

# **MEETING OF THE PARLIAMENT**

Thursday 17 May 2001

Session 1

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# CONTENTS

Thursday 17 May 2001

## Debates

Col.

<b>SPECIAL EDUCATIONAL NEEDS</b> .....	769
<i>Motion moved—[Irene McGugan].</i>	
Irene McGugan (North-East Scotland) (SNP) .....	769
The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen) .....	772
Michael Russell (South of Scotland) (SNP) .....	778
Mr Brian Monteith (Mid Scotland and Fife) (Con) .....	781
Cathy Peattie (Falkirk East) (Lab) .....	785
Colin Campbell (West of Scotland) (SNP) .....	788
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) .....	790
Janis Hughes (Glasgow Rutherglen) (Lab) .....	792
David Mundell (South of Scotland) (Con) .....	794
Mr Lloyd Quinan (West of Scotland) (SNP) .....	796
Cathie Craigie (Cumbernauld and Kilsyth) (Lab) .....	798
Donald Gorrie (Central Scotland) (LD) .....	799
Mr John McAllion (Dundee East) (Lab) .....	801
Lord James Douglas-Hamilton (Lothians) (Con) .....	803
Mr Adam Ingram (South of Scotland) (SNP) .....	805
Mr Kenneth Macintosh (Eastwood) (Lab) .....	807
Mr Monteith .....	810
Michael Russell .....	814
Nicol Stephen .....	816
Karen Gillon (Clydesdale) (Lab) .....	819
<b>PARLIAMENTARY BUREAU MOTION</b> .....	824
<i>Motion moved—[Euan Robson].</i>	
<b>BUSINESS MOTION</b> .....	825
<i>Motion moved—[Euan Robson].</i>	
<b>QUESTION TIME</b> .....	827
<b>FIRST MINISTER'S QUESTION TIME</b> .....	845
<b>SCOTTISH LOCAL AUTHORITIES (TENDERING) BILL: STAGE 1</b> .....	853
<i>Motion moved—[Peter Peacock].</i>	
<i>Amendment moved—[Mr Keith Harding].</i>	
The Deputy Minister for Finance and Local Government (Peter Peacock) .....	853
Mr Keith Harding (Mid Scotland and Fife) (Con) .....	855
Mr Kenneth Gibson (Glasgow) (SNP) .....	857
Iain Smith (North-East Fife) (LD) .....	860
Trish Godman (West Renfrewshire) (Lab) .....	861
Linda Fabiani (Central Scotland) (SNP) .....	862
Bill Aitken (Glasgow) (Con) .....	864
Brian Adam (North-East Scotland) (SNP) .....	866
Mr Michael McMahon (Hamilton North and Bellshill) (Lab) .....	867
Colin Campbell (West of Scotland) (SNP) .....	869
Mr Andy Kerr (East Kilbride) (Lab) .....	870
Donald Gorrie (Central Scotland) (LD) .....	872
Mr Gil Paterson (Central Scotland) (SNP) .....	873
Mr Murray Tosh (South of Scotland) (Con) .....	873
Peter Peacock .....	876
<b>PARLIAMENTARY BUREAU MOTION</b> .....	880
<i>Motion moved—[Euan Robson].</i>	
<b>MOTION WITHOUT NOTICE</b> .....	881
<i>Motion moved—[Mr Tom McCabe].</i>	
<b>DECISION TIME</b> .....	882

<b>NATIONAL BREASTFEEDING AWARENESS WEEK</b> .....	886
<i>Motion debated—[Elaine Smith].</i>	
Elaine Smith (Coatbridge and Chryston) (Lab) .....	886
Karen Gillon (Clydesdale) (Lab) .....	889
Irene McGugan (North-East Scotland) (SNP) .....	890
Mary Scanlon (Highlands and Islands) (Con) .....	891
Nora Radcliffe (Gordon) (LD) .....	893
Maureen Macmillan (Highlands and Islands) (Lab) .....	894
Christine Grahame (South of Scotland) (SNP) .....	895
Dr Richard Simpson (Ochil) (Lab) .....	896
Mrs Lyndsay McIntosh (Central Scotland) (Con) .....	898
Cathy Peattie (Falkirk East) (Lab) .....	899
The Deputy Minister for Health and Community Care (Malcolm Chisholm) .....	901

## Oral Answers

**Col.**

### **QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	827
British Sign Language .....	842
Drug Misuse .....	829
Employment (Over-50s) .....	828
Foot-and-mouth Disease (Tourism Businesses) .....	838
Health Improvement Fund .....	841
Integrated Administration and Control System .....	837
International Student Advisory Council (OSPRED) .....	832
Myalgic Encephalomyelitis .....	839
Non-departmental Public Bodies .....	835
Police (Race Relations) .....	831
Primary Schools (Early Intervention Programme) .....	827
Pupil Attainment .....	833
Quarrying Industry .....	840
Scottish Enterprise Borders (Meetings) .....	843
Scottish Executive Consultation Exercises .....	837

### **FIRST MINISTER'S QUESTION TIME**

<b>SCOTTISH EXECUTIVE</b> .....	845
Cabinet (Meetings) .....	847
Governance .....	851
Secretary of State for Scotland (Meetings) .....	845
Social Justice Objectives .....	849

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## Scottish Parliament

Thursday 17 May 2001

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

### Special Educational Needs

**The Presiding Officer (Sir David Steel):** Good morning. We begin today with the Education, Culture and Sport Committee debate on motion S1M-1931, in the name of Karen Gillon, on special educational needs. I call Irene McGugan to speak to and move the motion on behalf of the committee.

09:30

**Irene McGugan (North-East Scotland) (SNP):** I am neither the convener nor the vice-convenor of the Education, Culture and Sport Committee, but it is my pleasant duty to introduce this report to the Parliament on the committee's behalf.

The committee agreed in November 1999 that one of its earliest inquiries should focus on special educational needs. The terms of reference of the inquiry were deliberately broad. We wanted to examine the diversity of special needs education provision throughout Scotland; to investigate the effectiveness of current integration strategies at all levels of pre-school and school education; to investigate the effectiveness of transition arrangements for special needs pupils at each stage in the school education system; and to consider how effectively the requirements of families with special needs children are understood and fulfilled by education services.

In response to our request for written evidence, we received 150 submissions, including some from parents. Those submissions were followed up with oral evidence sessions and visits to 11 mainstream and special schools that offered a range of provision. Committee members who took part in those visits found them to be one of the most influential and meaningful aspects of the inquiry, largely because of the input of children, their parents and teachers. The committee appointed Dr Julie Allan as its adviser for the duration of the inquiry, and we express our gratitude to Dr Allan, who provided advice and helped with the drafting of the report, as did the clerks. We record our thanks to Gillian Baxendine and David McLaren, who have both moved on, and to Martin Verity and Ian Cowan, who have not.

We acknowledge the contributions of previous members of the committee: former convener Mary Mulligan, Kenneth Macintosh, Lewis Macdonald,

Jamie Stone, Nicola Sturgeon and Fiona McLeod. We also thank for their brief contributions Johann Lamont, Cathy Jamieson and Margaret Ewing. If the inquiry had not been suspended for several months at the end of last year, to allow the committee to deal with the urgent matter of problems surrounding the certification of school examination results, perhaps some of the original committee members could have seen the inquiry to its conclusion. I do not believe that the outcome would have been any different.

What were our findings? In our view, education in mainstream schools can become a realistic option for the majority of children with special educational needs. That goal can be achieved while maintaining the option of special school placements for those with the most significant needs. During our inquiry, major concerns emerged over the current system for meeting special educational needs. Evidence that we received highlighted the inadequacy of training for school staff; the lack of support and information for parents and children; and problems associated with the record-of-needs procedures for assessing pupil requirements. In our report, we acknowledge the Scottish Executive's commitment to children with special educational needs and their parents, through the establishment of Enquire, the national SEN information and advice service; through support for the national SEN training and co-ordination project; and through its commitment to review assessment and recording procedures.

Our recommendations take account of those factors and developments and try to identify the changes that would be necessary to achieve an inclusive education system for all children. Central to that process should be the maximising of the participation of all children with special needs in mainstream schools. We are aware that much work will need to be done, especially in staff development and training, to prepare the teaching profession for the challenges that it will face. We have also been guided by the belief that parental involvement is crucial in addressing the problems of children with special needs, and that there must be an element of choice in provision.

The committee report makes 19 detailed recommendations, all of which are important, although I have time to mention only a few. First, the committee concluded, from evidence that was presented to it, that inclusion is preferable to integration, although there is a lack of clarity about what that means in practice. The committee proposed a definition of inclusive education:

*"Maximising the participation of all children in mainstream schools and removing environmental, structural and attitudinal barriers to their participation."*

We believed that mainstream schools

"should ensure that all policies and practices are inclusive."

Other members will speak on that issue, as it is fundamental to the debate and because definitions can be problematic.

Another key recommendation is:

"Additional resources should be made available for the more widespread provision of information, advice and training for parents (which is independent from schools, authorities and the Scottish Executive) and for the establishment of informal parents support networks."

Overwhelming evidence confirms that the national advisory forum for special educational needs, in its review of record-of-needs procedures, should consider the options of

"either replacing the system or revising it substantially."

We note that the consultation document "Assessing our children's educational needs" has been launched to begin that process. The view of most of those who are involved in the process is that the system had become cumbersome; was driven by the availability of resources; was divorced from the views of the child; and was inconsistent between authorities. The committee identified the characteristics that any future system for assessing needs should have. They include:

"Initiation of the assessment at the earliest possible stage and with shorter time limits for the completion of the assessment process.

Updating at key/transitional stages, making the Record of Needs a live document.

The right of parents to have access to information and reports, with time to digest and support to ensure understanding and participation in the decision-making process."

Fundamentally, there should be

"Inclusion of the child's view".

There should also be

"Mechanisms for ensuring greater accountability and consistency across local authorities"

and

"Effective linking with local authorities' staged intervention procedures."

I make special mention of recommendation xiv, which says:

"In future placing decisions, where a special school is recommended, exclusion from mainstream must be justified in relation to the child's best interests. The justification must include a statement about how the special school will contribute to the child's inclusion, for example by specifying arrangements for part-time participation in mainstream, plans for later transfer to mainstream or extra curricular activities."

Evidence regarding special school placement decisions shows that they are often based on the perceived inability of mainstream schools to cope, rather than on more positive considerations. The committee wants to ensure that mainstream schools can become a realistic option for the

majority of children, while seeking to maintain the option of a special school placement for those with the most significant needs. No doubt, there will be further discussion of that issue in today's debate.

Recommendation xviii is significant and worthy of note. It advocates the establishment of

"an inclusive education resource centre"

to undertake research and ensure that information and expertise is made available to staff, parents and young people.

I thank the minister for the Executive's response to the report, which gave it a general welcome. However, I am disappointed that ministers felt unable to endorse our definition of inclusive education or to accept the need for a clear and agreed definition. I hope that the minister will inform us of the actions that he will pursue in the light of our recommendations.

We must ensure that the necessary changes to take us towards inclusion are implemented. The committee was left in no doubt, by the evidence that was presented, that we have the opportunity to make a big difference to the lives and education of many of Scotland's children, and that is a huge responsibility. I emphasise that members are fully aware of the importance of those issues, the significance of the findings and the consequence of the recommendations. There was a remarkable degree of consensus within the committee.

The report is wide-ranging and constructive. It is designed to help children with special educational needs, their parents, their teachers and the schools that are involved in this work. I commend the report to Parliament on behalf of the Education, Culture and Sport Committee.

I move,

That the Parliament notes the 3<sup>rd</sup> Report 2001 of the Education, Culture and Sport Committee, *Report on Inquiry into Special Educational Needs* (SP Paper 264).

09:40

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** The committee's report is a good one and I hope that it will be influential. The issue is of great importance, not only to every child with special educational needs and their parents, but to Scotland's education system. I congratulate Karen Gillon, the convener of the Education, Culture and Sport Committee, Irene McGugan and all the members who have served on the committee, as well as the other individuals who were mentioned by Irene McGugan during her speech. Hard and detailed work has gone into the production of the report.

As Irene McGugan said, the report's 19 recommendations cover a wide range of issues

and highlight the many complex and sometimes conflicting issues that arise during discussion of how we can best provide a quality education for all our children. That is our simple aim: to provide the best quality of education that we can for each child. The needs of the child should come first. The committee's report is a helpful contribution to the discussion. Most of its recommendations reflect action that the Executive has already taken or that Scottish ministers are currently considering. The report is well timed.

A great deal is happening in special educational needs and I was pleased that the committee acknowledged the significant contribution that the Executive is making to children with special educational needs and their families. Most of us in the chamber want to work on the issue on a cross-party basis, setting to one side the normal political exchanges, even in the heart of a general election campaign.

I will highlight a few of the actions that are being taken by Scottish ministers. As has been mentioned, we have established Enquire, the national special educational needs information and advice service. We have provided special inclusion funding to local authorities, including support for staff development and training. We have made a commitment to consider the assessment and recording arrangements—the record-of-needs system—for children with special educational needs. Those are only a few elements of the Executive's broad programme of action on special educational needs that was debated and endorsed in Parliament at around this time last year.

I do not propose to try to address all the committee's recommendations in the short time available. I wrote to the committee, outlining the Scottish Executive's views on each of the recommendations, and a copy of that response is available from the Scottish Parliament information centre.

I want to set out some of the policy considerations that have guided our work on SEN in the past couple of years and which remain relevant for future action. Scottish ministers are strongly committed to developing an inclusive approach to the education of all children. A key feature of that approach is to assist education authorities to include children with special educational needs in mainstream education wherever possible and wherever that is appropriate to the needs of the child. That fits with the committee's recommended definition of inclusive education:

*"Maximising the participation of all children in mainstream schools and removing ... barriers to their participation."*

That does not mean that we take a dogmatic

view on inclusion in the main stream regardless of the needs of the individual child. We want every child to receive a quality education that is appropriate to his or her needs. There is a wide range of needs amongst children and there continues to be a need for a range of provision that will allow families and young persons an element of choice. Furthermore, the situation is not always either/or and a mix of mainstream and specialist provision can sometimes be appropriate. Flexibility is increasingly important.

Our wish to have a range of provision does not lessen our commitment to inclusive policies—on the contrary, it strengthens it. Inclusion does not mean forced integration. I emphasise that point. We recognise that inclusive education can be delivered for some children through mainstream or specialist provision or, in many cases, and as the committee's report recognises, a combination of the two.

I was interested that the committee heard conflicting evidence from individuals who had experience of mainstream and special schools. Each individual had strong, but often opposing, views on the merits of the education that they had received. That highlights, once again, the importance of considering the individual needs of each child and ensuring that not only the voices of their families, but the voices of the children are heard when decisions on placement are taken.

The Executive is working on guidance for education authorities on implementing the new duty on mainstreaming. The guidance will also seek to highlight parents' rights to choice in educational provision. Of course, effective choice assumes that alternative provision is available in the first place. The special schools sector in Scotland comprises more than 200 schools, mainly local authority-funded but including 33 independent special schools and seven grant-aided schools, which are supported by direct funding from the Scottish Executive, although they also have other sources of funding.

The committee's report acknowledges the debate that has taken place around funding arrangements for those seven grant-aided schools following the recommendation of the Riddell committee that funding for those schools should be transferred to local authorities and that, like other schools in the independent sector, the seven schools should charge full economic fees for pupils who are placed at the schools by local authorities. Discussions with the schools are continuing regarding financial support from the Executive, as everyone knows. I had a constructive meeting with representatives from the seven schools on 25 April and I am undertaking visits to all the schools, which should be complete by the end of the month. So far, I have visited six

of the seven schools and have been impressed with a great deal of what I have seen.

I have informed the schools that there will be no change to existing funding arrangements for a further year, until at least March 2003. The schools have welcomed that and I hope that the assurance will give the schools stability to plan ahead for the next academic year. I plan to meet again representatives of the schools and of other interests before making any final decisions on future funding. Throughout that process, the key issue at the forefront of my mind will remain the interests of the children involved. Increasingly, I am coming to the view that the issue needs to be considered in a wider context. It is not simply about the transfer of grant from the Executive to councils.

The committee's report suggests that schools that fulfil a national role should be eligible for financial support from local authorities. Some local authorities already purchase services and expertise from the independent special schools sector in relation to outreach work and staff development and training services. Many of those services are also purchased from the national grant-aided schools.

Various people have suggested that there is a need to consider the role that national centres could play in terms of provision and whether a national strategy for special educational needs is required in Scotland. The national programme for action sets out the framework for the Executive's SEN policy. Nevertheless, the question of a national strategy is important and one to which I am sympathetic, although it will require detailed consideration. In that regard, I will ask the national SEN advisory forum to consider the issue when we next meet, on 5 June.

**Donald Gorrie (Central Scotland) (LD):** I understand that the Executive has agreed to produce proposals, roughly parallel to those that exist in England, about access to schools for physically handicapped people. Will the minister give us a timetable or details for those proposals? Physically handicapped people are an important, specific group.

**Nicol Stephen:** I thank Donald Gorrie for that intervention; I intend to touch on that issue briefly, later in my speech. To give Donald Gorrie a taster of what is to come, I think that the word "shortly" will be used, although I am not at the right page yet. We intend to make specific recommendations in that area. It would probably be wrong to make such an announcement before 7 June, but we hope to move forward sometime shortly after that date.

I have made speeches that explain our options on the proposals that Donald Gorrie asked about.

Those options range from having guidance for local authorities, which would be relatively weak—responsibility would not be as well-defined as it is in England and Wales—to having regulation or secondary legislation in the form of a statutory instrument, to having full legislation. We are considering all those options, but have not yet reached a decision. We hope, however, to produce proposals shortly and we want something that is as strong as possible. We want to follow the approach that is being taken in England and Wales; we do not want Scotland to be seen to be falling behind.

The Education, Culture and Sport Committee's report makes recommendations on what it sees as barriers to inclusion. Those are mainly to do with concerns over the resources that are available in mainstream schools, the need for adequate staff development and training, and the question of negative attitudes, some of which still exist and need to be addressed. I agree totally with the committee that there is a need to tackle both structural and attitudinal barriers if education in the main stream is to be an enriching experience for children with special educational needs—and for mainstream children—not an isolating experience. Mainstream education could be, and can be, an enriching experience. We are working with schools and local authorities to address such barriers.

The Executive's inclusion programme, which forms part of the excellence fund, provides specific resources in addition to local authority grant-aided expenditure. Those are additional funds, on top of the core provision that is available for special educational needs, to enable the inclusion of children with special educational needs in the main stream. We have informed local authorities that £13 million is available in this financial year—more than double what was available in the previous financial year—to enable the inclusion of children with special educational needs in the ways that I have described. That funding will increase in each of the next two years. I cannot make the detailed announcement on that today, but there will be an announcement at the appropriate time. I hope that individual local authorities and all those who are involved in this area can have confidence in our commitment on the issue in the future.

We have a well-established staff development and training programme—worth more than £5 million in the current year—for supporting the development and training needs of teachers, classroom-based staff and educational psychologists. In 2000-01, more than 26,000 staff benefited from attending training events, seminars and conferences. I am aware that, particularly in mainstream schools, concerns remain that more needs to be done and that more in-depth training should be available. However, our programme



represents significant progress and more will be done. We are working to establish a new framework for teachers' continuing professional development, which will include specific reference to special educational needs and reflect the new presumption of mainstreaming. Issues relating to special educational needs will also be considered as part of the review of initial teacher education.

The Executive is working to encourage the development of a positive ethos in schools, to ensure effective teaching and learning that can benefit all pupils. I emphasise that that applies to all schools and to all situations. Projects funded through our SEN innovation grants programme include mentoring schemes to provide personal support to children and young people with challenging behaviour, and peer support programmes that are intended to promote inclusion of young people with special educational needs and to develop pupils' self-awareness. All of those are important issues.

Before closing, I want to mention the position on assessment and recording and the whole record-of-needs issue. Recommendation x in the committee's report identifies a number of characteristics that it considers important in identifying and assessing children's needs. The current record-of-needs assessment system was introduced in 1980 and the report refers to the options of

"either replacing the system or revising it substantially."

I am pleased to say that our consultation document on assessment and recording arrangements was launched last week. Copies of the document are available from SPICE. The consultation document picks up on a number of key points from the committee's report, including the need for effective planning for transition at various stages of schooling; the need to involve parents and young people themselves in how decisions are reached; and equality of treatment for all groups and communities in Scotland. The consultation process will run until the end of July and the responses will be crucial in helping us to identify the way ahead. I urge as many individuals, organisations and committees as possible to make their views known on the issue.

Much is going on in the area of special educational needs and I have discussed the need to draw together some of that activity, which we will consider. I do not have time to go into all the details, but, on Donald Gorrie's point, we are liaising closely with the Department for Education and Employment and the Disability Rights Commission on the issues that arise from the Special Educational Needs and Disability Act 2001. In particular, we are considering how best to apply the new duty to plan to improve access for disabled pupils to schools and school facilities, as

well as considering the curriculum that is being introduced in England and Wales. We hope—it says on my brief—to announce proposals shortly.

We are reviewing the educational psychology service. The main aim is to address the apparent problem of under-supply, which is another important issue. That review is under way and the first meeting of the review steering group will take place on Monday 21 May. The steering group will report in the autumn. We are about to examine funding arrangements for speech and language therapy services, occupational therapy services and physiotherapy services. Shortages can occur in those areas and we want to address the supply issue. We will produce, shortly, guidance on the length of the school week in special schools and for education outwith school for children who are too ill to attend.

I am sure that many more points will arise in the debate. I thank the committee again for its report, and am pleased to lend my support to the terms of the motion.

**The Presiding Officer:** Before calling Mike Russell, I inform members that, as yesterday, the time limit for speeches in the open part of the debate will be six minutes.

09:58

**Michael Russell (South of Scotland) (SNP):** I also welcome the Education, Culture and Sport Committee's report. I wish to start by paying tribute to a member who is not present—indeed, who has not been present since the end of 1999: Ian Welsh, the former member for Ayr. He started off this inquiry, and I will refer to the views that he expressed in the Education, Culture and Sport Committee. Ian Welsh had a strong personal interest in this issue. When the committee was discussing its work programme in November 1999, he said:

"I would be concerned about restricting ourselves ... There is a broader issue about the integration of children with special educational needs. I am concerned that we do not take a top-down approach ... The basic issue, as I have indicated before, concerns human rights."—[*Official Report, Education, Culture and Sport Committee*, 3 November 1999; c 192.]

What Ian Welsh started, in the form of this inquiry, has been a tremendous learning process for the committee, which has developed knowledge about and concern over the subject.

I wish also to pay tribute to my colleagues Nicola Sturgeon and Fiona McLeod, who, at the inquiry's early stage, bore the burden for the Scottish National Party—they have now moved on to other things. I also thank the committee's staff and advisers. Five of the seven members have, I think, served on the committee since the start of this

Parliament. Its meetings have been enjoyable to attend. It may have its political fights, but I think that it is an effective committee.

I have been struck by the warm response to the report from right across the special educational needs sector and I am grateful to the minister for his response. That is important and indicates a very broad consensus and the keen concern of everybody involved to get these matters right.

I will address two specific issues: mainstreaming and what happens to young people when they move beyond the support that schools can give them. That is touched on only briefly in the report, but is one of the crucial areas that we have still to consider.

Before I tackle those two issues, I will speak briefly about the one contentious area in the report, which is indicated by the amendment that Brian Monteith lodged yesterday but which was not called for debate. The debate on special schools and specially funded schools in the committee was complex—this is a complex issue. Those schools are not homogeneous. They are not all the same and do not all exist for the same reason.

Those of us who have visited those schools have been profoundly moved by what we have seen. Later this morning, young people from Stanmore House School in Lanark will attend the debate. It is tremendous that they will be here for the summing-up speeches. That school provides exceptional support for children with exceptional difficulties. The school has to exist because there is nowhere else where those children could be cared for in such a way. Other schools exist perhaps for different reasons. Some schools exist because there is still something of a postcode lottery in provision for certain disabilities, even those of a low incidence. For instance, support for people with visual difficulties and visual impairment is very patchy.

Different types of school need to be thought of in different ways. We cannot jump in with both feet. I tell Brian Monteith that that is an indication that we must give political support to special or grant-aided schools. The position is not simple and there are a range of issues to be looked at. Local authorities have a role in supporting young people in those schools. Local authorities have to work in partnership with schools to find the best way to help individual young people. The centre of the debate lies with what is best for individual young people.

On Monday, I visited the National Autistic Society school in Ayrshire, Daldorch House School, which is not funded as a special school by the Executive. That presents a very heavy funding burden on local authorities. Some children there

require not only one-to-one but two-to-one support. Some local authorities pay up to £200,000 a year to support a child there. We need to develop the knowledge in local authorities that such support is necessary. The Executive should help local authorities to meet those costs, particularly where one area has a higher incidence than others, which is a lottery in itself. We should develop the means by which we get the best for every child. We should approach the debate from a young-person or child-centred perspective, not from a dogmatic political perspective.

We should do what the minister said and build the partnership. We should not just talk about transfer of funding in the abstract but look at the way in which we can create a better context for all young people and their families who need help, wherever they are and whatever problems they have.

The concept of achieving the best for each child also affects mainstreaming and integration. We have seen evidence on this from parents, some of whom are here today, and many of us have received letters and e-mails on the subject. Certainly, as a principle, many parents want their children to be an integral part of the school community within their own community. That is sensible and wise and we applaud it, but it does not work for every child and every school community; therefore, it is important to have the sensibility and the resources that are needed to be able to make individual decisions.

Undoubtedly, the most desirable option for any young person or child is to be mainstreamed, to be within the community of their peers. However, we have to recognise that, where the balance is disturbed and the child, the other children or those teaching or looking after those children cannot cope, the same formula does not fit everybody. That is why I think that the report's conclusions are sensible. The report accepts that there is a variety of need and does not try to impose dogma.

I will address briefly post-school support. When I was at Daldorch House School on Monday, I was struck by the story of a young person who had difficulty living even in that small community but who, at the age of 18, had to leave it. The local authority could not provide the level of support that that young person needed. Within three months, that young person was hospitalised; three months later, there is talk of a secure institution for that young person. Society has invested hundreds of thousands of pounds to care for and develop that young person. The process does not end at an arbitrary date. As my friend Mr Quinan knows, there is a distinct prospect of help and development throughout such people's lives, but cutting support off at an arbitrary point makes the problem worse and betrays the young people

whom we should be helping.

The same issue exists at Stanmore House School, which has developed an innovative programme with a local college to try to bring young people at the age of 16 into another form of educational community so that they can continue the process of learning and education. However, that is the least-well-supported aspect of the school's work and the aspect for which it has the most difficulty in finding funding, and the funding is not permanent. The Executive or a committee will have to consider post-school support seriously because it is becoming the key issue.

The committee has done the Parliament a service by producing the report. The debate today can do so also by examining with some intensity the issues that the report presents. I knew very little about this subject when the inquiry started. I approached the subject and my first visit to some of the schools involved with trepidation, but I have scarcely seen more caring, loving and enjoyable places in which to spend time. That testimony makes me believe that the support of all parties for the Executive's work, as long as the Executive works in partnership with the Parliament, is the right way forward.

10:07

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I broadly welcome the Education, Culture and Sport Committee's report on special educational needs. The committee took extensive evidence. The concern shown by all those who gave oral and written evidence was compassionate, occasionally moving, and sincere. In particular, I mention the contribution of Mark Macmillan, a former pupil of Donaldson's College, who gave a moving account of his difficulties with mainstream education and of how he found solace and support when he started to attend Donaldson's College. I also pay tribute to the evidence of Drew Hunter of the Equity Group, who gave a different perspective and showed that his time at a special school was not comfortable and said that he preferred to take the support that was available to him in mainstream schools. In a sense, those two examples later provided the one area for disagreement in the committee.

The Education, Culture and Sport Committee has been an enjoyable committee. Many members took part in the inquiry at different times. The work of the clerks was particularly helpful, given the large volume of evidence that we took, and the help of the adviser was indispensable. It is worth paying tribute to all those who gave the committee their help and support.

We were very dissatisfied that the report was so delayed. That was not of our choosing, but the

result of the Scottish Qualifications Authority fiasco, which ensured that, after taking evidence throughout spring and summer, we were diverted from concluding the report. That was unfortunate, as, due to the committee system, many members who had heard the oral evidence were unable to participate in the finalising of the report. Because they were no longer members of the committee, they were not able to attend private sessions. However, their contribution at the outset of the inquiry was indispensable.

From the beginning, I was concerned that we should do far more to encourage and assist the placing of children with special needs into mainstream schools. I am happily signed up to those aspects of the report that ensure both that that could become an achievable goal and that genuine and clear reasons should be given for placing a child in a special school.

However, it is important to protect choice when taking that approach. Special schools have a place in the structure of our education system: while mainstreaming makes inclusion more likely, many special schools can ensure that inclusion becomes a reality. The evidence put to the committee was that many children who had difficult experiences in mainstream schools went on to attend special schools and, after a period, were able to return to mainstream schools. It is clear that a variety of different types of school and choices makes the system strong. We should not underestimate the degree to which special schools assist pupils to enter mainstream schools, or the national expertise that can be developed and nurtured in special schools, which can also provide training.

It is important to take account of the different types of schools that we visited during the inquiry. Members made many visits to schools. We found units in primary and secondary schools and different types of schools sharing the same campuses and therefore trying to share lessons across the curriculum. We also found mainstream schools that used a high degree of technical support to ensure that mainstreaming was made possible, and schools where mainstreaming had become common practice because the process had been embedded for a long time. We saw the benefits for pupils—both those with disabilities and their colleagues who had no disabilities. The benefits to those who take part in education were there for all to see. Schools where mainstreaming takes place and special schools make up the strong special needs sector in Scottish education.

