and development of the children in that classroom.

We need to refine the procedures that give children—at whatever point in the ability range—the right opportunity to reach their full potential. I do not want Scotland's children at a very early age to be split off into different classes in different schools and told that they are failures. Those children cannot be failures and must be encouraged to be successes.

Mr Monteith: The minister will note that the amendment does not suggest what he has just outlined. Given that the minister has said that he

does not believe in privatisation, is he announcing to the chamber that, in future, he will be curtailing or withdrawing the grant aid that the state gives to St Mary's Music School, which is an independent school? Is that what he would describe as privatisation, or is it an entirely different concept which we have not yet heard about?

Mr McConnell: It is an entirely different concept of which Mr Monteith has clearly never heard.

The policies that Mr Monteith and Mr McLetchie have espoused in recent weeks are about the structural break-up of the Scottish education system and are not about raising standards, excellence or driving up performance. That is why those policies are wrong. I am very keen to promote a debate about Scottish education, but right now I seek a period of stability and less initiative. I want to end the period of feast or famine in pay disputes. I want to ensure that discipline and order in the classroom and the ethos of our schools, the morale of our teaching staff, the publication of statistics, the driving up of standards and the reporting of that all take place in an atmosphere that encourages improvement in performance and results.

Later this year, we should start to look to the future. There are massive changes taking place in technology, the nature of citizenship and the economy. There should be changes taking place—although not too many or simply driven for the sake of it—in our curriculum to ensure that it is relevant for the 21st century and not just for the latter half of the 20th century. To do that, we need to look carefully at whether the changes of the past 20 years are working properly. We need to ensure that our education system is a system that we can be proud of. There is no more important task or tool for our policy of social justice. There is no more important vehicle for opportunity and equality. I believe that we will make history in this Parliament if we make our education system one in which we can be proud again.

I move amendment S1M-1656.1, to leave out from "which could result in" to end and insert:

"; believes that world class education is essential to give every child the best possible start in life and is critical to the future prosperity of Scotland; welcomes the clear vision that puts the interests of the child at the centre of the improvement of Scottish education embodied in the Standards in Scotland's Schools etc Act 2000; and recognises the clear priority which the Executive has given to raising standards and promoting ambition for all."

11:10

Mr Brian Monteith (Mid Scotland and Fife) (Con): I was interested to hear Mike Russell say that he feels that the Conservatives in particular have learned nothing from their period in government and, humbly, in opposition. I assure

Mr Russell that we have learned a great deal, particularly from the period in opposition. We have learned that if we have popular education policies, the Government will adopt many of them and a new consensus will be established—a consensus to which the minister himself drew attention in his speech.

I will remind the chamber of some of the areas in which we have learned that having popular education policies is beneficial. For example, there should be a degree of selection in schools. As the spokesman for the SNP told us, Mr Blair has moved to that position. That there should be direct funding of schools is a position shared by no less than Gordon Brown. The funding of new schools through private finance initiatives has been enhanced and developed by the Scottish Executive. Many of our policies in schools themselves, such as league tables, have become part and parcel of the education consensus, which Mike Russell now seeks to challenge.

Let us look at what Tony Blair, the Prime Minister, said and what it means. The Prime Minister has advocated that 5 per cent of English pupils should be admitted by selection. That is hardly groundbreaking stuff. He has said that diversity is what counts. I welcome the Prime Minister's move to produce proposals for diversity south of the border. I welcome a British debate, even though English education is separate from Scottish education, for unlike Mike Russell I do not have any English prejudices that tell me that we cannot learn from the English education system—

Michael Russell *rose—*

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

Mr Monteith: I knew that that would provoke a reaction. I do not have any prejudices that tell me we cannot learn from the English debate.

Michael Russell: My English prejudices include the fact that I was born in England, so I have a warm and sympathetic view of what takes place south of the border. However, I do not think that in education the English are ahead of Scotland. As Brian Monteith now approves of what they are doing, that proves that they are not.

Mr Monteith: As I will show, Mike Russell is not aware of what is happening in Scotland and therefore does not understand his brief. I am well aware that Mike Russell was born in Bromley in Kent. That is why we refer to him as Russell and Bromley.

Let us look at the reality in Scotland's schools. Already, many state schools use selection. Mr Russell clearly is not aware of that. Broughton High School in Edinburgh, which sits in the shadow of Fettes College, the Prime Minister's old

school, specialises in music and takes pupils following auditions to test their ability. Even pupils who attend Broughton High School because they live in the catchment area have to take auditions to receive the specialist music tuition—it is hardly a comprehensive system.

Ms Margo MacDonald (Lothians) (SNP): I pay tribute to Broughton High School. It is possible to offer some specialisation within the comprehensive system in all Scotland's cities, but for people who live in Motherwell—the minister referred to Braidhurst High School and Dalziel High School—there is not the same spread of ability to offer the same quality and breadth of education and specialisation as can be found in the cities.

Mr Monteith: That is not to say that specialisation cannot be offered. I accept that it is harder to provide specialisation in areas where there are only one or two schools, but that is not to say that it cannot be done.

I will provide more examples of selection. Bellahouston Academy specialises in sports. Pupils from outside its catchment area have to prove their sporting prowess before they can attend the school and benefit from its expertise. Other examples are Knightswood Secondary School, which specialises in dance; Douglas Academy, which specialises in music—as do Dyce Academy and schools in Fife; and Plockton High School, which specialises in traditional music and is not exactly in the heart of the urban belt. Furthermore, modern languages schools are being developed in Glasgow. The reality of our education system is that the comprehensive ethos is already breaking down; it has been breaking down for a number of years.

Mr McAveety: Would it be more accurate to say that the comprehensive system is evolving and developing in line with parents' aspirations and wider community needs? I welcome the fact that for the first time since I arrived in this chamber, Brian Monteith is praising the innovative work that has been undertaken by Glasgow City Council education department.

Mr Monteith: If only Frank McAveety and I spent more time drinking coffee together he would know that I could also praise the department for moving forward with the cluster approach to management in schools in Glasgow.

Having looked at the background, we see that through parental pressure and the belief that the comprehensive system is not delivering the schools they want for their children, parents have brought about change in schools. Are Mike Russell and the SNP saying that the schools that I have mentioned should stop their drive for excellence?

Michael Russell: No.

Mr Monteith: Well, if they are not, that does not correspond with their motion. Is the SNP saying that we should have one size fits all—that we should have conformity in the name of social engineering? That is the logical extension of Mike Russell's motion, for not only is selection explicit in some Scottish schools, it is implicit in practically all other schools where competition exists.

Parents can and do select schools through house purchase. By moving to an area with a school that has a good reputation, parents select their children's schools. Educationally, that is absurd. It means that a bright child in Pilton has little chance of attending, say, the Royal High School because their parents do not live in Barnton and have no prospect of doing so.

Where is the social justice in the fact that only the wealthiest parents can choose the state school of their choice? Conservatives tried to tackle that by allowing parents greater flexibility through placing requests, a policy that we had to drag our opponents kicking and screaming to concede, for they see comprehensive schools as social engineering rather than education.

Christine Grahame: I am intrigued by the democratic line that Brian Monteith is taking. Can he tell me how the child of somebody who is living on benefits on a more impoverished estate in Edinburgh and who chooses a school on the west side, for example in Barnton, will get there? They do not have money for transport. He is proposing a divisive system.

Mr Monteith: I am not suggesting a divisive system. We know that parents make great sacrifices for their children. It would not be difficult to walk from Pilton to the Royal High School.

Michael Russell: It is not "on your bike"; it is "on your shoes".

Mr Monteith: No.

As I said, Conservatives tried to tackle the situation by allowing parents greater flexibility. That is why we also need to maintain league tables, because they provide valuable information to parents, which allows them to challenge failing schools and bring pressure to bear through their own selection of schools. Of course they have access to handbooks, of course they can meet teachers, and of course they can meet other parents, but what Mike Russell is proposing can be more aptly put as "forward into the 1970s".

Let us consider the historical ethos of Scotland's education. Education has always had an important position in Scotland and was valued more highly here than in the rest of the British Isles. It was seen as a ladder by which people from a poorer or underprivileged background could further

themselves. To suggest that schools did not employ selection in the past and that they are not employing it now is to fail to see the reality.

Mike Russell's hypocrisy on this issue is clear: he says that selection should be stopped and that we should avoid it because it is an English concept, but just the other week I shared a hustings with him when we were at St Mary's Music School—an independent grant-aided school that not only takes state money but employs selection. There was no word from Mike Russell that that school does not fit in with his ethos. If we are to believe his motion and his actions in the Education, Culture and Sport Committee, however, he is against selective schools and grant aid. Is he against streaming? Is he against setting? I wonder whether that matters, when he tries to deny the reality of the consequences of the policies that he advocates.

The Conservatives do not believe that there is a monopoly in educational policy. I may be wrong—comprehensives may offer educational benefits. I am not convinced of that, but such schools should be allowed to exist and be part of the state system. All I say is that we should have a choice through diversity. Parents should be able to choose the education that they feel is right for their children. That may be a school that uses immersion language teaching or Gaelic-medium teaching. It may specialise in maths or, like Craigroyston Community High School in Pilton, it may be particularly good at getting pupils into art colleges and could develop a greater specialisation in arts and drama.

Let us have choice rather than a comprehensive system that is like a big yet ill-fitting red woolly cardigan that has holes in its elbows and missing buttons and was made from an old pattern that even retro fashion would not touch. If Mike Russell were a teacher, Jack McConnell and Ronnie Smith would boot him out of the profession for incompetence. Let us be thankful that Mike Russell is not a teacher. More important—and more serious—let us be thankful that Mike Russell is not the minister who is responsible for education, for then we really would have difficulty sleeping at night.

I move amendment S1M-1656.2, to leave out from "looks" to end and insert:

"the acknowledgement by the Prime Minister that a 'one size fits all' comprehensive system of education is failing Britain's children; believes that choice through diversity and competition, together with the involvement of parents and the professional commitment of headteachers and teachers are the crucial factors in raising educational standards for all children; recognises that specialisation in subjects, selection and streaming are a necessary requirement for such diversity, and reaffirms that league tables provide a valuable source of information to parents to assess their local schools."

11:21

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): At the beginning of his speech, Michael Russell talked about the motion having three parts. I will talk about the first part.

I welcome the McCrone commission, its report and the endorsement given by 80 per cent of teachers, which gives us a significant mandate to progress that programme and raise the status of the teaching profession in its own estimation and that of the public. As I said yesterday, the salaries that the commission's report established must not be allowed to wither on the vine. We must change how public service pay is reviewed in the long term, so that it is not subject to boom and bust.

I welcome the winding-down scheme, which can change how we think of education. People who are in the profession but close to the end of their careers are of great value and will benefit from the scheme, which gives them an easier way of winding down out of the profession without losing pension.

I welcome the provision for primary school teachers to have more class contact time to do the job that we have for too long asked them to do without the facilities and time they require.

I welcome the chartered teacher initiative, but it must be clear that it is available to everyone who wishes to take it up. The quality of training and access to the scheme must not be subject to a ceiling or the conditions that were troublesome with the senior teachers initiative. The idea is to keep chartered teachers in the classroom, but the fact that administration has to be done in schools must be taken into account. Principal teachers cannot be left to do all the administration themselves. A mechanism is required by which the division of such work is agreed in schools. Structures must take account of local circumstances.

Extra time for professional development is one of the most important items in the McCrone settlement. It provides the opportunity to revitalise teachers. Teachers may think of the extra time as a threat; it is not that—it is an opportunity. Teachers who have worked in English classrooms for a long time take courses in drama, special educational needs or computing, which revitalise how they think of themselves and do their jobs. Sports coaching courses and other courses can open up avenues. I think that that is one of the good opportunities from McCrone to which Michael Russell's motion refers.

Teachers have long been underpaid, undervalued and overworked. I hope that McCrone will tackle the underpayment and undervaluing. The overwork has still to be examined. This should be a pivotal moment in the

relationship between the Government and the teaching profession. More important, working and dialogue can be brought to bear throughout the whole teaching profession and the partners with which we work.

Mike Russell's mention of Tony Blair in the motion is mischievous. I will not indulge him by talking about Westminster. This is a Scottish Parliament discussing Scottish education. I believe that our school system should be public and have values that are based on equality of opportunity and parity of esteem for all pupils. It should seek to give every pupil a fair chance in life to grow as an individual and as a member of society. Those aspirations are most readily achieved in a comprehensive school setting, which is epitomised in the secondary schools that we find across Scotland in towns whose local high school has a clearly defined and comprehensive catchment area.

Of course such schools will strive for excellence. Many achieve it. There is no harm in schools playing to their strengths and seeking to establish a reputation for special excellence in an aspect of the curriculum. As Brian Monteith would say, there is a case to be made for schools that specialise in activities such as sport or music. We must get away from dogmatic argument. We must see what works best. Our system should not be monolithic: it should provide more room for experimentation, more diversity and more pluralism in provision, but it should be grounded in the public system that is based on the principles of equity that are well established in the Scottish educational world.

I do not like league tables: they are subversive and misleading and tell only a tiny part of the story about a school. I have no objection to parents having information; I object to the way in which league tables are promoted as a soundbite that tells us about the quality of a school. The tables are seductive. People find themselves looking to find out how their own schools have performed. We cannot help but be affected by them, against our better judgment. I have spoken about worries about statistics and tables and how they narrow our vision to matters that are easily measured. They create soundbite education and a distortion of the truth.

Schools are not just about examination results. They are about music, drama, sport, play, personal development, social interaction and creativity. They are about feelings, pupils' self-esteem, guidance and respect for others. A school's ethos cannot be captured in a league table. All the performance indicators in the world cannot reduce a school to a soundbite. While we are discussing funny statistics, I ask the minister again to examine relative ratings, which are my *bête noire* of school statistics. I will not go on

about them now.

Targets are important, but I have worries about target setting when the targets are produced from outside—parachuted in—without reference to the facts and practice in schools. I recognise and encourage the movement to take schools along in the process of target setting. Targets are valuable in encouraging focused thinking, but we must avoid targets that distort how schools wish to teach. Sometimes, aiming for one target means that other considerations must be set aside and be reduced in importance in people's eyes. However, targets can be valuable. I attended a seminar at which a representative from Burnfoot Community School in Hawick gave a presentation that showed how targets had helped to raise the self-esteem and effectiveness of the school. When targets work and schools support them, they are valuable incentives. Mr Russell and the minister know well of my reservations about over-assessment in schools.

Testing is not the same as teaching. Although testing is necessary for formative work with pupils—and indeed for final assessments of achievement—it can get in the way of teaching. Testing can limit the vision of teachers and pupils, who cannot see the bigger picture because they are concentrating on next week's assessments. We have seen in the SQA crisis how an over-elaborate assessment system can lead to administrative difficulty. There are times when the wider aims of education are obstructed by a system that becomes obsessed with assessment.

I believe that the higher still English course is not serving its pupils well. It sets narrower aims and objectives than I would like for the teaching of English to fifth and sixth-year pupils in Scottish secondary schools.

In all the issues where I have disagreements with some people and where I have a particular point of view, I turn with great hope to Jack McConnell. Jack McConnell has established a platform on which teachers, the Executive and parents can work with one another. We have so many forums—so many opportunities—for discussion and debate. I believe that in discussion and debate, and in partnership between parents, teachers, pupils and the Scottish Executive, we have a bright future for Scottish education, where together we can raise standards and excellence to offer our pupils opportunities for the future.

The Deputy Presiding Officer (Mr George Reid): We now come to the open part of the debate. I warn members that, even on speeches of four minutes, which is what I will allow, it is unlikely that all members will be called.

11:31

Colin Campbell (West of Scotland) (SNP): Let me just dispose of Jack McConnell's accusation that we on the SNP benches are a bit conservative by pointing out that, when I published my head teachers handbook, I said that the only constant in life is the inevitability of change. I said that we had to prepare the kids for that and that the staff had better try to get good at it. That is the game that we are all in just now.

I shall not dwell much on how education descended into this trough. Suffice it to say that the coincidence of Labour's insistence on all-through mixed-ability teaching without the resources it requires and league tables and Mrs Thatcher's scathing attacks on teachers during the 1980s produced a potent and negative mix. Throughout, teachers had to adapt to a whole lot of new courses.

League tables are devastating. I know that Jack McConnell denies their existence, but all the statistics are available: the newspapers publish them as tables and parents read them. Parents take the view that a school that produces perhaps 50 highers in a subject is inevitably and invariably better than one down the road that produces only three. The league table pays no regard to the abilities of the pupil intake or to the abilities of the staff. Aspiring parents take their children to what they perceive to be the better school and, five years later, the number of highers in the latter school has fallen even further and the whole thing becomes a downward spiral. That is the utterly negative effect of the publication of league tables—whether Brian Monteith likes it or not. I know because I was there. I did not find it a funny experience.

One aspect of education when I was a pupil was that people who narrowly failed their prelims did not get to sit the highers—to safeguard their school's record. I wonder to what extent that is still going on at different levels in the education system. Teachers and head teachers always have league tables at the back of their minds.

Mary Scanlon (Highlands and Islands) (Con): As someone who examined the league tables and chose a school for their children, I believe that it is the right of every parent to choose their children's school to give them the best education that is available. Parents have only one chance to decide on the best opportunity for their children and I find it insulting that Colin Campbell feels that parents should not have that chance.

Colin Campbell: I am sorry—I did not say that. Indeed, after much consideration, and for exactly the same reasons as Mary Scanlon, I shifted my second child from school A to school B. However, as somebody who ran a school that did not have a

huge academic record, I am conscious that that is exceptionally damaging to schools that are lower down the league table.

When we find pamphlets from the Scottish Executive that talk about value added, as if we were skilfully improving on identical ingots of raw material rather than on people, have we not lost the plot a little? While statistics provide meat for analysts, the recording of the immutable fact that a school may never attain the Scottish average in any subject reinforces people's perception that it is at the bottom of a heap. There is no measure of the number of children who are kept out of jail because a school transmitted positive social attitudes to its students, or the family crises that are avoided because of systematic guidance, yet those are worthy ends for individuals whose life outwith school may be in chaos. They are immeasurable things.

Teachers have always been aware of the need for high standards—and they are proud to achieve them. They are now entrapped in too much assessment. Do folios measure a pupil's worth or a teacher's ability to persuade a pupil down the right road? Should teachers have to spend endless time nagging pupils and writing to parents to get the folios in? Is that not—as has been suggested—a waste of precious teaching time?

We have an opportunity to improve on the recent past. Jack McConnell knows the score—I will give him that. Scotland cares and education is faced with a challenge. With recognition of the inherited difficulties and intelligent attempts to diminish them—and with reason and good will—education will again be a rewarding activity for pupils and teachers. Jack McConnell can change Scottish education for the better. We will support that, but we will criticise Mr McConnell when we think it necessary.

11:36

Bill Butler (Glasgow Anniesland) (Lab): I rise to support the amendment in the name of Jack McConnell. It is intellectually coherent and forward looking—in stark contrast to the reactionary nonsense in Mr Monteith's amendment and the somewhat flawed SNP motion.

The SNP motion and the Tory amendment mention league tables. The Tory amendment says that league tables are

"a valuable source of information".

No they are not.

Ian Jenkins eloquently made all the points I wanted to make. The performance of each school should be compared not with other schools but with the past record of that school. The school community should get together and, where there

are deficiencies, work to address them.

Mr Monteith: As a parent who considered the league tables of schools in Edinburgh to choose a school for my children, I recollect that it is possible to compare the current performance of schools with that of previous years. That is a valuable source of information. I had no compunction about sending my child to a school other than the one they would have attended because of where we lived. However, I was able to observe whether the school had improved its performance or whether its performance had declined. Surely that is valuable.

Bill Butler: That is valuable information, but it is not found in league tables. Where I find fault with the SNP's motion is that the Scottish Executive does not publish league tables—the media compiles them. Mike Russell said that we should be careful about what information we publish. That is not a very transparent approach. I was somewhat bemused when he said that publishing so much information displays a Stalinist or centralist tendency. Two characteristics of Stalinism were cruelty and secrecy. I do not accuse Mike Russell of cruelty, but he seems to leave too much to secrecy—I find that unacceptable.

The only league table that has any credibility and that I pay any attention to is the Scottish second division—the top of it in particular. The Executive amendment is about the real challenge that faces Scottish education, which is the need to build on the overwhelming acceptance by the teaching profession of the pay and conditions package reached in the fruitful negotiations with the minister. As a recent practitioner, I am pleased with the minimum salary increase of 23.1 per cent, which is a recognition—not before time—of the expertise and commitment of the teaching profession. I do not often use hyperbole, and I am not using it when I say that that recognition comes after years of being treated abominably by the Tories. The new chartered teacher grade will allow experienced classroom teachers to remain in the classroom—that is vital.

Mary Scanlon: As someone who has also spent the past 20 years in the classroom, I welcome the salary increase for teachers, which recognises their service. What is Mr Butler's view on further and higher education lecturers, who also have to work extremely hard and whose contribution to education is equally vital?

Bill Butler: That is not part of today's debate, but my view—and it is a pretty obvious answer to Mary Scanlon's question—is that it is up to the lecturers unions to negotiate with the proper authority.

It is vital that classroom teachers remain in the

classroom, because we need experienced practitioners. Hitherto, teachers who wanted to get the remuneration that their experience and dedication merited had to move out of the classroom and into senior management. That was a loss to children and to education.

I welcome the other innovations, including the 4,000 additional teachers, the new winding-down scheme and the 3,500 additional support staff who will be employed. I believe that the Executive amendment is correct to say that

“world class education is essential to give every child the best possible start in life”.

That is a laudable objective and I commend the amendment to the Parliament.

11:41

Mr David Davidson (North-East Scotland) (Con): This morning we have heard the usual utterances and the troglodyte approach to centralisation of education from the SNP. The SNP has a fear of selection, creativity, local diversity and, most of all, parental choice. That has been accentuated today time and again. All of that was from Mr Russell, who constantly bangs on in the chamber about the richness of diversity in Scotland and how that should not be stifled. We hear that on every subject under the sun until, miraculously, it does not apply any more when he is speaking on education.

I just could not understand why, in Mr Russell's 17 minutes and what sounded like 4,500 words, we heard absolutely nothing about action, targets or outcomes for education. I hope that when she winds up for the SNP, Irene McGugan will address some of those issues. We heard nothing about a policy framework and nothing about resources to bring about the transformation in Scottish education that I think Mr Russell was hinting at. We heard nothing about how the SNP would involve parents and nothing, as the Labour party has pointed out, about how the progress of the child through the system can be monitored or about the response that should be made to any problems that are picked up in that process.

Does the SNP actually think that the current system is responsive enough for the needs of every individual child in Scotland? That is what the debate should be about. I was very worried to hear Jack McConnell talking about the needs of children. What about the needs of the child? That is what parents are concerned about and that is what the long-term future of education is about. It is not about delivering a mass product of the same uniform blandness. It is about helping people to be creative, self-supporting and able to move on and grasp opportunity with the basis of a decent education, which many of us received from the

state system in Scotland.

At the school that I went to, Trinity Academy, we were streamed according to ability, but not just on the basis of a simple examination system. We had commercial courses, technical streams and academic streams, and pupils were often moved between them. I do not know what the idea is nowadays about dumbing down. We have not heard anyone referring this morning to the postcode lottery in Scottish education. This is the SNP's debate, but its members have not addressed that problem. It exists, but what will the SNP do about it? We have heard nothing.

Ring fencing merely supports central control.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I would like Mr Davidson to address central control. We have spoken about it before, but I understand that the Conservative policy in Scotland is to centralise decision making in an education centre here in Edinburgh. Can he confirm that?

The Deputy Presiding Officer: You have just over a minute of your time left, Mr Davidson.

Mr Davidson: We will have that debate on another occasion. If we are looking at the real, meaningful application of educational opportunity in future, we must encourage parents to become responsible. School boards work. When I was a councillor, I started many school boards and they were successful. We should try to link parents, teachers and local councillors, if they are the people from the community who are supposed to know about things. We should consider a budget for a cluster of schools and ask whether it delivers for local children. Parents have a responsibility to get involved in that process. That is not centralisation. Central Government has a function in setting standards, but their delivery must be designed locally with the involvement of parents.

