

MEETING OF THE PARLIAMENT

Thursday 31 January 2002

Session 1

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Scottish Parliament

Thursday 31 January 2002

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

Point of Order

The Deputy Presiding Officer (Mr George Reid): The first item of business will be a debate on motion S1M-2625, in the name of Andy Kerr, on the Scottish Public Sector Ombudsman Bill.

Alex Johnstone (North-East Scotland) (Con): On a point of order, Presiding Officer. I rise to lay down a marker in relation to a story that appears in *The Scotsman* today. As members will be aware, the Minister for Environment and Rural Development, Ross Finnie, appeared before the Justice 2 Committee yesterday and was questioned on tenants' right to buy. Quite rightly, he said that that would be best dealt with in agricultural holdings legislation. However, the article in *The Scotsman* states:

"He told *The Scotsman* after the committee session ended: 'Pre-emptive right-to-buy for farm tenants will definitely be in that bill.'"

That rides roughshod over the consultation processes of which the Parliament is so proud. In the same article a large number of questions, which will result in insecurity for those who are involved in the farm tenanted sector, are raised by the leaders of the National Farmers Union of Scotland and others. It would have been far more appropriate if the statement had been made to Parliament, where those legitimate questions could have been put to the minister and such insecurities could have been put to rest.

The Deputy Presiding Officer: I take note of what you say. It is early in the morning. I will have inquiries made and come back to you later in the morning.

Scottish Public Sector Ombudsman Bill: Stage 1

09:32

The Minister for Finance and Public Services (Mr Andy Kerr): As the minister with responsibility for public services, I especially welcome the opportunity to debate the Scottish Public Sector Ombudsman Bill. The bill is a prime example of devolution working for the benefit of the people of Scotland. It will create the framework for new public sector ombudsman arrangements that are specifically tailored to meet Scottish needs. With this bill, Scotland is taking the lead within the UK in an important policy area. The bill will put our public sector complaints system on a par with the most progressive systems elsewhere. It will contribute to our drive for better delivery of public services and further our commitment to promote the modernising government programme.

The people of Scotland have a right to expect modern, effective, high-quality and first-class public services. Similarly, they have the right to expect a fair hearing if they consider that a failure in the delivery of those services has caused injustice or hardship. Effective ombudsman arrangements are a vital element in ensuring that the public are protected from such injustice or hardship. Better government needs an efficient complaints system to deal with that.

The bill aims to establish a complaints system that is accessible, open and accountable, and which commands the trust and confidence of the Scottish public. The bill fulfils the requirement in the Scotland Act 1998 for the Parliament to provide for the investigation of complaints, specifically those relating to actions of members of the Scottish Executive or other office-holders in the Scottish Administration.

The bill has been developed following two extensive consultation exercises undertaken by the Executive. About 800 organisations and individuals, including special interest and community groups, public bodies, trade unions and professional and trade organisations, were given the opportunity to comment on our proposals. We judged it to be essential that the consultation process take account of the views of real people in real processes. We therefore arranged for people who had recent experience of using the ombudsman system to contribute by offering views on not only our proposals but the effectiveness of the current arrangements. We are grateful for all the contributions that we have received.

The bill has benefited from extensive consultation, which has greatly assisted our wish to establish a complaints system that better reflects Scottish circumstances. Throughout the consultations, it has been clear to the Executive that many aspects of the existing ombudsman systems have proved extremely effective, so in drafting the bill we have sought to retain what has worked well and to complement that framework with a range of significant reforms to create a better complaints system for Scotland.

I am pleased that the Local Government Committee's report endorses the general principles of the bill and commends them to the Parliament. The report raises a number of issues to which I will respond. The Executive will, of course, consider carefully all the matters raised by the committee as work on the bill proceeds. I thank the convener, Trish Godman, and the other committee members for the significant amount of work that they have undertaken in scrutinising the bill.

The principal reform introduced by the bill is the creation of a one-stop shop combining the existing offices of the parliamentary, health service, local government and housing association ombudsmen in Scotland. The new office will also take over the Mental Welfare Commission for Scotland's function of investigating complaints relating to mental health matters—as recommended by the Millan committee report—and complaints that are currently dealt with by the external complaints adjudicators for Scottish Enterprise and Highlands and Islands Enterprise.

The one-stop shop will be headed by a single Scottish public sector ombudsman, who will be supported by up to three deputy ombudsmen. The question of an appropriate job title was thoroughly aired in both our consultation exercises. In particular, we sought suggestions for a gender-neutral title. A clear majority of respondents to both consultations favoured the title "ombudsman". I attach a degree of importance to that consultation and response. The term "ombudsman", which was coined for the role by the Scandinavians, is readily understood and recognised by the public, is by far the most commonly used title for this type of office throughout the world, and provides a clearer indication of the unique functions of the office than any alternative title. The committee's report suggested that the Executive should consider changing the title of the office-holder to the Scottish public services ombudsman. That is a helpful suggestion to which we will give positive consideration in advance of stage 2.