It was with regret that I noted my dissent to a number of the report's recommendations and key points on grant-aided special schools. I take this opportunity to place my dissent in context, because I do not wish it to overshadow the

immense work undertaken by the committee and its achievement in completing the report.

I understood from the oral and written evidence presented to the committee by Peter Peacock that the Scottish Government was looking for the committee's view on the role of special schools and on how those schools should be funded in future. It was my view that the response of the committee in setting up the inquiry, and the response of the many MSPs who lobbied the Executive, ensured that the change in funding was postponed for a year. It was clear that it made sense for the committee report to be produced before the funding change was phased in.

However, because the committee did not, in my view, give a strong or clear enough answer, the Scottish Government had to postpone the change in funding for a further year. While I welcome the change in funding, the minister made it clear that further discussions will have to be held. The SEN advisory forum that has been established will be invited to consider that issue. It is with some irony that I point out to members that I sought to make an amendment to the report that would have set that very process in the report. I wanted to ask not for funding to be guaranteed for all time but for a formula to be created for deciding what a national centre is and how a school might qualify to become a national centre. Other bodies are going to have to consider that issue. It was unfortunate that the committee disagreed with me on that matter, given that that is the path that the Executive has taken.

Michael Russell says that one must be careful not to bring dogma into the debate, and I hear what he says. I do not believe that schools are homogeneous—they are not all the same—or that there is a simple answer. One should not be dogmatic about the role of special schools and how they are funded or about the role of local authorities. However, I choose to be dogmatic—I am happy to be dogmatic—if that dogma is to put the child first. Many people have made that point, about which there could be consensus. If we put the child first, we must make choice and diversity available, which would allow professionals and parents together to make the best choice for a child. That is the dogma that I follow and why I have taken a stand on trying to define the term “national centre”.

I have always said that the schools that receive grant aid now might not qualify as national centres once that term has been defined. They might not have enough pupils from a wide geographical area or the ability to show a commitment to national training. They might not have a national expertise, or be developing such expertise, in particular educational methods. Those might be some of the criteria that we would use to define national

centres. Other schools, such as Daldorch House School, which Michael Russell visited earlier this week, might come forward to say, “We are doing good work. We are taking a large financial burden from our local authority to do this good work. Should we not qualify and receive some recognition as a national centre?” We should follow that approach, around which there could be consensus.

I do not wish my views on grant-aided special schools to overshadow the remainder of the report's conclusions, but it was proper for me to dwell on them for a moment, to explain my dissent.

It is important for us to welcome the work of the SEN advisory forum and to examine the implementation of the Standards in Scotland's Schools etc Act 2000 to ensure that the changes that it makes—which Conservative members, including me, were willing to support—bear fruit. There must be more scrutiny and more investigation, particularly in relation to the record-of-needs system. There were good reasons for the committee saying that that system must be changed but, as there is so much more work to do on that area, we were right to draw a line. However, we may decide to investigate that area further in future.

The committee must enter into more dialogue. I look forward to the committee doing more to open up relationships with the SEN advisory forum in order to continue our discussions. It has been a valuable experience for members to visit schools and speak to pupils, parents and head teachers. We must not stop now that we have completed our report; we must carry on. Together with continuing our visits to schools, the SEN advisory forum seems to offer that opportunity for dialogue. As I said, we must also set up a mechanism through which we can scrutinise and monitor the effectiveness of the Standards in Scotland's Schools etc Act 2000.

If we are able to undertake those tasks in a manner that will achieve consensus and revisit the issue of special schools at a later date, as undoubtedly we will have to—

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

**Mr Monteith:** No, as I am just coming to a close. I will wind up the debate for the Conservative party and I will be able to take Michael Russell's intervention at that time.

As I was saying, if we are able to undertake those tasks, the committee will have a sense of accomplishment and will be able to say, proudly, that it has achieved a great deal. The inquiry was proactive—it was the committee's most important report in that respect—and I commend it to the chamber.

10:19

**Cathy Peattie (Falkirk East) (Lab):** I would like to thank the clerks, Julie Allan and Mary Mulligan, who was convener of the Education, Culture and Sport Committee throughout this important inquiry. They guided us through it.

The recommendations of the committee's inquiry into special educational needs depart from the orthodoxy that has dominated the approach to the issue for some time. Orthodoxy may be a strong word for a somewhat piecemeal development of special educational needs strategy and the long-running arguments about the relative merits of mainstreaming and specialist schooling. However, the outcome of such arguments has often been implemented inflexibly, according to a "We know best" orthodoxy.

People with such views will find them challenged and I realise that not everyone will be pleased at the outcome of the inquiry. That is why I want to begin by explaining some of the principles that have guided the formulation of the report.

The report does not seek to impose a dogmatic approach to special educational needs. First and foremost, the report seeks to strengthen a child-centred approach that is reinforced by mechanisms that ensure that parents can exert real influence on the manner of their children's education.

We need to recognise the role of parents as key stakeholders in their children's development and education. Too often in the past, parents have been, at best, tolerated as participants and, at worst, treated as obsessive and neurotic troublemakers and barriers to their children's education.

The importance of mainstreaming is acknowledged in the report, which states:

"There should be an agreed definition of inclusive education, namely:

*Maximising the participation of all children in mainstream schools and removing environmental, structural and attitudinal barriers to their participation".*

The importance of education that is appropriate to the child is also acknowledged, as is the diversity of educational opportunities. Mainstream and special schools should not be seen in opposition, but as complementary institutions working together to provide a holistic response to educational needs.

In particular, it is recommended that the new community schools initiative should be fully inclusive and that multidisciplinary working should remove barriers to participation. The professional barriers that people put up in respect of agencies and working together need to be removed. New community schools offer an opportunity to deliver

education in a new way that meets the needs of children rather than those of the institution.

It is important that the framework of inspection is revised to take due account of the differences in working practices. Inclusive mainstreaming is seen as the default option. Placement at special schools should offer positive advantages that outweigh exclusion from the main stream. Such placement should be in the child's best interest. Justifications for doing so must address how special schools will contribute to inclusion.

It is envisaged that there will be greater movement of children and staff between mainstream and special schools. A child at a special school could participate part-time in a mainstream school, for example, or plan to return to the mainstream school at a later stage. He or she could engage in the main stream through extra-curricular activities.

Special schools with a national role should be eligible for financial support that is based on joint funding arrangements that reflect the diversity of the child's support framework. National and local special schools have an important role. In seeking to define that role, we recognise that the expertise that is available in such schools cannot be duplicated in every school.

Earlier, we heard about the evidence that we took from Mark Macmillan, a pupil of Donaldson's College. He painted a vivid picture of a child excluded within a mainstream school. When he went along to his new school, he found that not only could the children and teachers sign, but so could the dinner lady and the janitor. For the first time in his life, he could truly communicate with the people around him.

Such schools should be integrated to the extent that they work within the system and not outside it. They have much to offer and their expertise is potentially of great value to the main stream. We need to ensure that such schools dovetail with the rest of education. Staff could be involved in shadowing or exchanges, for example.

The committee has suggested that a forum is needed to take those issues forward and contribute to a national strategy. We hope that specialist schools will be fully involved in that initiative.

A key element in the recommendations is the need to replace or substantially revise the record-of-needs procedures. I welcome the minister's statement on the consultation on records of needs. For too long, parents in some parts of the country have faced an uphill struggle to establish a record of needs. For some, that has meant moving to another area of the country to seek specialist education.

In order that assessments are of maximum benefit, we must ensure they are initiated at the earliest possible stage and that the assessment process is completed without undue delay. The document should be updated as necessary to ensure that it remains relevant and appropriate to the child's stage of development. There should be an end to the bargaining that seems to take place between parents and local authorities. We need to consider whether the record of needs is held as a vested interest for local authorities.

We believe that all children should have personal learning plans. The whole process should be open and transparent to parents, who should be given adequate time to assimilate information and adequate opportunities to participate in the decision-making process. The record of needs should show choices that the parents have been offered and should include the child's view. It is important that children are asked and that their views are taken into consideration. There are a raft of ways to do that.

Effective implementation of inclusive education will necessitate significant changes for those involved in education and the monitoring of education.

Targets need to reflect the nature of the school population. They should not be a deterrent to the development of inclusive practices.

Teacher training should ensure understanding. In schools, we are looking not only for in-service training, but—as is incorporated into our core standards—for the time for teachers to share and prepare. In a visit to one school, we met a teacher who had a very good track record of mainstreaming, but her work was sometimes done on a wing and a prayer. She was wonderful, but sometimes she did not have time to prepare. If she had an opportunity to meet her peers and discuss a positive way forward and to consider what support other teachers might need, that would be very positive. Teachers need time to share and prepare, to network and exchange information and to develop appropriate methods and materials for lessons.

Special needs assistants are crucial to the success of inclusion. We heard that in the schools. Their training and career structure must be developed to enable them to integrate effectively in the teaching process.

In summary, we have kept our focus firmly on children and their parents. We envisage a system in which their views have a crucial role in determining the course of the child's education. We envisage a system in which their wishes are supported and integrated into systems of schools and institutions that encompass diversity of education and other service provision, including

pre-school and extra-curricular support. We envisage a system in which staff who provide that support are able to work together according to an ethos that is designed to provide the greatest possible degree of educational inclusion that is consistent with individual needs.

To that end, we believe that the Scottish Executive should consider establishing an inclusive resource centre that will undertake research and co-ordinate resources, information and training for staff, parents and, most important, young people with special educational needs.

10:28

**Colin Campbell (West of Scotland) (SNP):** In the context of the debate, I cannot avoid reference to my previous existence as a head teacher, as a former member of the Renfrewshire education committee and, a few years ago, as an occasional temporary teacher. In my current role as an MSP, I recently met children from Corseford Residential School—which is sometimes referred to as being in Kilbarchan but is in Spateston in Johnstone—at a video launch in Paisley.

I am sorry to say, in retrospect, that in my first role, there was little or no attempt at inclusion. All SEN children with complex needs were firmly excluded from primary and comprehensive schools. That that stigmatised them is without dispute and such stigmatisation was exacerbated by the assumption of many that people with complex special educational needs could not speak for themselves. Therefore, I welcome the principle and intention of paragraph 7, recommendation iii of the committee's report to have SEN children and their parents

"fully involved in decisions about placement and provision."

Such children can speak for themselves, like anybody else. The group of children I met recently at the Art Store in Paisley from Corseford Residential School, who were launching a video for which they had been responsible and who had previously met me at Parliament headquarters, were every bit as lively and irreverent as any other bunch of teenagers one could meet anywhere else in the country.

Life on the education committee in Renfrewshire gave me an overview of the administrative challenges that are involved in including children with special educational needs in the main stream. Various alterations were being made to the system and structure at that time. As a classroom teacher, my instinct and practice—because I am part of the grey vote, my view is probably traditional—was not to want another adult in the room with a class, because for me that disturbed the unique and exclusive relationship with the people in the room. However, as a supply teacher a few years ago—

before I came to this place—I had a pupil with learning difficulties who had an assistant with her all the time in class to help her to understand what I was saying. The assistant was a discreet and valuable additional member of the class. As a matter of note, the child was well on her way to going to university to study for a degree.

That small experience encapsulates the need to train teachers in social inclusion. A lot of teacher training is remembered more for what we teachers think the trainers missed out than for what was included when we went through the various teacher training institutions. Young teachers especially do not like to be watched as they struggle with their new profession. Social inclusion training should not only help to inform and reassure teachers in the social inclusion context, but help them to overcome their natural aversion to being watched and help to turn them into team players and to take on board all the assistance they need.

There is little good in providing all the inclusion support mechanisms in the world if children with special educational needs fall through the net, as many often do, especially, for example, dyslexic children. A mechanism must be established to allow for the acquisition of a record of needs. Cathy Peattie mentioned administrative slowness. That is sometimes brought about by the fact that people know that once a child has a record of needs, they will run into a lot of expense that could otherwise be avoided. We have to get rid of that attitude altogether. A child who is awaiting assessment is often unable to cope with normal class work or whatever normal situation they find themselves in. Administrative delay can turn a docile child into a disruptive rebel. Nobody needs that. I am glad to have heard the minister's assurance that we are considering reforming the system and that a consultation document is out.

That brings us to resources. No one doubts the good intent of everyone involved and the willingness to theorise about and legislate for inclusion. The real rub comes in relation to resources and an education budget that has severe demands made upon it. Resources must be found for every aspect of special educational needs.

I noted Brian Monteith's dissent from parts of paragraph 14 of the report. I can understand where he is coming from when I read in that paragraph:

"none of the funding that is being redirected to Local Authorities has been ring-fenced for grant aided places".

I have a letter from a parent whose child is at the Craighalbert Centre in Cumbernauld, which articulates the same fears. However, I am confident from the spirit of the report and from

what I have heard this morning that every effort will be made to give every child with special educational needs exactly what they require, in whatever context it is available, at—in all sincerity, I think—all costs. That is very important.

Michael Russell talked about continuing processes of education and the sad situation of a person who left a facility and went into decline because appropriate educational care and stimulation were not available thereafter. As someone who has lectured briefly in continuing education for the grey vote at the University of Strathclyde, I know that education is a lifelong process; it does not stop and start. We talk about human rights and equality of opportunity; the ability to continue education and personal development should go on for as long as possible.

At this juncture, I congratulate the committee on a thorough and worthy report, the success of which will be not its being noted and accepted by the chamber, but its implementation in spirit and detail throughout the nation.

10:35

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I declare that I am a member of the Educational Institute of Scotland, a former teacher and a member of the Education, Culture and Sport Committee. I thank Mary Mulligan, Karen Gillon and Cathy Peattie for the way in which the inquiry has been chaired. I also thank all the clerks and advisers, witnesses and assistants.

The inquiry has been a valuable experience for me. I remember going to schools such as Stanmore House School, run by Capability Scotland, which has been mentioned. We saw the most dedicated staff look after youngsters with the most severe sensory impairment and cerebral palsy. It is clear that to talk about mainstreaming youngsters in that state would be unrealistic, because the critical mass of support that they need could not be supplied with any certainty in a system that is dispersed around the country.

I saw Burnfoot Community School in Hawick, where the system worked well. There was a joint understanding that social work, health and education must come together in certain circumstances. I was also lucky to go to Kingsinch School in Liberton, where I acquired a painting by a young man called David Evers, who hoped to play football for Scotland in Wales at some stage in the game. One of the things that was impressive and important there was, as has been mentioned, the relationship between the school and the neighbouring mainstream school. There was excellent, positive provision for children to move back and forth from one school to the other as appropriate.

The report is important, but it is a stage in a process. This morning, I was sitting thinking about the report and I remembered something that I used to discuss with youngsters at school for a bit of amusement. I think it was Bertrand Russell who put the philosophical question: when Mr Jones eats a lamb chop, when does the lamb chop cease to be a lamb chop and become Mr Jones? I will take answers on a postcard later. The question is about the problem of definition and about the fact that there is a process and that it is difficult to say at which point something feeds into the process and when particular points are reached. I believe that we are in a process. There are problems defining that and defining where we are in the process.

SEN is such a wide concept. Some purists say that every child has special educational needs and, in principle, I agree with that. At the other end of the spectrum, we must consider the children who have severe sensory deprivation and who are barely able to determine their surroundings. That is why we need to decide what is meant by special educational needs and, at the same time, recognise that everyone must be dealt with as an individual.

The definition of inclusion is also important. The committee suggested a definition; I agree that it was slightly bland, but it was intended to be inclusive. I hope that we can still discuss that. In my constituency, there are two parents with different perspectives on inclusion. One has a youngster at a special needs school and is desperate to get the child into the local school; the other has a child who was at the local school and has taken them out of it to send them to a special needs school. Both parents' argument is based on inclusion—one parent wants their child to be included in the community in which they live and the other parent wants their child to be included in a community that can understand and communicate with the child in a different way. There are matters of definition that still need to be discussed.

The interests of children also merit further discussion. We say that we are working for the interests of the child, that we want things to be done in the interests of the child and that we want the child to have a say. Who decides what the interests of the child are? We need an independent and fair mechanism to make difficult decisions when parents, children and local authorities disagree.

It is important that parents who will be involved in such decisions are properly informed and know the choices available and the basis on which decisions are made. That is why the committee has recommended an education resource centre, which would help to train staff, parents and young

people in the methods and philosophies of special educational needs and would help to create a general network of provision for parents, so that they are included in decisions and are in a position to know what is available and what their choices are.

Inclusion is still a process and we have not yet switched on to total inclusion. Local authorities and teachers are still in a difficult position. It is difficult when one parent wants a child to be brought in but other parents are—as Colin Campbell said—worried about such youngsters coming in. Teachers can feel that they are not giving youngsters a fair deal. They can feel that they do not know enough and they may not have enough support. We have moved some way in the process, but we are not there yet.

I welcome the tone of the minister's remarks in all sorts of respects. I welcome the progress in the consultation document on a record of needs. The committee is committed to the idea of early intervention. Reading the consultation document, I feel that we need to ensure that everybody who has views to contribute should contribute them. There will be a debate about where the record of needs should kick in, but I feel that early intervention is the way.

I am pleased that a decision has been made to continue funding for another year for special schools. I was absolutely delighted at the tone of the minister's remarks. I hope that the discussion will continue and that we will be able to play a part. I hope that the schools—whose significance has been mentioned—can be given a secure future. The precise mechanism of funding is perhaps not the most important thing; the most important thing is that the resource is available and gives choice to parents and children with special educational needs.

I hope that, as a result of the Education, Culture and Sport Committee's report, we can have a better-informed debate from now on. I hope that it will continue and that we can make progress together.

10:42

**Janis Hughes (Glasgow Rutherglen) (Lab):** I congratulate the Education, Culture and Sport Committee on producing its report. The issue of special educational needs is of enormous importance and I am glad to see the Parliament devoting so much time to discussing it.

Nearly one in five schoolchildren in Britain has some form of special educational needs. Creating an education policy for those pupils is a key priority for the Scottish Executive. Policies that we have talked about this morning, such as actively encouraging the mainstreaming of people with



special educational needs in schools, are vital. Last year, the Executive announced that it would provide an additional £13 million to support the mainstreaming initiative. That money will go to local authorities to help them to provide staff and support to allow children with special educational needs to participate in mainstream schools.

I am especially pleased that the committee's report supports the principle of mainstreaming. The Executive's review of services for people with learning disabilities asked whether they were "The same as you?"—or, as Phil Gallie put it, "Just Like Us". Mainstreaming offers people with learning disabilities the same opportunities as everyone else. That is vital. Encouraging those with special educational needs to enter mainstream schools is key to removing the social stigma that is associated with disability and to improving self-esteem, but we must remember that this is a two-way street: it is also important to consider the benefits to children without special needs.

I concur totally with the committee's aim that mainstream schools should become a realistic option for the majority of children, but we must not forget that where it is in the best interests of the child—and I was glad to hear Nicol Stephen mention this—there will still be a need for schools that cater for children and young people with complex needs. One such school is the excellent Rutherglen High School in my constituency, where a holistic approach involving the whole family is paramount. Placement of a child in such a school should be subject to regular review and I am pleased that the Executive has taken that on board from the committee's report. The committee's wish for more flexible provision to enable more integration of pupils from mainstream and special needs schools is already being fulfilled at Rutherglen High and benefits pupils from both backgrounds.

We must accept that more needs to be done to improve services for those with special educational needs. The message that people with learning disabilities are indeed the same as everyone else cannot be allowed to distort the services provided to them and their families. In my constituency of Glasgow Rutherglen, I have dealt with a number of issues regarding special needs, ranging from the lack of adequate pre-school provision to problems during school holiday periods, when no facilities exist to allow parents of children with special needs to have some respite. After-school care has been highlighted as another area in which special needs children cannot always easily be included.

Therefore—and we keep coming back to the word "holistic"—it is vital that we consider a more holistic approach to providing for pupils with special educational needs. It seems somewhat

unfair that parents of children with learning disabilities have to pay extra to get proper care for their children. No one denies that children with special needs require more attention, so it is vital that we put in the resources to allow local authorities to provide services for them, which if properly managed and resourced, can be extremely beneficial to all concerned.

I would like, if I may, to read an excerpt from a letter sent to Sylvia Jackson MSP by one of her constituents. Unfortunately, Sylvia is unable to be here today. I am sure that the chamber will wish to join in sending our condolences to Sylvia and her family on their recent sad bereavement.

**Members indicated agreement.**

**Janis Hughes:** Sylvia has attended many meetings of the Education, Culture and Sport Committee and has a particular interest in special educational needs. Her constituent—the mother of a seven-year-old child with autistic spectrum disorder—asked her to participate in today's debate. The child, Kirsty, currently attends a communication facility that is more than seven miles from her home. In the letter, Kirsty's mother writes:

"Can you imagine how anyone would feel going off to school each day in a taxi accompanied by an adult to attend a school some 7 miles away, waving your brothers or sisters goodbye while they walk some 500 yards to their school. To have to spend all your leisure time shadowed by an adult, no children your own age to play with. Always being shrugged aside by your fellow peer group because they do not know or understand you.

Never invited to parties which you absolutely adore or any social events whatsoever, except by close family and family friends who do know you. Being excluded even in those activities you regularly participate in because they don't perceive you enough as an equal or able to see simple adaptation would allow you to be included. Who would be happy with this life?

I have to believe things can be better and by just being there is a start. Being included will be the way forward."

I am delighted to welcome the committee's report and I hope that the Executive will continue to make special educational needs one of its key priorities.

10:48

**David Mundell (South of Scotland) (Con):** One of the great privileges of being a member of the Parliament is that we have the opportunity to do things that we would not otherwise have the opportunity to do. For me, visiting Stanmore House School near Lanark was a tremendous experience. Seeing—as Michael Russell and others have mentioned—the tremendous dedication of the staff and parents and the courage of the children gives tremendous insight and a greater confidence in humanity, if I may put

it that way.

I very much welcome the Education, Culture and Sport Committee's report. In a debate on 25 May last year in Glasgow, I sought to highlight some of the issues affecting children who suffer from dyspraxia. In that debate, I drew on my own experience as a parent of children with dyspraxia and spoke about the tremendous difficulties that we encountered in getting the children into the special needs structure. I very much welcome the way in which the committee has drawn together a body of evidence that reflects the difficulties that parents face.

As paragraph 37 of the committee's report states:

"Parents and parents' organisations report having to fight for their rights, with outcomes being strongly dependent on where they live and on the ability of individual parents to be assertive."

I have always felt that my wife and I were fairly assertive, but we found it difficult, because we were constantly on the telephone to the school and the education authority, trying to get the educational psychologist involved and trying to get occupational therapy; it was relentless, and would wear down anyone. As the conclusion of the committee's report states, that creates an atmosphere of confrontation between parents and the system, which is not a supportive backdrop against which to help children.

I was particularly pleased to hear what Nicol Stephen said about educational psychologists, because there is a significant problem. My experience is that it took months to get an educational psychologist from East Ayrshire Council involved. The person who performed the first assessment then changed and someone else took over. It was a constant difficulty. The most shocking experience of the whole process was when someone told us in effect that East Ayrshire Council had too many people with special needs, did not need any more and wanted to keep the statistics down—that was the council's approach. It was totally disheartening for parents, so the aim that parents should not be in constant struggle with the system is to be welcomed.

Michael Russell raised an important point, which has been raised with me on a number of occasions—post-school education, which is wholly unsatisfactory. I find it particularly unsatisfactory in an area such as the south of Scotland, where a number of cross-border issues further complicate cross-education authority issues.

We are looking to support the integration of children in mainstream schools during their first 16 or 18 years, but parents, particularly older parents, often want to ensure that their children have life skills so they will be able to carry on when their

parents are not there to support them. Most often, such life skills are developed in residential establishments. I think in particular of a young man who suffers from autism, who is looking to go to a residential establishment, which happens to be in England—it is extremely difficult for him to find funding to do that. His parents, who are aging, are desperately worried, because they wonder what will happen to him after they are gone if he has not been able to develop the life skills that he needs to have a self-managed lifestyle.

It is extremely important that we address that issue, because if we abandon at age 16 or 18 all the valuable work that is done with young people with special educational needs, we will have completely and utterly let them down. We must move the focus that is so rightly put on children and youngsters with special educational needs to what happens in the transition to later life. It is important that we move forward with that.

10:54

**Mr Lloyd Quinan (West of Scotland) (SNP):**

First, I congratulate the Education, Culture and Sport Committee on its hard work and all the organisations and individuals who were consulted in this review of current service provision.

I have spoken about autistic spectrum disorder on many occasions and I wish to reiterate the feelings of parents, professionals and carers of those who are on the spectrum and those with Asperger's syndrome on some of the recommendations in the committee's report. I especially wish to reiterate their feelings on some of the evidence that was given to the committee, specifically that from the Inclusion Group in Dundee, which is led by Kim Nicoll.

It is appropriate that we are debating special educational needs, this being autism awareness week. It is important that we remember—as most members will know, because they will have received it—that the timing of this debate also chimes with the publication of the National Autistic Society's report "Ignored or Ineligible?" The report states categorically that the system is failing children in their transition to adulthood, which is why it is important that we get things right at an early stage.

I wish to speak about the plight of adults with autistic spectrum disorder. Much of the debate will be couched in terms of the requirements of children with special educational needs. We must remember that large sections of our society will require special educational provision throughout their lives. Most important, we must remember that with the increase in the identification and diagnosis of people with autistic spectrum disorder, and given that we are failing children in

their transition to adulthood, it is vital that we develop a strategic plan for the increasing number of adults for whom we will find ourselves responsible.

I wish to highlight some of the National Autistic Society's report:

"People with disabilities have a right to have their needs assessed by their local authority. Yet only 38% of people with autism and Asperger syndrome have had a community care assessment. Only 16% were actually offered one; others had to ... fight for one. Although the process of assessment was good, with a high degree of consultation with families, only 45% are actually receiving the services specified as a result ... Similarly, at the point of transition from adolescence to adulthood, a little over half of families (53%) had a future needs assessment or transition plan in place. Again, a helpful and consultative process for families, and yet only 16% have had their identified needs met in full."

That is the current position for those who are over the age of 18. Given that there has been a tenfold increase in the identification of people with ASD in this country over the past eight to 10 years, the figures will get much worse unless we recognise that, as well as providing for children at the earliest possible intervention level of 18 months to three years, we must put in place a system to assess adults who have not been assessed.

One year ago, a report published by the Joseph Rowntree Foundation showed that 5 to 8 per cent of long-term prisoners and recidivist prisoners in England and Wales are on the autistic spectrum. Such a study has not been performed in Scotland. I hope that the minister will say that giving us an indication of the level in our prisons would be worth while. There is also a requirement for a further extension of outreach work, which the NAS and the Scottish Society for Autism can do for us.

In evidence to the committee, Kim Nicoll highlighted the fact that too often the record of needs meets not the requirements of the child, but the requirements of the budget. The record of needs and provision for children are being tailored to suit the budget rather than the needs of the child. I suggest that we require to examine the system of the record of needs and to develop a system that does not allow adults to slip out of it and fail to receive provision.

Janis Hughes read from a moving letter. I have received many such letters, which all refer to children. If children do not receive what they require now and little or no provision exists for adults now, what will happen to those children in three to four years' time? Time moves very quickly.

We must address the adult problem in relation to special educational needs and develop a holistic approach to dealing with the issue, as Janis Hughes said. I hope that the minister will address

some of the questions that I have outlined.

11:01

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I welcome the opportunity to participate in the debate. Like other members, I thank the Education, Culture and Sport Committee for the work that it undertook and for its recommendations. With the exception of recommendation xvi, I am fairly content with them.

Many members with children who attend or have attended mainstream schools have no comprehension of the anguish that parents of children who have special educational needs feel. The joy of taking a child to nursery or school for the first time is blighted by the worry and anguish of too many parents who feel that they must fight all the way for their children's right. That is not right or acceptable. As David Mundell explained, life is hard enough for those families without the parents having to fight for what they believe is right for their child.

I am glad that attitudes are changing and that policies and programmes will be tailored to meet the needs of each child and their family. As many members have said, parents want their children to be educated at their local mainstream school, but that is possible only if the child's needs are fully assessed and met. The will must exist at every level to welcome the young person into the school. I am sorry to say that in my experience, the welcome has not always been warm and the young person with special needs—whatever those needs are—has been considered a disruption to the school's smooth running. That is unacceptable. We must train teachers, other staff and parents so that inclusive education becomes a reality and barriers are removed.

Cathy Peattie said that mainstream and special schools should not be considered to be in opposition. I agree. We have an opportunity to work inclusively to allow schools, families and communities to share and learn inclusively. That happens in many areas. In my constituency, several schools have shared facilities and several schools are working inclusively and integrating children full-time or part-time into the mainstream education system.

I have concerns about recommendation xvi, which relates to grant-aided special schools. I cannot speak from experience of all schools in that category, but I know about the Craighalbert Centre in my constituency, which specialises in dealing with children with motor impairments. It recently celebrated its 10<sup>th</sup> anniversary. The Craighalbert Centre is ahead of national developments. It operates an inclusive policy and works with local mainstream education providers to ensure that

children progress to their potential and, as far as they can, to mainstream schooling.

Craighalbert concentrates on dealing with children from the age of nine months to the age of seven. Almost 90 per cent of children who attend Craighalbert reach mainstream education. That is what we are discussing—inclusive education and ensuring that parents have choices. If the young person can be educated in a mainstream school, we should put our resources into ensuring that that happens.

Staff at Craighalbert school and parents with children there are concerned about events and about the uncertainty of the school's future funding. I welcome the fact that the minister has met representatives of such schools and I will be happy to join him on his visit to Craighalbert, which must be the school he has not yet visited. I would be happy to show him that facility.