Mr McConnell: Will Mr Davidson give way?

Mr Davidson: Do I have time to take another intervention, Presiding Officer?

The Deputy Presiding Officer: I shall stretch your time limit, Mr Davidson.

Mr McConnell: I think that Mr Davidson should answer Mr Rumbles's question, which was about the centralisation of control for education. Contrary to everything that Mr Davidson has said in his speech and everything that Mr Monteith said in his, the Conservative party's policy is to centralise decision making about the allocation to schools of resources, staff and equipment, and about the overall management of schools, here in Edinburgh, cutting out the elected local authorities. If that is the Conservative policy, will Mr Davidson confirm that?

Mr Davidson: I think that we should be asking the minister whether he will abandon the ring fencing that guarantees that schools have no flexibility. He gives them only a tiny amount of flexibility. He is the one who should answer the question. Will he stop ring-fencing? We will certainly change the mould from what has been going on until now. We will get parents and staff involved and give them the proper role that they should have had.

Classroom assistants are a typical example of Mr McConnell's policy. He ring-fences money for classroom assistants, but that puts resource pressure on being able to employ staff. Some schools have actually said that they will have to get rid of teachers to accommodate Labour's policy. When the Executive gets its act together, Mr McConnell can start lecturing us.

We simply must get the debate up a gear. Mr Russell has failed to do that. The debate is about how we can look at the needs of the individual child and the better allocation of resources and opportunity in education. I support Brian Monteith's amendment.

11:47

Christine Grahame (South of Scotland) (SNP): In a former, former life I was a secondary school teacher, and I remember the halcyon, pre-comprehensive days. I was opposed to comprehensive education when it was introduced, but I soon converted and saw its huge advantages—in justice for children in the education system, who were able to move freely as their talents developed, either up or down, and also in social justice. I will not say more about that now, because the Conservatives will never be in power, so we will never have to deal with what their amendment says.

The SNP welcomes the McCrone report. However, we must look forward to a period of stability in Scotland's classrooms. Teaching was a hard enough job when I did it and I know that it has become a darn sight harder with the blizzard of paperwork that teachers have to do and the huge assessment input that they have had to submit to the Scottish Qualifications Authority. There should be a period of quiet and consolidation now, and I congratulate Jack McConnell, whose old teacher genes are coming through, thank goodness, on agreeing a reasonable pay award that recognises the professionalism and skills of the class teacher. Good teaching is at the heart of developing an educated and, perhaps more important, compassionate society.

I want to say something about assessments. I have received correspondence from headmasters

in the Scottish Borders. They say that one set of data on the assessment and attainments of candidates would be sufficient. I know that the Executive is looking into submissions of data. Those headmasters want submissions of data to be earlier. I understand that information was requested during the summer holidays, when key personnel were not available, and the headmasters hope that that will not recur.

I wrote to the Executive on that matter. The reply, dated 28 December 2000, indicated that the SQA is conducting a feasibility study with regard to implementing a simpler system of assessment. Will that feasibility study include consultation with head teachers associations and representatives of the profession? As they are being asked to deliver, it would be suitable if they were part of that feasibility study.

I am pleased that there will be financial recognition of the role of markers, although we know that many teachers have said that they undertake marking as a form of professional training for themselves. I am sure that the minister will confirm that inexperienced teachers will never again be appointed to mark papers. The discovery from a series of questions to the minister that that had been the case was astonishing. We must return to the previous status quo, which was one of security in our exam system and its results.

I want to move quickly to league tables or, as Mr McConnell would call them, publications of statistics. In my view, they are an anathema to a healthy education system because, as Mr Jenkins said, they falsely drive the teaching agenda. They make us start teaching to the test and return to the horrible days when—believe it or not—I was young and we taught to the old qually. Children spent term after term working on old papers to try to push up their marks. That is not education.

Of course, schools must maintain standards. We have Her Majesty's inspectors of schools. I am pleased to hear that the minister is separating the role of inspection from the role of policy. HMI drove the higher still programme, which was a real conflict of interest. There are school reports and school handbooks, but best of all, there is the word on the street—parental word of mouth—about a school's real value.

Finally, my colleague Mr Russell referred to the spectre of privatisation the Blair way: pitching school against school and breaking the homogeneity of our school system and the curriculum within it, which—this is not a contradiction—allows schools to develop their own educational personalities and specialisms.

As far as I am concerned, we cannot build a high enough Hadrian's wall between the English education system—I say that, and my mother is

English—and the democracy of the Scottish system.

I support the motion.

11:51

Donald Gorrie (Central Scotland) (LD): It is a pleasure to take part in a debate that is a sensible discussion about real issues and in which there is a wide band of consensus across the Parliament, although some people would like things done in different ways. That is real politics. We suffered yesterday from the tactical ineptitude of the Executive and earlier this morning from the tactical ineptitude of the SNP. It is a pleasure to take part in a real debate.

My colleague Ian Jenkins covered matters well from the point of view of the Liberal Democrats. As one of the wicked dual members—who will soon cease—I can say that my English colleagues have great concerns about many of the educational ideas that are promoted in England. There are some good things, but there are a lot of dangerous and bad things. It is relevant to mention them, because history shows that because the English are so much more numerous than we are, ideas do cross Hadrian's wall in a northerly direction. We must express great concern about some of the things—although not all of them—that the Administration in England is doing.

I want to broaden the subject out to include education outwith school hours, which—with all due respect to teachers, of whom I was one for 10 years—is far more important than education within school hours. When young people learn from their peer group—they learn far more from them than they do from baldies like me—their enthusiasm, whether for the school orchestra, the chess club, drama or sporting events, gives them character and interest throughout life. That is developed after school hours. We must have a much better system of paying teachers and non-teachers to support such after-hours activity in schools.

We must also properly support our whole youth and community education system, which is still going down and is not a high priority of the Executive, although it should be. One has to search industriously in Executive documents to find constructive ideas about youth activities and to find any money that is being given to them. It is important that we provide good activities for young people. Many good things are being done. To take a simple example, last Friday I visited a youth centre called Terminal One, in Hamilton, which is now supported by the local authority. It was not before, so that is good. The project is particularly good at training people in all sorts of music, not of the sort that I go in for, but of the sort that young people go in for. The project does not get funding

for that because of some bureaucratic hang-up. That is the sort of thing that we must cure.

We must support really good activities for young people. We must give them interests and enthusiasms and help the people who have skills to teach them. That will soon pay for itself by reducing the necessity for police, jails and all that. It is the preventive medicine argument: if we produce good things for young people to do, not only will they create less trouble and therefore cost less, but we will create human capital—happy people with a future and a life that they can look forward to enjoying, which is what we are here for. That is not happening, because of the persistent denigration of and cuts to community education and youth activities that there have been over many years.

I call on the Executive to have a system that helps more after-hours activities in schools and gives greater support to youth clubs, sport, drama and other such things across the country. We will then build on the good work that is being done in schools—Jack McConnell deserves credit for the progress that he has made so far—and we might start to create a Scotland of which we can all be proud.

11:56

Bristow Muldoon (Livingston) (Lab): Today's debate has been quite odd, in particular the approach taken by the SNP. There were three main strands to it. First, there was the welcome for the McCrone settlement, which we can all unite on. The second strand, which was particularly odd, was the fact that the SNP wanted to spend some of its valuable time in Parliament debating potential changes to the English education system. I do not know quite what that demonstrates. If Mike Russell wants to give advice on the English system, he should perhaps join his lost leader, Alex Salmond, in standing for election to Westminster. The other major strand of Mike Russell's speech related to a plea to abolish league tables which, as Jack McConnell has emphasised time and again, do not exist—they are not published by the Scottish Executive.

It is not clear to me quite how the SNP aims to achieve that. I share many of the concerns expressed by Ian Jenkins, Bill Butler and others about league tables representing schools in a way that can be misleading and distorting. I ask the SNP to clarify how it intends to stop the information getting into the public domain. Does it want the information not to be released?

Michael Russell: First, I congratulate the member on his change of shirt and tie, away from the yellow and red of yesterday.

Let me make it quite clear, as I did to Mr

Monteith and Mr McConnell—if the member was not listening, I will make it clear to him again—that I believe that school handbooks, which contain that information and a range of other information, should be published as widely as possible. All of them should be on the internet, as the non-league tables—the ones that do not exist—are. Then we will have a rounded view. We will also encourage parents to go and see schools. That is the best way to do it.

Bristow Muldoon: I remain puzzled as to quite how Mike Russell intends to stop the Scottish media publishing league tables of performance data. Does the SNP want restrictions on the freedom of the press?

I want to move forward, because very little in the SNP's contribution today tackled standards in Scottish schools, which is the key issue and the one that we should focus on. As has been said, the amendment lodged by the Executive raises the aspiration of developing a world-class education system in Scotland. What have we done since the Parliament was elected? The first major bill that was passed was a bill on raising standards and attainment levels for every child in every school in Scotland. Through McCrone, we have achieved a settlement, as a result of much hard work in negotiations between ministers, the teaching unions and local authorities, which it is widely recognised will make a major contribution to recognising the professionalism of Scotland's teachers, the need to remunerate them accordingly, the need to attract new graduates into the profession and the need for continuing professional development throughout teachers' careers. The deal, which was supported overwhelmingly by teachers in the ballot whose result was announced this week, will build a solid partnership between the Government and the teaching profession to improve our education system.

What have we done on resources? Labour has made education a top priority throughout its time in office and has allocated additional resources. I will draw on some examples from my own area. This year, the education budget in West Lothian will rise by £6 million from £90 million to £96 million, even before additional resources have been allocated through the excellence fund.

Extra resources are being made available to develop the new community schools programme. Since the inception of West Lothian Council in 1996, the Labour local authority has made investment in the fabric of schools a continual priority. Perhaps I should mention an example of the SNP's priorities. The SNP's guidance to the newly elected West Lothian Council was to spend some of its resources on a deluxe golf course. I enjoy a game of golf, as does the Minister for

Education, Europe and External Affairs, but I think that we would both prefer deluxe schools far more than deluxe golf courses.

There is already clear evidence that attainment levels are rising throughout Scotland. In my own area, levels have risen in four out of the five major categories in which attainment is measured for standard grades and higher. In primary schools, measured against the five-to-14 curriculum, there is a continued improvement in reading, writing and mathematics, which mirrors the improvement throughout Scotland.

There is still much to be improved in the Scottish education system, including—as other members have recognised—the rebuilding of confidence in the examination system. However, I believe that there is also clear evidence that we are making substantial progress and taking substantial steps towards building the world-class education system that is mentioned in the Executive amendment.

12:01

Robin Harper (Lothians) (Green): I indicate my support for Michael Russell's motion and in particular for what he said about league tables, which fail to value the work of students and teachers in our schools and also in our universities and colleges. It is about time that league tables were scrapped.

I also welcome Michael Russell's comment that the real debate about what education is for can now begin. The Executive has laid the foundations for that debate by accepting the McCrone report.

I will pull together what Donald Gorrie, David Davidson and other members have said about education focusing on the child, the whole child and the development of our pupils. Universities and employers throughout Scotland complain year on year on year that, when our pupils arrive at university and in employment, they suffer—however well qualified they may be academically—from lack of confidence in themselves and their abilities. That must have something to do with the present ethos of our education system: its drift towards more concentration on assessment and qualifications and away from what the ethos of schools used to be.

I had the good luck to teach in a school in Buckhaven called Braehead; it was a small junior secondary with 400 pupils, which was led by the late and great R F MacKenzie. It had four art teachers, four music teachers, a full-time teacher of outdoor education including climbing, and three teachers of outdoor education from other departments, who would take pupils gliding, sailing and so on.

Those ideas fed through into the Scottish education system for many years. By the mid-1970s, every school in Lothian region had an outdoor education teacher.

I ask the Executive to consider, first, what has happened to outdoor education in Scotland, because it is one of the principal methods of getting pupils to work together and of developing confidence in a whole range of abilities that sitting in a classroom can never address.

The second debate that must be opened up is the place of environmental education in Scottish education, because I do not think that it is highly enough valued. A lot of lip service is paid to it and it is mentioned everywhere, but it happens in very few places.

The third point is the place of music and art. Why do we have to have specialist schools? Broughton is a wonderful school, but why do we not have other schools with similar opportunities for children who are musically gifted and schools that enable students to take advantage of similar levels of teaching in art?

We must have a debate about the shape of education in Scotland, about what schools provide for pupils and the way in which we need to extend the possibilities for pupils to do other things in our classrooms.

MacKenzie campaigned against any kind of examination system. Although I will not say anything like that in the chamber, I invite members to take away this idea. If we can imagine Scottish education without any exams or assessments, we can begin to think about what education should be about.

12:05

Karen Gillon (Clydesdale) (Lab): I am not—and never have been—a teacher. However, I am a parent and consumer and believe passionately in a system of comprehensive education that can deliver for every child in every community.

I am delighted to sum up the debate on behalf of the Labour party, because time and again, Labour has put education at the heart of the agenda. When Mike Russell started his speech by saying that he had three points to make, I thought that he had fallen back into his previous position as lay preacher. Perhaps if he had, his comments might have had some vision; however, this time, he fell short of his aims.

I will respond to some of the main points in the SNP motion. I am happy to talk about Labour's achievements such as the significant investment in education. However, the issue of education requires more than investment. As a result, we have introduced nursery places for all three and

four-year-olds as well as the early intervention scheme to tackle children's literacy and numeracy problems. We have also abolished the assisted places scheme to ensure that money will no longer be given to people who can afford it to take their kids out of the comprehensive system; instead, money will go back into the system once and for all. Brian Monteith would have us reverse that policy.

One of the debate's key issues is the ethos by which education can develop and survive. I want a system in Scotland in which schools no longer underachieve. Indeed, we must be honest with each other and say that some schools still underachieve. It is quite simple to measure such underachievement; it happens when any child in a school does not achieve their full potential, and the Government, the Parliament and the Education, Culture and Sport Committee must take measures to ensure that every child in school achieves that potential.

There is much consensus in the debate. We must examine the types of information that are supplied and whether it is the right information. Although I think that it is important for parents to have information, it must be qualitative as well as quantitative information. People need to know whether a school is in an area with a high incidence of unemployment where family members have never aspired to go to university or into further education. Siblings will have the same lack of aspirations and opportunities.

Ms MacDonald: I wonder whether the minister agrees that there is a point—

Karen Gillon: Promotion!

Ms MacDonald: Well, of course. I recognise quality when I see it.

Because we are so affected by the ideas that are promulgated by the UK media, it is difficult to persuade Scottish parents that Scottish schools have a different ethos and outlook. Instead of saying that we will withhold information from parents, we should be considering more imaginative ways of getting positive information. How will we overcome the hurdle of the terrible embarrassment of Blair calling the educational shots in England?

Karen Gillon: Margo MacDonald has made one of the most coherent and constructive comments that I have heard from the SNP today. Perhaps her leaders should think about using her more often.

What we are debating today is the issue of devolution and of making policies for Scottish education. Tony Blair and the English Government can introduce policies for England and Wales—

David McLetchie (Lothians) (Con): The British

Government.

Karen Gillon: I apologise. I am a unionist and proud to be part of the UK, as David McLetchie well knows.

Bill Clinton said, "It's the economy, stupid!" I think that the comment should be, "It's devolution, stupid!" We should not be obsessed with the education system in England and Wales; instead, we should be obsessed and paranoid about the Scottish education system and drive continually to ensure that Scottish standards are as high as possible. We must ensure that what we do is exactly right for Scotland.

Mary Scanlon: Will Karen Gillon give way?

Karen Gillon: I am in my final minute.

Some good initiatives are being implemented in England and Wales. I recently visited a sports college in Manchester, which provided an excellent example of what can be done to raise the level of achievement of young people—an initiative to help underachievers through sport. That initiative could be introduced in Scotland. Every member of the Education, Culture and Sport Committee signed up to having that investigated as a possibility—even the SNP members.

Some positive things are being done in England, of which we can leave the worst and take the best, in the interests of Scotland. That is devolution. That is what I want us to do. I hope that members will support the Government amendment.

12:10

David Mundell (South of Scotland) (Con): I did not see Mike Russell leading the celebrations to mark the 100th anniversary of the death of Queen Victoria. On the evidence of today's performance, he might well have done that. If Queen Victoria were to return, the aspect of society that she would recognise most clearly would be our schools, which have changed little in the past 100 years while every other aspect of society has undergone radical transformation.

We are rightly proud of our education traditions, and we should respect our education system as a great asset in the modern world.

Mr McConnell: Will David Mundell give way?

David Mundell: Not just yet.

As Alan Cochrane pointed out yesterday in *The Daily Telegraph*, we should not be complacent. Maintaining the status quo and suppressing innovation and radical change is wrong.

Mr McConnell: Will David Mundell give way?

Michael Russell: Will David Mundell give way?

David Mundell: Not yet.

Successful economies around the world are experimenting and are willing to undertake radical change. We must be open to the same approach. The former Deputy Minister for Children and Education visited a school in Finland—a country about which we hear much from the SNP—where there are no teachers. I do not think that the Educational Institute of Scotland would sign up to such a proposal.

Mr McConnell rose—

Michael Russell rose—

David Mundell: I give way to Mr McConnell.

Mr McConnell: I apologise to Mr Russell.

Michael Russell: Age before beauty.

David Mundell: Mr Russell will never be called to speak.

Mr McConnell: Mr Mundell should acknowledge that there have been changes since Victorian times, which have been based on the choices that still exist. Comprehensive schooling, compulsory schooling, equal schooling for boys and girls, a school-leaving age of 16 and nursery schooling that is funded from the public purse have all been introduced progressively by Labour and Liberal Governments over the past century. All were opposed by Conservative Governments.

David Mundell: I do not accept that at all. Conservative Governments held office at Westminster for the vast majority of the previous century and carried out all the radical reforms.

We must be prepared to be radical. Tony Blair is right to say that bog-standard comprehensive schools are not the way forward in England and Wales. Similarly, no sort of bog-standard education is the way forward in Scotland.

Michael Russell: Mr Mundell was in Finland before Mr McConnell interrupted him. He now appears to have left Finland without talking about it. Finland does not publish school league tables, set national targets or use much nationally set assessment. However, education standards are higher in Finland than in Scotland. I thought that we might have a wee chat about Finland, but Mr Mundell seems unprepared to have one.

The Deputy Presiding Officer (Patricia Ferguson): You are in your final minute, Mr Mundell.

David Mundell: I would be happy to have a discourse about Finland, but we must first have a more detailed discourse about education in Scotland and move away from the SNP position of resisting change at all cost.

Michael Russell: We are very much in favour of change.

David Mundell: In today's debate we have heard nothing about that. I cannot comment on what has been said by the SNP, because the SNP has said nothing.

Michael Russell: David Mundell must be clothed.

David Mundell: Michael Russell would do better to address himself to documents such as the Scottish Council Foundation publication "Changing schools", which concludes:

"It seems that the mood in education is shifting. More and more people have come to accept that radical change is needed. We appear to be on the cusp of great change—and at such times it often takes only a small action to transform the whole system into a new state."

On the evidence of today's debate, the SNP wants to take a step back, whereas the Conservatives are willing to take a step forward.

Michael Russell: I am sorry that Mr Mundell has fallen into the Blairite trap of thinking more—

The Deputy Presiding Officer: Mr Mundell has finished his speech and so cannot take an intervention.

Michael Russell: Was that it? Gosh, I am glad that I did not blink.

The Deputy Presiding Officer: Mr Mundell has finished partly because I indicated too early that he had only one minute left. I apologise for that, Mr Mundell, and I will ensure that the time is made up to you on a future occasion.

David Mundell: I sat down when you asked me to because I followed an education system in which one respected the person in the chair.

The Deputy Presiding Officer: You might find that that phrase comes back to haunt you in future debates, Mr Mundell.

12:15

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): We welcome the broad support for the post-McCrone agreement that has been evident this morning from all parties. It is clear that not only is this an historic opportunity for the Scottish education system but that there is something approaching an historic consensus on the importance of the McCrone settlement.

The Executive has committed itself wholeheartedly to promoting improvement in the Scottish education system. A clear and compelling vision has been set out, founded on the new statutory right to education enacted by the Scottish Parliament and the strategic framework of priorities that has now been established. That will be backed by significant new resources on a scale

never before provided in Scotland.

The issue is wider than that, however. In the past few weeks, some of the most significant changes in Scottish education for a long time have taken place—not only the McCrone settlement, but the changes in HMI, which have been referred to. An approach has been adopted that is being broadly welcomed as constructive and open. We are seeking to provide opportunities for local authorities, schools and teachers to develop new ideas to address the challenges that face us. We base our approach on innovation, decentralisation and local initiative, supported from the centre but with an increasing emphasis on local delivery.

Mr Davidson: Earlier, Mr McConnell suggested that the Conservatives would centralise everything and pull power back to the centre. At the time, I asked whether he was prepared to move away from ring fencing and the control from the centre that that allows. Is the minister suggesting that schools will be given the flexibility to deal with issues locally, within the schools themselves?

Nicol Stephen: We want decentralised decision making in our schools and we do not think that that can be achieved by a centralised model that involves getting rid of our local education authorities. The Conservatives would take more and more power to the centre; we want the opposite of that. We want to take new approaches, such as the new community schools, and we want new approaches on alternatives to exclusion. Many of the initiatives on diversity that Brian Monteith highlighted have been promoted by the Executive, not the Conservatives. We welcome innovation and creativity.

Robin Harper: In order to accommodate those developments, will the minister concede that, given the long list that Ian Jenkins produced of things that teachers would love to do given the time, issues of work load still need to be addressed?

Nicol Stephen: Many issues still need to be addressed and, as has been said time and again, we are with the McCrone settlement only starting to address some of the big issues. That settlement, however, provides a huge foundation on which we can build. We want the Scottish education framework to be developed and we do not want it to be rigid. We do not support senseless, centralised targets. The Executive will work not only with schools and education authorities—with which we are keen to continue to develop links—but with teachers.

Statistics should not become what Ian Jenkins calls meaningless soundbites. Masses of information can become meaningless if it cannot be used to improve education and to help teachers. Good information, however, is and will

remain vital to allow both managers and front-line teachers to do their jobs well. In case the message has not got through, I can announce now the formal abolition of all league tables in Scotland. If they ever existed for schools, they no longer exist now.

Fiona McLeod (West of Scotland) (SNP): I am delighted to hear the minister announcing the abolition of league tables. I come from part of East Dunbartonshire where our schools always used to top the league tables. I draw the minister's attention to the part of the HMI report on the education functions of local authorities that deals with East Dunbartonshire Council and ask him to comment on the performance targets that the council has failed to meet. The report said that no aspects were found to be very good, that no aspects were found to be good and that three aspects were found to be unsatisfactory. That tells the minister why he has had to abolish league tables. We used to appear at the top of them; we are now at the bottom.

Nicol Stephen: We are all concerned about the findings of that HMI report. Jack McConnell announced yesterday that we would be meeting representatives of the local authority shortly to discuss how to turn the situation in East Dunbartonshire around and how to follow up the situation, given that a HMI progress report is due in the next 12 months.

All of us in the Parliament are determined to work together to rebuild, to restore confidence in and to re-establish Scotland's international reputation for the quality of its schools system. That must be our focus over the coming months; it is certainly the focus of the Executive. In contrast, as Ian Jenkins pointed out, Mike Russell seems to be increasingly obsessed by what is going on at Westminster. What we care about is what is happening here and the solutions that are right for Scotland's schools.

Michael Russell: I utterly reject the philosophy that is coming from Tony Blair—with the approval of Brian Monteith, God help us. That philosophy says that there should be privatisation and selection in schools. We need only clear that off now and we will not discuss it again.