The ombudsman and deputies will be appointed by the Queen, on the recommendation of the Parliament. That arrangement reinforces the

independence of the proposed office. To improve the accountability of those office-holders, they will be appointed for a fixed term of up to five years, which will be renewable once. A second renewal will be allowed only in exceptional circumstances.

A one-stop shop will provide benefits not only for the public, who will find it easier to make complaints, but for the ombudsman, who should realise tangible improvements in the operation and effectiveness of the complaints system. All complaints and information requests will be dealt with by the same office using standardised procedures. That will avoid the confusion that can arise at present when a complaint falls within the remit of more than one ombudsman. A single organisation dealing with public sector complaints will develop a higher public profile and will be easier to publicise. It will allow greater flexibility in the use of staff and other resources and will provide opportunities for more joint working and sharing of information.

The one-stop shop will be funded by the Scottish Parliamentary Corporate Body. The funding associated with the existing ombudsmen will, where appropriate, be redirected to the SPCB. The Executive will also provide the Parliament with additional funding to support the start-up costs that are required to establish the new office. The bill empowers the SPCB to determine the pay, allowances and pensions of the ombudsman and deputy ombudsmen. Those provisions reflect the common approach to managing the offices of office-holders who are the responsibility of the Parliament, which was agreed after discussions at official level between the Executive and the Parliament.

There are a number of ways in which the bill seeks to make the ombudsman more accessible. It removes the need for complaints to go through MSPs and allows complaints to be made orally in special circumstances, or to be made by electronic means. It also allows a person to authorise a representative to complain on their behalf. Such arrangements taken alone will make a significant difference to the disadvantaged within Scottish society. Those who have difficulty with reading or writing or those who, for whatever reason, are currently discouraged from making a complaint or who are unable to make a complaint, will be encouraged to make full use of the complaints system, which is intended to be of benefit to all.

We attach great importance to promoting public awareness of the new ombudsman and his or her role. The bill requires the authorities that are listed in the bill to provide information about the right to complain to the ombudsman in, for example, leaflets, guidance and correspondence.

The committee's report suggested that the ombudsman should have a consistent range of

investigatory powers within his or her jurisdiction. I understand that that suggestion arises mainly from the health service ombudsman's power to investigate matters of clinical judgment and the housing association ombudsman's ability to investigate matters other than maladministration.

We have not sought to retain the housing association ombudsman's wider remit because we have identified only one occasion on which it has been used. That case could have been dealt with as maladministration. Therefore, it was clear that the wider remit was unnecessary. Maladministration is a broad term and, in practice, it enables ombudsmen to look into a wide range of matters.

Mary Scanlon (Highlands and Islands) (Con): I seek clarification from the minister. I am confused about what will happen if someone complains about a social worker. Will they complain to the Scottish Social Services Council or to the Scottish public sector ombudsman? When I asked the Scottish Parliament information centre and the Executive about the complaints procedures for the Scottish Social Services Council and the Scottish Commission for the Regulation of Care, I was told that they are still out to consultation. I find it difficult to see the parameters of those new organisations and how they will fit with the role of the public sector ombudsman.

Mr Kerr: I will try to address that point now and perhaps follow it up by correspondence. In the first instance, the internal measures and mechanisms that are available within the local authority should be used for a complaint. The complaint would subsequently be passed on to the ombudsman. I will clarify the point that Mary Scanlon made, which is interesting, but that is my initial view.

Professional judgments, to which I referred in connection with the health service ombudsman's remit, are essentially discretionary decisions, which we propose to continue to exclude from the ombudsman's jurisdiction. That is because we do not wish to create conflict between the role of the ombudsman and the democratic accountability of elected representatives or, indeed, to trespass into areas for which the courts are the proper mechanism for recourse.

It is also important to remember that the primary function of ombudsmen in the public sector has always been to consider complaints about injustice or hardship caused by maladministration. We propose that that should remain the primary function of the new ombudsman. That approach was endorsed overwhelmingly by the majority of those who responded to our consultations.

An exception was made for the health service ombudsman to reflect the unique circumstances of

the relationship between health care professionals and patients. In other parts of the public sector, professional judgments are generally exercised in providing advice or information to the elected representatives by whom the decisions are made.

The option of judicial review will remain open to anyone who is not satisfied with a decision based on a professional judgment. Furthermore, the bill allows for the processes leading up to such decisions to be open to scrutiny by the ombudsman, as is the case now. I consider that the approach that is taken in the bill strikes the right balance between ensuring that public authorities are properly held to account and making legislation that is clear and workable.

In its report, the committee has asked that the Executive look again at whether the bill safeguards and enhances the ability of the ombudsman to resolve disputes by informal means. I have already informed the committee that I welcome the practice of resolving complaints informally wherever possible. The bill is intended to provide the statutory framework for the ombudsman to operate effectively and the powers that are necessary for the ombudsman to undertake his or her formal functions. We deliberately avoided including any specific provision for informal resolution because we considered that that would have removed the informality and flexibility that are the key advantages of that process. Throughout the drafting of the bill we have kept in mind the need to allow the continued development of informal resolution and complete flexibility in the performance of those informal functions. We consider that the bill will not frustrate those aims.