Instead of concentrating on educating our young people and dealing with young people with cerebral palsy or other conditions, the staff and board members of Craighalbert must divert their time and effort to worrying about the future. I welcome the extension of the present funding system until 2003, but we must recognise that Craighalbert in Cumbernauld is a national centre of excellence. Children come from all over Scotland and other parts of the UK to develop their full potential through the expertise in that school. The school's ethos is be all you can be—to use a Health Education Board for Scotland phrase. That is what the school does for those children.

We must recognise Craighalbert's national role and the need for national centres of excellence. We cannot expect to have in every local authority area or every school people who have the expertise that can be gathered at special schools. I hope that when the minister invites people from special educational needs groups to become involved in studying the issues in greater detail, he will set the criterion that those centres of excellence must be maintained.

11:07

**Donald Gorrie (Central Scotland) (LD):** I welcome the report. A great deal of work went into it from many quarters and it represents a serious advance in our efforts to deal with the issues. I welcome the minister's speech and his obvious personal interest, which is refreshing and encouraging.

Without disparaging the members of the Education, Culture and Sport Committee who have spoken, I felt particularly interested in the speeches from those who are not members of that committee. A debate such as today's offers an opportunity for those members to participate in

discussing the issues. It is unfortunate that more members do not take the opportunity to put finding out about the work of other committees and contributing a bit to their activities higher on their agendas. We all have lots to do and many people are scurrying around the country abusing other political parties—usually highly deceitfully—which is what passes for electioneering nowadays. I have been guilty of not attending debates on committee reports, but we should encourage our colleagues to play a bigger part in such debates.

I strongly endorse the arguments that Lloyd Quinan made about autism and that Cathie Craigie made about Craighalbert school, which I have visited twice. I am signed on for those, so I do not need to go over the ground again.

My first point has been touched on by various members, particularly Janis Hughes. It is inevitable that the focus of the committee's report is school education for that group of pupils with various problems, but that is only part of the picture. Members have mentioned what happens to pupils after they finish school, before they reach school and when they are not at school, which must also be considered.

I had a humbling morning meeting carers of various sorts in a town in central Scotland. I had a pretty torrid hour and a half from carers—mostly parents—of children, most of whom had Down's syndrome. They felt that the local authority was not giving them anything like the support that it should. One parent applied for respite care when their child was 11 but got it six years later. That affects the child's school education, human rights and whole performance.

We need to have the famous joined-up government that we all talk about. Whether it is government at local authority or national level, it has to provide a whole package of support for parents and children. When the child leaves school, it has to support them in the future. All the elements of that package are necessary, as are the very good ideas that have been elaborated in the debate as to what happens in the school.

Another issue is that of the human rights of children in classes where there are disruptive pupils. The vast majority of pupils with learning disabilities of various sorts are pupils whose behaviour is model, but a minority cause serious trouble and our educational system is defective in that we do not provide schools with enough support. I am sure that all members have anecdotal examples of that. Mine is of a keen and good young teacher in a good school who teaches all his classes excellently, except one. He has given up on that class because of a couple of disruptive pupils. In effect, he has lost the battle, which is not fair on the other 20 or so pupils in the class. The weakest point in the New Testament is

the parable of the lost sheep. In the real world, while the shepherd is off attending to the lost sheep—which is very praiseworthy—the other 99 wander over the countryside, get into all sorts of trouble and are eaten up by passing wolves.

We do not give enough attention to the pupils whose education is seriously disturbed by pupils who are disturbed in their behaviour. If we want to achieve the desirable aim of keeping those disturbed pupils in the main stream, we must give higher levels of support to schools that have that sort of problem. The right sort of support can win the battle. It will make those children decent citizens in due course. I make a strong plea for the application of carefully targeted support for schools and classes that have disruptive pupils.

We are on our way to producing a more civilised society. Although there are a lot of obstacles to overcome, especially in the attitude that people take to the issue, the report is a good step forward. I congratulate those who produced it.

11:13

**Mr John McAllion (Dundee East) (Lab):** I can cheer up Donald Gorrie by assuring him that I am not a member of the Education, Culture and Sport Committee. I am not even on the Labour party rota to attend the debate. I am in the chamber because I am interested in the debate. As a Labour back bencher, I am glad to get the opportunity to take part in any debate in the Parliament these days.

I welcome the report and I congratulate the Education, Culture and Sport Committee on prioritising it. The report is another example of Scotland becoming a much better place to live in because of the existence of the Scottish Parliament, which is able to address subjects that would not have been given any kind of political airing under the old political system with which we are all too familiar.

The time for a national focus on special educational needs is long overdue. The system that we inherited two years ago was not delivering and is still not delivering for thousands of children across Scotland. The report includes criticism of the system, based on the evidence of a number of witnesses. They described how access to decent SEN provision is a matter of geographical lottery—Mike Russell described it as a postcode lottery—and depends on the luck factor of where people live.

In my experience, people are lucky indeed to live somewhere in Scotland where there is a good local school that is providing inclusive mainstream education; where the local school is supported by an enlightened education authority that provides a range of choices across mainstream, specialist and community schools to the people living in its

area; and where the education authority is in turn backed by a progressive Executive that provides schools with sufficient funding, teacher training and special needs assistance on the scale required. That is what is needed if we are to secure the aim of every child with special educational needs in this country getting the same educational provision as any other child in Scotland is entitled to receive. To be honest, anyone who lived in that kind of place would not be living in Scotland, but that ideal gives us an idea of the scale of the challenge that faces the Scottish Parliament and the Executive in trying to meet the demands that are growing fast.

My experience in elected politics in Scotland stretches back 17 years. Early in my days as an MP, one of my constituents came into a surgery with a complaint. The local education authority in Dundee would not recognise attention deficit hyperactivity disorder—the condition that is known as ADHD—and no local general practitioner in Dundee would prescribe Ritalin to treat it.

Last month, I received a letter from the educational services manager of the same education authority in Dundee, who told me that there are now 170 pupils diagnosed with ADHD in Scottish primary and secondary schools. Other sources have told me that in every school in Dundee City—primary or secondary—Ritalin is being handed out to at least one pupil in every school. I do not, however, want to get involved in a dispute as to whether we should be giving a class-A drug to so many young people.

The demand for special educational needs in Scotland is accelerating—indeed it is exploding, as was described by Lloyd Quinan. Parents of children with autistic spectrum disorder are struggling to get the kind of recognition and provision that they need. Depending on the severity of their attacks, children with ME have to drop out of school for a long time. They do not get recognition and special provision for their special needs.

The range of conditions that members have mentioned guarantees absolutely that special educational needs is a major issue. Janis Hughes rightly said that one in five children in Scotland has some kind of special educational need. It is not a side issue; it is a major issue that should be addressed by the Scottish Parliament.

Like many members, I have received letters from constituents describing their situations. I received one from a single mother who was trying to get the best education available for her son. He suffers from complex learning needs that cover a range of different conditions. She told me that she and her son would ideally like to have the kind of things that are called for in the report. They need a package that would include an inclusive education

in a local mainstream school with appropriately trained teachers and special needs assistance.

In addition, the mother needs home-based support so that she can carry on as the primary carer for her son. To ask for that is not to ask for a lot, but that kind of provision is not available—it cannot be afforded in Dundee. Her son was offered an out-of-area educational placement in a residential school. The school is excellent, but it is many miles away from their home in Dundee and that was not what they wanted. The mother described how, as her son grows older, increasing stress and tension is caused when he has to leave his home to return to the school. Her son cannot grow up in his own community, which means that he is suffering a kind of individual apartheid.

We need a national plan to tackle the needs of parents in that situation. We need to identify where the needs and gaps are and where the money is, and is not, being spent. We need to have the political will to find the money to back such a national plan, so as to make a real difference to those parents and their children. The Scottish Parliament and the Executive are not addressing in any meaningful fashion the needs of the one in five children in our schools who have special educational needs.

The minister says that the case is still out for a national strategy. Not as far as I am concerned. In my practical experience—representing Dundee East—the case has been made again and again. The time has come for the Parliament to realise that it is not enough to talk about addressing problems; we have to find the money to pay for the resources that will enable those problems to be addressed. I wish that, instead of for ever being about tax cuts, just for once the focus of the general election would be on the need to increase spending on our public services so that people's needs are met throughout the country. I did not come into politics to pursue tax cuts and I do not suppose that many others did either.

11:20

**Lord James Douglas-Hamilton (Lothians) (Con):** John McAllion and Donald Gorrie were right to make it clear that special needs is a subject that should command top priority at all times. Funding for special needs has, rightly, been increased enormously over the past 10 years. I welcome the key recommendations of the Education, Culture and Sport Committee, especially the recommendation that all children should have personal learning plans. I recognise that there is a need for additional resources, advice and training—especially for parents—and I recognise that the record-of-needs procedures should be revised or replaced.

There are in Scotland seven grant-aided schools for particular special needs, four of which I have visited. I have also visited the special school for autism in Alloa and recall vividly one of the children telling me at length why “Chariots of Fire” was such a good film. There were other children there who had no speech, but who were very happy being looked after at the school.

There is a strong case for grant-aided schools to be maintained from direct grant-aid funding. That is because the seven schools are centres of excellence and can be of enormous assistance in giving health and self-confidence to those who have severe learning difficulties or particular special needs. Donaldson's College, for example, which is the national school for the deaf, looks after children from all over Scotland, from Angus to Dumfries. All its pupils are profoundly deaf and use signing as their first and preferred method of communication.

The Royal Blind School in Edinburgh is a day and residential school that has a long tradition in the education of pupils who have visual impairments. Harmony Education Trust is a special school for pupils aged six to 12 who have pronounced social, emotional and behavioural difficulties. The Craighalbert Centre is the national centre for young children who have motor impairments and it educates young persons between two and seven. Corseford Residential School in Renfrewshire, Stanmore House School in South Lanarkshire and East Park School in Glasgow all provide therapy for children who have speech and physical difficulties, and education for children who have severe learning disabilities and sensory impairments.

**Michael Russell:** Lord James Douglas-Hamilton correctly enumerates the schools and what they do, but does he agree with the point that other members and I have made that those schools are not a homogeneous group? As John McAllion said, those schools must sometimes cater for children who might be happy and well looked after in mainstream schools, if their local authority were able to provide it. As Mr Monteith said, that is a matter of choice.

**Lord James Douglas-Hamilton:** The issue that Mike Russell raises was referred to by Cathie Craigie. The debate about at which school—special or mainstream—a child would be best cared for is anguished and difficult and there is no simple answer. It depends on the circumstances that relate to each child and on the wishes of the children and their parents.

However, there is no doubt that, when a child has severe learning difficulties and substantial medical needs, special schools can provide an invaluable education and care system, because they have a concentration of expertise. Those

schools might not survive intact without direct grant funding, because the pupil flow could fluctuate annually, depending on the best interests of the children involved. I have no doubt that local authorities have greatly developed their expertise in that area, but it would be a great mistake for local authorities to see themselves as being in competition with special schools, because the range of specialist provision at those schools will inevitably be more extensive for certain categories of learning difficulty. Cathy Peattie and Nicol Stephen were right to suggest that there should be flexibility in those matters and that the needs and circumstances of the child should be paramount in determining the best outcome. That requires much care, understanding, trouble and investigation in each case.

It is refreshing that the minister said that there might be circumstances in which a child should be educated at both a mainstream and a special school. A flexible approach to the matter is necessary and desirable. I know, from having spoken to relatives of children at special—and indeed mainstream—schools, that it would make a great difference to the families concerned if worries over funding, especially for special schools, were removed. I hope that the minister can consider that point sympathetically.

I wish Karen Gillon every good fortune as convener of the Education, Culture and Sport Committee. I suggest to her that one enormously important theme that has been picked up in the debate is that there are great worries over post-school education. When children leave school and go on to further provision, the transition is often traumatic for the children concerned and for their families. I agree with David Mundell's and Mike Russell's references to that, which the committee could usefully consider in future.

I pay tribute to the selfless care and service of the professionals who work in special and mainstream schools, which I believe provides comfort and peace of mind to all concerned. This is a matter that requires great sensitivity and I hope that the minister will continue to give it a sympathetic response.

11:27

**Mr Adam Ingram (South of Scotland) (SNP):** I congratulate the Education, Culture and Sport Committee on a report that provides a penetrating critique of the current system for the provision of special needs education in Scotland. That critique is all the more powerful because of its underlying support for the broad thrust of policy, which has seen a significant shift in recent years towards the concept of inclusive education. There is broad support across the party political spectrum for the policy objective of maximising participation of all

children in mainstream schools. As John McAllion and others expressed eloquently, the problems lie in implementation.

From my experience of trying to represent the views and concerns of parents, I confirm the fundamental truth of the committee's observations in paragraph 19 of the report, which says that the evidence suggests that

"success has been achieved through a combination of a strong commitment by individuals, flexibility and resources. The main barriers to inclusion are a lack of resources in mainstream schools, inadequate training of staff and negative attitudes."

I have seen for myself the strenuous efforts that have been made by the likes of South Ayrshire Council to achieve inclusiveness, especially for children with learning difficulties, who were previously stigmatised because of their attendance at special schools.

The learning bases that are provided in schools such as Dalmilling Primary School and Mainholm Academy in north Ayr are models of their kind. Notwithstanding some parents' sensitivities, nobody could fail to be impressed by the commitment of the teachers and staff in those schools and by how well all the pupils have adjusted and responded to the mainstreaming initiative. However, the system fails other children who have special educational needs, especially those who have social, emotional and behavioural difficulties. Much more attention must be given to meeting the needs of children who have chronic mental health problems.

In recent months I have been trying to assist parents of children who have attention deficit hyperactivity disorder. I must tell members that almost all those parents have a horror story to tell about the treatment of their child in school, from the child being forced to assume a dunce's position in class, to tales of bullying and scapegoating. There is a crying need for education and training for teachers and special needs assistants on how to cope and how to get the best out of pupils who have mental health problems and disorders. That training and education must be for all the teaching staff in a school. We must have much more in-service provision for teachers—it is not good enough merely to have one specialist person in the school who understands about ADHD, autism or other problems. I whole-heartedly endorse that recommendation in the committee report.

There can be no denying that reducing class sizes must also be on the agenda if we are talking about mainstreaming special needs kids. I also support strongly the report's recommendation of the need for health, education and social work professionals to work together to develop support packages for children and families. An holistic

approach to treatment, education and family support is conspicuous by its absence in the cases that I have been dealing with.

For example, the administration of medication to children in schools leaves a lot to be desired. As John McAllion pointed out, and as members will be aware, many children who are diagnosed with ADHD are prescribed a class-A drug, Ritalin, to control their behaviour in school. However, many parents have found that there are no qualified personnel in schools to supervise the taking of the drug and, on occasion, children have been allowed to self-medicate. John McAllion found out how many children in Dundee are taking the drug, but Ayrshire and Arran Health Board does not keep a database of children who are currently being prescribed Ritalin. The system is wide open to accident and abuse.

I endorse the committee's recommendation that informal parent support networks ought to be facilitated and supported. Authorities like to deal with individuals, rather than with collective approaches by parents. At the moment, the system provides very little for parents. I spent last Friday evening with parents of children who suffer from ADHD, encouraging them to work collectively to establish a support network in Ayrshire. Thanks to the offer of help from the Princess Royal Trust for Carers, that effort was successful. However, my point is that such a support network should have been up and running for years, long before now, acting as a spur to improve service provision and providing relief from the purgatory that David Mundell and other members have said that parents go through in dealing with the authorities.

I hope that the Enquire service and the pilot projects that are developing local mediation services to help parents and local authorities work together to resolve disputes will be successful. I look for some feedback on that from the minister in his summing up.

11:33

**Mr Kenneth Macintosh (Eastwood) (Lab):** I welcome today's debate and I am particularly grateful for the chance to contribute. As members know, I was a member of the Education, Culture and Sport Committee throughout the inquiry, but left before the final conclusions and recommendations were drawn up, which is a bit like leaving the church before the singing. I am therefore delighted to have my say today. I am also delighted with almost all that my colleagues recommend in the report. There is obviously not enough time to go through it all, but I would like to touch on three areas in particular: support for parents of children with special needs; support for teachers; and support for pupils.

I shall begin with parents, because one of the most disturbing aspects of the evidence that the committee heard concerned parents' experiences. Across the board, the story that parents and families had to tell was one of frustration. The experience of trying to access the best special educational needs provision for their children was exhausting for many families. Parents find it impossible to find information and they do not know their rights or what is on offer. When they do know what is on offer, they find it difficult to access that provision.

Dealing with one's child can be pretty wearing at the best of times. Having to battle for their right to a decent education as well can be just too much. It is depressing that the education authorities, and particularly the psychologist services—which I know are staffed by caring individuals who are dedicated to their work and should be the saviours of most of those families—are often seen as part of the problem or as an obstacle to progress. They are not seen as the pathfinders into a service, but as the gatekeepers of and barriers to it.

The report offers many examples, but I particularly remember a comment that I heard when Mary Mulligan—the former convener of the committee—and I visited Donaldson's College. Parents wanted so much for us to hear what they had to say that they took the morning off and travelled to the school from all over the country. One mother said, "You learn very quickly to travel in pairs when you're the parent of a child with special needs. If you are by yourself, you are isolated—you are picked off and you have a difficulty battling with authority."

The problem is probably best highlighted by the failings in the record-of-needs procedure. Cathy Peattie commented in detail on that and on the committee's recommendations, as did Colin Campbell and Lloyd Quinan. I do not want to add to their comments, other than to emphasise that many families rely on the record-of-needs document to secure what is best for their child. Depending on the child's condition or on where the family lives, opening a record of needs can be a lengthy, if not impossible, task. The record-of-needs system must be made to work efficiently and fairly.

I want to mention teachers briefly, as they are crucial to making our special educational needs policy work. As Ian Jenkins mentioned, there is no doubt that some teachers are apprehensive about what mainstreaming special educational needs will mean to them. Too often in the past, we have expected teachers to shoulder the burden of extra responsibility, but without giving them the resources, training and support to make that possible. We should be quite clear that mainstreaming special educational needs is not



the cheap option. Resources are required, not just to help remove the physical barriers, but in the deployment of support staff and auxiliaries and to give teachers confidence in their ability to cope. I am delighted by the review of initial teacher training that has been announced, and I look forward to seeing the results of that review at the end of the summer.

I want to focus on one of the key sentences in paragraph 6 of the report. It says:

"The Committee wishes to ensure that mainstream schools can become a realistic option for the majority of children, whilst seeking to maintain the choice of a special school placement for those with the most significant needs."

A lot of energy has been expended talking about the position of the grant-aided schools. There are concerns, but some of the fears that have been expressed are misplaced. The Conservative education spokesman has not done his party—or anybody else—any favours by the manner in which he tried to create divisions and to exploit divisions that do not exist. As is often the case, Mr Monteith spreads discontent where there is harmony. Neither the committee nor the Executive is anti-special school; nothing could be further from the truth.

None of us who visited the schools can have failed to be impressed by the work that the schools do. I have not had the opportunity to see them all, but I have visited Donaldson's College, the Royal Blind School and the Craighalbert Centre, which are beacons of excellence in special educational needs provision. Others should aspire to do the work that those schools do and to the quality of education and care that they provide. Those schools enjoy a position of privileged central or national funding, although there is no doubt that some are more national than others. The criteria for funding those schools need to be made more equitable, while preserving and protecting the excellent work and standards that they have already achieved, and I am glad that discussion with the Executive on that has started. I do not want to go into detail, but I recommend that the Executive look at some of the excellent suggestions that are made in the proposal for a national strategy for special needs, which was put together by the schools that I mentioned.

In some ways, I resent having to spend so much time discussing an issue on which there is broad agreement. Mr Monteith should know that the strength of committees lies in their ability to deliver unanimous and cross-party analyses and recommendations. I believe that that could have been achieved in this case. The argument is not between mainstream and grant-aided schools, but about how we can improve facilities, resources and standards throughout the sector.

I shall close, as other members have done, by quoting from a letter that helps to illuminate why inclusion and mainstreaming are so important. It is from a family in my constituency, but I am sure that other colleagues will have received similar letters from members of the Equity Group. My constituents have three children. They say:

"Michael and Gavin attend the local primary school and walk to school with their friends, everyone who lives around us knows them and neighbours often wave as they run past. Stephen does not attend our local primary school. He has the label of autism and so he attends the ... school on the other side of the authority and hence he is picked up and dropped off by taxi every day—he has no opportunity to walk to school with his friends, he is not well known in the area."

The letter goes on to say:

"We know that the authority have a very strong inclusive policy and are trying to increase the number of children with special educational needs who are attending their local mainstream school but the process is slow."

The process is frustratingly slow. The Education, Culture and Sport Committee's report acknowledges the work that has been done and the commitment of the Executive to special educational needs, but the issue must remain a political priority and appropriate resources must be allocated.

To quote a slogan in current use—with which some members may be familiar—much has been done, but much more remains to be done.

I urge the Executive to press ahead.

11:40

**Mr Monteith:** I have found this debate on the committee report very useful and productive. I believe that it has covered many aspects of the Education, Culture and Sport Committee's report, and that is important. I feared that the debate might concentrate on special schools, but I am pleased that, with the help of members of the Parliament who did not serve on the committee, we have managed to broaden the debate.

I thought that David Mundell's speech, which raised the issue of the atmosphere of confrontation that parents face, was especially welcome. Other members mentioned that point. In my opinion, the record of needs cannot last and there is consensus that a review of it is required. We will have to find a radical way ahead if we are to resolve the real problems that parents face.

When I visited the Craighalbert Centre, I met a parent who has a child there. It became clear to me that part of the problem was gaining information. It is not only the problem of going through the record of needs, but of obtaining information, when going through that record, about the variety of choices that are available. That

problem could be addressed. I feel—and have felt for a long time—that there is a conflict of interest in the system, in that the authority that reviews the record of needs has self-interest in respect of provision. We must seek to resolve that problem.

Lloyd Quinan, Lord James Douglas-Hamilton and other members mentioned the problem of, as Lloyd Quinan phrased it, “transition to adulthood”. The committee touched on that matter in taking evidence, but we have far more work to do on it. I welcome the contribution that members have made in raising the issue. I will seek to raise that matter in the Education, Culture and Sport Committee, so that we can consider it further.

In his speech, Ken Macintosh said that, in raising the issue of special schools in the manner that I did, I have done my party a disservice, ensured the breakdown of consensus have, in a sense, damaged the committee’s report. Ken Macintosh could not be privy to the discussions, because he was no longer on the committee and therefore not able to attend its private meetings. I sought to answer some of the clear points that were made in the oral evidence about what a national centre is. I sought to ensure that the report at least defined what a national centre might be, or to find a way to establish what a national centre might be. Sadly, that was not possible.

I accept that I have a view about national funding and I accept that others sincerely believe that national funding should not exist, but there is a separate issue about whether we recognise some institutions as national centres of excellence. That is separate from the issue of national funding. I sought to tease out how we might describe what a national centre is but, sadly, that was not possible. I now see that that issue will be examined, with the help of the minister and the SEN forum.

On national funding, it was clear from the evidence that there is genuine and deep concern about the existence of some of those schools, first, if we do not categorise them as national centres and, secondly, if we do not as a consequence institute some provision of national funding. It is clearly for us to address that issue, and not necessarily to reach a conclusion, but the committee did not even address the matter. The committee’s recommendation, in discussing how COSLA might consider the matter, passed the buck.

**Mr Macintosh:** Does Mr Monteith agree that the inquiry was not into the seven grant-maintained schools? It would be unfair of the committee to pretend that it could take a view, when it had not heard evidence from, or visited, each of the seven grant-maintained schools. Mr Monteith again raises the idea that the continued existence of those schools is under question. Their continued

existence is not in question; it has, in fact, been guaranteed.

**Mr Monteith:** It is rather disingenuous to say that we can all agree that those schools are important and should be part of the overall provision—which view has attracted consensus in the debate—without us having discussed it and formed a view, in the context that ministers clearly want us to discuss it and form a conclusion. The committee chose not to do that. No member would second my amendments to the report, which ensured that they were not even debated. That is why I brought forward—[*Interruption.*] Michael Russell coughs, as if to show dissent. The fact is that my amendments to the report were not debated, because they did not have a seconder.

**Michael Russell** rose—

**Mr Monteith:** I will give way to Mike Russell, who will no doubt try to correct me.

**Michael Russell:** I must not allow my cough to stand in for me.

I am afraid that I do not recognise the account that Mr Monteith has given of what was discussed in the committee. I see that there is assent to that from the other committee members. The committee attempted to discuss the issues that Mr Monteith wanted to discuss. I seem to remember that we had great difficulty in getting Mr Monteith to formulate the issues into an amendment that we could debate. In all those circumstances—I shall return to the matter in my summing up—I do not think that Mr Monteith’s account of events bears the hallmark of, or stands the test of, truth.

**Mr Monteith:** Mr Russell’s cough was far more accurate than what he said afterwards.

I have before me, and anybody is entitled to read them—

**Donald Gorrie:** On a point of order. Presiding Officer, will you give guidance to the excellent people who write the *Official Report* as to whether a cough is a parliamentary activity? As a member of the Procedures Committee, I am interested in what constitutes a contribution to the debate. Perhaps you could guide us on that.

**The Deputy Presiding Officer (Mr George Reid):** We shall ensure that the quality of Mr Russell’s cough is duly investigated and we shall report back.

**Mr Monteith:** I assure Mr Gorrie that, if he attended the Education, Culture and Sport Committee, he would find that when a member is saying something that Mr Russell does not like hearing, he seems to erupt into a fit of coughing.

As I was saying before Mr Gorrie’s point of order, I can display for Mike Russell the written process by which I formulated my amendments. I

recall clearly that, at the time, I was willing to accept amendments to my written amendments. I remember the huddle that took place to discuss whether the amendments should be accepted. It was decided that they should not be accepted and not discussed.

**Karen Gillon (Clydesdale) (Lab):** On a point of order. Is it in order for a member to bring to public attention, in the chamber, a matter that was raised in a private meeting of a committee? Surely the purpose of a private meeting of a committee is to have a full and frank discussion of views in private, not in public.

**The Deputy Presiding Officer:** Yes, Mr Monteith was sailing close to the wind there: private is private.

**Mr Monteith:** I am happy to move on.

I am aware that several members, including Michael Russell, are especially keen that all evidence of advice and discussion should be put before Parliament when it relates to the SQA. Clearly, he does not like the truth to come out about what happens during committee meetings in camera.

Patrick Webb, of Harmeny school, said:

"Harmeny School is the only grant-aided school specifically for children with social, emotional and behavioural difficulties. We work with young children aged between six and 13 and are currently involved with 18 local authorities. ... The removal of grant aid will cause two serious problems. First, fee levels will rise steeply and abruptly; secondly, our cash-flow situation will be untenable. If we foresee a situation in which we will be unable to pay our bills, company legislation obliges us—frankly—to fold our tents."—[*Official Report, Education, Culture and Sport Committee*, 27 March 2001; c 2209.]

That is why I say to Kenneth Macintosh that the issue must be addressed. We must find out whether any national centres exist and, if they do, whether they require national support. Michael Russell already gave an example of a school in Ayrshire that no doubt does much good work, but which puts a particular burden on the local authority.

Mrs Sandra Kerley of Capability Scotland said:

"Central to all our concerns is funding. In our written submission we have supplied information on our current difficulties with local authorities and the role that the Convention of Scottish Local Authorities is playing. There is no reference in the committee's report to any transitional arrangements."—[*Official Report, Education, Culture and Sport Committee*, 27 March 2001; c 2206.]

I sought to address the lack of such a discussion and conclusion.

I am sad that Kenneth Macintosh provoked me into such a response. As I said, the work of the committee has been very helpful in this area and the debate has mainly been very positive. I

welcome that aspect of the report and look forward to hearing speeches from the other members, whom I expect to take my interventions in the same spirit as that in which I took theirs.

11:51

**Michael Russell:** I shall endeavour not to cough; however, I assure members that it is getting much better, and therefore less expressive.

Unfortunately, I take issue with much of Brian Monteith's speech. For example, the letter from Harmeny school that he mentioned was written before its representatives returned to the committee and met the minister; they—and the other schools—would admit that any doubts and fears that they might have had have been assuaged by those meetings.

It is not—should not—be possible to go into a detailed exposition of what happened in a private meeting when the committee was endeavouring to come to an agreement on its report. I have said in the past that there are times when the committee needs to meet in private. With the permission of the committee, I will re-emphasise what I said in my intervention; I do not recognise Brian Monteith's account of that particular discussion. There was a desire to reach an agreed position among the parties and individual members—which is how we approached the matter—on what we would say about the seven special schools.

What we wanted to say—the point has been made time and again in the debate—is that this group of schools is not homogeneous. Different children have different requirements and, as Lord James Douglas-Hamilton eloquently pointed out, the schools perform different roles. However, they are worthy of support, and the issue of how such support arrives is almost incidental to that fact. In his opening remarks, the minister helpfully indicated that he also sees the issue in a much wider context than whether the money comes directly from the Executive or in other ways. The report in no way lessens the commitment to those schools; however, it recognises children's different requirements and the need for a partnership among parents, local authorities, the Executive, the Parliament and the young people themselves. I hope that the minister will take on board the fact that such a partnership must now develop a national strategy, because all those people are key stakeholders in what happens and how the matter is taken forward.

It is a perversion of the debate to limit it to the question whether the Executive should sign an annual cheque for seven schools—that is not the real issue. The real issue that members in all parties have addressed is how we should focus on each child's individual needs and how, as a

society, we can support and develop those children, not only in the special schools, but throughout their lives. By doing so, we can begin to address some of the problems that will arise—and that are arising—at the end of schooling.

By and large, we have had a consensus and a positive approach. Furthermore, many individual remarks and accounts of experiences have thrown light on the need to support the committee's report, to accept what the minister has said and to engage in joint activity involving the Executive, the Parliament and the other stakeholders.

