

# **MEETING OF THE PARLIAMENT**

Thursday 24 May 2001

Session 1

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## Scottish Parliament

Thursday 24 May 2001

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

### Justice

**The Deputy Presiding Officer (Mr George Reid):** Good morning. The first item of business is a debate on motion S1M-1958, in the name of Roseanna Cunningham, on justice, and one amendment to that motion.

09:30

**Roseanna Cunningham (Perth) (SNP):** Members may remember that, on 1 May, we had a debate on crime. At that point, I made a number of criticisms of the Executive's continual attempts to debate feel-good motions in the face of mounting public concern about the state of Scotland's criminal justice system. I complained about the feeling of *déjà vu* on that day, given that we had debated the subject only a few weeks prior to that. It was clear that the minister was desperate to somehow get a good-news story out of something that people were resolutely refusing to believe was such good news. I make no apology for returning to the subject today. Members will note that, despite recent well-publicised problems in the criminal justice system, the Executive has shown some reticence on the subject. I wonder why.

Last week, the decision was taken to make this one of the subjects for today's business because the Scottish National Party had obtained figures about the current situation in Scotland's courts. Early last year, there were some much-publicised problems in the courts because of the ruling on temporary sheriffs resulting from the application of the principles of the European convention on human rights. Information that we had at that time indicated that seriously long periods of time were elapsing before criminal and civil cases could be brought to court. Waiting periods in some courts were high: for instance, in January 2000, in Perth the waiting time was 22 weeks; in Stirling, 26 weeks; in Dundee, 19 weeks. That was the result of a particular decision and arose out of a particular problem, which was to be addressed by the appointment of part-time sheriffs, whose creation was the principal reason for the Bail, Judicial Appointments etc (Scotland) Act 2000.

As would be expected, the situation has become a little better, but recent figures suggest that there continues to be a major problem. The Scottish Court Service target for summary criminal trial

waiting times for 2000-01 is 12 weeks. We should remember that summary criminal trials comprise the largest number of criminal trials that take place in our courts. Of the 49 sheriff courts in Scotland, 16 are failing to meet that target. Failures include Perth, with 21 weeks and Hamilton, with 16 weeks. That figure of 16 out of 49 courts means that, effectively, one third of Scotland's courts are failing to meet the targets that have been set. The number of failures has increased from four in 1997-98 to five in 1998-99 to nine in 1999-2000. The fact that the number of failures has hit 16 this year shows us that the trend is steadily upwards, even allowing for the problems of last year.

The Executive's programme for government for 1999-2000 promised to

"speed up the operation of the courts system"

but, the programme for government for 2000-01 says merely that that aim is "on-going".

In *The Scotsman* of 11 September 2000, the minister said of the criminal justice system:

"The Executive will continue to identify areas where improvements are needed, to make changes where necessary and to deliver a fair, open system for the people of Scotland."

Does the minister seriously think that those recent figures on court waiting times can give either this chamber or the people of Scotland any confidence in the Executive's ability to identify problems? Why, when the Executive is presiding over such a situation, do ministers not want to come to this chamber to discuss the issues and present us with their solutions?

This debate seems to have been quickly overtaken by subsequent events. Having last week made a decision to have this debate based on the information that was then available, we were confronted on Monday with a story of a highly sensitive case being dropped because of a lack of time. That might have been treated as a one-off—although the number of such one-offs appears to be rising—had it not been immediately followed by the resignation of a senior procurator fiscal, David Hingston. He wrote an article for a daily newspaper, in which he said:

"The Procurator Fiscal service is not working anymore. There are too few people trying to do too much work and the victims are justice and the Scottish public ... The entire service is totally depressed and extremely stressed ... There are not enough fiscals to do the work and as a result mistakes are made. And with every mistake made by a fiscal, justice suffers."

I know that the Justice 2 Committee is undertaking a review of the Crown Office and Procurator Fiscal Service. It is clear from the Executive's amendment that it would like to wash its hands of all responsibility until the committee reports. However, that is not good enough. I also

know that, when representations were made to that committee by the Procurators Fiscal Society, the Solicitor General described them as "posturing". Is it to be claimed that David Hingston is posturing? Surely the fiscals who contacted me privately—in fear of reprisals should it be discovered that they have approached an MSP—are not all posturing. The figures suggest that something is going seriously wrong in our courts.

Lest the problems are put down as being something for the courts alone to deal with rather than the Procurator Fiscal Service, I draw the minister's attention to the more than 1,000 cases that were dropped in 2000-01 because of a lack of time. The set target for that was zero.

How does the Scottish Executive intend to deal with the problem? Is it true that fiscals have effectively been gagged, as I have heard, and told that, as civil servants, any comments would have to be cleared through the Crown Office first? Will the minister give a categorical assurance that no fiscal will suffer as a result of speaking out? If he does not give that assurance, we can assume only that the fears of individuals are well founded, which does not reflect well on the Executive. In anticipation of the minister's reply, I am well aware of the intention to recruit another 30 procurators fiscal, but I point out that what cannot be replaced and is sorely missed is the experience that is being lost.

The minister cannot afford to brush off coverage such as that which appeared on the front page of Glasgow's *Evening Times*:

"Cops are ordered to stop court's arrests".

That is the kind of thing that destroys public confidence in our justice system. It is not enough to allow this issue to be parked in the Justice 2 Committee until some indeterminate date in the future. The Executive is in charge right now, it is responsible right now, the problems are being experienced right now and the Executive has a duty to deal with them right now.

I move,

That the Parliament notes with concern the developing crisis in the administration of Scotland's justice system; recognises that public confidence in the criminal justice system is being eroded by the system's inability to deal with the current level of prosecutions, and asserts that urgent action must now be taken to ensure that resourcing levels are assessed and addressed if this crisis is not to deepen.

09:38

**The Deputy Minister for Justice (Iain Gray):** I admit that, when I first saw the SNP's choice of topic for today's debate, I was a little surprised because, as Roseanna Cunningham admitted, the last time that we debated issues relating to justice, she complained bitterly of the "Groundhog Day"

feeling. Of course, one of the themes of that movie was that, by changing slightly the way in which one approaches the recurring day, one will eventually move forward into the next day. I see that the SNP has entered into that spirit as today's debate features a change of emphasis. However, many of the criticisms that Ms Cunningham has made today were made in previous debates. Her speech did not say anything particularly different, so we are unlikely to break through into the new tomorrow.

Nonetheless, we are happy to take the opportunity to debate our justice system for the same reason as we were happy to do so before. Working to make Scotland a place where people are safer and feel safer is a priority for us. To deliver that priority, we have to build public confidence in the justice system.

The public view the system of justice as a whole and judge it based on how they feel it serves to protect them. There are some encouraging indicators. The Scottish crime survey shows that, since 1992, the proportion of people feeling unsafe walking alone in their area after dark has fallen from 39 per cent to 28 per cent. Between 1996 and 2000, the public's level of concern about crime fell across all the survey measures. The resources that the Scottish Executive continues to put into the whole justice system are bringing results in helping to increase that confidence in the system.

I appreciate that neither our amendment nor Roseanna Cunningham's motion refers to the number of police. Of course, the police are the front line of the criminal justice system. In any case, I can hardly believe that Phil Gallie will be able to resist using the rewind and replay buttons on his own ludicrous spin on police cuts. In order to get in first, I will point out that police funding is 35 per cent higher in real terms than it was 10 years ago. The number of police officers in Scotland has reached an all-time high of 15,149. The figure in March 1997 was 14,872. There are no police cuts, and we have the first indication of resources being used to bolster confidence in the justice system.

Not only the police have more resources. The number of permanent sheriffs has increased from 100 in 1995 to 129 at the end of 2000. That is another record, and that number will increase again to 136 once we have the recommendations of the recent selection board. We have also created a new statutory office of part-time sheriff to replace the temporary sheriffs, and 31 part-time sheriffs are already making a contribution to tackling delays. We have increased the number of judges from 27 to 32. It is true that the courts are under pressure. In particular, solemn business is increasing; for example, the number of indictments

in the High Court increased from 1,151 to 1,478 in the single year between 1998-99 and 1999-2000, an increase of 28 per cent.

More police and clear-up rates the like of which have not been seen since the second world war mean that more criminals are being caught. That has obvious consequences for the Crown Office and Procurator Fiscal Service, which is already coping with the consequences of historical underfunding through the 1980s and 1990s. New initiatives also put pressure on courts, which is why, for example, in introducing a drug court to Scotland, we are careful to provide the additional resources to Glasgow sheriff court in order to allow that to happen. We want to ensure that the historical underfunding that has afflicted the Crown Office and Procurator Fiscal Service remains entirely historical.

A general process of strengthening Crown Office resources is under way, and will continue. The provision for 2001-02 is £55 million, which is 17.8 per cent higher than that for 1997. Recent claims in the press that there have been repeated cuts are simply untrue. In real terms, there will be an increase of around 11 per cent between now and 2003-04.

Roseanna Cunningham acknowledged that more staff are being recruited and trained, including 20 additional lawyers this year and a further 10 next year. That is on top of the fact that the Crown Office now employs 369 lawyers, as of today, compared with 250 in January 1997. The service is also introducing improved technology, which will give it a powerful tool for dealing with an ever more complex work load. That new technology will allow information to be transmitted and exchanged more efficiently in the criminal justice system.

Public confidence in the criminal justice system is influenced by the way in which the system treats not just the accused but, above all, the victims. That is why the Scottish strategy for victims has been allocated resources to initiate action on the ground. Among its early achievements has been the completion of a major phase of the witness service in sheriff courts. That service provides general advice and support to people attending court, and has now been rolled out to courts in Aberdeen, Edinburgh and Glasgow. This year, £860,000 has been provided through Victim Support Scotland.

The Crown Office is running pilots of its own victim liaison service, which is designed to make improvements in the flow of information to victims. That service will be operating in all regions by 2002.

The Justice 2 Committee intends to undertake a proper review of those matters, which will take

something like a year. We welcome that, and think that it is quite right and proper to wait and see what the committee's recommendations are.

It seems that the real purpose of today's hour-and-a-quarter debate is not to address those issues seriously. The truth is that we have to finish this debate early, because Roseanna Cunningham has a bus to catch to get to a press conference, for which today's debate is just the opener. That is not a proper use of this Parliament; it is no way to treat a Parliament, but that is not a surprise.

I move amendment S1M-1958.1, to leave out from "with concern" to end and insert:

"the increased resources going into the justice system as a whole; further notes the decision of the Justice 2 Committee to hold an inquiry into the operation of the Crown Office and the Procurator Fiscal Service, and looks forward to their report."

09:45

**Phil Gallie (South of Scotland) (Con):** I congratulate Roseanna Cunningham on at last delivering on an SNP promise: today, she has satisfied her own "Groundhog Day" weather forecast in securing this debate. We welcome today's debate. I will not waste time going through the many figures that she has presented to the Parliament which, as far as we are concerned, are not disputable. I will not concentrate on them, as I had intended to do.

I am pleased that Roseanna Cunningham and her colleagues have recognised the message that we in the Conservatives have been consistently putting out throughout this parliamentary session, despite the fact that Roseanna herself has at times described our comments as bizarre. I welcome her aboard. We will take our message forward with Roseanna Cunningham and will give her motion support, provided that it is not amended in the way that the Deputy Minister for Justice intends. I find the amendment in his name takes a head-in-the-sand approach. Quite honestly, I wish that Mr Gray would get real and identify with the problems out there and with the crisis of confidence that there appears to be in the justice system.

I want to address the justice system as a whole. It is one thing to concentrate on the courts, but we must recognise those who prepare cases for the courts and the way in which the courts operate. I will start with the police. I am delighted that the Executive has, at long last, attempted to restore the level of policing to somewhere near what is required, following the reductions that there have been. It is a well-timed commitment, given the fact that we are now in an election campaign.

It is one thing for the minister to tell us how well the Executive has done on the number of police.

However, as Mr Jim Wallace could inform Mr Gray, the Scottish Police Federation certainly laid it on the line that the ridiculous words of Phil Gallie, as Mr Gray described them, were not entirely unbelievable when it came to those at the sharp end. It was interesting to note that Jack Straw got exactly the same response when he faced the Police Federation of England and Wales.

It is one thing to have the number of police; it is another thing to ensure that issues are followed up. The current situation with regard to sentencing is of no help to the police, nor are the level of repeat offending and the level of return of criminals to prisons having had early releases—there is evidence of that. That is no comfort to victims either, when the sentences that they hear being passed down in court are not the sentences that are served and individuals appear back on the streets far too early.

That is no deterrent to the hardliners who are determined to commit crime. Deterrence is the one thing that, somewhere along the line, might stop them. They laugh at the current lengths of sentences and at automatic remission. Nor is it of benefit to prison staff and those others who work to rehabilitate such individuals, to make them see the error of their ways and change the course of their lives. Not enough time is spent with those individuals, because no sooner are they imprisoned than they are out again, not having served their proper sentences.

Conservatives will deliver, given the opportunity, but—

**Mr Andy Kerr (East Kilbride) (Lab):** That is unlikely.

**Phil Gallie:** —before the minister says that it is unlikely that we will have that opportunity, although I have just heard that being said, we will attempt to persuade the Parliament next week, when we consider the Convention Rights (Compliance) (Scotland) Bill at stage 3, that there is a means of stepping back and making sentences mean what they say. That attempt was defeated in committee, but I like to think that members will reflect on the error of their ways and support us on that bill.

We have to ensure that there are sufficient procurators fiscal and Crown Office staff in the courts. We should look back at what has happened recently: the Chhokar case; the Collie case; the 16-year-old alleged rapist who got away without a trial; and the boys from Paisley who escaped a rape trial because the case was timed out due to the lack of service by procurators. Those few but much-publicised incidents are but the tip of the iceberg. I suspect that that is the reason for the announcement that the Dingwall

prosecutor made when he stepped aside.

There are other problems. In considering our justice system, the minister has to address the not proven verdict at some time. It is meaningless. Procurators and police officers describe it as the teatime verdict: bring out a verdict and give us a judgment. Such a verdict means nothing to the persons who have been charged and, even more important, nothing to the victim.

I realise that I am on my time, but I would like to mention a very important issue: people who drive with drugs in their bloodstream. We have to do something about that. Currently, we protect society against drunk drivers but not against people who drive with drugs in their bloodstream. By addressing that issue, the Executive would do something for justice.

At the same time, the Executive could consider how people who have already received long driving bans very often seem to escape the wrath of the court. They have their bans extended laughably. There was such a case in Perth a week or two ago. The Executive has to bring home the message to those who administer justice that it is not right that the public should have to face such people driving around—without insurance, as they are not allowed to drive. The minister would do well to address that issue, if indeed he is serious about justice issues.

09:52

**Nora Radcliffe (Gordon) (LD):** Although I do not argue that the topic of this debate is not worthy of our attention, I wonder how much the SNP's timing in raising it this morning was influenced by Tuesday's news reports. In some ways, the debate is premature. We could have had a better-informed and more constructive debate after the publication of the Justice 2 Committee's report on its inquiry into the Crown Office and Procurator Fiscal Service. It is unfair to suggest that the committee might brush over the concerns of procurators fiscal, as I am sure that it will take seriously all the evidence and do a thorough job.

Be that as it may, there are concerns about the pressures on the criminal justice system and its ability to cope. The issues raised by Mr David Hingston, the retired procurator fiscal whose comments were reported on Tuesday, tie in with at least two recent cases in which delays by the fiscal service resulted in the cases being time barred. Those concerns have been recognised and measures are being taken to address them.

More resources and the better use of resources help, and both are in the pipeline, with the recruitment of 30 new fiscal staff and funding to improve and develop the department's information technology to assist the organisation and



administration of their work. However, there is more than one factor in any equation. There is a balance to be struck in how each of the factors in this complex equation are tackled. How do we change and strengthen the system? How do we relieve the pressures? What are the pressures? What will enable the system to work better?

Improving the operation of the courts and giving the police the support that they need are long-standing Liberal Democrat commitments, which figured in our 1999 manifesto. The police service's net grant-aided expenditure is at its highest level—it is 33 per cent more in real terms now than it was a decade ago. Police numbers also offer good news: we now have 15,149 police officers in Scotland, which is 99 more than the previous peak.

**Brian Adam (North-East Scotland) (SNP):** Is the member aware of people clamouring and queuing up to congratulate her and her colleagues in the Executive parties on there being more policemen on the street? I rather suspect that that is not the case. In fact, there are fewer bobbies on the beat—that is certainly the view that is held by the police.

**Nora Radcliffe:** I think that my next point will illustrate what has been done to address that. It cannot be denied that there are 99 more policemen than the previous peak and that there are now 15,149 policemen. I cannot resist the observation that the recruitment of one more officer would make the numbers nice and round.

**Iain Gray:** Perhaps Nora Radcliffe will note that the Scottish Police Federation was at the front of the queue to congratulate us on the increase in the number of police officers. Although it went on to criticise the way in which those officers are deployed, it welcomed the record number of police officers in Scotland, a fact that is ignored by the SNP and the Conservatives.

**Phil Gallie:** Even I congratulated the Executive on that.

**Nora Radcliffe:** In this atmosphere of congratulation, I will continue. Nobody denies that, ideally, police officers should spend their time policing. The number of staff to take over some of the burden of clerical and administrative work from front-line policemen has also risen by almost 10 per cent in the past three years. That helps to get more policemen back out on the beat and on the front line.

The Scottish crime survey 2000 showed that the crime that we know about is at its lowest since such surveys began: down 29 per cent since 1981. The caveat to that is that violent crime has increased by a third, so there is no room for complacency. The survey pointed out that part of the increase was attributable to a new screening

question on domestic violence, which increased the estimate of violent crime by approximately 10 per cent. I say in passing that there is significance in the fact that the question was asked as well as in the data it produces, as its inclusion in the survey highlights the change that there has been in attitudes to domestic violence.

There is an unacceptable culture of violence in Scotland, which is often linked to alcohol and drugs. If we change that culture, we will go a long way to relieving the pressure on the system. Culture change is a long-term job, but much work has been done on it, for example by police schools liaison officers in our schools and youth clubs, and by outreach work in the streets by community policemen and policewomen and others. There will be a payback from such work in due course.

Honesty compels us to admit that we have not cracked the alcohol and drugs abuse that underlies so much criminal activity. It is a multifaceted problem, which requires a multifaceted approach. It is true that we have to crack down on dealers and get at the major players, who should be behind bars and unable to benefit from their evil profits and ill-gotten gains, but shutting people up in prison is not the only answer and often it is not the right answer, especially for the small-time dealers who are addicts themselves and are just as much victims as their customers are. Those small-time dealers need help to deal with their addiction and get back into mainstream society. Putting some people into prison is like enrolling them in an academy for crime—it is an expensive mistake.

**Richard Lochhead (North-East Scotland) (SNP):** On the point about helping drug addicts to cure their addiction, will the member join me in lamenting the fact that the Government chose not to set up a drug court in the north-east of Scotland, which has the fastest-growing drugs problem in Scotland?

**The Deputy Presiding Officer:** Answer and wind up, please.

**Nora Radcliffe:** I think that the Executive has set up a drug court in Glasgow. It takes time to roll out such measures. We are making a start. No one denies that there is much more to be done, but we cannot do everything at once.

It costs a lot to put people in prison and it costs a lot to keep them there. Non-custodial sentences or diversion from prosecution are far more humane and sensible ways for society to deal with many transgressors. However, for those options to be effective, there must be much more provision of rehabilitation and support outwith the criminal justice system. It would also be helpful if, in reporting on crime, the media could accept that sometimes criminals should not be put behind

bars. There should be fewer shock-horror headlines about people being let off because they have not been imprisoned and more informative reporting about rehabilitation or sentencing options that involve wrongdoers doing something constructive, which can be a life-changing experience.

The criminal justice system exists to pick up the pieces where we fail as a society. If we can sort out underlying failures in social provision, the pressure on an overloaded system will ease.

09:59

**Christine Grahame (South of Scotland) (SNP):** Nora Radcliffe said that there are concerns about the criminal justice system—that is the first understatement that we have heard today.

The SNP motion refers to “crisis” and “resourcing”, which are both key to the debate. The Executive’s response to a crisis is to ask, “Crisis? What crisis?” According to the Crown Office representatives who gave evidence to the joint meeting of the Justice 1 Committee and the Justice 2 Committee, there may be a wee problem out there, but nothing to frighten the horses and nothing to frighten the law-abiding public. In what one could call a very relaxed response to questions at the joint meeting of 16 May, the Solicitor General for Scotland said:

“The other day, as I was considering various observations that have been made of the way in which prosecution is obtained in Scotland, it seemed to me that the notion that the system is cracking up has been advanced as an argument for the past 10 years at least. It is a perennial feature of the system that people make that complaint.”—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 16 May 2001; c 96.]

There we have it—there is no problem out there, and the Solicitor General is quite happy.

So, where is the evidence that the system is cracking up? I take members back to the evidence of some of the front-line people, such as Richard Stott, who is the president of the Procurators Fiscal Society, which represents 85 per cent of procurators fiscal. At the joint meeting of 8 May, Mr Stott was asked about discussions with the Crown Office on staffing. He replied:

“Very little discussion about staffing levels took place between our society and the Crown Office. We expressed the general view that we are under-resourced and understaffed, but we were not asked to have specific input to the preparation of the bid for the budget.”

He went on to say:

“The Crown Office management side was well aware of our views on under-resourcing. We know not what account was taken of those views.”—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 8 May 2001; c 40.]

**Pauline McNeill (Glasgow Kelvin) (Lab):** I acknowledge Christine Grahame’s comments—what she read from the *Official Report* is true—but does she think that it would be more appropriate to consider the remarks in the context of the inquiry that the Justice 2 Committee is to conduct, rather than in this morning’s debate? After all, that is the role of the committee.

**Christine Grahame:** I suspected that that point might be raised. Those comments are on public record and it is appropriate to raise them today. The evidence that I quoted is not part of our inquiry—it was part of our joint consideration of the budget with the Justice 1 Committee. We have not yet started our inquiry into the Crown Office and Procurator Fiscal Service. As that evidence is a matter of public record, I am perfectly free—as are other members and the public—to read it and refer to it.

On 16 May, we took evidence from the District Courts Association. Members may ask, “Who are these people?”—the witnesses from the District Courts Association included a lady who has spent 25 years in the district court service. She said:

“The fiscals are not given sufficient time to train before they are put into court. I do not think that that is the situation only in the district courts. The fiscals are also being shoved into sheriff courts because of pressures of business there.”

She went on to speak of her concern that

“The level of service that we receive from the procurator fiscal’s office is declining.”—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 16 May 2001; c 67-68.]

I want to listen to those witnesses and I think that the chamber should listen to them.

It appears that there is a huge breakdown between the Crown Office and the Procurator Fiscal Service, which is not helped by the Solicitor General’s remarks. At the joint meeting on 16 May, the Solicitor General referred to Richard Stott, who is a senior fiscal, saying:

“He is negotiating for his society: a posture of happiness might not immediately fit in with his particular role.”—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 16 May 2001; c 87.]

The members of the Justice 1 Committee and the Justice 2 Committee were not supposed to accept Richard Stott’s evidence as bona fide—the Solicitor General put an angle on Mr Stott’s evidence by suggesting that he was adopting a negotiating position.

I am pleased to say that Gordon Jackson picked up that point and clarified it with the Solicitor General, although I thought that the Solicitor General’s evidence was an outrageous way of dealing with a senior fiscal’s evidence to the committee. Mr Stott’s evidence did not come out of

the blue—what happens in the courts appears in the newspapers every day.

To me, the situation looks like a crisis, sounds like a crisis, feels like a crisis and reads like a crisis, but it is not a crisis to members of the Executive parties, to the Executive's justice team or to the Crown Office. Apparently, the crisis is in our heads or has been sensationalised by the press. A smugness based on spin prevails. It is time for a reality check.

**Nora Radcliffe:** I referred to the sensationalised reporting of wrongdoers not being sent to prison when they are given non-custodial sentences.

**Christine Grahame:** I am referring to a much wider point. The Chhokar and Collie cases failed, fines are time-barred and cases are set down and not followed through or are postponed. The system is clogging up—everyone in the chamber knows that.

The system will continue to fail unless the Executive gives us what we need. The Executive is failing—not the Parliament—and must address the situation.

10:04

**Pauline McNeill (Glasgow Kelvin) (Lab):** Once again, we are here to talk about justice. Thanks to the SNP's motion, the debate has no proper focus. Yet again, we are going round the houses, talking about every part of the justice system rather than focusing on the detail. Phil Gallie gets the prize for mentioning the greatest number of subjects under the heading of the justice system.

Where does that take us—[*Interruption.*] Roseanna Cunningham talks about "Déjà vu". I agree with her; I have déjà vu, because I was one of the people who stood up and said, "Yes, let's have a debate about the court system, about resources for the Procurator Fiscal Service and about the Scottish Prison Service." However, we should deal with one subject at a time or else we will get nowhere.

I thank the SNP for at least drawing attention to the fact that the Justice 2 Committee is to undertake an inquiry. It is fair to say that we have been building up to that inquiry over a lengthy period. We have asked questions, not only during the budget process but by lodging written parliamentary questions, because we have always known that the Procurator Fiscal Service is under pressure, for reasons that I will go on to detail.

We should welcome some of the progress that has been made. During evidence-taking sessions on the budget process, members of the Justice 1 Committee and the Justice 2 Committee heard that there will be 30 new procurators fiscal. Members should welcome that news. We also

heard that additional precognition officers are to be appointed.

**Christine Grahame:** Does Pauline McNeill accept the evidence of the procurators fiscal that, while the appointment of those 30 new procurators fiscal is welcome, the problem is that they will be inexperienced? The great problem in the service is the inexperience of new staff. Fiscals who are not senior enough are dealing with cases.

**Pauline McNeill:** I will deal with that point.

I am slightly angered by the fact that, although we have taken the trouble to set the terms of an inquiry under our so-called powerful committee system, the Opposition has chosen to hold a debate today—much like it did over Sutherland. The SNP either believes that the committee system is important or that it is not. If it thinks that the committee system is important, it must give the system its place.

I will not accept that the Executive's role is to come along to the chamber—[*Interruption.*] I would be angry if Iain Gray were to tell me today that the Executive would take over our inquiry and investigate the Crown Office and Procurator Fiscal Service. I know that he will not do that—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Phil Gallie** rose—

**Pauline McNeill:** May I say—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

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

**Pauline McNeill:** Yes.

**Phil Gallie:** I find Pauline McNeill's comments shocking. Committee sessions are held in public. The evidence quoted by Christine Grahame is public information—that evidence is a matter of public knowledge, as the press sat in on those meetings, as did members of the public. Why should not that information be used in the chamber?

**Pauline McNeill:** I thank Phil Gallie—

**The Deputy Presiding Officer:** Order. The point has been well laboured. I ask Pauline McNeill to address the motion.

**Pauline McNeill:** May I spend a second or two on the inquiry, Presiding Officer?

**The Deputy Presiding Officer:** A second or two only.

**Pauline McNeill:** The Justice 2 Committee wants to take its time over its inquiry. We do not want to examine the resources of the Procurator Fiscal Service alone. As Christine Grahame said, we want also to examine staff relations. The Lord

Advocate admitted, on the record, to low morale and that there is a problem recruiting experienced fiscals. The Parliament must address that issue.

If we believe in a joined-up criminal justice system, we must get into the detail. I urge all the Opposition parties to consider that.

10:08

**Bill Aitken (Glasgow) (Con):** It is easy for members to indulge in rhetoric and exaggeration during "Groundhog Day" debates, but it is not an exaggeration to say that the prosecution system is in crisis. That crisis manifests itself in a number of ways.

Roseanna Cunningham dealt with delays. Many of Scotland's sheriff courts fail to reach their summary trial targets. Given her advantage, she might have pointed out that the courts that meet their targets are found mostly in smaller, rural jurisdictions. The courts with large backlogs tend to be courts in urban areas, such as Glasgow.

I am more concerned about the delays that occur in the service of indictments after an accused person has appeared on petition and the investigation of the crime has been completed. It is completely contrary to the interests of justice that it should take eight to 10 months in places such as Glasgow to serve an indictment after appearance on petition. That cannot be good for witnesses, it is certainly not in the interests of the accused and it is totally contrary to the interests of justice and wider society.

We have heard about errors. People are working under pressure and there will inevitably be mistakes—time bars will be missed and documentation will be inaccurate. It has come out—Christine Grahame was right to stress this—that the Scottish criminal justice system is the ladies and gentlemen v the players: inexperienced deutes have to go into solemn sheriff courts and compete against a Scottish bar whose expertise is probably at its highest level, largely as a result of the introduction of the solicitor advocate system.

At the other end of the scale, we see inappropriate pleas being taken, largely for expediency. There is clear evidence that pleas are accepted in cases that should go to trial. If a harassed and overworked deute can accept, on a multicharge complaint, pleas to six, as opposed to 12, of the charges, he will do so on the ground of pure expediency. That is wrong.

Perhaps the most damning indictment of the casual approach that the Government has taken is the increased use of the diversion system, whereby cases do not go to court at all. Of course there are, as Nora Radcliffe said, cases in which diversion is appropriate, but I suggest that there is

clear evidence that many cases that are being diverted should, in fact, go to court.

**Gordon Jackson (Glasgow Govan) (Lab):** Lots of us think that too many cases are prosecuted rather than too few. Can Bill Aitken tell us specifically which cases that should go to court are being diverted and give us examples of what he says is wrong?

**Bill Aitken:** I am delighted to do so. When the system of diversion was introduced, it was supposed to be used for first offenders with one offence—Gordon Jackson will be able to confirm that. There are now cases in Glasgow of people with previous convictions who have previously been offered a diversion being offered further diversions. That cannot be gainsaid; there is clear evidence that it happens. It is totally inappropriate.

Everybody is entitled to a chance, but how many chances are people now getting? They are getting warning letters from fiscals, conditional offers and they are being diverted. The system is not working.

The fact is that there is considerable public concern about how crime is dealt with. Police numbers may be increasing, but to increase police numbers and the number of cases that are reported is an exercise in futility if no action or inappropriate action is taken on the reports.

There is much to commend Roseanna Cunningham's motion to the Parliament—the Conservatives will certainly support it—but we must look to the Executive to come up with some answers in the near future. Otherwise, the whole system of administration of justice will become a matter of even greater public concern.

10:13

**Donald Gorrie (Central Scotland) (LD):** I support Pauline McNeill's point that such a debate is the wrong way for the Parliament to deal with an issue such as justice. A short, soundbitish, electioneering debate is not the way to advance. We need a full morning for a debate on the whole justice system during which all members who are interested can make constructive remarks instead of trying to boot hell out of the other parties. There are a lot of good ideas around. The subject needs to be considered as a whole rather than in short and nasty debates such as we are having.