Nicol Stephen: I want to build a consensus around what is right for Scotland's schools. Increasingly, we are achieving that. Let us never forget the Tories and the damaging political dogma that they brought to Scotland's schools over two decades, with confrontation, conflict and all the other cons that sum up Conservatism in relation to education. On the current Conservative approach, let me quote David McLetchie, the Conservative leader, who I am pleased to see has joined us again in the chamber. In 1999, he said:

"Yesterday Parliament passed a motion redirecting £80 million to education—that was the price of the Lib-Lab coalition. That £80 million should have been used for 500 more police officers, so that we do not lay off 400 prison officers or close two prisons".—[*Official Report*, 25 November 1999; Vol 3, c 968.]

That sums up the Conservative approach to education. It is still destructive and dogmatic and would still involve cuts.

Ms MacDonald: Will the minister give way?

Nicol Stephen: No, I am in my final minute.

I want an education system that gives priority to building and developing new initiatives; to widening nursery provision for three-year-olds; to reducing primary school class sizes; to supporting investment in new classroom assistants; to supporting new initiatives such as the exclusions initiative and the discipline initiative; to making improvements to the SQA and the exam system; to reducing bureaucracy; and to introducing changes to HMI.

That is a long list of initiatives for the Scottish education system. It includes more investment in books and equipment—yes, Mr McLetchie, £80 million more investment in our schools. There is more investment in repairs and refurbishment. Perhaps most important of all, investment has been made for 3,500 more support staff and 4,000 more school teachers in the coming years. I support Jack McConnell's amendment and ask the whole Parliament to join me in doing so.

12:24

Irene McGugan (North-East Scotland) (SNP): This has been a useful debate and I thank all those who have contributed to it, even if some of the contributions have been less useful than others. Some speeches have seemed to focus on an entirely separate agenda, almost without any reference to the terms of the SNP's motion.

The overwhelming vote by teachers to accept the generous pay and conditions offer based on the recommendations of Professor McCrone has rightly been welcomed by everyone who wants an end to a decade of wrangling. The debate confirmed that those sentiments are shared by the majority of members. The increase in pay, the relief from bureaucracy, the greater support that will be given to probationer teachers and the wind-down scheme for those who want to retire will all make a positive contribution.

There is now an opportunity for stability in Scotland's schools and for a period of co-operation and consultation with all parties, which could lead to positive developments in Scotland's education system. However, that is only a beginning. The Scottish Executive has a responsibility to ensure that the terms of the

McCrone settlement are properly implemented and that the benefits to our education system are maintained.

It was disappointing that no Labour member was willing or able to denounce the Prime Minister's proposals for selection and the privatisation of education, but others have not been so reticent. The former Labour deputy leader, Roy Hattersley, said that the proposals in effect reintroduced selective education. He said:

"This is a return to selection with all the problems involved for the schools that are perceived to be at the bottom of the heap. All the emphasis is going to be on the 46 per cent of specialist schools.

And the non-specialist schools are going to be regarded as second-rate . . . I hope the teachers struggling away in inner city schools, who heard what he said . . . react accordingly . . . it is immensely damaging".

Mr Rumbles: Will the member give way?

Irene McGugan: No.

The Executive needs to allay anxiety among our teachers and parents and make it clear that such policies have no place in Scotland. We want an absolute assurance that those policies will not find their way into Scotland. We have not had such an assurance.

It is the SNP's view that certain fundamentals of the current education system need to be challenged to create a truly inclusive system that is child centred. The minister and the Executive have confirmed that bureaucracy must be reduced. Today, we have suggested that there are practical ways in which that can be achieved that have the added benefit of being educationally sound. For example, there is no research to prove that league tables, which were invented by the Tories supposedly to allow parents to choose between schools, have achieved anything during the 12 years of their existence. I am delighted to hear that they will no longer exist.

Michael Russell cited one expert, and I will quote the words of another. In an article in the journal *New Economy*, the UK's leading education statistician Professor Harvey Goldstein wrote that

"educational institutions . . . have a responsibility for encouraging learning across a much wider range of areas than can be reasonably tested. Any judgement based upon the measurement of only a partial set of features has to be recognised as incomplete. Schools may be differentially effective—and so a crude average doesn't sum up what they do."

Attainment is influenced by many things, including social factors, such as gender, ethnicity, rural or urban settings, but neither league tables nor the current targets take those factors into account.

Mr McConnell: I do not want to spoil Irene McGugan's summing up completely, but we have

now listened to Mike Russell and her for a total of 20 minutes and I would like her to finish the debate with at least one proposal that might improve standards and excellence in Scottish education.

Irene McGugan: I will give an example from Northern Ireland. The Northern Ireland Council for the Curriculum, Examinations and Assessment is moving forward in this area. The council carried out a consultation exercise that proved conclusively that the majority of respondents were opposed to the publication of league tables. Therefore, they were abolished.

Mr Rumbles: Will the member give way?

Irene McGugan: I know what Mike Rumbles would say, so I will answer him now. In place of league tables, the council has favoured allowing schools to provide information directly to parents and others. I do not know how much clearer we could make this: schools can give parents a rounded picture of the school and both the curricular and the extra-curricular provision on offer and they can set the examination performance in context. Parents would have all the material that they wanted from a single source. That would avoid all the additional pressures created by the press, which publishes that information in league table format.

Mr Rumbles: Will the member take an intervention?

Irene McGugan: No, thank you.

I am sure that the minister does not need reminding about section 2 of the Standards in Scotland's Schools etc Act 2000, which states that schools are about more than simply learning academic skills. Such skills are important, but other factors must be taken into account. Education must be directed to developing every child's potential to the full. To fulfil the potential of that Scottish Parliament act, the policy of target setting must be reassessed.

Education must be centred around the child, not the targets. The current method of target setting takes the focus from the child—the child is not at the centre of target-setting processes. To develop the child's potential to the full, elements such as play, sport and art need to be included. Those elements are often squeezed out in the pressure to attain targets.

The Educational Institute of Scotland's report says that targets

"do not have any of the features identified . . . as good practice".

The targets are

"based on outdated and inadequate methods of comparing and measuring school performance".

Most members will probably not have seen or be aware of the convoluted calculations that are required to estimate targets. I have a copy of an example, which is proof—if that were needed—that teachers' time is wasted. [*Laughter.*] Members may laugh, but have they seen the method of calculation?

The example shows how to calculate provisional writing targets in primary schools for a school in which 25 per cent of pupils are entitled to free school meals. What that has to do with targets in writing, the example does not specify.

Mr Monteith: Will the member give way?

Irene McGugan: No.

First of all, the school has to determine the number of pupils in primaries 3, 4, 6 and 7 to have achieved passes at levels A, B, C and D respectively. The school must then calculate what percentage of the number of pupils on the roll that is. If the starting value is higher than 70 per cent, 5 percentage points are added and that is the matter finished. However, if the starting value is lower than 70 per cent, the school must work out the gap between the starting value and 80 per cent. So the calculation is: 80 per cent, minus the starting value, divided by two. Then schools are instructed to

"go to table 3 in annex C. Look up the value . . . exceeded by one third of the schools with similar rates of FME to your own school and enter it here."

Honestly—and that is just one example.

Within such calculations, there is no means of measuring the non-academic goals, such as self-esteem and pupil participation, that were mentioned by others during the debate. However, evidence from the Scottish Council Foundation—a source commended by David Mundell—confirms that employers are increasingly placing a premium on skills such as teamwork, asking the right questions, coping with uncertainty, and emotional intelligence. The existing educational targets totally disregard those skills.

The EIS's "Manifesto for a New Parliament" stated that:

"The new Scottish Parliament must:

- do all it can to provide the means for schools to improve quality, but it should review fundamentally whether Target Setting and comparisons of schools, however sophisticated, are the best way of achieving this."

The centre for educational research and innovation says:

"Testing is seen by teachers in many countries as a regrettable necessity which damages good learning and inhibits work".

I will give one more example—from Norway, not Finland. Norway concludes that external tests

exert pressure on schools to set students according to ability only. Such tests are ruled out because they would conflict with the schools' responsibility to promote social integration. I hope that we will mirror that approach in Scotland. There should be a consensus that the burden of all that assessment should be reduced, which would be less intrusive for teachers and better for pupils.

The SNP is committed to ensuring that the school curriculum will properly prepare our young people for the challenges that lie ahead for them. We deplore the emphasis on assessment and targets that new Labour is pursuing and that detract from meaningful education. We are committed to opting out of leagues, as they destroy all that is best in Scottish education.

Business Motion

12:35

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is motion S1M-1664, in the name of Mr Tom McCabe on behalf of the Parliamentary Bureau, which sets out the business programme. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees:

(a) the following programme of business—

Wednesday 28 February 2001

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Sustainable Development

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1251 Mr Kenneth Gibson : Discrimination Against Teaching Centres of Artistic Excellence

Thursday 1 March 2001

9.30 am Executive Debate on Primary Care

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Executive Motion on the Culture and Recreation Bill – UK Legislation

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1263 George Lyon: Caledonian MacBrayne

Wednesday 7 March 2001

2.30 pm Time for Reflection

followed by Stage 1 Debate on the Regulation of Care (Scotland) Bill

followed by Financial Resolution in respect of the Regulation of Care (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 8 March 2001

9.30 am Scottish Conservative and Unionist Party Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

and (b) that the Justice 1 Committee reports to the Justice 2 Committee by 9 March 2001 on the draft Civil Defence (Scotland) Regulations 2001 and the European Communities (Matrimonial Jurisdiction and Judgments) (Scotland) Regulations 2001 (SSI 2001/36)—[*Tavish Scott*]

The Deputy Presiding Officer: One member wishes to speak against the motion.

Donald Gorrie (Central Scotland) (LD): I would like an explanation from Tavish Scott to persuade me not to vote against the motion. We are asked to agree that

"the Justice 1 Committee reports to the Justice 2 Committee by 9 March 2001 on the Civil Defence . . . Regulations".

What on earth is the point of one committee reporting to another? It was idiotic to have two justice committees, and the motion illustrates that point.

The Deputy Minister for Parliament (Tavish Scott): The motion has been agreed by the conveners of the two justice committees. That is the position.

The Deputy Presiding Officer: The question is, that motion S1M-1664, in the name of Mr Tom McCabe, be agreed to. Are we agreed?

Donald Gorrie: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Barrie, Scott (Dunfermline West) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mundell, David (South of Scotland) (Con)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (North-East Scotland) (SNP)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Russell, Michael (South of Scotland) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)

Scott, Tavish (Shetland) (LD)

Stephen, Nicol (Aberdeen South) (LD)

Ullrich, Kay (West of Scotland) (SNP)

AGAINST

Gorrie, Donald (Central Scotland) (LD)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 27, Against 1, Abstentions 1.

Motion agreed to.

12:37

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

The Presiding Officer (Sir David Steel):

Before we begin question time this afternoon, I am sure that colleagues would like to welcome our distinguished visitor from the West Indies, the honourable Alix Boyd-Knights, who is the Speaker of the House of Assembly of Dominica.

Compensation (Ex-Miners)

1. Tricia Marwick (Mid Scotland and Fife) (SNP): To ask the Scottish Executive when it last made representations to the Department of Social Security in connection with compensation for ex-miners in Scotland. (S1O-2973)

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): Coal, including industrial compensation for ex-miners, is a reserved matter. My officials keep in touch with their Department of Trade and Industry counterparts about the progress of the scheme.

Tricia Marwick: I am totally underwhelmed by the extent of the minister's representations. Not content with robbing £250 million a year from the miners pension fund and not content with using the pension fund to pay for the miners compensation scheme, the Labour Government has now changed the rules to allow the Department of Social Security to claw back the compensation that has been paid to the miners. Is the minister aware that the DSS has received millions more in clawback than the Scottish miners have received in compensation? What representations does she intend to make about that?

Ms Alexander: I can confirm that Dr John Reid announced in June 1999 a compensation package for over 5,000 Scottish ex-coal miners who have lung diseases. That has already resulted in £7.7 million being paid to Scottish ex-miners who have respiratory disease.

Tommy Sheridan (Glasgow) (SSP): Contrary to what the minister just said, representatives from Auchengeich miners' welfare make the point that not a single miner has been fully compensated under the scheme—not one Scottish miner. Will the minister please give a commitment today on behalf of those 5,000 miners that she will look into the matter personally and that she will ask her officials how many miners have been paid?

Ms Alexander: I have made it clear that my officials are in touch with their DTI counterparts.

What is important is that this Government made a commitment to hand over money, that £7.7 million has been allocated in Scotland to the issue of respiratory disease and that more than £15 million has been allocated for Scotland for vibration white finger. That means that miners in Scotland have been allocated £23 million by the Government.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I have a constituency interest in the matter. Will the minister assure me that in conjunction with her Westminster counterparts, everything is being done to ensure the speedy payment of the miners' compensation claims? In an answer given by Helen Liddell earlier this year, it was noted that

"The Department continues to pay out around £1 million per day in compensation, and has paid out over £310 million to former miners and their families with claims for respiratory and vibration-related diseases."—[*Official Report, House of Commons*, 18 January 2001; Vol 361, c 311W.]

Ms Alexander: Indeed. One way to speed up payment is to ensure that there are assessment centres. I am pleased to confirm that the DTI has in Glasgow an assessment centre for vibration white finger. In the case of respiratory disease, there are now three centres in Scotland; in Ayr, Glasgow and Edinburgh.

Scottish Arts Council

2. Michael Russell (South of Scotland) (SNP): To ask the Scottish Executive what powers of direction it has in respect of the budget allocation to the Scottish Arts Council. (S1O-2955)

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): The Scottish Arts Council is funded under Section 23 of the National Heritage (Scotland) Act 1985. Payments may be subject to such conditions as ministers think fit.

Michael Russell: If that is so, will the minister explain why he thought fit to allocate an extra £1 million to Scottish Opera under direction to the Scottish Arts Council against the wishes and advice of so many people in Scotland?

Mr Galbraith: Mike Russell has been promising to the press for two weeks that he will give me a grilling on that—a grilling by Mike Russell is the equivalent of being asked questions by the Teletubbies.

Mr Russell would do well to consider the facts for a change. I am allowed to give directions for a grant to be given to any body. Mr Russell did not complain when I gave £1.5 million to the traditional arts, nor when I gave £2 million to the national theatre. Rather than spending his time briefing the press—usually wrongly—in the pubs on the Mound, he would be better informed if he got a grip on his brief. That is something that he has clearly never been able to do.

Michael Russell: The minister always gets full marks for invective, but none for his answers. I asked why he allocated that money. Will he answer a question for a change, instead of doing his usual impersonation of a grumpy old man?

Mr Galbraith: See what I mean about the Teletubbies? I allocated that money because I thought that it was appropriate and right. I have powers to do it under the National Heritage (Scotland) Act 1985.

Skills Development

3. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive how it is developing strategies to increase skills development and productivity in the work force and what role partnerships with trade unions are playing in this process. (S1O-2971)

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): The Scottish Executive works closely with the enterprise network, employer-led national training organisations, other education and training providers and the trade unions to enhance the skills of the work force in Scotland. I am delighted that the First Minister, when he held the post that I now hold, set up the Scottish trade union learning fund and the trade union working party on lifelong learning.

Marilyn Livingstone: In the light of the Executive's commitment to lifelong learning and social inclusion, does the minister agree that the trade union movement is in an ideal position to help turn strategy into reality and that Unison's return to learn project is an excellent example of partnership working? What plans does she have to involve trade unions further in the lifelong learning agenda?

Ms Alexander: The Unison return to learn programme is an example of where we want to go in future. I am delighted to confirm that £1.6 million will be available to the Scottish trade union learning fund over the next four years and I had the pleasure of announcing the first 12 union projects some months ago in Rosyth.

Water Industry

4. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what steps can be taken to improve the competitive position of the Scottish water industry. (S1O-2991)

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): The Scottish water industry must continue to improve its efficiency in delivering a high quality service at the best possible value to its customers. The Government will work with the industry to achieve that.

Lewis Macdonald: The minister will be aware of the evidence on that subject that is being taken by the Transport and the Environment Committee of the Parliament. Does he agree with witnesses from all over Scotland who have highlighted the competitive advantages of having a single Scottish water authority? That would lead to increased purchasing power, improved opportunities to supply customers with outlets all over Scotland and better standards of customer service. Does he agree that the best way to improve the industry's competitiveness is to unite Scottish water in a single high quality, publicly owned public service provider?

Mr Galbraith: I agree that there should be a publicly owned and publicly provided water service; that is what the Executive is committed to delivering. On whether the three existing authorities should be merged into one, there could be great advantages in that and it is something that we have certainly not ruled out. The downside is that 40 per cent efficiencies must be made over the next few years. I do not want to do anything that would in any way interfere with that and I am slightly worried that moving from three authorities to one at this stage might do that. However, if I could be reassured about that, it is something that I would be prepared to consider further.

Richard Lochhead (North-East Scotland) (SNP): The Government's water policy has left many victims in its wake in recent years. Is the minister happy that among its more recent victims are Scotland's voluntary organisations and charities, which are to lose £25 millions worth of water relief over the next five years? Is he satisfied that there was adequate consultation on that decision and will he rescind that decision?

Mr Galbraith: I certainly will not. It is against the law for a start. As Richard Lochhead knows, there was adequate consultation on the matter. I asked the water authorities to examine whether they could perhaps ring-fence some groups that we might be able to discriminate in favour of. However, that has not proved to be possible. If we were to exempt charities, that would include private schools. Is it the SNP's position that private schools should be exempt from water charges? That is an interesting policy.

Mr David Davidson (North-East Scotland) (Con): In the minister's response to Lewis Macdonald, did he actually mean to rule out access to private sector expertise and investment for the water industry?

Mr Galbraith: There have been a number of public-private partnerships that have been to the benefit of the service. We do not adhere to doctrinaire, old-fashioned, dogmatic ideology. We decide what is best for the individual customer—patient, pupil or teacher—rather than

concentrating on old sectoral interests.

Schools (Access)

5. Ian Jenkins (Tweeddale Ettrick and Lauderdale) (LD): To ask the Scottish Executive what steps it is taking to improve the accessibility of schools for people with disabilities. (S10-2988)

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): Scottish ministers are considering introducing a duty on Scottish local authorities to plan to increase access for pupils with disabilities in line with the Special Educational Needs and Disability Bill, which is being progressed through the Westminster Parliament. The Scottish Executive's inclusion programme is providing £19 million over two years from April 2000 to assist local authorities to include children with special educational needs in mainstream schools. That funding is being used to help schools to improve physical access to buildings and facilities, to provide special equipment, to improve access to the curriculum and to provide additional staffing.

Ian Jenkins: Does the minister recognise that, in the coming months, local authorities will face serious and potentially expensive demands to provide such access? I am glad that the minister recognises that access does not mean only access to buildings, but access in all its senses, including access to the curriculum. Can he offer local authorities encouragement to get on with improving access and support to help them to do that?

Nicol Stephen: I can offer that encouragement. The sum of £19 million has been made available. There will be further announcements of funding for future years, but those will not be made this afternoon. I recognise that the issue is not only access to buildings, but access to the curriculum. There are a variety of initiatives, such as encouragement of greater use of information technology to support pupils who have special educational needs, and the development of access to new learning and curriculum materials for those who have autism. I also recognise the importance of additional staff training and of appointing additional support staff to make all those things possible. The Executive is providing funding support.

Maureen Macmillan (Highlands and Islands) (Lab): Will the duty on local authorities extend to pre-five education and to helping voluntary and non-profit making bodies that supply pre-school education in remote rural areas?

Nicol Stephen: The details have still to be confirmed, but I undertake to consider all those issues in the context of the announcement that we hope to make in due course.

Michael Matheson (Central Scotland) (SNP):

Is the minister aware of the problem of providing transport to allow disabled schoolchildren to attend school link courses that are provided by further education colleges, such as Falkirk college? Is he aware that a number of councils have had to withdraw schoolchildren from courses because they are unable to meet their transport costs? The minister referred to ensuring that children have access to the curriculum. Such courses are part of children's curriculum, but local authorities are unable to provide transport that will meet the needs of the disabled child.

Nicol Stephen: Our approach has been to provide funding to individual local authorities, not to direct them on spending the money. I was not aware of the specific problem that Michael Matheson mentioned. If he gives me further information, I undertake to look into the problem and to respond to him.

Social Inclusion (Rural Communities)

6. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what measures it is taking to encourage social inclusion in rural communities. (S1O-2994)

The Minister for Rural Development (Ross Finnie): Through the social justice strategy, we are delivering a range of policies and programmes that will build strong and inclusive communities throughout rural Scotland. We have already acknowledged that we need to improve our understanding of rural social exclusion. I established the rural poverty and social inclusion working group to assist us in that. I look forward to receiving the group's report presently.

Christine Grahame: Does the minister intend to act upon recommendations 17, 18 and 19 of the Rural Development Committee's first report, on the rural economy, which underlines the requirement for more investment in rural infrastructure, such as railways? If so, will he say when he hopes to buy a ticket for the Borders railway line?

Ross Finnie: It might be interesting to speculate on when I might buy that ticket, but as Christine Grahame knows, we are already providing information as part of the investigation into the rail link. The member knows that that was part of the proposal. We have not had a response to the investigation yet. Once it has been developed, it will be for my colleague the Minister for Transport to investigate whether or not and how the proposal could be taken forward. I am certainly not going to speculate on my rail ticket buying habits.

Alex Fergusson (South of Scotland) (Con): I draw the minister's attention to the front page of last Wednesday's edition of the *Dumfries &*

Galloway Standard. The main story mentioned the possibility that some 33 rural schools throughout Dumfries and Galloway may face closure. How does that lie with the Executive's policy on social inclusion in rural communities?

Ross Finnie: I was not aware of the front page of that newspaper. My colleague has made it clear on many occasions that local authorities have received above-average increases in the local government settlement. It is for local authorities to determine how they allocate that funding. I would certainly be surprised if Dumfries and Galloway Council believes that it is in its best interest to close schools, but I am happy to look into that for Mr Fergusson.

Pollution (River Quality)

7. Cathy Jamieson (Carrick Cumnock and Doon Valley) (Lab): To ask the Scottish Executive how it will assist farmers in protecting river quality from pollution caused by agricultural chemicals. (S1O-2970)

The Deputy Minister for Sport and Culture (Allan Wilson): Advice will continue to be given through published guidance and a programme of advisory assistance. The Scottish Executive funds the publication of a code on the prevention of environmental pollution from agricultural activities—the PEPFAA code. The Executive also funds the provision of advice to farmers by the Scottish Agricultural College, which offers practical guidance to minimise the impact of farming activities on the environment.

Cathy Jamieson: Can the minister assure me that work is being undertaken to assess the potential contribution of agricultural pollution to the continued failure of Ayrshire bathing waters to meet the bathing water directive standards? Can he assure me that continued efforts will be made to monitor and tackle that pollution, if it proves to be a problem?

Allan Wilson: The main problem for Ayrshire beaches is untreated sewage. Investment is under way by West of Scotland Water that will ensure the required improvements for the 2001 bathing season are made.

Last year, the rural affairs department commissioned a study by the Scottish Agricultural College to assess the impact of agricultural pollution. The outcome of that study indicated that any potential risk to bathing water from diffuse pollution could and would be overcome by improved management of slurry—or dirty water—and improved long-term planning. We will continue to monitor that via the PEPFAA code.

Alex Johnstone (North-East Scotland) (Con): Is the minister aware of the work that was done by Linda Handley of the Scottish Crop Research

Institute in Invergowrie? That research casts doubt on the connection between artificial nitrogen that is used on farms and eutrophication of our rivers. Is he also aware that the work that she is doing was commissioned largely by the Scottish Executive and, I believe, is now contained in a report that has been delivered to the Executive? Is the Executive willing to publish that report?

Allan Wilson: We must tackle the problem of excess nitrate loss from agriculture; it can affect the quality of our drinking water supplies and presents a risk to the ecological balance of rivers and seas. Many farmers recognise the need to adopt sustainable practices that do not lead to environmental problems. There is a commitment under European law that we must take action to deal with nitrate diffuse pollution.