However, I was very struck by a comment that was made by John McAllion, which was echoed by my friend Adam Ingram. The debate is also about resources. Fortunately, we have not made that issue the centre of the debate and we have not divided on it. That said, the debate is also about providing sufficient resources to ensure that children receive the help and support that they need. That help is not cheap.

In my opening remarks, I mentioned that the minimum cost for a child at Daldorch House School is probably about £100,000. That child requires 24-hour attention, three shifts of staff and all the ancillary services. The cost could be as high as £200,000 or £220,000 for severely autistic children at the school. That is a lot of money; for a local authority, it is the cost of keeping open two primary schools. As those authorities have genuine difficulties, involving them with the Executive's support as willing funders in the partnership is the only way forward. If that does not happen, local authorities will be glad to slough off the responsibility, because it can be met by other sources. I do not mean that as a criticism. However, the issue is complex. If local authorities slough off the responsibility for any child, they also slough off their central commitment to mainstreaming. The moment that a local authority says that a child who lives in its area is not its responsibility, there is no mainstreaming, because a whole section of children is removed from the established context of education in Scotland and put somewhere else. All those issues are interlinked, and trying to focus on the single issue of where the money for special schools will come from damages the debate.

I am very glad to welcome some young people from Stanmore School who have just arrived in the public gallery, because today's debate is not about statistics, money or the minutiae that Brian Monteith has tried to suck us into. Instead, it is about supporting, helping, caring for and involving in the community the children who are in the chamber today and many others. If we see the debate in such a way, the Parliament is not some dry and arid place, but part of the living development of the Scottish community.

The Parliament and the Education, Culture and Sport Committee have shown themselves in a good light today. However, this is the start—not the end—of the process. Although we have reached an agreed position with the Executive that we can proceed with, we must never lose sight of one vital factor. The debate is not about figures, politics or—as Mr Monteith said in his opening remarks—dogma; it is about belief, faith, caring and the creation of community. In the words of Ian Welsh, who was the inspiration behind the report, it is about human rights and human beings.

11:57

**Nicol Stephen:** I start by adding my own welcome to the children from Stanmore House School, which I visited only yesterday. It is great to see them in the chamber, and I am sure that many of us will meet them after the debate.

I also welcome the debate, which has been worth while and marked by speeches of high quality. Through the debate and the Education, Culture and Sport Committee's work, we are genuinely developing policy and shifting it in the right direction. As many members have pointed out, we are taking a more flexible and child-centred approach and that must be the focus for each and every one of us. For example, it is clear that the continued involvement of a special school can be absolutely crucial in preparing or enabling a child to take up a mainstream place or in allowing a child to keep—and flourish in—such a place.

Mike Russell spoke well on a range of issues. Indeed, his first speech was an excellent summary of our thoughts and—more important—touched on the emotions that we feel when we address the subject. I agree with him that the partnership between the Parliament and the Executive that has been demonstrated this morning is crucial to getting things right.

Furthermore, I know about the frustrations that many parents and children experience at a child's 16 to 18-year-old stage. Just as they seem to be developing and realising their potential, that can stop. Colleges have an important role in addressing the removal of such false barriers. When I was Deputy Minister for Enterprise and Lifelong Learning, I chaired the national action group that was set up to carry out work in response to the Beattie committee report. Now that I am in a different department and no longer involved in that group, I have suddenly become conscious of the importance of creating links. Following Mike Russell's comments, I undertake to discuss with the national action group some of the issues that have been raised this morning.

Brian Monteith said that he agrees with many of

the Education, Culture and Sport Committee's recommendations and with much of what has been said in the debate. I think that he is sincere in that, and I agree with much of what he said, especially regarding the importance of specialist provision. As I have said, I am interested in national provision as a way of making mainstreaming a reality—provision of expertise, research and outreach work. National centres can extend to different parts of Scotland and reach remote and rural areas to give the advice, guidance and training that people need—and training is important.

Special educational needs concern not only the placement of pupils and the postcode area from which they come, nor is it only about the seven national schools. We must consider the whole sector and look wider. There is some consensus among members and I am sympathetic to the idea of a national strategy. I hope that the work of the national advisory forum for special educational needs will be welcomed by everyone.

Cathy Peattie mentioned what we are all aiming for: not a dogmatic or political approach, but a child-centred approach in which parents will play a real role. We are not asking for a philosophical or high-level commitment to the involvement of parents; we want a response to the blood, sweat and tears—too often and too many—of parents who are battling with the system. We want a solution that represents the best interests of the child.

David Mundell's description of his personal experience was especially moving. Members could sense that he was touching only the surface of a deep emotion. His important speech raised the issues that we want to address. Colin Campbell also talked about his personal experiences—of the old way, of the resistance and inertia that existed and of the instinct of exclusion and the stigma that was associated with it. Ian Jenkins, too, gave a personal account, but I shall not rise to his Bertrand Russell-like challenges regarding lamb chops and I will skirt around his definitions of inclusion and special educational needs. Important though those definitions are, we do not want to get lost in argument over them; we want to put the child at the forefront of our thinking.

Lloyd Quinan raised many important issues and a significant proportion of his speech related to the situation of adults who have autism or who have been diagnosed with ASD. Lloyd mentioned prisons, which I shall raise with Jim Wallace, the Minister for Justice. We are all concerned about the increasing number of individuals, especially children, who are being diagnosed as having ASD. Nevertheless, the fact that the condition is being diagnosed must be regarded as a positive

development. The problem is in addressing those individuals' needs. In following up the learning disabilities review, we are undertaking work with such adults. The review's report recommended the establishment of a national network to make post-school provision more effective. That recommendation is being implemented, as Lloyd Quinan will know, by the National Autistic Society and the Scottish Society for Autism, and a great deal of follow-up action will be required.

Donald Gorrie spoke of disruptive behaviour, which is undoubtedly a barrier to learning. I do not want to drift into the issues that are associated with the discipline task group. Those are separate issues, although they relate to many of the points that have been made in this debate. It is important to realise that much disruptive behaviour reflects the continuing low-level disruptive behaviour that is associated with many of our pupils, not specifically with individuals with special educational needs. The discipline task group is considering ways in which to address and make recommendations on the fostering of positive attitudes towards education, including SEN education, and on the development of strategies to deal with challenging behaviour and social and emotional problems.

I touched on the development of a positive ethos in schools at the start of the debate and the message is clear. If schools do a good job on the inclusion of children with special educational needs, that has a positive effect on them, including their discipline and their ethos.

I agree with much of what John McAllion said, but I would like to correct one point that he made. I did not say that the jury was out on the need for a national strategy. I said that I was sympathetic to the idea of a national strategy. That is a significant difference. I said that I would discuss the issue with the SEN national forum on 5 June, which is not far away.

We are injecting many resources into SEN. In 2001-02, £200 million is being invested through grant-aided expenditure. That represents increases of 11.7 per cent on the previous year and 17 per cent on 1999-2000. That investment will rise in 2002-03 to £220 million and to £238 million the year after that. That is not ring-fenced money, of course, but it is being given to local authorities and all of us want to ensure that it flows through to the children. That is why we have developed some specific grants, such as the inclusion programme funding, which is worth £13 million this year. Last year, that funding was £6 million and I have already said that that funding will increase in the following two years. Funding for training will increase from £5.4 million this year to £7.4 million next year. That will help to address some of the issues that were raised in the debate.

The SEN innovation grants programme is being funded to the tune of £2 million.

However, although the funding issue is vital, it is not the only thing with which we must be concerned. We are undertaking a major consultation on the record-of-needs process and we are dealing with the access to school issue that was discussed in the context of the UK Special Educational Needs and Disability Act 2001. We are reviewing the education psychology service. We are examining funding arrangements for speech and language therapy, occupational therapy and physiotherapy services. We are producing guidance on mainstreaming, on the length of the school week in special schools and on education outside school. We are reviewing the funding of the seven grant-aided schools. All of that shows that special educational need is attracting great attention following the creation of the Scottish Parliament.

I conclude by paying tribute, not to the Parliament or the committee, but to everyone involved in special educational needs in Scotland: the staff from the educational side, from the social work side, from the health side and all the staff who are involved with children with special educational needs; the parents; and the pupils, who are all exceptional in their own way. I should stop at that point because one adjective—or a list of adjectives—could not sum up the individual children. Most of all, it is those children whom we are thinking of in today's debate and our future work.

12:09

**Karen Gillon (Clydesdale) (Lab):** I join my colleagues on the committee in thanking former committee members, our clerks and our adviser, Julie Allan, for the support and help that they have given us in drawing together the report. I also want to thank Sam Galbraith, who was the Minister for Children and Education when we began the process, and Peter Peacock, who was his deputy minister and who has provided the committee with a great deal of support and information.

The experience of producing the report has been valuable. The committee enjoyed it, but also found it challenging. I will make something of a confession. When I began my part in the committee's inquiry process, back in November 1999, I was sceptical of mainstreaming, probably because of my own experiences as a child. I never encountered any children with special educational needs in my classroom—they went away in a bus to a school somewhere else, because they were different, and could not be educated with me.

Looking back on that, I realise that that is exactly the kind of impression that we must challenge

among young people who are growing up now. Children with special educational needs, despite those needs, are not different from other children in Scotland and should not be treated differently. They should be able to expect the same high standard of education that every other child does.

As part of the inquiry process, we began to visit schools. My scepticism began to change when I saw a unit, outside Stranraer, for children with autism. In that small community, those children were able to be educated alongside their peers in those classes where they were able to cope. The pupil whom I saw had a member of staff assigned to him, to be his support. That staff member sat with the pupil in classes, helped him to get into the educational curriculum and to participate in physical education, art and music, as a starting point. He was then, slowly but surely, able to participate in other mainstream classes.

That young boy had a personal learning plan—not one that was developed a year in advance, but one that had to be developed every month, because his needs determined that a plan for how he would learn could not be progressed a year in advance, but had to be worked out on a month-by-month basis. That was a positive step, taken by the local authority and the school, to meet that young boy's learning needs. The other kids in the school were not at all fazed by that young boy's being in their classrooms—they welcomed him. They did not seem to have encountered any problems by his being there: they achieved to their full potential, in the same way that he achieved to his. That, for me, is what it was all about.

I then visited a school in Aberdeen, with a wide variety of pupils who were integrated into the main stream of the school. The school included kids with physical and other disabilities who were able to participate in a wide range of activities. One young man in particular stood out. He had cerebral palsy, and was taught in the mainstream classroom. He often shouted out in class when he was participating in lessons, but he was there, with the rest of the class, with his computer, doing his maths lesson. That was an eye-opener for me: it challenged my stereotypes and preconceived ideas.

I also visited a school in my constituency—it has received many mentions in the chamber this morning, and I join other members in welcoming the pupils from Stanmore House School. It is good to have Timothy, Yvonne and Abigail here, because such visits are what the Parliament is about. Before I was elected I was asked, "What would you like to see this Parliament doing?" I replied that I wanted every child in Scotland, at one point in their school education, to visit the Parliament to see what we did. Every child means every child, across the spectrum, and it is good

that kids from Stanmore are able to be here.

Stanmore House School is very special to me and I resent anyone's attempt to say that I, as the constituency member, would do anything to put its future in jeopardy. It is a school that I and the local community value. It is part and parcel of Clydesdale. Stanmore delivers a service to young people, perhaps 75 per cent of whom will, in the end, never be able to be integrated into mainstream education, not just because of their educational needs, but because of their health and other complex needs. Children receiving hourly gastro feeds and children who have very little sensory movement will not be able to take part in mainstream education and should be able to receive the best type of education possible.

Other children at the school can, however, be integrated into mainstream classes or provision. Also, pupils at Lanark Grammar School can come to Stanmore House School to work with the pupils there in their own environment. In December, I attended the school concert at which pupils from Lanark Grammar helped pupils from Stanmore to participate in music and song. That challenged the preconceived ideas of the pupils at Lanark Grammar. Stanmore House and Lanark Grammar have rewarded them and taken on board what they are doing to help.

This morning, I spoke to Timothy, who has an interest in agriculture and wants to go to Oatridge Agricultural College. His teacher told me that he has problems doing that, but that should not be the case. Timothy has the interest and ability necessary to take forward his education and should be able to do that. As the constituency member, I have an obligation to help him to do that. In setting a national framework for special educational needs, not just in school but throughout the educational world and in all services that are provided across Scotland, the Parliament has an obligation to help young people such as Timothy to fulfil their potential.

I will pick up on several points that members made. The points that struck home most strongly with me were those about individual experiences, as that is what we are talking about. Janis Hughes mentioned an individual. She also mentioned Phil Gallie. I had one wee problem with that. Phil Gallie may have mentioned the Executive's review, "Just Like Us", but I do not think that there is anybody quite like Phil Gallie—perhaps we should have higher expectations for the achievements of children. Janis presented evidence about a young girl who is a constituent of Sylvia Jackson—I pay tribute to Sylvia's work on the committee in bringing issues to us. Kirsty is a young girl who clearly has a great, positive future but who has to leave her own community to be educated away from her peers and the people with whom she

plays in her street and the swing park. If possible, those are the people alongside whom she should be educated.

John McAllion talked about one of his constituents in Dundee: a single mum who wanted her son to be educated in her own community. John expressed strong feelings with strong words. He is right that we need a national strategy. We must tie up all the loose ends and ensure that what happens in one authority does not differ from what happens in another. We must identify any gaps and provide the resources to close them. We must provide a strategy so that everybody knows what we are talking about and what can be expected.

David Mundell's evidence as a parent was very strong. All of us who are parents know what we want for our children. We want them to have the best possible start in life. It must be difficult when one encounters difficulties that are perhaps caused by the vested interests of professionals. The Parliament should begin to tackle those vested interests across the spectrum. Parents and their children are the key to the solution of special educational needs—not the vested interests of one profession or another, or one party political interest or another. Those children must receive the best education that they can.

Perhaps the most powerful evidence that the committee took was from parents and children. They have the experience and they gave us their views and interpretation of what is happening. Time and again, they told us that the present system is not good enough and must be changed and that the record-of-needs system is wrong. It does not meet the needs of children and does not enable people to respond to those needs. It is not serving children well.

While I welcome the Executive's consultation document on assessment and recording arrangements, I do not agree with some of the document's recommendations or with the manner in which the Executive is raising the debate. The Education, Culture and Sport Committee will certainly want to consider that document.

I will conclude with a comment on Cathie Craigie's speech. Like me, she is a strong advocate for a special educational needs school in her constituency, about which she has lobbied my colleagues and me frequently. I hope that the debate will lead to her accepting that none of us want to do anything that would put the future of the Craighalbert Centre—or of any of the other excellent special schools in Scotland—in jeopardy. We must consider the funding mechanism, but that does not mean that there is no future for those schools.

As a Parliament, we can work together to bring

the best possible opportunities to every child in Scotland. Parents should not be forced to choose between sending their child away from home from Monday to Friday or keeping their child at home to give them the best education. They should have a choice—if they want their child to stay at home, their child's education should be provided by trained staff, and the best possible educational opportunities should be available in their local authority area. There may well be a role for our national centres of excellence in providing the necessary training and support to local authority staff. Those centres may have another role as schools for children who have profound special needs. The Parliament will continue to debate that.

I welcome the debate and, on behalf of the committee, I thank all those who contributed to it.

## Parliamentary Bureau Motion

12:22

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is consideration of Parliamentary Bureau motion S1M-1940, on the suspension of standing orders.

*Motion moved,*

That the Parliament agrees that Rule 5.6.1(c) of the Standing Orders be suspended for the duration of the Meeting of the Parliament on Wednesday 23 May 2001.—  
[*Euan Robson.*]

**The Deputy Presiding Officer:** The motion relates to the exceptional provision of two members' business debates back to back on 23 May.

**The Deputy Minister for Parliament (Euan Robson):** That is correct.

*Motion agreed to.*



## Business Motion

12:22

**The Deputy Presiding Officer (Mr George Reid):** The final item of business this morning is business motion S1M-1939, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, which sets out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 23 May 2001

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Standards Committee Debate on a Proposal for a Committee Bill to Establish a Standards Commissioner

*followed by* Members' Business—debate on the subject of S1M-1935 Nora Radcliffe: Maternity Services in Gordon

*followed by* Members' Business—debate on the subject of S1M-1926 Duncan McNeil: Local Newspaper Week, 14 to 20 May 2001

5.00 pm Decision Time

Thursday 24 May 2001

9.30 am Scottish National Party Business

*followed by* Parliamentary Bureau Motions

*followed by* Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Ministerial Statement

5.00 pm Decision Time

*followed by* Members' Business—debate on the subject of S1M-1921 Kay Ullrich: School Swimming Lessons

Wednesday 30 May 2001

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Debate on the Convention Rights (Compliance) (Scotland) Bill

5.00 pm Decision Time

*followed by* Members' Business—debate on the subject of S1M-1927 Des McNulty: Chester Street Insurance Holdings Ltd

Thursday 31 May 2001

9.30 am Parliamentary Bureau Motions

*followed by* Stage 3 Debate on Regulation of Care (Scotland) Bill

*followed by*

Business Motion

2.30 pm

Question Time

3.10 pm

First Minister's Question Time

3.30 pm

Continuation of Stage 3 Debate on Regulation of Care (Scotland) Bill

5.00 pm

Decision Time

*followed by*

Members' Business—debate on the subject of S1M-1932 David McLetchie: Proposed Cuts to The Scottish Regiments.—[Euan Robson.]

*Motion agreed to.*

**The Deputy Presiding Officer:** We have made good speed this morning, saving seven minutes. Members can have an early lunch.

12:23

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** Question 1 has been withdrawn, so we move to question 2.

#### Primary Schools (Early Intervention Programme)

**2. Kate MacLean (Dundee West) (Lab):** To ask the Scottish Executive what progress is being made with the early intervention programme in primary schools. (S1O-3426)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** All local authorities are involved in the early intervention programme and are encouraged to adapt it to the needs and circumstances of children in their areas. The programme is aimed directly at raising the standards of literacy and numeracy skills in the early years of primary school education.

The recently published report by HM Inspectorate of Education identified significant improvements in pupil attainment in mathematics as a result of the EIP and our other initiatives for pupils at the early stages of education. I am currently awaiting the report of the national evaluation of the EIP by Moray House Institute of Education and KPMG. I will then be able to consider decisions on the future of the initiative.

**Kate MacLean:** The early intervention programme, which was piloted in Dundee, has had significant and wide-ranging benefits. Will the minister address my concern that the programme is not necessarily closing the gap in achievement of all children, but seems to be raising standards in general, with children who are ahead when they start school remaining ahead? In the light of that concern, are there any plans to provide additional resources to support the development of early intervention programmes in pre-school settings, particularly in areas such as Dundee, where there is a high level of social disadvantage?

**Mr McConnell:** One of the challenges we face in discussion with local authorities is to ensure that the work we are doing to expand pre-school education and the early intervention work in the early stages of primary school can be linked into what then happens in the later stages of primary school. We must consider that as part of our review on the future of the programme. It is also vital that the programme closes the gap. We do

not want to reduce attainment levels for anybody; we want everybody's attainment levels to go up. We certainly want to increase significantly the achievement and attainment levels of those who have a less good start in life and ensure that they have the same opportunities in years to come. As a matter of some urgency, I want to discuss with the Convention of Scottish Local Authorities the future of the programme and how resources can be better targeted in future to ensure that the gap is closed.

#### Employment (Over-50s)

**3. Trish Godman (West Renfrewshire) (Lab):** To ask the Scottish Executive what plans it has to encourage employment opportunities for those aged over 50 years. (S1O-3428)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** Since its launch just over a year ago, the new deal for over-50s has helped more than 4,000 people in Scotland to find work. From April this year, those aged 50 and over have also been entitled to immediate entry to the training for work programme, which the Scottish Executive runs at its own hand.

**Trish Godman:** I ask the minister to look around the public gallery today and see the number of our citizens who are over 50—I am sure that they will not challenge me on that—including the Chapelhall senior citizens and the East Kilbride retired civil servants. The minister may argue that they are here for a laugh. I cannot guarantee that they will not get a laugh on a Thursday afternoon—we usually do—but I think that they are here because they are interested in how we are running this Parliament.

Does the minister agree that there is a shortage of skills and experience in the labour market in Scotland? Will she give me an assurance that, at the next meeting she holds with employers, she will discuss their employment policies and remind them of the wealth of talent, skill and experience that they can utilise if they seek to employ our citizens who are over 50?

**Ms Alexander:** Trish Godman and those in the gallery might be encouraged to note that, on Monday 11 June, which is the first day we can announce new initiatives again, the very first engagement that I am undertaking is to go to Strathclyde University to launch a report on the opportunities that should exist for older workers in Scotland and to confront Scottish employers with the wealth of talent among the over-50s that they are missing.

**Phil Gallie (South of Scotland) (Con):** I declare an interest, as I am currently seeking another job. [*Laughter.*] Will the minister say what

special support can be given to those who are over 50 who have a lifetime of business experience and who want to change direction and set up small businesses?

**Ms Alexander:** I suggest to Phil Gallie that I am more than happy that the training in work programme for unemployed adults may be something that he might want to take advantage of on Monday 11 June.

Phil Gallie can be encouraged by the knowledge that as the dole queues have now fallen by 100,000 under the Labour Government and as 1,500 people came off benefits yesterday, there will be a much tighter labour market in which we can encourage employers to take an interest in Phil Gallie's talents and those of other people.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Doubtless the minister will know that we have an aging population in Sutherland. It is not so much an opportunity as a necessity for over-50s to care for older relatives. Can I have an assurance from the minister that her department will work closely with other departments to ensure that those people get the maximum possible advice and practical support in this endeavour?

**Ms Alexander:** Absolutely. It is, of course, why Scotland is going to be the first part of the United Kingdom to pioneer an all-age guidance service. I hope that the over-50s will, in the months to come, take advantage of the leadership that Scotland is showing in this matter.

**Dennis Canavan (Falkirk West):** If the minister knows an employer who is looking for an experienced street fighter over the age of 50, will she recommend the Deputy Prime Minister?

**The Presiding Officer:** The minister is not responsible for that.

**Ms Alexander:** I will certainly be saying to the Deputy Prime Minister that, this week alone in Scotland, more than 2,400 new job opportunities have been created by companies such as the Halifax. That is a sign of health in the Scottish economy, which he—in his role in the UK Government—has contributed to bringing about. We are keen to encourage people over 50 to look to the almost 2,500 new jobs that have been created in Scotland this week.

**The Presiding Officer:** Question 4 has been withdrawn, so we move to question 5.

### Drug Misuse

**5. Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** To ask the Scottish Executive how it will ensure that initiatives to combat drug misuse are firmly rooted in communities. (S10-3457)

### The Deputy Minister for Justice (Iain Gray):

Tackling drug misuse at grass-roots level is at the heart of our drugs strategy. We reinforced that through additional funding in the £100 million package for drugs over the next three years. We issued with that package a planning framework for drug misuse services, which makes it a requirement that community views should inform the work of drug action teams and constituent agencies.

Last week, the First Minister and I launched a £500,000 campaign, Scottish communities against drugs, to help support Scotland's communities in taking action against drugs.

**Margaret Jamieson:** I thank the minister for that reply. Will he specifically endorse partnerships such as that developed in Kilmarnock and Loudoun by Kilmarnock Football Club, East Ayrshire Council and partners in the private sector, to take the anti-drugs message into schools and directly to children? It is vital that our young people hear and understand the anti-drugs message as early as possible. Will he give an assurance that the lessons of such an approach will be spread across Scotland?

**Iain Gray:** When I launched our targets against drug misuse in December, I said that if we were to succeed in achieving them, everyone in every sector in Scotland must be involved. That includes not only health boards and local authorities, but the business and sports sectors. I welcome this kind of innovative partnership.

It is worth noting that sportsmen and sportswomen are often regarded as role models by young people. I welcome their involvement in tackling drug misuse. When we launched the Scottish communities against drugs campaign, we did so with the footballer, Billy Dodds. He is, of course, not a Kilmarnock player but I understand that there is a vacancy and a background at Ibrox is no impediment, so who knows?

**Brian Adam (North-East Scotland) (SNP):** The minister will be aware that the development of community initiatives throughout Scotland is very patchy. Can he reassure us that he will direct or at least encourage DATs, and in particular their funding partners, to develop further community initiatives against drugs throughout Scotland?

**Iain Gray:** The answer to that question comes in two parts. We are currently involved in examining the response of drug action teams to the planning framework. As I say, there is a requirement that they involve the community in their planning and clearly respond to needs that are identified by the community. Beyond that, the Scottish communities against drugs fund is specifically geared at providing support for small, community-led organisations, which are often very good at

ensuring that the services that are required in their communities and neighbourhoods are provided. That is essentially the purpose of the fund and over the next months it will begin to make the kind of contribution that we all want.

**Cathy Peattie (Falkirk East) (Lab):** How will the resources be monitored to ensure that community-led organisations access them?

**Iain Gray:** The Scottish communities against drugs fund will have a board and administration and accountability matters will be handled for the Executive by Scotland Against Drugs, which has considerable experience in ensuring that applications for any funding—whether for its own funding or for challenge funding—have an impact and are sustainable beyond the initial funding period. Because 80 per cent of the projects that the organisation has supported have continued beyond that initial three-year funding period by finding new sources of support, I am confident it will be able to help us to ensure that the fund has the impact that it is designed to have.

#### **Police (Race Relations)**

**6. Dr Richard Simpson (Ochil) (Lab):** To ask the Scottish Executive what progress is being made in ensuring good relations between the police and ethnic minority communities. (S10-3452)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** Considerable progress has been made by the police in Scotland in ensuring good relations with minority ethnic communities since the publication of the Stephen Lawrence report in February 1999. I have worked closely with the police on this area, not least through the steering group that has been set up to implement the Lawrence inquiry in Scotland.

**Dr Simpson:** The minister will be aware of the rise in reported incidents with a racial aspect in the Central region area and I am sure that he will welcome the initiatives that Andrew Cameron, the chief constable of Central Scotland police, introduced at the meeting at Inchyra that involved the Commission for Racial Equality. Will the minister say whether any research is being done in Scotland to determine whether the increases in such reported incidents reflect the increasing confidence in ethnic minority communities in police and policing or a real increase in racially motivated crime?

**Mr Wallace:** I certainly welcome the initiatives that have been introduced by the new chief constable for Central Scotland and similar initiatives that have been taken by the police in constabularies throughout Scotland. I am sure that the whole Parliament deplores attacks that are motivated by the colour of someone's skin or by

their ethnic status. We unreservedly condemn such pernicious attacks.

Although there has been no specific research of the kind Richard Simpson refers to, consumer work has been undertaken to identify the extent of racist incidents. The steering group and the police have been trying to establish a code of practice for reporting racist incidents to ensure that there is some common practice throughout Scotland. Furthermore, Her Majesty's chief inspector of constabulary produced a report called "Without Prejudice: A Thematic Inspection of Police Race Relations throughout Scotland" that investigated some of the factors and included members of ethnic minority communities in its consultation. There will be a further follow-up inspection next year and indeed issues related to co-operation on racial matters are examined when each constabulary is visited by the inspectorate.

#### **International Student Advisory Council (OSPRED)**

**7. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive whether it will offer support to OSPRED International Student Advisory Council in Scotland, in order to save it from closure and enable it to continue its work in offering advice and assistance to overseas students studying in Scotland. (S10-3455)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** I understand that although the City of Edinburgh Council, the main funder of OSPRED, plans to reduce its contribution from 2001-02, it remains committed to the future of OSPRED. The council is working with OSPRED to secure increased funding contributions from the further and higher education institutions in Edinburgh. I agree with the council that the institutions—which benefit most from the service—should be asked to meet the majority of its costs.

**Ian Jenkins:** Does the minister agree that OSPRED's work in advocacy and guidance to international students is very important? Approximately 20,000 students are enrolled in Scottish institutions and such an important group needs help. The Scottish Higher Education Funding Council has said that it cannot support the organisation because its work centres more on the recruitment than on the retention of students. It seems that this is a grey area and that someone needs to ensure that such a valuable service continues to be available.

**Ms Alexander:** I agree with Ian Jenkins. There is no doubt that OSPRED does excellent work for international students. The difficulty is that, in the long term, it is inappropriate for City of Edinburgh Council to be called on to provide almost 70 per

cent of the resources of an organisation that primarily serves international students while Edinburgh universities and colleges contribute less than 20 per cent towards the costs of running the service.

I understand that a meeting has been set for 24 May between the council and the principals of the colleges and universities in Edinburgh. I hope that a way forward will be found at that meeting. I expect that to happen, on the basis that universities have this year benefited from their best financial settlement in almost 20 years. There is no doubt that the commitment that the Parliament has made to access for students should be matched by support for international students.

### Pupil Attainment

**8. Mrs Mary Mulligan (Linlithgow) (Lab):** To ask the Scottish Executive whether any research exists to suggest that pupil attainment has increased since 1997. (S10-3451)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** There is evidence of significant gains in pupil attainment since 1997 from the Scottish Qualifications Authority examination statistics, the national five-to-14 attainment survey, the assessment of achievement programme and Her Majesty's inspectors of schools' reports on the early stages, which demonstrate gains at all stages of schooling. For example, the national five-to-14 attainment survey, which compares performances in 1999 and 2000, shows that performance in reading, writing and mathematics has improved at almost all stages.

**Mrs Mulligan:** I am sure that all members will wish well the students who are this week starting their standard grade and higher examinations. I am especially concerned—as was Kate MacLean in her earlier question—that those who started at a disadvantage should improve their attainment through education. Would the improvement that has been identified continue if Scotland were to take its share of the £20 billion cuts that are proposed by the Tories?