I am not a great admirer of the wording of Executive amendments. They tend to be a bit bland and complacent. I hope that the Executive amendment to the motion is not complacent. It is reasonable to support it because it stresses that more resources are going into the justice system and that a committee is considering the Crown Office and the Procurator Fiscal Service.

I am keen that the Executive should really push justice. There is a big opportunity for Jim Wallace—whose heart, I know, is in the subject—to make the greatest reform to how we deal with justice since Sir Robert Peel started the police.

We must consider the justice system as a whole. To start with, we have to reform the courts. The courts exist for the convenience of judges, sheriffs, advocates and solicitors. They do not exist for the benefit of the community as a whole. Who plays golf at Muirfield links at what time is more important to the people who are involved in the courts than how they get on with the real work in hand. The whole system has to be tackled. I know that Jim Wallace is a brave man and I am sure that he will tackle it. I will certainly support him in that.

The idea that all the troubles have arisen in the past two years is rubbish. Early in the previous Parliament at Westminster, I raised questions about the long delays in sheriff courts. They have been going on for a long time and have a serious impact on justice. They deter witnesses from coming forward and they must harm the value of the testimony that is given. I often wonder what would happen if I were called as a witness to a road accident or a street fracas and had to remember what happened a year ago. The chances of my getting it right are slim. The delays and the way in which the whole justice system is operated are just no good. We have to get a real grip on the system.

I welcome the start that the Executive is making, but we have to do more. That includes having more procurators fiscal and raising the quality of procurators fiscal, so that they are as good as the clever advocates who are often in court against them. We could make more use of specialist courts, so that time would be better spent and sheriffs and others would acquire expertise in a particular subject.

As Nora Radcliffe said, we have to get a grip on the prison system. Short sentences need to be examined, as Phil Gallie said. I wish him the best of luck in the election—he will be well placed at Westminster; not here. Training in prisons—resourcing prisons better so that they have a better educational system—needs to be considered. Diversion from custody needs to be considered, so that people do not go into the prison system at all, are not regurgitated endlessly around it and do not foul up the courts.

There are a lot of matters that need to be considered. I beg that we have a grown-up debate about justice, instead of the piffing, second-rate politics that we get at the moment.

10:17

**Richard Lochhead (North-East Scotland)**

**(SNP):** I welcome the debate. One of the reasons why the SNP chose to debate justice is that it is of enormous concern the length and breadth of Scotland. There is no escaping the fact that, during the current general election campaign, justice has been one of the biggest issues on the doorsteps, despite the fact that the election is for the United Kingdom Parliament and that justice is devolved to this Parliament. That is why we should speak about it this morning.

At door after door in Aberdeen, where I am campaigning in the general election, people raise the issue of crime in the city, which has the highest rate of recorded crime in Scotland. Two days ago, I spoke to a woman whose home had been broken into five times—three times in the past few months alone. Her neighbour's house had also been broken into three times in the past few months. Yet the culprits are still out there. Those neighbours have given up completely on Scotland's justice system because it is not delivering for them and they do not feel safe in their homes any more.

I challenge Jim Wallace, the Minister for Justice, to go to Aberdeen and have a public meeting. Justice is one of the biggest issues in the city. He should hear directly from people what their concerns are. Perhaps then he will do something about them.

People in Aberdeen are not just saying that we need more police on the streets; they are turning their attention to the justice system. They are not blaming the police anymore; they are blaming the procurator fiscal's office and the courts for letting them down.

No wonder people are concerned when they read headlines such as:

"Fiscal claims stress caused by cutbacks made him quit".

That headline, to which Roseanna Cunningham referred, appeared in *The Press and Journal* a few days ago in relation to the resignation of David Hingston from the fiscal office in the north of Scotland. He is quoted as saying:

"The fiscal service is under immense stress, largely because of Labour and Tory governments' insistence on cutting costs. It hasn't the resources to do the job."

That is the reality throughout the country and the reason why we are debating justice today.

I have previously raised in the Parliament the 110-day rule, which puts a lot of pressure on fiscal offices throughout the country. They find it almost impossible to meet and are having to drop other cases so that they can divert their resources to dealing with the serious cases that come under the rule. We have almost the strictest timetable in

the world for dealing with serious cases.

No wonder people are losing faith if they look at some of the information that comes out of the Parliament. I refer to an answer I received to a parliamentary question on cases marked "No proceedings" over the past few years. Between 1997-98 and 1999-2000, there was a 56 per cent increase in the number of cases marked "No proceedings" in the city of Aberdeen. That was the fifth worst figure in the country. The national figure was 20 per cent. In other words, over a couple of years, there was a 20 per cent increase in the number of cases marked "No proceedings". There are 49 fiscal offices. Of all the increases, three out of the top five were in fiscal office areas in the north-east of Scotland. That is hard evidence of a serious problem with resources in the fiscal service in that part of the country.

Not only the public are tearing their hair out with the justice system; the police are, too. Several times in past debates I have referred to a letter that I received from the chief constable of Tayside police on 26 March. The one section that I have not yet read out in the chamber is the one that relates to young offenders. The police are demoralised because they feel that the justice system is not delivering for the police. In the letter, the chief constable says:

"young offenders potentially present the police service with the biggest problems. The majority of crime committed by juveniles tends to be by a minority of recidivist offenders. When a repeat offender is identified there would appear to be an inability within the current system for them to be dealt with at an early stage and thereby balance the provision of support for the individual and reassurance for the public."

The chief constable gives one example of a 15-year-old in the city of Dundee who is now in a secure establishment. During his three-month placement, the individual failed to return after his first unescorted home visit. During the two-week period during which he was untraced, crime in the area rose considerably. The individual currently has 24 pending cases involving 40 charges. He has been involved in 32 previous cases. The chief constable gives some examples of what has happened in some of those cases: three times there was a disposal of supervision; 16 times no action was taken; twice there were no proceedings; seven times the referral was discharged; and four times the case was abandoned. The chief constable concludes:

"I have no need to outline the hours spent in investigation of the crimes, and the effect on the victims and impact on the morale of the investigating officers."

We have not begun even to touch on the impact of human rights legislation on the justice system. The Executive must address now many issues that are of huge concern the length and breadth of Scotland. I look for a positive response in the minister's summing-up.

10:22

**Gordon Jackson (Glasgow Govan) (Lab):** I will not stand here and pretend that no questions need to be asked about the prosecution system—that would be complacent. Frankly, I do not think that anyone in the justice department or in the Crown Office would either. Iain Gray's amendment does not suggest that we should not examine the system. However, I say to Roseanna Cunningham that I have a degree of quarrel with the motion, for two reasons.

First, I rather dislike the use of the word "crisis" in this context. Politicians—especially Opposition politicians at election time—are inclined to overuse the word; they use it almost at the drop of a hat. I do not accept that its use is justified every time there is a problem or a less than perfect situation, or every time that we could do better—we could do better. That is the sort of meltdown scenario of Phil Gallie. He has departed—no doubt he has other work to do while he should be here and has gone off to do something else.

**Richard Lochhead:** In Aberdeen, house break-ins have gone through the roof—the statistics are by far the highest in the whole of Scotland. The chances are that someone who breaks into a house in Aberdeen will not be put behind bars. Is that or is that not a crisis?

**Gordon Jackson:** It is a matter of great importance for the citizens of Aberdeen and any police officer would want to tackle it. When the people responsible are apprehended, the prosecution system should prosecute them, but to suggest that the whole structure of the system is in crisis and is in meltdown is to misuse the statistics.

The truth is that the system is under strain, but it still functions day to day. In a debate such as this, we need a bit of balance. We should recognise that there is a problem to be tackled, but it does no good to suggest that the problem is greater than it is.

My second objection to Roseanna Cunningham's motion is that the Justice 2 Committee, of which Pauline McNeill is the convener, is about to have an inquiry into the Crown Office and the whole system of prosecution. That is good; it is important for a number of reasons. SNP members make fair points: there has been a huge increase in the volume of work involving serious crime and the courts are aware of that. The High Court and the courts of appeal know that we should be looking at the system. I have no difficulty with Pauline McNeill's committee examining what is happening.

I was interested in the evidence that the Justice 1 Committee and Justice 2 Committee heard on the budget. Although the Crown Agent and the Solicitor General for Scotland were not in any way

complacent, they were perhaps a little dismissive of the Procurators Fiscal Society. The society told us that there is a very real problem. I accept fully that the representatives of the Procurators Fiscal Society were not junior members of the service; they are senior people and their views need to be respected and taken into account. I agree that someone such as Richard Stott cannot be dismissed—he is a man of substance and stature in the system.

An inquiry is important and that is why I like Iain Gray's amendment: it suggests that we should await the results of the inquiry with interest. These are complex matters. I do not always agree with Donald Gorrie, but I agree with him this time—there will not be a simple, one-line solution; the issue has to be considered in the round. I suspect that when we consider the matter properly, we will discover that it involves a range of overlapping issues; the solution will not simply be a matter of throwing in money or saying that we need more resources. That is why I say to the Opposition that, like Pauline McNeill, I do not think that it is helpful to talk all the time about crisis and to demand a solution. We need to analyse the problem properly. When we have done that, we can carefully consider what needs to be done.

**The Deputy Presiding Officer:** We move now to wrap-up speeches. I will have to keep members to their allotted time.

10:26

**Robert Brown (Glasgow) (LD):** I want to build on what Gordon Jackson said about balance. Crime is an important issue; it is especially important to those who suffer as a result of it. It will always attract lurid headlines in the popular press and cries of "Scandal", "Crisis" and "Outrage".

Today's debate is the wrong debate at the wrong time and for the wrong reasons. As Pauline McNeill rightly said, it has not focused on anything in particular. The debate would benefit from waiting until we have before us the outcome of the Justice 2 Committee's inquiry. Today's motion is an electioneering motion. It bears all the hallmarks of a populist approach and it has been trotted out for that reason. It is not a serious attempt to analyse the issue. In fact, it is fair to say that, on this issue, the SNP is Phil Gallie in tartan—as he acknowledged himself in welcoming the motion.

Let us consider the facts and the record of the Liberal Democrat and Labour Executive. It is not always appropriate to go through the statistics on this, that or the other, but it is important to mention them. In the quarter to March 2001, police numbers, which have been the subject of considerable criticism, stood at 15,149—the highest number on record. The number of support

staff, as mentioned by Nora Radcliffe, stood at 4,712—10 per cent more than when the Conservatives left office. The support staff's job is to deal with more of the paperwork and the red tape, leaving more time for officers on front-line duty. The Executive has provided the resources to do the job.

Court time and resources were matters for complaint as long ago as 25 years ago, when I was a depute procurator fiscal. The Executive has allocated £22 million over three years. That money is being used to phase in new officers and staff and to improve information technology resources. Once again, the Executive has provided resources.

Police officers and court staff are only one side of the problem. The Labour and Liberal Democrat Executive is getting stuck into the longer-term strategy that is the real answer to crime—supporting victims, rehabilitating offenders and tackling the drug addiction that fuels a considerable part of the property crime in Scotland. The Scottish Executive is doing the things that make the difference; it is acting on the real problems. What we are getting today is something of a masochistic exercise to see who can come down, and sound, hardest on crime.

Results are coming through: there is a drop in overall recorded crime; there is an increase in clear-up rates—29 per cent in 1992 under the Tories and 43 per cent now; and the Scottish crime report suggests that only half as many people are seriously worried about crime. Those points are significant and rather belie talk of a crisis.

Governments do not have full control over crime rates: they result from broad trends in society that Governments can influence. With that caveat, the Scottish Executive is doing the job: it has the right strategy, it is tackling crime at source and it is providing resources. That is why the SNP motion is misconceived fluff. There is a problem—one or two issues with the court scene have been talked about in passing. Those will never be fully resolved. There will always be difficulties, because of the balance that has to be struck between police officers doing the job on the streets and police officers giving evidence in court. The balance is the issue. I urge the chamber to reject the motion for the electioneering nonsense that it is.

10:30

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I heeded what Robert Brown said, but whether the motion is election fluff or not, the system is in crisis. That is a fact and unless it is addressed, the crisis will deepen.

Much of this morning's debate has centred on the resignation of Mr Hingston. All right, we are having a debate, and we plan to have an inquiry about what is happening in the Procurator Fiscal Service, and I defend Pauline McNeill's right to defend that inquiry, but many of the comments that have been made are already public knowledge. Mr Hingston merely highlighted the issue and brought it well to the fore.

Iain Gray described what the Executive has been doing to produce a justice system that will be fair to all. He commented on drug courts and I applaud the effort that is being made, albeit that that effort is too late—as Roseanna Cunningham identified, the SNP included drug courts in its manifesto for the Scottish Parliament elections, as did we. Welcome to the debate, minister.

**Roseanna Cunningham:** It was not in the Conservative manifesto.

**Mrs McIntosh:** It certainly was, and the SNP claimed that it was its idea.

The improvement in the number of fiscals was mentioned. I applaud that too, but we must take into account the fact that the improvements that have happened simply do not go far enough. From evidence that was given to the Justice 2 Committee, we know that the Procurator Fiscal Service is under a great deal of pressure. The 30 new fiscals will not address the problem, given the additional work load and the various highlights, spotlights and campaigns that are increasing the work for fiscals and putting more strain on the service, far beyond the resources that are being put in. Nora Radcliffe also commented on that, and on the fact that we have 15,149 police officers. I appreciate that, but it would be nice if there were 15,150.

Christine Grahame commented on the evidence on the budget that we heard at the joint meeting of the justice committees. Richard Stott is not a man of insignificant experience, but a man who comes to us with a wealth of experience and a history of knowing exactly what the Procurator Fiscal Service is doing. His evidence at the joint meeting was compelling. Undoubtedly, the comments of Phyllis Hands were also compelling. I hate to correct Christine Grahame on this, but Phyllis Hands would give me galluses if I did not point out that she is a lady with 21—not 25—years' experience, and she knows what she is talking about.

Bill Aitken commented on errors and inexperience and the Justice 2 Committee also heard of inexperience in the service. Fiscals do not grow on trees; they have to be trained and to gain experience slowly but surely. One of the difficulties, which Richard Lochhead pointed out, is the number of cases that are marked for no

proceedings. I went to great lengths to inquire exactly what happens when fiscals are trained. What they do cannot be book-learned. Every time that a case is marked, it has to be studied in depth. It actually takes two people to do the job. When someone is being trained, they have to sit beside an experienced fiscal and that takes someone away from doing the job. To bring in new people, even more fiscals have to be provided, so that the trainees get the training that they need.

Richard Lochhead spoke about young offenders. We often hear about mini crime waves that are down to one person and, naturally, we have to consider how to deal with young offenders.

Gordon Jackson said that there is no crisis. If the situation is not a crisis, it is one step away from it.

We support Roseanna Cunningham's motion. That is not a cosy alliance by any means; it is merely recognition of the reality.

10:35

**Iain Gray:** It is quite astonishing for the Executive to be accused of putting its head in the sand, simply because it is giving one of the committees of this Parliament its proper place. If we did not do that, we would—quite properly—be criticised. Acknowledging that the Justice 2 Committee is investigating the issues that we have debated this morning does not mean that nothing can happen in the meantime. I have pointed to the increases in staffing and resources for the Crown Office and Procurator Fiscal Service. We are also investing in the witness support scheme and victim liaison offices. That is central, because—as can be seen from the title of the consultation paper that we published on the sexual evidence (Scotland) bill—we must redress the balance in our justice system between offender and victim. That is proper, and we are moving forward with it.

We are looking not just at human resources, but at the technological resources that we can deploy in our justice system to improve the way in which it works and the way in which different parts of the justice system communicate with each other. All those things can happen, and will happen, without pre-empting the results of the Justice 2 Committee inquiry.

**Mrs McIntosh:** I am grateful to hear about technological interventions, but can the minister explain why we cannot contact our local police by e-mail?

**Iain Gray:** That matter has been raised before. It is unacceptable that the police cannot be contacted by e-mail. That is why we are investing in and rolling out the Scottish police management information network, which will ensure that every



police officer has an e-mail address.

Christine Grahame quoted at some length from evidence that was given to the justice committees and I acknowledge that that evidence was given in relation to the budget process, rather than the Justice 2 Committee inquiry. Of course, that information is in the public domain and Christine Grahame is at liberty to quote from it, but the issue, first and foremost, is in the domain of the justice committees and their decision, having heard the evidence, was to take the issue seriously enough for the Justice 2 Committee to launch an inquiry, which it believes will last for up to a year. Nonetheless, I repeat that more resources are being invested. In particular, more staff are being taken on in the Procurator Fiscal Service. In 1997, 250 lawyers were employed in the service. Today, there are 369 and 20 more posts are being filled.

I am genuinely puzzled by Christine Grahame's point that the new staff will be new to the job. I cannot conceive how we could meet the demand, which has been made repeatedly this morning, to increase staffing in the Crown Office and Procurator Fiscal Service without taking on new staff who will, in essence, be new to the job.

**Phil Gallie:** May I suggest a way round that? The Executive could examine remuneration levels and try to attract back some of the experience that has left the service.

**Iain Gray:** The Justice 2 Committee will probably examine, and take evidence on, the structure of the service. Mr Gallie made a similar point about police numbers. Even when he acknowledges that we have record numbers of police officers, he criticises us because they are recruits and we are training them. How we could increase the number of police officers without recruiting new recruits and training them is inconceivable to me. I am glad that Mr Gallie acknowledged this morning—albeit from a seated position—that we have record numbers of police officers. I cannot help feeling anxious that he may fail to do that in other circumstances in the coming two weeks, but I hope that I am wrong.

Phil Gallie talked about drug driving, which I want to address because it is a serious issue. For clarity's sake, driving under the influence of drugs is illegal, although the legal position is reserved to Westminster. The problem with drug driving, as Mr Gallie probably knows, is the lack of a reliable roadside test, but we are investing in a pilot of a potential roadside test so that we can treat this crime with the seriousness that it deserves. That is the most important thing.

Mr Gallie also made the point that he often makes about sentencing meaning what it says. I was surprised that he talked about that in the

context of the forthcoming debate on the Convention Rights (Compliance) (Scotland) Bill. Mr Gallie acknowledged in previous debates that the bill will introduce punishment parts that the judiciary will set, which are, in essence, sentences that mean what they say. However, he repeated this morning that the Conservatives would continue to oppose the bill.

Richard Lochhead spoke, as he has done before, of the north-east's potential as a site for a pilot drug court. We have discussed the reasons for Glasgow being our first-line pilot, but I reassure Mr Lochhead that I was with the drugs action team in Aberdeen earlier this week and that we discussed at some length the possibilities for using Aberdeen for a further pilot. That is not to say that we will be able to use it, but Mr Lochhead can be assured that the arguments were put at some length in Aberdeen.

Gordon Jackson made what was perhaps the most important point of a short debate when he said that we should not, and cannot, be complacent about our prosecution service and the operation of our courts. If we are serious about finding answers to make improvements, those answers are likely to be complex. I will give two quick examples. Members have talked about cases that are marked for no proceedings on a time-expiry basis. Most cases that fail on that basis stem from the problem of late reporting of case to the procurator fiscal and the overwhelming majority of such cases are reported by agencies other than the police or the Executive. We must address that issue, which does not relate to staffing or resources in the Procurator Fiscal Service.

Members have mentioned cases that are lost through delays. Such cases form a small proportion of the cases in which challenges have been made. That delay follows a change in the law. We must address that in different ways. The Scottish criminal justice system works with the most demanding time scales of any criminal justice system in Europe and perhaps the world. It is a tribute to the effectiveness of the system that we meet those time scales in all but a small minority of cases. The Executive's amendment is neither hand-washing nor complacent. It is simply good sense on a serious matter.

10:42

**Michael Matheson (Central Scotland) (SNP):** I cannot help but feel that when the minister made his opening speech, he had come prepared for another debate on police figures. When Phil Gallie made his speech, I formed the impression that he was just listing the Tory manifesto commitments, rather than addressing the issue that the motion raises. Robert Brown and several other members

complained that some speeches were nothing more than political posturing during an election campaign. However, the motion concerns the problems in the Crown Office and the Procurator Fiscal Service. The intention behind the debate was to highlight the extent of those problems.

We should consider the facts. Fact one: a third of Scottish courts—sheriff courts—are not meeting their waiting times. In the six months up to the end of January 2001, 1,113 cases fell because they were time-barred. The minister, in his closing speech, said that responsibility for that did not always lie with the Crown Office or the Procurator Fiscal Service and that often, the responsibility lies further down the line. However, the overall responsibility lies with the justice department, for which the minister must be accountable. He cannot dismiss the problem as the responsibility of other agencies.

**Iain Gray:** Mr Matheson makes a fair point, but he fails to acknowledge that I was saying not that the issue did not need to be addressed, but that perhaps resources in the Crown Office and the Procurator Fiscal Service were not the problem, and that therefore we needed a better answer that might take more than one hour and a quarter to find.

**Michael Matheson:** The question for the minister is—what action is he taking to address the problem? The reality is that nothing appears to be getting done. The criminal justice system is under increasing pressure. The staff problems show that. The procurators fiscal have considered taking industrial action, and I formed the impression from the evidence that the Justice 1 Committee and the Justice 2 Committee took that quite a bit of the work of our Procurator Fiscal Service depends on the good will of its staff. That situation is unacceptable.

Not only those who work in the service realise that a problem exists. We took evidence from Gerard MacMillan, president of the Glasgow Bar Association, which is the largest bar association in Scotland. He summed up the situation when he said:

*"There are too few fiscals."*—[*Official Report, Justice 1 Committee and Justice 2 Committee*, 16 May 2001; c 63.]

I take on board the fact that 30 new fiscals are being provided, but that statement links with the evidence that we received from Phyllis Hands and the District Courts Association, that too many inexperienced fiscals are prosecuting cases. Phyllis Hands said that fiscals seem to be recruited one day, spend a day in the court watching what is happening, and are then up in the court prosecuting a case the next day. We must ensure that those who join the fiscal service have adequate training. It was clear from several

members' comments about David Hingston that the problems are long-term and deep-rooted. We need to tackle them properly and fundamentally.

Resources are at the heart of the issue. It is interesting that the Executive's amendment tries to trumpet the resources that will be spent on the Crown Office and the Procurator Fiscal Service. The Executive tells us that £22 million will go into the Crown Office and Procurator Fiscal Service in the next three years. However, the Executive's Scottish budget shows that the Crown Office budget from last year to the end of March this year was just over £51 million. At the end of the three-year spending plan, the budget will increase to £61 million. We do not need a mathematician to work out that only an extra £10 million is in the pot, even though the Executive tried to spin that the figure is £22 million. That is spin over the substance of the problem that lies at the heart of our criminal justice system. That is the Executive's responsibility.

I understand that Pauline McNeill, as convener of the Justice 2 Committee, has every right to defend what her committee is doing. However, I do not think that she needs to work herself up to the point at which she suggests that we should not debate in the chamber any issue on which the Justice 1 Committee, the Justice 2 Committee or any other committee holds an inquiry.

When the facts make it clear that our criminal justice system has a fundamental problem, we have a responsibility to debate that. It is interesting that the Executive has held two debates on justice in the past month. Both were extended press releases on police figures. If the Executive were serious about the justice system, it would have held a debate on the system's fundamental problems and detailed what it intended to do to address those problems.

**The Deputy Presiding Officer:** Order.

**Michael Matheson:** I am winding up, although I am conscious that the minister ran over his time and ate into mine.

**The Deputy Presiding Officer:** I am not asking you to wind up, Mr Matheson. I am just asking you to stay with the motion and not to labour the point. I made that point to Pauline McNeill.

**Michael Matheson:** The situation makes it clear that our criminal justice system is under extreme pressure and is struggling to cope. As several members said, the Solicitor General's dismissal of the views of the Procurator Fiscal Society is not helpful. That highlights the division between senior management and the procurators fiscal. That is unhealthy and should be addressed.

Morale among our Procurator Fiscal Service staff is at rock bottom. The evidence from the

service makes that clear. Procurators fiscal have even threatened industrial action. Cases are being dropped because they are time-barred. Inexperienced staff are dealing with cases without the necessary training. It is clear that a problem exists. The Executive has failed our justice system, and by default, failed the people of Scotland by not ensuring that they are served with proper justice.

## Education

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S1M-1957, in the name of Michael Russell, on education, and two amendments to that motion. Members who wish to participate should press their request-to-speak buttons now. I ask members who are leaving to do so quickly and quietly.

10:49

**Michael Russell (South of Scotland) (SNP):** The motion concerns the need for a radical and ambitious programme to raise the standard of Scottish education. I will say a word or two about what the debate is and is not about.

I have spent many years opposing Mr McConnell as we have been through all sorts of political incarnations. I can therefore predict with a fair degree of certainty some of the red herrings that he will want to drag across the debate to distract members and the people of Scotland. I can also predict some of the rhetoric that we will hear from Conservative members. I will dispose of some of it immediately—the meaningless Tory amendment. It is a jumble of words that has no content. In short, it is dogmatic, ideological mince. That is all that I will say about the Tory amendment.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Will the member take an intervention?

**Michael Russell:** No, I ask Brian Monteith to let me get started. He has time enough before he is mince.

The debate is not about the performance of Labour local authorities or even of SNP local authorities. It is not about the squillions of pounds that Labour has double counted in its over-spin about spending. It is not about what did or did not appear on an SNP website, or in an SNP or a Labour leaflet.

The debate is in part about finance, but not in the terms that Mr McConnell and his colleagues will want to suggest. There is no doubt that the Barnett squeeze will impose an effect on current spending programmes and also, significantly, on any ambitions for new programmes. Barnett will first of all squeeze Scotland's aspirations and will more than squeeze them if certain Labour ministers in London have their way.

The debate is also in part about fiscal autonomy, which is—of course—supported by members of all parties. The debate about controlling Scotland's resources is not an arid economic discourse. It is a debate about the means by which we can achieve

the ambitions and aspirations that we set ourselves. It is about getting the tools to do important jobs—such as being an MSP.

Most of all, the debate is about the here and now and about the ambitions that we should have for all our young people. Chief among those ambitions is that which is contained in the SNP motion: that we should give our children a quality education. That ambition can make a real difference to the opportunities that are afforded to—and the prospects of—our children and grandchildren.

My old school, Marr College in Troon, has as its motto “Hic patet ingeniis campus”. I do not have to tell the learned members sitting in the chamber that the motto means, “Here lies a field open to the talents.” We need to make our society open to our young people by developing their talents. The debate today is about how we do that.

Over the past few years, the issue of class sizes has become increasingly important. In their 18 disastrous years in government, the Tories said and did very little about class sizes. Those years are not going to come back for the foreseeable, or even—reading the polls—unforeseeable future.

Tory rhetoric about class sizes was only rhetoric. There were no financial resources to match the need for educational change. Local authority funding has remained under pressure from 1997 onwards. However, there have been some notable successes and I pay tribute to them. One of the successes—early intervention—is mentioned in the Executive amendment. It was certainly discussed during the Tory years, but it only came into significant effect in recent times.

**Mr Monteith:** The process of introducing early intervention was started in 1996 by Conservative Government legislation. Does Mike Russell agree that the incoming government only accelerated the process?

**Michael Russell:** I used the words “it only came into significant effect in recent times”—that is accurate. However, it is good to hear from a Tory who has a popularity rating higher than that of William Hague. That is probably the case for all of the Tories on the bench opposite, even the ones whom nobody knows.

Early intervention in the first years of primary school helps to overcome disadvantages and adds value to the educational experience for those who are at the precise point where added value can be of most help. The inescapable logic of early intervention is that it indicates a need for close pupil-teacher contact in the key, formative years of a child's education.

In a pioneering study conducted by the Institute of Education last year, the effect of that contact

was observed and reported on by a distinguished team. Its leader, Professor Peter Blatchford, pointed out that to most parents and teachers it is “obvious” that children do better in smaller classes and that smaller classes are better than larger classes.

One of his colleagues, Professor Goldstein quantified that difference in the conclusions of the study when he asserted that

“A drop in class size from 25 to 15 leads to a gain in literacy of about one year's achievement for the bottom 25 per cent, and about five months' for the rest.”

That study was the first British study of an American phenomenon that I will talk about in a moment.

It is fair to say that new Labour has recognised the link between class sizes and attainment. Labour manifestos since 1997 have set targets for class size reduction. Labour has repeated those targets this year and no doubt it means to achieve them, but it is not yet doing so. The latest figures indicate that some 19,597 children are being taught in classes that are outwith the targets for primaries 1, 2 and 3. It is obvious that, to meet the target date, more effort and resources will need to be expended.

Even if that reduction is achieved—and it would be better to work at it than to promise it—its effect would be marginal. It is certainly marginally easier to teach 30 children than 33 children. However, any teacher will say that it is only marginally easier. The ratio of adults to children in classrooms has got better but, as all studies show, that is not nearly as good as reducing the class size.

The Executive may have ambitions to reduce class sizes further. It is clear that 28 is better than 30 and that 25 is better than 28. Twenty-five is, of course, the maximum that is permitted for a composite class. However, as I was told only last Friday in the most impressive Ullapool Primary School, any teacher will say that, for a composite class, 25 is still quite a challenge for even the best teachers.

There is strong practical experience and there are strong practical examples of the fact that the optimum class size lies at around 18. The evidence that shows the effect of achieving and sustaining reductions to that size comes in the greatest part from the STAR project—the student teacher achievement ratio project—in Tennessee. That project commenced 16 years ago and has been followed up in other parts of the United States. At the present time, some \$1.3 billion is being spent on emulating it in the United States alone.

Although much has been written about the STAR project, it is easy to summarise its

outcomes. The project found that smaller class sizes, with an optimum of 18 or less, resulted in a substantial improvement in children's attainment. That attainment was sustained in later classes, behaviour improved and the need for later educational intervention declined. The project found that the effect of smaller class sizes on ethnic minority pupils was particularly marked. On those who suffered the effects of social exclusion, positive achievement was initially doubled before it became equal to that of the majority groups.

The STAR project also found that pupils with special educational needs were identified earlier and received more effective support at crucial times. Those results are not surprising. To quote Professor Blatchford again, they are "obvious". Smaller class sizes give pupils better learning environments, teachers the opportunity to teach more effectively and young people a better start in life.

Some surprising results have been found in the STAR study and in subsequent work. The STAR study found that the effect of smaller class sizes in the first three or four grades was long lasting. It found that the cost of the programme was offset by reduced high school drop-out rates, a diminished need for remedial instruction and long-term special educational support and—significantly for Scotland—by increased teacher retention. Perhaps it is not surprising that the project found that investment produces dividends.