Schools (Placing Requests)

8. Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive what steps it is taking to improve the current system of placing requests for local authority schools. (S10-2957)

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): We recently made a number of changes to the placing request legislation in an attempt to streamline the system. We will monitor and evaluate the impact of those changes before considering whether any further amendments are necessary.

Mr Macintosh: I am sure that the minister is aware of the difficulties that are experienced every year by local authorities and the concern and anxiety that is felt by parents and pupils in a system that varies considerably from authority to authority. In the interests of fairness and consistency, will the minister investigate the rules that govern placing requests across Scotland? Specifically, will he consider whether it would be appropriate for the Scottish Executive to set a central enrolment number for schools, with the aim of reducing the number of cases that end up in the sheriff courts?

Mr McConnell: We are keen to have more consistency, although it would be appropriate to examine first how the changes that were introduced through the Standards in Scotland's Schools etc Act 2000 are bedding in. We intend to discuss that with the Convention of Scottish Local Authorities in due course.

I would also be happy to discuss the central co-ordination of enrolment numbers, but again that is not an easy issue for us to tackle. That is currently the responsibility of local authorities; legislation confers on them the responsibility for managing our schools.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I have no doubt that the minister is aware

of last night's press statement from the Executive, which announced that placing requests have gone up by almost 4 per cent over the past year and by almost 30 per cent since 1989-90. Does the minister agree that that is a vindication of allowing placing requests and of allowing information to be produced—which some journalists might turn into league tables—and that that means that we should continue with placing requests and league tables?

Mr McConnell: I do not want to bore everyone who missed this morning's proceedings with the niceties of a debate about league tables that do not exist. It is important that parents have an opportunity to express preferences for schools; for local authorities to manage their resources and provision in the wider sense; and for children to have the best possible location for their education. We can do that in a properly managed system. If we can provide all schools with the excellence of the best schools, placing requests will represent more of a real choice in every community than they do at present.

Donald Gorrie (Central Scotland) (LD): In his research, will the minister examine to what extent placing requests are determined by the pull of what is perceived to be a better school and by the push of what is perceived to be a worse school?

Mr McConnell: If we conduct such research, I will be happy to examine that issue. Mr Gorrie makes a good point. Sometimes the perception of what a child can achieve at a school outside their local community is not matched by the reality of the strength that comes from being part of one's own community and attending a local school. I hope that parents throughout Scotland will take all those factors into account when they make their choices.

BCG Vaccination

9. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive when BCG vaccinations were last administered to schoolchildren in Scotland. (S10-2982)

The Minister for Health and Community Care (Susan Deacon): The Executive does not collect information from health boards about the timing of local vaccination programmes. However, as the Executive previously confirmed, the general position is that, due to an interruption in supplies of BCG vaccine, the schools immunisation programme across the UK was suspended in September 1999, although it has since been recommenced in London. I am pleased to say that we expect to be able to announce presently the resumption of the BCG programme in Scotland.

Mr Rumbles: Is the minister aware that the chief

executive of Grampian Health Board said, in a letter to me, that

"provided that adequate supplies become available in Grampian within the next 6-9 months our School Health Service will be able to initiate a Catch Up programme in the schools before large numbers of unimmunised children leave school"?

What action is the minister taking to ensure that Grampian Health Board can set up the necessary vaccination programme in the next six to nine months?

Susan Deacon: All UK health departments co-operate closely on vaccination and work is continuing on that throughout the UK. As I said, I hope that we will be able to recommence the schools programme shortly. In the meantime, I can give an assurance that the Scottish Executive health department and other health departments are actively ensuring that we maximise the benefits of childhood immunisation programmes, which in this area—as in others—have been very effective in protecting our children from infection.

Mrs Margaret Ewing (Moray) (SNP): As somebody who lost a year of her childhood in hospital as a result of tuberculosis, I see the availability of BCG vaccination as critical. We believed that such vaccination would avoid all the distress that was caused by such circumstances.

In her answers to previous questions that I have submitted to her, the minister has mentioned the phrase a "secure supply of vaccination". What is meant by that phrase? Does the problem centre on cash, production or distribution? Why do we have to wait for London to tell us when we might be able to reinstitute our BCG vaccination programme in Scotland? I seriously ask the Scottish Executive what it is doing—

The Presiding Officer: Order. We will have an answer please.

Susan Deacon: From the answers that she has received to previous questions on the issue, Margaret Ewing will be well aware that the supply problems are exclusively problems that are related to manufacturing. That is precisely the issue that is being addressed. However, it will be addressed all the more effectively by good co-operation throughout the UK, rather than by trying to create splits between different health departments.

Only one manufacturer has met the safety and efficacy requirements that are demanded by the Medicines Control Agency for the UK. I am sure that Margaret Ewing and other members will agree that we want to offer a sustainable, safe and effective programme for our younger people. However, in addition to the information that I have given, I will say that, although the school immunisation programme has been suspended, supplies of the vaccine have remained in place for

particularly high-risk individuals.

Camanachd Association

10. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive whether it will support the Camanachd Association's case for an increase in its core annual funding from sportscotland from £15,000 to around £50,000 and, if so, what direction it will give to sportscotland on this matter. (S1O-2993)

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): No. Based on advice from sportscotland, the Scottish Executive is of the view that the current level of core funding is appropriate.

Fergus Ewing: Does the minister acknowledge that, during the parliamentary debate in December, members from all parties expressed support for the modest increase in funding that was sought by the Camanachd Association? Will he tell us why an unelected quango has been allowed to overrule the decision of elected members of the Parliament? As a former sportsman, will he step in and order the quango to overturn the decision or show it a red card?

Mr Galbraith: No. It is important to realise that, over the past few years, the Camanachd Association for shinty has received around £100,000 per annum from sportscotland, not £15,000. That is a very generous contribution, which I welcome. I lived in Kingussie and I watch shinty regularly. It is a splendid game and a part of our culture. I am delighted that sportscotland has been able to give the sport such a generous amount of money over the past few years.

Mr Jamie McGrigor (Highlands and Islands) (Con): As Scottish Opera was recently given £1.2 million to promote mainly Italian, German and French works, does not the Executive agree that shinty—which is more popular than opera in the Highlands, and which is essentially an ethnic Scottish game that is played by many Scots—should qualify for at least £50,000 of support?

Mr Galbraith: That is one of the most disgraceful questions that I have ever heard in the Parliament. It shows once again the inward-looking approach of some parties and members. Scotland must remain an outward-looking country that is open to the whole world and all its benefits. We should not take the wha's-like-us attitude of some parties.

George Lyon (Argyll and Bute) (LD): I wonder whether the minister is aware of the disappointment that his announcement will cause in many communities throughout Argyll and Bute. Will he publish the figures to show where that £100,000 came from and where it was spent?

Mr Galbraith: Yes. I did so yesterday in a written answer to John Farquhar Munro.

Personal Care

11. Nicola Sturgeon (Glasgow) (SNP): To ask the Scottish Executive whether its definition of personal care is the same as that contained in the report of the Sutherland Royal Commission on Long Term Care of the Elderly. (S1O-2960)

The Deputy Minister for Health and Community Care (Malcolm Chisholm): We have made it clear that we accept the Sutherland principles. The challenge now is to work on the detail and to translate the principles into applicable and understandable practical arrangements.

Nicola Sturgeon: Rather than answering my question, that begs the question and poses another. Why has the care development group been asked not to translate the principles of the Sutherland report, but to

“provide a clear definition of what is meant by personal care”?

Given the importance of this issue, and for the avoidance of doubt, will the minister give us a guarantee that the clear definition that the care development group has been asked to come up with will in no respect be narrower than the already clear definition that is contained in the Sutherland report?

Malcolm Chisholm: As it did yesterday, the Opposition is trying to dance on the head of a pin and confuse older people about this most important matter. Nicola Sturgeon did not listen to my answer. We all welcome the exceptionally able group of people who have agreed to serve under my convenership. The group will consider the detail in the first instance, but it will also deal with the very real and important task of translating principles into action. While the Opposition tries to confuse, we are determined to translate aspiration into action and rhetoric into reality.

Dr Richard Simpson (Ochil) (Lab): What plans does the minister have to make the work of the development and implementation group an open and inclusive process? Will he publish a list of the groups that that group will consult? Will he keep the Parliament informed of progress, to ensure that we end up with a clear, widely acceptable and—most important—sustainable implementation plan?

Malcolm Chisholm: I can assure Richard Simpson that this will be a most inclusive process. As the parliamentary answer that revealed the names of the group said, we are determined to consult widely, particularly with older people in Scotland. I will consult older people's groups and other mechanisms will be used to ensure that the

consultation is wide and inclusive. My only worry about Richard Simpson's suggestion of naming the groups we will consult is that we may exclude somebody. In principle, I entirely agree with what he says.

Mary Scanlon (Highlands and Islands) (Con): I will give the minister another opportunity to stop us asking the same question every week and to stop us having continually, as he says, to dance on the head of a pin. I understand that the minister accepts the principles of Sutherland but, as the chairman of the development group, does he accept the definition of personal care in chapter 6 of the Sutherland report—or is his remit to narrow and redefine that definition? I give him my word that if he gives us a clear answer I will not mention the matter again until after the development group has reported.

Malcolm Chisholm: If Mary Scanlon had listened to the answer, she would not have had to ask the question. Sir Stewart Sutherland would be the first person in the world to admit that he has not said the last word in detail about personal care. He said as much in his report. I am delighted that Sir Stewart Sutherland will be one of the people who will give advice to our group as we work over the next six months.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Will the minister ensure that, under his chairmanship, the care development group will consider free personal care for the younger disabled? Will he discuss with such organisations as the Leonard Cheshire Foundation, which has expertise and experience in the field, what many perceive to be a significant deficiency in service provision?

Malcolm Chisholm: It is clear that Keith Raffan has introduced another dimension to our work. As the remit of the care development group makes clear, we are focusing on older people in particular. We have a range of issues to consider and have not focused solely on personal care. Unlike the Opposition parties, we are examining all the other aspects of care for elderly people, particularly the crucial issue of the development of services. That will be our focus, but the work to which Keith Raffan refers will have to be done.

Health Service (Underspend)

12. Brian Adam (North-East Scotland) (SNP): To ask the Scottish Executive whether it anticipates an underspend in the national health service in Scotland this financial year and, if so, of how much. (S1O-2963)

The Minister for Health and Community Care (Susan Deacon): Good financial management inevitably means that the expenditure of the national health service in Scotland will differ from

its budget. That is normal and will be mainly due to commitments to planned activities and capital projects for which the cash will be required in future years. The health budget, as with all other Government budgets, operates to a cash limit which it must not exceed. Any money not spent in the current financial year will be carried forward to next year.

Brian Adam: It would be nice if, for once, we could get an answer. My question is straightforward: is there to be an underspend or not? Will the minister please give us an answer to the question?

Susan Deacon: If Brian Adam had listened to my answer, he would have heard the answer to his question. I am struck that, once again, the SNP wants to indulge in speculation while the rest of us deal in realities. The reality is that every penny of the sum that was carried over last year has been committed to health spending. No one would guess that from the comments from the SNP. I am sure that we will follow the same process when we reach the end of this financial year.

Dennis Canavan (Falkirk West): Will the minister ensure that any underspend is used for essential projects such as the continuation of in-patient maternity services as Falkirk royal infirmary?

Susan Deacon: As I have repeatedly said, we are determined not just to spend more on health in Scotland but to spend better. That means ensuring that we get the priorities right and that we spend resources well. We are taking action across all those fronts, including maternity services.

Young Offenders

13. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive whether it has any plans to review the interaction between the children's hearing system and the adult court system in relation to young offenders. (S1O-2977)

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): In order to challenge offending behaviour and reduce the potential for reoffending, officials are currently examining the feasibility of a pilot scheme that would refer more 16 and 17-year-olds to the hearings rather than to the court system. This is a complex area and we will assess any proposals very carefully before any final decisions are reached.

Scott Barrie: I am glad to hear that. The minister will be aware that, at the moment, young offenders between the ages of 16 and 18 who are not subject to supervision requirements can be referred by the sheriff to a children's hearing for advice, although that power is never used. Does he agree that for some people who fall into that

age group, an appearance at a children's hearing would be more appropriate, as it is based on a welfare principle? With that in mind, should not local authorities place more emphasis on the development of effective youth strategies that would allow intensive treatment to be provided through a supervision requirement?

Mr McConnell: I agree that we need well-defined and well implemented youth strategies and that we need to make better use of the court and hearings systems. It is important to get it right. Whatever solutions are chosen, they should minimise the risk of reoffending, deal with offending behaviour and challenge the attitudes that lead to it. That is the critical caveat on any changes. We should not use any changes to make life easier for those who are offending; we need to challenge their behaviour and ensure that they do not reoffend.

"The same as you?"

14. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what progress is being made in respect of the implementation of the report "Just Like Us"—which is properly titled "The same as you?"—and what specific guidance has been given to Ayrshire and Arran Primary Care NHS Trust regarding this. (S1O-2959)

The Deputy Minister for Health and Community Care (Malcolm Chisholm): Phil Gallie can change his initial question, but I cannot change my initial answer, so here it is. There is no report called "Just Like Us" but the report on services for people with learning disabilities entitled "The same as you?" was launched in May last year. Good progress is being made in implementing its recommendations and Ayrshire and Arran Primary Care NHS Trust has received the same guidance as all other national health service bodies.

Phil Gallie: I thank the minister for his reply and for his courtesy in identifying the correct report.

The issue to which I am referring is serious. Many carers are expressing their concerns about an interpretation of the terms of the report that suggest that the excellent residential facilities provided by Arrol Park resource centre in Ayr could be closed by 2005. Can the minister state whether Arrol Park is embraced by the stated intent to close all long-stay hospitals by 2005?

Malcolm Chisholm: I am sure that Phil Gallie has read that excellent report, even though he did not get its title correct. It received more backing in the Parliament than any other that I can remember in the past two years. I think that the people of Scotland have approved it because users and carers were involved in its production to an unprecedented extent.

The report came with a £36 million change fund. No hospitals for people with learning disabilities will be shut until appropriate facilities are available in the community. The loud and clear message from people who have been in such hospitals and from their carers is that their settings are not appropriate and that we ought instead to have appropriate facilities in the community. In Edinburgh, for example, we have progressed a long way down that road. Anyone with concerns about this issue should examine the excellent community facilities that are now being used to replace traditional hospital beds.

River Clyde (Radioactivity)

15. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive what measures it has taken to monitor levels of radioactivity in the River Clyde. (S1O-2965)

The Minister for Environment, Sport and Culture (Mr Sam Galbraith): Monitoring of levels of radioactivity in the River Clyde is undertaken by the Scottish Environment Protection Agency. The monitoring programme includes taking water samples for analysis from the River Clyde monthly. In the Firth of Clyde, monitoring is also conducted throughout the year in the vicinity of the Gare loch, the Holy loch and the Hunterston peninsula.

Mr Quinan: Does the minister agree with the socialist Prime Minister of Andalucia, Manuel Chavez, who says that the British navy sailing submarines with cracked reactors is irresponsible conduct?

In light of the return of HMS Splendid to Faslane, has the minister put into place any further monitoring of radioactivity levels, taking into account the fact that HMS Splendid—as well as all the other hunter killer submarines in the Royal Navy fleet—does indeed have a cracked reactor? Does he agree that we require the removal of those broken reactors, broken submarines and nuclear weapons from the Clyde as soon as possible?

Mr Galbraith: The entire monitoring programme that was carried out by SEPA was reviewed and found to be in good shape. The matter of submarines is reserved. If Mr Quinan has any problems with that, I suggest that he contact his local member of Parliament.

John Scott (Ayr) (Con): Have levels of radioactivity risen or fallen in the Firth of Clyde and the Irish sea over the past 20 years?

Mr Galbraith: I cannot give a specific answer, but I will look into that. In the area in which John Scott may be interested, around Hunterston, the levels of radioactivity are well below any permitted or acceptable maximum.

First Minister's Question Time

SCOTTISH EXECUTIVE

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister what issues were discussed at the last meeting of the Scottish Executive's Cabinet. (S1F-846)

The First Minister (Henry McLeish): The Cabinet discussed issues of importance to the people of Scotland at its last meeting.

Mr Swinney: The First Minister will agree that it is essential that our debate should be based on good reliable statistics in which we can all have confidence. I raise with him some statistics from the Scottish Executive health department on outpatient referrals to Glasgow royal infirmary. In the quarter ending June 1999, 14,097 patients were referred to Glasgow royal infirmary by general practitioners. In the next quarter, the number was 15,007.

A year later, the statistics show that a grand total of eight people were referred to Glasgow royal infirmary in the quarter ending June 2000 and that three were referred in the following quarter. If we are to have confidence in the statistics that are published by the health department, particularly as we approach sensitive times for the judgment of the Executive's performance on health, can the First Minister shed any light on those statistics?

The First Minister: I will be very pleased to look into the detailed points that John Swinney has raised. However, it is important to say that there will be a very substantial investment in health. A health plan has been published. Overall in Scotland, health will remain our most important priority. I am pleased to accept the invitation to find out the details and write to John Swinney.

Mr Swinney: I am glad to hear that the First Minister will look into that matter. It may just be the result of an administrative mistake and we will happily hear the answer. Of course, his record on health also involves a reduction in the number of nurses, a reduction in the number of beds in the national health service, an increase in the number of people waiting for treatment and an increase in health funding that is slower in Scotland than it is in other parts of the United Kingdom.

The First Minister will accept that such unbelievable statistics do not help to build confidence in the information that is published on the national health service. Is the First Minister aware of the current practice in Aberdeen whereby individuals who have waited more than a year for treatment in the Grampian Universities NHS Trust

are being offered the choice between receiving private health treatment in Clydebank or coming off the waiting list in Aberdeen? Is that not an example of new Labour fiddling the figures because it is about to break its election pledge on cutting waiting lists?

The First Minister: It is very difficult to know where to start with such a rambling, rambling, rambling question. It is important to restate that I am quite happy that the Minister for Health and Community Care should examine the issues that John Swinney has raised. However, let us not forget that we are investing more than ever before in health—more than £1,000 a year for every person in the country. Over the next three years, that amount will rise significantly. The Executive does not have the solution to every health problem. The difference between us and the nationalists is simply that we want to tackle the real issues and not get involved in political number crunching that ends in a question that it is impossible to answer.

Mr Swinney: When it comes to rambling, rambling, I suspect that the First Minister will have more to teach me than I will have to teach him.

The First Minister has said that this is becoming a political issue. Of course it is a sensitive political issue. The First Minister gave me a commitment in the chamber that he would secure a reduction in waiting lists by 2002. I have a document here that was published by the Labour party: "A Lifetime of Opportunity". I hear the deputy leader of the Labour party say that it makes good reading. It makes fabulous reading. It says that the Labour Government is pledged to bringing waiting lists down by at least 10,000 by the next general election. All of us can read the newspapers and work out that a general election is not far away. Will the First Minister reaffirm today Labour's commitment that, contrary to the answers that he has given me before, by the time we go to the polls, waiting lists in Scotland will be down by 10,000 on what the Labour Government inherited in 1997?

The First Minister: The reply may be a bit hackneyed, but where is the beef in John Swinney's questions? Quite simply, the question is a rehash. We got to the point at the end—that there is possibly an election in the offing.

Let us compare what we are doing on health with the £25 million that another party committed itself to spending each year as part of its forward programme. We are talking about investing billions of pounds in our health service—that is important.

We are attempting to reduce waiting lists, but let us not forget that the SNP has said that waiting times are of more than marginal importance in the debate. We will be happy to take on the SNP any

time on health. The difference is that we believe in real investment. I am not sure what the SNP believes in.

Ben Wallace (North-East Scotland) (Con): It is clear that the First Minister will fail to deliver on the waiting list pledge for this year. Does he therefore accept that, should the new waiting times figures be worse than or the same as those he inherited in 1997, his policy on health will have failed in respect of waiting times?

The First Minister: I am conscious that a Conservative member is asking the question. Our inheritance in respect of the NHS is such that the Conservatives are not in a position to lecture anyone about health care or investment in health care.

It is important that we have a commitment to reduce waiting lists. We also have a commitment to invest a massive amount of new money in our health service. When considering the issues that have been raised by the Conservative party, the Scottish people will want to know what we are doing. That information is in the health plan, which I commend to everyone as good reading.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): Before the Secretary of State for Scotland is consigned to history—one of those words beginning with "h" and ending with "y" of which the First Minister is so fond—I would like

To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-845)

The First Minister (Henry McLeish): I am quite happy to accept that this morning's exchange was interesting. I would not accuse David McLetchie of hypocrisy, but that label fits other members.

I speak regularly with the secretary of state. We have no immediate plans to meet.

David McLetchie: I hope that when the First Minister meets Mrs Liddell, he will raise with her the issue of local taxation.

Last week, the Minister for Finance and Local Government described the local government settlement as "excellent" and as

"the best settlement for many years".

He said that it was

"warmly welcomed by the Convention of Scottish Local Authorities"—[*Official Report*, 7 February 2001; Vol 10, c 967.]

The same COSLA is now in meltdown.

If everything in the garden is so rosy—as Mr MacKay claimed last week—why are councils throughout the country today announcing council

tax increases that are well above the rate of inflation?

The First Minister: At the centre, we are trying to make a substantial investment and to increase what local government is able to spend. The people of Scotland welcome that investment.

The Conservatives might not like this, but we also have something that is called local democracy. In every council, we are seeking a balance between prudent use of the council's finances, wise use of our investment and the provision of quality services. During the past 20 years, no Conservative Government was visited by those three.

David McLetchie: It is interesting to hear the First Minister talk about local democracy, given that most of the funding is so ring-fenced that the councils are hamstrung and unable to set their own budgets.

The First Minister cannot deny that, under Labour, the taxpayer is paying more across the board, whether nationally or locally. Despite that fact, waiting lists in our hospitals are longer, as we have heard, serious crime rates are rising and standards in our schools are slipping. Is not the truth of the matter that, under Labour, we have a pay-more, get-less Government, a pay-more, get-less Scottish Executive and pay-more, get-less councils?

The First Minister: It is useful to have a question that covers so many areas.

Local government is enjoying a first-class settlement. There is record investment in the health service. Standards in schools are not falling and steps are being taken to ensure that education remains an important investment priority. That must be contrasted with the Conservatives' public expenditure commitments and the Tory plans for pensioners that were announced this week, which are in a mess. The plans for pensioners gave us the amazing spectacle of a pensioner picking cold weather climate payments one year but considering whether to add that payment to their pension next year. That is a measure of how out of touch the Conservatives are.

If the Conservatives get into government—which, thankfully, will never be a reality—£23 million will be cut from every constituency in Scotland. How many doctors does that represent? How many nurses? How many policemen? If we want to debate public expenditure with the Conservatives, those are the real issues.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): When the First Minister next meets the Secretary of State for Scotland, will he raise the plight of my constituents who are suffering from

asbestos-related diseases? As a result of Chester Street Insurance Holdings going into provisional liquidation, those people may be denied compensation to which they are entitled. Will the First Minister make it clear that it would be unacceptable for any of those victims—who have been treated disgracefully over the years—to be denied justice yet again?

The First Minister: I sympathise with my colleague and agree that there is a need for action. The secretary of state is actively involved in the issue. I sincerely hope that the progress that Duncan McNeil wants will be delivered.

Andrew Wilson (Central Scotland) (SNP): When the First Minister next meets his close and good friend Mrs Liddell, will he ask her to stop playing fast and loose with Scotland's money? Is he aware that her budget has increased by 36 per cent this year? That is seven times as fast as the Scottish budget and five times as fast as the national health service budget. Are Mrs Liddell and the Scotland Office five times more important than the NHS in Scotland, or is she just a waste of the people's money?

The First Minister: That question may reappear as a useful soundbite in some local newspaper but, once again, Andrew Wilson has shown his crass ignorance of what is happening in the Scottish economy. Last week, he said that the Scottish economy was crawling along. At quite a rate, I would suggest. Again we see the blinkers of the SNP. The Scottish economy is doing well: there is massive investment in our public services; unemployment is at its lowest for 24 years; and employment is at its highest for 40 years. Why does the SNP not recognise success and celebrate with us the real success of the Scottish economy?