**Mr McConnell:** The significant reductions in budgets that are proposed by at least one political party honestly—and perhaps by others by stealth—would have a drastic effect on Scottish education. The improvements that have been made in Scottish education have not happened by accident. The early intervention programme, the out-of-school-hours activities, the investment in new community schools, the investment in new technology and the investment in books, equipment and school repairs have resulted from deliberate decisions and a stable economy that can finance them, to the benefit of every pupil in

Scotland now and in the future. It would be a disaster for Scottish education if those benefits were withdrawn as a result of cuts that may be proposed by the Conservative party, should it ever win a general election.

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

Is the minister aware of research, especially that from the student:teacher achievement ratio project—the STAR project—that has established a positive relationship between reduced class sizes and improved pupil performance? Does he concur with the findings of that project, which confirm that the benefits are most evident during the first three years of formal schooling and when class sizes fall to 18 pupils or fewer—which he will recognise is SNP policy? Further, will he concede that tinkering at the margins, by reducing class sizes from 33 to 25, which is a target that is still not being achieved by new Labour after four years, makes little material difference in matters of pupil attainment?

**Mr McConnell:** The target was to reduce class sizes to a maximum of 30 and that is being achieved.

Since the teachers' pay and conditions agreement was reached back in January, we have listened month after month to the Scottish National Party saying that we cannot recruit the teachers we need to achieve that target and the other targets for primary and secondary schooling. For SNP members now to claim that we could recruit a further 2,500 teachers to reduce class sizes to 18 is a piece of nonsense and a deception of the Scottish people. We should get on with improving Scottish education and not make up such nonsense, which simply deceives voters and pupils.

### **Miss Annabel Goldie (West of Scotland) (Con):**

I shall restrict my response to a verbal punch. The Conservatives in Scotland spent more on education than the Executive—a painful fact for the minister to acknowledge. Is the minister satisfied not only that pupil attainment is increasing, but with what pupils are attaining? Is he satisfied that that matches the needs of the outside world?

**Mr McConnell:** As I have said before, one of the tragedies of last year's examinations chaos was the fact that the new national qualifications were perhaps discredited. In rebuilding confidence in the education system, we must say that although internal assessment arrangements perhaps need to be improved, those new qualifications are good for Scottish education, good for Scottish business and good for the future employment and skills of the young people of Scotland.

As Mary Mulligan said, this summer's diet of examinations started this week and we should wish the young people who are involved all the

best for their exams and continue to strive to deliver their certificates accurately and on time. I hope that, as we rebuild confidence in the examinations, we can rebuild confidence in the qualifications as well. Those qualifications are already being copied elsewhere in the world, because the system is right even if the arrangements last year let many people down.

**Donald Gorrie (Central Scotland) (LD):** As a constructive contribution to the debate that follows on from last year's fiasco arising from the exam structure, would the minister consider setting up an authoritative and neutral study of the quality of attainment by our pupils and students through the exam system? There is a sort of middle-aged view that exams are constantly getting easier and I think that it would be helpful if that were studied scientifically and either proved or disproved.

**Mr McConnell:** There have been such studies. The HMI, which is now an independent agency that works completely separately from the department, although it follows a clear annual agreement, will help provide the kind of independent and objective assessment that Mr Gorrie calls for.

It is important that we remember that the Scottish examination system is a good examination system. It has a proud tradition that is copied elsewhere in the world. We should not talk the system and the qualifications down simply because we have a new set of courses that involve far too much assessment and with which last summer's certification process could not cope. If we get those two elements right, those qualifications will have the reputation that they should always have had.

#### Non-departmental Public Bodies

**9. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive whether it plans to make members of non-departmental public bodies accountable to parliamentary committees. (S10-3422)

**The Minister for Finance and Local Government (Angus MacKay):** The Executive is taking a radical look at the way Scottish quangos operate as part of the review of public bodies. That is a key element of our drive to modernise government in Scotland following devolution. The review is examining all aspects of the accountability of quangos, including their relationship with Parliament. I shall be announcing the outcome of the review next month.

**Alex Neil:** Does the minister agree with the view of the First Minister, who was reported by *Scotland on Sunday* on 7 January as saying:

"there is a strong case for potential appointees going before parliamentary committees before being confirmed in post"?

In the light of that statement, will the minister lend his support to my forthcoming member's bill, which will implement the First Minister's policy?

**Angus MacKay:** As usual, Mr Neil makes me a seductive offer, to pledge my support for his bill before it has been published. I have had two meetings with Mr Neil to discuss the detail of his bill and I envisage further communication before the bill is printed.

Mr Neil tries to tease me into making an announcement today about what my statement next month will contain, but I am sure that Sir David is interested in my not making such an announcement today.

I am sure that Mr Neil is aware that, under section 23 of the Scotland Act 1998, the Parliament has the power to require anyone who sits on a quango to attend its proceedings for the purpose of giving evidence. That should give substantial comfort to Mr Neil in relation to his proposal, although I realise that it does not sit squarely with the view that he has articulated.

**Ms Margo MacDonald (Lothians) (SNP):** When the minister conducts his review, will he bear in mind the parallel set of non-local government organisations that operate what we used to think of fondly as public services, which were owned by the public and run for the public? I refer particularly to Edinburgh Leisure. Will he take into account the fact that public services have been handed over lock, stock and barrel to people who are not able to run them like private businesses yet are expected to apply the lessons of the market?

**Angus MacKay:** As the Minister for Finance and Local Government, I have been subjected continually to arguments from local government—and from members in the chamber who purport to support local government—that ministers should not interfere in the affairs of local government, should not advance hypothecation and should return as much flexibility to local government as possible.

I do not want to tell any local authority how it should conduct its business in that regard, but I would say that everyone in the chamber and the Executive wants to ensure that there is maximum transparency and openness in how bodies at the hand of local government or one step removed from local government conduct their business. That is a principle that we want to be upheld in every local government area.

### Scottish Executive Consultation Exercises

#### 10. Mr Keith Harding (Mid Scotland and Fife)

**(Con):** To ask the Scottish Executive how it differentiates between technical and other types of consultation exercise. (S1O-3443)

**The Deputy Minister for Finance and Local Government (Peter Peacock):** Individual decisions on the nature of consultation exercises are made on the basis of the particular issues involved.

**Mr Harding:** In the words of the minister's leader, Tony Blair, I will put the minister down as a "don't know".

On the consultation on the draft local government (timing of elections) (Scotland) bill, which the minister deemed to be technical, does not he accept that, although his proposal may well increase voter turnout, local issues will be drowned out by the Scottish Parliament elections and local democracy will suffer as a result?

**Peter Peacock:** We are in the midst of a consultation on the timing of local authority elections, which started on 30 March and does not end until 21 June. We are gathering evidence and the Local Government Committee is examining the matter. I do not accept Mr Harding's proposition. We all know from our experience of the 1999 elections that the turnout for local government elections increased dramatically as a consequence of their being held on the same day as the Parliament election. That increases the legitimacy of local government, which is what members of the Labour party and the Liberal Democrats want to achieve—we want to increase, not diminish, the legitimacy of local government.

### Integrated Administration and Control System

**11. Tavish Scott (Shetland) (LD):** To ask the Scottish Executive whether the 2001 integrated administration and control system will take into account the introduction of the less favoured area scheme. (S1O-3432)

**The Minister for Environment and Rural Development (Ross Finnie):** Yes. The integrated administration and control system—IACS—2001 area aid application, or AAA, includes the application for the less favoured areas support scheme, or LFASS, for 2002.

**Tavish Scott:** Given the foot-and-mouth outbreak and the fact that rural affairs department officials have not been able to visit farms and crofts in recent months, certainly not before the closing date for applications under IACS, will the minister ensure that, where amendments are being made with regard to forage areas—in the light of the importance of making changes in those areas in the context of the introduction of the less

favoured areas scheme—applicants will not be penalised?

**Ross Finnie:** I can confirm that if a producer genuinely considers that the forage is to be improved—rather than left rough—and if there is clearly no attempt to defraud the system, there is no question of penalties being applied in any of the cases concerned.

**John Scott (Ayr) (Con):** What progress is being made to develop the payment options that are available to producers under the environmental part of the LFASS to lessen the impact of the reduction in the safety net figure from 90 per cent to 50 per cent?

**Ross Finnie:** As Mr Scott knows, there are two elements to reducing the impact of the reduction in that figure. One concerns the setting-up of the working group to investigate more precisely the impact of the change to LFA support. Regrettably, the intervention of foot-and-mouth disease has delayed that process, although I hope that it will be picked up rapidly in the next week to 10 days. As for the mechanisms for payment options for LFASS environmental payments, we have announced that we are making improvements. I hope that that will be of assistance to all producers.

### Foot-and-mouth Disease (Tourism Businesses)

**12. Dorothy-Grace Elder (Glasgow) (SNP):** To ask the Scottish Executive what further plans it has to provide emergency cash flow aid for tourism businesses in the areas affected by the foot-and-mouth disease outbreak. (S1O-3437)

**The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison):** Tourism businesses in the affected areas have received substantial aid from the £13.5 million package of emergency relief announced on 28 March and from the additional £5 million made available to Scottish Enterprise Dumfries and Galloway on 10 May. Executive officials are discussing with interested parties the medium and longer-term measures that are contained in the Dumfries and Galloway recovery plan.

**Dorothy-Grace Elder:** It is estimated that the Scottish Borders alone stand to lose £30 million over the forthcoming tourist season. It is estimated that Dumfries and Galloway's small business base might be destroyed by up to 90 per cent. How much of the money to which the minister referred has gone directly to businesses and how much is going into the pockets of consultants, lawyers and accountants? The minister will agree that the small business people concerned know how to run their businesses and do not need extra advice from lawyers and accountants; they need cash flow aid now. Will the minister ensure that businesses get

cash in hand, so that they can survive the summer?

**Mr Morrison:** The case for Dumfries and Galloway has been articulated ably by the member for Dumfries, Elaine Murray, since the outset of the current situation. I, of course, welcome Dorothy-Grace Elder's interest. We are aware of the acute need for support in Dumfries and Galloway and have demonstrated that clearly with the emergency package that has been announced. The First Minister will shortly be meeting with a delegation from the Borders to discuss further issues of interest.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** The minister will agree that there is a desperate need for low-interest or no-interest loans to enable businesses to start to recover. How many, if any, low-interest or no-interest loans have been granted?

**Mr Morrison:** Again, those issues are discussed with officials. We are aware of the needs of businesses. The emergency package that we have put in place is assisting the businesses that Alasdair Morgan mentions. We announced an emergency package at the end of March and our officials, my colleagues and I will continue to discuss with people in Dumfries and Galloway and the Borders how exactly we make further progress.

**Maureen Macmillan (Highlands and Islands) (Lab):** I understand that although local authorities have received the very welcome funds from the Executive, small tourism businesses, which are in sore need of financial help, may not yet have felt the benefit. That point was made to me in Nairn last week. Will the minister examine the time that it takes to deliver rates relief to tourism businesses? It may be that local authority finance departments are overstretched by the number of applications. What help can be given to councils to speed up the process?

**Mr Morrison:** I am delighted to tell Maureen Macmillan that I discussed that issue earlier with Peter Peacock. He and I will work closely to ensure that the issues that she raises will be addressed.

### **Myalgic Encephalomyelitis**

**13. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive whether it has any plans to assist myalgic encephalomyelitis sufferers. (S10-3454)

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** We look forward to the report of the working group that was set up by the Department of Health's chief medical officer. We will wish to consider how best the conclusions of the report, which is expected this

summer, can be put into practice in Scotland.

**Mary Scanlon:** Does the minister accept that many of the problems of ME are due to the lack of diagnosable symptoms, which can affect care, support and treatment and assistance from benefits? What can be done to address those issues?

**Malcolm Chisholm:** There will be action once we have received the report, which is imminent. The report will map out the best practice that is to be implemented. We will seek to improve the quality of care and treatment by adopting some of its recommendations. The ME alliance has been involved in that work, as has the Scottish Executive. In developing services, it is important to involve ME support groups and I am pleased that several health boards are doing so.

**Pauline McNeill (Glasgow Kelvin) (Lab):** Does the minister agree that there is a need for important research in Scotland to establish the causes of ME? Will he consider the concern that has been raised by the cross-party group on ME and ME sufferers that the English working group has been too influenced by psychiatrists? Does he agree that if we are to examine seriously what we will recommend in Scotland, we should take that concern on board?

**Malcolm Chisholm:** I will be interested to read the report when it is published. Obviously, we do not have to follow all its recommendations. Research is an important issue. People can make applications to the chief scientist office in the usual way.

Pauline McNeill emphasises the controversy surrounding the condition. We are determined to make progress in understanding and treating it.

### **Quarrying Industry**

**14. Miss Annabel Goldie (West of Scotland) (Con):** To ask the Scottish Executive whether any impact assessment has been or will be carried out to quantify possible job losses in the quarrying industry in Scotland if a flat rate tax of £1.60 per tonne on all aggregates extracted in Scotland is introduced from April 2002. (S10-3419)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** The aggregates tax is a reserved matter. Assessment of the impact of the tax throughout the UK is a matter for Her Majesty's Treasury. No separate assessment has been undertaken in Scotland.

**Miss Goldie:** I am somewhat disappointed by the minister's response. Given the responsibilities of her portfolio, it is difficult to explain why she is not concerned about possible job losses. I appreciate that the Scottish Executive is more conversant with holes that it digs for itself than



with holes that are dug by other people, but even allowing for that positive experience, is not the minister concerned that a recent survey produced by the Quarry Products Association showed that in the remoter areas of Scotland, where quarrying is significant, it is anticipated that the tax may involve the loss of 1,600 direct jobs and 1,000 related jobs? Surely that is relevant to the minister's area of responsibility.

**Ms Alexander:** It is certainly the case that, in the interests of the environment, we want to see a move from primary aggregates production to recycled aggregates. It is interesting that the proposed tax is a flat-rate tax, as it rather puts me in mind of the poll tax.

The Tories, who will spend the next few weeks arguing the case for a level playing field on taxation, appear to be arguing in Scotland that they would rather not have a level playing field in relation to the aggregates tax, although the environmental impact of quarrying is the same north and south of the border.

Perhaps the reason why Annabel Goldie does not want a level playing field on taxation is that that would be her way of filling the £2 billion hole that is likely to be left in Scotland's finances should Oliver Letwin and William Hague make cuts of £20 billion.

**Andrew Wilson (Central Scotland) (SNP):** Why does the minister, who is responsible for enterprise in Scotland, take no interest in the impact of London fiscal policy on Scottish businesses?

**Ms Alexander:** That is absolute nonsense. My answer suggested the significance of maintaining a level playing field on taxation and a single market across the UK, rather than creating barriers that tear us apart.

### Health Improvement Fund

**15. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive whether it will provide an update on use of the health improvement fund. (S1O-3449)

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** Health department officials are working with health boards to prepare a report on the use of the health improvement fund. I will ensure that that information is placed in the Scottish Parliament information centre as soon as it is available.

**Helen Eadie:** Will the minister comment on the work being undertaken in Scotland on nutrition, in particular on the detection of food allergies and intolerance? There is a perceived need to invest greater resources in that vital work, as allergies can be a matter of life or death and intolerance

can contribute to illness. Does the minister envisage the health improvement fund being involved in such work?

**Malcolm Chisholm:** Food allergy and food intolerance are important matters and I will ensure that I raise Helen Eadie's point with the Food Standards Agency Scotland when I visit it in Aberdeen next week. I am sure that the food labelling action plan, which will be produced later this year, will contribute to dealing with the problems of allergy and intolerance.

More generally, the health improvement fund focuses on many objectives, including the improvement of diet. That is why we have introduced initiatives such as the provision of free fruit for infants and healthy eating in schools. The fund focuses specifically on child health and in particular on reducing child health inequalities.

### British Sign Language

**16. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive what plans it has to officially recognise British Sign Language. (S1O-3446)

**The Minister for Social Justice (Jackie Baillie):** The Executive has established the British Sign Language and linguistic access working group to develop a strategic approach to BSL issues in Scotland. The establishment of the group has been welcomed by organisations of and for deaf people.

**Mr Ingram:** I thank the minister for her reply, but I am not sure that she answered my question.

Does the minister intend to recognise BSL? All deaf associations are in favour of BSL being recognised. They argue that that would allow deaf people to have full and equal access to citizenship, rights and opportunities. Will the minister give us a little more detail?

**Jackie Baillie:** As Adam Ingram is probably aware, the Disability Rights Commission has recommended to the UK Government that BSL should be formally recognised as a language. The Scottish Executive is working closely with the UK Government on its consideration of that recommendation.

The BSL working group is advancing the issue in practical ways, to make a difference to people who use sign language. The three key areas identified for the group's consideration are raising awareness of BSL, developing communications strategies with deaf people and ensuring that training is provided, particularly of BSL interpreters.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** The minister was right to point out that recognition of BSL is reserved to the UK

Parliament.

I am sure that the minister is aware that this year is the European year of languages. Will she liaise and work with her colleagues in Westminster to recognise the many tens of thousands of people who use BSL as their first language? Will she encourage the responsible minister at Westminster to give BSL the recognition it deserves?

**Jackie Baillie:** We are maintaining close links with the UK Government on this issue. Cathie Craigie was right to point out that the UK Government ratified the Council of Europe's charter for regional or minority languages at the end of March. By so doing, it accepted a binding commitment to protect and preserve the many languages that make up our cultural heritage.

**The Presiding Officer:** The next four questions have been withdrawn.

### **Scottish Enterprise Borders (Meetings)**

**21. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive when it last met representatives of Scottish Enterprise Borders. (S1O-3448)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** The Scottish Executive regularly meets representatives of Scottish Enterprise Borders. I met its chief executive, Jim McFarlane, to discuss the impact of foot-and-mouth disease on 2 April. I visited the Scottish Borders economic development forum in February and talked about wider economic issues that affect the area.

**Christine Grahame:** When the minister discusses businesses in the Borders, will she intervene to accelerate payment of the first instalment of the £900,000 regional selective assistance awarded to Signum Circuits? It appears that only bureaucracy is impeding payment to the business, which urgently needs the assistance now.

**Ms Alexander:** I can confirm that my officials have been working diligently in recent weeks to ensure that an acceptable RSA scheme can be found. We must ensure probity in the use of public money for the RSA scheme, but intensive efforts are being made and I would be happy to write to the member with further details of the point the discussions have reached.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Will the minister confirm that she and the First Minister will meet the delegation from the Scottish Borders economic development forum and that they will consider the whole economic strategy for the Borders as well as foot-and-mouth disease and tourism?

**Ms Alexander:** The First Minister, with colleagues, has committed to meet representatives of the Borders by the end of the month. We are ensuring that we consider closely the impact of foot-and-mouth disease on the Borders in our economic assessment work.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

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

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister when he next plans to meet the Secretary of State for Scotland. (S1F-1082)

**The First Minister (Henry McLeish):** I last met the Secretary of State on 16 May. We have plans to meet this evening.

**Mr Swinney:** Last week, I raised with the First Minister the issue of broken pledges. With the Deputy Prime Minister in town, I thought that there might be broken noses today. Yesterday was typical of new Labour—there was a flirt with the left and the hard right went in shortly afterwards.

On a more serious note, I want to ask the First Minister about the contents of his previous election manifesto. He said that he would end postcode prescribing and that everyone would get access to effective treatment, regardless of where they lived. Will the First Minister explain why he has failed to deliver that promise?

**The First Minister:** Everyone would agree that John Swinney might be slightly more effective if he were to stick to less serious matters.

In the past few weeks, we have heard a litany of apparently broken pledges and failures in the NHS, including waiting lists. Once again, John Swinney fails to appreciate the realities of what is happening in the NHS. Today, he has picked on the question of postcode lotteries.

The plans for the NHS will address the outstanding issues that we face. More work still has to be done, but we are embarking on the biggest hospital programme that Scotland has ever seen. There will be eight new hospitals and significant investment. Over the next five years, there will be 1,500 extra midwives and nurses and 600 extra consultants. We have invested in general practitioners in socially deprived and rural areas. We have a formidable record so far.

We are campaigning for another five years to work with Westminster to ensure that we deliver for Scotland on the health front.

**Mr Swinney:** The First Minister might have misinterpreted what I said. I was not raising the issue of the postcode lottery; my question was about postcode prescribing.

Perhaps I have reality on my side. I seem to remember the Prime Minister being confronted with the reality of health care outside a

Birmingham hospital yesterday, when a lady took him to task about the Government's record on health. Is not it the case that postcode prescribing is not getting better—or even staying the same—but getting worse, time after time after time? The inequality of postcode treatment in Scotland is getting worse. Why is it justifiable for people to wait one month for a heart bypass operation in the Grampian area and four months in neighbouring Tayside? Why is that gap getting larger?

**The First Minister:** Again, we hear sweeping assertions on health issues. John Swinney knows that we inherited a position from the Conservatives that meant that we had to restabilise the NHS, then start on a massive investment programme. I have said repeatedly in the chamber that there is, of course, a great deal of work still to be done. That is why we will increase a record spend from £4.9 billion to £6.7 billion by 2003-04.

That is the reality of the partnership in Edinburgh and the partnership in Westminster. We will deliver for Scotland.

**Mr Swinney:** The First Minister says that I make sweeping assertions. What about some facts? I have given him facts on heart bypasses; let me give him facts on hip replacements. There are two months of a wait in the Western Isles but eight months in the Forth Valley, and the gap is getting larger.

Those are the facts. The Labour party has broken its promises—whether that is on waiting lists or waiting times does not matter—and now it is breaking its promises on postcode treatment. Why does the Prime Minister not stop breaking his promises and start standing for Scotland?

**The First Minister:** There seems to be a confusion of identities. Interestingly, at Prestonpans today, the Scottish Television commentator who was waiting for John Prescott said that he was waiting for the Deputy First Minister. I looked at him with horror and said, "Where on earth is Jim Wallace?" I advise Jim Wallace to be careful over the next two or three weeks about whom he speaks to and how he responds to them.

Let us have some facts. That is what John Swinney asked for. Let us also acknowledge that 100,000 more operations are taking place than in 1997—more heart bypasses, more knee replacements, more hip replacements, more cataract operations, more angina-related heart operations. There is a significant increase in what we are doing for people.

I said last week that we need no lectures from the Tories about health care. Let us remember that the SNP is the party that wanted to spend a paltry £35 million to improve health care in Scotland. We have heard a wish list from a party

that does not work out the costs and does not work out whether those costs are before or after separation.

We have purpose. We are positive. The SNP is a distraction in the election and the Scottish people will show it that on 7 June.

**Mr John McAllion (Dundee East) (Lab):** Earlier this afternoon, we heard from the Deputy Prime Minister—[*Laughter.*] Sorry, I meant the Deputy Minister for Health and Community Care—this Prime Minister thing is in my head.

We heard from the Deputy Minister for Health and Community Care that the Executive was awaiting the publication of a report on ME by a working party that had been set up by the chief medical officer for England and Wales. When the First Minister next meets the Secretary of State for Scotland, will he remind her that the Executive cannot be bound by the recommendations of an England-based working group on which the Executive had only observer status and which took no evidence from Scotland? Will the First Minister assure me that the Executive will, instead, pay attention to motion S1M-1763, which has been signed by 79 members and calls for a strategic needs review assessment of ME for Scotland that will take evidence from Scotland?

**The First Minister:** The important point about devolution is that we have devolved interests. We work in partnership with Westminster, but the Scottish Parliament and the Scottish Executive will detail the future of health care in Scotland.

### Cabinet (Meetings)

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when the Scottish Executive's Cabinet will next meet and what issues will be discussed. (S1F-1085)

**The First Minister (Henry McLeish):** The Cabinet will next meet on 22 May when it will discuss issues of importance to the people of Scotland.

**David McLetchie:** I hope that the Cabinet will discuss the fact that crime in Scotland, particularly violent crime, has risen after four years of a Labour Government and that confidence in our criminal justice system across the board is now at a very low ebb.

When the Conservatives were in Government, we legislated to end automatic remission for prisoners and to have some honesty in sentencing, so that the sentence that was delivered in court was the sentence that was served. Labour overturned that legislation within a year and the minister responsible for that was Henry McLeish. As a result, more prisoners are being released early, thanks to Labour. Does the

First Minister accept his responsibility for that and does he regret his action?

**The First Minister:** I am reminded of the simply ludicrous Conservative broadcast on law and order. If we stick to the facts we will make some progress.

Scotland does not have the early-release scheme with tagging that applies in England. Furthermore, the eligibility of prisoners for parole halfway through their sentence was implemented by the previous Tory Government.

Given that people are being frightened by broadcasts about attacks, we should make it absolutely clear that the legislation in Scotland is different from that in England and Wales. There is nothing worse than exacerbating, through irresponsible broadcasts, the fear of crime on our streets.

**David McLetchie:** Having listened to that answer, I have to ask whether it is any wonder that the Scottish Police Federation passes motions at its conference criticising the Executive for

"misleading and inaccurate information issued by elected representatives and officials".

May I give the First Minister some facts? We are not talking about the early-release scheme in England; we are talking about the Henry McLeish early-release scheme, whereby with the Crime and Disorder Act 1998 that was piloted through Westminster, he overturned the provisions in our Crime and Punishment (Scotland) Act 1997 that ended automatic remission. According to the Scottish Prison Service, in research that was published in January this year, nearly half the prisoners who are released reoffend and are back in prison within two years and one quarter are back within six months.

Does the First Minister accept that, throughout Scotland, week after week, serious crimes are being committed by people who should still be in jail for their original crime—and would be in jail but for the First Minister's policy?

**The First Minister:** Let me give another fact that Mr McLetchie might have wanted to give. If we look at the prison population in Scotland, fortuitously, we see that it has risen since 1997—it was 6,162 in 1997 and is 6,210 now. The idea that we are emptying the prisons does not seem to bear examination in relation to the actual prison population. Let us look at the crime figures. We have just recorded a 3 per cent reduction in crime. We have just recorded record numbers of police in Scotland—up on the 1997 figure. I do not hear the Conservatives praising that or talking about that. The Conservatives had 18 years to sort out law and order. We are tough on crime; they talk tough on crime.

**David McLetchie:** In the said 18 years, we increased police numbers by 2,000. Mr McLeish's party allowed the numbers to fall by 400 and is desperately trying to scrabble back to our level. That is the fact of the matter. The fact of the matter is also that the Scottish Police Federation has delivered a devastating vote of no confidence in the Executive's management of our criminal justice system. Mr McLeish should take responsibility for that.

**The First Minister:** The Conservatives are always citing other organisations, but what are their policies on the areas that we are talking about? What do they intend to do with the record numbers of police that we now have in Scotland? What do they suggest to reduce crime even further, when we have already seen a 3 per cent reduction? What do they intend to do to ensure investment in the prison service so that we can indeed put people away if required?

Once again, we have a situation in which the facts from the SNP and the Conservatives are all scaremongering. We have a solid record of achievement on behalf of the Scottish people—whether it be on schools and teachers; on doctors, nurses and hospitals; or, indeed, on attacking crime and building up our police forces.

**Iain Smith (North-East Fife) (LD):** When the Cabinet next meets, will the First Minister thank Ross Finnie for his announcement today in a written answer to me that the scheme for water charges relief for charitable bodies will be extended for a further year? Does the First Minister agree that that is welcome news for the voluntary sector and charitable organisations, which do such valuable work throughout Scotland? Will he give an assurance that the Executive will continue to explore ways of making that solution more permanent?

**The First Minister:** I am happy to give that reassurance and to agree with Iain Smith's comments. It is important that we recognise the difficulties that face voluntary organisations in Scotland. That is why I was pleased that both Ross Finnie and Jackie Baillie were out and about this morning, ensuring that, for next year, we will delay the implementation of the changes. Of course, dialogue will continue on delivering for the people that matter in Scotland in a way that they can measure.

### Social Justice Objectives

**3. Mr John Home Robertson (East Lothian) (Lab):** To ask the First Minister what progress the Scottish Executive has made in meeting its social justice objectives. (S1F-1089)

**The First Minister (Henry McLeish):** The Scottish Executive is committed to tackling poverty

and promoting social justice and equality of opportunity. Progress so far is described in the social justice annual report. Key initiatives to deliver social justice include: £524 million for child care, early education and sure start Scotland over the next three years, helping to give our children the best possible start in life; £350 million to make sure every Scottish pensioner has central heating by 2006; and £165 million to support social inclusion partnerships delivering local solutions in our most disadvantaged communities.

**Mr Home Robertson:** With the lowest unemployment in my 22 years as a member of Parliament, and with massive investments in health and education, we have come a very long way since the Conservative party was sentenced by the electorate. However, does the First Minister accept that there is a lot more to be done, both here and at Westminster? In particular, does he share my concern about the social exclusion of 5,000 people who are on the waiting list for council houses in my constituency? What will the Scottish Executive do to increase the supply of affordable rented housing in areas such as East Lothian?

**The First Minister:** John Home Robertson makes a good point. We regard affordable social housing as an important priority and that will remain the case. SNP members may make noises from sedentary positions, but the fact is that we are in partnership in Scotland and delivering on housing. I can reassure John Home Robertson that that will continue.

John Home Robertson spoke about unemployment and employment, which is a social justice issue. If we are talking about a partnership achievement, let us recognise that we have the highest employment in Scotland for 41 years and the lowest unemployment for 26 years. If we want something to tackle social justice, it is the dignity of work. We are delivering here in partnership, and in partnership with London. That will continue after 7 June. I am sure that the Scottish people will support that.

**Fiona Hyslop (Lothians) (SNP):** The First Minister mentioned central heating as a key tool to deliver social justice. According to councils in the Lothians, barely 60 pensioners in the whole of the Lothians would benefit from the central heating scheme. How can the First Minister justify that, and how can he justify the fact that—according to his own statistics in the social justice annual report—one in four pensioners lived in poverty when Labour came to power and are still living in poverty, and one in three children lived in poverty when Labour came to power and are still living in poverty?