I note the existing ombudsmen's concern that the fact that the bill does not make provision for informal resolution might lead to judicial review cases. However, to date, we have seen no evidence that such concern is justified. Indeed, we are concerned that any attempt to make specific provision for informal resolution could increase the likelihood of judicial review, because it would narrow the flexibility that is so important to all concerned. However, the Executive notes the concerns that the committee expressed and will give further consideration to whether any amendments are required to support the process of informal resolution.

On the recommendation of the Subordinate Legislation Committee, the Local Government Committee has requested that the powers to make subordinate legislation under the bill should be exercisable only as regards public functions. It has suggested that that be made clear in the bill—as it is in the Freedom of Information (Scotland) Bill, which is also progressing through Parliament. Otherwise, the Subordinate Legislation Committee

suggests, issues might arise under the European convention on human rights over the possibility that bodies that exercise public and private functions will be subject to investigation by the ombudsman in respect of their private functions. I note those concerns and am pleased to confirm that the Executive will lodge appropriate amendments at stage 2.

The openness and effectiveness of the ombudsman will be improved by the requirement for the ombudsman to publish all investigation reports and lay them before the Parliament. In addition, the bill empowers the ombudsman to publicise and lay before the Parliament special reports on cases in which an injustice or hardship has not been remedied. The ombudsman will also be required to report annually on the work of the office, and the Parliament will have power to direct the ombudsman as to the form and content of annual reports.

I hope that the Parliament will join me in welcoming the general principles of the Scottish Public Sector Ombudsman Bill. The key aims of the bill are access, clarity and accountability—greater access to the public sector complaints system, greater clarity in the purpose and operation of the system and greater accountability in that system. The bill is a concrete example of the Executive delivering on its continuing commitments to modern, open and accountable government and first-class public services.

I do not want the Parliament to consider the proposals that I have outlined today for reforming the existing complaints system without acknowledging the contribution of the current ombudsmen. They and the arrangements under which they work have served Scotland well and are held in high regard. The Executive welcomes that and wishes to record it in the debate. We all acknowledge the valuable contribution that the ombudsmen have made through their work to maintaining quality in Scottish public services.

The significant reforms that are set out in the Scottish Public Sector Ombudsman Bill will build on the legacy of the existing ombudsmen and play a major part in achieving the Executive's key goal of delivering better public services for the people of Scotland.

I move,

That the Parliament agrees to the general principles of the Scottish Public Sector Ombudsman Bill.

09:47

Tricia Marwick (Mid Scotland and Fife) (SNP):

As the minister said, the aim of the bill is to establish a public sector complaints system that is open, accountable, easily accessible to all and that has the trust of the Scottish public. That is

quite a challenge. The bill generally meets that challenge.

I welcome the minister's comments about the number of amendments that he accepts from the Local Government Committee's report. I hope that he will continue to reflect on those that he has not yet accepted. I am sure that the convener and other members of the committee will press those points during the debate.

The bill will make it simpler and more effective for members of the public to make complaints about maladministration in the public sector. However, we need to be clear that a public sector ombudsman will not be a panacea and will not solve all the problems that the public have with public services. Although it is right and proper that we publicise the service as much as possible when it comes into being, we must also make it very clear that the ombudsman cannot solve problems that do not fit within the parameters of maladministration.

For many, one of the frustrations of the present system is that their complaints do not seem to fit into any category. We must consider that matter outwith the bill. Although I welcome the commitment to publicise the new service when the bill is enacted, we must be careful not to raise hopes that the service will do what it simply cannot do. I was struck by evidence that only something like 8 per cent of all the complaints that go to the present ombudsmen are dealt with. That means that a substantial number of complaints are not resolved in the ombudsman service. Although it is right that we have a single framework and that we publicise it, I do not want anybody to get the impression that any problem that they take to the ombudsman will be resolved, because the parameters for the ombudsman's work will still be defined within maladministration.

I was disappointed that the minister did not accept the need for amendments to the bill to safeguard and enhance the ombudsman's ability to resolve dispute by informal measures and means. I hope that the minister will reconsider. I was certainly persuaded by the evidence that the committee heard that informal resolution is sometimes better than formal resolution. I understand what the minister is saying, but there will be opportunities at stage 2 to lodge an amendment that will meet those concerns.

I am still not persuaded that the water authorities should not be brought within the scope of the bill. The Convention of Scottish Local Authorities gave evidence to that effect. I hope that the minister will reconsider that issue during the passage of the bill. If he does not, concern will be expressed in the future about the water authorities not being included. Water is, and will continue to be, a vital public service.

I turn to the question of the consistency of the range of investigative powers that are included in the bill. At the moment, the Executive continues to allow the NHS ombudsman to have greater powers to investigate judgments as opposed to maladministration. The bill gives an opportunity to widen the range of powers. If we are to have a public services ombudsman, it will be helpful for the ombudsman's range of powers to be consistent. The committee felt strongly that the Executive should consider amending the bill to extend the range of investigative powers so that they are consistent across all authorities.