Let me turn to the cost of that investment. I note that the Labour press release that attacks the SNP manifesto launch—and what a magnificent manifesto it is—attempts to cost the programme of class size reduction. The costing is from the usual dishonest Labour spin machine. What is particularly revolting is that, instead of entering into a debate about the desirability or otherwise—there may be other views—of radically improving education by reducing class sizes, Labour prefers to use false numbers to frighten Scottish parents. That, no doubt, was a Liddell ploy. I hope that it will not be a McConnell ploy today.

Of course, there is a cost attached to any new initiative. For a start, we will need more teachers, in particular more primary teachers even than the number proposed under the McCrone settlement. I recently commissioned research on the latest figures that Mr McConnell provided in a parliamentary answer. We will actually need 3,115 extra primary teachers. The research also shows how a reasonable programme that increases places for primary teachers can be put in place.

The programme would use the substantial over-application for primary teacher courses—currently, there are about 9 applications for each place—to increase the annual intake to 700 students for the postgraduate certificate in education course and

1,100 for the Bachelor of Education course. That is a rise of 200 from current assumptions for the PGCE course and of 300 for the B.Ed course. The number of primary teachers that will be required to implement both the McCrone settlement and such an initiative should peak at around 23,500, which is a rise of over 5,500 from current numbers.

That programme could be achieved within 7 years and would allow for the McCrone increase. That is the first reason why the SNP proposes a phased introduction for such a programme, which would start in areas of social exclusion. By summer 2006, which is three years into the next session of the Parliament, we could have 600 new primary teachers in post under the programme. By summer 2007, that number could rise to 1,480. The cost of all the training that would be required would be £56 million over 7 years with a steady-state recurring cost of £3.1 million. It would not be the £28 million in a single year that the Labour press release claims. Mr McConnell knows that.

Just as that figure is wrong, all Labour's other claims are wrong too. A Labour document claims that 5,000 new classrooms would be needed. No account is taken of existing available space or progressive refurbishment, or team-teaching, or even that Labour's figure for the teachers is wrong.

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** We are talking about the SNP's proposals. What are the SNP's costings for new classrooms? How many extra portakabins would be needed in Scottish schools?

**Michael Russell:** There is a substantial number of portakabins at present. We must get rid of them. That is why we need a refurbishment programme. I am coming to that. Good things are still to come in this speech.

There is no doubt that ambition costs money. We have indicated the lack of ambition and the worry about money.

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

**Michael Russell:** No, I want to finish.

The problem for the Executive is that failure is much more expensive than ambition. At present, we are failing to produce the optimum results in Scotland's schools. The SNP phased implementation programme to reduce class sizes would be completed in 7 years. During that time, money would be required for new school buildings, for refurbishment and repair, for salaries and for training. The cost of the programme would, at its peak, be around £100 million over that period. That would be £100 million well spent—it represents a quarter of the Executive underspend for this year, it is 0.5 per cent of the Scottish

budget and it is just over 2 per cent of the increase in the Scottish budget that has been promised by new Labour. That £100 million would be better spent on education than on weapons of mass destruction. It would be £100 million of Scotland's hard-earned revenue spent according to Scotland's hard-headed priorities for its future. *[Interruption.]*

I am sorry that Labour members do not think that spending £100 million on Scotland's young people is worth while. That is a great shame.

It will no doubt be said that such a programme would be too expensive. All sorts of doubt will be cast on the figures and we will get inaccurate figures from the Executive, but those are excuses, not reasons, for not changing Scottish education. We have had enough excuses. The results from America clearly show that there would be actual financial benefit from such a programme. Instead, we get miserable parsimony from an Executive that knows the price of everything and the value of nothing—or perhaps just knows nothing.

The motion encourages the Parliament to think big about Scotland's future and Scotland's education. It encourages the Parliament to take practical steps to improve not only our education system but—in time—our entire society. That is what politics is about. That is what the Parliament is about. That is certainly what the SNP is about.

I move,

That the Parliament notes Labour's failure to meet its 1997 and 1999 manifesto pledges with regard to class sizes in the early primary years and the failure of the Executive to meet the same targets, as set in its first programme for government; further notes the examples of good practice that indicate a direct correlation between class sizes substantially smaller than the Executive's target and higher sustained levels of attainment; recognises also the clear results from programmes of class reduction that show the particularly strong effect which class sizes of 18 or less have on children suffering from social exclusion, and therefore calls upon the Executive to follow the SNP's lead and work much harder to achieve real and meaningful reductions in class sizes in the early primary years, setting 18 as the maximum figure.

11:03

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** I, too, welcome the debate, not least because it has given us a chance to hear Mike Russell start his speech with the red herrings that he claimed might come from other parts of the chamber.

Over the last three weeks, I have found it fascinating to watch the topsy-turvy nationalist election campaign, which has gone from defending the Barnett formula against all comers—for about a week and a half—to criticising the Barnett formula against all comers—for about a week and a half. It has gone from

mentioning a separate Scotland very briefly at the manifesto launch to talking about everything that is the responsibility of this Parliament, which it has done for the last fortnight. Today, the nationalist Opposition, which has spent most of its debating time over the last two years trying to discuss reserved subjects, cannot face the prospect of debating those subjects when, in the middle of a general election campaign, they are a bit more in the public eye.

I am happy to take on the debate about education, because there is a clear choice between Mike Russell's motion and my amendment. The motion clearly refers to an unrealistic, uncosted and ill thought-out policy. The policy is designed for a headline and for the old ways of Scottish education. The Labour and Liberal Democrat coalition, however, is implementing a comprehensive programme of investment and improvement that is making a real difference in Scottish education.

I will refer briefly to that improvement and investment framework before returning to the content of motion. First, the Standards in Scotland's Schools etc Act 2000 set out, for the first time ever in Scottish education, our national educational priorities. The act ensures that all levels of authority in Scotland are under a duty to achieve education that realises the full potential of each individual child. It operates against the backdrop of investment: investment in education, in under-fives, in early intervention, in special educational needs, in school buildings, in information and communications technology, in extra teachers and classroom assistants, in teachers' pay and in out-of-school activities. We now have record levels of investment in all those areas and record levels of investment in Scottish education.

Let us take a moment to see what that might mean in practice for the children that will go through our schools in 2002. Children of age three might next year benefit from the nursery place that they should have been guaranteed a long time ago. Children of age four might well be in their second year of nursery provision and they will certainly be enjoying nurseries that are full of four-year-olds.

A child in primary 1 will benefit from early intervention in literacy and numeracy and from parental involvement, which is so important for the later years. A child in primary 2 will benefit from class sizes of 30 or under. A child in primary 3 will be part of that improvement and attainment that has seen three-quarters of pupils reach the expected level in reading and two-thirds in writing.

**Fiona Hyslop (Lothians) (SNP)** *rose—*

**Mr McConnell:** Fiona Hyslop might enjoy this if she would listen.

A child in primary 4 will benefit because 70 per cent of Scotland's schools that did not have internet access under the Tory Government now have it. A child in primary 5 will have access to e-mail that allows them to communicate with the wider world. A child in primary 6 will benefit from one of the modern personal computers that will be in place for every 7.5 pupils in Scotland's primary schools by 2003. A child in primary 7 can look forward to out-of-school activities leading to a better transition to secondary school than Scottish children have ever had before.

A child in secondary 1 will attend a school that has access to the internet. One hundred percent of Scotland's secondary schools have access to the internet—up from 70 per cent just four years ago. In secondary 2 there will be a modern computer for every five pupils in the classroom. In secondary 3, a child will benefit from record spending on books and equipment in schools. Investment in books and equipment during 2000-01 averages more than £17,000 per school.

**Mrs Margaret Ewing (Moray) (SNP):** That is a wish list.

**Mr McConnell:** In secondary 4, when children are preparing for their standard grade examinations, they will benefit from the Easter clubs and out-of-school activities that are helping children from all backgrounds at a crucial time in their lives. In secondary 5, a child will benefit from the new national qualifications that give children of all levels of ability—not just the elite—a chance to develop qualifications beyond the age of 16. In secondary 6, having gone through school, a child will have benefited from improved school renovations and from new schools across Scotland.

**Mr Monteith** *rose—*

**Mr McConnell:** Across Scotland, all those benefits are set against a backdrop—Mr Monteith may also learn something from this—of investment in thousands of new teachers over the next five years, special education for those who need it most and 62 new community schools.

**Mr Monteith:** I was interested to hear about what the minister sees as the achievements of the Labour party and the Labour-Liberal Democrat coalition. In the minister's time as a teacher and as a member of Stirling District Council, did he on any occasion argue against many of those initiatives, which had their germ during the 18 years of Conservative government? Did he not protest against them, only to recant now and claim them as a victory for Labour?

**Mr McConnell:** I may be slightly mistaken, but I

understood that it was not Scotland's district councils that were education authorities, but the regions. History can be rewritten on occasion, but facts are facts.

I heard Mrs Ewing say that this is a wish list. It is not a wish list—it will be reality in Scotland's schools by 2002. Those are the facts. Those are the improvements.

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

**Mr McConnell:** I am coming to Mr Russell's argument in a minute.

Those are the facts in Scotland's schools today. Those are the benefits that our schoolchildren and our students see before their very eyes, even if the nationalist party does not.

**Mr David Davidson (North-East Scotland) (Con)** *rose—*

**Mr McConnell:** I see that the Conservatives want to interrupt. Let us compare where we are today with where we were four years ago. In five years—between 1992 and 1997—the share of gross domestic product that was being spent on education in this country went from 5.1 per cent to 4.7 per cent. It is now back up above 5 per cent. Pupil-teacher ratios increased every year between 1990 and 1997. They have gone down every year since 1997. We are well on target for an adult-pupil ratio in Scotland's schools of 15:1 next year. That was the target set out in the excellence document three years ago. Spending per pupil fell in every one of the Tories' final three years in government. It has now increased by £300 per pupil.

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

**Mr McConnell:** I am coming to Mr Russell's argument in a minute. He might want to wait until then.

Investment in nurseries was down to only £3 million in 1996-97; it is £138 million this year. Investment in books and equipment has increased by 64 per cent.

The motion calls for one policy to solve all our problems in Scottish education: a reduction in class sizes to 18. Any sensible analysis of that policy would estimate the additional number of teachers at about 5,000. The cost of those 5,000 teachers would be £168 million a year, if we do not include training and professional development. The 5,000 extra new classrooms that would be required for them—let us call them portakabins, because in many parts of Scotland that is exactly what they would be—would cost £350 million to put in place. The upkeep of those classrooms would cost about £23 million a year. That is the cost of one policy in the nationalist manifesto: £190 million a year for the additional costs, and

£350 million for the new portakabins that would be littered across Scotland's playgrounds as a result. Those are the costs of implementing the full policy—that is, the full policy that was being claimed by Mr Russell until yesterday.

**Michael Russell** *rose—*

**Mr McConnell:** I remind Mr Russell that he said yesterday that the SNP would spend only £100 million on the policy in its first four years in office. Fewer than 10 per cent of Scotland's primary schools would benefit from the policy, which is an attempt to deceive during an election campaign, not an attempt to improve Scottish education.

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

**Mr McConnell:** Will the Presiding Officer let me finish after Mr Russell has intervened?

**The Deputy Presiding Officer:** Yes.

**Michael Russell:** I am surprised that Mr McConnell did not realise that ours is a phased policy, as that was stated in the SNP paper "We stand for Education". He asked for a copy of that document—although we were probably slow in sending it to him. He knows now, however, and can go back and check that it has been a phased policy from day one. I will ask the minister a simple question. He says that the objection to the policy is financial. Taking into account all the international evidence that I have given him and all the research that he and his civil servants have at their disposal, does he not consider that the policy is a good idea?

**Mr McConnell:** I was just coming to that. The manifesto does not say, "Only 10 per cent of Scotland's primary schools in the first four years." It talks about a phased introduction of class sizes of 18. It does not mention all the other investments that I have described today—maybe that is because Mr Russell wants to abolish primary 1 in order to pay for his policies, which are skewed to one end of the education system.

Mr Russell mentioned research on class sizes—research that was conducted many years ago. I am sure that he is aware of more recent research in America, where there has been a review of 277 separate studies on pupil-teacher ratios by academics. Only 15 per cent of those studies reported improved academic results from smaller classes. Thirteen per cent showed a decline in pupil performance as classes became smaller. Many factors affect academic attainment in Scotland's schools, not one. The policy puts headline grabbing ahead of partnership and investment. It is the old policy for Scottish education, not the new one. It is an uncoded policy, which hides the fact that primary 1 will probably be abolished to pay for it.

We, on the other hand, have a coded programme of improvement and investment and a context for it in rising standards. In Scotland today, the number of teachers and staff in our schools is up. Attainment levels are up. Standards are up. Morale among parents about our teaching profession is up. The only thing that is down is class sizes, which is the very area where Mr Russell wants improvements. We want good education, from the cradle to the grave and at every age from three to 18. It is only with a comprehensive programme that we will achieve that.

I move amendment S1M-1957.1, to leave out from the first "notes" to end and insert

"continues to support the framework for school improvement which it put in place in the Standards in Schools etc. Act 2000 and recognises that to achieve the highest possible standard for each and every pupil investment must be made across the whole of a child's education, providing a quality experience in pre-school for every 3 and 4-year-old child, effective early intervention to ensure a good foundation in literacy and numeracy, support for all children with special educational needs, a modern, well-resourced school environment and a highly motivated, professional teaching staff."

11:15

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** After the minister's litany of errors in his description of the education results of the Scottish Executive and the then Scottish Office, I am rather tempted to aim my speech at the minister and at Labour's record. However, I should do the right thing and aim my response at Michael Russell, who has been good enough to lodge the motion for debate.

It tickles me somewhat to respond to Michael Russell. He has made a good attempt at demolishing Labour's record on reducing class sizes, but as usual the high priest of sanctimony has gone too far. The point that Michael Russell failed to make was that Labour's election promises were not required here in Scotland. They were a political soundbite that was imported from down south. Class sizes in Scotland had reduced considerably under Conservative Governments and were far better than in England, where problems remain. Similarly, pupil-to-teacher ratios were below 20:1 for the first time. There is only one way to look at that record, and it shows that the problems in Scotland were considerably different from those in England.

The very idea of policies being imported from down south normally rings alarm bells in the ample cavities of Mr Russell's head, but there is a difficulty here, which is that the SNP required a big idea for the current elections. What better than to trump Labour on class sizes and say that the SNP will reduce them further?



However, the policy is not so much a big idea as a big mistake. I shall give an example of problems that are associated with class sizes. The Royal High Primary School in Edinburgh, which both my sons attended until recently, has two classes of 30 in each year. That is 60 pupils in each year and 420 in the school. The school is full and has to turn children away. The SNP's policy would require the school to lose six pupils from each of primaries 1, 2 and 3 and to introduce three classrooms with an additional three teachers. That would mean a possible 36 more disappointed parents and a requirement for considerable spending at a time when the school is already facing cuts of £4,000 to £5,000 in its devolved budget.

**Michael Russell:** That is the minister's fault.

**Mr Monteith:** Indeed.

Some neighbouring schools have spare capacity, but even they would require an additional teacher because they, too, have two classes each for primaries 1, 2 and 3—a total of more than 36 in each year. Even undersubscribed schools need more teachers, although they might have the physical capacity for more pupils.

**Bill Butler (Glasgow Anniesland) (Lab):** Given that Mr Hague has assured us that public spending will be cut back by only £8 billion if the Conservatives win the general election, does Mr Monteith care to detail the effect of such a policy on class sizes in each constituency in Scotland?

**Mr Monteith:** Bill Butler tries to bring falsehood into the debate, with allegations that we will make cuts in public expenditure that will affect constituencies. If he cares to study the figures, he will find that those are savings in the increase in spending—spending that the Institute of Fiscal Studies says Labour cannot afford. There is a £10 billion black hole, which Bill Butler will not explain; neither will he explain that the cost of £32 million to each constituency of introducing the euro will ensure that there will be cuts in spending on education. However, that is another debate for another day.

When we replicate the SNP's policy throughout Scotland we can see that there will need to be a minimum of 2,542 teachers and the same number of classrooms to deal with the extra classes. Currently, classes of more than 30 require more teachers for those schools. When Mike Russell was explaining the recruitment policy that he has been working on, he did not take account of that point, nor did he answer questions about it. If the Executive, post-McCrone, is already encountering difficulties in recruitment to the teaching profession, what does Mr Russell have to say about the problems that he is likely to face in increasing the teacher input?

**Michael Russell:** I addressed that issue directly in my speech, but I am happy to repeat my point now. There is indeed a recruitment crisis in many areas, but the ratio of people who apply for primary education courses to those who get in is 9:1, as I said. Colleges will confirm that at least three times as many suitably qualified people apply as there are places available. There is no crisis in recruiting people for primary education. The crisis is elsewhere.

**Mr Monteith:** Of course, what Mr Russell does not say is whether all those nine new teachers are without a post. Teachers move from school to school and they apply for new posts. Clearly, we will require more people to fill those posts.

The SNP's class-size policy also faces an insurmountable problem that is particularly important and on which it certainly cannot square the circle. It has already admitted defeat by saying that it will have to phase in its policy over two parliamentary terms. We also know that, if it seeks to restrict classes to only 18 without building new classrooms at popular schools, the policy will create parental revolt. Parents will not take kindly to having their choice of schools limited; the policy will, ultimately, fail for that reason. Parents will send their children to schools that have 30 or even more in a class if that school has a good reputation, rather than to a neighbouring school that might have class sizes below 20 or about the figure that Mike Russell suggests. Reputation is important.

Other aspects of the SNP's policy document include suggestions for limiting information to parents, limiting the powers of school boards and giving authority to a souped-up quango to discuss education, despite that fact that we now have a Scottish Parliament and an Education, Culture and Sport Committee. The truth is that the SNP's education policies have not been thought through and if they have, the spokesmen need to go back to school to learn arithmetic.

Some schools had unacceptably high class sizes, but that was generally caused by parental demand for good schools, rather than by overcrowding. Indeed, a greater problem was the many schools—especially in areas such as Glasgow—that suffered from low numbers which were exacerbated by relatively high truancy levels.

I do not doubt that Mike Russell is sincere and well-meaning in proposing his policy. I believe that he thinks that there would be real educational benefits in it and, for some children and in some subjects, he might well be right. He has talked a great deal about research documents, but he must be aware that other research papers contradict his policy. In a report that was based on 260,000 students from 39 countries, the Kiel Institute of World Economics said:

"If a more productive way of using resources in bigger classes outweighs any potential positive effect of smaller classes, there could even be an adverse effect of class size."

The jury is out on class sizes. Michael Russell should meet me half way and accept that although—as I acknowledge—there could be some improvement, there is no ideal way. There is no perfect educational system other than one that allows diversity of provision, so that different approaches can be tried and so that each and every child has the opportunity to get the right education for him or her. If schools want to offer small class sizes, let them. If schools want to offer foreign languages from an early age, Gaelic-medium education or an emphasis on the arts, let them.

The problem with Michael Russell's education policy is that the nationalists are a one-horse party. That horse is separatism and it is not even at the races. What is there about independence that gives members of the SNP a different perspective on education policy? They have no ideas that are predicated on independence: there can be none. Education as a separate institution has survived and blossomed within the union. The parties ruling at Westminster have been careful to protect and enhance Scotland's reputation for having a sound, meritocratic educational system. Let me remind the SNP doubters that we did not introduce a national curriculum in Scotland, as happened in England.

Let me clarify a number of points. Labour, the Liberals, the Social Democratic Party, the Liberal Democrats, the SNP and trade unionists all had to be dragged kicking and screaming into the real world, where public services are there for the benefit of the public, rather than for those who work in or administer them. Changes such as parental choice, school boards, the publication of exam results and truancy levels, and devolved school management were opposed at every opportunity. Those parties opposed the expansion of the nursery sector, funding for which moved from £3 million in the pilot spending programme to £70 million the following year. They also opposed at every opportunity early intervention and private finance initiatives.

The SNP's policy on class sizes is manifestly doomed to fail. I say, "Come back, Nicola Sturgeon. Your party needs you."

I move amendment S1M-1957.2, to leave out from "further notes" to end and insert

"believes that there is no uniform homogenous educational system that can provide the right type of education for every child and that such a dogmatic approach should be replaced with a liberal and diverse system which provides specialisation by schools and more choice for parents; further believes that class size is only one aspect of educational provision which may help to

improve standards in Scotland's schools, and considers that greater devolution of decision making to teachers and parents should be the goal of the Scottish Executive."

11:25

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** In a way, I hesitate to comment on poor Mike Russell. After the shelling that he has had from Brian Monteith and Jack McConnell, I fancy that he is holed above and below the waterline.

As we all know, there is a problem with getting sufficient teachers. If Michael Russell's plans went into operation, goodness knows what a problem we would face. Classrooms have also been mentioned, and points were well made. Michael Russell said that he had visited Ullapool High School, but I wonder how many other Highland schools he has visited. If he went to Canisbay Primary School, near John o' Groats, he would see that it is so overcrowded at the moment with the nursery unit in place that corridors have to be used for teaching. The idea of cutting class sizes in that school would be almost unworkable. It would not simply require portakabins; a significant amount of money would be needed.

Mike Russell talked about his eminent and learned friends, the professors who have given forth—

**Mr Jamie McGregor (Highlands and Islands) (Con):** Will Mr Stone give way?

**Mr Stone:** I shall give way in a minute.

Mike Russell gave examples from America, but I wonder how often he has visited our staffrooms and talked to those at the chalk face. If he talked to teachers—in the Highlands anyway—he would find that reducing class sizes to 18 would not be at the top of their agenda. As Mr McConnell said, the partnership Government has given a great deal. There has been a transformation in the morale of the teaching profession. If one talks to teachers and directors of education, one will hear that real delivery has come about in our schools because of the partnership between the Liberal party and the Labour party.

**Michael Russell:** Will Mr Stone give way?

**Mr Stone:** I shall give way in a minute.

If Michael Russell went into our classrooms and talked with the teachers, he might hear something rather different about what is at the top of their agenda. I know that the Executive is examining the issue of transport for nursery pupils; it is a continuing problem, particularly in the Highlands.

School infrastructure is far more important than reducing class sizes to 18. I make no apology for mentioning that; it is an old Liberal Democrat

argument. As ministers know, I have banged on about that at great length, especially when I was the education spokesman for my party. I remember Sam Galbraith giving me a particularly good answer when I raised the issue at the Education, Culture and Sport Committee. He said that, if other committee members and I were willing to go away and think about it, he would be happy to consider any suggestions that we came up with. It is a tricky question, because we are boxed in by the public sector borrowing requirement, but it is an issue that is still with us.

Thurso High School in my constituency was opened in the mid-to-late 1950s. It now faces repair bills of hundreds of thousands of pounds, and that story is repeated throughout the country. Improving school infrastructure is a job of work that lies before ministers and before the Education, Culture and Sport Committee—of which I am, alas, no longer a member. That is one of the most important problems that must be addressed at the chalk face.

More than a year ago, I wrote a report for the Education, Culture and Sport Committee on rural school closures. One of the factors that lead to rural school closures is the lack of capital budgets, and constituencies such as mine and Margaret Ewing's suffer from that problem. Again, that takes us back to infrastructure. My report, which is probably gathering dust now, is still with the committee.

Those problems are the ones on which we need to work, and I believe that by doing so we will address the issues that are important to our children and to the teaching profession. At the end of the day, what is the SNP policy? Given his rather ill thought-out policy, I dare say that Michael Russell will be looking for a new job in the next reshuffle, when John Swinney changes all his spokesmen. Perhaps Nicola Sturgeon will come back.

The SNP's policy is a fig leaf to cover the monstrous thought of separatism. No matter what one says about the SNP, ultimately that is its policy. Everything else that it says is merely to disguise that. Mr Monteith made some telling points.

I will, as no one else has, lay off Michael Russell and direct a little bit of fire at my good friend—he is a good friend—Mr Monteith, because not much mention has been made of the Tory amendment, least of all by Mr Monteith. I will enlighten members. Michael Russell described Mr Monteith's amendment as "mince", but it is mince with a soupçon of strychnine. Where Mr Monteith is coming from—as I remember from my time on the Education, Culture and Sport Committee—is that he always argued for diversity in schools and said, in particular, that the special educational

needs policy that was proposed by the Executive was inappropriate. He said that he did not like the policy, because he thought that it threatened specialist schools. I think that Mr Monteith will agree that that is the point that he made; he has been consistent on it.

The amendment has a lot of Monteithism in it; he is nothing if not consistent. I will demonstrate where the strychnine lies in the amendment. I will quote from that increasingly unpopular man, wee Willie Hague. This is the guts of the Tory policy that Mr Monteith is hinting at; the policy that dare not speak its name. I will read from one of Mr Hague's recent speeches. He stated:

"Some schools will wish to select part of their intake, others will wish to be wholly selective. That means new grammar schools will appear, reversing a 30-year policy of destruction that has done more than anything else to lower standards in our state education system."

I went, probably not 30 or more years ago, to what had effectively been a grammar school and which was one of the first comprehensives in Scotland—Tain Royal Academy. It did not do badly by me and I had no problems. However, my three children have attended that school—my eldest has left and my twins are sitting their highers—and it has improved from when I was there. It is utter nonsense to talk about "destruction". If members want to shiver in the middle of the night and have a bad dream, think about what Hague is saying. All of us who believe in equality of access to education for all children, regardless of background—they are all Jock Tamson's bairns—should put the Conservatives' policy in the bucket of history. I say to Mr Monteith that it will be put in that bucket in two weeks time. I hope that I have not upset Mr Monteith—he is a nice chap in other ways.

11:33

**Mr Kenny MacAskill (Lothians) (SNP):** I was very disappointed by the tenor of Mr McConnell's reply. The one point on which I agree with him is that many factors affect academic achievement. We do not dispute that. A reduction in class sizes is one factor. However, I am unsure whether the Executive is repudiating the STAR project. Our position is that we believe that a reduction in class sizes is beneficial and we believe that studies indicate that. I have no doubt that some studies in the United States indicate to the contrary, but there are, no doubt, educationists in the United States of America who will argue that we face the end of civilisation as we know it if Harry Potter is not proscribed.

It is incumbent on Mr McConnell, or his colleague Nicol Stephen, to indicate whether the Executive is suggesting that reduction of class sizes is not, per se, beneficial, or whether the

Executive accepts that the benefits exist. It is a matter of whether the Executive believes that that is one of the major aspects that should be supported.

We believe not only that reduction of class sizes is an individual's right, but that it is in the national interest. We believe in education for education's sake. We believe that it is everybody's right to progress as far, and to achieve as much, as they possibly can. We also believe that that creates better individuals and better citizens. The corollary of that is that a better-educated person is able to contribute more effectively to the society in which he or she lives. Therefore, we as a society and as a community collectively benefit from investing in education. We believe that one of the best ways of ensuring that everyone has that opportunity is to ensure that children benefit at an early stage. We underestimate the importance of that at our peril—it is as much in our interest as it is in theirs.

In other debates in the Parliament, we have discussed the fact that there are significant skills shortages in Scotland. The tragedy in Scotland is that we have many idle hands. Children leave school without basic literacy and numeracy, never mind other aspects that I will comment on. We, as a nation, cannot afford that. A demographic time bomb is ticking away. We have severe skills shortages in an array of areas. We need the hands that are currently idle to contribute to the economy in future years. We believe that it is much better to do so by intervening early than by having to return later to address earlier problems. That is why we believe that there is a national interest.

I will make two points about educating about learning. We all accept the concept of lifelong learning. First, on a reduction in class sizes, many trainers tell us that they face with youngsters problems not only of a lack of basic literacy or numeracy skills, but of a lack of basic self-confidence. We have a significant cultural problem—I understand the difficulties in legislating for culture—in that we in Scotland are shy and self-effacing and we must address that. That is much better addressed in a classroom in which there is much more one-to-one intervention by a teacher, than when there is rote learning and the pupil is one among many. We would benefit from giving children more self-confidence.

Secondly, we must recognise that we live in a knowledge age. I, like some other members, was at the Enterprise and Lifelong Learning Committee's away day. I see that David Mundell is nodding. He will recall that when we spoke to those who are involved in lifelong learning, they quoted from Treasury statistics that show that individuals can expect to have to change their careers or the field that they work in 10 times in

their lives. It was suggested that it would be different if a person was a lawyer or a doctor. I have to say, looking back on 20 years as a lawyer, that my whole life changed; the type of law that I practised changed manifestly. That is why even the professions talk about continuous professional development, although such development is much more marked in other jobs.

We must have a society in which people recognise that they have to learn, upskill and change. They must have the capacity to learn on the go. That means early intervention, so that we educate people not only in literacy and numeracy, but in the ability to learn as they go through life.

11:37

**Bill Butler (Glasgow Anniesland) (Lab):** I support the amendment that was lodged by the minister, because it treats a serious subject with proper gravity. It presents a coherent approach to the construction of an improved environment for learning in our schools. Mr McConnell detailed the strategy when he moved the Executive's amendment.

I am disappointed by the SNP motion, although I will not pretend to be especially surprised by it. It begins with an assertion that is plainly false and ends with an ill-thought out and uncostered piece of cynical electioneering. Education, and the debate around it, is much too important to indulge ourselves in such a way. The education of our children is a means by which even those from the poorest backgrounds can fulfil their potential, free their creativity and build better lives for themselves. To reduce it to a Dutch auction is to treat the electorate with contempt.

It is clear that class sizes in primaries 1 and 2 have been reduced to 30 or less and that this Labour-led Executive is on target to achieve the same for primary 3 by August. Those are facts.

**Fiona Hyslop:** Bill Butler said that it is a fact that pupils in primaries 1, 2 and 3 will be in classes of 30 by August. I have a daughter, who is currently in a primary 1 class of 32. Which of her fellow pupils should she expect to disappear over the next 12 weeks so that the Executive can reach its target? What Bill Butler claims is not fact—it will not happen and Bill Butler should face up to that.

**Bill Butler:** I am afraid that we will have to agree to disagree. I believe that what I said is fact and that it is incontrovertible, which might be indigestible for the national party, but it is fact nevertheless. That is not what dismays me so much about the national party's motion, but what is quite irritating is its claim to be giving a lead on the link between class sizes and achievement and its claim that reducing class sizes to 18 will almost certainly improve everything holus-bolus. Mr

Russell claimed that the motion says, "a phased reduction." The motion does not say that; the national party's manifesto says that. That was just a little disingenuous. The motion indicates that it will be holus-bolus and we are debating the motion.