**The First Minister:** If the local councils want to write in with their concerns, that is fine.

I point out to Fiona Hyslop that we have a £350 million programme to ensure that every Scottish pensioner has central heating by 2006. Is not that a formidable commitment? Of course, no commitment is big enough to satisfy SNP members, who will never be in a position to deliver any commitment on this issue.

Fiona Hyslop mentioned pensioners. On that front, with the increases in pensions, the TV licence for over-75s, and the £200 annual heating allowance, we have committed ourselves to pensioners and we are delivering. One thing is clear: Scotland's 950,000 pensioners can look forward to our partnership delivering along with the partnership at Westminster. They would never see the SNP delivering.

**Tommy Sheridan (Glasgow) (SSP):** In relation to social justice, Inland Revenue statistics for Scotland show that there are now more than 800,000 workers who are paid less than £10,000 a year. Is the First Minister embarrassed by that statistic? What does he feel is the minimum income that should be given to the workers of Scotland who keep our public services going, when so many of them are underpaid and, unfortunately, undervalued?

**The First Minister:** Two key ways of ensuring social justice are first, for people to have a job and secondly, for them to have a decent income. On the first point, since 1997 we have created an extra 94,000 jobs in Scotland. That means that 94,000 more people are in work. That is good. On the second point, we introduced the minimum wage. People can criticise, but we campaigned for the minimum wage for many years. It was never a reality under the Tories, but we introduced the minimum wage and it will be going up. We want to attain full employment and we have started on the minimum wage. I tell Tommy Sheridan that that is the answer to the people who say that we need to tackle those issues. We are tackling them, and we will continue to do so.

**The Presiding Officer (Sir David Steel):** Question 4 has been withdrawn.

### Governance

**5. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the First Minister how the Scottish Executive ensures that it works effectively with Her Majesty's Government. (S1F-1087)

**The First Minister (Henry McLeish):** Scottish Executive ministers and officials work closely and constructively with their counterparts in the United Kingdom Government. Those contacts take place on a regular basis, both formally and informally.

**Mr McNeil:** I am sure that members will welcome Iain Gray's recent announcements on

how the Executive is tackling the drug menace in Scotland. However, as the First Minister knows, drugs and drug dealers know no boundaries. How will the First Minister ensure that we work effectively with our Westminster colleagues to tackle the evil of drugs in our communities?

**The First Minister:** The whole Parliament would agree with Duncan McNeil's assessment of the threat that drugs pose in every community, every village and every town in Scotland. On the partnership front that will be the essence of success in the years ahead, the Scottish Executive is working closely with the UK anti-drugs co-ordination unit. A ministerial network on drugs has also been established, of which the Deputy Minister for Justice is a member.

We are also making progress with the UK framework on the confiscation of assets. We will never rest until we make deep inroads into dealing with the drug menace in Scotland and particularly those people who deal in death every day on our streets. They are the priority for the confiscation of assets. Those aims can be achieved only through a working relationship between Westminster and Edinburgh and that is what we will pursue.

**Alex Neil (Central Scotland) (SNP):** Ten weeks ago, an additional £200 million was allocated to Scotland by Her Majesty's Government in the budget. Ten weeks later, why has no announcement been made on the allocation of that money? Is it because the Cabinet refuses to allow the First Minister to spend one more penny on free personal care, or because Cabinet ministers are at war with one another?

**The First Minister:** I do not know which ludicrous assertion to tackle first—neither of them bears any relation to the truth. We will make announcements soon on those matters.

In an attempt to be neutral and objective during the general election campaign, I ask whether it would not have been difficult—without annoying you, Sir David—to have announced daily how we would spend that £200 million. Is not it in the interest of an objective debate during a general election that we do not do so? I say to Alex Neil that we have taken the moral high ground. I am sure that he will be satisfied with that.

## Scottish Local Authorities (Tendering) Bill: Stage 1

**The Presiding Officer (Sir David Steel):** This afternoon's debate is on motion S1M-1843, in the name of Angus MacKay, on the general principles of the Scottish Local Authorities (Tendering) Bill, and one amendment to that motion. It would help if members who wish to participate pressed their request-to-speak buttons now.

15:33

**The Deputy Minister for Finance and Local Government (Peter Peacock):** I will not need to detain Parliament long for the measure. The bill is short and technical and comprises two sections. It amends the Local Government Act 1988 to remove the time limit on the period during which competition provisions in that act may be modified.

The measure is necessary to continue the current moratorium on compulsory competitive tendering beyond 31 December 2001. We wish to extend the time limit on those defined activities that are associated with direct service organisations. The bill allows ministers to continue the existing moratorium, which we intend to do only until we can replace the current CCT regime.

We intend to replace the existing provisions within the framework of a new statutory best-value regime. I assured the Local Government Committee that we intend to publish our detailed legislative proposals on best value this autumn. I am pleased to reaffirm to Parliament that the preparatory work for them is well under way.

The existing moratorium on CCT permits a limited suspension of some obligations that the Local Government, Planning and Land Act 1980 and the Local Government Act 1988 impose. Those provisions constitute what is often referred to as the CCT regime. The moratorium suspends the obligation to put work out to tender when European Union rules do not apply. Some other parts of the CCT regime continue to apply. For example, local authorities remain obliged to keep trading accounts for some defined activities and must break even in those activities after accounting for the costs of capital.

The moratorium was originally introduced to help local authorities to cope with a period of change—in particular local government reorganisation in 1996. Following reorganisation, the moratorium was extended to help authorities get to grips with the best-value approach, which was developing at that time.

Members will want to know why we wish to continue the moratorium rather than simply repeal

CCT. The simple answer is that this autumn we plan to bring forward legislative proposals for a new regime. That deals with the points in today's rather meaningless Conservative amendment. The proposals will not be straightforward. They will involve complex provisions and complex concepts. It is proper that Parliament will want to scrutinise the legislation closely. There was no way that the detailed new legislation could find time to become law before 31 December 2001. In the meantime, it would not be prudent to have a gap between the repeal of CCT and its replacement.

When it was realised last November that a bill might be needed, we wrote to the Convention of Scottish Local Authorities. We continue to work closely with COSLA on the development of our proposals for best-value legislation. We have consulted widely on our intention to repeal CCT as part of the best-value legislative reform. The task force's recommendations were consulted upon between December 1999 and March 2000. Further consultation took place on the document "Best Value in Local Government: Next Steps" between June and October last year.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I declare my interest as a member and a former official of the GMB. Will the minister assure members that the new regime on best value will not be at the expense of the conditions and wages of the work forces that are involved?

**Peter Peacock:** I am happy to give an initial response to that, but there will be much more opportunity for fuller debate on that to take place as the bill is drafted and goes through Parliament. We want to ensure that there will be a level playing field on which the private sector and the public sector can compete. We certainly do not wish the private sector to be put at an advantage, nor do we wish the public sector to be put at an advantage. The matter that Pauline McNeill has raised will be embraced in our thinking.

**Mr Andy Kerr (East Kilbride) (Lab):** I apologise for interrupting the minister again as he was getting back into his flow. Will the minister's proposals on best value end the restrictions that have come from the Local Authorities (Goods and Services) Act 1970?

**Peter Peacock:** Again, we are currently looking at that matter in great detail. We propose to make changes and remove some of the restrictions on local authorities. The precise detail of that will become apparent in the autumn. We want to create a situation in which we have much more of a level playing field between the private sector and the public sector so that the public sector is not deliberately disadvantaged by current legislation.

As I was saying, further consultation on the document took place between June and October

last year. On 2 May, I formally responded to the consultation in my answer to a parliamentary question and by announcing our intention to bring forward detailed legislative proposals this autumn. Because the Scottish Local Authorities (Tendering) Bill does no more than allow us to maintain the status quo until the repeal of CCT, we did not formally consult separately on the bill. I understand that the representations that were made to the Local Government Committee agreed that the continuation of the moratorium was necessary until our legislative proposals on best value could be progressed. I am sure that the convener of that committee will refer to that when she speaks later.

To summarise, the bill seeks a technical change to existing legislation to permit us to continue the moratorium on CCT. That represents a short-term but necessary solution to a technical problem. In the autumn, we intend to bring forward draft legislative proposals for the introduction of best value and the replacement of CCT. Our best value team has already been established and a provisional timetable for the publication of proposals has been set.

I commend the motion to members and move,

That the Parliament agrees to the general principles of the Scottish Local Authorities (Tendering) Bill.

15:35

**Mr Keith Harding (Mid Scotland and Fife) (Con):** I am sorry that Peter Peacock feels that our amendment to the motion is not necessary. We believe that it is necessary to have a debate and to create some impetus within the Executive to introduce the legislation. I welcome the opportunity to contribute to the debate.

That the Executive is dragging its heels on the implementation of best value cannot be questioned. After four years in Government, best value should be ready to be introduced in Scotland as it has been in England and Wales. The Local Government Committee's evidence makes it apparent that difficulties have been experienced by councils as a result of CCT and best value running in tandem. The aims, objectives, processes and methodologies of the two types of regime are incompatible. Local authorities are still required to keep parallel accounts, meet financial objectives, submit financial reports and maintain the sanctions that fall under sections 13 and 14 of the Local Government Act 1988 for the defined activities. That has cost implications.

**Brian Adam (North-East Scotland) (SNP):** Will the member take an intervention?

**Mr Harding:** Not at the moment.

In a written question, I tried to ascertain the

scale of the cost of best value but was informed that the Executive holds no information on the cost of implementing the policy. That is a terrible admission, when councils are experiencing great difficulty in sustaining existing core services. Based on the Local Government Association's estimate that local government in England and Wales requires additional funding of £175 million a year because of best value's bureaucratic burdens alone—that is not my estimate—we can safely assume that the additional costs in Scotland will be in the region of £20 million.

Labour has replaced CCT with best value. CCT obliged councils to put the provision of many services out to tender to ensure that council services were delivered to local residents in a cost-efficient and high-quality manner. Such competition reduced instances of overstaffing and restricted practices in local government.

**Pauline McNeill:** Will the member give way?

**Mr Harding:** Not at the moment. I am just getting going and I was asked by the minister not to take too long.

A 1993 study by the Institute of Local Government Studies showed that CCT had led to average savings of 7 per cent, often accompanied by improvements in service standards.

**Pauline McNeill:** Will the member give way?

**Mr Harding:** No.

CCT fundamentally changed the culture of local government provision of services for the better. Under best value, there is no general requirement for local authorities to put their services out to tender. Instead, best value is based on the concept of the four Cs: challenge, compare, consult and compete. Performance indicators are the main yardstick for determining the efficiency of the delivery of council services, which is overseen by the Audit Commission.

The Conservatives are not against the basic concepts behind best value, but we believe that the scheme that has been introduced by Labour under the name best value is flawed.

**Pauline McNeill:** Will the member give way?

**Mr Harding:** No.

We are concerned that best value has led to an excessively bureaucratic, centralising inspectorate regime and a mountain of paper.

**Mr Kerr:** Will the member give way?

**Mr Harding:** The system is so complex that some councils are returning to the bad old days of unchallenged, uncompetitive, in-house awards. [Interruption.] It is the minister's fault. He asked me to be quick and I always do as he asks.



**Pauline McNeill:** Will the member give way?

**Mr Harding:** In February 2000, the magazine *Public Finance* remarked:

"Labour's last general election manifesto ... came up with Best Value, but without providing a clear definition. It is a vacuum that the Audit Commission and the DETR are still struggling with."

**Pauline McNeill:** Is the member scared?

**Mr Harding:** That is the member's opinion and she is entitled to it.

Best value seeks to encourage local authorities to make cost savings, yet it has a target of just 2 per cent efficiencies a year compared to the average 7 per cent that CCT delivered. The publication *Local Government Tenders* commissioned a survey of local authority contracts and tenders. It showed that there has been an astonishing 66 per cent drop in tenders advertised since Labour came to power. The Scottish Conservatives will seek to devolve more responsibility and autonomy to local councils. Local electors should reward or punish, via the ballot box, councils that are succeeding or failing.

We call on the Executive to get its act together, as its colleagues in Westminster have, and draft a bill to place before the Parliament this year. That was requested by COSLA in its evidence to the Local Government Committee.

I move amendment S1M-1843.1, to leave out from "agrees" to end and insert:

"does not agree to the general principles of the Scottish Local Authorities (Tendering) Bill because it believes that the Executive should give priority to the drafting of a Bill on Best Value so that it can be placed before the Parliament before the end of this year, and therefore calls upon the Executive to make an early announcement of its proposals, together with a timetable, for the publication of a draft bill to introduce a statutory framework for Best Value."

15:43

**Mr Kenneth Gibson (Glasgow) (SNP):** I thank Keith Harding for that entertaining presentation.

The Scottish National Party is broadly supportive of the bill. We oppose the process of compulsory competitive tendering in local authorities. A key policy of the Conservative Government that was elected in 1979 was the promotion of the concept of local government as an enabling authority, with a reduced role in the direct provision of services. The objective was to achieve better value for money and enhanced service performance by subjecting local authority service provision to market competition through inviting tenders from private companies to provide such services. However, as I am sure most people will agree, the end result was often that the cheapest possible tenders won out and quality, efficiency and effectiveness suffered.

**Pauline McNeill:** Does the member agree that the contribution that we have just heard did not once mention the issues of fairness and the suffering of the work force under CCT? Does he further agree that, under the CCT regime, workers have had to take a reduction in wages in order to achieve a competitive environment? That reduction should end forthwith.

**Mr Gibson:** I thank Pauline McNeill for that intervention. I fully agree with what she said and, in fact, her timing was excellent, as I was just about to move on to that topic.

Workers in the private sector would often see their companies win tenders through the erosion of employee pay and conditions, including sick pay and holiday and pension entitlements, particularly for those in low-paid manual jobs. With non-discriminatory employment practices, the single status and the social inclusion agenda, CCT is now clearly out of tune with the wider social agenda. CCT inhibits innovation and leads to a poor response to changing needs. It imposes an excessive level of central Government control, which diminishes local accountability and denies a proper focus to the needs of service users and local citizens.

The SNP believes that all parts of the CCT legislation should be repealed at the earliest opportunity. Although we accept the Executive's view that it would be complex to reform sections of part 1 of the Local Government Act 1988 to remove the requirement on local authorities to seek tenders, we do not want that to result in a lengthy wait before best-value legislation is introduced. Concerns have been raised by COSLA, by the Association for Public Service Excellence and by others that legislation should appear "sooner rather than later". However, I am pleased to accept ministerial assurances on that matter this afternoon.

The minister will be aware of the comments made to the Local Government Committee in evidence, which suggested that we take a close look at the difficulties experienced by councils in fully embracing best value. That evidence also suggested that, at the same time, the provisions of the Local Government, Planning and Land Act 1980 and the Local Government Act 1988 should be maintained and incorporated in the moratorium regulations.

As Keith Harding pointed out, direct labour organisations and direct service organisations have to run with the requirements of CCT and establish new best-value structures that are incompatible. Flexibility is required. In England and Wales, best value has presented a number of difficulties, and Keith Harding pointed them out. For example, there is a restriction on the potential to innovate and limited use of cross-public sector

working. I trust that the Executive will look closely at the experience gained south of the border. I find it bizarre that, having mentioned a number of failings of best value south of the border, the Conservatives seem to think that, without considering those failings carefully, we should rush into legislation now.

On a superficial level, the Tory amendment attempts to address concerns about the delay in introducing best value. However, I would have thought that the last thing that we want to do is attempt to rush the introduction of this complex legislation and end up with a less than satisfactory outcome. Of course, that is not the real aim of the Tories. Their real aim is to turn back the clock to reprise CCT in all its glory. Their amendment is a smokescreen for their true aims, and I would have thought it more honest if the Conservatives had simply opposed the bill.

A continued moratorium is essential. CCT is a crude method of attempting to lever the private sector into providing public services and of introducing competition in a number of key areas such as refuse collection, cleaning, catering, and repair and maintenance of buildings. The logic was that subsidised services could be provided better, and unsubsidised, by the private sector. As we know, that process is bureaucratic and cumbersome. It forced local authorities to alter their mindset on service provision, but the promised savings did not materialise, and 90 per cent of contracts under the Local Government, Planning and Land Act 1980 have been won in-house.

In Glasgow City Council, the legislation introduced by the Conservatives was particularly disastrous when it came to repairs. It was ludicrous even to suggest that any private company could have competed with the city council, simply because we could not have woken up one day and seen a private company take over the amount of work that the council did. It would have had to appear magically with a vast number of depots and workmen to carry out that work. The legislation forced openness and accountability underground and militated against the interests of local people.

**Mr Murray Tosh (South of Scotland) (Con):** Will Mr Gibson give way?

**Mr Gibson:** I will not give way, because I have only one more sentence to say and then my time will be up.

The bill was welcomed by all the organisations that gave evidence to the Local Government Committee, and I urge all members to agree to its principles.

15:49

**Iain Smith (North-East Fife) (LD):** It is rather scary, and I hope that it does not happen again, but I actually agree with just about everything that Kenny Gibson has said. I am sure that that will not happen very often in this chamber.

I want to touch on a few points and I will not speak for long, but I think that we need to look behind the Conservatives' amendment, as Kenny Gibson tried to do. The truth is that Keith Harding's amendment is not about introducing best value; it is about returning to CCT. Having listened to Keith Harding's speech, I believe that there is no question but that that is the Conservatives' aim. He actually wanted to support a return to CCT, not the introduction of best value. It is easy to see why that would happen. Even if the Executive published a bill tomorrow to introduce best value, it would not be able to stop CCT going ahead for the contracts that would have to start on 1 January 2002.

The reality is that local authorities would have to start preparing the contracts now. They would have a legal obligation to do so. Local authorities would have to prepare the contracts, advertise them and assess them. Even if we said when the bill finally got through later this year that they would not have to let the contracts, they would have to let them because EU competition law would require them to go ahead and let them. It is nonsense to say that we could continue the moratorium on CCT or the introduction of best value without passing the bill that is before us today. The Conservatives are misleading the Parliament by claiming otherwise.

Let us consider some of Keith Harding's other comments. It is a bit of a joke for him to say that the Conservatives are seeking to devolve more powers to local government. Anybody reading the manifesto that the Conservatives published a few days ago who can stop laughing for long enough to take any of it seriously will find out that they do not want to do that. They intend to remove significant powers from local government. They intend to remove the funding of schools from local government and give central Government responsibility for funding what is the biggest single item in the local government budget. That is not devolving power to local government. They also intend to remove from local government the responsibility for community care and social work and put that in with health. The Conservatives do not intend to give more power to local government; they have a centralisation agenda.

That is all part of the agenda from which CCT emerged. Throughout the 1980s and 1990s, the Conservatives had an anti-local government agenda. They tried to destroy local government. They tried to destroy the DLOs by forcing

privatisation on them. They failed to do that, but they managed to create a brand-new industry in how to draw up tenders to ensure that the in-house bids were successful. That was not in anybody's interest, but it is what happened.

Great cost was involved in drawing up the tenders and putting them out to tender, but no one could guarantee that the public got best value for money. It often had the opposite effect to that which the Conservatives wanted. They said that they were trying to privatise and open the work up to competition. It often meant that the council would give minor contracts to small local businesses, such as joiners and plumbers, to do work on council houses or schools. Councils were no longer able to do that, because the requirements of CCT meant that the tender had to go to large bids, which those companies had no opportunity to be involved in.

**Mr Harding** *rose—*

**Iain Smith:** I am sorry. Keith Harding did not take any interventions, so I am not taking any from him.

The Conservatives want CCT to return. They want to continue with their agenda of the 1980s and 1990s, which was to destroy local government. The Liberal Democrat-Labour Executive is not going to have that. It will continue to support local government, develop best value and give powers to local government, not take them away as the Conservatives propose.

15:53

**Trish Godman (West Renfrewshire) (Lab):** Like Iain Smith, I have to state that I agree with most of what Kenny Gibson said. This is a technical bill to extend the moratorium on CCT. The Local Government Committee was the lead committee on it. We took evidence from a range of interested parties, such as the Executive, the Royal Incorporation of Architects in Scotland and councils. We also took written evidence.

There was no opposition to the bill from the key stakeholders. However, the Conservative member, Keith Harding, dissociated himself from the final report. His reasons are clear in his amendment S1M-1843.1. Although this is a technical bill, it is linked inextricably with best value in local government, as other members have said. "Working together for Scotland: A Programme for Government", included a pledge that

"We will deliver Best Value in local government".

As already stated by the minister and as he said in his evidence to the Local Government Committee, it is the Executive's intention to introduce legislation in the autumn to provide a statutory basis for the best-value regime, which will replace

CCT. We are serious about a replacement for CCT, but we are also serious about getting it right, so if it takes longer, so be it.

As I have said, best value is at the heart of our modernising government agenda. Local government is our democratically elected partner. It is critical to the delivery of services that are based on local knowledge and priorities.

Approximately one third of the budget of this Parliament goes to local government. That is an incredible responsibility and agenda for councils. We are currently asking them to respond, review, change and work with other public bodies and trade unions in a way that they have never done before, so that we can deliver services with best value at the core of that delivery.

As Kenny Gibson pointed out, experience in best value is varied, and evidence suggests that the most effective councils have involved the trade unions. In response to Pauline McNeill, I should say that the committee has been very aware that councils that have involved trade unions have also examined conditions of service. In future, the committee will be watching for any references to that issue when councils produce their reports. If public bodies and communities are involved at a very early stage, they can usually make a difference. Furthermore, the Convention of Scottish Local Authorities and every council and professional body that came before the committee stated that the way forward was a concentration on the clear identification of outcomes.

Much hard work has still to be done before the Executive can introduce legislation and we should take the time to get things right. The Parliament must trust local government to deliver best value, having regard to agreed priorities. Although I acknowledge that the bill is technical and brings no policy change, it is linked with future legislation on best value, and as a result the Executive's intention to introduce proposals for legislation in the autumn is very welcome. I recommend that the Parliament approve the general principles of the bill.

15:56

**Linda Fabiani (Central Scotland) (SNP):** This afternoon's debate seems to be a meeting of the Kenny Gibson fan club. I am tempted just to say, "I agree with Kenny," and sit back down again.

I agreed with everything that Kenny Gibson said about getting rid of CCT and with Iain Smith's comment that the Tories were just trying to reintroduce it. In my speech, I will therefore focus on what I hope any proposals on best value will reflect. I have been reading the working group's very good suggestions for the key principles behind best value. For example, I particularly liked

the suggestion that

"Best value should be developed through partnership with minimum prescription."

Furthermore, the working group suggests that any proposals should build on what is good and avoid new bureaucracy. I hope that the working group's proposed key principles of accountability, transparency, continuous improvement and ownership are reflected in any proposals that are introduced for the Parliament's scrutiny.

I had some experience of best-value requirements when I worked with the performance standards set by Scottish Homes for housing associations. The standards were very prescriptive—sometimes verging on the ridiculous—as far as the level of monitoring and priorities were concerned.

A small anecdote might help to keep those points in mind when the key principles for best value are introduced. One performance standard that housing associations had to meet was the length of time that an organisation took to re-let a house that had become vacant. A particular housing association had had only one house vacant in a particular year. However, the house had gone on fire and it had taken three months for the house to be brought back up to standard and re-let. Because of Scottish Homes' prescriptive performance standards, the housing association had had to divide those three months—or 93 days—by the one house, which gave a performance standard of an average 93 days before it re-let a vacant house. Nothing within the Scottish Homes guidelines allowed any discretion or special case status for that housing association, which was accordingly marked down. We must be able to consider individual circumstances and ensure that we do not make the rules too prescriptive.

**Mr Tosh:** I appreciate Linda Fabiani's points. However, can I ask her whether the housing association used the council DLO for its own repair service? Does she know how widely used DLOs are for such services and how they compare with other agencies or players in the market? Are there any lessons that we can learn from that?

**Linda Fabiani:** I will be very honest. I have worked in three or four housing associations, and in one instance I recommended not using the DLO because it was not particularly good and did not perform well. However, that was mostly down to the fact that its level of service had been mucked about by Conservative policies.

**Mr Tosh:** That is specious.

**Linda Fabiani:** No, it is not suspicious; it is a fact.

**Mr Kerr:** Does the member agree that there are

two sides to every coin and that Glasgow City Council's building services department won the contracts for all the housing co-operatives in Glasgow on a free and open tender basis, in competition against the private sector, on grounds of price and quality?

**Linda Fabiani:** Yes, absolutely. As I said, I am speaking only from my experience, and I have not worked in the co-op sector in Glasgow. Nor can I give the figures for every different housing association. I suspect that what Andy Kerr says is right, and that council DLOs undertake an awful lot of housing association work throughout the country.

**Mr Tosh** rose—

**Linda Fabiani:** I am afraid that I have run out of the time that I am allowed for interventions, although Colin Campbell has offered me his.

I conclude with two issues that I want to throw open to members. First, would the roads contract that recently went from local councils to the private sector have gone to the private sector on the basis of best value as the Executive regards it, bearing in mind the fact that cost is not the ultimate measure of best value? Secondly, I agree with Pauline McNeill that workers' rights and conditions must be protected, and I ask members to think about the likes of national health service trusts, in which the rights and conditions of workers have been eroded and ancillary workers' jobs sold off to the private sector.

16:01

**Bill Aitken (Glasgow) (Con):** It seems that, either by accident or—as is more likely—by design, there has been a misinterpretation of the Conservative amendment. What we are suggesting is not an argument about CCT versus best value; we are merely suggesting that it is time—after four years—for the argument to move on.

Over the years, the argument seems to have changed fairly dramatically. I remember well the constant grief and aggravation that I used to get during my days on Glasgow City Council when there was any suggestion that any of our DLOs was not performing as a paragon of efficiency. Andy Kerr, Pauline McNeill and many other Labour members would say that best value is the way forward; however, in those days, council members thought that the status quo was highly acceptable, although manifestly it was not.

**Mr Kerr:** That is a misrepresentation of views. In those days, councillors were arguing for a level playing field and the ability to compete. Comparing the wages and conditions of employees in the private sector with those of employees in the

public sector—which contributed to social inclusion in local areas—and the training budgets of local authority DLOs with those of the private sector shows that the DLOs were making a much greater social contribution than the private sector at that time.

**Bill Aitken:** Of course, there is merit in that argument. Mr Kerr will acknowledge that, whenever we have debated the issue of housing stock transfer, for example, I have underlined the fact that there is a difficulty, that there should be a level playing field and that we should ensure that conditions of service in the public and private sectors are comparable. Nevertheless, the situation in those days was highly unsatisfactory.

What cannot be gainsaid is the fact that the matter seems to have dragged on for an inordinate length of time. I cannot think why. Is it because the Executive is a little uneasy about dealing with it, as it is slightly controversial within the Labour party? There will be difficulties with trade unions and councils, which is why it was being kicked well into touch prior to the general election. By any standard, four years is far too long to spend on a bill. If similar legislation could be passed down south, why on earth can we not do it here? It is not so difficult. I have a copy of the Local Government Act 1999: if the minister wants to borrow it, he is at liberty to do so.

The existing situation is highly unsatisfactory. Councils are required to operate in tandem two differing and incompatible systems, which is causing much difficulty and expense.

**Mr Gibson:** Does not Bill Aitken think that we should learn lessons from the English legislation before battering on with ours?

**Bill Aitken:** If we did that for every bill, nothing would ever happen.

Clearly, we have to consider such matters. Frequently, in the chamber and elsewhere, I have made it clear that I think that there are dangers in introducing legislation hastily—my position is a matter of record. By any standard, however, four years is certainly too long and something should have been done to get the process moving.

The minister said that complex law and complex issues were involved. That is true: the innovation of the European dimension and the competition requirements have implications. However, if that aspect was dealt with down south, we could deal with it up here. In the meantime, a great deal of resource is being lost to councils through the failure to have any legislation in force.

Iain Smith stated that the situation that we are in was a result of some well-laid Conservative plot to ensure that everything was privatised. He might find himself in a dilemma, of course, being part of

an Executive in Scotland that has a Labour connection. I am sure that he would deny certain of his statements in a UK context.

Having listened to the Prime Minister yesterday, we cannot be sure whether the situation with regard to public services will change, but we can be sure that the private sector will have an increased role to play in the provision of public services. The day of the DLOs could well be under threat if the Prime Minister has his way. I advise members to listen carefully to speeches that Iain Smith might make on the subject.

16:06

**Brian Adam (North-East Scotland) (SNP):** It was interesting that, although the Tories claim that they are not defending CCT, they have not condemned it either. However, CCT is most worthy of condemnation.

It is a matter of some regret that we have been unable to introduce alternative legislation, but I understand why. This is not a simple matter. Best value regimes, while sounding great, have inherent difficulties in regard to the production of appropriate measurements that would allow us to say that one mechanism provides better value than another. It is to the credit of the Accounts Commission that it was able to help to draw up appropriate comparators. That is not an easy task, and one of the dangers of producing national benchmarks is that we might reduce everything to the lowest common denominator, thereby taking the local out of local government.

It was almost hypocritical of Keith Harding to suggest that the current arrangements involved additional costs. Of course there are additional costs, and the Conservatives are responsible for them. Of course the client-contractor split costs money, but there is no point in his complaining about that now when his team brought that in. Mr Harding's suggestions are not feasible, and if we do not pass the bill in short order, CCT will continue.

The current arrangements do not allow the possibility for lateral thinking. There is a need for change in local government—nothing stays the same for ever. If, for example, local government wanted to address the issue of janitorial services as well as catering, which is the example given in the report of the Local Government Committee, it could not do that. However, that is the kind of innovative thinking that we want to bring in. It is also true to say that the detailed contractual arrangements for CCT inevitably led to difficulties with regard to service delivery. That has happened in relation to other areas in which there has been private involvement and public-private partnerships. If the local authority wants to vary

the contract, that comes at a price, which is determined by the contractor, rather than that being built into the agreement in a way that would deliver value for money. Once the contractor has the job, he controls what happens.