I will move on to a matter that arose in the evidence that was given to the committee. The Scottish parliamentary commissioner for administration expressed concern about the present ombudsman staff. He was not persuaded that the bill conforms to the code of practice for staff transfers in the public sector. When the minister appeared before the committee, he gave an assurance that the code of practice and the guidelines would be met and that staff would be protected at transfer. I am not persuaded that that is the case. I hope that the minister will examine the situation to ensure that staff will not be disadvantaged.

I thank the minister for his positive response to some of the committee's report. I am sure that several amendments will be lodged at stage 2—he is committed to lodging some, but there will be others. All members want the bill to work and want the new office to work well. However, members will lodge amendments to make the bill work better.

I hope that the minister will reflect positively on the comments that were made in the report. I hope that he will not give the usual Executive knee-jerk reaction of rejecting amendments that it does not want. I ask the minister to examine carefully and reflect on some of the amendments that will be lodged. The Scottish public sector ombudsman should be allowed to gain the trust of the people of Scotland. The office of the Scottish public sector ombudsman should be a genuine one-stop shop where the vast majority of complaints can be resolved.

09:53

Mr Keith Harding (Mid Scotland and Fife) (Con): I am about to make a comment that the Presiding Officer will not hear often from an MSP. I am disappointed that I have been allocated 12 minutes to speak in the debate.

The Deputy Minister for Finance and Public Services (Peter Peacock): So are we. [*Laughter.*]

Mr Harding: It's the way he tells them.

The truth is that a serious issue is involved in the way that we use our parliamentary time. This morning, we are to use two and a half hours to debate stage 1 of the Scottish Public Sector Ombudsman Bill, the principles of which committees of the Scottish Parliament have agreed to support. Stage 1 is all about the principles and not the detail. Why has so much time been allocated? We have only one and a half hours to debate the Local Government Finance (Scotland) Order 2002 this afternoon—an issue of much greater importance to the daily lives of the general public as it determines their council tax and services for the coming year.

Putting aside the issue of time, I reaffirm the Scottish Conservatives' support for the general principles of the bill. We welcome the move to a one-stop shop for the public sector ombudsman. I also welcome the principle of further clarifying the ombudsman's independence from Government and to improving public transparency of the ombudsman's actions.

The Local Government Committee heard evidence from a number of parties. We recommend that at stage 2 the minister should address a number of the issues that were raised. That is a detailed debate for another day, but I hope to receive an assurance from the minister today that a constructive debate will be held at stage 2. I am pleased that the minister will attempt, through amendments where necessary, to ensure that we achieve the aims of the committee, following its initial scrutiny of the bill.

The scrutiny produced six main issues on which the committee will be looking for action from the minister. In support of the committee, I will set out briefly the Conservative view of the issues. First, I agree with the Local Government Committee, rather than the Health and Community Care Committee, that flexibility is key when considering the expertise that is required of deputy ombudsmen. Let the ombudsman appoint a cross-section of deputies, who can cross-fertilise one another's experience. The minister should not box the ombudsman into specific appointments. The point of having a one-stop shop is that investigative staff with different backgrounds can gather experience gradually in all areas so as to provide a better service to the public. They can also respond to variations in work load.

Janis Hughes (Glasgow Rutherglen) (Lab): The member will be aware of the evidence that was taken by the Health and Community Care Committee, which showed that bodies such as the Mental Welfare Commission were keen for one of the deputy ombudsmen to have particular responsibility for health. The Health and Community Care Committee felt that, given the complexities of the areas that the health service

ombudsman has to deal with, it would be preferable for one of the Scottish public sector ombudsman's deputies to have specific responsibility for health. Given that we do not have a problem with the ombudsman having overall responsibility, does the member agree that it would make sense for one of the deputies to have specific responsibility for health? That would be in the interests of all who have concerns about the health services.

Mr Harding: I thank Janis Hughes for repeating some of the evidence that was given to the Health and Community Care Committee. The Conservatives took that evidence into account before we came to our conclusion. We believe that it is wrong to have specialised deputies. We believe that the deputies should cross-fertilise one another. Health is included in the framework. I do not want there to be specialist deputies. I thank Janis Hughes for her intervention, as it took a minute.

Secondly, I understand why we do not want to specify the means to be used for informal investigations, but I urge the minister to consider the ombudsman's information needs for that type of investigation. He must ensure that the ombudsman's office is protected properly from legal challenge. As Tricia Marwick said, amendments should be lodged to enhance the ombudsman's powers to resolve disputes by informal means.

Thirdly, I am concerned in particular about jointly planned and funded services in the health and social care sector. That is a grey area—one which causes public concern and doubt about who is responsible for service quality and service decision making. It would be even worse if the confusion was exacerbated by variations in the powers of an ombudsman who is supposed to be a one-stop shop. I agree fully with the Local Government Committee view that the Executive should

"consider whether there are ways of amending the Bill at Stage 2 to bring a consistent range of power of investigation across all the authorities which may be investigated."

Fourthly, I would like the minister to assure me that safeguards will be put in place to ensure that the confidentiality of the information that is available to the ombudsman in legal aid applications will not be removed without proper protection. We received compelling evidence that safeguards are needed to protect the quality and extent of information provided in applications.