Safer Communities

3. Paul Martin (Glasgow Springburn) (Lab): To ask the First Minister what plans the Scottish Executive has to make communities safer. (S1F-855)

The First Minister (Henry McLeish): Safer communities remain a key priority for this Administration. There are many examples of the measures that we are taking to make our communities safer. As recently as Monday, Iain Gray announced details of our funding package of £1.6 million for closed-circuit television across Scotland. In the week prior to that, he announced our funding package of £1.4 million for community safety projects.

Paul Martin: Will the First Minister join me in congratulating community organisations, councillors and, of course, the local member of Parliament—Michael Martin MP—on their support

for the process of developing closed-circuit television proposals, which will have an effect on fighting crime in parts of my constituency such as Springburn, Barmulloch, Royston and Blackhill? Does the First Minister agree that a top-to-bottom review of policing could be considered, to deal with issues such as poor police response times and the allocation of community police officers?

The First Minister: I am happy to celebrate the Martin partnership in that part of Glasgow, which is working alongside the community and the police to ensure that we have safer communities. I have had the benefit of meeting Paul Martin to discuss police responses. That issue is always under review, especially locally, and I am sure that it will be pursued.

CCTV is vital. There is nothing worse than seeing a CCTV recording of a bunch of yobs kicking someone to death in a town centre. CCTV now allows us to dip into that kind of activity, provide the evidence, provide police access and ensure that the yobs who commit those kinds of crimes are brought to court and sentenced.

Lord James Douglas-Hamilton (Lothians) (Con): Will the First Minister comment on the CCTV initiative in Airdrie—an initiative of the previous Government—which has led to a reduction in crime and an increase in the clear-up of crimes and has deterred crime in general? Does the First Minister accept that it is time to expand such schemes throughout Scotland?

The First Minister: I am happy to agree with Lord James Douglas-Hamilton. CCTV is a tremendous help to the police and it makes people feel safer. As I said, it is allowing us to dip into serious crime and it is a huge boost for the criminal justice system.

Nutrition (Elderly People)

4. Mr Kenneth Gibson (Glasgow) (SNP): To ask the First Minister what response the Scottish Executive plans to make to the findings of the report "The National Nutritional Audit of Elderly Individuals in Care" on the nutrition of pensioners in professional care. (S1F-857)

The First Minister (Henry McLeish): The results of the audit were of such concern that, when the draft report was received in May last year, we immediately put in place a range of measures to support staff who care for vulnerable patients at risk of being poorly nourished.

"Our National Health" builds on that work and contains commitments that will ensure that high quality, nutritious food is available to those in hospital or in care.

Mr Gibson: I thank the First Minister for his reply, but will he explain why, after four years of

new Labour government, 21 per cent of pensioners in hospitals and care homes are starving and, in many cases, suffering from appalling neglect? Will he detail how Executive policies, such as the proposal in the Regulation of Care Bill to reduce the number of inspections of care homes from two per year to one per year will improve the situation?

The First Minister: The Parliament will agree that this is a serious and important issue. I hope that it will also agree that the Executive is doing something about it. Everyone recognises the problems—but we are doing something about them. First, we are making food and nutrition a core national standard for the NHS in Scotland. Secondly, we are pushing through the Regulation of Care Bill to ensure that high standards of care are delivered in all care homes and are independently checked. Thirdly, the chief medical officer is leading an expert group that is looking into the wider allegations of agism in the NHS and how to root it out wherever it is found. We are tackling the problem on many fronts. I assure Mr Gibson that it is a serious issue that is being tackled seriously.

Karen Whitefield (Airdrie and Shotts) (Lab): The First Minister will be aware that the report calls for regular training of all staff involved with the nutritional care of residents in care. Is he aware of good practice in Lanarkshire, where staff have been regularly trained in that for the past four years? Does he agree that training of that kind is essential to ensure that all staff involved in the nutritional care needs of elderly residents in care are skilled and knowledgeable and able to prepare balanced, nutritional diets?

The First Minister: I am pleased to identify myself with the comments made by Karen Whitefield. There is good practice in Lanarkshire and in other areas of Scotland, but the best practice in those areas must become normal practice throughout Scotland. That requires training and skills. I am pleased to say that the health plan tackles that issue.

Shona Robison (North-East Scotland) (SNP): Is the First Minister ashamed to be part of a Government that for four years has presided over one in five of our elderly people in hospitals and nursing homes suffering from malnutrition? Does he agree with the comments of Jess Barrow of Age Concern, that the NHS is driven to cut costs? Will he take the opportunity to apologise to the thousands of elderly people and their families who the Government has failed to protect properly?

The First Minister: I would be ashamed to be a member of a party that could provide only £25 million extra for the NHS in Scotland. That is a fact that we can read about. On the serious point that has been raised, I have made a commitment that

we are involved and that we recognise the problems. Surely Scotland should be about identifying problems and then the solutions. That is the purpose of the Executive and it will always be so.

Scottish Qualifications Authority

5. George Lyon (Argyll and Bute) (LD): To ask the First Minister whether this year's higher exam results will be issued by the Scottish Qualifications Authority on 9 August 2001. (S1F-860)

The First Minister (Henry McLeish): The Scottish Qualifications Authority is considering responses to a consultation paper on this subject which was issued to key national bodies on 17 January. A further announcement will be made in due course.

George Lyon: Will the First Minister reassure parents, teachers and pupils who are concerned about the SQA that it is on track to deliver the exam diet for this year? Will he clarify whether the consultation is on delaying the date of publication or on the most appropriate date for publishing the exam results?

The First Minister: The consultation relates to the latter point George Lyon raises in his question. The consultation is about ensuring that stakeholders are intimately involved. I am pleased to say to the Parliament today that, in our desire to get it right, we are very content indeed with the substantial progress that has been made. We have made the point before; there will be no repeat of last year's fiasco. I think that the SQA is well on the way to ensuring that last year's fiasco does not happen.

David Mundell (South of Scotland) (Con): If it becomes apparent that the SQA will not meet the set date, will the First Minister commit to intervene, using the powers that section 9(1) of the Education (Scotland) Act 1996 gives him?

The First Minister: I am optimistic—and wish that other colleagues would be a bit more optimistic and have greater confidence in the work that is being done by the professionals. I acknowledge, and have made the point more clearly than anyone, that last year was a fiasco. This year, we need to concentrate on ensuring that our education department, our education minister and the SQA have the necessary resources to deploy to ensure that last year's fiasco does not happen again.

Michael Russell (South of Scotland) (SNP): In the process of consultation as to the appropriate date for the issuing of results, will the First Minister remind the SQA of the importance of giving adequate time for marking? The earlier the date is, the less time there is for marking. This year, there is less time for marking than there was last year. It

must never happen again.

The First Minister: I agree with Mike Russell. We are working to ensure that every part of the process is being looked at. That means that—as we move through the year—we are in a position to deliver what I have promised. That is also what the SQA wants to be involved in. It is crystal clear that progress to date this year has been much more impressive than it was at the same time last year. All I can say is that we are on track to deliver. I hope that that comment gets the full support of the Parliament and support in the country.

Children's Services

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-1663, in the name of Jack McConnell, on children's services.

15:32

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): I welcome the opportunity to debate the subject of children's services. Giving our children the best possible start in life is something that I feel passionately about and I know that I am not alone in that. I want to make it clear, given the new ministerial title for my portfolio, that I do not regard having one minister for children as the best outcome—it is very important that every minister is a minister for children and that every MSP takes issues relating to children seriously.

This morning we had a long debate on education. As a former teacher, members would expect me to see education as vital to giving children the best possible start. However, education is not the whole story. Childhood should be a time of learning, stimulation and development, against a background of safety and security. School has a part to play in that, but it is only a part. Any teacher knows that the children who have a nourishing, supportive environment at home are the ones who benefit the most from school.

Every child matters and deserves such a start in life. However, too many children are born into poverty and immediate disadvantage. In Scotland, 30 per cent of children live in poor families. That figure is down from 34 per cent in 1997, but it is still far too many children. Our policy should be not only to ensure that all children in Scotland have the best possible start in life and are supported through the early years, but that we integrate services and intervene on behalf of those children who are most vulnerable at different times—perhaps through poverty or for other reasons—to give them the same start that we would wish for our own children.

Some children have parents who are unable to give them the care and support that they need and deserve, while other children have special physical, emotional or educational needs either in the long term or at particular times in their lives. Many need help and support if they are to realise their potential and live happy and fulfilling lives. I want to talk about what we are doing to help make that happen. It is not just a question of resources, although we are devoting considerable additional resources to children's services across the

Executive, but a question of new kinds of services and new ways of working.

First, we have to realise the difficulties that parents face in seeking support if it marks them out as a separate group or as failing. Universal services such as school education, health services and child care must provide an easy gateway to more intensive or specialist support. Secondly, we need a preventive approach that provides support before problems become intractable, and which reduces the need for crisis intervention. That is not a new idea, but the Executive is acting upon it. Prevention involves two kinds of early intervention: support in the early years of a child's life and support early on when need or risk is identified, which usually occurs at key transitions in those early years.

Sure start Scotland is about a good start in life. It is supporting at least 5,000 children and their families in achieving that. Continued funding is allowing the expansion of support to families with babies and toddlers, and is focused on deprived communities and groups. The idea is to provide stimulating play opportunities for children, together with support for their parents. That may mean advice and information on diet or child development. It may mean respite by providing child care. It may mean group support. The key point is that we look at the parent and child together, and not as separate entities.

For the future, I want us to take this approach up the age range to pre-school children and older. New community schools will be an important part of that. We have 47 new community school projects already, and I announced plans earlier this month for another 15.

Prevention and involving parents are still key themes when it comes to offending teenagers, of which each year, in the 16 to 17-year-old age group that was mentioned during question time, 11,000 are referred to Scotland's courts. We published yesterday the independent evaluation of the Freagarrach project, which aims to reduce reoffending by persistent young offenders. It is run by Barnardos, with funding from the Executive. The evaluation shows that the project has had an impact. Key factors have been involving parents during the project and post-project support to help young people to sustain their progress. I commend Barnardos, NCH Scotland and others for the work that they have done in leading the way in this multidisciplinary positive approach to turning round the lives of our young people.

Effective support needs different agencies to work together. It is rare that any one profession or agency can deliver effectively on its own. Children and young people need integrated services, with education, social work, housing and health services working together. That means statutory

agencies working with the voluntary and independent sectors, and working across professional boundaries. That is true not only for a family centre and a new community school, but for packages of support for individual children with their own specific needs.

Robin Harper (Lothians) (Green): Is the minister able to give any comfort to voluntary services, particularly services such as playbuses, which at present stumble on from year to year on one-year funding followed by one-year funding followed by one-year funding?

Mr McConnell: I hope that the three-year budget that this Executive and local authorities have, and which other bodies are starting to receive from the Executive—it is a practice that is beginning to develop in the health service also—will give all those organisations a more stable financial framework on which to plan their services.

Already at local level throughout Scotland there is much good practice, but we want to spread that good practice. To achieve that, we have set up a team of five secondees from social work, education, planning, health and the voluntary sector to help us. They will produce an action plan by the late summer, setting out how best to support integration and co-ordination and identifying practical examples of what works and, equally important, what does not work.

The changing children's services fund will provide a catalyst for spreading good practice to deliver better outcomes for children. Where local authorities, health and the voluntary sector together produce proposals for better-integrated and preventive services, they will receive additional funding. We have issued today a consultation paper, which seeks views on objectives for the fund and our proposals for allocating resources. We want the process to be as simple as possible. We do not care which agency manages the resource; what we care about is making a difference to children's and young people's lives.

The bulk of the funding will come on stream in April 2002. That means that the action plan will help partner agencies to plan how to make best use of the fund. The plan and the fund aim to embed different ways of working. In all our actions, I want us to give priority for the 12,000 or so young people who are in the category of looked-after children. We will continue to improve core aspects of children's services such as child protection and, where needed, residential care.

A recent conviction has led to renewed concern about how adequately we protect children, particularly those in residential care. It is worth reminding ourselves of the important steps that

are being taken to make children today safer than children of a generation ago. The proposed commission for the regulation of care will provide independent inspection of care homes. Looked-after children have access to independent advocacy services. Training for residential child care workers is being extended and improved. We are committed to setting up an index of adults who are unsuitable for work with children.

However, answers also lie in our general attitudes to children. I want to ensure that all structures of government pay attention to children in their decision making. Some people have called for a children's commissioner. Last year, the Executive asked the Education, Culture and Sport Committee to consider whether a commissioner would bring benefits that existing structures could not. I am pleased that the committee, amid other important business, has now fitted that task into its timetable. The Executive is sympathetic to the idea of a children's commissioner. We want to be clear about the functions that such a commissioner should have and the added value that will be provided.

The Parliament is changing our political culture and extending consultation and participation. We must be sure that a commissioner would provide something more. The Executive's memorandum set out the issues that need to be examined. I look forward to seeing the committee's report later this year, before we advance our debate and decisions.

I have set out our approach to children's services. We have the opportunity to take a significant step forward and achieve more than incremental change. I say that because of what the users and providers of services say to me. We must not forget that much hard work has been done. However, an appetite for change and a will to do better exist. Our job in the Executive and the Parliament is to seize that opportunity and take a significant step forward.

Dr Winnie Ewing (Highlands and Islands) (SNP): Will the minister give way?

Mr McConnell: I am sorry. I am in my last minute and I am finishing.

One of the key tasks and challenges that faces politicians is to leave the country for which they are responsible in a better state for the generations that follow them. I hope that we can all work together to achieve that for the sake of this and future generations of children and young people in Scotland.

I move,

That the Parliament agrees that every child should get the best possible start in life and support through difficult periods as they grow older; welcomes a consideration of a remit and role for a Children's Commissioner; approves the

measures being taken to support parents and improve the life chances of children and young people through early intervention, and endorses the action being taken to strengthen partnership working between local councils, the health service and the voluntary sector.

15:42

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

The minister will have noted that the SNP has lodged no amendment to the motion, because we fully endorse all aspects of it and because I truly believe that there should and can be much agreement on children's issues. I am pleased that we are having the debate, even though it was first scheduled for 9 November last year, has been allocated the shortest time slot in the parliamentary timetable and was introduced by the Minister for Education, Europe and External Affairs rather than, as the title used to be, the Minister for Children and Education. Notwithstanding his opening remarks, I think that the fine distinction may be lost on many people.

I wonder what all that says about the message that the Parliament gives in regard to the priority that it places on children and young people. I am sure that many members received the e-mail yesterday from a young person who was totally disillusioned after trying to discover what the Scottish Parliament had to say about young people's issues and finding nothing. He wrote:

"Why is this the case? In some months time, there will be an election, and by this time, I will . . . be eligible to vote. I will, I suspect, choose not to because of the total lack of interest in young people in the Parliament."

We would be foolish to ignore that perception. He feels that the Parliament is ignoring him, so he is ignoring the Parliament. We all have a responsibility to ensure that ever more structures are in place to empower young people and encourage their participation in the democratic process.

The bottom line is that children and young people deserve a Government that fully recognises their needs and rights, and effectively supports families in caring for them. I would be the first to say that the Executive has made good progress. I wholeheartedly support the focus on early intervention and preventive services, particularly the sure start programme and new community schools. However, there is no room for complacency.

I will remind the minister and members of what more we could achieve. Needs and rights underpin everything that we want to achieve for children. The UK Government signed the UN Convention on the Rights of the Child in 1991 and a number of the issues that are covered in that convention are now devolved matters. However, it is a fact that many of the 54 separate international

standards are not being complied with and that children's basic human rights are being consistently disregarded. That surely must be unacceptable to everybody. The challenge for the Parliament is to embrace policies to ensure that the convention is implemented in a meaningful way, so that all Scotland's children benefit from full provision of the rights to which they are entitled.

That brings us to the need for a children's commissioner in Scotland. That is long overdue, since at least 18 other countries now have children's commissioners. I very much welcome the minister's comments today and his generally more sympathetic approach to the issue. I hope that the minister can be further persuaded that Scotland's children's commissioner needs to have a powerful role and remit. In fact, I hope that the Education, Culture and Sport Committee might be persuaded to bring forward legislation in its own right to bring that about. An independent champion of children's rights, answerable to the Parliament not to the Executive, would be a huge step forward in ensuring that children's voices are listened to and that laws and policy that affect children and young people take account of their needs. The suggestion is not new and it is not recent; it is about time that it went on the fast track.

The minister wants to know what more the establishment of a commissioner might achieve. Well, he touched on it himself. It is a continuing source of shame for us all—this is not, at the moment, a criticism of the Executive—that 34 per cent of Scotland's children live in poverty; that 41 per cent of those are under five years of age; and that the proportion of households with children that have under 50 per cent of national income has trebled since 1979 from 10 per cent to 34 per cent.

We all know how negatively poverty impacts on the lives of those young people. We talk about exclusion; they live exclusion. They experience inequality every day of their lives. Refugee children experience discrimination and racially motivated mistreatment. Disabled children do not enjoy the same access to childhood opportunities and life chances as non-disabled children. Child suspects as young as 14 are held in police cells or detained in adult prisons until a space is found for them in a secure children's unit. There are 20,000 homeless children in Scotland; 367,000 children live in households affected by dampness or condensation; and 11,191 vulnerable children are looked after by local authorities. Nobody could say, hand on heart, that those families are being effectively enough supported to care for their children. That is the job that has still to be done.

We should remember that those children are largely powerless, with no political or social power. That is why, child strategy statement notwithstanding, we need to ensure that every

piece of legislation passed by the Parliament has a child impact statement attached to it, so that we can be sure that children's well-being has been considered in all policy implementation, that children's rights are a central consideration in any new legislation and that we are promoting child and family-centred policies.

Mr Brian Monteith (Mid Scotland and Fife) (Con): As I will say later, I have no especially strong view on the issue of the children's commissioner, but I am interested to tease out of the member what she means when she talks about a children's commissioner and, in the same breath, the problems of dampness in housing. Is she suggesting that a children's commissioner would be responsible for speaking up for children who live in damp housing to, say, a local authority?

Irene McGugan: The basic determinants of a children's commissioner's remit should be the promotion of children's rights, the challenge of any breaches of children's rights and an influence on law, policy and practice—that takes in everything I have mentioned.

On the concept of child impact statements, the Housing (Scotland) Bill does not demonstrate much attention to children's interests. That highlights the weakness of the child strategy statement, which lacks any kind of independent external monitoring or public reporting to the Parliament. Why? I am sure that we could do that.

I want to mention physical punishment. When I asked the Minister for Justice when the Executive would produce a response to the consultation of February last year, he said "Soon." That was last September. Giving children the same protection under the law on assault demands the removal of the defence of reasonable chastisement. I am not alone in wanting to move society on from smacking children to positive non-physical forms of discipline, just as we have moved on from condoning domestic violence. I hope that the Executive will be radical in its decision on that issue when it eventually comes to a view on it. In fact, I encourage the Executive to be radical and ambitious in all its children's policies, because I can promise that there will be good support from the SNP if that is the case.

I reiterate that children and young people in Scotland deserve a Government that fully recognises their needs and rights and effectively supports families to care for them.

15:50

Bill Aitken (Glasgow) (Con): Presiding Officer, I apologise to you and to the minister for being slightly late in entering the chamber at the beginning of the debate. The crisis in local

government funding was causing some excitement outside.

Like the SNP, the Conservatives are not moving an amendment to the motion, because it says basically what we would all like to hear. Nobody could possibly disagree with the terms of the Executive motion. However, what is in the motion must be backed up with action. We must have a situation in which we can see positive results.

If we look at the current situation with regard to children in care, we can see that it is far from satisfactory. There has certainly been a reduction in recent times in the number of children who are physically in care, but the number of children who are being looked after has slightly increased, which must concern us. It must concern us, for example, that 17 out of every 1,000 children in Glasgow are in care. Although figures for other parts of Scotland are lower, almost 1 per cent of children are in care.

Scott Barrie (Dunfermline West) (Lab): I would like Bill Aitken to clarify exactly what means when he uses the term "in care". Does he mean children who are looked after and accommodated? If that is what he means, it is important that he says so. I am not quite sure what he is actually trying to say.

Bill Aitken: What I was anxious to establish was the differentiation between those who are accommodated and those who are being looked after in different circumstances.

I do not know how many members have had the opportunity to visit local authority children's homes. I know that Scott Barrie, in his former existence, probably did so. Most of us who have had the opportunity to do so have a degree of concern about the way in which those homes are run. Generally, the accommodation is not of the standard that we would expect children to live in.

We must recognise that, although abuse scandals may have painted a picture that is not a true reflection of the overall situation, there are problems about the general running of local authority homes. Those problems sometimes relate simply to cleanliness, the basic discipline that is imposed and the way in which the kids are generally looked after. Those things can be far from satisfactory and we really have to see what we can do about that.

The easiest solution to the problem is to ensure that fewer kids are in homes. In that respect, surely we should be looking at the adoption system to see how adoptions could be carried out in a much more expeditious manner than at present. Sometimes it takes a ridiculous length of time to carry out an adoption.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I am concerned that Bill

Aitken seems to be making the assumption that adoption is the answer for many of the children and young people who are in children's homes today. Many of those children and young people are not in homes for an extended period of time but are there because of particular family circumstances. They maintain contact with their families, will return to their families and have no wish to be adopted by an alternative family.

Bill Aitken: I fully accept that that is the case, but the point that I am making is that that is not possible in some cases. It is ridiculous that the adoption process should take the length of time that it seems to take at the moment. That would be a way of reducing the numbers of youngsters in those homes.

Scott Barrie: Will Mr Aitken give way?

Bill Aitken: No, I must get on with my speech. We have considered the question of a children's commissioner and we are slightly ambivalent in our attitude towards that. There are certainly aspects of that proposal that find favour, but there is a definite and genuine fear of interference. Should a commissioner be speaking up for youngsters who are well able to speak up for themselves? Will that commissioner interfere with the running of families where there is no sound case for doing so?

Michael Russell (South of Scotland) (SNP): I seek clarification in regard to the Conservative member of the Education, Culture and Sport Committee. The committee will consider the serious issue of a commissioner on the invitation of the minister. There is a broad assumption that we want to get it right. Is Bill Aitken indicating that the Conservatives will not be in support of the idea or that the Conservative member will engage positively in the committee to try to get the best solution to the problem, so that we can move forward together?

Bill Aitken: I am totally confident that our member on the Education, Culture and Sport Committee will listen to all the evidence presented to the committee and thereafter will make a measured judgment on the advisability or otherwise of having a commissioner. I am certain that he will look for the role of the commissioner to be specified to a much greater degree before he is satisfied that such an appointment is necessary or desirable.

There are other aspects that we must consider. I was horrified to hear the minister's response to a question at question time, coincidentally from Scott Barrie, on the children's panel system. The children's panel system is going to find itself in a degree of difficulty, because it is probably not compliant with the European convention on human rights. We know that and something will have to

be done to rectify the situation.

I suggest that we must examine closely the general operation of the children's panel system. It has been in existence almost without change since the implementation of the Social Work (Scotland) Act 1968. To my mind, children's panels perform a valuable function in dealing with children who are disadvantaged, but Conservative members and I are far from satisfied that the system is able to cope with persistent offenders and those who present either a threat or a nuisance to society. The minister's response today will have caused considerable alarm among those who know just how ineffectual the children's panel system is in that respect.

In conclusion, we see nothing to disagree with in the motion. It is anodyne, probably deliberately, and we understand the reasons behind that. There is a lot of work to be done and we look forward to the completion of that work.

15:57

Robert Brown (Glasgow) (LD): Jack McConnell said in introducing the debate that childhood should be a time of stimulation and learning, against a background of security and safety. I entirely concur with that, as I am sure the chamber will.

In many ways, this is an important motion and it comes before the chamber at an important juncture for Scotland. The principles of the children's hearing system are being probed in a current court case and there has been horrific news in recent weeks about the extent of child abuse on the internet. That shows how crucial adequate protection of children and young people is in today's society.