Furthermore, we have not been told about how we are going to reach this educational Eldorado. Where are the SNP's figures? Mr Russell attempted to give them to us, but I am neither convinced nor impressed and I doubt that members or the electorate will be either. For the sake of argument, let us set aside the perfectly legitimate educational concern that reducing class sizes to such levels in the early primary years is not necessarily a good thing and that it can lead, for example, to problems with socialisation. Even if we accept that reduction of class sizes is an entirely valid proposition, it cannot be achieved through the SNP motion, which is merely a foolish attempt to outbid the Executive's real achievements.

Parents, teachers and pupils appreciate those real achievements; they represent tangible progress, not all-too-transparent promises. They include: developments such as 47 new community school projects, one of which is at Drumchapel High School in my Glasgow Anniesland constituency; 1,297 extra full-time teachers; the negotiated achievement of the McCrone agreement and all that flows from it; 1,500 classroom assistants; an increase in internet access from 70 to 100 per cent in secondary education and from 40 to 70 per cent in primary education; and an increase in education spending as a share of GDP from 4.6 per cent to 5 per cent.

People prefer deeds to uncosted promises, which is why the Executive's policy will commend itself to members today and to the country in two weeks' time.

11:41

**Mr David Davidson (North-East Scotland) (Con):** I had always thought that the SNP was very proud of the fact that many of its policies were home-grown. However, it seems forever to be picking up ideas from abroad and putting them forward as new inventions. The Tennessee STAR programme ran from 1985 to 1989, which means that it was introduced 16 years ago. Mr Russell said that much of it was good, but an examination of the paperwork that was attached to the programme shows that the results are ambiguous. No benchmarking was carried out at the start of the programme to allow results to be compared accurately, and much of the programme was not quantitative, but qualitative.

Interestingly, in the two years before the

programme began, most of the teachers that were assigned to it had completed an in-service training exercise that dealt with classroom management, individualisation of instruction, teaching higher-order thinking skills and how to work with an aide in smaller class settings. That training produced results—the number of pupils in the class did not. Furthermore, paper after paper on the STAR programme indicates that it is out of date. I do not know why the SNP is pretending that it has something new to offer Scotland when even the Americans have accepted that that approach is not necessarily the way forward. Although we all buy into the idea of better pupil-to-teacher ratios, we need the teachers in place to make it work.

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

**Mr Davidson:** I will give way in a moment.

On Saturday, I took part in an interesting exercise in the square at Stonehaven with the deputy SNP education spokesperson—Irene McGugan—and some of her young colleagues. She showed me her pledge card and we spent half an hour discussing education issues. Unfortunately, I could not find any logic in anything the good lady said, so perhaps when she winds up she will answer the questions that I asked her on Saturday. Where are the nationalists going to find the extra teachers? How are they going to train them? How are they going to provide the extra accommodation? Most important, how are they going to fund everything now that they have abandoned their penny for Scotland policy? Which money tree will provide the funding for this proposal? Irene McGugan said that there had been a reprioritisation of effort within their education programme, but she could not tell me what had dropped down the priority list. Perhaps they are all just false promises once again.

**Nicol Stephen:** Does Mr Davidson agree that that half-hour conversation was not something for which the electorate of Stonehaven would have been extremely grateful?

**Mr Davidson:** Yes. I was not thanked for keeping people away from their Saturday morning shopping. However, the exercise was interesting nonetheless.

As for Papa and Nicole—although I see that Papa seems to have left the chamber—perhaps they can tell us how they are going to deliver reduced class sizes, because the promise to do so by the end of this August was made in 1997. None of the figures that we have heard from Labour members seem to stack up, and perhaps when he winds up the minister will give us the Liberal Democrat view of how the coalition Executive will deliver on that promise.

I am regularly asked about the full funding of the McCrone recommendations, which is a vital

element in ensuring advancement in education. This week, I received once again a holding answer from the Minister for Finance and Local Government. The Executive is patently having second thoughts. Perhaps the minister will confirm today whether the McCrone report will be fully implemented, and set out the time scale for its implementation. I know that the local authorities are desperately keen to know what Jack McConnell meant when he talked about the full implementation of McCrone at a meeting I attended, and why other ministers are not backing him up.

In their 1999 election manifesto, the Liberal Democrats said that they would deliver 2,000 extra teachers. However, that figure has now been dropped to 1,000. Will they tell us today whether they will settle for a lower figure that happens to coincide with what Labour ministers are telling them to say? I get the impression that they have watered down their stance after talking up education as a vital Liberal Democrat policy area. We have not heard very much of a practical nature from them today.

The Conservatives believe in parental choice, which is an issue that has been avoided today. Although some schools might suit certain children, other schools might suit them better. However, the minister's litany made no reference to how we will deal with transport to schools. If we follow SNP policy and cut class sizes, children in rural areas might be forced to travel miles to a different school from that which their siblings attend. That would be utter nonsense. I ask members to reject the SNP motion and to disregard some of Jack McConnell's comments. I hope that he gets his problems at the Scottish Qualifications Authority sorted out before the end of the summer.

11:47

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I wonder whether the chamber will give me a moment to offer good wishes to Willis Pickard, who is retiring as editor of *The Times Educational Supplement Scotland* after a quarter century of service. The educational community in Scotland owes him a considerable debt. [Applause.]

The business bulletin said that we were going to debate education, but the SNP motion is more about electioneering and Labour-bashing. The Scottish Parliament is not an appropriate place for such a debate; we deal with Scottish education and should not be used to promote a general election campaign for the Westminster Parliament.

I am absolutely committed to the proposition that class sizes matter and that we should aim for smaller class sizes, and it is good to see that

politicians have broadly accepted that principle. Although we might argue about how much we should reduce class sizes—and despite worrying moments when members seem to draw back from the idea—members have generally accepted that bringing class sizes down to 30 is a good idea. We must carry on and introduce a phased programme that addresses the whole issue.

The SNP motion concentrates on early-years education. I did not open for the Liberal Democrats this morning because I did not know whether I could get back in time from a talk I was giving in Penicuik about the sure start programme. That programme gives help and support to youngsters from 0 to 3 years to give them a good start. The early-education programme with its commitment to pre-school education and to reducing class sizes in primary schools shows that the issue is very high on our agenda. However, although I accept the idea of early intervention and of giving children a good start, I agree to an extent with Mike Russell and—surprisingly—with Brian Monteith. As Brian Monteith pointed out, the practical problems associated with the reduction of class sizes are manifold and centre on issues such as accommodation and the recruitment and training of teachers.

The arithmetic that Brian Monteith used shows that the sums do not work out easily. Class sizes cannot be reduced from 30 to 18 just by doing the sums. People do not fit into the boxes so easily. We cannot set a maximum size for classes, as children might enter a class at different times, and such a policy would create a range of practical problems and knock-on effects. We should have a debate about class sizes and about where the programme should take us. There should be a programme—however, what Brian Monteith suggests is not that programme. It is not properly costed: it is glib, superficial and uncosted.

**Mr Monteith:** Although many schools throughout Scotland target class sizes at 30 pupils, they are aware that, if pupils leave, that figure may fall to 28, 27 or 26 for a term and that, when the abstract of their class sizes is taken, they will lose money to the devolved budgets that affect their spending because their class sizes have decreased. As a result, schools encourage teachers to take in 31 or 32 pupils, so that they will not risk a cut in their budgets.

**Ian Jenkins:** Mr Monteith is beginning to lose me with his arithmetic. However, as a former teacher and the head of a department who had to plan class sizes, I know that class sizes do not work out easily and I accept the fact that targets cannot be set that will ensure 100 per cent efficiency.

It must be remembered that the substantial programme that the Executive has outlined is work

in progress, and that class sizes matter not only in primary schools, but in secondary schools. Also, if we concentrate on a single policy, on a single front, we will forget about other issues such as the state of school buildings. The problems are diverse and complicated, and the SNP's proposition is simplistic, uncoded and impractical.

11:52

**Mrs Margaret Ewing (Moray) (SNP):** I am sorry that the Minister for Education, Europe and External Affairs is not present to hear my speech, as I mentioned during his speech the fact that he appeared to be reading out a wish list for his election manifesto. I suspect that, if he repeated that speech in front of a group of concerned teachers and parents, he would receive the same treatment as Jack Straw received last week from the Police Federation. It took the minister eight minutes to begin to address the issues that are raised in the SNP motion.

I inform members who said that ours is an uncoded programme that we have coded it and that the figure is not vast. When parents and teachers look at the figures that we are talking about, they will contrast them with the expenditure that the Government here has colluded with the Government at Westminster in providing for the millennium dome. I would rather spend the money on the children of Scotland.

**Karen Gillon (Clydesdale) (Lab):** Will Margaret Ewing take an intervention?

**Mrs Ewing:** No, I have only just started.

Let us consider the efficacy of the Parliament in the context of education. Our constituents, and the country as a whole, regard education as a touchstone on which we will be judged. Education is one of our highest priorities as a devolved power and a key policy sphere. Instead of making the sort of electioneering speeches that we have heard from many members today, we should be addressing the key issues in education.

As a young trainee teacher, I was sent to a school in which there was a disruptive class, which I was given the joy of teaching. I was told by a senior member of staff to keep them amused and to try to keep them under control. That was when my interest in special educational needs began. The advice that was given to me by that teacher is probably more applicable in dealing with politicians than in teaching our children. Through training in special needs education, I became aware of the importance and significance of the one-to-one contact that one must have with a child.

My training was in secondary education. While I was undertaking that training, one of my lecturers told me that the most complex learning process

that any individual ever undergoes is learning how to read. My personal idea of hell is a world without books and newspapers. However, by the time I began to teach children with special educational needs in secondary schools, it was often too late to help many of those youngsters. Early intervention, which is what the motion is about, is critical. If we can discover the difficulties that a child is facing while they are still young, we can resolve many of them.

Other issues underpin the motion. Is the Executive satisfied that our teachers are trained sufficiently to ensure the early detection of problems such as dyslexia—a complex matter about which I have been writing to the Executive recently—or autism, which we have highlighted through our cross-parliamentary group? What about young people who suffer from epilepsy? In small classes, teachers can deal with such problems effectively, but they need training and support to ensure that they can make the correct diagnosis.

Early intervention is not an expensive option. It is a cost-effective option, because it deals with the difficulties early. If we do not do so, some children will turn into school bullies and hooligans because they cannot cope with the learning process. I say to all members that the motion deserves our support.

11:57

**Cathy Peattie (Falkirk East) (Lab):** In the normal course of events, I would welcome wholeheartedly a motion from the SNP to debate education. After all, the Scottish Parliament is where Scottish educational issues should be resolved. If my welcome for today's debate is less than wholehearted, that is because I believe that the Parliament's remit has been hijacked as a general election issue. Policies have been expounded in the context of a Westminster manifesto, pushing us towards adversarial confrontation rather than reasoned and consensual debate. That is a pity, as there are some suggestions among the SNP policies that, although ill-considered in its manifesto, would merit discussion and, in a reviewed form, development. Indeed, some of those proposals are already supported and implemented by the Scottish Executive and local government.

I fully support an integrated, child-centred approach to education, which encompasses the health and welfare of our pupils. Improving children's diets, as is happening in many schools, is laudable. Free fruit is available in nurseries and there are healthy eating programmes in primary schools and new community schools. The Scottish Parliament should make more progress in that direction. We also need a major programme of

school investment and repair—that is why we have such a programme, which involves 100 new school developments and a new deal for Scottish schools. There are five excellent new schools in my constituency. Class sizes are also a priority and it is estimated that Labour's pledge will be fulfilled this year. We must continue to work on that issue.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Does the member agree that the small class sizes in some primary schools in the remoter areas of Scotland should be regarded as a good thing rather than a reason for closing the schools, as some councils have proposed?

**Cathy Peattie:** Absolutely. We must look favourably at what is happening in rural schools and consider how we can measure their success in contributing to their local communities. The role of rural schools is often underestimated, but I think that the debate around class sizes in rural schools is quite different from that around class sizes in urban areas.

**Michael Russell:** As Cathy Peattie knows, to her embarrassment more than mine, she and I often agree on educational matters. In councils such as North Lanarkshire Council, there has been an attempt to drive down class sizes—particularly in the first two years of school—to 20 or 18, which is a low level. That has happened in urban areas, where it is seen as a successful strategy.

**Cathy Peattie:** I will talk later about the strategy for reducing class sizes.

Smaller class sizes might be desirable, but we should discuss the evidence for the wider educational gains that can be made in relation to the extent of the reduction and whether other exchanges could offer greater gains. We should not underestimate the costs of the changes, including what we would have to forgo to find the money. We need to decide whether the advantages in further class-size reductions would outweigh the losses elsewhere. Government is the process of making such choices. Wise choices have to take into consideration all factors. Prioritisation means that we must choose whether we want to have our cake or eat it. Pretending that both things are possible is a doomed attempt to create a grand illusion.

Many of the suggestions in the SNP manifesto are fine individually, but cumulatively they are contradictory and expensive—considerably more expensive than the SNP wants to admit. We must examine logically the full costs of the proposal to cut primary 1 to primary 3 class sizes to 18. Clearly, smaller classes mean proportionately more classes. A reduction of three fifths in the class size would require 67 per cent more

teachers in the primary 1 to primary 3 classes—that would mean 5,000 teachers to recruit and train. The implications of that are a squeeze on placement choice, placement battles and families having to take one child to one school and another child to another school.

We need to consider a sustainable approach to education. We are committed to recruiting more teachers, providing more resources and better buildings, and improving the quality of education. We will do so on the basis of open and balanced appraisal of all our objectives. Education is important. We should debate and have the imagination and vision to take the issue forward.

12:02

**Donald Gorrie (Central Scotland) (LD):** There are two main points in this debate: we need a bigger budget for education and we have to consider how we spend that budget.

As we are in the middle of a Westminster general election campaign, it is fair to point out that the Liberal Democrats consistently criticised the Labour Government in Westminster because it followed the Tory spending plans for its first two years, which meant that there were continuing cuts. In our general election literature, we argue for a greater disbursement of UK funds for education, of which Scotland should get its fair share.

We need a bigger pot of goodies, but we must think also about how we use the available goodies. The Executive is to be commended on its decision to concentrate on sorting out the dire position that Scottish teachers were in with regard to their pay, conditions and morale. The Executive's commitment to putting the McCrone committee's recommendations into effect is praiseworthy. That is the first step towards making the teachers happy and getting them on board so that further improvements in education can be achieved.

As almost everyone has said, trying to reduce class sizes is a good idea. However, it is open to argument whether having a straitjacket of a figure of 18 pupils is the best way of doing that. It would be better to give schools more scope. If additional teachers are available, it will be up to the head of a school, in discussion with a local authority, to use those teachers in the best way. Additional help for dealing with pupils with behavioural difficulties who disrupt classes is often a bigger priority than a mere reduction in the number of pupils in all classes.

There should be more decentralisation of budgeting, which has already been started; the SNP motion is a move in the wrong direction. There should also be more teachers available for



one-to-one teaching of pupils who have difficulties with learning. That will often sort things out better than simply having smaller classes.

We should put more resources into supporting small rural schools and schools in the poorer urban areas. I do not accept—I do not think that Liberals would, philosophically, accept—that we should just have blanket provision for everyone. We do not live in an equal society. We are seeking to provide equality of opportunity, but we will never fully achieve it. The children of people who come to speak in this building and children from similar families will always have a better chance in life than those who come from families that are disrupted by all sorts of problems such as poverty and addiction. However, we are all here—regardless of party—to level up or to reduce the gap as much as possible. Rather than saying that every school should have such-and-such, we should give more to the rural areas that have various problems of access and to urban schools where there are social and other problems. I have supported such moves in Edinburgh for nearly 30 years.

There are other things that need money spent on them, such as school buildings and education outside school. More good education often takes place outside school than in school, and we need much more investment in clubs, community education and so on. We should support the Government amendment, not the SNP motion.

12:07

**Fiona Hyslop (Lothians) (SNP):** Some members have asked why we are having this debate. I have noticed from my postbag, as other members may have done, that this is the time of year when applications for primaries 1, 2 and 3 are processed. I am being contacted by constituents from Livingston and Linlithgow, where next year's class sizes are planned to be 32 or more. That is the allocation that has been made, so the idea that class sizes in primaries 1, 2 and 3 will somehow be reduced to 30 by August is frankly not believable.

What is believable is the Parliament's capacity to have a vision of where it wants education to go. The Scottish National Party's proposals are radical but this is, after all, about what we should do. I have heard much sympathy expressed for the idea of getting class sizes down to 18, but I have also heard a lot about why the Executive cannot do it and why it is not practical. That shows what is so wrong with the current position in Scotland.

I anticipate some arguments about why we should not have that size of class on educational grounds, but—

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Will Fiona Hyslop take an intervention?

**Fiona Hyslop:** Let me develop my point, please.

The idea is that we are unable to have such small class sizes because of the practicalities. I say that we in leadership—in the Parliament—should decide what we want to do and then work out how we can do it. To those members who say that that is an uncoded policy, I say that the revenue cost of such proposals would be £100 million, or less than a quarter of what the Parliament could have spent last year from its underspend but did not.

Points have been well made about the need for capital investment. Of course, there will be such a need, but let us use a Scottish trust for public investment, which would work out far more cheaply than the Executive's public-private partnership plans. Let us ensure that we use the wealth of Scotland to work for Scotland. Let us use our oil wealth for our education.

**Mr Monteith:** Will Fiona Hyslop give way?

**Karen Gillon:** Will Fiona Hyslop give way?

**Mr McAveety:** Will Fiona Hyslop take an intervention?

**Fiona Hyslop:** I am limited for time and want to develop some specific points.

Let us look at the reality—not many members so far have talked about the reality for parents and children. In West Lothian, people have approached me to voice their concern that they cannot get their children into primary 1 classes because of overcrowding. There were 133 applications for deferrals from parents of four-year-olds and four-and-a-half-year-olds who felt that their children were not able or ready to go to school. Of those, only 84 were granted an additional pre-school year. Forty-nine pupils in West Lothian have to go to school even though their parents do not want them to because—I refer members to the minister's amendment—the Executive is pushing its targets for three and four-year-olds.

Something is far wrong when, to reach targets for three and four-year-olds in nursery, the Executive pressures four-and-a-half-year-olds to enter primary 1. Everybody should know that now is when councillors assess the applications. Does the minister intend to examine the flexibility of education legislation to see whether we can change the assessment of applications?

Rural schools were mentioned. A Conservative member made a useful point about falling class sizes and the closure of rural schools. In West Lothian, the minister has announced that Abercorn Primary School is to close. Let us consider how

that closure will impact on class sizes across West Lothian. The classes of Low Port Primary School, Springfield Primary School and Linlithgow Primary School will not reach the class size target of 30 because Abercorn Primary School down the road has been closed.

**Karen Gillon** *rose*—

**Ian Jenkins** *rose*—

**Mr McAveety** *rose*—

**Fiona Hyslop:** I have 15 seconds left, so I will have to finish.

As Mike Russell said, failure is more expensive than ambition. If we are to take our nation to where it should be, the one thing that we can offer our children in primary 1, 2 and 3 is confidence. If confidence is to be instilled in them, children must receive attention when they are young. That is the message that we should take from the chamber. Let us be about ambition, not about failure.

12:11

**Karen Gillon (Clydesdale) (Lab):** It is an honour to sum up on behalf of the Labour party in a debate on education. The Labour party has put children at the heart of its education system. It has delivered 47 new community schools—15 more are on the way; 1,297 extra full-time teachers; 1,500 classroom assistants; 100 per cent internet access for secondary pupils and 30 per cent more internet access for primary pupils; an historic agreement on teachers' pay and conditions; increased spending on education as a proportion of gross domestic product; and a 64 per cent increase in spending on books and equipment. Labour has delivered a nursery place for every four-year-old whose parents want it and is on course to deliver a place for every three-year-old by 2002. Also, by August, Labour will have delivered class sizes of 30 or fewer for every pupil in primary 1, 2 and 3. Those are the facts. That is the record of the Labour-led Executive and that is why I am proud to support Jack McConnell's amendment.

I will deal with the SNP motion and, first, Brian Monteith's amendment. What have the Tories offered the debate? Heehaw—absolutely nothing. They have offered no proposals or ideas. It is clear that they remain as right wing and dogmatic as ever they were. They talk about freeing schools from local authorities. I remember that in their most recent sorry period in power they tried to force Scottish education down that road. There was such an overwhelming demand that the number of schools in the whole of Scotland that freed themselves from local authority control was an astounding two. Both did so for particular reasons and both are now within the remit of local authorities.

**Mr Monteith:** Karen Gillon is 50 per cent wrong. The number of schools that opted out of local authority control was three. She has forgotten Fort William.

**Karen Gillon:** Did Fort William get out or did it just propose to get out?

**Mr Monteith:** It was coming out but the general election prevented it from happening.

**Karen Gillon:** Then I am correct: two schools opted out.

When Brian Monteith talked about class sizes, he talked about the effect that the proposal would have on good schools. I am not concerned about the effect that a reduction in class sizes will have on good schools; I am concerned about the effect that a reduction in class sizes will have on every school. I do not want us to create "good" schools, so that parents feel that they have to choose one school over another because their kids will get a better education there. Every school in Scotland should achieve the same educational standard. That is the opportunity we should offer.

I want to address the amendment in the name of Mike Russell—

**Michael Russell:** It is the motion that is in my name.

**Karen Gillon:** I am sorry—I mean the motion in the name of Mike Russell.

It is good that we are, at last, debating in SNP time an issue that falls within the Scottish Parliament's devolved responsibilities. Members may call me a cynic, but I believe that we are perhaps having this debate because it involves class sizes, which are covered by one line in the SNP's Westminster election manifesto. All of a sudden, they are a policy priority for the SNP.

If Alex Salmond and his pals are so concerned about Scottish education, they should stay with the Holyrood Parliament, where Scottish education is debated and discussed. We are talking about the proportion of Scottish expenditure, within the devolved budget, that will be spent on 5,000 new teachers and 5,000 new classes—those are the facts and figures; we are not talking about the Alex-in-wonderland economics that the SNP indulges in.

We are part of the United Kingdom and operate within a devolved budget. The costs that the SNP has proposed simply do not add up; the true costs to the Scottish people would be much greater. We should have an honest, straightforward debate about the future of education, first in the Parliament's committee and then in the chamber, and we should hold that debate outwith the heat of a general election. We should debate the issues that are of importance to Scotland when they are

relevant to the Scottish people, not when it suits the political agenda of one political party.

12:16

**David Mundell (South of Scotland) (Con):**

This has been a disappointing debate, although some members attempted to raise the standard. Many of the points raised by Margaret Ewing were well made, but she must have been complicit in the fact that we have had this debate for electioneering purposes only. Whether or not the SNP had a genuine idea, and whether or not Mike Russell believed that he could develop that idea, this is not the time to raise it in the Scottish Parliament.

In the Conservative party, we are open to ideas—that is embodied in Brian Monteith's amendment. We are the party that supports the introduction of new ideas, diversity and experimentation in education. Although, as Karen Gillon was keen to point out, some issues were not taken up during the debate, one person who is keen to take up Tory ideas was not mentioned by Labour members: Mr Tony Blair. I look forward to hearing much more about his ideas on education. Labour members were keen to mention William Hague but not Mr Blair.

Jack McConnell made an interesting point when he accused the Conservatives of not wanting to deploy the internet in schools in Scotland. I do not know the exact date on which Al Gore invented the internet—as he claims to have done—but of all the policies about which we could be criticised, our policy on internet access in schools is not one.

Jack McConnell highlighted an issue that goes back to Mike Russell's point about class sizes. I fully support the policy that each and every child should have access to a computer and the internet in school. As Kenny MacAskill indicated, that policy is vital to the development of our education system. However, the provision of computers and internet access alone will not improve education. Education can be improved only by a cocktail—a mixture—of policies that includes class size. Jamie Stone alluded to that before he began his love-in with Brian Monteith. After having two Liberal Democrats agree with him, Brian will have to have a lie-down in a darkened room. It would have finished him off if Karen Gillon had agreed with him too.

Infrastructure is another part of the cocktail and lack of connection is one of our problems. As Jamie McGrigor suggested, computers are installed in schools but, at the same time, small rural schools are closed down—sometimes just after computers have been installed. Other problems with infrastructure include the use of portakabins. Bureaucracy is also stifling schools.

The other day, I met Mike Russell with parents at Castledykes Primary School in his beloved Kirkcudbright. The school is to lose one teacher because a small number of pupils have left it. That will change the whole balance and working of the school. The internal lack of flexibility and control that the head teacher, the school board and parents have in running their schools is stifling development in education in Scotland. That is why we will continue to argue for real devolution in education and why Brian Monteith's amendment is relevant.

I commend the amendment to the chamber.

12:21

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):**

Mike Russell set the tone for the debate. He spoke about Mr McConnell's red herrings and Mr Monteith's mince. Those culinary cul-de-sacs were not typical of his style and were unworthy of his usually learned and quick-witted approach. Mr Russell was soon back on to more comfortable ground, quoting Latin mottoes and American academics. It is just as well that Latin is his forte because funding certainly is not. Mike Russell said that his policy is not uncoded. If it is not uncoded, it is certainly hopelessly coded.

What about investment in other areas of education? How will the SNP fund its proposals? In the light of its manifesto, the SNP should never in future criticise the Scottish Executive for its glossy documents.

**Michael Russell:** There are a number of profound differences. Our manifesto is better designed and is not produced at the taxpayers' expense.

**Nicol Stephen:** Clearly, I touched a raw nerve.

How will the SNP fund its proposals? Its manifesto mentioned an oil fund that might be built up over a number of years after independence. The interest from the fund would be used to fund all the proposals. Would it use the Scottish Executive's underspend, which I presume it would shift from the NHS to education? In winding up, the SNP should tell us where the funding would come from.

The second key issue is: how will the SNP impose its proposals? The SNP wants to ensure a new policy initiative in Scottish education in one area only. How will that be dictated not only to the local authorities, but to the local schools and head teachers? How will the SNP override local discretion?

Education should never be a single policy issue. The SNP has reduced it to that. We want local discretion and we want to involve schools, head

teachers, parents and pupils in deciding how extra investment is best spent in each local school in Scotland.

Brian Monteith told us of the great things that the Conservatives did for Scottish schools. Pupils, parents and—most of all—teachers have a very different memory. The Conservatives brought Scottish education to its knees over 18 years. There has never been such conflict in schools as there was under the Conservatives. When the Conservatives left office in 1997, 24 per cent of all children in primaries 1, 2 and 3 were in classes of more than 30. Our target is that no children in primaries 1 to 3 should be educated in classes with more than 30 pupils.

**Fiona Hyslop:** Will the minister explain how he proposes to get class sizes down to 30? There are classes in West Lothian with more than 30 pupils. My daughter is in a class that has 32 pupils. Whom will the minister have disappear over the next few weeks so that he can justify his position? Is the minister talking about only a couple of hours a day with an additional teacher? Is that his explanation?

**Nicol Stephen:** It is a bit rich for a party that proposes to reduce class sizes to 18 to query how we will reduce class sizes to 30. We will do it, and we will do it by extra investment. To achieve those reductions in class sizes, extra investment is being made available now—this year—and will be made available in following years.

**Mr Monteith** *rose—*

**Nicol Stephen:** No—I am not giving way.

David Davidson asked me some questions about the Liberal Democrats and the number of extra teachers that we want. In our manifesto, we commit to 2,000 extra teachers. The Scottish Executive has already committed to 1,000 extra teachers and we are close to that target. As a result of the McCrone settlement, a further 3,000 teachers will be introduced to Scottish schools.

This is about more than more teachers; it is also about more investment—tackling the backlog of repairs and maintenance in our schools. According to the Convention of Scottish Local Authorities, £1.3 billion requires to be spent. We have to tackle that and we have to invest more. We are doing a lot, but there is still much to do.

Ian Jenkins spoke about many things in relation to the SNP's doctrinaire approach—I am sure that there will be consensus on that around the chamber. I add my good wishes to Ian Jenkins's remarks about Willis Pickard and the excellent work that he has done with *The Times Educational Supplement Scotland* over so many years.

The message is that a clear choice lies in front of us: either we can have a narrow focus on a

single issue—a campaigning issue, I would suggest—or we can have a broad vision of Scottish education, involving investment across all stages of education. The conclusion is clear: a single expensive policy draws investment away from other important stages of a child's education. Research shows that attention to teacher training and teacher expertise may have as big a pay-off per pound spent as investment in reducing class sizes. We have to do both and to invest in both.

The Conservatives again take a doctrinaire and centralised approach to school governance. We want to review the devolved school management arrangements. We want to focus on outcomes for education—the national priorities focus on outcomes. We want to free teachers in schools to decide how to deliver. Taking away local authority management of schools would be a disaster. If that happened, more and more responsibility would fall on the Scottish Executive. It would be a way of centralising. It would be the sort of approach that we saw during 18 years of Conservatism, with more and more power being taken to the centre, to Whitehall.

**Mr Monteith** *rose—*

**Nicol Stephen:** No—I am not giving way. I think that I am just about out of time.

The Scottish Executive is investing in lowering class sizes, but it is investing in a lot more, too: it is investing in pre-school education—there will be a nursery place for all three and four-year-olds; early intervention; special educational needs; and school buildings. Throughout Scotland, 100 schools will be built or substantially renovated by 2003. There will be more than £600 million of funding. We are investing in modern information and communications technology, with a commitment to new broadband technology. We are, as I have said, investing in 3,000 new teachers and 3,500 extra support staff, as part of the new pay and conditions settlement.

We are delivering more. Investment, investment, investment—that is the key. That is why we want to see more of it. Our overall educational spend over the next three years is up 7.5 per cent this year, 5.9 per cent next year and 7 per cent the year after that. That is a total increase in funding of more than 20 per cent. Most important of all, we are taking a new approach to our schools and to education in Scotland. For too long, they have been a political battleground; for too long, progress has been in reverse.

My final plea is this: let us try to do all of these things, wherever possible, together—all of us, across parties, working together to improve the education of every young person, of whatever age, in whatever part of Scotland. Today's debate, sadly, was not about that.

12:29

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

I thank everyone who has contributed to this debate. I find it strange to be accused of electioneering. I remind members that education is a devolved matter, and therefore a wholly legitimate issue for discussion in the Scottish Parliament at any time. It is a truism that the more ferociously an SNP policy initiative is attacked by our opponents, the more concerned they are about the rightness of our cause. We are confident that we are proposing something that worries and upsets the Executive—so much so that our policy could find itself being number 11 in the list of SNP policies that are adopted by the Scottish Executive.