I appreciated receiving a copy of the letter that the minister circulated to us all, to reassure us on that matter. However, I am concerned about this sentence:

"During the discussions, it emerged that cases where there was any possibility that the amendment might cause difficulty would be very few and far between."

The point is that there will be some such cases. The minister has to address that point.

Fifthly, I am pleased that the minister has said that he will reconsider the title of the new organisation. Housing associations are concerned about the inappropriate use of the words "public sector". Although the change may seem minor, the suggested title of "Scottish public services ombudsman" seems sensible.

Finally, the Local Government Committee endorsed the Subordinate Legislation Committee's view that the Executive should

"take steps to ensure the powers to make subordinate legislation under the Bill are exercisable only as regards public functions by making this clear on the face of the Bill in the same way that such limitations are drafted on the face of the Freedom of Information (Scotland) Bill."

The minister must consider that point to ensure ECHR compliance and the competence of the bill.

The Scottish Conservatives welcome this worthwhile bill and support the general principles that we are debating today, but we will give careful consideration at stage 2 to the concerns raised by the Local Government Committee. I look forward to that more detailed debate, in which I may take a fuller part to impress on the minister the need to address those concerns. There is little more that I can say on the general principles of the bill, which I am sure the whole chamber will support.

10:00

Iain Smith (North-East Fife) (LD): Like other members who have spoken, I am concerned about the amount of time that I have been allocated. I assure the Presiding Officer that I do not intend to take up my full allocation.

The Deputy Presiding Officer (Mr George Reid): We will be finished this morning by about 11.40—which is 50 minutes early. I ask the business managers to take note of that.

Iain Smith: Thank you, Presiding Officer.

This is an important bill, which merits a decent stage 1 debate. I hope that we have such a debate, even if we do not fill the two and a half hours that have been allocated. As Keith Harding said, the debate is about the general principles of the bill, but it is also an opportunity for those of us who have considered the bill to raise the aspects that we would like the Executive and the Local Government Committee to consider for amendment at stage 2.

The principle of a public sector ombudsman is important. We have had ombudspersons,

ombudsmen or ombudsmans—whatever the Scandinavian plural is—in the public sector in the United Kingdom for a considerable time. They provide an important function: the basic principle is that they are a backstop in complaints procedures. People can take their complaints to the ombudsman for independent consideration after the complaints procedures of the authority that is the subject of the complaint have been exhausted.

There is often concern among the public that public authorities do not give fair consideration to their complaints and see them from the perspective of their own interests. My experience in public service—as a councillor for many years and as an MSP—is that if one is not satisfied with the response one receives from an official at a lower level and one writes to the chief executive of the council, the chief executive will check with the official with whom the complainant was not happy, so one ends up getting the same answer. There is an element of failure to consider matters—even within a council's own operations—independently. It is important to have independent consideration of complaints to fall back on.

For that reason, I am slightly concerned by the Executive's reluctance to consider extending the remit of the public sector ombudsman beyond the consideration of complaints within the traditional definition of maladministration. Although ombudsmen might understand the term maladministration, the public—and even councillors, MSPs and MPs—do not feel that they understand what it means. It is important to consider that point in the context of cases where injustice is felt to have been done in the public sector.

I draw the attention of the chamber, and particularly of the Executive, to the written submission from the Scottish Consumer Council, which is reproduced in the Local Government Committee's stage 1 report. In paragraph 11 of its submission, the Scottish Consumer Council says:

"The main ombudsman schemes in the public sector deal only with 'maladministration'. However, the Housing Association Ombudsman for Scotland 'may investigate and report on complaints other than those in which injustice has been caused by maladministration if he is satisfied that in the particular circumstances it is in the public interest to do so.' The Health Service Ombudsman can deal with complaints about 'poor service by a health service body'. The remit of the public service ombudsman should be extended beyond maladministration, to include the kind of cases already covered by these two schemes."

Therefore, there is an opportunity to look beyond maladministration, in cases where an injustice has been caused by a failure of service or by another means that does not fall under the technical definition of maladministration.

In paragraph 13 of its submission, the Scottish Consumer Council says:

"The guiding principle should be that which makes sense to consumers. If, at the end of an authority's complaints procedure, a problem remains unresolved, consumers should be able to expect an impartial overview by an ombudsman."

That is a useful principle. If, having gone through the complaints procedure of a council, health body or housing association, a consumer is still unsatisfied with the response, there should be the opportunity for independent consideration of the complaint. The ombudsman may come back and say that the consumer is wrong—often, people who feel that an injustice has been done do not have a case—but independent consideration should be available.

I urge the Executive to consider whether the remit of the ombudsman could be extended to allow consideration of failure of service and wider issues, as is the case with the housing association ombudsman. It is not acceptable to say that, because the extended remit of the housing association ombudsman has been used only once, it should not exist. The extended remit is a useful backstop and can allow the ombudsman to consider the informal channels that are available.

We should consider whether the definitions in the bill should contain an additional element to make it clear that the ombudsman has the power of informal investigation. There is concern that the bill makes clear only the powers of formal investigation that are open to ombudsmen; it does not make it clear that they continue to have the power to conduct informal investigations. The Scottish parliamentary commissioner for administration and the local government ombudsman both raised that concern in evidence to the committee.