The overarching theme of Government policy is, quite rightly, how we enhance the ability of our children to fulfil their potential in life. Sadly, in so many areas of society, due to a variety of restrictions such as disability, poor health or social disadvantage, the vision of a society of opportunity for all our citizens is still an aspiration awaiting realisation.

The creation and existence of the Scottish Parliament is leading to a step change in how we tackle children's issues and rights. The recently announced children's change fund is potentially of major significance for children with disadvantages or disabilities. We should not be too hung up on targeting only deprived areas. Many problems are widespread across all communities. A disabled child is a disabled child whether he or she lives in a deprived area or an affluent area, in a town or in a rural area.

Figures produced by Capability Scotland

indicate that only 18 per cent of disabled children attend a youth or uniformed organisation. Sporting activities outside school physical education classes are attended by disabled children at only half the level of the national participation rate. I make no apology for concentrating on disabled children. We must remember that not all disabilities are physical and visible. Many children suffer from problems such as dyslexia or learning difficulties, social phobia, emotional trauma or other problems of that sort. They are not visible, but they are none the less damaging to self-esteem and enjoyment of life.

The UN Convention on the Rights of the Child speaks in fairly legal terms about a child's views being given due regard in all matters affecting the child in accordance with the child's age and maturity. What that means in practical terms is that a child's perspective is often different. Many of us tend to forget what an enormous worry we had as teenagers about what seem to us as adults to be less important matters. We must include the important and different dimension of the child's perspective in the way in which we attack our public activities.

Irene McGugan was right to touch on the children's aspect of the Housing (Scotland) Bill. It is helpful to be reminded that the children of homeless families may have lost a parent through matrimonial break-up, will probably have moved school, will have lost contact with their friends and will have shed tears at having moved to a strange, unknown and frightening area. That is not really covered by a bland reference to all the other circumstances of the matter. To say that bills such as the Housing (Scotland) Bill have to be child-proofed is not just nit-picking.

That brings me on to the proposal for a children's commissioner, which the Liberal Democrats have supported. It is important that the children's commissioner should be effective in creating added value. We do not want gesture politics. We do not want political correctness for its own sake. We want to hear what the Education, Culture and Sport Committee has to say on the subject.

I will make one suggestion of my own, if I may. Scotland is a small country and the institutions that we have must reflect the size of the country sensibly. There are already a number of commissions at United Kingdom level and there is a consultation on a Scottish human rights commission. Those commissions should all work in close collaboration with each other, possibly in the same building. However, it would be a good idea to envisage a children's commissioner as one arm of the proposed human rights commission.

Irene McGugan touched on the fact that there is an overlap of objectives between the European

convention on human rights and other international treaties such as the UN Convention on the Rights of the Child. We should think of a commission rather than a commissioner because what counts at the end of the day is that the level of resources is adequate, that the staff are experienced and that they are trained to understand the issues. It is important that that commission should operate in a rights-based framework. It would not be there to interfere in everything or to run public agencies. Its concern would be the procedures, the level of resources, the creation of opportunity and the implementation of meaningful rights.

That is children's rights at the chalkface. The Executive are going about this the right way. I support the motion.

16:02

Scott Barrie (Dunfermline West) (Lab): I welcome today's debate although, as has been said, it has been delayed.

Irene McGugan noted that the SNP had not lodged an amendment to the Executive's motion. I remind her that the Executive accepted an amendment from the SNP on this subject when we debated children in the Parliament last year. I do not know whether that means that there is a great deal of consensus on the issue, but it goes some way to indicate that. However, I take great exception to some of the comments that Bill Aitken made in the later part of his speech; I will return to them.

I welcome the minister's statement that the debate is about attitudes to children. I pointed out in the debate in the chamber about looked-after children that one of the difficulties in our society is how we have viewed children; often in the past we have done things to children rather than with them.

The amendments that were inserted in the bill that became the Standards in Scotland's Schools etc Act 2000, where the views of children were given more importance than the original bill seemed to suggest, go some way towards establishing that it is important to listen to children, to what they are telling us and to what they are asking for.

The Executive motion refers to partnerships: those are important at pre-school, school and post-school levels. A good indication of the way in which partnerships should be working is that the Minister for Health and Community Care will sum up this debate on children's services. That shows that children are not seen as the province of one Government department, but stretch across numerous departments. In the past, children have too often been seen as a homogenous group, which we can all think about as children rather

than seeing them as a collection of individuals with a variety of needs.

The minister also mentioned how important parent support was, especially in pre-school years. As someone who, in his previous profession, attempted to support vulnerable parents in difficult situations, I know that there is a great deal of stigma about being referred to statutory social work agencies. If we are serious about offering parents support at crucial levels, it should not be seen as the hard end of a stigmatised service but as a service that is available to almost everyone. Pre-school screening is vital in ensuring that the service is perceived as the province not of a neglected few, but of the many.

We must address Bill Aitken's point about the children's hearing system. The system has much to offer offenders, whether they are under or over 16. I have worked with some intensive youth packages that offered support to some very high-tariff offenders who were under 16. The social statistics indicate that the peak age of offending is between 14 and 25; and the fact is that all countries face the same difficulties no matter whether they have a youth custody courts system or a children's hearings system.

Locking people up at 16, 17 or 18 does not work; the rate of reoffending is incredibly high among people who have received custodial sentences at that age. If we are serious about breaking the cycle of repeated offending, it is important to intervene at an early age and to ensure that we do so appropriately.

As I said in my question at question time this afternoon, I think that the children's hearings system is an excellent vehicle for some of those young people because of its particular focus on the welfare model, instead of the justice model. That is why we should consider keeping some young people between 16 and 18 in the hearings system rather than return them to the adult court.

16:07

Fiona McLeod (West of Scotland) (SNP): This afternoon, I will raise the issue of teenagers, who form an often forgotten group within the designation of children and young people. They have their own special problems separate from children and certainly do not like to be seen as children.

I am also pleased that the Minister for Health and Community Care will sum up, because I want to focus particularly on the issues of drugs misuse and mental health among teenagers. I am afraid that, with members' permission, I will quote many facts and figures, as it is important to realise how many young people are affected by those problems.

In 1998-99, 1,228 young people were referred to the children's reporter for alcohol, drugs or solvent abuse. Of the 1,193 who were referred for alcohol and drugs misuse, 17 per cent were then referred on to a hearing; 9 per cent were given voluntary support; and 74 per cent received no intervention. That 74 per cent represents 882 young people who, although identified as at risk, received no help at all. How did such a situation happen?

That might have happened because one of the grounds for referral to a children's hearing is that the hearing must include positively beneficial outcomes for the child. Sadly, it has been accepted that the children's hearings system cannot always have such positively beneficial outcomes. The principal reporter of the Scottish Children's Reporter Association, Alan Miller, has identified one of the problems as

"the low availability at present of drug treatment services dedicated to the under-16 age group".

I have raised the issue before in parliamentary debates and, a year on, I see no great evidence that the Government has supported enough specific projects for young people under the age of 16 suffering from drug, alcohol and solvent misuse.

Many mental health problems among young people exhibit themselves in such misuse. In 1998, there were 114 suicides in the nought-to-24 age group, which is a dreadful figure for Scotland. In 1997-98, there were 15,025 NHS attendances for child and adolescent psychiatric hospital appointments but, in that period, only 100 day-patient beds were available in Scotland for child and adolescent psychiatric patients. That figure has risen since 1997-98 to 108 day-care beds, but that is still only 108 beds for 15,025 NHS attendances. We must recognise and examine the problem, and we must ensure that the means are made available to tackle it.

I highlight an innovative cross-sectoral project that is exactly what we are talking about today—the mental health development fund initiative for looked-after children and young people in East Dunbartonshire. In 1997, a one-year pilot project was set up with £140,000 to cater for 200 young people who were looked after or accommodated. It was supported by East Dunbartonshire Council, Greater Glasgow Health Board and the NHS mental health trust in the area, in an excellent example of cross-sectoral working. Sadly, that pilot scheme ended at the beginning of this year. The internal evaluation of that project states that residential staff and foster carers benefited immensely and were able to deliver higher-quality care by having consultation with mental health professionals who were able to inform and, crucially, to legitimise their practice. The evaluation also stated that it was hoped that, if the

project could be sustained and further developed, it might provide a Scottish demonstration site for a mental health vision for looked-after and accommodated young people. That is most important in East Dunbartonshire, with Kenmuir St Mary's School, which is the national secure care unit for young people.

I end my speech with a plea to the minister. The project has approached the Scottish Executive for funding for an external evaluation, to ensure that it can become a national demonstration project. I ask the minister to ensure that the project receives that funding.

16:12

Mr Jamie McGrigor (Highlands and Islands) (Con): I welcome the debate and begin my speech by highlighting the problems that are faced by gypsy traveller children.

On 13 February, the Scottish Travellers Consortium launched a report on educational issues for gypsy traveller children throughout Scotland. Social justice is described as the Scottish Parliament's greatest aim, but gypsy traveller children have yet to feel the benefit of that, as they still experience a high level of social exclusion. We can and should help those children.

Research by Save the Children in 1996 showed that only 40 per cent of gypsy traveller children of primary school age and 20 per cent of those of secondary school age attended school regularly. The average length of time that they spent in school was four years. Many children spoke of being put at the back of the class and not being properly attended to by the teachers, as they had not been through the whole curriculum. One child said:

"How much does it cost to take 15 minutes extra just to work with the traveller kids when they are new?"

Another child said:

"I think every school should have some kind of teacher that the traveller kids or the black kids could talk to if they were getting bullied."

In England and Wales, funding has been granted to provide traveller education services. That funding is not available in Scotland; therefore, the few specialised education services for gypsy travellers rely on a small number of committed individuals. I would like something to be done to alleviate those problems.

For example, to prevent gypsy traveller children from feeling excluded, a local authority site at Collin, near Dumfries, has acquired a large portakabin in which a primary teacher works for three afternoons a week and a nursery nurse for two. The teachers assess the children and introduce them to school in an environment that

has pictures from the children's social background on the walls, such as horses, trailers and fairgrounds. That welcoming environment allays the fears of children and parents. The experiment is working and should be tried elsewhere.

Information technology can be used to allow gypsy traveller children greater access to education; however, it costs money. Over the next few weeks, the Equal Opportunities Committee, of which I am a member, will visit gypsy traveller sites to collect information. I welcome that. A little understanding and a more welcoming attitude could do much to help the children of that group.

Dr Elaine Murray (Dumfries) (Lab): I agree with much of what Mr McGrigor says about the needs of gypsy traveller children. Can he explain how, if the Conservatives were able to implement their policy of removing all schools from local authority control and making them all grant-maintained or opted-out schools, the services that he is requesting for traveller children could be provided?

Mr McGrigor: They could be provided through a little thought and the use of specialist teachers.

I think that the most shocking news that I have seen recently—apart from the Indian earthquake—is the Wonderland Club child pornography case. As it followed revelations of abuse in children's homes, it is all the more serious. Sam Galbraith said that we must protect our children, and that point has been reiterated by the new minister with responsibility for education, Jack McConnell. I agree with them both, but point out that the new menace that is emanating from the internet is out of control and is deadly dangerous to children.

Child pornography must be contained and stamped out. While the Government has some control over written material, what is the point when horrific material concerning the revolting exploitation of young children can be downloaded from computers by people with even a limited knowledge? What is worse is that those revelations are merely the tip of the iceberg. We must congratulate the police on their involvement in Operation Cathedral, which was spread across 12 countries and led to arrests and the seizure of three quarters of a million images of children suffering sexual abuse. However, *The Independent* yesterday stated:

"Operation Cathedral was hailed as a success, but as a wake up call to law enforcement agencies and children's charities, it has been deafening. The paedophiles are using technology to get the upper hand. The police have won the latest battle, but the paedophiles are winning the war."

We are dealing with a new menace and new measures are required to fight it. All the leading children's charities have condemned the leniency of the sentences, which vary between one year

and two years. As the director of the child protection agency, Kidscape, said:

"You would get a longer sentence for accumulating masses of parking tickets or for burglary."

A Conservative amendment to the Criminal Justice and Court Services Bill has changed the maximum sentence for such offences to 10 years—it would have remained at three years otherwise—but another Conservative amendment that would outlaw internet chatrooms that are used to lure children to abuse was rejected by the Westminster Government, which claimed that the law was adequate.

Childhood comes only once. It is all too precious, and innocence lost can never be given back. I believe that those offences might come under the obscenity legislation in Scotland, which carries a life sentence. Can the minister confirm that? Is he happy about the situation regarding the law concerning internet chatrooms? Will he put pressure on internet service providers to be responsible for material that they are indirectly providing? Will he give the Parliament and parents in Scotland an assurance that the menace of internet child pornography is a high priority for the Scottish Executive?

16:18

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I welcome the minister's statement on the provision of early-years care for youngsters. I especially welcome the early intervention programme and the sure start Scotland initiative, which seem to set an agenda that will prove valuable to us in years to come. The earlier the intervention, the better.

Last night, I attended a seminar at the Royal Society of Edinburgh, at which Derek Reid, the headmaster of Burnfoot community school, spoke about how he had turned that school around. He, too, said that early intervention cannot come too early and that it sorts out problems at a point at which action can be taken. As has been said, it helps the youngster to become assimilated into mainstream thinking earlier on.

That school is a pilot school and the statistics that were given in that demonstration were astonishing. The school, which is in a deprived area, has been turned around totally from one that had failing results. Targeting was helpful to that school. Attainment and self-esteem have been raised. All the improvements have been achieved through the kind of joint working with the police, the social work department, the health service, churches and parents that the new community schools foster.

I highlight that example because of the wonderful presentation that was given, which

convinced everyone attending it of the value of the school. The last thing that Derek Reid said was that he was not quite sure what would happen after the pilot finished in March 2001.

May we have an assurance from ministers that schools that have been introduced on a pilot basis will be given further support? The school is doing all the things that are outlined in the motion, such as joint working and early intervention, which will offer the protection that we want for children.

Will the Deputy Minister for Education, Europe and External Affairs give me an idea of the progress that has been made on deferred entry into primary schools for children aged four and a half and whose birthdays are in January and February? Some of the youngsters concerned are immature when they enter primary school, and can find it difficult ever to catch up.

I received a communication today from YouthLink Scotland, which asked me to draw its work to the minister's attention. It offers young people of all backgrounds a healthy lifestyle and various activities, with organisations such as the Boys Brigade helping to look after them. YouthLink has asked specifically whether the minister can confirm that it will get national support in the voluntary youth work sector. Can it access the children's change fund? We must carry on supporting the organisations that are doing good work for us at all levels—at the stages of primary school, the teenage years and youth work.

As Robert Brown said, it is Liberal Democrat policy to have a children's commissioner. We must bear in mind how the establishment of a children's commissioner would impact on the advocacy role of other organisations, such as Children in Scotland. There is a need to look at the whole advocacy picture and at how the whole thing would hang together, as well as specifically deciding whether the children's commissioner represents the best way forward. On balance, I believe that it does, but the decision on that remains to be taken.

Finally, I agree with Fiona McLeod on the campaign that she has always run with regard to children being involved in decisions that are made about their future.

16:22

Elaine Smith (Coatbridge and Chryston) (Lab): I want to highlight the need for a children's commissioner for Scotland and the promotion of young people's participation in decision making.

In my members' business debate on the United Nations Convention on the Rights of the Child, which took place just over a year ago and which was supported by the cross-party group on

children's issues, the need for a children's commissioner was raised by me and by others. I am pleased that the minister has welcomed consideration of the proposal to have a commissioner.

The role and remit of such a post has to be the subject of wide consultation. A commissioner represents the logical way to progress full implementation of the UN convention. In the response to the debate last year, Peter Peacock, the then Deputy Minister for Children and Education, said:

"If a commissioner can genuinely add something positive to the existing range of provision, we are prepared to consider it . . . we have asked the Education, Culture and Sport Committee to consider the issue".

The minister added that the committee was

"prepared to consider it".—[*Official Report*, 3 February 2000; Vol 4, c 839.]

One year later, and that has still not been done—but I understand the pressures that were on that committee last year. I would like an assurance that the committee has identified time for consideration and conclusion on that issue.

I now refer to the issue of engaging young people in decision making, which could form part of the role of a children's commissioner, as Irene McGugan noted in her speech.

I welcome the publication of "Taking the Initiative", which is the first step in a three-year programme that has been undertaken by Children in Scotland and funded by the Carnegie UK Trust. Its aim is to promote the participation of young people in decision making, policy and planning. It disturbs me that that work has been commissioned because of growing evidence of young people's disillusionment with local and national organisations that serve their needs.

Many young people feel that their views and ideas are seen as irrelevant and are not considered, and that politicians are out of touch with the issues that affect them. We can see that disenchantment in trends among young voters. I will not quote all the statistics, as they can be found in "Taking the Initiative".

Although there appears to be a general lack of interest in politics—or perhaps in the political system—young people are interested in particular issues, such as education, employment, the environment and human rights. However, barriers that exclude young people from the political process include the limited number of opportunities for participation, lack of knowledge about how to engage in politics, and the view of politics as a strange subject that is difficult to understand. It is vital that the Parliament break down those barriers.

We must also recognise that participation should take account of diverse needs, circumstances and aspirations. As Scott Barrie pointed out, young people cannot be viewed as a uniform group. The voices of children who are excluded because of homelessness, poverty or disability are least likely to be heard. For the good of society as a whole, active citizenship must be encouraged from a young age. It is ridiculous to expect young people suddenly to become responsible, empowered citizens at the age at which they can legally exercise their voting rights.

I will pose some specific questions to the minister. Can the children's change fund be used to support local initiatives that are undertaken by children? With regard to the Standards in Scotland's Schools etc Act 2000, what are the implementation plans for listening to young voices? For example, what guidance, training and best practice is there? Will the minister comment on the details of ensuring meaningful consultation, such as providing information in ways that are relevant and providing regular feedback?

Participation is a process. By exercising their rights, young people can appreciate the rights of others. By expressing their views and having them listened to and respected, they can learn to appreciate the views of others and the merit of a tolerant society. Only through active participation can young people grow in confidence and self-esteem and contribute to their lives and communities as responsible, empowered citizens.

16:26

Shona Robison (North-East Scotland) (SNP):

I will highlight two sets of excluded children. First, children and young people with special needs are often excluded by society. Services are patchy. The level of service that they receive often depends on where they live. We need to ensure that receiving a high quality of service does not depend on where one lives—we must end services by postcode.

This week, I met a group of parents of disabled children called Fastrax. Those parents have strong views. They feel abandoned by service providers. They produced a report called "Intensive care: support in the first few weeks of life and then what?", which makes interesting reading. They complain that their needs and the needs of their children are not being recognised. Rather, they are slotted into services that often do not meet their needs. Their campaign focuses on the need for better equipment for their children. They believe that, through mobility, independence can be achieved, which will lead to self-esteem and confidence.

The parents' main concern is about poor

wheelchair provision for children in Scotland. That is highlighted in the Scottish paediatric wheelchair service survey, which was carried out in 1998. That survey showed that parents were very dissatisfied with the quality of wheelchairs. Parents find them difficult to transport and manoeuvre, and too heavy; they think that they do not meet the needs of their children.

At the moment, many families spend about £2,000 on a wheelchair for their child. That cost recurs as the child grows and develops. Parents make the point that a quality wheelchair, which is matched to the child's needs, can make the difference between active participation in society and exclusion from society. What will the Minister for Health and Community Care do to improve paediatric wheelchair services? Will she meet the parents who produced the report to hear what they say?

Secondly, I will address the plight of refugee children—a cause that is close to my heart. The Deputy Minister for Health and Community Care heard the views of refugee children last week when they visited the Parliament. They talked about many problems with service provision, particularly relating to inadequate education resources. In England, ring-fenced money is given to education departments to meet the needs of refugee children. That is not the case in Scotland, but I am aware that the Minister for Education, Europe and External Affairs is considering that matter.

The Save the Children report, “We Didn’t Come Here for Fun”, provides an insight into the concerns and fears of refugee children living in Scotland. I hope that the Scottish Executive will respond positively to the many recommendations made in the report and support the UK Government in removing the reservation in the United Nations Convention on the Rights of the Child for refugee children. That would be a major step forward.

We have agreed on much this afternoon. I hope that we get a bit more action and fewer words.

16:30

Lord James Douglas-Hamilton (Lothians) (Con): I was involved in piloting the Children (Scotland) Act 1995 to the statute book some years ago in the House of Commons. That involved my receiving a severe reprimand from the Speaker, Betty Boothroyd, because she said that I had agreed to far too many amendments for the report stage of the bill. I do not regret having listened to Mrs Maria Fyfe because I hope that we ended up with a better bill at the end of it and I hope that the act will stand the test of time. We were reacting to the Orkney and Fife cases. A

huge amount of work went into those. The act sought to lay out very clear responsibilities about the relevant services that should be delivered. We were well aware of social workers’ difficulties, who cannot afford either to be ostrich-like when cases of severe abuse are reported to them, or to overreact. We hope that the act will be of considerable assistance.

I welcome the constructive approach towards the motion that has been adopted by all parties this afternoon. That mirrors the attitude that was taken previously by all parties in the House of Commons.

We are interested in the proposal that there should be a children’s commissioner and we would like to look at the details with particular care. We hope that any proposals will enhance the role of the family and parents and that parents should be given the opportunity to speak up for their children.

The role of a commissioner must not be confused. Its remit should be specific so that jurisdiction is clear. Any bill that is introduced must not fail to protect all those who are vulnerable.

For example, the definition of a child might not include young children with mental incapacity. Young people who have special educational needs should be fully involved in decisions that affect their future. If a children’s commissioner bill is to be introduced, the issue of whether the commissioner should be accountable to the Parliament should be considered carefully.

A subject that has not been covered during the debate—it has been addressed by the Prime Minister—is the sale of babies on the internet. I believe strongly that that practice is totally wrong. Exploitation of babies and young children must be prevented, whatever our sympathy for childless couples.

I pay tribute to Roger Kent, not because he was my immediate neighbour—which he was—but because he gave a lifetime of service to children and to social work in Scotland. In 1996 he was asked to report on children’s safeguards and his report was published in 1997. I understand that the Government is implementing the report’s recommendations, including those on child protection, independence, scrutiny of children’s homes and the recruitment, vetting and training of care staff.

My final point is on travelling people, to whom my friend and colleague Jamie McGrigor alluded. Where travelling people’s sites are established legally, there are usually fewer complaints from neighbours. I hope that the Administration will not fear to establish those sites where necessary, as the matter is of considerable importance—*[Interruption.]*

I strongly support the motion.

The Deputy Presiding Officer (Mr George Reid): I apologise for the microphone howl.

16:34

Donald Gorrie (Central Scotland) (LD): As other members have said, the Liberal Democrats strongly support the motion. We also support the concept of either a children's commissioner or, as Robert Brown suggested, a commission. The important issue is that whichever is decided upon must have real power and must not be merely cosmetic and politically correct. We must not allow the negative brigade, which is present in the civil service and in other parts of Scottish life, to water down a good idea. It is important that the commission is strong.

Like other members, I would like to talk about various aspects of youth work, which is important and relevant. We should welcome the fact that the Government—or the Executive—will pay for the Scottish Criminal Record Office checks—the police checks—on youth workers. That is an important gesture and a big saving for the youth work fraternity.

The children's service change fund is a welcome start, but it must go further. It is targeted only at disadvantaged areas. Near here there are very respectable parts of Edinburgh that have a real problem with large groups of youngsters roaming the streets and parks and making a nuisance of themselves, because they do not think that there is anything for them to do. There are problems throughout Scotland in rural and urban areas, so to think that this issue affects only disadvantaged areas is quite wrong.

My excellent friend Nicol Stephen made a speech on a previous occasion in which he spoke about innovative approaches and integrated services. The real need is for core funds. I am all for innovative approaches if the core funding is adequate. We need our existing youth groups—local and national—to be properly funded for what they do. At the moment, they are not.