The SNP has a clear vision of what our education system should be about. At the heart of that vision is major investment in the early primary years, with the aim of giving children the best possible start in formal schooling. One of our key proposals is progressively to reduce all primary 1, 2 and 3 class sizes to 18 pupils or fewer. Labour promised in its 1997 manifesto to ensure that all primary 1 to 3 classes had fewer than 30 pupils by August this year, but I say to Mr Butler and Mr Stephen that figures show that 20,000 pupils are still in classes with more than 30 pupils.

Educational research shows that reducing class sizes to 30 or even 25 pupils has no real impact on the quality of education. It is only when there is a significant reduction to 18 or fewer that real improvements in the educational experience of children are achieved.

**Mr McAveety:** That is a laudable aim, but the research has reservations on the matter. The SNP has not gone for the figure that researchers say would make a difference, which is fewer than 18 pupils. The criticism that we have is not of the objective, but of the fact that its practical application is impossible. Irene McGugan should be telling parents that the number of composite classes would increase, that the required buildings do not exist and that their children would be forced into schools that the parents do not want them to go to. That is the reality of the SNP's proposals. Let us have an honest discussion.

**Irene McGugan:** Frank McAveety has not listened to one word from the SNP.

**Mr McAveety:** I have listened.

**Irene McGugan:** Well, listen again and I will repeat some of it. I put one example to Frank McAveety. It is interesting to note that in Finland the maximum class size is 21. Does that tell him nothing? A commitment on Labour's part to reduce class sizes to 30 might have looked good on a new Labour pledge card, but its benefits are marginal.

Reduced class sizes can be argued for on economic and social grounds. The benefits of class size reductions in the first three years of formal schooling are long lasting, and the gains are particularly significant for children from socially disadvantaged backgrounds. Children have only one chance to go through the vital and formative early school years. We should put resources first of all into places where there is a demonstrable need for change and improvement.

With reduced class sizes there is a corresponding increase in teacher satisfaction, which means that talented people are more likely to come into, and stay longer in, the profession. Teachers then get to know well and understand all the children in their classes and have time to promote critical and creative thinking, which should be at the heart of the education process. Discipline is likely to improve in such settings, and communication with parents becomes easier and more productive. Indeed, the effects could reach even farther. We might help to raise levels of self-confidence, self-esteem and achievement in primary school children far beyond current levels. That can only be a good thing.

As Michael Russell said, the logic of the argument is obvious, and although people have presented contradictory research—and it has been mentioned a lot—nobody has been able to propose coherent arguments that suggest convincingly that reduced class sizes are not a good thing. The only difference between the parties here today is the commitment to implement the policy.

The Minister for Education, Europe and External Affairs spoke a great deal about the Standards in Scotland's Schools etc Act 2000 and the framework that Labour has put in place to support the education system. He may recall that there was considerable support from the SNP for almost all those initiatives, such as out-of-school care, new community schools and sure start. There was a huge degree of consensus. That is not the issue. The issue is having the desire to go further and do things even better—that is the next step.

**Nicol Stephen:** Irene McGugan talked about the next step. How much will the next step cost? How many steps beyond that does the SNP want to take? What will those steps cost? What is the full-year costed package of measures that you propose to the chamber?

**Irene McGugan:** If the minister will let me proceed, I will deal with those issues.

It cannot be denied that the SNP's policy will take time to implement. It will require major investment. More classrooms will have to be found and we will require to recruit and train additional teachers. I will give Mr Monteith one example. For

the postgraduate primary teaching course during 2001-02 at Jordanhill, 1,000 people applied, only 350 were interviewed and a smaller number than that will be accepted; therefore, I do not think that we will have a recruitment problem.

We can achieve our aim by phasing in the scheme incrementally as resources allow. We will begin in deprived areas, where smaller classes have been shown to have the greatest effect. We should not forget that some of the cost of implementing smaller classes can be offset in the longer term by the resulting decrease in secondary school exclusion and the diminished need for learning support services. The commitment has been made in the full knowledge that it can be achieved only if we recruit additional teachers and make the necessary improvements to school infrastructure. We will do it. We make no apology for being more ambitious for our young people than anyone else in the chamber.

Many members alleged that we are making spending commitments without considering what can be afforded. All spending is a matter of priorities. The SNP will always afford priority to our young people's education. That is where we differ from our unionist opponents, whose education spending commitments will always compete with spending on nuclear weapons, London infrastructure, millennium domes and suchlike.

At its peak, the commitment will cost £100 million a year, taking account of the additional improvements that are needed. As the implementation is incremental, the cost in the early years will be lower. The Scottish budget is to increase in real terms by about £4.75 billion in the three years, and much of that money has yet to be allocated. We would be prepared to commit at least 5 per cent of that increase to education. That will more than pay for our commitment to reduce class sizes. We should not forget that, over this year and next, we will send £8 billion more to London than we will receive back in public spending. Anyone who suggests that Scotland cannot afford first-class schools is lying and letting Scotland down.

**Nicol Stephen:** That is unparliamentary language.

**Irene McGugan:** I did not accuse anyone of lying.

**Michael Russell:** No one was named.

**The Deputy Presiding Officer:** Order.

**Irene McGugan:** I will talk about the research and its origin in the United States. We expect the findings of that research to be relevant in this country because the benefits that smaller class sizes bring, such as more opportunity for teachers to respond to pupils, tend not to be culture-

specific. As Michael Russell said, the first major UK study to examine class sizes produced results that were generally consistent with those that were reported in America. The Institute of Education's study confirms the link between class sizes and academic progress. Overall, smaller classes allowed more teacher support for learning, to the benefit of pupil attainment.

Giving children the best possible start in formal education pays enormous dividends in their levels of attainment later. It also reduces the need for additional learning support later, improves behaviour and reduces stress on teachers and schools. Accordingly, we will invest heavily in that priority. Professor Neil Kay of the University of Strathclyde said:

"It is not often we find a programme that promises to deliver outcomes both more efficient and more socially equitable than the status quo. This would be just such a programme."

## Parliamentary Bureau Motions

12:40

**The Deputy Presiding Officer (Patricia Ferguson):** I call Euan Robson to move business motion S1M-1962, on the suspension of standing orders.

*Motion moved,*

That the Parliament agrees that Rules 9.5.3B and 9.7.9 of the Standing Orders be suspended on Wednesday 6 June 2001 for the purposes of the Scottish Local Authorities (Tendering) Bill.—[*Euan Robson.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** The second Parliamentary Bureau motion for consideration is business motion S1M-1961, in the name of Mr Tom McCabe, to agree that stage 2 of the Scottish Local Authorities (Tendering) Bill be taken in whole by a committee of the whole Parliament.

*Motion moved,*

That the Parliament agrees that in accordance with Rule 9.7.1(b) of the Standing Orders, Stage 2 of the Scottish Local Authorities (Tendering) Bill be taken in whole by a Committee of the Whole Parliament and directs that any vote to be taken shall be conducted using the electronic voting system.—[*Euan Robson.*]

*Motion agreed to.*

## Business Motion

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is consideration of business motion S1M-1956, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, setting out a business programme.

12:41

**The Deputy Minister for Parliament (Euan Robson):** Before I move the motion, I would like to inform members of the change to members' business on Wednesday 6 June. Members' business motion S1M-1867, in the name of Dorothy-Grace Elder, on the "Freedom from Pain" campaign, is replaced by motion S1M-1783, in the name of Mr Brian Adam, on prescription charge exemption for severe and enduring mental illness.

With that minor change, I move,

That the Parliament agrees

(a) the following programme of business:

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 the 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 the 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

Wednesday 6 June 2001

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Business Motion

*followed by* Committee of the Whole Parliament:

Stage 2 Debate on the Scottish  
Local Authorities (Tendering) Bill

14:30

*followed by* Stage 3 Debate on the Scottish  
Local Authorities (Tendering) Bill

*On resuming—*

*followed by, no*

*later than 4.00 pm* Question Time

*followed by, no*

*later than 4.40 pm* First Minister's Question Time

5.00 pm Decision Time

*followed by* Members' Business - debate on the  
subject of S1M-1867 Dorothy-Grace  
Elder: "Freedom from Pain"  
Campaign

and (b) that the Justice 1 Committee reports to the Justice  
2 Committee by 28 May 2001 on the Sex Offenders  
(Notification Requirements) (Prescribed Police Stations)  
(Scotland) Regulations 2001 (SSI 2001/173) and that the  
Justice 2 Committee reports to the Justice 1 Committee by  
28 May 2001 on the European Communities (Service of  
Judicial and Extrajudicial Documents) (Scotland)  
Regulations 2001 (SSI 2001/172).

**The Deputy Presiding Officer:** The question is,  
that motion S1M-1956, in the name of Mr Tom  
McCabe, be agreed to.

*Motion agreed to.*

12:42

*Meeting suspended until 14:30.*

## Question Time

### SCOTTISH EXECUTIVE

#### Road Freight

**1. Mr Andy Kerr (East Kilbride) (Lab):** To ask  
the Scottish Executive what progress is being  
made in reducing the amount of freight that travels  
by road. (S1O-3483)

**The Minister for Transport and Planning  
(Sarah Boyack):** Freight facilities grant awards  
made by the Scottish Executive during the past six  
months will remove a further 5 million lorry miles  
from Scotland's roads each year.

**Mr Kerr:** I welcome the minister's positive  
answer.

What steps are being taken to restore business  
confidence in the rail system with regard to some  
large customers withdrawing from the use of rail  
as their primary means for transporting goods? Is  
the minister also committed to the reduction of  
track charges by 50 per cent in order to grow rail  
freight by 80 per cent?

The minister will be aware of the huge  
bureaucracy that surrounds access to freight  
facility grant applications and the delays in the  
system. Has she considered trying to reduce that  
time lag?

**Sarah Boyack:** We are conscious that it is an  
uphill struggle to persuade people to move off the  
roads and on to rail. Everyone in the chamber will  
be aware that in the months since Hatfield there  
has been immense strain on the railway network,  
which has been a particular problem for freight  
hauliers who use it.

We are keen to restore confidence in the rail  
network. Over the next three years, we are  
doubling the amount of money that is available  
under freight facilities grants.

It is important, however, that we process every  
grant properly. The Executive is taking steps to  
ensure that it can process grant applications as  
efficiently as possible and that we have accurate,  
hard information when we hand out Executive  
money for new rail projects.

#### Multiple Sclerosis (Beta Interferon)

**2. Lord James Douglas-Hamilton (Lothians)  
(Con):** To ask the Scottish Executive whether it  
has made an assessment of how many patients



with multiple sclerosis would take beta interferon if that drug were readily available on prescription. (S1O-3462)

**The Minister for Health and Community Care (Susan Deacon):** No such assessment has been made. Whether an individual would take a specific drug in any given circumstance is a matter of conjecture. Treatment decisions are influenced by the clinical needs of the patient, the clinical judgment of the specialist concerned and the views of the patient.

**Lord James Douglas-Hamilton:** Is the minister aware that multiple sclerosis sufferers are not receiving the same access to beta interferon throughout Scotland? Does she agree that a postcode lottery is neither socially inclusive nor acceptable? Will she give top priority to making certain that the drug is made more readily available throughout Scotland?

**Susan Deacon:** The Executive has made clear its determination to remove the postcode lottery of care that has, over many years, been allowed to develop across the NHS in Scotland.

Several measures have been taken on drug treatment and on postcode prescribing specifically. The measures include the creation of the Health Technology Board for Scotland and the National Institute of Clinical Excellence in England. The two bodies work closely together. As Lord James Douglas-Hamilton will be aware, both bodies are currently considering beta interferon and are expected to report later this year.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** In recent written answers, the minister has stated that the Executive has no plans to find out how many people are being deprived of beta interferon, even though they have been clinically assessed as needing it. When will the Executive end the misery of the postcode lottery and the cost limits that determine whether an MS sufferer can get the drug?

**Susan Deacon:** As Tricia Marwick is aware, this is not a question of cost limits. It is misleading to suggest that. I want to ensure that we take practical and positive steps to improve the care, treatment and services available to people with MS—and many other conditions.

The measures that I have outlined are the proper way of evaluating the clinical effectiveness and cost effectiveness of different therapies to ensure that the best possible clinical advice is available to the NHS, based on the widest possible evidence. That is exactly what we are doing.

## Looked-after Children

**3. Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive what action it plans to take to improve the education of looked-after children. (S1O-3495)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** Support for educational attainment should be at the heart of care planning for every looked-after child. The recent joint inspectorate report, "Learning with Care", showed that that was not happening. We have asked each local authority for information, by 30 September, on their looked-after children and the action that they are taking to address the report's recommendations.

**Mr McMahon:** I know that the minister shares my concern about the poor educational prospects faced by young people in care. What further steps could be taken to provide the educational support that such children need?

**Mr McConnell:** A number of basic steps could be taken, such as ensuring that there is care planning for every looked-after child in Scotland. In too many cases that is not happening. Children in care need more, not less, education and the best, not the worst possible services. That requires a set of clear expectations, particularly with regard to special schools that service children in care, clear guidelines to local authorities and schools on looked-after children in mainstream schools who need that level of support and very close interagency working to ensure that the different services that those children need are being properly co-ordinated. That is, and will continue to be, a priority for us.

## External Affairs

**4. Mr Lloyd Quinan (West of Scotland) (SNP):** To ask the Scottish Executive when it intends to publish its policy on external affairs. (S1O-3468)

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** The Executive is committed to developing its strategy to build mutually beneficial links with other nations and regions in Europe by the end of 2001.

**Mr Quinan:** I thank the deputy minister for his reply. The question of an external affairs policy also throws up the question of scrutiny. Although I welcome the development of an external affairs policy, will the minister tell the chamber whether that will be the Executive's policy and which section of the Scotland Act 1998 stipulates that? Furthermore, should we not have a debate on an external affairs policy for the Parliament, which would include a discussion of scrutiny, instead of accepting the current suggestion that the European Committee should scrutinise external affairs?

**Nicol Stephen:** I can speak only for the Executive, but I am aware that Hugh Henry and other members of the European Committee have discussed these matters. I will say, however, that the Executive and the Parliament can play an important role in these issues.

### National Health Service

**5. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Executive how it will ensure that all health professionals play a full role in NHSScotland. (S10-3481)

**The Minister for Health and Community Care (Susan Deacon):** NHSScotland has a strong track record of involving staff, not just health professionals, through partnership working. The new unified NHS boards, which will be established by 30 September, will provide a further opportunity to strengthen the role of health professionals in planning, managing and delivering services in NHSScotland.

**Rhoda Grant:** Does the minister agree that nurses and doctors who work on the frontline of health care are more than equipped to help with any decisions on the future priorities of NHSScotland? Furthermore, will she ensure that those health care professionals are involved in decision making, so that patients' needs are adequately addressed?

**Susan Deacon:** I absolutely agree that the staff of the NHS are the backbone of the service. As part of our programme of investment and reform, we are ensuring that staff on the frontline are being given the opportunity to do what they do best: caring for and looking after patients.

However, I will not agree with one of Rhoda Grant's comments. It is important to remember that the 136,000 people who work for NHSScotland are not just doctors and nurses. Physiotherapists, occupational therapists, pharmacists, cooks, cleaners, radiographers and many others provide a service day and daily. We want all of them to have a voice in the service of the future.

**Mrs Margaret Ewing (Moray) (SNP):** Will the minister tell us what mechanisms are in place to take account of public health concerns raised by professional health representatives? In that context, will she tell us exactly when the screening and vaccination of schoolchildren for tuberculosis will resume? When does she expect that programme to return to pre-1999 standards?

**Susan Deacon:** I am pleased to announce that, as Margaret Ewing is aware, arrangements are in place to recommence the BCG programme in our schools. I am happy to write to her with full details of the dates of and plans for resumption across the country.

**Mary Scanlon (Highlands and Islands) (Con):** Given that last year eight trusts had financial deficits and that this year 13 trusts have projected year-end deficits, will the minister encourage trusts to delegate more power to health professionals such as optometrists, whose skills and training could be more fully utilised in monitoring eye care for people with diabetes? That would free up consultants to do more surgery and provide more care in hospitals.

**Susan Deacon:** It is worth remembering that the year-end financial position of the NHS in Scotland last year was within 1 per cent of its budget, which would be an excellent outturn for any organisation, not least one with a budget of more than £5 billion.

However, I take this opportunity to agree strongly with Mary Scanlon—it will not happen often. One of the main priorities for the NHS, and it must continue to be so, is that the best and most appropriate use must be made of all the skills that are available. Far too many practices in the NHS owe more to the 1940s than to the 21<sup>st</sup> century. In providing a modern, patient-centred service for the future, we must ensure that we employ the full range of skills available in the work force and that people are not moving from pillar to post in the system because that is how it worked in the past. There are better ways for the system to operate in future.

### Women's Refuges

**6. Johann Lamont (Glasgow Pollok) (Lab):** To ask the Scottish Executive what new action it is taking to increase the number of available women's refuge spaces. (S10-3479)

**The Minister for Social Justice (Jackie Baillie):** The Scottish Executive will put £10 million into the Scottish Homes budget over the next three years, both to increase and to improve refuge provision for women and their children. On Monday 14 May, I announced 10 projects that will begin this year. Forty-two new spaces and 21 improved spaces will be provided. Further projects will be considered following a review of the Convention of Scottish Local Authorities' recommendation that there be one refuge place per 7,500 of the population.

**Johann Lamont:** Is the minister aware of the concerns that have been expressed by some women's aid groups—including Glasgow Women's Aid, which raised the matter with me—about the level of revenue support that is required to meet need while more refuge places are being created? Will the minister assure us that the Executive is committed, not only to providing an increased number of safe places for women who are fleeing violence, but to tackling the underlying causes of male violence against women, which make refuges necessary?

**Jackie Baillie:** I will address Johann Lamont's two questions separately. First, local authorities are responsible for providing funding for women's aid refuges on the ground, either directly through their core grant, or through housing benefit. We specifically ask local authorities and their partners to demonstrate that revenue funding is in place before capital funding is released for refuge provision. That requirement has COSLA's full support. We recognise that there are difficulties, and the issue of revenue funding is being examined by the national group to address domestic abuse.

Secondly, Johann Lamont is right to say that the real aim is the prevention of violence against women. The Executive will work to address its underlying causes, so that women and children in Scotland will be able to live safe from the fear of domestic abuse.

## Europe

**7. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the Scottish Executive what progress it has made in developing relationships with other devolved administrations in Europe. (S10-3477)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** The Scottish Executive is involved in a continuing programme of contacts with a range of European partners. The purpose of those links is to enhance Scotland's profile and political influence, to facilitate trade and exchange ideas and to capture best practice. We are also involved in the second conference of the presidents of regions with legislative powers, which has been organised by the Congress of Local and Regional Authorities of Europe, and in the Flanders colloquium of the constitutional regions.

**Patricia Ferguson:** I hope that the minister will agree to work with the Parliament in its attempts to establish relationships with other devolved assemblies and Parliaments throughout Europe, so that we can exchange good practice, learn from one another and work together to the benefit of our individual countries and nations. Does he agree that this week's contribution to the general election campaign by a certain retired politician has highlighted the clear difference between the Labour party and the Conservative party on European issues?

**Mr McConnell:** Patricia Ferguson tempts me.

The connections that the Parliament can establish with colleagues in other Parliaments throughout Europe are important and were enhanced by the visit of the European Union's Committee of the Regions to the Parliament this week. I am sure that the contacts that were

established this week will be strengthened in the years to come.

I agree with Patricia Ferguson that there is a clear division between those in this country who want to establish links across Europe—in the interests of Scotland and the rest of Britain—and those who want to separate us from the continent and bring back the atmosphere that existed in Europe in bygone decades, instead of looking forward into the 21<sup>st</sup> century. They—including Margaret Thatcher—are to be condemned for that and those who want to look forward are to be praised.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Will the minister say whether he will include the Isle of Man—which, on a day like today, I can see from my constituency—in those discussions? If he does, will he ask its representatives why fiscal autonomy is appropriate in Douglas on the Isle of Man, but is not appropriate 30 miles north in Scotland?

**Mr McConnell:** The Isle of Man is not currently involved in our discussions. As a passionately patriotic Scot, I have never quite seen the similarities between our historic nation and that island in the Irish sea. There is an important difference between Scotland and the Isle of Man.

I will take this opportunity to make absolutely clear the fact that, in a referendum, the people of Scotland voted for the current fiscal arrangements between this Parliament and Westminster. The SNP cannot rewrite the rulebook.

**Irene Oldfather (Cunninghame South) (Lab):** Does the minister agree that one of the practical benefits of links between devolved administrations is the opportunity for shared work experience? Would he join me in welcoming to the gallery educationists from Majorca and Menorca who are participating in an exchange programme to share good practice among education professionals? Does he believe that such links are of great benefit to Scotland's people and Scotland's children?

**Mr McConnell:** I could not agree more about the importance of those links and about the benefits that they can bring to us and to those with whom we associate. I also want to thank our colleagues for bringing the good weather with them.

## Special Educational Needs

**8. Michael Russell (South of Scotland) (SNP):** To ask the Scottish Executive what steps it is taking to ensure that children with visual impairment receive the best possible support in mainstream education throughout Scotland. (S10-3463)

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** The Executive's £13 million inclusion programme, which has more than doubled from last year, provides specific resources, in addition to local authority grant-aided expenditure, to enable local authorities to support children with special educational needs, including those with visual impairment, in mainstream schools.

In addition, in 1999-2000, the Executive supported training by the Scottish Sensory Centre for 159 teachers of pupils with sensory impairment. Investment in a range of specialist provision helps to give children with visual impairment the support that they require to take up and maintain a place in a mainstream school.

**Michael Russell:** The minister might be aware of the view of the Royal National Institute for the Blind that the level of support throughout Scotland remains variable and that it is a matter of postcode provision. Will the minister undertake to perform a survey of the local education authorities in Scotland to discover whether additional help and resources are needed so that we can meet the objective of maximum mainstreaming in Scotland, which was stated in the Education, Culture and Sport Committee's special educational needs report, which the minister welcomed?

**Nicol Stephen:** I am always anxious to get the most up-to-date information. Unfortunately, the latest information on the number of pupils with visual impairment goes back to 1999. At that time, 253 pupils had visual impairment recorded as a note on their record of needs in mainstream schools while around 293 were either in specialist local authority provision or at the Royal Blind School. There is an opportunity to shift those figures in favour of further mainstreaming, but that will require not only proper support but adequate training for teachers. I will consider ways to ensure that that happens.

**The Deputy Presiding Officer (Mr George Reid):** Question 9 has been withdrawn.

### Renewable Energy

**10. Bruce Crawford (Mid Scotland and Fife) (SNP):** To ask the Scottish Executive what expenditure it has committed from the Scottish assigned budget towards the objective of increasing renewable energy capacity. (S10-3492)

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** We have been allocated climate change levy funding of £9.6 million over the next three years from the UK energy efficiency fund, which we intend to use to support energy efficiency and to further the development of renewable energy in Scotland.

We are currently considering the split of that funding between those two areas and precisely how best to support new renewable energy technologies. I will make an announcement in due course.

**Bruce Crawford:** That is all very well, but would it not have been easier for the minister to respond to my direct question by saying that no resources were identified in the Scottish assigned budget this time round for renewable resources in Scotland?

It is at best incongruous and at worst absurd that the Executive has set objectives for renewable resources capacity in Scotland of 18 per cent by 2010, but that no money is available in the Scottish assigned budget to enable the Executive to deliver that target.

Is the minister also aware that—

**The Deputy Presiding Officer:** No, I think that that is enough. I call Rhona Brankin to answer.

**Rhona Brankin:** I have made it clear that separate funding is available in Scotland, on top of massively increased funding at a UK level. We will consider all options carefully before deciding on the allocation of funds. There is no shortage of funding. We need good projects to come forward. Yet again, we have an example of the SNP trying to pour cold water on what is a very strong commitment to the renewable energy sector.

**Scott Barrie (Dunfermline West) (Lab):** I note the answers that the minister has already given, but can she inform us of the Executive's intention regarding the renewables obligation (Scotland)?

**Rhona Brankin:** We have received more than 150 responses to our consultation on the renewables obligation (Scotland)—the ROS—and we are grateful to all those who took the time to write in. A report of the responses is in the Scottish Parliament information centre, and I will be making detailed decisions on the details regarding the ROS over the next month or so. I hope to be able to make an announcement after that.

**Robin Harper (Lothians) (Green):** Is the Executive still considering supporting waste-to-energy projects?

**Rhona Brankin:** A final decision on the details of the ROS and the technology to be included in that has not yet been taken. I know that there are various concerns, including those of Robin Harper about incineration, but I assure him again that final decisions have not yet been taken.

### Higher Education (Funding)

**11. Brian Adam (North-East Scotland) (SNP):** To ask the Scottish Executive whether it has contacted the Scottish Higher Education Funding

Council about the funding deficits at the universities of Aberdeen and Edinburgh. (S10-3476)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** The chief executive of SHEFC wrote to me on 21 May, confirming that no institution in Scotland has been required to provide a financial recovery plan. He also drew my attention to the fact that last July's financial projections took no account of the latest spending review, which gave an 8 per cent increase to the council for 2001-02.

**Brian Adam:** Does the minister share my concern at the figures published by the Association of University Teachers, which show that many institutions in Scotland and throughout the United Kingdom have current account deficits? Does she share my concerns that balances may be achieved by the use of capital funding, rather than revenue funding, which will lead to the same problems that there have been in the health service?

**Ms Alexander:** I do not share the member's concerns, not least because the survey to which he refers suggested an increase of £38 million in borrowing last July. I pointed out in my initial answer that the Government—last July and in the autumn—committed an additional £108 million to Scottish universities for the next three years, which is about two-and-a-half times the sum of money that is under consideration.

It is fair to say that, as Scottish academics and all those with an interest ponder the future of Scottish universities, they will be attracted neither to the Conservatives' proposals to reduce funding in the form of direct aid and to privatise universities, nor the position of the SNP, which would cut off Scottish universities from research council funding, from which they benefit disproportionately because of the excellence of their research.

**Miss Annabel Goldie (West of Scotland) (Con):** I declare an interest as a member of the court of the University of Strathclyde.

In response to the minister's last point, the Conservatives do not intend to privatise the university sector, as institutions that are already autonomous cannot be privatised. We merely address our minds to funding and it would be refreshing were the Executive and the Government prepared to do so themselves.

Is the minister aware of the work being carried out by the Enterprise and Lifelong Learning Committee on the current allocations of funding by SHEFC? Can she assure us that no precipitate announcements or initiatives will be made pending the outcome of the committee's inquiry?

**Ms Alexander:** I am aware of the important continuing discussions on both funding and teaching. What I think will interest the Enterprise and Lifelong Learning Committee in the weeks ahead is whether Annabel Goldie is prepared to argue for the position of her party, which is to end all grant in aid to universities in Scotland, in favour of using an endowment system to fund them.

### Restriction of Liberty Orders

**12. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what steps it is taking to review the effectiveness of restriction of liberty orders. (S10-3475)

**The Deputy Minister for Justice (Iain Gray):** An evaluation of the pilot restriction of liberty orders schemes was carried out by Professor David Smith and David Lobley of Lancaster University. The evaluation report was published in July 2000.

**Karen Whitefield:** Did the evaluation highlight any deficiencies in the system? If so, will the minister guarantee that, after considering the evaluation report, the operation of tagging orders will be improved if necessary? Is he aware of my concern, which is shared by local police officers, about poor communication between the companies that operate tagging orders and police forces? Will he act on those concerns?

**Iain Gray:** I am happy to acknowledge Karen Whitefield's interest in the pilot study of restriction of liberty orders. She will probably agree that the evaluation shows that the experience has been fairly positive, as 72 per cent of the orders were successfully completed.

The monitoring company that provides the service to Hamilton sheriff court faxes copies of orders to the police liaison officer who is based in Hamilton. If Karen Whitefield has evidence of a local problem with the dissemination of that information within the police force, she should write to me with the details and I will be happy to look into the matter. We are always trying to improve the operation of this kind of disposal.

**Phil Gallie (South of Scotland) (Con):** Is the minister aware that, of 101 responses to the consultation on electronic tagging by the previous Tory Government, only one was in favour—mine? Does the minister consider that the Executive has benefited from that Government's decision to go ahead with electronic tagging, irrespective of the advice of some of his colleagues?

**Iain Gray:** Mr Gallie will not be surprised to hear that I am significantly more interested in our own consultation process. We are examining the responses to that. Decisions and announcements have still to be made, but he will not be surprised to hear that the results of our consultation seem

rather better than those of the Tory consultation.

### **Children (Out-of-school Activities)**

**13. Elaine Thomson (Aberdeen North) (Lab):** To ask the Scottish Executive how it will ensure that out-of-school activities benefit all children. (S10-3482)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** The Executive's excellence fund and the new opportunities fund are making extensive resources available throughout Scotland to create out-of-school activities, ranging from structured out-of-school learning to quality out-of-school care, which can benefit all children who take part.

In combination, those resources, which are available to all local authorities, enable all secondary schools, a quarter of primary schools and half of all special schools in Scotland to engage in out-of-school-hours learning or study-support activities. The NOF has supported 63 projects in 1,282 schools. Under the child care initiative, the NOF has supported 144 projects, which have created 10,490 places and benefited 16,000 children. More than 275,000 pupils participate in study-support activity.

**Elaine Thomson:** Does the minister agree that encouraging all school pupils to participate fully in education and to continue into further and higher education is vital both for their future and for Scotland's? Does he agree that in schools such as Northfield Academy in Aberdeen North, where the number of kids going on to further and higher education is extremely low, developing out-of-school schemes, such as buddies schemes or study-skills groups, is vital and a key method of promoting social inclusion? How will those schemes be further developed?

**Mr McConnell:** The schemes to which Elaine Thomson refers are vital and are a great success. I recently had the privilege of visiting children who benefited from last year's summer school at Firrhill High School in Edinburgh, where children are assisted over the bridge between primary 7 and the first year of secondary school by participating in activities with their new teachers. That summer school is a great success and it expands every year.

I am acutely aware of the problem in Aberdeen, where a lower number of young people stay on at school than elsewhere. That is partly because of the local job market. Support for out-of-school schemes and the development of community schools in the Aberdeen area should be the subject of Executive announcements on the roll-out of community schools and the further development of out-of-school activities over the next few months.

**Ms Margo MacDonald (Lothians) (SNP):** Does the minister agree that the success of out-of-school schemes is more likely to be ensured if there is an adequate supply of specialist physical education teachers in primary schools? Those teachers could have the dual role of ensuring both that children grow up used to exercising on a regular, daily basis and that their parents become involved and take over some of the coaching of out-of-school activities.