Michael Buckley, the Scottish parliamentary commissioner, said:

"I am concerned at the well-nigh exclusive emphasis in the Bill on investigation. The only substantive functions of the new Ombudsman mentioned in the Bill are to investigate and to report. Yet the overwhelming majority of cases are currently settled, and are likely to continue to be so settled ... in a way other than that to be provided for by statute ... I believe that the new Ombudsman may be vulnerable to challenge, not only in the courts but also by the auditors, if he or she adopts the sort of working methods (such as informal resolution) that I believe to be appropriate."

That practitioner is genuinely concerned that, because the bill does not make it clear that the ombudsman has the powers, there might be a challenge. That needs to be resolved.

I am not talking about heavy-handed legislation; a problem is that our draftsmen and civil servants think that if something is put into legislation, there must also be miles of regulation. I am talking about including a section to enable informal investigation to take place and to ensure that it is

clear in statute that the ombudsman has that power. I hope that the Executive will consider that at stage 2.

The Health and Community Care Committee has concerns about the designation of deputy ombudsmen. We should not end up with an extra layer of bureaucracy because we have set up a series of doors, with one door on top of them. Instead, we should have a one-door stop, which allows the ombudsman flexibility to ensure that all investigations are dealt with adequately and effectively. That does not mean that there should not be expertise. I have no doubt that the ombudsman, when appointed, will ensure that there is expertise in housing, health, local government and the public sector in general, as covered by the parliamentary ombudsman. Those are important areas that must be covered. Let us not lay down in statute the structure for the new public sector—or services—ombudsman.

I support the proposal to change the name to the Scottish public services ombudsman. It is neat because if there is already stationery with the initials printed on, it will not need to be changed.

The Deputy Presiding Officer: I call Trish Godman, who may if she wishes have an infinity of time. However, it is my intention to suspend the meeting at about 11.40.

10:09

Trish Godman (West Renfrewshire) (Lab): Thank you, Presiding Officer. That is the first time that I have been told that I can speak for as long as I like. The Local Government Committee was in the chamber last week, is here this week, and will be here next week and the week after that. I suggest that our names are put on the seats so that we know where to sit.

The committee and the clerks have been extremely busy. I want to put on record my thanks to committee members, as the committee has met weekly for as long as I can remember. Last Tuesday, we met at quarter to two and the meeting did not close until about 20 past six.

We consider carefully the bills that come before us and, from the responses from ministers, it seems that we are doing an excellent job, because many of the suggestions that we have made have been accepted.

Today, we are considering the Scottish Public Sector Ombudsman Bill. As others have said, the policy objective is to have a one-stop shop, headed by a new Scottish public sector ombudsman, to deal with complaints. At the moment, complaints are dealt with by a Scottish parliamentary commissioner for administration, a health ombudsman, a local administration

ombudsman and a housing association ombudsman. The thrust of the bill is to establish an open, accountable and easily accessible public sector complaints system, which has the trust of the Scottish people. The bill will make the system simpler, more effective and more transparent, and will improve publicity.

In their written and oral evidence, all witnesses welcomed the one-stop-shop proposals but, as usual, some of them had concerns. One of those was that we should not lose the extensive knowledge and expertise built up over the years by individual ombudsmen and their officials. The committee agreed with those sentiments, but we did not support the suggestion that there should be a deputy ombudsman for either health or housing. I have to disagree with my comrade Janis Hughes and agree with Iain Smith on that point.

Members should be forewarned that the Local Government Committee will bring discussions on community planning to the Parliament. The committee felt that, because of the integrated approach implied by the emergence of community planning, it was important to allow the new body to develop as flexibly as possible. We acknowledge that the existing expertise needs to be retained, but we feel that people should start to work together in the new one-stop shop and learn from one another, rather than being separated.

Witnesses noted the bill's emphasis on investigations. Some expressed concern that, as the bill stands, the ombudsman may be vulnerable to challenge, in the courts or by auditors. Tricia Marwick spoke about that. The Health and Community Care Committee and the Scottish parliamentary commissioner for administration also expressed those concerns. However, the Minister for Finance and Public Services was of the opinion that the bill provided a statutory framework for the ombudsman to carry out his or her duties and that the fact that the bill contains no provision on what can or cannot be done means that there will be wider scope to deal with issues as the ombudsman sees fit. The committee was not wholly convinced by the minister's comments. We ask him to consider whether amendments are needed to safeguard the ability of the ombudsman to resolve disputes informally. I note what the minister has said today.

The provision for local authorities to ask the ombudsman to initiate an investigation is new. Although the housing association ombudsman was concerned that there might be a risk that an authority would use the new ombudsman to manage its own complaints, the committee was persuaded by other evidence that it was helpful for authorities to be able to request that an investigation be initiated. However, we cited the example of a complete service failure by an

executive agency such as a local enterprise company, which we believed would be more properly investigated by a parliamentary committee than by an ombudsman. I draw the Executive's attention to that example.

We consider that, at this point, there is no need to add to the list of bodies, as that can be done later. I acknowledge Tricia Marwick's comments about water authorities.