A recent example of that is in Falkirk. According to evidence given to the Education, Culture and Sport Committee recently, school pupils who returned from a school trip were locked out because no arrangements had been made with the private contractor. That is the sort of nonsense that can happen when watertight contracts are not entered into. It is difficult to produce such watertight contracts: although there are many experienced and able people in local government, that is not necessarily their area of expertise.

**Mr Tosh:** I am aware of the circumstances to which Brian Adam refers, as I read about them in the newspaper. Is not that a matter for Falkirk Council to negotiate with the contractor? If the school concerned was a council school, the service would have been provided at a cost—is not it simply a matter of establishing a proper cost to be paid by the private finance initiative operator? Incidentally, it is nothing to do with CCT.

**Brian Adam:** It might not be to do with CCT, but it is very much a parallel arrangement. Indeed, it is an arrangement that should be entered into between the contractor and the council. If the arrangement was with the same organisation, the matter could be sorted out by a phone call, avoiding the need to renegotiate the detail. Once there is a contract, it is difficult to establish variations, and that is the significant weakness of private involvement in a public function. I am not saying that it should not happen, but there are difficulties, which should be considered.

The Tories' position is utterly hypocritical, and I hope that, having aired their views, they will not press their amendment to a vote later this afternoon.

16:11

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** It is not uncommon for members to make comment during non-contentious debates or consideration of technical motions or bills. However, it is difficult to speak without repeating what was said earlier, or to generate sufficient interest among the public in what is being debated. That never stops us carrying on with the debates, however. So I will participate in the debate without any belief that I am adding substantial enlightenment to the subject, and without believing that I can engender any more public interest than any previous or subsequent speaker. In fact, as an enthusiast for the wit of Oscar Wilde, I could say that I am following his

advice, that the best possible form of exercise is to talk, not walk. I have only a few minutes and, although I need the exercise, I do not expect to lose much weight.

I find the Conservative amendment strange. Although I can understand Keith Harding's dissenting from the Local Government Committee's report on the bill—because he had not participated in the consultation debates—I cannot comprehend why, if he had read the final committee report and studied the information that had been discussed in committee during the consultation, he and the Conservatives would find it necessary to propose any opposition to the general principles of the bill.

In spite of what Bill Aitken said, I, like others, can only assume that that derives from an ideological hankering for a return to CCT. The evidence provided to the Local Government Committee made clear a strong desire on the part of all concerned to continue the development of the best-value regime. There was also substantial opposition to the re-implementation or continuation of CCT, even on the part of those representing the private sector.

Most representations conveyed the message that CCT had been remarkably unpopular in Scotland, and was opposed by local authorities and the private sector. The feeling was that continuous improvement was shunned in favour of emphasis on rigid contracts. Innovation was inhibited and the ability to respond to changing requirements constrained. The result was often poor standards, service inefficiency and constricted flexibility. That perpetuated cuts in wages and subsequent objectionable conditions of employment.

The evidence that we took highlighted the imposition of excessive central Government control, diminishing local accountability and neglecting the needs of service users in the local community. The CCT straitjacket, as it was known, limited the way in which local authorities could provide their services, reduced flexibility and jeopardised best practices.

Not everything about the bill is universally welcomed. Although I have encountered favourable responses to the bill's proposals, a number of concerns were voiced about the extension of the moratorium. It is clear that there is overwhelming support for the transition to a best-value regime, but it should be delivered as quickly as possible within a definitive time scale in order to assist in the development of partnership, avoiding competition between local authorities and private companies.

There can be no doubt that local authorities have expressed enthusiasm for fully embracing

the best-value principles, but they remain concerned about the fact that they have been forced to maintain the provisions of the Local Government, Planning and Land Act 1980 and the Local Government Act 1988, because they form part of the moratorium regulations. As DLOs and DSOs are required to run both CCT regimes and the early days of a best-value regime in parallel, we must recognise the fact that those two types of regime are totally incompatible, and that that places a significant burden on service providers.

Modernising local government is essential to the progress of our communities. I am sure that the Executive is listening and responding to the voice of local government. On that point, I was pleased to hear Peter Peacock say to the Local Government Committee that the Executive firmly intended to publish its legislative proposals in the autumn. Therefore, there is all the more reason to question the motive behind Keith Harding's amendment. The Executive's proposals should be presented as soon as possible, but they should be progressed with a degree of caution. A new statutory framework is required to replace CCT, but I hope that the Executive will ensure that it is done right rather than quickly, so that we avoid problems in the future. I am sure that the Parliament will acknowledge that such an important change cannot be introduced overnight. Nevertheless, a majority of members of the committee and of the organisations that it met welcome and commend the general principles of the bill. I hope that the Parliament, too, will endorse them.

16:16

**Colin Campbell (West of Scotland) (SNP):** I think that Michael McMahon was a little too modest at the beginning of his speech—he certainly did his best to make a subject that has been well raked over as interesting as possible by making literary allusions.

Brian Adam talked about the problems of PFI and CCT, which are about the application of business standards to business life. As someone who is not a Conservative and never will be, my problem with PFI and CCT is that they introduced the standards of competition into an area of what is fundamentally service—local government is about service rather than about ruthless competition and profit making.

**Mr Tosh:** Will the member give way?

**Colin Campbell:** I will finish my point and then the member can decide whether to intervene.

Local government is a service. That is not an excuse for bad management or overstaffing. Local government service should be delivered as efficiently as possible. Does that cover what

Murray Tosh wanted to ask about?

**Mr Tosh:** No. I was going to suggest that there are many local government activities for which a businesslike approach is necessary and welcome. I draw Colin Campbell's attention to paragraph 48 of "Best Value in Local Government: next steps", which recognises that the general response of those who participated in the consultation was that CCT had

"brought benefits in terms of greater specification and a more business-like approach".

That is the Executive's point of view. The SNP's point of view this afternoon has been ludicrously black and white and one dimensional. The SNP ought to recognise the arguments around these issues.

**Colin Campbell:** I am many things, but I am not black and white—grey possibly.

**Trish Godman:** You said it, not us.

**Colin Campbell:** Who said that?

I accept that the Convention of Scottish Local Authorities recognised that there were some benefits, however harshly learned, from CCT. There is no doubt that CCT sharpened attitudes in local government. Like other SNP members, I feel that best value rather than CCT best meets the principles of service that characterise local government.

I will briefly divert from addressing the principles of the bill, on which we all agree—except the Conservatives, who are lurking away in the darkness that they inhabit. I realise that the debate is on the principles, but they have been so well discussed and there is such a unanimity of opinion—except among the Conservatives, who are committed to the past—that I will take the liberty of exploring a practical area for future tendering processes in local and central Government: paperless tendering. While reading the Defence Bills Agency annual report recently, which is the kind of sad thing that I do, I realised that the organisation is trying to go down the road of paperless tendering. That clearly eliminates much wasted time, effort and paper and is altogether more efficient. I ask the minister whether paperless tendering is desirable, practical and on the cards. If it ultimately leads to greater efficiency and less waste, it is a necessary adjunct to what we are discussing today.

16:19

**Mr Andy Kerr (East Kilbride) (Lab):** We have been looking back at CCT too favourably. We should not forget some of the downsides to CCT, although I appreciate that the CCT process meant that many DLOs, such as those in which I worked, had to learn quickly. Many proved themselves to

be flexible and innovative enough to respond to CCT. We should remember the non-commercial matters, such as training, wages, use of local labour and work force conditions, that are covered under the Local Government Act 1988. Until European legislation came along, CCT was a purely price-based regime in which quality was not a consideration.

CCT involved other costs, such as specification and tendering costs, which were exorbitant in relation to the services that were being provided. As previous speakers have said, there were also the restrictive costs in relation to the client-contractor split.

We should remember the contributions that DLOs have made to the wider social community, such as providing local employment. DLOs have had beacon employer status within areas of deprivation in relation to wages, conditions, trade union recognition, training and other matters that fit within the Executive's social inclusion agenda.

I am concerned about the best-value model that is being deployed in England and Wales. It could be argued that that model is over-prescriptive and does not leave local authorities enough flexibility to deliver the services that they see fit for their local communities. Therefore, I look forward to the minister's proposals on best value.

**Pauline McNeill:** Given Andy Kerr's background, I am sure that he will recall, as I do, that the CCT regime often produced paperwork the size of telephone directories on each contract. I looked after about 11 contracts and had 11 catalogues on my desk, which I found quite disturbing. I am not in favour of going back to CCT, but does Andy Kerr believe that there should be an element of prescription in best value to ensure that, when quality is not reached, we can point to the contract and hold the service provider to account?

**Mr Kerr:** Towards the end of CCT, when we were bound to develop best value, most local authorities were moving on to output-related specifications, which allowed the service delivery performance indicators to be the criteria for awarding the contract, as opposed to specifications based on inputs—how many vehicles one had or how many people were in the labour force. Local authorities were being adaptable and innovative and could deal with some of those issues. Let us make no mistake: we cannot afford to ignore public services, which must be accountable. Their reporting regimes must be delivered.

I will revisit an important issue that Michael McMahon raised. I had to run two contradictory regimes when I worked in local government. Under best value, we looked innovative. We

worked with and consulted employees and the community in order to develop a quality service that was acceptable to them. We also had to take a negative look back at our old reporting regimes, which were laid out under sections 13 and 14 of the Local Government Act 1988. Those regimes made us report in reverse, in the sense that they were a complete waste of management time and a diversion away from the real task of delivering high-quality public services.

We are moving forward, and people are desperate to see the Executive's proposals, which will be discussed thoroughly in the chamber. Tony Blair's vision for public services has been mentioned, and I will quote the Labour party's Scottish manifesto:

"Thanks to committed public servants, we have shown rapid progress is possible and begun to break the fatalism that says public services are always second class".

That is the strength of best value and of what it can deliver. I look forward to the minister's proposals.

16:23

**Donald Gorrie (Central Scotland) (LD):** I am happy to confirm that the Liberal Democrats fully support the bill, as Iain Smith said. It has great merit, in that it is very brief—not everything that is produced by the Parliament is brief—and clear cut. If the Executive and the Parliament want to bring CCT to an end, we must repeal the reference to 31 December 2001 in the Local Government Act 1988—that is the purpose of the bill and it will make permanent the end of CCT.

The Tories propose to replace the bill with a best-value bill, which would take a long time to draft. Best value is not like a butterfly that one can pin on a board with great ease; it is a living butterfly that will flutter away and escape. It takes a lot of time, effort and thought to identify best value, and the Tories' proposal is no substitute for the bill.

The Liberal Democrats are concerned about a remaining element of CCT in relation to public services being provided at the expense of public servants. For example, the case of the road workers who were transferred to a private firm and who lost their pension rights was highly unsatisfactory, but such situations still seem to be part of our system. Best value must include adequate and fair remuneration for employees and must not be at the employees' expense. I hope that the minister will take that into account.

That said, we fully support the bill and I hope that Parliament will, too.



16:25

**Mr Gil Paterson (Central Scotland) (SNP):** The bill is very short and, as I know from committee meetings and the speeches that I have heard this afternoon, uncontroversial. The SNP backs the bill and has lodged no amendments. The bill contains no new policy initiatives; it seeks only to maintain the status quo until such time as a system of best value can be introduced into local authorities for the provision of direct services.

I seek assurances and guarantees from the minister on certain points. Keith Harding painted a rosy picture of CCT. However, every member in the chamber would surely agree that CCT was unfair, inefficient and disastrous. It resulted not in savings for local authorities but in poor standards of service and poorer treatment of workers. We do not want it to reappear and we want an alternative in place as soon as possible.

The aim of best value is to introduce an accountable, transparent and continually improving framework for the provision of direct services—but where is it? At the last UK general election, the Labour party made a manifesto commitment to replace CCT with a system of best value. In 1999, the final report of the best value task force was published. In October 2000, the Executive ended its consultation process. The Executive has had a long time to get best value up and running.

Obviously, if best value is to be implemented in a way that is of most benefit to local authorities and the wider public, adequate consultation and development time must be spent on it. The minister has mentioned legislation in the autumn, but can he give us a time scale for the implementation of a system of best value in local government? Will it be implemented in this parliamentary session? The fact that the bill extends the moratorium on CCT indefinitely does not bode well for a swift introduction of best value. I hope that the minister will address that issue in his closing speech. It is dangerous to agree with anything that the Tories have to say on the matter, but I agree with them that four years is a long time to wait for change.

I thank the Scottish Executive for ensuring that there is no default return to CCT and I commend the proposal to extend the moratorium. However, I give a warning about delaying the introduction of the new system that will enable us to dump CCT for ever.

16:28

**Mr Murray Tosh (South of Scotland) (Con):** Gil Paterson said that the Executive has had plenty time to get its bill up and running and he wondered why there has been a delay. That delay

is the only reason behind our amendment. I am glad that the SNP has signalled its support for our position.

Brian Adam went a little further and asked us to condemn CCT out of hand. In an intervention, I made it clear that that view caricatures the debate. As we are well aware from the Executive's documentation and consultation process, CCT has had demonstrable benefits in defining local authority tasks and specifications, which in many cases were simply not specified before. It focused councils on delivering service objectives, started to stimulate strategic thinking in many local authorities and created a more businesslike approach across the field.

As the Executive's consultation document says, those were real benefits and real steps forward. We should not throw them away. I recognise that that is probably about as far as CCT could have taken us, but its benefits should not be lost.

We were invited to acknowledge that there were downsides to CCT. I am happy to do so and to put that on the record because it is what we have been saying in the debate. We are not opposing the move to a best-value regime. We see distinct advantages in it.

Brian Adam referred to the bureaucracy and the costs that are involved in the client-contractor split. Pauline McNeill referred to the great height of the paperwork on her desk and the bureaucracy that was involved in CCT. Ultimately, CCT was largely unworkable if it did not have the consent of the people who were implementing it. Iain Smith indicated in an intervention that there was a growth industry in getting round the process. I dare say that Pauline McNeill might have written the manual "101 Ways to Frustrate CCT", but all of us who have a local government background knew a great deal about that issue.

The late Nicholas Ridley was asked at a Conservative conference what he found the biggest obstacle to introducing what we now call outsourcing across the board in local authority services. His answer was, "Conservative councillors." As a local authority councillor, I recognised—although I was on the tendering side of the process, including some voluntary tendering—the difficulties of entering into legally binding contracts on service levels with private contractors as opposed to having in-house contracts that are not binding. The legally binding contracts were inflexible and got in the way of any attempts to substantially reprioritise local authority services.

The Conservatives are not blind to the deficiencies of CCT. We are perfectly happy—indeed, we are keen—to move the debate on to a more satisfactory and rigorous approach.

**Mr Gibson:** The Conservative amendment says that

“the Executive should give priority to the drafting of a Bill on Best Value so that it can be placed before the Parliament before the end of this year”.

Does Mr Tosh agree that the proposal for the Executive simply to place such a bill before the Parliament before the end of the year does not mean that the bill would be passed this year? CCT would therefore come back on 1 January next year. Unless the Conservatives’ aim is to bring back CCT, is not their amendment incompetent?

**Mr Tosh:** If Mr Gibson thinks that the amendment is incompetent, he should take that up with the Presiding Officer, who accepted it. The purpose of the Conservative amendment is to make it clear that we cannot simply live in limbo and that, if we are going down the best-value route—which the Conservatives support—it is time that the Executive made greater steps in that direction. I am pleased that the minister mentioned the idea of a bill being published in the autumn.

I will make a personal observation about best value, because I was deeply involved in a best-value project—although I did not call it that—as a local authority councillor in Ayrshire. The housing department that I worked with for four years introduced what it called a total quality management project. The project ran for most of those four years and, in effect, amounted to the staff revisiting almost every aspect of their work in order to introduce a consumer focus and to bring about best value. That meant lowering costs and, more important, improving service output. Although the stimulus for that project was the threat of CCT for housing management, the staff’s reaction was positive. The staff achieved real progress and secured advantages that are still part of the service delivery of the successor authority.

Although my local government experience stopped at the 1996 reorganisation, I have seen best value work. Best value can work and has the makings of a demanding and rigorous regime for driving forward the ultimate goal of permanent and substantial service delivery. If that is the objective, surely all of us involved in the delivery of public services can subscribe to it. We insist that it must be rigorous—the audit process will be important. The degree of internal scrutiny will also be important, particularly the empowerment of those councillors who are given the task of scrutinising the performance of council executives.

It is clear from the local government settlement that, whatever happens over the next few years, there will be no big cash bonanza for local authorities. We live in an era in which councils are being asked to reflect on their priorities and, in the elegant phrase of the minister, to reprioritise. In

such an era, we must accept that if a council wants to increase its spending in certain key areas, it will be able to do so only if it winds down operations and achieves economies in other areas.

There are important financial indicators and imperatives in the best-value regime. It cannot all be cuddly; it must involve difficult choices and tough decisions. We are keen to see best value introduced as a rigorous and demanding tool that local authorities can embrace with confidence and enthusiasm as they react to the Executive’s initiatives and to devolution and as they set their own priorities.

CCT had its day; it moved the debate forward. As Andy Kerr pointed out in his thoughtful speech, CCT, as modified by European procurement and competition directives, had already moved the debate on substantially. It is time to move the debate further. We think that the best-value regime offers a way forward. We ask the Executive to get the work done of introducing the bill so that the Parliament can pass it and put it into operation.

16:35

**Peter Peacock:** I welcome most of the comments that have been made today from the SNP, from the Liberals and from our own benches. The convener of the Local Government Committee, supported by Michael McMahon, pointed out, rightly, that it is important to get this measure right rather than rushing it. For reasons that I will come to in a moment, that is the right approach.

I do not often get the chance to agree with Kenny Gibson, so I will take this one. I thank the SNP for its support for the measure and I thank Kenny Gibson for his acceptance of our assurances of our intention to introduce legislative proposals this autumn and to act on them quickly. In response to Gil Paterson’s point on that, I say that when we reach that point, we will be able to set out the timetable much more clearly. Parliamentary procedures and protocol prevent me from announcing future legislative programmes. However, we would not be putting in the effort that we are putting in—there is a lot of it—to prepare the ground for a best-value regime if it was not our firm intention to proceed with it at the earliest opportunity.

Bill Aitken and Keith Harding accuse us of dragging our feet on best value. As I have said, it is important that we learn the lessons that are being learned in England and Wales. We must also learn lessons from what is happening in Scotland. Far from best value being a thing of the future, best value is here now, and it is being

operated voluntarily by local authorities across Scotland. It is important to learn lessons and to apply them to the construction of the legislation that will place duties on local authorities to secure best value. It will not be a soft option; it will be an onerous option.

Michael McMahon pointed out, rightly, that the Conservatives have a tendency to aim towards control of such matters in a way that is much more centralised than any other party would want. They are not, it appears, in favour of the local freedoms that we support; they are in favour of prescription from the centre.

I am glad to tell Colin Campbell that we are well down the road to e-procurement—electronic procurement. That will involve contracting electronically. The modernising government fund is funding a programme to develop an e-procurement system not only for the Executive, but for a range of local authorities. We will make progress on that.

Andy Kerr spoke about the importance in the new regime of ensuring that quality, and not just cost, is a major feature in future. In the past, the problem was that we narrowed down costs and prescribed them in a way that led to an inevitable conclusion that was based on cost, but which paid no regard to whether services, quality of services, or delivery mechanisms were appropriate for a particular area. That was a restriction on local government rather than a help to it.

**Mr Tosh:** Does the minister acknowledge and accept the point—which Andy Kerr and I made—that, when local authorities chose the European procurement method, they were perfectly capable of setting quality standards and making those the centrepiece of the competition regime?

**Peter Peacock:** The principal point that Andy Kerr made—rightly—was that we must consider quality and not only price. That might come about as a consequence of European rules or our own rules. I would rather it was done by our own hand, because quality is important.

Iain Smith was right to mention the need to look at what was behind the Tories' amendment. Unfortunately, I got the first version of the Tory amendment. Murray Tosh referred to the Presiding Officer having approved the amendment; but, of course, he asked that it be changed before it was approved. The original amendment said that CCT should remain in force. So, to say that the Conservatives have been genuine—

**Mr Harding:** On a point of order. How has the Administration seen an amendment that has not been lodged?

**The Deputy Presiding Officer:** We have not seen it either. I will consult on that, and come back to you.

**Ben Wallace (North-East Scotland) (Con):** On a point of order. This is the third time that the Administration has had a copy of either a Conservative or an SNP pre-lodging amendment. I urge the Presiding Officer's office to carry out an inquiry.

**The Deputy Presiding Officer:** I think that you are talking about amendments that have been lodged but not taken, but I shall consult and come back to you.

**Peter Peacock:** I have obviously touched a raw nerve, because the original amendment was not about the reform of local authorities' procedures to make them freer and give them more powers and more capacity to help them become more efficient. Instead, the amendment displayed the same old sad Tory tendencies, which existed between 1979 and 1997. It appears that they learned nothing from that period in office. They still want to tie up local authorities in red tape. They still want to stop local authorities from innovating and configuring services. They are still committed to compulsion and narrow political dogma on these matters. As has been pointed out, the Conservatives' real agenda for local government is revealed in their manifesto; it is to make local government marginal and irrelevant and to strip it of its powers and capacity, for reasons that only the Tories understand.

I am sorry that the Conservative amendment in its final form takes the tone that it does. Had Keith Harding been present when I gave evidence to the Local Government Committee, he would have known that we are well down the road to preparing draft legislation for best value. He would have known that I indicated that we would produce proposals in the autumn. He would have known that we have established a bill team to plan the legislation. He would have known that we have appointed a bill manager and he would have known that there have been several detailed discussions between ministers and officials to set out the details of that legislation. It is unfortunate that the Conservatives have lodged their amendment today.

As I explained in my opening remarks, the Scottish Local Authorities (Tendering) Bill is a short technical bill, which has been introduced to maintain the status quo and to preserve the moratorium on CCT beyond the end of the year. Without the bill to amend the existing legislation, the CCT moratorium would cease to operate for direct service organisations beyond December. That would mean that DSO managers would be forced to prepare—by default and unnecessarily—for the reintroduction of CCT, just before its

planned abolition. The extension of the moratorium is intended to be a short-term solution to a technical problem. It is being considered now only because insufficient legislative time exists in this calendar year to produce the necessarily complex proposals for an alternative best-value regime.

I am grateful for the Local Government Committee's constructive consideration and support for the Scottish Local Authorities (Tendering) Bill. I am grateful for the support for the bill that has been expressed in the chamber today, and I am pleased to commend the bill to Parliament.

## Parliamentary Bureau Motion

16:42

*Motion moved,*

That the Parliament agrees that the following instruments be approved—

the draft Justices of the Peace (Tribunal) (Scotland) Regulations 2001;

the draft Part-Time Sheriffs (Removal Tribunal) Regulations 2001; and

the draft Sex Offenders (Notice Requirements) (Foreign Travel) (Scotland) Regulations 2001.—[Euan Robson.]

## Motion Without Notice

16:43

**The Deputy Presiding Officer (Mr George Reid):** We are somewhat ahead of ourselves. I am minded to accept a motion from Mr Tom McCabe to bring forward decision time. Is that acceptable to the chamber?

**Members** *indicated agreement.*

*Motion moved,*

That under Rule 11.2.4, Decision Time be taken at 4.44 pm.—[Mr Tom McCabe.]

*Motion agreed to.*

**The Deputy Presiding Officer:** We have a few seconds to fill. I will return to Ben Wallace's point of order in the 30 seconds that remain. The amendment in question was lodged and therefore was in the public domain, but I will write to Mr Wallace about that.

The time that it will take for me to switch the chair with Sir David will take care of the remaining 15 seconds.

## Decision Time

16:44

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

The first question is, that motion S1M-1931, in the name of Karen Gillon, on behalf of the Education, Culture and Sport Committee, on its report on special educational needs, be agreed to.

*Motion agreed to.*

That the Parliament notes the 3<sup>rd</sup> Report 2001 of the Education, Culture and Sport Committee, *Report on Inquiry into Special Educational Needs* (SP Paper 264).

**The Presiding Officer:** The second question is, that amendment S1M-1843.1, in the name of Keith Harding, which seeks to amend motion S1M-1843, in the name of Angus MacKay, on the general principles of the Scottish Local Authorities (Tendering) Bill, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Iain (North-East Fife) (LD)  
 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)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (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)  
 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)  
 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)  
 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)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 14, Against 80, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that motion S1M-1843, in the name of Angus MacKay, on the general principles of the Scottish Local Authorities (Tendering) Bill, 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)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (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)  
 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)  
 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)  
 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)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

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

**The Presiding Officer:** The result of the division is: For 81, Against 13, Abstentions 0.

#### *Motion agreed to.*

That the Parliament agrees to the general principles of the Scottish Local Authorities (Tendering) Bill.

**The Presiding Officer:** The fourth question is, that motion S1M-1933, in the name of Mr Tom McCabe, on the approval of statutory instruments, be agreed to.

#### *Motion agreed to.*

That the Parliament agrees that the following instruments be approved—

the draft Justices of the Peace (Tribunal) (Scotland) Regulations 2001;

the draft Part-Time Sheriffs (Removal Tribunal) Regulations 2001; and

the draft Sex Offenders (Notice Requirements) (Foreign Travel) (Scotland) Regulations 2001.

## National Breastfeeding Awareness Week

**The Presiding Officer (Sir David Steel):** The members' business debate is on motion S1M-1859, in the name of Elaine Smith, on national breastfeeding awareness week. Members who wish to participate should press their request-to-speak buttons. I see that a good number wish to speak.

#### *Motion debated,*

That the Parliament notes the importance of National Breastfeeding Awareness Week from 13-19 May 2001; recognises that breastfeeding is the best form of nutrition for babies and is good for mothers' health too; notes with concern that the Guthrie Statistics from 1999 indicate that the two main hospitals serving constituents from Coatbridge and Chryston had the lowest percentage of breastfeeding mothers in Scotland, and believes that a national campaign is required to increase public acceptability that "breast is best" in an attempt to change attitudes to mothers breastfeeding in public places and encourage more mothers to breast-feed their babies.

16:47

**Elaine Smith (Coatbridge and Chryston) (Lab):** The Parliament has not debated breastfeeding before, so I am especially pleased that we can debate the subject during national breastfeeding awareness week. I hope that the debate will help to raise awareness of the importance of breastfeeding not only for mothers and babies, but for society.

I thank all members who signed the motion, everyone who attended the event at lunch time today, which was kindly sponsored by Unison, and all the mothers, children and health professionals, including Jenny Warren OBE, who have remained for the debate.

How times change. In 1943, a Ministry of Health report on breastfeeding expressed concern that only 80 per cent of hospital-born babies were breastfed, compared with 95 per cent of home-born babies. More than half a century later, and despite copious research on the health benefits of breastfeeding for mother and baby, only about 55 per cent of Scottish infants are breastfed at birth, falling off to about 45 per cent at six weeks old.

I will focus on three of the issues mentioned in the motion: the nutritional and health benefits of breastfeeding for children and their mothers, the low rate of breastfeeding in Scotland and public attitudes.

I make it clear that this is all about choice. No one should feel forced into breastfeeding if they do not want to do it. An unhappy and distressed mother will not have a positive breastfeeding

experience, and neither will her baby. A small percentage of mothers will also, for medical reasons, be unable to breastfeed. Great care must be taken to ensure that they do not feel guilty about that. However, the prevailing social attitude in Scotland means that mothers who wish to breastfeed are considered to be behaving outwith the norm. That attitude must urgently be changed.

It is every woman's and baby's right that an informed choice can be made. If that choice is to breastfeed, it is also their right to be supported and encouraged, not only by medical staff, but by society. There is no doubt and plenty of evidence that breast is best. It is the natural way of feeding babies and has major health benefits for mother and baby. It also confers health advantages beyond infancy, into childhood and possibly adult life.

In infancy, breastfeeding has a protective effect against ear infections, diarrhoeal illness, colds, flu and sore throat. It lessens the chance of eczema and other allergies and prolongs natural immunity to mumps, measles, polio and other diseases. It also assists in better mental development. For mothers, it cuts the risk of breast and ovarian cancer and helps them to get quickly back into better shape.

Important research is being carried out by a team based at Ninewells hospital, Dundee into whether breastfeeding improves the health of Scottish children beyond infancy. The study began in 1983 and early results showed that breastfed children had markedly less diarrhoea, vomiting and respiratory illness in their first year when compared to formula-fed children. The children were seen again at the age of seven. Those who had been exclusively breastfed during their first four months had significantly fewer respiratory illnesses, less body fat and lower blood pressure than those that had been formula fed. The children were seen again at the age of 15. Twenty per cent of all the children had above-average levels of cholesterol and blood sugar, with abnormalities of the blood vessels. However, the study also showed that breast milk protected children against high cholesterol and high blood sugar levels. One of the study team, Dr Jill Belch, commented

"to find out what you ate in the first year of life is affecting your heart and blood vessels by the time you are a teenager is quite remarkable."

That most recent information is particularly relevant to Scotland, where the incidence of heart disease, stroke and diabetes is high. Obesity and high blood pressure are recognised risk factors for those conditions. There is considerable worldwide interest in the Dundee study, since it has clearly demonstrated that the health benefits of breastfeeding extend beyond infancy and into later childhood. Current and future studies will explore

the possibility of breastfeeding influencing health during later adult life.

Based on current measurement data, the prevalence of breastfeeding in Scotland is the second lowest in Europe. I am particularly concerned about the statistics for my constituency of Coatbridge and Chryston. In June 2000, Coatbridge had the lowest levels of breastfeeding in Scotland. At the first health visitor visit, the figure was 19.8 per cent, compared to the Scottish average of 55 per cent. At six weeks, the figure fell to 11 per cent. Coatbridge also has amongst the highest incidence of heart disease and strokes in Scotland.