We should also give preference to young people who run their own affairs collectively. It is not just individual young people who need a say in their own personal life; we must encourage youth groups to run their own affairs. I was very proud of the fact that in the management of the Edinburgh City Youth Cafe—which I helped to start and which is just round the corner—the young people had more votes than the wrinklies. I thought that that was very good. However, when I became an MSP, my gas was put at a low peep when I discovered that the management of groups in Dingwall and Hamilton—I am sure that there are others—had votes only for the young people. The

wrinklies could advise, but had no votes. That is good and helps to develop the self-esteem and character of young people. Preference should be given to groups such as those.

Early intervention has been mentioned. We have to do more to help truants and excluded pupils. Some parts of Scotland are awash with children who should be at school but who are wandering around, at a loose end and with nothing to do, because they have absented themselves from school, either voluntarily or compulsorily.

In dealing with alcohol problems, we have to offer more help to young people informally to allow them to be involved. Alcohol problems start at a regrettably young age and often lead on to drug and other problems.

A question that was asked during question time is relevant to this debate. It concerned water charges on voluntary groups that include young people. The Executive must confront the real problems that are faced by young people individually and by the organisations that try to help them locally and nationally. Rhetoric is good; but we need action.

16:39

Mr Brian Monteith (Mid Scotland and Fife) (Con): I welcome the debate and the Executive's motion, which will not be opposed or amended, but supported by the Conservatives. Many quality speeches have been made by members of all parties. I do not wish to play down the impact of those that I do not mention, but I especially appreciated the speeches of Fiona McLeod and Jamie McGrigor.

The debate has been generally free of party-political rancour. That is to be welcomed. There is a consensus about support for partnerships that involve voluntary groups, charities, local authorities and state and private provision. Barnardos has been mentioned, as has the Boys Brigade. Such groups have a resonance with politicians in the chamber and with the public.

However, consensus should not mean that we are not analytical or critical, or that we do not ask the hard questions, or that ministers do not make hard decisions. We must be more precise in our language. I may fall foul of it myself, but there is a tendency to use euphemisms and jargon that are understood only by professionals in the field and not by the public or by children. "Looked-after children" is an example. When I use that term—making no judgment—parents seem both puzzled and angry. They see that as insulting because it implies that they do not look after their children.

Scott Barrie: I strongly agree. The term "looked-after children" conveys the idea to a lot of

parents that they are seen as not looking after their children. However, was not it a Conservative Government that wrote that phrase into the Children (Scotland) Act 1995?

Mr Monteith: If I was to take the blame for everything that the Conservative Government did wrong in the past—

Mr Frank McAveety (Glasgow Shettleston) (Lab): We would be here for ever.

Mr Monteith: —Mr McAveety would love me to death. As I said, there is a problem with language that is used and, if it can be judgmental and imprecise, we must ensure that the new language that we use is understood and appreciated.

Much has been said about a children's commissioner. At present in Scotland it is a philosophical idea that, on face value, has much to commend it. However, I retain an inquisitive and sceptical mind—it might mean different things to different people. An ombudsman to speak for children and defend their rights in national and local government would be appropriate. Individuals, such as children, who are otherwise disenfranchised should have a voice, but there could be conflicts between a commissioner and parents. As Lord James said, we think that the definition of a child should be unambiguous.

Irene McGugan referred to smacking—punishment is clearly an area of particular difficulty. It seemed that she was nailing the SNP's opposition to smacking to her political mast—perhaps that could be clarified in the SNP winding-up speech. There is potential for conflict between a commissioner who argues for children's rights and responsibilities and the responsibilities of parents. For example, there are those who think that parents should pay for the crimes of children; there could be conflict if a commissioner was arguing for more rights for children while their responsibilities were being borne by parents more and more.

I welcome today's debate and its constructive nature. We support the Executive in its efforts.

16:43

Michael Russell (South of Scotland) (SNP): The level of consensus in the chamber at some times today, particularly this afternoon is, although immensely encouraging, creating difficulties for people such as Mr McConnell and myself. We come from a generation of political bruisers, who are used to tearing each other's throats out at the slightest encouragement. I am sure that we can find the opportunity to do so again.

Mr McConnell: Different generations.

Michael Russell: If Mr McConnell wishes to

intervene I am happy to allow that. I am older than Mr McConnell, but I have worn better. When one must listen Mr Monteith in consensual mode as well, it really does fairly take the breath away. I suspect that aliens may have stolen Mr Monteith and put a copy in his place.

Mr Monteith: What a compliment.

Michael Russell: Does Mr Monteith want to intervene? The importance of today's debate is shown by the fact that there is no amendment from either of the opposition parties, and by the very high quality of the contributions. I defer to Irene McGugan as the real expert on the matter; she has indicated strongly that the SNP is keen to engage with positive and constructive views from all parties in the chamber to seek the best for Scotland's children.

I want to state my strong support for the Scottish youth parliament, but I have a number of questions that are outstanding to Mr McConnell about its funding. The youth parliament offers a major opportunity to have a body of people who can mirror the work that is going on in the chamber, who can speak for young people in Scotland, and who can learn about the processes of democracy without—as Mr Gorrie so eloquently and no doubt personally put it—the wrinklies being present. It is important that the Scottish youth parliament grows and develops, but it is desperately short of funding and has no full-time workers. That matter needs to be readdressed and I commend that action to Mr McConnell.

My second point is about community schools. I strongly support the initiatives that are being taken on community schools. Every school has the potential to be a community school and to bring a range of disciplines to bear in a community setting, to make sure that health, social work and a variety of other disciplines work constructively with teachers for the benefit of young people. We have to build on that in every school in Scotland, not only in schools that are already so designated.

I was at a meeting with Irene McGugan some days ago at which somebody referred to community schools as being "poor schools". What they were trying to say was that they thought that those schools were not as yet fully fleshed out or developed. We should put time and resources into fleshing them out, because there is a great benefit for young people and for communities in developing community schools. That is another matter in which I will be happy to support Mr McConnell as he develops it, although he is going fairly slowly at the moment—he needs to speed up a little.

The question of the children's commissioner is important. Members of the Education, Culture and Sport Committee will enter into that discussion in a

positive mode, and will support the idea of a children's commissioner. The debate has illustrated one or two of the many roles that a children's commissioner could perform. One particularly interesting role, which we should develop in our debates, is the way in which the Executive's child strategy—which is spreading down into local authorities—could be monitored and reported on by a children's commissioner. The commissioner could be the double lock of progress on the child strategy and I hope that we will enter that idea into the debate. I am also attracted to the idea of the Education, Culture and Sport Committee bringing forward legislation with the support of the Executive. That is something to explore.

There are key things that we want to make sure happen in Scotland. It is good that a strong concern for children and young people—in all stages of their development, in the ways that they develop and in the huge variety of issues, problems and possibilities that they present to society—has been identified across all the parties, albeit with some difficulty here and there. That is something that we can build on. It is, perhaps, one of the good reasons why we have a Scottish Parliament and—as I said at the beginning—old bruisers and warhorses like Mr McConnell and myself will just have to get used to consensus.

16:47

The Minister for Health and Community Care (Susan Deacon): I welcome today's debate and the tone and substance of the discussion. It has been a relatively short debate, but all members who have spoken should be congratulated on covering so much ground. I know that I will be unable to respond to all the points that were raised. However, ministerial colleagues and I will take away the many and varied points, comments and suggestions that have been made, to inform our thinking as we continue to develop policy and take action for the benefit of Scotland's children and young people. Although it may have taken some time to hold a debate specifically on children's services, we should note that many debates in the Scottish Parliament have had the needs of children at their core. It is testament to the devolved Scotland that we have all been thinking carefully about the current and future needs of our young people.

I am conscious that many of the issues that have been raised and the services that have been addressed focus on the problems that young people face and how those are dealt with. Those issues are important and I note, for example, the many comments that have been made on the children's panel system and on wider issues in relation to youth crime. I know that justice

colleagues are interested in considering such matters. However, the important message from today's debate, on which I am pleased to note that members agree, is that we should prevent problems from arising. There is a need for early intervention across policy areas and services to ensure that as far as possible problems do not occur in the first place.

One of the themes that underpin the Scottish Executive's policy is the desire to act, to act early and to prevent; not just to cure. That is why, in the agenda for children, the maternity services framework that I launched a couple of weeks ago is every bit as important as our education policy. All those elements combined have an impact on our children's future.

It is important that we have services across the range of areas that are necessary to support young people and parents. Part of getting those services right is investment, and I am pleased that we have made children's services a priority across the Scottish Executive. For example, we are investing £42 million over three years in sure start Scotland to give broad-based support to families with young children; £12.5 million this year alone in the children's services development fund; and more than £100 million over three years in the national health improvement fund, a core priority of which is services to improve children's health. More than £70 million is being invested in the children's services change fund—which Jack McConnell spoke about in detail in his opening remarks—the consultation paper for which has just been published.

The significance of those investment packages and the children's services change fund is that they address the point that many members have touched on, which is that the matter is not just about providing more services, it is about making sure that agencies work together effectively to provide better services. To be frank, for too long people have been made to fit services, rather than services being made to fit people. That is what we want to change with the investment packages, by ensuring that agencies must come together to access resources, not just throughout statutory agencies, local authorities and the NHS, but throughout the voluntary sector. We recognise that that sector is involved in effective partnerships across all those areas, which will make a difference.

Fiona McLeod: I gave an example of a good cross-sectoral project in East Dunbartonshire. Will there be Scottish Executive funding for external evaluation of that project?

Susan Deacon: I am unable to give a specific answer, but I would be happy to write to Fiona McLeod with details. However, a common theme that runs through Executive policy is the desire to

recognise good practice when we see it, to support it, and to make sure that innovative practice does not occur only in pockets, but is translated into universal practice. That is one of the key themes of the children's services change fund, which I am delighted we are developing.

It is important that, as we provide more and better services, we do not think only about quantity, but about quality. A number of members talked about the standards of service and care that are offered to young people. It is important in that context to remind members of the importance of the Regulation of Care (Scotland) Bill, which is being considered by Parliament. We often hear references to that bill in relation to the care of older people, but it is crucial to remember that the bill also covers many other groups, notably young people.

Michael Russell: On that point—which was very well made—I notice that the Minister for Parliament is in his seat. I hope that he will note that the Education, Culture and Sport Committee has made a request to be involved in later stages of the bill, along with the Health and Community Care Committee. The fact that the Minister for Education, Europe and External Affairs and the Minister for Health and Community Care opened and closed the debate today symbolises the need for the involvement of the Education, Culture and Sport Committee and the Health and Community Care Committee in the bill.

Susan Deacon: The precise detail of how the bill is considered and by which committees is a matter for others, but the general point that Mike Russell makes, which is the need for us to work across traditional divisions and across portfolios in order to ensure that we formulate the best possible policies and, where appropriate, the best possible legislation, is one with which we all agree. We have worked hard in the Parliament and the Executive to ensure that we work across boundaries.

As I said, the Regulation of Care (Scotland) Bill will be key to ensuring that the quality and standard of young people's care are at the level at which they ought to be. The bill will include residential care for children, adoption and fostering agencies, and secure accommodation for children, as well as day care and early education.

Part of our agenda is to provide more services, and part of it is to provide better services. The agenda is aimed at providing the highest possible quality of care and services. Many members touched on how best to achieve that. I echo what many members have said: the Executive believes that actions are more important than words. Our primary concern in considering the right mechanisms for taking forward change is ensuring that we get the best outcome.

We know that there is a great deal of support for the principle of a children's commissioner. As Jack McConnell said, the Executive is sympathetic to that idea. However, we said today, and we will continue to say, that we must be clear about the functions of that position and about how it will add value. I am pleased that many members echoed those points.

I am pleased that Elaine Smith and other members stressed the importance of listening to young people when developing young people's services. When I have met groups of young people in my activities as Minister for Health and Community Care and given them an opportunity to comment on and contribute to the development of services, I have been struck by how actively and enthusiastically they have taken part in that debate and dialogue. Throughout the Executive, we are committed to continuing to develop work through the youth parliament and the action programme for young people, for example. We will continue to listen to young people and to give them a voice.

Put most simply, our children are our future. We must all work together to give all our young people the best start in life. The legacy of the Parliament must be not only what we do for this generation, but what we leave behind for the next. That is the Executive's determination. We are determined to do that in partnership, across portfolios, between ministries and between Governments—across the UK where appropriate. We are determined to deliver a fairer, better Scotland for our young people. I will end on a note of agreement with the SNP. As Irene McGugan said, we are and we want to be radical and ambitious. We owe that to our young people. The Executive is committed to continuing in that spirit in the years to come.

The Presiding Officer (Sir David Steel): That concludes the debate. I apologise to the minister; the stop-clocks are not working. That applies to the next item of business on which we will embark.

Parliamentary Bureau Motions

16:57

The Presiding Officer (Sir David Steel): There are two Parliamentary Bureau motions for consideration. [*Interruption.*] Order. The chamber should pay attention to this. The first is motion S1M-1665.

Motion moved,

That the Parliament agrees that the following instruments be approved—

the draft Code of Representations for the Welfare of Livestock: Sheep (SSI 2001/58);

the draft Budget (Scotland) Act 2000 (Amendment) (No 2) Order 2001;

the draft Number of Inner House Judges (Variation) Order 2001; and

the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment (No 2) Regulations 2001.—[*Tavish Scott.*]

The Presiding Officer: The second is motion S1M-1666.

Motion moved,

That the Parliament agrees that the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2001 be approved.—[*Tavish Scott.*]

The Presiding Officer: I have received notice that Phil Gallie wishes to oppose the motion. He has three minutes, which I will time.

16:58

Phil Gallie (South of Scotland) (Con): The draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2001 provide an additional right of access to civil legal aid. The addition will help a member of a proscribed terrorist organisation to appeal against that proscription. Given—sadly—the apparent wealth that backs most proscribed organisations, any such individual is likely to have more than adequate covert resources behind him or her. I stress the word covert. Therefore, the Executive has got its priorities wrong.

Access to civil legal aid is a bone of contention for the Parliament. I guarantee that angry constituents who have been rejected for civil legal aid have approached almost every member. Members have repeatedly referred to shortcomings in the availability of civil legal aid.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP) *rose—*

Phil Gallie: We consider issues that involve abused wives and partners. They have been debated many times, but many such individuals

are turned away from civil legal aid. Elderly people who have been swindled by unscrupulous traders can be debarred from civil legal aid, as can those who seek to rectify equal opportunities situations.

Alasdair Morgan *rose—*

Phil Gallie: How can we in the chamber determine that those who are involved in proscribed terrorist organisations should take preference over some of the cases to which I have referred? [MEMBERS: "Give way"] How can we—

The Presiding Officer: He is not giving way.

Phil Gallie: How can we in this place determine such a thing? I will give way.

Alasdair Morgan: Will Mr Gallie confirm that anyone who, as a result of the order, applies for legal aid must first convince the Legal Aid Board that they have a reasonable case, just as they would have to do in applying for any other grant of civil legal aid?

Phil Gallie: That is absolutely right. That applies whether the person who is making the application for legal aid is elderly and concerned about defective trading, or whether the person happens to be an abused wife or partner. However, such people are not currently allowed legal aid, yet here we are adding in people who are alleged to be members of proscribed organisations. I believe that that is wrong. I believe that it will be absolutely shameful if the Parliament backs the motion. I ask members to examine their consciences and stand against the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2001.

The Presiding Officer: Order. I must appeal for quiet in the chamber. This is a very short but important procedure.

17:01

The Deputy Minister for Justice (Iain Gray): Not for the first time, of course, Phil Gallie absolutely misrepresents the position. First—as the convener of the Justice 1 Committee, Alasdair Morgan, has pointed out—any application for civil legal aid requires a test of reasonableness and, further, a test of probable cause and, indeed, financial eligibility. Anyone who had alternative resources would not qualify for civil legal aid.

Secondly, it is important to recognise that the purpose of the instrument is to ensure that there is a proscription regime that is consistent throughout the UK. Its application in Scotland would be in the case of a group that was based in Scotland that was proscribed—of which there are none, and of which we expect there to be none. However, it seems prudent to ensure that the position is consistent.

Thirdly—and most important—the purpose of

the instrument is to ensure that no terrorist organisation benefits from a legal technicality. That is its purpose. That is its priority. It is an entirely proper purpose and priority for us to support this evening.

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are eight questions to put to the chamber today. The first question is, that amendment S1M-1621.1, in the name of Murray Tosh, which seeks to amend motion S1M-1621, in the name of Bruce Crawford, which is a motion of no confidence, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 16, Against 102, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-1621, in the name of Bruce Crawford, which is a motion of no confidence, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)

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

ABSTENTIONS

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

The Presiding Officer: The result of the division is: For 33, Against 70, Abstentions 16.

Motion disagreed to.

The Presiding Officer: The third question is, that amendment S1M-1656.1, in the name of Jack McConnell, which seeks to amend motion S1M-1656, in the name of Michael Russell, on the future of Scottish education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 69, Against 48, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The fourth question is, that amendment S1M-1656.2, in the name of Brian Monteith, which seeks to amend motion S1M-1656, in the name of Michael Russell, on the future of Scottish education, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 102, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that motion S1M-1656, in the name of Michael Russell, on the future of Scottish education, as

amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 70, Against 16, Abstentions 33.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the acceptance of the McCrone settlement by Scottish teachers and looks forward to a new era of co-operation and consultation between government, teachers, parents and education authorities;

believes that world class education is essential to give every child the best possible start in life and is critical to the future prosperity of Scotland; welcomes the clear vision that puts the interests of the child at the centre of the improvement of Scottish education embodied in the Standards in Scotland's Schools etc Act 2000; and recognises the clear priority which the Executive has given to raising standards and promoting ambition for all.

The Presiding Officer: The sixth question is, that motion S1M-1663, in the name of Jack McConnell, on children's services, be agreed to.

Motion agreed to.

The Presiding Officer: The seventh question is, that motion S1M-1665, in the name of Tom McCabe, on the approval of instruments, be agreed to. Are we agreed?

David McLetchie (Lothians) (Con): On a point of order, Presiding Officer. Have there not previously been discussions as to whether, when a member indicates that he or she does not approve of a particular order, there should be a separate vote on that order?

The Presiding Officer: Having had notice that a member wanted to oppose one of the orders, it was taken out of the main motion. The question that I am putting now is on the three orders that were not opposed. Is that clear? I invite you to look at motion S1M-1665 in the business bulletin, Mr McLetchie. You will see what I mean.

I shall put the question again. The seventh question is, that motion S1M-1665, in the name of Tom McCabe, on the approval of instruments, be agreed to.

Motion agreed to.

The Presiding Officer: The eighth question is, that motion S1M-1666, in the name of Tom McCabe, on the approval of regulations, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)

Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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

The Presiding Officer: The result of the division is: For 100, Against 15, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2001 be approved.

Hospices

The Presiding Officer (Sir David Steel): We come now to the final item of business, which is a members' business debate on motion S1M-1614, in the name of Trish Godman, on hospices. Members who want to take part in the debate should indicate that now. Members who are not staying should leave very quietly.

Motion debated,

That the Parliament praises the contribution of hospices across Scotland in providing loving care and support to both patients and their families; acknowledges the contribution of staff, volunteers and local fundraisers to the hospice service; believes that the health boards should meet 50% of the running costs of hospices set out in Management Executive Letter NHS MEL (1994) 104, and urges the Scottish Executive to address the funding shortfall for Scotland's only children's hospice, Rachel House in Kinross.

17:10

Trish Godman (West Renfrewshire) (Lab): Today we spent some time discussing children's issues in education and children who are being looked after. It is therefore apposite that we should finish today's business by considering hospices, in particular the children's hospice.

It is predicted that in the next 10 years there will be an increase in the incidence of cancer but that, as a result of improvements in treatment, there will be a reduction in mortality. People, many of them frail and elderly, will live longer with cancer, requiring palliative care over a longer period. Scotland's voluntary hospices play a key role in the provision of palliative care for those people and their families and, to an increasing extent, for people with other life-threatening conditions.

What is palliative care? The World Health Organisation tells us that it affirms life and regards dying as a normal process; neither hastens nor postpones death; provides relief from pain and distressing symptoms; integrates the psychological and spiritual aspects of patient care; offers a support system to help patients to live as actively as possible until death; and offers support to help the family to cope during the patient's illness and with their own bereavement.

I want to address three issues: first, Rachel House children's hospice in Kinross, funding and regulation. Rachel House currently receives approximately 9 per cent of its funding from health boards. In general, hospices received funding for their first three years from the Scottish Office, but thereafter they were to negotiate funding with health boards and local authorities. They have been negotiating with local authorities for 12 months. So far, agreement for funding has been

reached with 23, three have said no and six have not made up their minds.

There is a great need in Scotland for palliative care among families who have children with life-threatening illnesses. All of us in the chamber will have coped with the death of either a friend or a member of our family. I must be honest. I do not know how I would cope with the death of a child or with the knowledge that my child would not grow up and live to a ripe old age. From birth, we cherish every moment—the laughter, the crying, and the frustrations. None of us would ever be without our child. I am sure that no one in this chamber can begin to understand the anguish of a parent who knows that they may soon have to say goodbye to their child.

I turn now to Rachel House. I want to pay tribute to the *Daily Record's* campaign to raise funds for Rachel House, to the editor who took the decision to run with the story, to the features writers who did the hard work, and to the real heroes, the *Daily Record* readers who gave so generously.

It is hard to imagine anyone being able to walk away or turn their back on children who have life-threatening illnesses. We must admire the determination that means that, in spite of all the difficulties, the children's hospice movement in Scotland has announced plans to build a desperately needed second hospice. The six-acre site in Balloch has been chosen, set in Scotland's new national park. The Children's Hospice Association Scotland is mounting a £2 million fund-raising campaign. The *Daily Record* must be congratulated again for its support of the second hospice, in addition to securing the annual £1.6 million running costs. The new hospice will have a special unit for teenagers, as experience of providing care at Rachel House has taught that teenagers have different needs.

Let me turn now to regulation. Rachel House and other hospices offer holistic care to the whole family. The skills of the multi-professional specialist palliative care team in the hospice can often be brought into play early in a patient's illness to help with the management of pain or to help with the social or psychological effects of the illness on the family. Every member of the family needs support at this time.

I am aware that the Executive will discuss regulation at a meeting with the hospice representatives next week. I appeal to the minister to ensure that Rachel House and all of Scotland's hospices retain the flexibility in service provision that allows them to meet the needs not only of the patient but of the family.

I will speak briefly about my own area. Renfrewshire and Inverclyde have three hospices—the Accord, the Ardgowan and St

Vincent's. St Vincent's is situated in Howwood in my constituency. In 1982, it had a visiting service in the whole of Renfrewshire.

A woman from Elderslie was discharged from the Royal Alexandra hospital in Paisley. She was dependent on friends and neighbours popping in to help. It soon became clear that she needed more care because of her deteriorating health and she was moved to St Margaret's hospice in Clydebank, as there was no suitable service in Renfrewshire. That woman's experience was the impetus behind the fundraising campaign that began on 25 January 1988.

St Vincent's hospice is an eight-bedded inpatient unit. It also provides eight day-service places and home respite to 12 patients per week. The only criterion for referral is that the patient have a life-threatening disease. All services are provided free of charge and delivered by a team of 56 staff, 20 relief staff and 80 volunteers. I take this opportunity to thank all those people—the fundraisers, the nurses, the drivers and the people who work in the six fundraising shops—for all that they do.

I turn to funding. We have 15 hospices in Scotland—13 care for adults, Rachel House cares for children and there is a hospice for sufferers from HIV and AIDS. They are independent voluntary organisations with charitable status and are funded mainly by their local communities. Funding is the main issue for St Vincent's and the other hospices throughout Scotland.