The bill still allows the ombudsman to investigate matters of clinical judgment in the health service, but only matters of maladministration may be investigated in complaints against local authorities. Many witnesses felt that the new body's remit should be wider than the investigation of maladministration. However, the minister does not hold that view. He believes that organisations such as local authorities are democratically accountable and so a wider investigatory remit is not necessary.

The committee decided that, with the growth of joint, multidisciplinary working—and eventually with community planning—the differences between what can be investigated could cause problems. For example, witnesses from the Mental Welfare Commission for Scotland pointed out that all their work is conducted closely with health services and local authorities and that it would be difficult to unravel who was responsible for problems in the event of a complaint being investigated. We asked the Executive to consider ways of amending the bill at stage 2 to make the range of powers of investigation consistent across all authorities.

The power to investigate maladministration in relation to the internal management and organisation of schools is new. The Convention of Scottish Local Authorities and Glasgow City Council were unhappy about the proposals, as they felt that they would allow the ombudsman to stray into investigating matters of professional judgment, such as the curriculum and teaching management. However, the minister made it very clear that the bill would limit the ombudsman in investigating matters of professional judgment. The committee considered that question for some time and discussed it in detail. We finally agreed that it is appropriate for the ombudsman to investigate administration and management in schools, and nothing else.

The confidentiality of information provided was another question on which the committee spent some time. The bill will remove restrictions on the ombudsman's access to information from the Scottish Legal Aid Board. The committee still had concerns and sought assurances from the minister that safeguards will be in place to protect the applicant, so that the quality and extent of the information provided is not adversely affected.

We welcomed the inclusion of provisions to publicise the service. We talked a lot about that, because we think that it is very important. We also think it important that local complaints procedures should be exhausted before the ombudsman is approached. Mary Scanlon raised that. We welcomed the Scottish Parliamentary Corporate Body's assurances on the independence of the ombudsman's post. The SPCB will consider the pay, allowances and pension of the ombudsman. We are satisfied that sufficient safeguards are in place to ensure that there will be no conflict of interest.

The minister has given assurances that safeguards are also in place on staff transfer arrangements. As the minister said, the committee suggested that the name should be the Scottish public services ombudsman. I am pleased that he appears to have accepted that suggestion.

I have spoken for seven minutes; that is the longest speech I have ever made in the chamber. I ask members to agree to the general principles of the bill.

10:17

Ms Sandra White (Glasgow) (SNP): I congratulate Trish Godman on her speech. She has taken seven minutes, which might cut my time by about two minutes. She raised some of the points that I was going to make, and did so more eloquently than I could have done. She covered practically everything in the bill.

As Trish Godman and other members said, everyone in the Parliament favours a one-stop shop. It is right and proper that people should not be confused—deliberately or not—about whom they should approach. The one-stop-shop approach is sensible and I am sure that the public will welcome it as long as it is transparent, open and fair.

After leaving Glasgow at half-past 6 this morning, I sat for nearly two hours in a traffic jam, so I looked at the list of organisations that are covered by the bill to see whether long-suffering motorists might be included, but unfortunately they are not. Perhaps that is something that I should address in a private bill. The only transport-related organisation that I could see listed was the Strathclyde Passenger Transport Authority. Perhaps the needs of long-suffering motorists should be considered.

Members have raised a number of concerns. Trish Godman explained very well the concerns of Michael Buckley and the housing association ombudsman about informal resolutions and the ombudsman's vulnerability to challenge. I think that the minister has taken those concerns on board. If he has not already mentioned that point, I

am sure that he will do so in summing up. Committee members and witnesses also expressed concern about formal investigations. Other members have mentioned that point and I am sure that the minister will comment on it when he sums up. Witnesses from the Office of the Housing Association Ombudsman and James Dyer of the Mental Welfare Commission for Scotland raised that concern as well, and those people should be listened to.

I very much favour the proposal to remove the MSP filter. I have had representations on that point. At present, any complainant who wants to approach the Scottish parliamentary commissioner for administration must do so through an MSP. The bill proposes that that filter be removed, so that approaches can be made through another process. I am pleased about that and I am sure that, once the bill is passed, the constituents who have approached me will also be pleased.

It has been said that a one-stop shop for the people of Scotland—I think that the minister used those exact words—will be welcomed by the people of Scotland. It is certainly welcomed by the Parliament. The Local Government Committee scrutinised the bill in great detail and suggested various ideas. Members of the committee and SNP members will lodge amendments at stage 2. I recognise that the minister has taken on board most of the Local Government Committee's concerns and I look forward to stage 2 of the bill.

10:20

Dr Sylvia Jackson (Stirling) (Lab): At this stage of the debate, it is difficult to be original, but I will try my best.

Members have not really dealt with consultation. The Executive undertook two consultations—that is important—and the committee asked witnesses about the process. They said that the process had been thorough. Every witness who gave written or oral evidence was in favour of the one-stop approach to complaints in the public sector.

Stage 1 consideration of the general principles of a bill is something of a non-event. There was general agreement in the Local Government Committee that the bill should proceed. However, as Iain Smith argued, it is important that issues are aired to find out whether the Executive can be urged to change its mind about them—it certainly has in some areas—or whether amendments will be needed at stage 2.