**Mr McConnell:** The use of specialist teachers in the primary sector is a matter that we are considering as part of the development of the new staffing provisions in this year's teachers' pay and conditions agreement. However, that is only part of the jigsaw. Teachers and parents can already take part in out-of-school hours activities, and perhaps schools could employ other people to become involved in those activities. The funding that is available for out-of-school activities allows people to choose from a range of local options. There is no national prescription; rather, there are local options and local solutions.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I welcome the minister's earlier reference to community schools and the roll-out of that scheme. Will the minister assure me that the needs of remote communities, such as Wick and Thurso, will be remembered as and when the Executive approves the next tranche of community schools? Will the minister's department work as closely as possible with other Government departments in order to ensure that a holistic approach—if I may use that word—is adopted?

**Mr McConnell:** In the first round, community schools were chosen by local authorities. They prioritised those projects in their own areas and received funding for them. It is vital that, at the Executive level and at the local level, different agencies work together closely on community school projects.

At some point over the next few months, I hope to be able to announce the way in which the community schools initiative will be developed. Those schools are a great success where they have been established and I hope that more communities will benefit from them in years to come.

### **Water Services Bill**

**14. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what plans it has to publicise its proposals for a water services bill. (S10-3467)

**The Minister for Environment and Rural Development (Ross Finnie):** On 23 March, a consultation paper—Scottish Parliament information centre paper 12181—was published

setting out the provisions that the Executive proposes for inclusion in a water services bill. The deadline for responses to the paper is 13 June. As John McAllion may be aware, the Transport and the Environment Committee is conducting an inquiry into the Scottish water industry. That has provided an additional opportunity for public debate on the issues.

**Mr McAllion:** Is the minister aware that many people disagree with the proposals in the water services bill, either because they think that the bill will increase the risk of privatisation or because they think that its provisions lack democratic accountability and could threaten jobs and damage employment conditions in the industry? Rather than simply placing a summary of those objections in a box file in SPICe, will the Executive consider holding a series of public meetings throughout Scotland at which the issues could be debated openly and the public could be better informed about them? Such meetings would also allow MSPs to be better able to judge the mood of the country on the bill.

**Ross Finnie:** Mr McAllion may be anticipating what will happen in the normal procedure of the Parliament, in which consultation papers are issued. The purpose of the Executive's consultation paper is to allow the public to express their views on the proposed bill—that is part of a continuing process.

I assure Mr McAllion that we intend to achieve two things with the proposals that are set out in the Executive's paper. First, we want to ensure that the water industry remains in public control. Secondly, we want to resolve the tension between achieving that aim and ensuring that the consumers receive water and sewage disposal services at the most competitive price. That will benefit the public.

**Richard Lochhead (North-East Scotland) (SNP):** Given that, under the Executive's proposals, up to five authorities will be involved in the supply of sewerage and water services to domestic households, is not the Liberal-Labour coalition sending the industry headlong into privatisation and into a state of affairs that will be every bit as bad as that of Scotland's railways?

**Ross Finnie:** That is absolute nonsense. There is not a shred of evidence to support Richard Lochhead's highly irresponsible assertion.

The issue that the Scottish water industry faces is that the regulator has already required the existing authorities to make substantial savings. The consultation between the Executive and the authorities has demonstrated that, if the authorities are to meet the regulator's requirements, they must operate differently. As I said to John McAllion, the Executive's prime concern is to

ensure, first, that the industry remains in public ownership and, secondly, that, in the interests of the consumer, we deliver the highest-quality water and sewerage service at the most competitive price.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister accept that there are genuine fears about the privatisation of Scotland's water, given that the minister's senior partners in government have been in power for four years at Westminster and still refuse to return water and sewerage services in England and Wales to public ownership and control? Does he accept that the moves afoot by the Executive will pave the way for the effective privatisation of Scotland's water and sewerage services?

**Ross Finnie:** Absolutely not. The point has been completely misunderstood. Tommy Sheridan knows our record on the matter because a prominent Liberal Democrat—

**Tommy Sheridan:** I was talking about the Labour party.

**Ross Finnie:** I am not speaking for the Labour party—I am speaking for the coalition.

**Tommy Sheridan:** That is instructive.

**Ross Finnie:** That is my position. The question is quite simple. If the water regulator wants the industry to make serious savings and the industry fails to deliver them, while consumers—whom we have been elected to protect—find that they are having water and sewerage services delivered at a price that they cannot afford, and if the regulator finds that major public concerns remove themselves from the network and its financing, that would very much threaten the public ownership of the industry. The Executive's proposals are the way to protect public ownership of the industry.

## Renewable Energy

**15. Robin Harper (Lothians) (Green):** To ask the Scottish Executive, in light of the recommendation in a report by the House of Commons Science and Technology Committee on 8 May 2001 to create a national offshore wave and tidal energy test centre, what steps it will take to encourage the establishment of such a centre in Scotland. (S1O-3478)

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** Officials are working with Highlands and Islands Enterprise to identify a potential location for a marine energy test centre. Their report should be available shortly.

**Robin Harper:** Will the minister consider giving funds to the Western Isles and Orkney? Does she have any other plans to encourage the

development of a renewable manufacturing industry in Scotland and to encourage the export of renewable electricity to England?

**Rhona Brankin:** The HIE study is considering locations on Islay, the Western Isles, the north coast of Caithness and Orkney. The study will consider the relative merits of each of those and pool data on the wave and current patterns, for example, and the availability of the electricity grid. The marine energy developers' views on the sites will be sought. As I said, a report is expected next month and will recommend the preferred location. Thereafter, a detailed site survey will be required to confirm suitability. We have to move forward on the matter and we will do so as quickly as possible.

### **Rural Schools (Closure)**

**16. Fiona Hyslop (Lothians) (SNP):** To ask the Scottish Executive whether it has any plans to review its policy on the closure of small rural schools. (S1O-3486)

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** The Scottish Executive continues to take the view that the principal responsibility for school provision in rural and urban areas lies with the education authorities and that the current policy on which cases are referred to the Executive is appropriate. There are statutory consultation requirements that authorities must undertake when they propose to close a school. The Scottish Executive does not dictate the detailed policies that education authorities must follow in these matters.

**Fiona Hyslop:** Is the minister aware of the anger and dismay that is felt about the recent announcement of the closure of Abercorn Primary School in West Lothian? Does he remember stating in the Parliament six months ago that the process for a decision by the Executive usually takes three months and that an announcement was due in mid-February? Why did the announcement take so long and cover the period in which primary 1 applications had to be made? Will he review the obviously poor and flawed consultation process? Will he adopt SNP policy, which presumes against rural school closures?

**Nicol Stephen:** Two proposals for the closure of small primary schools have recently been referred to Scottish Executive ministers—one for Abercorn Primary School in West Lothian and the other for St Vigeans Primary School in Angus. I am unable to talk about the Abercorn closure because a petition for judicial review in the Court of Session has been lodged today—therefore, it would be inappropriate for me to comment further.

It would perhaps be unfair to say to Fiona Hyslop that that leaves me in the unfortunate

position where the only closure that I can comment on is the one proposed by the SNP-controlled Angus Council.



## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Prime Minister (Meetings)

##### 1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister when he will next meet the Prime Minister. (S1F-1094)

On that occasion, will the First Minister ask the Prime Minister why he has failed to deliver lower class sizes in Scotland as he promised at the last election?

**The First Minister (Henry McLeish):** I fear that the leader of the Opposition is getting angry early.

Presiding Officer, I did not have the chance to discuss this with you earlier, but today we have a delegation from Russia—from Ekaterinburg in west Siberia. Their visit is part of a Council of Europe project, and I think that we should greet them in the spirit of friendship in the normal way. *[Applause.]*

I last met the Prime Minister on 14 May and we have no immediate plans to meet, although, as I have said in previous weeks, that could change quite soon.

**Mr Swinney:** The First Minister will be aware that proportionately more people die from cancer in Scotland than in any other European country. In those circumstances, does the First Minister believe that it is fair for Scotland's share of health spending to fall?

**The First Minister:** Again, we have a situation in which the SNP wants to distort the facts on the quality of health care in Scotland and the volume of investment. Let me repeat that, in 1999-2000, the figure was £4.9 billion. That will rise to £6.7 billion by 2003-04. That gives the lie to the SNP's constant attacks, which are totally groundless and which, of course, are to do with scaremongering. We appreciate, as does the Minister for Health and Community Care, that we want to do a great deal more, especially in relation to cancer. That is what we will be doing. That is why we look forward, in the next two years before 2003, to implementing further investment.

**Mr Swinney:** I am glad that the First Minister got back to the issue of cancer. I will read him a quote from the head of the Beatson oncology centre in Glasgow, who says:

"In the past couple of years we have seen a substantial increase in demand with no extra resources. We can't treat patients the way we want to."

In addition, waiting times for chemotherapy in parts of Scotland have trebled under the Labour

Government. I know that the First Minister does not listen to doctors and I know that he does not listen to nurses, but perhaps he will listen to his Minister for Health and Community Care, who has demonstrated that, last year, this year, next year, the year after and the year after that, Scotland's share of United Kingdom health spending will fall. Does the First Minister believe that that is fair?

**The First Minister:** I am not normally in a position to give advice, but I will say that, if John Swinney was less angry and more constructive, we might have a serious debate on a serious issue. Let us acknowledge, as I have done, that a great deal more needs to be done. That is why we will see significant investment in the whole cancer programme very soon indeed. Let us also acknowledge that breast screening has been extended to women up to the age of 70, that cervical screening technology has seen improvements, that £13 million has gone into radiotherapy equipment replacement, that £16 million has gone into imaging services to ensure faster and better diagnosis, that there are six extra cancer consultants and, of course, that £38 million is in the pipeline to rebuild Glasgow's cancer centre.

The coalition cannot be accused of inaction on this serious issue. Especially against the background of what will happen in the next two weeks, it will be more important—instead of talking about cuts and about separation, as the right-wing alliance of the Conservatives and the SNP is doing—to talk about sound investment in schools and in the health service. That is what we will continue to do.

**Mr Swinney:** Is not the reality that this Labour Government was the first Government in the post-war period to cut health spending in Scotland? Is not the reality that Scotland's share of UK health spending has gone down this year and will go down next year, the year after and the year after that, as the Minister for Health and Community Care—who has just made a spectacular entrance back into the chamber—confirmed? Is that fair, or is the Labour Government presiding over the relative decline of Scotland's health services?

**The First Minister:** It is not fair because it is not true. Once again, Mr Angry has decided that he will go with a flawed analysis of where we are. I repeat—I am sorry to do so, because you will probably have heard this before, Presiding Officer—that we are going from £4.9 billion to £6.7 billion by 2003-04. Is that the mark of a coalition that is turning its back on the health service? *[MEMBERS: "Yes."] Of course it is not. It is the mark of a coalition that takes seriously the public services in Scotland. Against the background of some of what has been coming from the SNP, we take public services seriously. The SNP does not;*

it is simply playing politics with the public services of the people of Scotland.

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

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-1096)

**The First Minister (Henry McLeish):** I last met the Secretary of State for Scotland on 21 May. We have no immediate plans to meet, but that may change in the next few days.

**David McLetchie:** At their next meeting, I hope that the Secretary of State for Scotland will raise with the First Minister the scandal of the amount of taxpayers' money that has been wasted to date on the Holyrood project, because it is long overdue that the First Minister and the Executive should accept financial responsibility for the project. No Scottish Executive minister contributed to our debate on the subject two weeks ago, and Labour and the Liberal Democrats, including the First Minister, voted down our motion for no more to be spent on Holyrood than the £195 million that the Parliament has authorised. Today, I ask the First Minister how much more taxpayers' money he is prepared to allocate to the Holyrood building project or whether he is just going to write a blank cheque and stump up whatever is demanded.

**The First Minister:** I get increasingly saddened by the fact that, despite two years since it was delivered 16 MSPs by a new electoral system, the Conservative party still does not have its heart in devolution. Against that background, the Conservative party wants to insult Scotland and this Parliament about the Parliament that we are building at Holyrood. We will take no lectures from a party whose leader can get minus 46 per cent in a national opinion poll. The Tories are out of touch in virtually everything that they do. We would be happier this afternoon discussing David McLetchie's view on "never, never in Europe". Alas, he may not want to do that.

**David McLetchie:** I am always happy to debate issues with the First Minister. However, he ought to realise that this is First Minister's question time, so I ask the questions and he gives the answers. He has two more years to practise for being in opposition, after which he can sit where I am sitting and ask questions, which I will answer.

As usual, we see the First Minister entirely fail to answer the question, but he cannot escape the fact that it is well known that the budget for the building is bust and that another £50 million is likely to be needed on top of the money that has been authorised. The First Minister and the Executive have a duty to tell us where the money is to come from. Are we going to have a repeat of

last year's raid on the health budget? Will the money be found at the expense of Scotland's schools? What is the First Minister's priority? Is it a plush Parliament building or is it Scotland's schools and hospitals? I ask him please to answer that.

**The First Minister:** I fear that David McLetchie is treading on thin ice when he talks about cuts and plush parliaments versus public services. Let us remind ourselves of the £20 billion of cuts that the Conservatives are proposing with regard to the future of public services. How many teachers, how many nurses and how many doctors in each constituency in this country will be affected by the Tory proposals?

**Phil Gallie (South of Scotland) (Con):** Answer the question. How much will it cost?

**The First Minister:** I appreciate that Phil Gallie is getting excited. I visited Ayr yesterday. He should get more excited, because I fear that he will be in this Parliament for a very long time.

The serious issue is that we are talking about a unique historic achievement—a Parliament in Scotland. The group that is looking after the Holyrood project is doing an excellent job. I say to David McLetchie that he comments from the sidelines. His party was invited to join the Holyrood progress group.

**David McLetchie:** The First Minister refuses to put a minister on the group.

**The First Minister:** David McLetchie may shout from a sedentary position, but the Conservatives refuse to join the group. I will tell members why. The Conservatives do not want the responsibility of the Scottish Parliament. They want to sit on the sidelines and carp.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As a member of the Holyrood progress group, I welcome the First Minister's comments. Does he agree that it is no wonder that the Scots will not vote for the Tories? If the Tories had their way, we would end up with a half-baked Parliament constructed through the cheapest possible method.

**The First Minister:** I find it easy to agree with that comment. The Scottish Parliament and everything that we do in this building for the next two years is a serious issue for the Scottish people. When will the Conservatives start to take devolution seriously? Their carping-on about costs makes little impact when they have yet to show faith in the Holyrood project. I challenge the Conservatives to say when they will take devolution seriously.

### European Nations Football Championship

**3. Richard Lochhead (North-East Scotland) (SNP):** To ask the First Minister what progress is being made with the feasibility study into the possible staging of the 2008 European nations football championship in Scotland. (S1F-1093)

**The First Minister (Henry McLeish):** The Scottish Football Association commissioned a feasibility study from independent consultants. The study was completed and submitted to the SFA. Allan Wilson and I discussed the report with representatives of the SFA. I understand that no firm decisions have yet been taken on whether Scotland will bid for the 2008 football championships. Any decision to bid is for the SFA to take.

**Richard Lochhead:** Securing the championships would be an enormous economic boost for Scotland and a great boost to the Scottish game. Moreover, it would save us all the hassle of nail-biting qualifiers, as we would automatically qualify. Given that many political parties have petitioned the Scottish Executive to support any bid that might be made, what plans does the First Minister have to involve representatives from around the chamber in the launch of a formal bid, to avoid any electioneering in the coming weeks?

**The First Minister:** I agree about the nail-biting qualifiers. Avoiding them would be a huge benefit of holding the 2008 championships.

**Mr John Swinney (North Tayside) (SNP):** The First Minister might return to the game. He would be better at that.

**The First Minister:** That must be the kindest suggestion that the leader of the Opposition has made. I fear that the mind is willing but the heart is not.

Scotland wants to be taken seriously in world sport. We are bidding for the Ryder cup in 2009. Achieving that would be a significant step forward. With the SFA, we are scrutinising the details of making a bid. A bid would be good for Scotland and the sport and would allow Scotland to take football further forward.

As for Richard Lochhead's final point, if the Administration takes a decision that will have implications beyond one or two parliamentary sessions, it is right that Scotland should know that such a bid is supported by the whole chamber and every political party in Scotland. That would be the most serious way of making progress. I give the assurance that, once the bid is developed, we will find out what the outcome is. If the possibility of a bid exists, it will be right for Allan Wilson and me to speak to MSPs from all parties to ensure that we have a united Scotland with a united bid to host

the 2008 championships.

**The Deputy Presiding Officer (Mr George Reid):** There are two supplementaries. I ask members to keep their questions tight.

**Karen Gillon (Clydesdale) (Lab):** Does the First Minister agree that, if the bid is to go ahead, it would require the building of new stadiums, which should be built not only for football, but for the community? They should be multipurpose stadiums that could engender sports interest across the spectrum, not just in football.

**The First Minister:** I can feel a wave of enthusiasm beginning to develop around the possibility of the bid. However, it is important to draw back slightly and say that at this stage we have not agreed on a bid. Clearly, expenditure items would be involved and those would have to be looked at very seriously. If a bid goes forward, it has to reflect the whole of Scotland and football in the whole of the country. First, we would need to look at geography. Secondly, we would need to ensure that any public investment results in long-term community benefit. If we look at sport in the widest sense, the benefit could go beyond football. That would be a positive ideal.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I am interested to hear the First Minister's answers to questions about bringing Euro 2008 to Scotland. It would be a terrific project if we could all succeed together. On working together, will the First Minister consider the possibility of a joint bid, possibly with football associations from Wales or Ireland? Will he say that he will not rule that out, given that competitor bids may come from Scandinavian countries and from Austria and Switzerland bidding together? Those joint bids will offer fierce competition against a bid that was made by Scotland alone.

**The First Minister:** The points that Brian Monteith has made are absolutely right and valid. We know that we face competition from four major bidders, which involve fairly elaborate relationships between countries, particularly in the case of the Scandinavian bid. I confirm, for the record, that the feasibility study looked at the possibility of Scotland's making bids with other countries in the United Kingdom and with Ireland. The SFA is looking closely at that possibility, but a decision will not be made at this time. However, I confirm that those possibilities have not been ruled out.

### Rural Transport

**4. Dr Elaine Murray (Dumfries) (Lab):** To ask the First Minister what new initiatives the Scottish Executive is taking to improve the availability of transport in rural areas. (S1F-1101)

**The First Minister (Henry McLeish):** Our rural transport fund is funding new and improved transport options across Scotland. In Dumfries and Galloway, we have invested £1.4 million in 39 new or improved bus services and 13 community transport projects.

**Dr Murray:** I have recently had conversations with constituents who have indicated that the availability of transport is an issue of great importance to them and a vital factor in social inclusion. It is unfortunate that one of the major private bus operators in my constituency has recently withdrawn a number of routes. How can the Executive's intentions to improve public transport be safeguarded against the vagaries of the deregulated public transport that we inherited from the Conservative Government?

**The First Minister:** I recognise the point that Dr Murray makes about bus services, as small-scale changes have been made to services in her area. One reason why we want to invest in public transport alternatives is to ensure, in rural areas in particular, that those services are made available. Operators cannot be forced by the Executive or local authorities to do this, that or the other, but bus services are vital. The Minister for Transport is listening to the contribution that Dr Murray has made and she will take that matter up on her behalf.

### European Union Structural Funds

**5. Hugh Henry (Paisley South) (Lab):** To ask the First Minister what progress has been made in recent discussions in Brussels regarding European Union structural funds. (S1F-1102)

**The First Minister (Henry McLeish):** The Deputy Minister for Finance and Local Government led a strong Scottish delegation to the cohesion forum on 21 and 22 May, which launched the debate about the future of structural funds following EU enlargement. Like other speakers, he stressed the need to ensure that the new regional policy framework deals effectively with the new challenges facing regional and human resource development in an enlarged Europe, while recognising that there are remaining difficulties in urban, peripheral and rural areas in existing EU countries.

**Hugh Henry:** The First Minister mentioned some of the benefits that come from participation in Europe. Does he agree that recent pronouncements from leading Conservatives about Europe not only threaten Scotland's economic well-being but introduce a tone of intolerance that could destabilise the political progress and lead to future tensions and conflict, which would damage Scotland's interests?

**The First Minister:** I agree with the sentiments

that have been expressed. I would go further. About 300,000 jobs in Scotland are linked to Europe, so the issue is very important.

As I said earlier, we do not really know what the Conservatives' policy on Europe is. The Conservative leader in the UK says never in the next Parliament. Mrs Thatcher returns to just saying never. Francis Maude says that we will never have a set of circumstances in which we will go into the euro. We simply do not know. Let me conclude by saying that that reminds me of the old song:

Never ever have I ever felt so low  
When you gonna take me outta this black-hole?

That is the Conservatives' policy on Europe. The quicker it is clarified, the better.

**Andrew Wilson (Central Scotland) (SNP):** One cannot beat a pre-prepared joke at question time.

Why has the First Minister done nothing to prevent the Treasury from blocking a Finance Committee inquiry into the Treasury's theft of European structural funds from Scotland over the past 25 years and into the years ahead? Why do the First Minister and the London Treasury seek to hide that fact from Scotland? Why will the First Minister not stand up for Scotland on the issue?

**The First Minister:** Again, there is constant wailing and carping from the SNP and talking down of Scotland. The SNP says that it stands up for Scotland, but it is standing still for Scotland while the coalition moves smartly forward.

## Foot-and-mouth Disease

15:31

**The Deputy Presiding Officer (Mr George Reid):** Members who are leaving the chamber should ease themselves out quickly and quietly. The next item of business is a statement from Ross Finnie on foot-and-mouth disease. The minister will take questions at the end of his statement and there should be no interventions during it.

**The Minister for Environment and Rural Development (Ross Finnie):** I am grateful to be able to bring members up to date with the developments on foot-and-mouth disease. Although the disease is now less in the headlines, it continues to raise major issues. As we have seen this week, it is not over yet.

The disease situation is not yet stable, but it is much improved. So far, only eight cases of the disease have been confirmed in Scotland for the whole of May. Unfortunately, we have had three cases this week: two in neighbouring farms near Duns in Berwickshire, which are the first cases in the east for some time, and one in Annan. I also regret to report that there is a suspected case, which is of some concern, in the Jedburgh area. We always knew that there would be a long tail to the epidemic. Those cases reinforce the need to remain alert and deal effectively with each new case as it arises.

The overall situation is improving. Various factors, including good weather, have contributed to that, but I am in absolutely no doubt that the principal reason for the sharp tailing off of the disease has been the rigorous application in Scotland of our culling policy, which has been extremely effective in preventing further disease spread. The aim of the pre-emptive cull of sheep in particular was to prevent an upsurge of new outbreaks, particularly when cattle were put out to grass. I recognise that that involved tough decisions, but I believe that it has been successful.

Mr Presiding Officer—[*Laughter.*]

**The Deputy Presiding Officer (Patricia Ferguson):** Mr Finnie?

**Ross Finnie:** I apologise, madam Deputy Presiding Officer—next they will be changing the scenery without telling us.

I am on record as acknowledging the huge sacrifices that have been made by many farmers in the effort to get on top of the disease. That cannot be overstated and it must not be forgotten. Furthermore, those sacrifices must not be frittered away by people dropping their guard and

assuming that the outbreak is over. It is not over. Vigilance must be maintained.

However, we have been able to scale down the culling operation significantly. As I announced last week, now that the 3km sheep cull in Dumfriesshire and Kirkcudbrightshire is complete, although that approach will still be used if necessary, it will be on a case-by-case basis in the light of the veterinary assessment. Farms contiguous to infected premises will continue to be culled, although the approach in the case of cattle will depend on a biosecurity assessment.

Before we forget the massive effort involved in this, I want to pay tribute to those involved. I include in that the many farmers who accepted the bitter necessity of losing their stock, those from Dumfries and Galloway Council and Scottish Borders Council who have contributed so much to the effort and of course the state veterinary service, the private vets, the Scottish Executive rural affairs department's own staff and others who worked tirelessly to carry out the very difficult tasks.

I take this opportunity to pay particular tribute to the Army, which worked in close co-operation with us at all times. Without its assistance, the job could not have been taken to its current stage. The effort and commitment of the troops put to the task was extremely impressive. We have to remember that although many of the soldiers were involved in tasks they can never have contemplated, they brought all their training and professionalism to bear. In particular, I record the Executive's appreciation of the leadership, decisiveness and humour of Brigadier Hughie Monro. Brigadier Monro understood what farmers were going through and that helped enormously.

The task needs to be completed. A huge exercise is under way to cleanse and disinfect all the infected farms. It is a far from simple process and it will take some months. That is why a new team is in place, which is working from Dumfries to co-ordinate and manage the programme. I cannot put an end date on when all the operations will be completed; much will depend on whether we have any further disease outbreaks. However, I can assure members that returning farms to normality is being given top priority by the Executive.

The position of farmers in Dumfries and Galloway and the Borders, and particularly those in the infected areas, remains of utmost concern to me. My objective is to restore their disease-free status as quickly as possible to get their businesses back to normal. That will not happen overnight but we can progressively take steps to improve matters. I am therefore reducing the extent of the designated infected area so that all of South Lanarkshire and South Ayrshire falls into the at-risk area.

Even as the policy was being confirmed, matters became slightly confused. We are doing everything to try to lift the effects of being in the infected area but we have learned today of concerns in the Jedburgh area. Although the veterinary service is aware of those concerns and is dealing with the matter, we are not yet clear whether there is confirmed infection, although there are animals that have been found to be at serious risk. I therefore make the following statement with some caution. If, in the next few days, we are able to assure ourselves that there are no confirmed cases of the disease, it is our intention to carry on easing restrictions in the Jedburgh area. That would allow us to continue down through Hawick and then Newcastleton.

However, I regret that because of the developments yesterday and earlier today, I am unable to give absolute confirmation that that easing will happen. If it does happen, the farms involved, instead of having a very tight infected area restriction applied to them, will be released into ARA status. For the time being, and against the background of the latest outbreaks, we will need to maintain certain restrictions on movements of animals from those farms. They will be permitted to move under specific licence within the local authority boundaries of Scottish Borders and Dumfries and Galloway, but not beyond into the wider ARA. Further serological testing and a further period without outbreaks in the area will be needed before we can take the risk of permitting live animal movements out of it.

I do not propose at this stage to change the limits of the provisionally free area. There are attractions in doing so but there are significant economic and practical implications that require further discussion with the farming and meat industry in Scotland. In addition, I would not wish to bring all or part of the ARA into the PFA until the programme of blood testing in the at-risk area is completed over the next two to three weeks.

The progressive dismantling of controls in Dumfries and Galloway is a key objective, but I recognise that no outlet has been found for the large number of cattle that are ready for slaughter—due, at least partly, to the lack of local abattoir capacity. I have great sympathy for the plight of those who find themselves in that difficult position. On the other hand, releasing cattle for slaughter outwith the infected areas is a big step to take and is not entirely without risk.

I have, however, decided that from 1 June, movements of cattle to slaughter may be permitted under very strictly controlled conditions, including a veterinary examination both before and after the journey. The stock will be sent to a dedicated abattoir as close as possible to the infected area. The precise arrangements are being discussed

between my department and the industry.

Last week, we announced new guidance for access in the provisionally free area. It was based on a clear presumption in favour of access, which follows from veterinary advice that public access poses an extremely low risk. The veterinary advice is clear: that only those coming direct from infected premises pose any threat. As a result, and due to the increasing evidence that restrictions on access continue to have a severe effect on rural tourism, I am today announcing that that guidance will apply throughout the country, except in the infected areas.

I recognise that there are many landowners, farmers and crofters who remain genuinely concerned about public access, but the scientific advice is that their concerns are based on a risk that is more apparent than real. Where there is a real risk, we are not removing their option of seeking official closure through the risk assessment process. Frankly, however, the plethora of unofficial closure signs in the countryside is unhelpful. It brings the formal system for managing access into disrepute. Those signs must come down. I want to see the whole of Scotland, as far as possible, returning to normal and providing a warm welcome to all visitors to the countryside.

I note that Argyll and Bute Council and Highland Council have removed their disinfectant mats from public roads and that Caledonian MacBrayne has done likewise at ferry terminals. I applaud them for that action. For the past few weeks, the mats have given an incorrect impression about the state of risk in the countryside and a very negative message to those visiting Scotland. Advice from our veterinary experts is clear: that although the mats may help around infected premises, they are of little value elsewhere. It is time that they were removed right across the country.

I now turn to the impacts of the disease on the economy. I have previously reported to Parliament that the Executive has set up a farm business support steering group in Dumfries and Galloway to provide support and information to farmers who have had their animals culled. The group has been very active. Considerable effort has gone into arranging a series of meetings for farmers and their families throughout the area. Many farmers and their families are taking the opportunity to share their feelings, discuss possible solutions and ask practical questions. The group is doing a first-class job of addressing those issues and much of that material is published on the Executive's website.

At the end of April, Dumfries and Galloway Council and its partner agencies submitted a wide-ranging economic recovery plan, to which the Executive provided its interim response on 10

May. An ad hoc official working group has now been set up to assist progress with recovery, with representation from all the key agencies. The agriculture and rural development element of the recovery plan is being financed partly from the £5 million that the Executive allocated to Dumfries and Galloway through the enterprise network.

As part of our response to the plan, the Executive proposes the creation of a grant scheme for small-scale capital projects aimed at improving the environment and the landscape. We hope that they will be set up quickly to provide work for local contractors and farm workers over the coming months. The scheme is likely to involve Dumfries and Galloway Council, Scottish Enterprise Dumfries and Galloway and Scottish Natural Heritage. As members will be aware, Scottish Enterprise also announced earlier this week that measures funded from the additional £5 million will include interest-free loans for affected businesses to help them through this difficult time.

More generally, the foot-and-mouth outbreak has served to confirm that agriculture is an integral part of Scotland's economic, social and environmental structure. We need to recognise that as we look ahead. Some argue that we should have abandoned the farming industry to protect tourism. The reality is that they are mutually dependent.

Farming creates the attractive landscape and environment that tourists are keen to visit. As recent events have demonstrated so painfully, many tourists will not come while a negative message is coming out of our countryside. A healthy rural economy needs a healthy farming sector. We must take that on board to ensure that we recognise the wider role that agriculture plays in today's Scotland.

The crisis has also underlined the strong links between farming and our food industry. It has underlined the extent to which our farmers produce the food we eat. It has also emphasised the pressures on farmers to produce high quality, safe food at the lowest possible price. We need to address that tension.