As I state in the motion for this debate, management executive letter NHS MEL (1994) 104 sets out 50 per cent as the health board contribution to agreed costs. The sad fact of the matter is that health boards throughout Scotland have failed to meet that target: they provide an average of only 39 per cent of running costs. We have not even reached the point of a formula for agreed costs. Indeed, there are even differences in the hospice movement as to what should be included in agreed costs. For the less-well-off hospices, such as St Vincent's in my constituency, it is important that expenditure such as fundraising and education is included in agreed costs. The situation puts enormous strain on hospices and makes it difficult for them to plan and develop services.

Rightly, the Executive has made fighting cancer and investing in treatment and services for that a priority. I would be interested in hearing where the minister sees hospices fitting into that strategy.

On the cost of drugs, an area of concern that hospices have raised is the anomaly that exists when patients require to have drugs prescribed during their stay. The cost must be met by the hospice if it employs a doctor; if it does not employ

a doctor it does not have that additional cost. The real anomaly is that many of the patients would not be paying for their prescriptions if they were at home. I ask Malcolm Chisholm to address that issue. Hospices deal with a cinderella area, which traditionally has been, if not ignored, underfunded and isolated. It would be tragic if we lost some hospices because of funding difficulties.

Hospices want two things from the Government. First, they want to be able to predict what funding arrangements will be, not for one year but for several years. They do not expect to be 100 per cent funded—they would not want to be—but they want predictability. If the minister can provide the hospice movement with predictability on the level of funding over several years and certainty in its relationships with other health care provision, it will get on and provide an excellent palliative care service.

It takes a special person to care for the special people who find themselves in need of hospice care. How we treat the sick is a reflection of our society. As I have said, it would be tragic if we lost some hospices because of lack of funding; we cannot let that happen. Time is precious for the residents of hospices—we must find the time to address the issues that we debate this evening.

17:19

Mrs Margaret Ewing (Moray) (SNP): I congratulate Trish Godman on securing this very important debate. All members will recognise the sincerity and emotion with which she has addressed the issue. It is an issue that many of us do not want to face up to; however, hospices in all their forms are a huge asset to patients, families, friends and relatives. I am glad to see our colleague Dennis Canavan, who has experienced the loss of a child through cancer. To anyone who is listening to or will read this debate, I must say that hospices are wonderful places to go to and are a joy to behold. If ever I were in that situation, I would want to be taken to a hospice.

The immediate, and very important, issue raised by Trish Godman relates to children's hospices. As I live in the Balloch area, I cannot think of a better place for children and I hope that the second hospice will become a possibility.

I should tell Malcolm Chisholm, who will be summing up, that I recall discussing this issue in the House of Commons, and it was said at the time that the Government would match every penny that was raised by local communities. Those communities spend much time fundraising for hospices. Although Malcolm Chisholm might not regard Michael Forsyth as a hero, he might take him as an example. A penny-for-penny match would be very helpful for the situation in Balloch.

A day hospice campaign that has been running in my constituency for more than six years has attracted huge support across the whole spectrum of life in Moray, and we are hoping to have the day hospice in operation by 2003. However, one difficulty that the minister might address in his summing-up is the VAT levy on new build for hospices. Last year, I wrote to the Chancellor of the Exchequer about VAT relief on hospices. Although taxation is a reserved matter, perhaps the Scottish Executive and the Scottish Parliament could put a little bit of pressure on Westminster as far as this issue is concerned.

The relevant provisions are contained in section 30(2) and schedule 8, group 5—as substituted by SI 1995/280—of the Value Added Tax Act 1994. Removing that burden from the hospice movement in Scotland would also remove the possibility of a bill of £250,000 in my area for the build and running of a hospice. As the chancellor appears to be in a good mood and is looking forward to delivering his budget on 7 March, he should not only phone a friend, but listen to the audience of this Parliament. It would be a simple act, but it would be hugely kind to all those who are suffering.

Finally, will the Executive have a role in new opportunities funding? Furthermore, will that funding include a budgetary aspect to ensure that hospices in Scotland receive moneys that will enable them to provide this much-needed facility in all of our communities?

17:24

Mary Scanlon (Highlands and Islands) (Con):

I thank Trish Godman for giving us the opportunity to raise awareness of and debate the hospice movement in Scotland. Furthermore, I commend her for her compassionate and extremely competent proposal that we are debating tonight. I also want to commend the cross-party group chaired by Michael McMahon in the work that it has done, is doing and is planning to do about raising awareness of palliative care in this Parliament.

In the light of the Regulation of Care (Scotland) Bill, members had the opportunity this week to question the Deputy Minister for Health and Community Care on whether the hospice movement would come under the regulation of care. I ask Malcolm Chisholm to tell us, in winding up, whether a hospice will come under the title of independent hospital in section 55 of the bill, as that would be helpful.

Trish Godman has mentioned a few points that I was going to raise. I shall quote from the Scottish health plan. It says that the Scottish Executive

“will ensure that effective palliative care services are

supported”

and

“will expect NHS Boards to work closely with hospices to ensure that people's care needs are met”.

None of us would disagree with that. However, it is difficult to pinpoint where the 50 per cent funding will come from. I have been in touch with Trish Godman today. She perhaps has documents that I do not have. We need clarity on that issue, not only for this year but to plan for the future.

In Inverness, the Highland Health Board currently meets only 27 per cent of the Highland hospice running costs, which is the lowest percentage of any health board in Scotland. The current running costs are £1.7 million and there will be substantial salary increases. That is a very worrying situation, and the focus should be on care rather than on expending time and energy on finances and fundraising.

The funding is not to stand still. Members know what has been said about our hospices in Scotland: they want to move forward and develop their services. The Highland hospice has also raised the issue of the hefty increases in water charges that organisations face. That increase was 43 per cent last year and will be 12 per cent this year. My colleague John Scott has reminded me that the water charges for the Ayr hospice are currently nil. However, the hospice will have to pay £20,000 on a transitional basis, over five years, starting with £4,000 next year. That is a crippling bill for a hospice to face, given its remit.

MEL 104 originally applied only to adults, which fact has created difficulties for the children's hospice movement. Although adult hospitals tend to be regional, the children's hospice movement is undoubtedly national and a special case. Rachel House receives only 17 per cent of its funding from statutory sources. The remaining 83 per cent comes from fundraising and endowment interest. I ask the minister to give us further clarification on whether the 50 per cent funding is a target and the agreed level of funding. Although I am sympathetic and compassionate, I do not think that the hospice should simply send the Executive a bill for 50 per cent of its costs each year. I agree with the point that is made in the directive, that there should be an agreed level of costs, and we have a responsibility to clarify what constitutes agreed costs and core funding.

As with all care and treatment services, there is no doubt that greater integration of the hospice service would benefit all, including the patients, and lead, as Trish Godman said, to a much more compassionate approach to the end of life.

17:29

Mr Keith Raffan (Mid Scotland and Fife) (LD): I congratulate Trish Godman on securing this debate and commend her on the extremely eloquent way in which she introduced it.

Of all the constituency visits that I have made as an MP and an MSP, few have been as impressive or as moving as the morning that I spent at Rachel House in Kinross. It is impossible to exaggerate the value of the care and support the hospice gives children with life-limiting, life-threatening and terminal illnesses, and to their families. It is impossible to overestimate the importance of the respite care and short-term breaks that Rachel House provides for the parents and the brothers and sisters of those children who are so ill.

On a personal note, I only wish that Rachel House had existed just over 40 years ago during the tragically brief life of my younger sister. I know how much my late mother, herself a doctor, would have valued the support given to parents by Rachel House during the appalling trauma of caring for a dying child. Rachel House is a home in the truest and warmest sense of that word. However, we face a paradox: it is impossible to place a value or a price on that home's caring and supportive role yet it has had to struggle constantly to find enough money to cover its running costs. I understand that the current level of statutory funding for adult hospices in Scotland is 40 per cent.

Last year, as Trish Godman said, Rachel House received only 9 per cent in statutory funding and had to raise the rest from voluntary donations. I understand that this year, as Mary Scanlon suggested, the situation has marginally improved and that about 17 per cent of Rachel House's income was statutory funding, thanks to the increased contribution from local authorities. However, Rachel House's statutory funding has never been higher than 25 per cent—half each from health boards and councils.

I not only endorse, but passionately support, the belief expressed in the motion: that at least 50 per cent of the running costs of hospices should come from health boards—in other words, from general taxation. That is crucial if a second children's hospice is to open in Scotland as soon as possible. CHAS recently announced that it has acquired a site at Balloch, as Margaret Ewing mentioned. It has already reached the half-way mark in its campaign to raise £10 million towards the construction of the hospice and an endowment fund to cover its running costs. It is only right to pay tribute to the admirable campaign run by the *Daily Record* in support of that attempt.

The Scottish Government must do everything it can to support the wonderful work that hospices

do. That is not only the right thing to do; it is the just and honourable thing to do. As a former member of the Finance Committee, I know the many and heavy demands on the Scottish block and on the NHS budget in particular, but—and I hope that the minister will agree—there can be no worthier cause and there should be no higher priority than this one. The true mark of a civilised society is how we care for those in greatest need and there can be no greater need than that of a dying child.

The Deputy Presiding Officer (Patricia Ferguson): A number of members want to speak in this debate so I ask members called from here on in to restrict their comments to about three minutes.

17:32

Dennis Canavan (Falkirk West): I congratulate Trish Godman on securing this debate and pay tribute to the hospice movement throughout Scotland. We have a duty to ensure that hospices are adequately resourced and I wholeheartedly support the point that Margaret Ewing made about VAT relief.

The motion refers to a Scottish Office letter of 2 November 1994, which recommended that health boards meet 50 per cent of the running costs of hospices. I recall vividly when that letter was sent out because I was the vice-chair of the all-party hospice group in the House of Commons. I assure members of this Parliament that colleagues south of the border were envious of the settlement in Scotland as contained in that letter. They still are envious, as there is no such provision south of the border.

I understand that a few hospices in Scotland are 100 per cent funded by the NHS, but most are dependent on voluntary donations. I recall speaking to people in the hospice movement some time ago about whether that figure of 50 per cent of the running costs should be higher. To my surprise, some were not keen on the idea, arguing that if the hospices were 100 per cent funded by health boards, the health boards would control them and the hospice would have to compete with other NHS services for adequate resources and that the link with local communities could be weakened because part of the link is forged by voluntary giving, whether of money, time, effort or all three.

I attended the inaugural meeting at Strathcarron hospice, in my constituency. It was set up by the late Dr Lyon back in the 1980s. I can vouch for the fact that Strathcarron is very highly thought of by the local community, not just in Denny but throughout that part of central Scotland, which the hospice serves.

My youngest son spent his last days there, as did many of my dearest friends. Finally, I would simply like to place on record my thanks to the staff at Strathcarron hospice for the support that they have given to me and my family, and to many other families—I am sure that there are many other families throughout Scotland who could tell a similar story.

17:36

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I congratulate Trish Godman on prompting today's debate. As the convener of the cross-party group on palliative care, I cannot commend enough the work that is done by the hospice movement. I thank Trish for giving us another opportunity to highlight its work.

Hospices are essential for the provision of quality of life to adults and children who suffer from a host of illnesses. Having visited a number of hospices, including Rachel House, I am aware of the high level of commitment and dedication among staff, and I take this opportunity to pass on my full support and thanks to them for that. The dedication of the carers, volunteers and fundraisers is remarkable and must have the Parliament's support.

As independent voluntary organisations with charitable status, hospices receive an average of 39 per cent of their running costs from the NHS. They are highly dependent on funding from their local communities and I commend all the fundraisers who give their time, effort and money for this important cause. I am aware of the high quality of service offered by the hospices and of the expertise that has been built up over the years by skilled multi-specialist professionals, carers and volunteers, who not only care for the sick, but attend to the social and psychological needs of the families who are affected by having individuals with illness.

The range of services that is offered by hospices is tremendous and includes not only terminal care and pain control but palliative respite care, combination therapies and post-acute and respite care for social, emotional, psychological and spiritual needs.

The hospice movement has come a long way, but much more still has to be done to meet the ever increasing complexity of palliative care needs. I join Mary Scanlon and other members in calling for the minister to provide details on the Executive's intentions to ensure that health boards meet their target for the provision of 50 per cent of the running costs of hospices. Will the Executive give a commitment to address the funding shortfall for Scotland's only children's hospice, at Rachel House?

In my discussion with the Scottish Partnership Agency for Palliative and Cancer Care, I understand that it is the minister's intention for hospices to be regulated by the proposed Scottish commission for the regulation of care, the setting-up of which is of course welcomed by the hospices. At present, hospices are regulated in the same way as nursing homes. The hospices feel that that is totally inappropriate for the care and service that they provide. Can the minister confirm what the Executive's intentions are in this regard?

It is important that the terms of the Regulation of Care (Scotland) Bill make it clear where hospices fit into the new regulatory system and that hospices' future regulation by the Scottish commission for the regulation of care be undertaken against standards that are developed specifically for hospice care. Ideally, that would be done by a commission team with particular knowledge and understanding of palliative care. Hospices should have the opportunity to contribute to the development of the standards against which they are to be regulated.

I understand that hospices, like other charities, currently enjoy relief from water charges. The Minister for Environment, Sport and Culture announced last Friday that that relief was to end. I ask the Executive to note that hospices provide their services free of charge and would find it difficult to pass on such costs to the patients and families for whom they are trying to provide. I request that the Executive reconsider that recent measure.

I again congratulate Trish Godman on securing the debate, which has allowed me to raise those points, which the hospice movement hopes will meet with a positive response from the minister.

17:39

Shona Robison (North-East Scotland) (SNP): I congratulate Trish Godman on introducing such a very important motion for debate today.

I first went to a hospice—Strathcarron—on a school visit when I was in my teens. Some of us were apprehensive about what we would find there—I think that children have a fear of death. We found a warm place with caring staff. We realised that it was a place of life rather than death, as so much was going on and it had a calm, safe atmosphere. That feeling has stayed with me. Such visits should be encouraged as they allay fears and are very positive experiences for young people.

I will address a couple of the issues relating to the hospice movement that Trish Godman outlined. The question of funding has to be resolved, as stable funding is required. We must ensure that health boards fully meet their

commitments to provide 50 per cent of the running costs of hospices. From speaking to people in the hospice movement, I know that hospices want to retain their independence. If health boards meet that commitment, hospices will be able to be independent and have the stable base that they need so that they are not in constant fear of funding crisis. I hope that the minister will tell us that he will act on that point.

The problem of annual negotiations with local authorities also has to be addressed. Perhaps we should consider a requirement for local authorities to contribute rather than a voluntary arrangement. At the moment, the situation is one of treatment by postcode and hospices may be unable to continue to operate in a particular area. That cannot be allowed to happen.

Finally, I will address the issue of prescription drugs, which Trish Godman outlined clearly. We cannot have hospices being required to pay for prescribed drugs while people are staying with them. That requirement takes away a sizeable chunk of their scarce resources, which they have worked so hard to raise. I hope that the minister will address that point.

I end by paying tribute to the *Daily Record* readers who have contributed so much to the funding of Rachel House, and to the thousands of other people who contribute regularly and ensure that our hospice movement continues.

17:43

Dr Richard Simpson (Ochil) (Lab): I, too, congratulate Trish Godman on securing the debate. The children's hospice is in my constituency and I, too, have visited it and found it to be a place of great warmth and support to families. I congratulate CHAS on finding a site at Balloch for its second home, which I hope will be funded and supported.

In a week in which I have had my troubles with the *Daily Record*, it may seem strange for me to say that on this matter I think that the newspaper got it right. I congratulate its readers on raising funds for Rachel House.

The funding of the children's hospice has been a different issue from funding for the national hospice movement. I think that it needs to be treated differently. I suggest to the minister that the children's hospice is a national resource and should remain so, even when the second site is established. It was a mistake to make it the subject of negotiations with 15 health boards and 32 local authorities. That is a waste of time that could be applied to clinical work. I ask the minister to consider making it a national resource and to reach a separate agreement with the children's hospice.

On hospices generally, I congratulate the minister on reaffirming at the recent annual general meeting of the Scottish Partnership Agency for Palliative and Cancer Care that the 50 per cent funding arrangement which, as Dennis Canavan pointed out, is unique to Scotland, has been continued. We need a national framework of agreed expenditure. The hospice movement needs to bite the bullet. No department can afford to write blank cheques.

My local hospice in Strathcarron—of which I was chair for some time—believes that there are some areas of care in which the health board wants to develop palliative care in a particular way. The health board rather than the hospice should be 100 per cent responsible for such funding.

Equally, there are elements that the hospice wishes to develop and that the health board is not keen to develop. They should be 100 per cent hospice developed. For those areas that are agreed service developments, however, the 50 per cent level should be applied. I urge the minister to consider that.

The cost would be £3 million if all the current Scottish hospices were moved to a 50 per cent funding basis. That is £1 million additional funds each year over the next three years, rising to £3 million if funding were made over a three-year period. That does not seem to be a lot to pay for a resource which, in its connections to the local people in each area—to which Dennis Canavan has alluded—is fundamental to the sort of support that we need for our public services.

I want to finish with a brief case history. When I was practising psychiatry, I was faced with a patient who presented at the age of 37 with profound depression that came out of a clear blue sky. There was no evidence of any reason for that depression. As we gradually discussed the situation, it emerged that when the patient was 12, his father had died at the age of 37. The child had been excluded from the process of that death; he had been sent to live with an aunt away from the prolonged cancer death that his father suffered in considerable discomfort at home.

His father wanted that because he wanted to remain in the child's memory as strong, fit and active and because he was ashamed of the weakness associated with cancer death. The child was sent away for perfectly good reasons, to protect him from the process. The depression, however, told me that we cannot protect people from the realities of life; that death is part of the reality of life; that medicine can stave off death only for a period.

The hospice movement has reawakened the basic knowledge that death is part of life. In reaffirming life for as long as life goes on, the

hospice movement pays a major contribution to our culture and attitudes. We need to support it.

17:47

John Scott (Ayr) (Con): My speech will be brief. I, too, wish to congratulate Trish Godman on securing the debate.

In Ayr, we are lucky to have two hospices. The Ayrshire hospice is a terrific institution and the Malcolm Sargent House in Prestwick is brilliant. Malcolm Sargent Houses do tremendous work, not only in Scotland but throughout the UK. They take children and their families for what is often a final holiday, allowing the family to be together. I cannot commend that organisation strongly enough to the chamber.

I back up comments made by other members about water charges. If the charge for the Ayrshire hospice is £20,000, I assume that a similar charge will be imposed on the Malcolm Sargeant House. Funds are hard enough to raise without having to pay for water charges of £40,000.

I also add my voice to those who seek 50 per cent matched funding for those venerable institutions and I support the request for VAT relief for hospices.

We must also applaud the good work, which I have seen at first hand, of those who raise funds, those who work in hospices and those who make life better and more bearable at the end for people who so desperately need hospice services.

17:50

The Deputy Minister for Health and Community Care (Malcolm Chisholm): I have no hesitation in endorsing a motion that praises the contribution of Scotland's voluntary hospices—a motion that Trish Godman spoke about so movingly. No one can be in any doubt about the magnificent job that those hospices do. I welcome this opportunity to place on record the Executive's appreciation of the fine work that is undertaken by hospice staff. The Executive acknowledges the outstanding contribution of the many volunteers in our hospices, whether providing services to patients or helping to raise funds.

If the voluntary hospices are to remain in the vanguard of service development, they need to be sure about their funding. They need to know that their funding will allow them to provide agreed services and to provide services of the very high quality that we associate with them. They need security if they are to plan future developments. That is what the hospice funding agreement is intended to provide. The basis of that agreement is management executive letter MEL (1994) 104, to which the motion refers specifically. Although

that letter is now nearly seven years old, its terms are still in force today. That is something that we can all be proud of. In spite of the political and constitutional changes that those years have seen, we as a country have remained staunch in our support of our voluntary hospices and what they stand for.

We expect NHS boards to work closely in partnership with hospices to ensure that people's care needs are met. As Mary Scanlon reminded us, that is reaffirmed in "Our National Health: A plan for action, a plan for change". The target of health boards meeting 50 per cent of agreed running costs remains in force.

Changes in the types of service that are provided by hospices have meant that, in some cases, what the hospices are keen to do has got out of kilter with the range of services that health boards are willing to fund.

Mary Scanlon: Will the minister give way?

Malcolm Chisholm: In a moment.

I appreciate the concern that, on average, health board funding of hospices' annual running costs stands at 39 per cent. I also appreciate that that average masks a fairly wide variation. The Executive therefore welcomes the joint efforts by the health department and the Scottish hospices forum to review the baseline—the agreed level that Richard Simpson referred to—against which the 50 per cent target should be calculated.

Mary Scanlon: I am pleased that my intervention was delayed, because the minister may have answered my question. I was going to ask how we can make progress towards achieving the 50 per cent target. What sort of sanctions can be applied, or encouragement given, to health boards such as Highland Health Board, which contribute only 27 per cent to Highland hospice?

Malcolm Chisholm: I am glad that Mary Scanlon has acknowledged the continuing work of the forum and the department in terms of the baseline. She will realise that the autonomy of health boards in making funding decisions often comes up. The significant thing is that the target is still in place.

We are keen to work with the Scottish hospices forum to develop a framework that, while promoting consistency for hospice funding across Scotland, will be flexible enough to take account of local circumstances. We want to promote a partnership between health boards and hospices without inhibiting innovation on either side.

Before I talk about specific issues relating to the Children's Hospice Association for Scotland, I want to respond to a couple of specific points. On the Regulation of Care (Scotland) Bill, I repeat what I said to the Health and Community Care

Committee yesterday. There is a commitment to establish a separate division within the Scottish commission for the regulation of care to cover independent health care. That will include the regulation of hospices.

Dr Winnie Ewing (Highlands and Islands) (SNP): Will the minister give way? My question is about water charges.

Malcolm Chisholm: I have only seven minutes and I may run out of time. I will take Dr Ewing's intervention in a minute, but I want to stay on the issue of quality. Not only the commission will work on quality: the Scottish partnership agency has agreed to establish a joint specialist palliative care group to develop national standards for palliative care. It is also preparing a plan with the health department for managed clinical networks in palliative care. On quality, a lot of work is going on.

I must move on to the children's hospice. Susan Deacon visited Rachel House in December 1999 and was extremely impressed with the quality of the facilities and the dedication of the staff who provide such a wonderful service there. I am pleased to be able to take this opportunity to congratulate CHAS on its outstanding work in what is now widely recognised as a centre of excellence.

When Rachel House was being set up, the former Scottish Office provided a grant of £750,000 to help with the building costs. It also gave a grant of £500,000 to cover the first two years' running costs, to make sure it got off to a secure start. The grants were on condition that further public funding would be based on agreements that CHAS would negotiate with health boards and local authorities. CHAS accepted that condition and began negotiations with health boards through the good offices of Tayside Health Board. Those negotiations have been on the basis of £125,000 as the overall contribution from health boards. I have had no indication that CHAS is unhappy with that negotiated figure. The problem may lie with the local authority negotiations. Perhaps that explains the unacceptably low figure of 9 per cent to which Trish Godman referred.

I understand that it has not been possible to devise a mechanism that allows CHAS to negotiate with one local authority on behalf of all. CHAS has therefore been pursuing agreements with each local authority and I believe that it is close to achieving agreement, but the consequence so far has been that it has had no funding from local authorities. I am pleased that local authorities have recognised their responsibility and the benefits offered by Rachel House. I hope that the agreements will be concluded in the very near future.

I am concerned that the motion's reference to a funding shortfall may create the impression that CHAS does not have the money to meet the running costs of Rachel House. I am not aware of any such suggestion by CHAS. We all know that such facilities are expensive to run, but thanks to the great generosity of the people of Scotland, the overall income of CHAS is secure. Along with Trish Godman and Shona Robison I congratulate the *Daily Record* on all the work it has done.

As Trish Godman said, the situation will radically alter in the near future as a second children's hospice is established on the banks of Loch Lomond at Balloch. I understand that it will focus on the needs of adolescents and I wish CHAS every success with that new venture.

I am out of time, but I know what point Winnie Ewing was going to make—and other members have made it. I will convey to Sam Galbraith the opinions that have been expressed on that matter today.

Meeting closed at 17:57.

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