Government targets, set in 1994 and adopted by the Executive, aim for more than 50 per cent of Scottish mothers to be breastfeeding their babies at six weeks of life by the year 2005. I would be interested to hear the minister say whether that target can be met over the next four years. If it will be a challenge for Scotland to meet the target, it will be a mammoth challenge for Coatbridge. Perhaps the minister would like to lend his personal support to the recently established community mother's group in my constituency, by visiting the mothers and hearing at first hand of the challenges that they face.

A study reported in the *British Medical Journal* on 11 November 2000 showed that breastfeeding is represented in the media as problematic. It is identified with negative situations, whereas bottle-feeding is represented as normal. This week, the press showed that popular TV soaps had a part to play. At present they do not promote breastfeeding as the norm. We also know that women are publicly harassed—members may remember the woman who was threatened with being put off a bus in Edinburgh for breastfeeding. Susan Deacon called on the Minister for Transport to look into that. Perhaps Malcolm Chisholm could comment on it, if he knows the outcome of the case. The question of support for returning to work must be addressed, as there is blatant discrimination against women in employment who breastfeed.

Health service staff are central to supporting mothers who want to breastfeed. I am glad to say that there are good news stories. More than 90 percent of our hospitals are participating in the UNICEF UK baby friendly initiative.

Peer support groups are important: they help women to continue breastfeeding and they challenge negative public attitudes. In 1993, there were only four peer support groups in Scotland; there are now 150. Those groups give social support and they share knowledge and experience.

A survey carried out by Jenny Warren in 1997 found that such groups were helpful, boosted



women's confidence and helped resolve difficulties. There can be no doubt that breast is best. Our challenge is to ensure that mums, dads and grandparents know that. Excellent information and support before and after birth are needed and must include a commitment to allow babies to be breastfed immediately following birth if that is possible. There should be no unsolicited offers of formula milk in hospital, however well-meaning those may be.

Since 1981, Britain has claimed to support the international code of marketing of breast milk substitutes. The UK has also signed the Innocenti declaration, but the commitment to put in place appropriate standards on the marketing and distribution of breast milk substitutes has not been fulfilled. Will things be different in Scotland? Will the minister tonight commit himself to taking that forward?

One of the most important challenges is to change public attitudes to breastfeeding and to breastfeeding in public places. I find it abhorrent that society accepts page 3 girls, but takes exception to breastfeeding mothers.

I congratulate breastfeeding mothers throughout Scotland, and those who are here tonight, for making the choice—despite negative attitudes—to give their children the best start in life. I also congratulate the health staff who are here today and all others who are working to support breastfeeding mothers.

My contribution is merely to open the debate and I look forward to hearing from colleagues throughout the chamber. The important word in the debate is choice. It should be as easy and as socially acceptable for a mother to choose to feed her baby herself as it is for her to produce a bottle and give it to her baby.

16:55

**Karen Gillon (Clydesdale) (Lab):** As someone who is currently breastfeeding her baby, I declare an interest in the subject and congratulate Elaine Smith on securing the debate. It is important that we are able to put issues such as this on the agenda and it says a lot about the Parliament that we have been able to do that.

I must admit that when I found out that I was pregnant, breastfeeding was not at the top of my agenda. It was probably my Presbyterian background that made me feel that breastfeeding was not for me. It was my husband, who was a student nurse, who was the biggest advocate of breastfeeding. He had read the information, had the knowledge and was convinced by the arguments. After debate and discussion, we agreed that I would try it. I have to say that it was not easy—it is important that we acknowledge that

it is not easy. James would not feed from me for the first four weeks. That was difficult and I felt guilty about it. I thought that there was something wrong with me, then I thought that there was something wrong with him. When it did not work I thought that I must be a bad mother.

We must ensure that the information that people are getting about breastfeeding is honest. For some people, breastfeeding will not be an option and they should not feel bad about that. For others, it will be an option and with a bit of perseverance they will be able to do it. I persevered because I had family support—such support is vital. If my husband had not been willing to get up through the night to change and look after the baby to allow me to feed him every hour, I would not have been able to breastfeed him. If I had been a single mum, it would have been impossible for me to breastfeed James. We must acknowledge that not everybody will be able to do it.

However, we must also acknowledge that there are good health care professionals out there who are able to provide support, encouragement and advice to parents when they begin to breastfeed and who are able to say, when there is a problem, "It's not you. It's just something that happens. Babies haven't read the book before they are born—the book that we might think they should have read." My health visitor and the staff in the William Smillie maternity unit at Law hospital were excellent. I pay tribute to them for all the help and support they gave me to enable me to breastfeed James. We are now thriving and I am thinking about stopping. He is not, unfortunately. *[Laughter.]*

There are disadvantages to our line of work, as James is not a boy that likes a bottle. He is moving on to a cup, thank goodness. It is not always easy to balance work and breastfeeding. We must ensure that people have the facilities—whether it is a refrigerator in which to store their milk or a room in which to feed their baby—to enable them to do that. We should help to provide whatever facilities are right for people. The Parliament is moving in the right direction. When we open the new building, we will get there 100 per cent. Mothers who come after me will be well served by the Scottish Parliament.

16:59

**Irene McGugan (North-East Scotland) (SNP):** I congratulate Elaine Smith on securing a debate on this important topic.

Breastfeeding is a natural function, but it is not necessarily a natural instinct for mothers. What mothers need most is education during pregnancy, to help them to make informed choices about how

and what to feed their babies. As Karen Gillon has said, they need support, encouragement and assistance after the birth to allow them to establish and maintain feeding patterns and enjoy caring for and feeding their babies.

Too often, mothers who breastfeed their babies feel confused by a lack of experience or support. They may feel afraid, or perhaps ashamed, to ask for help for such a natural activity. They may feel overwhelmed by the time commitment, exhausted by frequent feeding, socially isolated from other relationships and activities, or any combination of those things.

Some of those problems might account for the fact that only 55 per cent of Scots breastfeed their babies, compared with 68 per cent of mothers in England and 80 per cent of mothers in Sweden. We know that breastfeeding is beneficial to both mothers and babies. We know that it cuts down the risk of infections to babies and promotes brain and eye development, and that it reduces the mother's risk of certain cancers and osteoporosis. Those are well-documented health benefits. I hope that, with that sort of information, we will be able to turn round the trend that has developed in this country. We lost a whole generation of breastfeeding mothers in the 1950s and 1960s, when formula feeding was vigorously promoted.

I support what Elaine Smith said about the impact of the media. The National Childbirth Trust has condemned the media for rarely presenting a positive image of breastfeeding. Studies have shown that there were striking patterns and major omissions in the media's presentation of breastfeeding. Bottle-feeding was shown more often and presented as less problematic than breastfeeding. Without doubt, women are to some extent becoming inclined to bottle-feed because of misleading media images. We must make breastfeeding socially and culturally unremarkable, so that more women consider it common sense and the norm.

17:01

**Mary Scanlon (Highlands and Islands) (Con):**

I thank Elaine Smith for giving us the opportunity to contribute to this debate. At the lunch time meeting, when all the prams, babies and mothers came in, Elaine stood up and said that there would be four speakers. I thought, "You haven't got a chance," but the room was silent. When I saw the mothers in the gallery again tonight, I was struck by the evidence of how contented children are when they are breastfeeding.

When she was talking about the health benefits of breastfeeding, one thing that Elaine Smith did not mention was childhood obesity. There are serious problems with childhood obesity at the

moment, and breastfeeding can be a great benefit in that regard. The other benefit is that breastfeeding helps a woman to regain her figure after pregnancy. If for no other reason, that is an additional benefit.

Breastfeeding could also save the NHS millions of pounds every year, because it leads to reduced general practitioner consultations and fewer hospital admissions for chest infections and gastroenteritis. I welcome the targets set in the health plan, but the point that Karen Gillon and Elaine Smith made about choice is one that must be made. No mother should feel guilty because breastfeeding somehow does not work out. When advice is given to women by breastfeeding advocates, they should take into account a woman's feelings and experiences.

No one has yet mentioned fathers. Many women feel that fathers are excluded from that closeness and bonding with the new child. When we are talking about mothers and babies, we should also take into account the father's need to bond.

I was told at the lunch time meeting that the NHS is not a very sympathetic employer when women want to return to work while breastfeeding. In looking at private and other employers, it would also be quite a good idea to put our own house in order.

There is an anomaly, in that millions of pounds is spent promoting breastfeeding, while at the same time the Government distributes milk tokens to poor families for the purpose of buying formula milk. The recipients of those milk tokens are usually those women whose infants most need the health benefits of breastfeeding. That is a perverse incentive that must undoubtedly be examined.

There is evidence to show that fathers do not always have knowledge about infant feeding, and gaining the support of fathers in promoting breastfeeding among women in more deprived areas is absolutely crucial.

When we consider what we can do, we must view the issue of infant feeding as a public health priority—I am pleased to acknowledge the health plan's contribution on that—as it has implications for future generations of Scottish children and adults. The work of the Public Health Institute of Scotland and the advertisements this week are commendable.

Research has shown that of women who choose to breastfeed, almost 80 per cent give up breastfeeding before they are ready to do so, because of the lack of support.

I am delighted to endorse the motion and also specifically the peer support groups, which Elaine Smith mentioned. I met many mothers at lunch

time whose babies are eight or 10 years old, but they are still working in the peer support group.

I thank Elaine Smith for introducing the debate. I hope that it helps to change the attitudes of mothers and the general public.

17:05

**Nora Radcliffe (Gordon) (LD):** Despite all the contraindications that have been mentioned in the debate, breastfeeding should be the default option. It is, as the motion states,

"the best form of nutrition for babies".

It has major health benefits for both mother and baby. It is cheap, clean and convenient. I was going to say that it is pleasurable—sometimes it is not, but it eventually gets that way. So why are not nearly all babies breastfed?

I want to highlight the importance of the role of the health professional, or perhaps more accurately, the attitude of the health professional. I had two very different experiences. After my first baby was born, the nurse in the maternity ward stopped me giving him his first feed. She said, "No, no, dear—you take a rest. You do not have any milk for the first day anyway." It did not seem to occur to her that mother nature knows what she is doing and that colostrum is there for a reason.

However, in the case of a first baby, one does not usually have the confidence to challenge the health professional, so my son was taken away and given a bottle. It took almost a fortnight—a difficult and fraught fortnight—to get breastfeeding properly established.

Two years later, with my second baby, there was no question of not feeding straight away. I had no problem at all: it was a happy and straightforward experience for me and my baby.

That happened 25 years ago. I hope that today's health professionals are better trained and wholly committed to encouraging mums to breastfeed. Every health professional who is in contact with women before, during and after pregnancy should treat breastfeeding as the expected option—the natural and best option.

Another factor that would encourage more women to breastfeed would be to give parenting a much higher status in our culture. It is demonstrably true that the best place for a young child, where humanly possible, is with his or her mother. Pressure on mothers to get back to work or to get into work is often pressure not to breastfeed. That is regrettable.

If we agree that breast is best, let us behave as if we believe it and do all that we can—as politicians, professionals and people—to support and encourage breastfeeding mothers.

17:08

**Maureen Macmillan (Highlands and Islands) (Lab):** I thank Elaine Smith for instigating the debate and for organising the events that were held earlier today to promote breastfeeding during national breastfeeding awareness week.

I was lucky, as a young mother 35 years ago—perhaps because I was not in a Presbyterian family—to have the good example and support of my mother, who had breastfed myself and my two brothers, and of my cousin Teresa, whom I saw breastfeeding her children. I also got good advice from my auntie Katie, a midwife who brought me into the world and who is now 100 years old and still going strong.

Because of that support, it never occurred to me to do anything other than breastfeed my own four children. I did it, not because I had weighed up the medical benefits—to be honest I was not even aware of them when I had my first baby—but because it seemed to be the natural thing to do. I have never regretted it or wished that I had done otherwise, even if on occasions my nipples were a bit sore, my jersey got a bit damp, I squirted milk in the bath or the baby gave me an occasional nip when their teeth came in.

As well as the health benefits that breastfeeding brings, by way of protecting mother and child from medical problems well into the future, it creates a wonderful bond and gives intimate pleasure to mother and baby.

Even 35 years ago breastfeeding was, as Irene McGugan said, on the wane. I was one of only two mothers breastfeeding in the small maternity hospital in the west Highlands where my first baby was born. One would think that breastfeeding would have lasted longer in a traditional area such as that.

At that time, the reasons that mothers gave for not breastfeeding were the same as today. It embarrassed them. They thought that it would be difficult. They worried that they did not have enough milk or that they would not know how much milk the baby had had—breasts do not have measuring marks, just stretch marks. They said that their husbands did not want them to breastfeed and that they wanted the fathers to give the baby his or her feed too. They wanted to be able to have a night out and leave the baby with a babysitter or its granny, and thought that they could not do that if they were breastfeeding.

Such genuine reasons are a mixture of women's cultural attitudes, anxieties about being able to produce enough milk and to cope with difficulties in the first weeks, and the desire to retain some control over their lives. Cultural attitudes can be changed only if people become more familiar with breastfeeding and see it as the norm.

Breastfeeding mothers should be invited to speak to both primary and secondary school pupils. Women should not be made to feel awkward about breastfeeding in restaurants, on buses, in department stores or wherever. I would not have fed my children if I had not been aware of other people doing it; and if such a family tradition has been lost, we should try to replace it through education.

Women are great at supporting one another, and often peer support is the only support available. Although there are some breastfeeding groups and new mother groups in my health board area, many areas of the Highlands have no such support and everything depends on the personal commitment of the community midwife. We need more than that.

When I was a young mother, it never occurred to me to express and store my milk—I did not have a fridge anyway. However, I have had the great pleasure of feeding my daughter's and daughter-in-law's babies with their mothers' milk when their mothers were having a well-deserved night out. My son and son-in-law have done the same. My daughter-in-law went back to work while she was still feeding her babies, which meant being organised with expressed milk for the daytime and breastfeeding in the evening. Many women find that their employers have no facilities to allow them to express and store their milk at work. A clean, quiet, private room and a fridge to store milk are essential. Although such facilities exist for women working in the Parliament, they are not ideal and we hope for better.

Employers must realise that breastfeeding women are not freaks. They are doing the most natural thing in the world and need every support, for the well-being of future generations. As a result, I appeal to employers to be mother and baby friendly and to realise how important breastfeeding is. I also ask the Executive to support breastfeeding mothers in every way it can, with strong guidelines and—if necessary—financial support to health boards to promote initiatives in the hospital, the home and the workplace to give mothers the help that they need to breastfeed their children.

17:12

**Christine Grahame (South of Scotland) (SNP):** This debate is a bit like a coming-out; I also breastfed both my sons. Much of what Nora Radcliffe said was familiar to me. My sons are now 26 and 28 and are 6ft hulking lumps who will be really embarrassed that I have told the chamber that they were breastfed.

I am really sad that there has been a decline in breastfeeding. Like Nora Radcliffe, I experienced

difficulties with the culture of the hospital where I had my first son. The only reason I persisted was that my mother breastfed all her children, except for me. I was just difficult—so nothing has changed. Having seen her breastfeed, I was able to see the advantages to the child and to my mother, who was able to rest a little and read the newspaper; indeed, she would breastfeed my sisters while she sat at the dinner table.

When I had my second child, a nurse came and asked me, "Is your baby fed?" The child was sleeping. When I told the nurse "No," she was going to pick up the child to wake him up. I said, "Don't touch him; I want him to sleep. He will be fed when he wakes up." The hospital had a timetable for feeding. I trust that such a culture no longer exists.

Mary Scanlon quite rightly pointed out that breastfed babies are not fat. When I sat in doctors' surgeries with my children, I would hear some women boasting about the weight of their children, who were in fact overweight. Breastfed babies were no bother; they drank until they needed no more and that was it.

The early weeks of motherhood are tough. This is not to put people off; women should know this once they get into it: they will feel sore and believe that they are not up to breastfeeding, especially with a first baby, but they should let their babies do things themselves. They know what they are doing and will soon sort their mothers out. When a friend of mine was desperate to breastfeed and the staff at the hospital were not being helpful, I told her not to let them take the baby away in the night if it was crying and wanted to be fed but to pick it up and to take her time. I also told her not to do it with people watching her. When I was there, people watched to see whether she was doing it properly, which was inhibiting. She succeeded because she relaxed and had faith in herself and the baby. We all know that once a baby attaches itself, it cannot be prised off with a wrench, so it is obvious when it is feeding. I am sad to learn that the situation in hospitals is no better 30 years on.

I conclude with a word of warning for Karen Gillon. I stopped breastfeeding my first son at six months, because I thought that that was the right thing to do, but I decided to let Niall make up his own mind. It was only when he started to turn the pages of *The Scotsman* and take me with him that I decided that he and I should part company. I warn Karen Gillon that she may have decided to start weaning James, but he may have different ideas.

17:16

**Dr Richard Simpson (Ochil) (Lab):** I am disappointed that I am the only male back-bench member who is present to make a speech on this

subject. [Applause.] Karen Gillon was lucky to have a student nurse as a partner, as the men are important and their attitude can often put women off breastfeeding. If the men are not prepared to support their partners in breastfeeding, the women are in real trouble.

When I sat down to write my speech, my hand naturally began to write out the advice that I used to give lady patients when they first presented pregnant. I talked to them about breastfeeding at their first interview on the basis that, if I got it first, I might be able to change attitudes. Attitudes are the problem and until we change them, we will not restore breastfeeding to its rightful place.

I pay tribute to my colleague health visitors in the practice in which I worked for the level of breastfeeding in that practice. It was a mixed practice, including a lot of academics from the university and some fairly poor people from an area of Stirling. Across all socioeconomic groups, we achieved an initial breastfeeding level of 70 per cent. We must set ourselves that target. More important, more than 50 per cent of women in the practice were still breastfeeding at six weeks. As Mary Scanlon said, the decline in the level during that time is not because mothers do not want to continue breastfeeding, but because society fails to support them. I therefore welcome the development of self-help groups and mothers support groups. We should encourage them and ensure that our health professionals do likewise.

I draw members' attention to two important issues. First, why do we support milk substitutes? Milk substitutes were entirely appropriate in the 1940s and 1950s, but they damaged the practice of breastfeeding because it became the norm to bottle-feed and use formula. We must revisit the matter and level the playing field. We should either give tokens to breastfeeding mothers, which they could use for other things, or reconsider support for formula milk. I do not have the answer, but I hope that the minister will take up that point and address the issue.

Secondly, there is the question of the promotion of milk powder in this country and abroad. The companies that promote milk powder were scandalised and treated with deep opprobrium a few years ago. After being attacked by many groups, they held up their hands and said, "Yes, okay. We will do something about it." Yet today, the position has improved only marginally. Especially in third-world countries, where there are problems getting clean water supplies, the promotion of formula milk is an abomination and should not be allowed. I therefore urge the minister to ensure that, in co-operation with our Westminster colleagues, we develop our overseas aid and help to promote breastfeeding in those countries. We should also continue to work with

the companies that produce milk powder to ensure that any promotion that is undertaken is appropriate.

My first memory of working with new mothers at Stirling royal infirmary is of a consultant obstetrician who was ruthlessly determined that every mother in whose birthing she was involved would breastfeed. A number of women left hospital feeling guilty because they had tried hard to breastfeed but had failed and felt bad about it. The experience of breastfeeding is psychologically important not only for children, but for mothers. If they can breastfeed, mothers gain enormous confidence. We should not make them feel guilty if they cannot breastfeed, but should promote breastfeeding as natural and normal.

17:20

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I join other members in congratulating Elaine Smith on securing the debate. My speech will be short and members will be relieved to know that I do not propose to rehearse the benefits to new mothers who choose to breastfeed.

I had my son and my daughter in Bellshill maternity hospital in North Lanarkshire and subsequently played my part in increasing the number of breastfeeding mothers there. Although not always easy, I do not regret one opportunity to breastfeed.

I am sure that members across the parties will have recollections of their experiences of childbirth and of their offsprings' babyhood. At this distance in time, my recollections are almost all happy, although the discovery that the young man who was due to repair and suture an episiotomy was the son of a former neighbour is not one of them. Members can imagine the conversation at the time and others that followed.

I am happy to support any effort to increase the number of mothers who breastfeed, which national breastfeeding awareness week will bring. It is curious that something that should come naturally has to be taught and learned in many cases. My teacher—to whom I and my children will be eternally grateful—was Sister Strong, who spent much time on her knees by my side as I learned what comes naturally. After my six days in hospital, I set off home, armed with a breast pump and front-opening bras, to settle the son and heir in the nest that we had built, eager to get back to familiar surroundings and the comforts of home. My son was so overwhelmed by the excitement that he quite forgot to wake up for his first feed at home, irrespective of the production line in overdrive that my body had become. Members will remember the inevitable consequences of that in the early stages of breastfeeding: engorgement

and a little discomfort, which was eased by a shower or a bath. However, bathing in milk, albeit my own, is where the comparison between me and Cleopatra should end.

Elaine Smith's motion calls on us to help to change attitudes to mothers breastfeeding in public places. I believe that mothers should have the opportunity to breastfeed if they wish, at a place of their choosing in which they feel comfortable—I doubt that the facilities of the public gallery quite fit the bill. I do not know whether members will agree that this experience qualifies, but I remember, when moving from Ras Tanura to Madinat Yanbu 'al Sinaiyah in Saudi Arabia, that I fed my son Ross under the stars, in the aptly named Rub al Khali desert, which was known as the empty quarter. It was a public place, but I was quite alone.

Elaine Smith highlighted choice as the key and I echo that. Our efforts today are not helped by articles such as that in *The Herald* on Tuesday. I never had mangled or aching nipples. Neither are breastfeeders smug—content, yes; smug, no.

I will end on a point to which Mary Scanlon referred—getting one's figure back. Under my current figure lurks the body of the size 12 that I used to be.

17:24

**Cathy Peattie (Falkirk East) (Lab):** I, too, was disappointed that I did not get my figure back after breastfeeding—mind you, given that it was not there before I started, perhaps my expectations were far too high.

I thank Elaine Smith for securing this important debate. As the babies in the gallery have been making noises and crying, I have been rocking back and forward. I am not getting ready to sing; I am doing the same as when I rock my trolley when I hear a baby cry in a supermarket. Babies are a wonderful addition to the chamber and it is lovely to hear their wee tones and their crying.

It has been 22 years since I last breastfed. I breastfed both my children. Having my children was the best thing that ever happened to me—including politics and everything else—and provided my proudest moments.

I remember the culture shock on having my first babbie. I had to fight with people in a hospital, because I wanted to breastfeed. My wish to breastfeed was not necessarily to do with my figure; I thought that it was important. Then, 25 years ago, when I had my first daughter, I was the only woman in the ward to breastfeed her baby. Sadly, that situation has not changed all that much.

I remember nappy pails, twin tubs—I hope that

the mums up in the gallery can remember twin tubs—boiling nappies and all the rest of it. I remember some of the hard bits, but, for me, the joy of breastfeeding was important.

By the time that I had my second baby, I had one or two problems. I remember a health visitor telling me, "You won't be able to feed, hen—go and get a bottle." I remember my husband coming back from the shop, saying, "They didn't have any." I persevered and I am glad that I did.

Mums need support. I had support from my husband, my mother and my granny, who showed me how to feed a baby with a shawl wrapped round me so that I could walk about at the same time. She had done it with seven kids prior to her youngest. I also got support from a health visitor, who frequently brought round student nurses to see a mum in a working-class community breastfeeding her baby. It is important for us to recognise the need for support. Self-help groups are important, as they enable women to tell other women, "This is how you do it," and, "It's natural." It is important to have that time to persevere.

We know that breast is best but we need to find ways of encouraging women to consider the possibility of breastfeeding their babies without guilt. The first feeling that mothers feel next to love is guilt. My children are now 22 and 25, but I still feel the guilt every time something goes wrong or one of them reminds me, "You didn't go to my fiddle concert"—we are used to the guilt. However, it is important to tell mums that, if they cannot breastfeed for some reason, that it is not their fault—we need to get away from guilt.

I would like health promotion in communities to encourage women to consider breastfeeding. Women cannot really get support on breastfeeding unless it is from someone else who has done it. That might be a nurse, health visitor, friend, mother or granny. That support was certainly important for me.

This has been a good debate, and we need to look to the way forward. We need to spread the idea that women who breastfeed are not smug. For me, breastfeeding is a great memory and was a great joy. We need to get rid of the old attitudes, with people being appalled at breastfeeding. When I came to go shopping in Edinburgh, for example, I had to breastfeed my kids in a toilet. Let us get away from that. There is nothing nicer than seeing a mum sitting breastfeeding a baby. I would be the first to go up to say, "That's lovely"—I really enjoy watching it.

I thank Elaine Smith for choosing this subject and I thank all the wonderful folk in the public gallery for coming along. Let us hear the babies again, giggling in the gallery. I have enjoyed it—and I will stop rocking back and forward now.

17:27

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** I congratulate Elaine Smith on securing this debate to coincide with national breastfeeding awareness week. I, too, welcome the mothers and babies in the gallery, whom I enjoyed meeting at lunch time—Elaine also organised that meeting.

As Elaine Smith said, this debate is about choice. The choice of feeding method is a deeply personal decision and is to be taken by the mother herself. Whatever that choice, it must be respected. The important thing is to ensure that women are provided with the information, support and advice to be able to make an informed choice and to follow that choice through. The Executive is 100 per cent committed to that objective. Susan Deacon has taken a direct personal interest in taking forward work in this area.

We are committed to the promotion of breastfeeding throughout Scotland and to the target of having 50 per cent of women breastfeed their babies at six weeks by 2005. As part of our drive towards that breastfeeding target, the Executive funds and supports the Scottish breastfeeding group and the national breastfeeding adviser, who actively promote breastfeeding.

Studies have compared the health of breastfed babies to the health of babies fed on artificial formula milk. There is now a large amount of research showing beyond doubt that breastfeeding gives babies vital health advantages. I will not go over all the detailed evidence, as it has been covered by Elaine Smith, Irene McGugan and others. Elaine Smith referred to the interesting and important research being done at Ninewells hospital in Dundee, and we look forward to further evidence from that.

Recently published data show that the common reasons for general practitioners seeing nought to four-year-olds are the very ailments that can be helped by breastfeeding. Various speakers also reminded us of the health advantages to women of breastfeeding.

The second part of Elaine Smith's speech referred to the disappointing figures on breastfeeding. Indeed, as she reminded us, the Scottish figures are the second lowest in Europe. In view of that, our target is challenging. That is why we have set in motion several initiatives and policies to reach the target.

The most recent policy document on this subject is "A Framework for maternity services in Scotland", which was issued in February. It emphasises that

"Maternity services should promote, support and sustain breastfeeding".

It deals with what hospitals should do, which I will address in a moment. It also says that health boards should have an adviser on infant feeding and should actively nurture the setting-up of peer breastfeeding education and support groups.

Social support has been shown to increase successful breastfeeding. That is why the development of peer and social support for mothers is important. I was pleased to meet such groups from Glasgow and Lanarkshire at lunch time. Indeed, I will be pleased to take up Elaine Smith's invitation to visit the group in her constituency. Members will know that Lanarkshire Health Board is doing excellent work through community-based campaigns such as the "You can't get fitter than a breastfed nipper" campaign.

Another reason for support groups is that we do not yet have a breastfeeding-friendly culture. There have been many instances of hostile reaction to mothers who breastfeed in a public setting. Elaine Smith referred to the incident in Edinburgh in which, we were all horrified to learn, a mother was told to get off a bus because she was breastfeeding. Ministers wrote to Lothian Regional Transport, as it then was, but under current laws we do not have powers to enforce anything on a bus company in that regard.

Karen Gillon talked about breastfeeding in relation to employment. Last year, the Scottish Executive published "Breastfeeding and returning to work", which sets the agenda for enabling mothers to continue breastfeeding after they return to work. The document is already being implemented in the national health service in Scotland and in the Scottish Executive, in line with family-friendly policies. The Health Education Board for Scotland recently issued guidance for the private sector.

The influence of the media has been mentioned. Elaine Smith referred to a *British Medical Journal* article, which I, too, read recently. Clearly, negative media images are extremely damaging. She also expressed her abhorrence at the fact that society accepts page 3 but takes exception to breastfeeding mothers. That might apply in particular to some of the men whom Richard Simpson mentioned. There is a horrifying article in the *Edinburgh Evening News* tonight that suggests that some women may be prevented from breastfeeding by their partners.

I am glad that there has been a positive media example this week in the HEBS advertising campaign, which is part of our work to increase activity and awareness. I am pleased that HEBS used some of the money from the health improvement fund to put on the advertising campaign, which members may have seen on the television.

Elaine Smith also talked about the UNICEF UK baby friendly initiative, which takes me back to the work that is being done in hospitals. Scottish maternity hospitals continue to have a high level of participation in the UNICEF UK baby friendly initiative, which promotes breastfeeding in hospitals and the community. Seven hospitals have received the baby friendly initiative UK award and 12 hospitals have been awarded the baby friendly initiative certificate of commitment. Most other hospitals are implementing the UNICEF 10 steps to successful breastfeeding; some are fully participating and others are using the 10 steps for guidance only.

The issue of the marketing and promotion of formula milk was raised. We can certainly control what happens in hospitals—I do not believe that formula milk is being promoted in hospitals and, if it is, we can take steps to stop it. Clearly, however, we cannot control wider advertising, which is a reserved matter anyway. Equally, the issue of milk tokens, to which Mary Scanlon and Richard Simpson referred, is reserved to the Department of Social Security. However, I remind members that breastfeeding mothers can get free milk for themselves.

My time is up, so I will conclude by repeating that the Executive attaches great importance to breastfeeding in relation to both child and maternal health. I have outlined some of the actions that the Executive is supporting as the means of reaching our ambitious target. I hope that all MSPs will use their influence to help to bring about the cultural changes that are necessary to make that target a reality.

*Meeting closed at 17:35.*



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