We must also ensure that the lessons learned—of which there are many—are suited to the particular problems of Scotland. For example, there are those who claim that foot-and-mouth disease is the price to be paid for developing an intensive agriculture system. That is not the case. Ironically, Scotland has a much more extensive system of livestock rearing than many other parts of the world. Foot-and-mouth disease has been worst in the most traditional and extensive sector of our industry: sheep farming.

I will take those issues forward in consultation with all the stakeholders. That work will include the

revision of the Executive's agriculture strategy, which was near to publication when the epidemic struck. It is being reviewed in light of the foot-and-mouth outbreak, but I have been impressed by the extent to which the views put to me by a wide range of interests over the past year remain valid. Recovery will take time, but I believe that if we can all work together on the basis of a forward-looking strategy, we have a unique opportunity to make real progress for farming and the rural economy.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in his statement. It would be helpful if members who wish to ask a question would press their request-to-speak buttons now.

**Richard Lochhead (North-East Scotland) (SNP):** I thank the minister for an advance copy of the statement, albeit it changed at the last moment due to unfortunate developments in Jedburgh.

I join the minister in paying tribute to everyone in Scotland who has helped our agriculture community to cope with the crisis and pay tribute to everyone who been directly affected by the crisis, especially the farmers and businesses that have suffered such great loss.

The very unfortunate developments this week confirm that foot-and-mouth remains a crisis that is very much to the fore in Scotland's rural communities, especially in Dumfries and Galloway and the Borders. The recent outbreak serves as a painful reminder that this Parliament cannot allow foot-and-mouth to become the country's forgotten crisis because Tony Blair—or anyone else for that matter—wants a smooth election campaign.

I would be grateful for responses from the minister on two or three points. In light of the fresh outbreaks, can he tell us what resources are being directly applied to the identification of their sources and what level of resources are being made available to prevent any more sporadic outbreaks of this nature?

Secondly, given the debate that is now under way on how we move forward, can the minister tell us how he feels we can best learn from the crisis to avoid further outbreaks? Does he accept the case for an independent public inquiry once the crisis is behind us? As we await such an inquiry to learn the lessons, does he agree that we must avoid proposals for new, permanent measures such as the 20-day standstill on the movement of livestock, which has caused uproar in the Scottish industry as it is a proposal tabled by the Ministry of Agriculture, Fisheries and Food that ignores Scottish circumstances?

What progress has been made on the blood testing of livestock, which would allow areas to be deemed foot-and-mouth free and the resumption of regional exports. Are samples still being sent

south of the border for testing? Is a centre being set up in Scotland? Does the minister support the resumption of regional exports? Is Europe indicating that it will support that?

**Ross Finnie:** No one could possibly accuse the Executive or the Parliament of forgetting this crisis. On the issue of resources, I should point out that apart from the very considerable additional logistical resources that the Army provided, we have quite simply redeployed a vast amount of the veterinary and other resources in surveillance. Indeed, at least one of the cases I mentioned in my statement was picked up by that surveillance effort, which has been our main means of controlling the outbreak and monitoring the progress of the disease since we completed a substantial proportion of the culling in the infected area in Dumfries and Galloway. We have not withdrawn everything; we have left a substantial resource for veterinary surveillance purposes, which has had some—albeit unwelcome—results.

Despite what has been reported in a northern newspaper today, I have never ruled out an independent public inquiry. However, I have said that any such inquiry should be clearly focused on issues such as how the disease was caused and then controlled. I have also expressed a personal view about asking the scientific community to look into different ways of developing serum and what the associated costs might be. I am in no doubt that it would be difficult to repeat the kind of exercise that we have just carried out.

As for the 21-day rule, consultation on that measure has just finished. The chamber can rest assured that any restriction measures for sheep in Scotland will take full account of the circumstances of sheep trading in this country and will be relevant to the operation of Scottish agricultural practices. They will be Scottish regulations.

I have already said that the serological testing that we have been undertaking for some time in the Borders and the Dumfries ARA will enable me to relax some controls, subject only to what has happened in Jedburgh. When we receive those results, we will be able further to relax the situation—again, subject to the outcome of the incident in Jedburgh. However, we have been having discussions with the Standing Veterinary Committee and the European Commission. Because those two slightly separate bodies are very concerned at the high level and degree of infectivity in Scotland, they have regrettably set a very high target for what we must achieve before we are declared disease-free. Although I am quite clear about the need to gain access to export markets as early as possible, my prime concern is to open up the domestic market, because that is what the vast majority of people in possession of

livestock ready for slaughter desperately need. Of course, they would also want exports to resume.

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

I also thank the minister for providing an advance copy of his statement. I welcome a great deal of its contents; however, I will not go through it in detail. I particularly associate myself with his remarks about the people who have dealt with the crisis and about those who continue to suffer in the farming community because of the necessary restrictions that have been placed on them.

I ask the minister to develop one particular point that not only concerns items in today's statement but relates to his decision a week ago to allow the movement of cattle from the at-risk area to the provisionally free area for slaughter. Although that decision can be perfectly justified on economic grounds, I understand that allowing such movement will make it more difficult for the provisionally free area to be offered as suitable for the regional resumption of exports. As a result, the decision will have a dramatic impact on the sheep industry in the north and north-east of Scotland. It will end any possibility of exports being achieved for the lamb crop in August and September. If that is the case, will the minister tell us whether he has any intention of extending any scheme or support to those sheep farmers, whose livelihood will inevitably be taken away in the current year as a result of the failure to restart exports?

Will the minister also tell us what action he intends to take and what consultation he has entered into with the livestock markets, especially those in the south and south-west of Scotland, where the necessary restrictions have had an enormous impact on the ability of those companies and farmers' co-operatives to survive through this difficult period? Will he tell us what action has been taken to consult the specialist livestock hauliers, especially in the infected area, whose livelihoods have been seriously undermined?

Finally, will the minister tell us what efforts he will make in the longer term to ensure that the Army—which he rightly praised in his statement—will buy UK-produced meat in future and help us to avoid the problems that the disease has caused in the longer term?

**Ross Finnie:** Alex Johnstone's first point is not entirely accurate. I would not have taken a decision to permit strictly licensed movements of cattle and sheep from the infected area to the at-risk area directly to slaughter if I had believed that that would prejudice the case for regionalisation. The case for regionalisation is not clear cut. I reiterate that it is a matter of concern that the standard that we are being set in the course of extensive dialogue between us, the Commission and its Standing Veterinary Committee appears to



be very high. Therefore, at this stage I would not want to anticipate regionalisation. I am, however, conscious of the extraordinary problem that might be encountered in the autumn sales of sheep. Therefore, the licensing arrangements that I have put in place do not automatically preclude regionalisation, and I would not have taken that decision had that been the case.

I held a meeting with officials of the Institute of Auctioneers and Appraisers in Scotland at lunch time. We are all conscious of the need to try to resume some market activity. However, that will involve close collections of animals over potentially longer periods and the associated risks that we have heard of today. Nevertheless, the item is high on our agenda. I have always undertaken to reduce the regulation as quickly as possible, so that trade can be resumed as quickly as possible, consistent with those risks. I am also conscious of the position of the livestock hauliers, and we have been in touch with them as well—especially those in the infected area.

I have no control over the Army. Alex Johnstone's point has been made before and will, no doubt, be made in future.

**Dr Elaine Murray (Dumfries) (Lab):** I thank the minister for his statement, of which I did not receive an advance copy. I join him in thanking all those who have been involved in the process—many of whom I have witnessed working at first hand—for their efforts. I have three points to raise.

First, a number of farmers are experiencing significant delays in receiving their compensation cheques. I spoke to farmers this week who have waited more than eight weeks for compensation cheques. I wonder whether the minister can do anything to facilitate that.

Secondly, in welcoming the arrangements that the minister announced for cattle that are ready for slaughter, which will start on 1 June, I ask him to clarify whether similar arrangements are being introduced for sheep. Surprisingly enough, there are still clean farms in infected areas that have sheep on them. The situation is particularly difficult for farmers with fat lambs and so on.

The minister has said that we must try to find alternative methods for the control of foot-and-mouth disease. I have witnessed scenes in my constituency—including funeral pyres and lorry loads of animals being taken for burial—that I hope I never have to see again. Does the Executive have plans to commission research by the rural affairs department's research institutes to try to find alternative ways of controlling the disease?

**Ross Finnie:** I am well aware of the first point that Dr Murray made. I was disappointed to learn that in a number of cases there had been

considerable delays in the payment of compensation cheques. We have been in touch with the Ministry of Agriculture, Fisheries and Food and the paying agency involved. I hope that the matter will be resolved quickly as it is extremely important that further payments are not delayed.

I understand that the slaughter that will begin on 1 June will be only of cattle, rather than sheep. In the interest of avoiding doubt, I will clarify that for the benefit of all members after this question-and-answer period.

I have discussed, as a personal matter, my belief that we must find a different way of dealing with the disease. Obviously, I should be delighted if the source of that development was in Scotland. Given that the policy is European, it will be necessary for us to raise the issue at a European level. I am in no doubt that we have to find a different way of dealing with foot-and-mouth disease, but we must recognise that there are inherent problems with the current vaccine. If we want to take an alternative approach, we must first decide whether it is theoretically and practically possible and find the appropriate funding.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** The minister's statement provides elements of hope at a difficult time for the south of Scotland, which has been dealt a psychological blow by the recent outbreaks and the news from Jedburgh today.

I concur with the minister's view that vigilance is necessary and welcome his comments about opening up the countryside and trying to do something about the informal signs that can cause difficulties.

Does the minister recognise that there are problems with the proposal for the 21-day standstill and that the consultation, which will undoubtedly reveal that farmers feel great anxiety about that, ought to be fully taken into consideration?

I support the minister on the culling policy. However, does he recognise that there are others who do not, and will he continue to ensure that information is made available to them so that there is no suggestion that information has been withheld from people because they disagree with the minister about statistics and so on?

**Ross Finnie:** As I indicated in my response to Richard Lochhead, any regulations introduced in Scotland to deal with cattle or sheep movement will take full account of the circumstances in Scotland and of the consultation that has been conducted.

I am unaware of any deliberate withholding of information from those who are opposed to the cull. If the member brought such a case to my

attention, I would ensure that the problem was addressed. I can only repeat that we retain the right to cull because we believe that it might be necessary, but that it will be carried out after a veterinary assessment of each case as it arises.

**Christine Grahame (South of Scotland) (SNP):** I note what the minister said about the removal of disinfectant mats. Given that there have been two more confirmed cases in the Borders, with a suspected case in Jedburgh, none of which can be linked with previous instances, does the minister consider that the removal of disinfectant mats on main roads in the Borders two weeks ago was premature?

Echoing Elaine Murray, I ask whether the minister will explain the seven to eight-week delay in giving payments to some farmers when they are some £200,000 out of pocket. Under the livestock welfare compensation scheme, there is a 21-day target. In response to a question that I asked, the minister said that payment would be made within 28 days. Is it possible to set a target for compensation payment under the usual compensation scheme that applies when sheep have been culled?

Finally, I understand that a meeting is to be held on Tuesday about an economic recovery plan in the Borders. We know what is available to Dumfries and Galloway; can the minister give the chamber an idea of the capital available for the economic recovery of the Borders?

**Ross Finnie:** On Christine Grahame's first question, I reiterate the veterinary advice that disinfectant mats are essentially effective within an infected area, and that the cleansing of vehicles and disinfecting on infected premises is a very efficient way of preventing the mechanical spread of the disease, but I could not necessarily agree that it was premature to remove disinfectant mats. I do not yet have the details of the new cases, and it will be interesting to find out what the duration of the relevant period is, but I do not think that the removal of the mats was premature.

As I said in response to Elaine Murray, I regret the delay in compensation payments. A target of 21 days for compensation payments was indeed originally set, but we have to understand that the total bill for compensation is being met by the Treasury—and I have already been in touch with MAFF about this—which is keen to ensure that all the documentation is correct. We have spoken to representatives of the Treasury, and I understand that measures are in place to remove the blockage in compensation, so the payments should be made. I wholly agree with Christine Grahame that people who have had their animals culled should receive that compensation.

As far as the Borders is concerned, I simply say

that we responded to Dumfries and Galloway Council after we had had the opportunity to consider its plan and after we had been able to give due consideration to it; we will give the same full consideration to Scottish Borders Council's plan when we receive it on Tuesday.

**David Mundell (South of Scotland) (Con):** I very much welcome the robust tone of the minister's statement, and hope that what he has said in the chamber today will be clarified on the ground. It is important that we continue to have confidence that disease eradication is the absolute priority, and that the farming community and the wider community in Dumfries and Galloway are sure of that. I am sure that the tone of the minister's statement and the way in which he delivered it will be helpful in that regard.

I wish to raise three points, the first of which relates to cleansing and disinfection. As far as I understand it, no farm has yet passed the cleansing and disinfection tests. Can the minister confirm that he is satisfied that the tests being followed are reasonable and are not, as some farmers would argue, over the top in requiring, for example, modification of very old farm buildings, which is impractical?

Secondly, following on from a point raised by Ian Jenkins, can the minister take more steps to release information about farms on which animals have been culled on suspicion of having the disease? The lack of information on that causes rumour and uncertainty.

Thirdly, on recovery, can the minister respond to an issue that has been taken up with him and the Minister for Enterprise and Lifelong Learning? Yesterday, *visitscotland* had an eight-page supplement in the *Daily Record* about tourism opportunities in Scotland. There was not a single reference to Dumfries and Galloway in that document. That very much undermines people's confidence that *visitscotland* has at its heart the return of the tourism industry to Dumfries and Galloway.

**Ross Finnie:** I am grateful to David Mundell for agreeing that we need—collectively and individually, and I include myself in this—to remain robust in our absolute determination to eradicate the disease, and that we must not be deflected from carrying that out, even if it involves some rather painful measures, which it had been hoped we might have been able to put behind us. I remain absolutely of the view that we simply have to stamp the disease out. I can only repeat that it would be the greatest tragedy for us and for all the farmers who have made so many sacrifices were we to take the foot off the pedal and allow what is a small, long tail to become the progenitor of the next outbreak. We simply must not let that happen.

I hope that there are no misunderstandings about the regulations in place concerning cleansing and disinfection. The regulations are set out clearly, and they are all part of a European policy of eradication. I hope that there is no question of having to modify buildings—there is a requirement to cleanse buildings, which might be more difficult to meet in some cases, but I hope that that requirement is not resulting in an over-the-top interpretation. The requirement is quite clear, and I hope that it is being interpreted sensibly.

I think that I will have to speak to members on what the problem is with the release of information. There is information that we are reluctant to disclose because it relates to individuals who have asked that their business should not be made public, but I do not think that that is quite the issue that David Mundell is raising. Perhaps I will ask him and Ian Jenkins to clarify the question.

Despite the fact that all of us read the papers extensively on all matters, I did not see the article to which David Mundell refers. I will relate the point that he raises to the Minister for Enterprise and Lifelong Learning and we will take it up.

**Mr Andy Kerr (East Kilbride) (Lab):** I raise the matter of Scotland's auction marts, which lost £1.16 million in March and £2.5 million in April. As the minister knows, marts play a crucial role in the farming chain, but they have largely been ignored during the outbreak. In Strathaven, L S Smellie and Sons, which is a local company that has been in business there for a number of years, has had to lay off staff and is suffering very badly. What response will he make to the marts, which are an essential part of the farming community? What package of measures is available from the Executive to assist them through this difficult time?

**Ross Finnie:** I hope that marts are not ignored. Throughout the outbreak, we have been extremely conscious that all sectors of the agriculture and meat industry have been very adversely affected. Andy Kerr is quite right. I do not know whether he picked up my earlier remark, when I said that I had been in touch with marts. Indeed, at my most recent meeting with the Institute of Auctioneers and Appraisers in Scotland, at lunch time, that institute drew to my attention the substantial losses that its members suffered in March, April and May. I have told the institute that, if there continues to be a reduction in the level of infectivity, the most helpful thing that we can do is move progressively from a system of collection centres to reopening marts. Regrettably, I was unable to give the institute a date for that. Clearly, huge risks are involved in the movement of animals and the collection of animals in marts. The veterinary advice that I have is that that would be

premature at present.

There are no arrangements at present for financial support for marts. The only arrangement in place is for compensation for people who have lost their capital asset. Clearly, marts will make submissions to the economic impact group—indeed, I think that they already have done so. Those submissions will have to be taken into account in the round. It would be wrong of me to raise expectations, but I assure Andy Kerr that marts are not a forgotten sector.

**Nora Radcliffe (Gordon) (LD):** I will try to be brief. We are producing large numbers of young pigs in the north-east, which, thankfully, is a provisionally disease-free area. There are people in provisionally free areas in the south of England who are desperate to receive those pigs for finishing, but there is no way to get them by road through the infected and at-risk areas in the Borders and the north of England. Will the minister assure me that he will exert every effort to progress the initiative to move stock by sea to bypass the barrier between two provisionally free areas?

**Ross Finnie:** I am aware of the point that Nora Radcliffe raises. Indeed, producers in the north-east have been in touch with my department with some innovative suggestions on how to overcome the problem.

We have given approval for livestock movements by sea from the Scottish provisionally free area to the English at-risk area. However, movements from the Scottish PFA to the English PFA are more difficult to secure. Both the Scottish Executive and MAFF have regulations in place that preclude movements into the provisionally free area, so there is a technical matter to be resolved. I assure Nora Radcliffe that veterinary advice is being sought and discussions are taking place between MAFF and my officials to resolve the problem. Clearly, the consent of both the Executive and MAFF is required before we can proceed.

**Michael Russell (South of Scotland) (SNP):** I am grateful to the minister for his statement.

The minister will be aware of concerns that there is a problem in the hefted sheep population of the southern uplands. I hope that those concerns are unfounded, but the disease and rumours spread like wildfire. There would be a considerable impact if those concerns turned out to be well founded. The minister may wish to comment on that.

There has been a rumour that the minister is not interested in an inquiry. I am glad that he has been able to deny that. I hope that he will consider focusing on two particular areas. The first is the economic and human impact of the outbreak, which has been considerable. I hope that the

inquiry will work out the best way of dealing with similar situations in future. The second key area is preparation. The inquiry should consider the preparation that was in place before the outbreak and the preparations that should properly be put in place after it has ended, so that we are not put in this position again.

The minister is aware that in addition to the report of the 1967 outbreak, which is known as the Northumberland report, the Australian Department of Agriculture, Fisheries and Forestry produced a report in 1996 on the handling of an outbreak. A simulation exercise was conducted by the USA, Canada and Mexico—known as the tripartite exercise—in 2000 and a report on a specific strain of foot-and-mouth disease was prepared by Dr Knowles and Dr Samuels of the Pirbright Institute for Animal Health and was presented to the Europic 2000 conference in Rome last year. Those documents should have been of help this time. To them we will add a document about this terrible epidemic.

I hope that we will produce an action plan for the future. The minister knows, as I have raised the matter with him before, that such a plan must include the moral and ethical issues, which are of great concern not only to people involved in the outbreak but more widely.

**Ross Finnie:** I am not aware of any problem with hefted sheep, although if such a problem exists I have no doubt that it will come to my attention quickly and I will deal with it.

The substantive point raised by Mike Russell is the inquiry. I repeat that at no stage have I sought to suggest that there should not be a full public inquiry, although I have tried to suggest that it might be necessary to focus on certain areas. It has been suggested that we should subject the entire agriculture industry in Scotland to a great upheaval. I know that that is not Mike Russell's suggestion, but he will be aware that such suggestions have been made in the public press.

We can all talk about having a plan for dealing with the disease, but I hope that our key focus will be on finding a way of ensuring that the outbreak is not repeated. I do not think that Mike Russell was suggesting otherwise.

The logistics that are required for culling—our main instrument—are enormous. The Northumberland report is interesting, but it does not deal with the present strain of foot-and-mouth. The way in which the strain started and manifested itself is radically different from what occurred in 1967. Even with the best-laid plans, we would still have faced difficulties.

I have no problem with reviewing and examining all the issues, including the economic impact of the disease, but I am bound to say that I want to

focus on trying to find a way of ensuring that we never again have to deal with the disease as we have dealt with it this time. I want to find a way that has more resonance with the 21<sup>st</sup> century. As a consequence, we would never again have to deploy the same amount of resources or require a similar dislocation of all the industries that have been involved.

I do not detract in any way from the issues raised by Mike Russell, but from my personal point of view, the issues I mentioned would be my top priorities. I do not think he was suggesting that I should take a different approach.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I declare an interest in sheep farming and cattle farming.

All my questions relate to the Highlands and Islands. My first question is to do with a rumour that is circulating from Argyll to Orkney and Shetland that there will be no autumn store lamb and calf sales—the sales usually start in August. Will the minister confirm whether that is likely to be the case? If not, can he say when the auction markets might open?

My second question is related to my first. The minister will remember his failed attempt to introduce a cast ewe cull scheme, which was denied by Europe two years ago. Will he ensure that the livestock welfare disposal scheme remains open for the foreseeable future? Unfortunately, that scheme may be required and it might be difficult to reopen it once it has been closed.

Thirdly, provided that the area north of the Forth and the Clyde remains disease free, will the minister attempt to gain export access to Europe for that region?

Fourthly, every farm in the Highlands and Islands has disinfectant mats and spray guns for visiting lorries. Does the minister want those removed? Have they been pointless?

**The Deputy Presiding Officer:** I asked members to be brief. Please conclude quickly.

**Mr McGrigor:** I promise that this is the final question.

Does the minister accept that the 20-day rule is aimed at wheeler-dealers and will make life impossible for average hill farmers?

**Ross Finnie:** That line of questioning is not particularly helpful. We need to be careful.

The Conservative party's principal spokesman raised the difficult issue of when marts might reopen. Richard Lochhead dealt with the matter sensitively. Taking a position whereby we condemn marts, either in the north of Scotland or elsewhere, is not helpful. Every member with a

deep concern for the livestock industry knows that there is a vital and urgent need to reopen the marts, but indulging in speculation as to whether there will be a mart in the autumn is not helpful at this stage. If I had an answer, I would honestly give it to members. I will continue to assess the risk and to take such steps as I can to move towards reopening the marts. I have made my position clear and that is as far as I can go.

That response also relates to Jamie McGrigor's second question: the need or otherwise to have schemes to deal with the problem. It is premature for me to start speculating about that. I have dealt with it in answer to Richard Lochhead and Alex Johnstone in relation to what we will do in regard to the area above the Forth and Clyde.

I repeat that I have a real interest in resuming the export mart, but I have a competing, and at times conflicting, interest in trying to reopen the domestic livestock market. We have a huge volume of animals that are trapped in their areas and that could be sold on the domestic market if we were able to do so. We require to relax the regulations when we can.

Jamie McGrigor was clearly not listening to what I said about the disinfectant mats. Disinfectant mats in infected premises were of some use. In my view, the disinfectant mats that have been removed from main roads in the Highlands and Islands in the past few days were there far too long. Veterinary advice confirmed that.

The 20-day rule may be seen to exist to attack whomever or whatever. I can only repeat what I have said several times this afternoon: if I introduce regulations, they will be relevant to the way in which we trade livestock in Scotland.

**Karen Gillon (Clydesdale) (Lab):** I concur with Andy Kerr. In my constituency, the closure of Lanark market has had a significant impact not only on those who worked in the market, but on traders in Lanark. The same is true for companies such as Power Lines, Pipes and Cables, which specialises in the laying of cables, and the Scottish Equi Complex. I am concerned that there is as yet no package in place that will provide assistance to those companies. Can the minister give an indication of when such a package will be available? The closure of further companies or shops in my constituency would have devastating effects on the long-term economic stability of the constituency.

**Ross Finnie:** As I said to Andy Kerr, I am not in a position to give any undertakings on such compensation. The Institute of Auctioneers and Appraisers in Scotland has submitted to the economic impact group all the financial facts and figures in relation to compensation. They will be taken in the round as a matter of some urgency to

determine what assistance and strategies the Executive might deploy.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I am sure that Ross Finnie and Rhona Brankin know far better than most of us the private hells in which some farmers live and will continue to live for some time. Will the minister assure me that his officials will work as closely as possible with Scotland's churches and other appropriate organisations to reach out to the people who are caught in that desperate predicament?

**Ross Finnie:** Jamie Stone makes a point with which I am sure everyone agrees. The crisis has never been about numbers or statistics, it has always been about people, their livelihoods, and the way in which their lives have been hugely and horribly disrupted.

I met the rural chaplain for the Church of Scotland in my office. As members know, he is based in the Highlands and Islands but was translated to the Borders for a period to give the kind of assistance to which Jamie Stone alludes. I assure Jamie Stone that we try hard in the Scottish Executive rural affairs department to recognise at all times that the people with whom we are dealing have been devastated by the crisis and that we have to meet them with the sympathy and understanding that they deserve.

**Mrs Margaret Ewing (Moray) (SNP):** The minister should appreciate that, sometimes, it has been hard to hear the questions and some of the responses. That has made it difficult to ensure that we always have a new question.

In his statement, the minister referred to small-scale capital projects relating to the environment and the landscape. Has a budget been set for that? What will be the impact on employment? How many jobs will be involved? The minister also mentioned that there will be a revision of the agricultural strategy review. What will be the time scale for that? Our agriculture communities would want it to happen quickly. Has the cross-cutting committee of ministers, which the minister quite cheerfully mentions from time to time, met to discuss this issue?

**Ross Finnie:** I apologise if Mrs Ewing has not been hearing me—that is not something I am usually accused of.

I have not set a particular number of capital projects; we have simply allocated moneys from the rural funds. We are discussing with the local community in Dumfries and Galloway ways in which we can get some projects going. We are extremely conscious that farm workers have been laid off. If we do not find employment for them, they will drift away. As a result, those who wish to restock and go back into the industry could find

themselves in a hopeless position—especially those in livestock, where people are needed to look after animals' welfare.

Mrs Ewing asked about the review of the strategy. We have reconvened the agricultural strategy group, which is a group of people who represent a wide range of external interests. The group is reviewing the strategy as a matter of urgency. We are conscious that the industry needs to have a view as to whether there is going to be a tomorrow. We have to give the industry the confidence to make decisions on whether to reinvest in the industry.

The cross-cutting group continues to meet. It continues to receive reports on all matters, many of which have been discussed this afternoon. It continues to ensure that, across the Executive, ministers are informed of what is required to deal with the recovery from this outbreak.

**Mr Murray Tosh (South of Scotland) (Con):** I would like to follow up on the questions that have been asked about the resources that are to be made available to support local recovery schemes. The minister has confirmed that he will speak to the Scottish Borders economic forum on 29 May. Can we assume from what he has said that there is a commitment to make available to the Borders resources that will allow the introduction of the same grant scheme and the same interest-free loan scheme, to the same sorts of businesses as are now being supported in Dumfries and Galloway? That would be a very welcome reassurance in the south-east of Scotland.

**Ross Finnie:** At this stage, I can do no more than repeat my earlier response. We received the Dumfries and Galloway report. It set out many issues that we were aware of, indicating the level of economic impact that the huge concentration of the disease in Dumfries and Galloway had had. We responded to that report. All I can say to Mr Tosh is that we will receive a presentation from the Borders and we will give it consideration equal to that which we gave to the Dumfries and Galloway presentation. That is all that it would be reasonable for me to say. I am not in a position to commit resources. That would be foolish. We would do that after we had read the plan and the impact assessment.

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** I listened carefully to the minister's statement. He said some helpful things. I hope that he can clarify three specific areas and answer three specific questions.

I welcome the fact that the minister has recognised the importance of the autumn lamb sales. He has said that the current export ban could have a devastating effect. He said that he cannot control the lifting of the export ban and that

he cannot give any promises. I understand that. However, on behalf of those who are trying to plan for the future, I want to ask him about an area that is his responsibility. It is obviously the business of government to put in place contingency plans. If the export ban is not lifted, what contingency plans has the minister made so that our farmers can plan ahead?

The minister spoke about the 20-day standstill order and the potential for a permanent imposition of it. He has said many times that he will not introduce any regulations that are not "appropriate for Scotland". I want to press him further on that. Reports have suggested that there may be a cost to the economy of £17 million and 1,000 jobs, and Jim Walker has said that the scheme is totally unworkable. If the minister does not want a scheme that is inappropriate for Scotland, will he say that the permanent 20-day standstill order is inappropriate intrinsically and therefore rule it out categorically this afternoon?

Finally, in the helpful spirit in which he has answered our questions this afternoon, can the minister provide the definition of compensation that we have been asking for for some time? The First Minister was asked on 22 March to define, for all the industries that have been mentioned this afternoon, consequential compensation. We still have not had a definition, so I ask Mr Finnie, on behalf of the Executive, to define exactly what he understands the term consequential compensation to mean.

**The Deputy Presiding Officer:** Before I call Mr Finnie, I ask members to keep the background noise in the chamber down.

**Ross Finnie:** Duncan Hamilton raises the serious issue of autumn lamb sales. I am somewhat reluctant to get into that, because I have been unable to come to a decision on whether we will be able to relax some of the regulations to permit the sales. It is clear that the economic consequences for the whole sheep industry of the relaxation not taking place are enormous. We are examining the issue, but I confess that I am trying to look more positively, subject to veterinary advice, at moving in that direction. I do not want to say that I have a huge contingency plan and therefore be interpreted as saying that I have ruled out regulations being reduced to promote the autumn lamb sales. I will advise the Parliament as soon as I can on whether that is likely to happen. In that event, we can examine the issues.

On the proposed 20-day standstill, I cannot rule it out in principle. It is clear that the way the proposal is drafted would impinge on Scottish industry and is wholly inappropriate. What it is not inappropriate to consider—I know that it is a different industry, so it is therefore not wholly

analogous—is how disease control restrictions affect the pig industry. I understand that they are different industries, but the veterinary advice is very clearly that they are anxious to have some movement restrictions in place. It is quite clear that the specific proposals would be inappropriate for Scottish industry, but I do not wish to rule out the principle of having something relating to disease control.

I am reluctant to get into the definition of compensation. We are examining the economic impact as it affects all sectors. We are considering the strategies that will be required to lift the various sectors. It is clear that the cost of compensation would be considerable, but I am not prepared to go further in defining it at this stage.

**Robin Harper (Lothians) (Green):** I have three brief questions. First, following on from David Mundell's question, I have heard a rumour that some historic barns may have to be demolished if it is difficult to disinfect them. Will the minister reassure us that that is not the case? Secondly, will the interests of organic producers be represented on the review group? Thirdly—I have consulted the minister on this before—how is the process of the identification of the number of diseased, slaughtered and disposed of animals being audited?

**Ross Finnie:** I am not aware of any rumours about historic buildings being demolished. Planning permission for grade A listed buildings is beyond me at this stage. Buildings cannot simply be demolished at a stroke. We do not have powers to demolish historic buildings that are of serious architectural interest. I will take up the issue with Mr Harper after this statement if he has a specific example in mind.

In the review group consultation, we took account of the interests and views of organic groups and, as it stands, the role that organic farming can play is part of that.

I am not sure what Mr Harper is driving at when he talks about the audit of the numbers. All I can say is that in so far as we cull any animal and therefore place its owner in the position of receiving full compensation, I assure Mr Harper that we are required to have detailed records of the numbers that are culled. That is the only way in which we can assure the cattle owner or the farmer of receiving payment, notwithstanding the present difficulties that we are having in processing claims. We have detailed records of the numbers, because without them we would not obtain approval for payments.

**John Scott (Ayr) (Con):** I welcome the ministerial statement and thank the minister and his officials for moving the infected area boundary

south to the county boundary of Ayrshire and Dumfries and Galloway. I declare an interest as a beneficiary of that decision.

I will talk about the proposal to introduce a 20-day standing period following movement of sheep and cattle. The minister will be aware of the Cook report, which was produced by Peter Cook of the Scottish Agricultural College. The conclusion of that report warns that if the proposals are implemented, it will be the end of the livestock industry in Scotland as we know it.

I am afraid that I must go further than Richard Lochhead or Duncan Hamilton. Does the minister accept that the proposals are unworkable, unnecessary, unwelcome and unhelpful? Will he again undertake to note and respect the strong views that will have been expressed by the end of the consultation? Will the minister accept that the cut of the sheep annual premium to £8 this year—half the figure of three or four years ago—means that the problems for the hill farming industry are only beginning if there are to be no livestock sales this autumn?

**Ross Finnie:** I am grateful to John Scott for his comments on the boundary movement, notwithstanding his interest in that matter. I hope that the fact that we have moved away from using main roads as boundaries has helped not just in his case, but in those of several others.

I am in danger of repeating myself. The consultation covers two issues that were raised by veterinary and other people in the early stage of the disease—their concerns about swill and about the huge number of movements. It would be extraordinarily difficult for me to stop that consultative process. That could be hopelessly misconstrued as my not taking seriously two major concerns. I can only repeat that I have no difficulty in recognising that as only four people are licensed to use swill in Scotland, instantly condemning its use was an easy decision. However, I was also aware that we needed to reflect on how the Scottish industry moved livestock. I am well acquainted with the findings of Peter Cook of the SAC. John Scott knows my answer. I will not introduce regulation unless it is appropriate.

My next point follows from the point that Duncan Hamilton and others made. The sad change in how the market operates in mainland Europe has had a dramatic impact on the level of the subsidy overall, notwithstanding our contribution. It has made inequitable the amount to be paid to our sheep farmers. As John Scott rightly says, that exacerbates the situation in relation to the autumn sales. I am more than fully aware of that.

**The Deputy Presiding Officer:** I appeal again to members to keep down the background noise.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I thank the minister for his statement and welcome the introduction of interest-free loans, which I believe will assist a constituent who operates a meat-processing company to diversify. I would be grateful if the minister told me what consideration is being given to offering compensation for meat products that were prepared before the foot-and-mouth outbreak occurred and for which there is no market in the United Kingdom.

**Ross Finnie:** I am well aware of Karen Whitefield's interest. The company to which she refers is run by one of her constituents and is a matter of some concern. I do not have a detailed response. The matter is being looked into. I can only assure the member that I understand the problem. There is no immediate answer to it, because it does not fall under any present compensation arrangements. Karen Whitefield has properly drawn my attention to different arrangements that obtained during the BSE crisis. I can say only that I continue to pursue the issue.

**Dorothy-Grace Elder (Glasgow) (SNP):** Will the minister inform the chamber of the date he and the Scottish Executive were first informed by MAFF of the first cases of foot-and-mouth disease being diagnosed in England? Was there a delay in MAFF telling the minister of the outbreak? Given that it was the transportation of live animals over great distances that contributed to this terrible outbreak, will the minister, after the worst is over, give the chamber an assurance that he will investigate an end to the transportation of live animals over great distances, as that has so often led to unspeakable cruelty?

**The Deputy Presiding Officer:** I remind members that questions are meant to be directed to issues that were raised in the minister's statement. I suspect that the member was not in the chamber at the time.

**Ross Finnie:** I am aware that on matters relating to MAFF, Dorothy-Grace Elder is a fully paid up member of the conspiracy theory. I assure her that there have been no delays in MAFF giving the Scottish Executive information about the foot-and-mouth disease. The first outbreak was reported in Essex and it linked back to Heddon-on-the-Wall. Those were the first indications that anyone had of the foot-and-mouth outbreak.

Long-distance movements relate more to movements overseas. The distances involved are much longer than those relating to the outbreak, which were fairly short-distance movements of sheep—although over longer periods. The long-distance movements are not, and have not been, connected with movements of cattle or sheep from farms to slaughterhouses. We have to be careful that we do not give the wrong impression about the source of the difficulty.

Animal welfare is kept constantly under review and regulations are constantly updated to prevent any possible cruelty to animals.

## Motion without Notice

16:42

**The Minister for Parliament (Mr Tom McCabe):** I ask the chamber's permission to move a motion without notice.

**The Deputy Presiding Officer (Patricia Ferguson):** I am minded to accept the motion to bring forward decision time. Is that agreed?

**Members indicated agreement.**

*Motion moved,*

That the Parliament agrees under Rule 11.2.4 that Decision Time on Thursday 24 May 2001 shall begin at 16:43 pm.—[Mr Tom McCabe.]

*Motion agreed to.*



## Decision Time

16:43

**The Deputy Presiding Officer (Patricia Ferguson):** There are five questions to be put as a result of today's business.

The first question is, that amendment S1M-1958.1, in the name of Iain Gray, which seeks to amend motion S1M-1958, in the name of Roseanna Cunningham, on justice, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Mr Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 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)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)

Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

### ABSTENTIONS

Harper, Robin (Lothians) (Green)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 35, Abstentions 1.

*Amendment agreed to.*

**The Deputy Presiding Officer:** The second question is that motion S1M-1958, in the name of Roseanna Cunningham, on justice, as amended, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Mr Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 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)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 10, Abstentions 26.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes the increased resources going into the justice system as a whole; further notes the decision of the Justice 2 Committee to hold an inquiry into the operation of the Crown Office and the Procurator Fiscal Service, and looks forward to their report.

**The Deputy Presiding Officer:** The third question is, that amendment S1M-1957.1, in the name of Mr Jack McConnell, which seeks to amend motion S1M-1957, in the name of Michael Russell, on education, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Mr Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)

MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 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)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 36, Abstentions 0.

*Amendment agreed to.*

**The Deputy Presiding Officer:** Because amendment S1M-1957.1 is agreed to, amendment S1M-1957.2, in the name of Mr Brian Monteith, falls.

**The Deputy Presiding Officer:** The fifth question is that motion S1M-1957, in the name of Michael Russell, on education, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Mr Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 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)

Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

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

#### ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

**The Deputy Presiding Officer:** The result of the division is: For 79, Against 16, Abstentions 1.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament continues to support the framework for school improvement which it put in place in the Standards in Schools etc. Act 2000 and recognises that to achieve the highest possible standard for each and every pupil investment must be made across the whole of a child's education, providing a quality experience in pre-school for every 3 and 4-year-old child, effective early intervention to ensure a good foundation in literacy and numeracy, support for all children with special educational needs, a modern, well-resourced school environment and a highly motivated, professional teaching staff.

## School Swimming Lessons

**The Deputy Presiding Officer (Mr George Reid):** The final item of business is a members' business debate on motion S1M-1921, in the name of Kay Ullrich, on school swimming lessons. The debate will be concluded without any questions being put.

*Motion debated,*

That the Parliament notes the report compiled by Scottish Swimming, which highlights that almost 50% of local authorities in Scotland no longer provide school swimming lessons; acknowledges that this coincides with the report from the Royal Society for the Prevention of Accidents which records an increase in the number of children in Scotland who die as a result of drowning; recognises that the withdrawal of local authority provided school swimming lessons has a greater impact on children from less well off backgrounds, and calls on the Scottish Executive to encourage local authorities to ensure that every pupil has access to at least one publicly funded course of swimming lessons prior to leaving primary school.

16:49

**Kay Ullrich (West of Scotland) (SNP):** I am very pleased that the subject of swimming lessons is being debated in the Scottish Parliament. The ability to swim is sadly neglected in terms of both profile and priority. That is strange, given that most people in our nation live either on the coast or within a few miles of it, or close to lochs, rivers, canals and reservoirs.

At this point, let me declare an interest. Those members with nothing better to do than look up members' biographies will know that, in a previous life, I spent many years as a swimming instructor. I taught mainly in schools, but I also taught local authority evening classes. In fact, I spent so much time padding around swimming pools that I used to swear that I was suffering from rising damp. To a generation of North Ayrshire children, I was known as the swimmin wumman. It is a pity that the Deputy Minister for Sport, the Arts and Culture is not here, because, if my calculations are correct, I taught Allan Wilson during his sojourn at Spiers School in Beith—I recall a wee pink swimming cap.

That was some time ago and things have moved on. A more professional approach is taken to the training and back-up that is available to teachers and pupils. One recent initiative is the Bank of Scotland learn to swim programme, which was launched in February last year in partnership with Scottish Swimming, the sport's governing body. The key objectives of the programme are: to provide the opportunity for every child to learn to swim before the age of 10; to ensure national standards of competence for teachers and swimmers; and to encourage every local authority

to adopt the nationally recognised programme. To date, more than 800 teachers have received training in the learn to swim programme and more than 1,000 Scottish youngsters have had free swimming lessons.

The key to that approach is the word “free”, because local authority swimming lessons—excellent value though they are—tend to attract only those children whose parents can afford to pay for a course of lessons. Glasgow City Council recently recognised the need to encourage swimming, especially for children from poorer backgrounds, and offered free swimming—not lessons—for under-18s. Such has been the success of the scheme that other local authorities may decide to follow Glasgow’s example.

However, that initiative by Glasgow is completely contradicted by the same council’s decision to close dearly loved local neighbourhood pools. That is the crux of the problem. Too often, swimming and swimming lessons are seen as an easy option when budget savings are required. A report by Scottish Swimming earlier this year found that 14 of the 32 councils in Scotland have abandoned school swimming lessons. Of course, it is the most disadvantaged children who suffer most from those cuts.

In a report by Aberdeen City Council, very low levels of swimming competence were found among children at schools that serve disadvantaged areas. It was found that, on leaving primary school, 25 per cent of those children were unable to swim more than 8m, compared to a mere 1 per cent of their peers in more prosperous schools. That school swimming lessons should be viewed as an area for cuts is mystifying. After all, it must be one of the few—if only—subjects in a school curriculum that could save a child’s life.

The latest statistics from the Royal Society for the Prevention of Accidents show that, while swimming lessons are being axed, the number of young people who were killed by drowning in 1999 rose by 50 per cent on the previous year. Fifty-four children under the age of 15 died through drowning that year.

Only yesterday, we heard the sad news that a teenager in Irvine had lost his life in a local quarry. I am sure that the thoughts of us all are with his family, which is devastated by the loss of a fine young man. In a move that is crucial to tackling the increase in drownings, ROSPA is asking that the Executive appoint and fund a water safety officer in Scotland, similar to the officer who is in post in England. I hope that the minister addresses that request when he sums up.

What needs to be done? First, there must be an audit of provision. I admit to being very disappointed by a former minister’s response, in

October last year, to a written question. Christine Grahame had asked Mr Galbraith whether the Executive would

“make it a duty of the Minister for Children and Education to collect centrally information regarding swimming instruction for primary school pupils.”—[*Official Report, Written Answers*, 30 October 2000; Vol 8, p 358.]

The answer was short. Mr Galbraith answered with one word: “No.” I hope that we have moved on since then.

Research is needed, resources are certainly needed, and particular attention must be paid to children in social inclusion partnership areas. In England, swimming lessons are compulsory under the national curriculum. I am not suggesting compulsion; that is not the Scottish way. However, the existing guidelines are not sufficiently robust. They allow short-sighted, cash-strapped local authorities to baulk at the cost of providing lessons and—heaven help us—to complain about the cost of a bus to take a class to the nearest pool.

Our children are our future. One preventable death by drowning is a tragedy for us all. As the motion says, I call on the Executive to take steps

“to encourage local authorities to ensure that every pupil has access to at least one publicly funded course of swimming lessons prior to leaving primary school.”

16:56

**Elaine Smith (Coatbridge and Chryston)**  
(Lab): I congratulate Kay Ullrich on securing this evening’s debate. As someone who learned to swim as a child through swimming lessons provided by the local authority, and as someone who has carried on that interest into my adult life, I welcome the motion. Swimming is my main sporting activity and, time permitting, I try to swim at least once a week.

Teaching children to swim is really important. As well as the safety aspects that Kay Ullrich mentioned and the health implications for children, being able to swim means that children and adults can participate in using and enjoying the water facilities that are provided at leisure centres across the country, such as the excellent Time Capsule in Coatbridge.

When Kay Ullrich raised the issue, I was interested to find out about the two local authorities in my constituency. In North Lanarkshire Council, funding is vired so that all children in primary 6 and primary 7 get free swimming lessons, and in East Dunbartonshire Council, all primary 5 children get free swimming lessons. I congratulate both authorities on their commitment to giving pupils the opportunity at some stage in their primary education to learn to swim. As Kay Ullrich said, the children may not take up that opportunity, but it is there if they want

to. As a parliamentarian, however, I am clearly concerned about the figures that Kay Ullrich quoted for the rest of Scotland.

Like Kay Ullrich, I commend the excellent policy that Glasgow City Council has adopted in providing free admission to public swimming pools for children and young people. I understand that the council intends to introduce kids' cards and young Scots cards, which will enable children and young people to continue to get free admission to public pools when the present scheme ends in the middle of the summer.

I have a personal interest in swimming lessons, because I have a very young son and it is vital that he learns to swim as soon as possible. Being in a position to pay for lessons, I tried three times to get him on to a course, but unfortunately they were all oversubscribed. Luckily for me and my son, however, my mum is a first-class swimmer. She was billed in her youth as Moira McGill, the nine-year-old diving wonder, and we still have the posters to prove it. Indeed, one of my proudest possessions is her Olympic training badge. Sadly, she did not get to the Olympics, because it boiled down to a choice between her education and her swimming career, and her parents chose her education. Nevertheless, I am lucky that she is teaching my son to swim. She could not teach me, as she was working and bringing up four children, so I was pleased that I had the opportunity to learn to swim at school.

It is a pity that, when education budgets are tight, subjects such as physical education and sport are top of the list to be cut. That has health implications. Swimming is often regarded as one of the frilly subjects, which can be one of the first to go. What Kay Ullrich said about safety should be of great concern to us all.

Parents who can afford it can often arrange for their children to have paid swimming lessons, depending on availability, but that is not an option for those on low incomes. Every child should have the right to learn to swim. I support Kay Ullrich's motion, asking the Scottish Executive

"to encourage local authorities to ensure that every pupil has access to at least one publicly funded course of swimming lessons prior to leaving primary school."

After all, their lives may depend on it.

17:00

**Christine Grahame (South of Scotland) (SNP):** Swimming lessons were cut from Borders schools as a result of a spending review some years ago. I know that because a parent was in touch with me after her 12-year-old daughter drowned in the River Tweed last summer. The drowning was witnessed by her nine-year-old brother and three friends. The tragedy impacted

not only on the children who were there and their families, but on the entire community.

I am not saying that swimming lessons are the entire answer—of course they are not—but learning to swim teaches children about the dangers, as well as the pleasures, of water. We all know perfectly well that, in the coming summer months, especially in rural areas, children will be drawn—as they have been since time immemorial—to rivers, burns, canals and reservoirs, which are perhaps the most dangerous of all.

I lived in a house with two rivers at the bottom of the garden. When we bought the house, my husband and I thought, "Should we buy this house when we have a young family?" We decided that we would, but we decided that the children should learn to swim. The local school at Newton Stewart held swimming lessons for the classes. There was also swimming for toddlers and babies.

I became my own water safety officer. I decided that the children would be attracted to the rivers, no matter what, so I took them to the river when it was in spate and they learned about all its temperaments and all its rages. I do not know whether that worked. I am sure that they took risks—children always will—but I did my best. As Kay Ullrich said, Scotland needs a water safety officer—that is part of the answer. ROSPA raised the issue with me. I had no idea what a water safety officer was, but there is one in England. The investment is quite cheap: it costs about £30,000 to employ a water safety officer. Part of that person's duty would be to educate people about the danger of water and water sports, including swimming.

The issue has been before the Executive for a long time. I have a letter, dated 22 April 1998, in which a case is put for a water and leisure safety officer. The letter, which was sent to Sam Galbraith, lists reasons why a safety officer is required. Those include:

"No requirements to carry an observer whilst towing water skiers ... No minimum age for being in charge of a boat, even high powered craft, jet skis, etc whilst on water."

Some of that may have changed, but we still do not have a water safety officer.

When I raised the issue with ROSPA, it sent me a letter, which is dated 6 October 2000, stating that Scotland does not have such an officer. ROSPA said:

"such posts are grant-funded by government. While funding has been made available through the Scottish Executive to RoSPA's Home and Road Safety Departments, this is not so in the area of water safety."

I humbly submit to Nicol Stephen that £30,000 would be a small investment for a water safety officer. If one child's life could be saved, the price

would be cheap.

When I asked Mr Galbraith about a water safety officer last year, his answer was:

"Scottish ministers regulate drinking water".—[*Official Report, Written Answers*, 23 November 2000, Vol 9, p 106.]

The Executive had no idea who or what that person was. I hope that, after this speech, it will know.

17:03

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I welcome the opportunity to speak in this debate and I congratulate Kay Ullrich on securing it. I appreciated her measured comments about what can be done within education. I welcome the sincerity of all the members who have spoken about the obvious dangers of water, the threats that come from children not knowing how to swim and the risks that go with being close to water.

Drowning is the third most common cause of accidental death among the under-16s. Young people who drown are often victims of their own misjudgment of their swimming ability. Although learning to swim may help children who find themselves in difficulties in water, it does not follow that swimming ability makes children safe. Figures show that more than half those who drowned could swim. However, the other side of that equation is that half could not swim. It must follow that, if those children had had the benefit of swimming lessons and had been able to swim, the figure would be smaller; if swimming lessons were more common, more children would survive a swimming tragedy.

I welcome the opportunity to consider those facts and to examine what happens in education in Scotland. Indeed, when I did so, I was struck by the issue of priorities. Aneurin Bevan said:

"The language of priorities is the religion of Socialism."

Not many socialists are present in the chamber this evening to hear me say that, although I notice that some members on the not-so-socialist benches are sticking their hands up. I use that quote because there is a scheme afoot to bring the Ryder cup to Scotland. As part of that campaign, the Executive, through sportscotland, is helping to fund a junior golf manager. It seems rather odd that the priority is to teach primary school children how to play golf instead of how to swim. I asked my son Duncan, who can swim and play golf, "If it came down to a question of priorities and the Government could fund only swimming lessons or only golf lessons at every school, which would you choose?" Although he is 12, he unequivocally replied, "Swimming lessons." That view is probably common throughout Scotland.

The minister can by all means find ways of funding golf education throughout Scotland. However, if the question is swimming and safety, surely our priorities are the wrong way round. If we must teach golf to every primary school pupil, we must also make swimming lessons available through schools and local authorities. I support the position of Kay Ullrich and ROSPA that a water safety officer is surely the minimum necessary to ensure that standards and accessibility are raised throughout Scotland.

17:07

**Irene McGugan (North-East Scotland) (SNP):** I shall expand on Kay Ullrich's comments about Aberdeen City Council's findings in its review of swimming pools and swimming activity over the past year or two. The issue of swimming competence in different parts of the city caused some concern. Initial assessment highlighted the fact that non-swimming levels varied between 1 and 30 per cent across the city. More alarming, it seemed that there was an association between relative deprivation and swimming competence.

Aberdeen City Council considers itself a beacon authority as far as its swimming development programme is concerned. It has declared that swimming is an entitlement for all its citizens and it is working towards delivering that aim. More than 2,500 children a week take part in its much-admired Aqua Aberdeen swimming teaching programme. In addition, a considerable number of curricular swimming hours still exist.

Within such a context, it must be a serious concern that as many as 30 per cent of children in Aberdeen secondary schools cannot swim to the most basic standard and that there appears to be a correlation between non-swimming levels and disadvantage. As Aqua Aberdeen—like similar schemes throughout the country—is fee-based, it will fulfil neither the council's nor the Executive's swimming or social inclusion objectives, even though it delivers high learning outcomes and involves a substantial number of children.

The issue might also have a national dimension. Research undertaken in England by the Office for Standards in Education illustrated a similar scale of non-swimming competence and highlighted a significant social inclusion issue. In Scottish schools, there are national guidelines for physical education within the five-to-14 curriculum. Although there is specific guidance on swimming, local authorities have adopted statutory minima as funding pressures have become more intense. As a result, the guidance is not having the desired effect. It should be noted that the English study found serious cause for concern, despite the fact that England has a mandatory national curriculum that includes swimming provision.

The Scottish Executive, sportscotland and the Scottish Amateur Swimming Association were approached by Aberdeen City Council to consider supporting a similar national study in Scotland. sportscotland and the SASA have pledged their support for the research in principle, and the Convention of Scottish Local Authorities cultural network, at its meeting on 20 April, agreed to support the call for research throughout Scotland. However, the Minister for Education, Europe and External Affairs advised that the Scottish Executive has no plans to commission or support such research.

We need research to establish whether the issue is of national significance and—this is important—we must ensure that adequate funding is made available to local authorities to support fully the teaching of swimming as an entitlement. I am sure that the Executive would support that.

17:11

**Donald Gorrie (Central Scotland) (LD):** I congratulate Kay Ullrich on securing this important debate. The issue of swimming lessons is neglected and we should pay it more attention. We should certainly ensure that teaching takes place in warm water. I say that with some feeling. At one time, I ran physical education at an English boys' school, where the large swimming pool was part of the moat of a medieval castle. The English do not understand drainage, so the pool leaked enormously and was topped up every day with cold water from the tap. It was always extremely cold and teaching young people to swim in very cold water is difficult.

**Michael Russell (South of Scotland) (SNP):** The member may be slightly mistaken. In my childhood, I learned to swim in the open-air pool in Troon, which Kay Ullrich knows well. Each year, there was a competition to see who would be the first person in the pool on the day that it opened. It was extremely cold, but it was good for us—the result is myself—and it did me no harm. Swimming in the coldest of cold water would improve many aspects of young people's lives.

**Donald Gorrie:** I draw a distinction between learning to swim and being able to swim. My brother-in-law, who is 80-plus, swims in Skye on new year's day every year. If one can swim, one can be tough and macho; if one is learning to swim, cold water is really bad.

The Executive should put whatever pressure it reasonably can on local authorities not to save money by cutting down on swimming provision. Swimming pools are expensive to run: they are probably the most expensive sporting equipment. It is also difficult for schools to send children to pools, as classes are disrupted and there are

travel costs. It is therefore convenient for people to put swimming at the bottom of their priority list.

It is important that we do not do that, for reasons of safety, which have been well expressed, and because learning to swim is an important achievement for many young people. Achievements such as learning to ride a bike are important to young people, and being able to swim provides a great boost to self-confidence. In particular, for young people who do not blossom in competitive sports, learning to swim is a morale-boosting achievement.

As well as the safety aspect of learning to swim, therefore, we must consider its beneficial effects on the morale and self-confidence of our young people. Whether they are from deprived areas or elsewhere, sportive or not sportive, many people benefit from learning to swim and we should give them every opportunity to do so.

17:14

**Dorothy-Grace Elder (Glasgow) (SNP):** We have heard some amazing revelations today—Mike Russell says that swimming in the freezing cold outdoor pool at Troon did him no harm.

When I lived in the country, I had to make a choice between learning to swim—which I have never done, I regret to say—and learning how to hock neeps and clean out pigsties. I chose hocking neeps and cleaning out pigsties, which was an excellent preparation for politics.

In many ways, swimming is sinking in Scotland. In Govanhill in Glasgow on this sweltering, sub-tropical day, people have been flocking to Govanhill baths. The baths are empty, however; they have no water in them. The people inside the building are protestors and have occupied the baths night and day, week after week, in protest against their sudden closure by the council, which was announced without warning. Thousands of people in Shettleston have protested over the closure. As members will be aware from the University of Bristol's study, Shettleston is the poorest and least healthy constituency in Britain and now its one major health asset has been closed.

**Michael Russell:** Although Ross Finnie said earlier that ministers were sort of politically neutered, it might be useful to point out that Nicol Stephen is a Liberal Democrat. The protest in Govanhill has involved a range of community activists including, if I am correct, Judith Fryer, who was a Liberal Democrat candidate. When the minister responds, he might reflect on the fact that his party is involved in the protest.

**Dorothy-Grace Elder:** Unfortunately, no Labour or Liberal Democrat member has signed the



motion to save Govanhill baths, which I lodged on 31 January.

Glasgow City Council has generously offered free swimming sessions in some of its pools, but it has been closing school swimming pools for some time. In 1996, there were 23 swimming pools in Glasgow secondary schools. Now, there are only a dozen. Many council baths have closed as well. The council baths where my children learned to swim—and my youngest is only 16—closed shortly after they learned. Many children would not have learned to swim had schools not taken them to nearby council baths. To learn to swim, children need the company of other children and they need to be pushed by their teachers.

Leisure pools, with all their lovely lagoons, are great, but they are not training pools. Govanhill baths took three swimming clubs, involving many hundreds of children. Children with serious disabilities from local schools also went to Govanhill baths, yet—wham!—they have been closed.

The baths were Edwardian. Glasgow is in danger of having poorer and fewer swimming facilities overall than the Edwardians left us with. That must be prevented. The Govanhill people, Kay Ullrich and others have shown that they care about swimming. I thank Kay Ullrich for her sensitivity in bringing this debate to the chamber.

17:18

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** I also congratulate Kay Ullrich on securing this debate. She spoke about her swimming background and it is important that I place on the record the fact that I stand here as a Scottish schools silver medallist in swimming. [*Applause.*] This issue is close to my heart.

**Michael Russell:** The minister always makes a splash.

**Nicol Stephen:** The fact that children drown is clearly horrific and distressing, but it is not only children who drown. One of the memories that I have of my early days on the beach is seeing a father drown in front of his children. That was a horrific sight.

As has been said, the ROSPA report that the motion refers to does not specifically identify the ability or otherwise to swim as a factor in causing death by accidental drowning. Brian Monteith referred to some statistics on that point. It is true that the ability to swim is not always a factor in drowning. I know of a person who was a strong swimmer who, it is argued, drowned while trying to rescue others because of his confidence in the strength of his ability to swim. It is plain common

sense, particularly in the case of young children, that people's ability to swim can literally save their lives. That is one reason—but only one among many—why learning to swim is so important.

There is currently a lack of information on the level of provision of swimming lessons in schools. At present, the Scottish Executive does not collect that information centrally. However, evidence from school inspections seems to support the conclusion that provision varies considerably, with no swimming at all being provided in some areas and good-quality classes still being provided in others. Aberdeen was mentioned as an example of an area where a lot of hard work is going on.

There are obvious problems in some areas that must be tackled, but we need to get a much clearer picture of the situation. Jack McConnell and I decided recently—at the start of May in fact—that this was an important issue, and that we need to gather information on the current situation. We also agreed that with Allan Wilson. The gathering of information will be a first step in considering what action requires to be taken by the Executive. That exercise will commence before the end of June, and all schools and local authorities will be involved.

Swimming is important, and is something that we can all enjoy at any age. Both my children were in a swimming pool in the first few weeks of their life. Swimming can be enjoyed at many different levels of ability and fitness. It allows the young and the not so young to participate in a wide range of sports, and to take part in activities such as sailing, canoeing and water-skiing with far greater confidence than would be the case if they could not swim.

**Christine Grahame:** I am very pleased to hear that there has been a change and that there is to be an audit of swimming provision in schools. In that regard, will the minister consider the appointment of a water safety officer in Scotland, or even just investigate the costs of that? Will he consider such a measure together with a campaign on swimming combined with safety?

**Nicol Stephen:** I was going to come to that point later, but I will deal with it now. If we are going to carry out such a study on swimming, we will clearly be considering all the options. The possible appointment of such an officer will obviously be one of those. I take on board the fact that the matter has been raised by so many people.

We are all aware of the benefits of regular exercise, and swimming is a particularly important and good form of that. As I have mentioned, it often starts as a family activity, and contributes hugely to the pleasures of many family outings and holidays. Outings to the local pool or sunshine

holidays are never quite the same if one member of the family, especially one of the younger members, cannot swim or, worse, is frightened of the water.

If age and fitness are not barriers to enjoying and benefiting from swimming, social disadvantage certainly should not be. At present, we simply do not have the facts to know whether social disadvantage is clearly an issue with regard to swimming, but we have our concerns, which are underscored by the evidence that has been mentioned in this debate in relation to Aberdeen and to the Ofsted report. The information on swimming provision that we will gather will give us the first definite Scotland-wide indication of the scale of the problem.

Swimming is not just an issue for schools. sportscotland has committed £1 million in direct grant to Scottish Swimming for its four-year plan, which is indeed called Aqua 21. That may sound like the name of a new boy band, but it is an important document about swimming in Scotland.

Swimming is one of the sports covered by sportscotland's youth sport team initiative, under which a co-ordinator is provided to help develop opportunities for young people at local and national levels. I was pleased to learn more about young people being offered free access to local swimming pools in Glasgow. Record attendances have shown that that initiative is very successful.

There is a lot going on to encourage pupils to swim but, for the reasons that I have covered, swimming is so important that schools must have a role in ensuring that pupils learn to swim at a young age. Some pupils are receiving appropriate tuition, but others are not. That is unacceptable and must be tackled. To summarise, our first task is to find out what is happening in our schools. We will do that over the next few months. After that, we will study the facts and decide on the best course of action.

It is not always easy for schools to provide swimming lessons. There are a variety of reasons why that is the case, such as access to a local swimming pool, the availability of pool time and the cost of the pool, instructors and travel. We will consider all those issues. As I have said, we will also examine the issue of a water safety and swimming officer. I have no doubt that there will be examples of schools that have been very determined and innovative in their approach to overcoming all those obstacles. We want to spread that best practice to all parts of Scotland.

*Meeting closed at 17:26.*

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