What are those issues? Janis Hughes raised the important issue of expertise. How can expertise be retained in health or housing? She was concerned that it would be difficult to retain expertise if there is not a deputy ombudsman with particular responsibility for health, for example. Although the

Local Government Committee knew about such concerns, it felt that such proposals might not alter the structure of the present system. All that would happen is that another person—another layer—would be put on top and in charge of the public sector ombudsmen. Perhaps we should have considered the structure of the new body more carefully when we took evidence, to find out how expertise could be retained. That would not necessarily mean a deputy layer.

Another concern relates to the wording of the bill. There is concern that, if the investigative role is seen as the main role, that would not allow for an informal procedure, in which a case could be resolved informally before an investigation starts. I take on board what the minister said—that such a procedure will still be allowed—but the ombudsmen were genuinely concerned about that.

Iain Smith argued well on the extent of the investigatory remit and how it should be consistent across all areas. The public should know what to expect from the ombudsman's service, but the ombudsmen currently have different structures and getting consistency will take time. I have an education background and am well aware that we spent a long time talking about the professional role of teachers and how we did not want the ombudsman's role to input into teaching and learning in the curriculum. The area is complex and there was much discussion about it. Consistency is important so that members of the public know what is happening and how they will be treated.

Tricia Marwick made an excellent point about publicity. We must not raise unrealistic expectations. When we consider how to discuss the service and how to make more people aware of it, we should be careful how we put the message across.

I have no hesitation in supporting the bill at stage 1 and I hope that all members will support it.

10:25

Mary Scanlon (Highlands and Islands) (Con): Members may think that the bill is fairly straightforward, but we should not forget those who are pursuing complaints in the system. As Sylvia Jackson spoke, I could not help thinking about a lady who came to my surgery. Her mother, who was in a local authority home, had dementia and was taken into a psychiatric hospital where she was to be assessed and where it was to be decided where she would go. The lady went to the council, which said that the matter had nothing to do with it, as the mother was in a primary care trust. The lady went to New Craigs hospital, where her mother was being assessed. The hospital said that the matter had nothing to do with it, but

concerned the social workers. The lady tried to get a social worker, but was told that the matter had nothing to do with them. She went to her doctor, who said that it was not their responsibility. She went to see her councillor, who said that it was nothing to do with them, but was a hospital matter. Members are saying that the bill is okay, but we should not forget the trauma that people go through in finding their way through the system.

I support the proposal to have one ombudsman and a one-stop shop. However, at stage 2, I ask the minister to take into account the complaints procedures for the Scottish Commission for the Regulation of Care and the Scottish Social Services Council. There may be no overlap and things may be crystal clear, but this morning I found out that the Executive is still deliberating on consultation responses—we still do not know the details of the complaints procedures for the Scottish Social Services Council or the Scottish Commission for the Regulation of Care. I ask the minister to be open to amendments at stage 2 and to clarify that matter.

I will make two small points before I come to my main one. The first relates to Scottish Health Advisory Service reports. They are first class, but I have often seen reports that say that recommendations were made three years ago but nothing has been done. I ask the minister to ensure in the bill that the public sector ombudsman's recommendations are monitored and acted on.

The second point is that I was shocked that Michael Buckley said almost proudly that the time taken to process complaints had been reduced from 45 to 42 weeks. Any move in that direction is welcome, but I know the trauma that many people go through in pursuing complaints. I hope that thoroughness can be maintained, but that the time taken to process complaints can be reduced.

My main point was raised by Trish Godman. It concerns the joint-working aspect of care in the community. If a person who receives care complains about their treatment, is not satisfied with the local resolution and goes to the public sector ombudsman, who is to say whether the complaint is a health complaint or a local government complaint? The difficulty arises from the fact that the ombudsman can consider only those complaints that are based on clinical judgments that relate to health service personnel and, in respect of social workers, can examine only the process followed and maladministration. The best submission that the Health and Community Care Committee received was from the Mental Welfare Commission, which said:

"This Bill contains many provisions which will achieve the objectives of the Executive that the public sector complaints system will become simpler and more effective".

We all agree with that. However, the commission also said that the bill

"will also mean that the decisions and actions of professionals who do not operate clinical judgement, but who do use other forms of professional judgement, will not be open to the same scrutiny as those of their colleagues within the health service. This does not seem to be in the public interest."

There will soon be even greater emphasis on joint working and joint decision making: for example, there will be multidisciplinary teams and care plans will be jointly decided. Moreover, both the Regulation of Care (Scotland) Act 2001 and the Community Care and Health (Scotland) Bill stress joint working. We can see how difficult it will be to assess who has made a decision when that decision has been made jointly.

It is surely unfair if a health service employee must be more accountable for a decision than a local government employee is. For example, a person could complain about being refused a home care service, about not being referred to a day centre, about respite care to help the carer or because, as a carer, they disagree that their mother should be taken into care. Are the judgments that would be involved in those situations clinical or administrative? Do those judgments take into account all factors, including social and clinical factors and the health of the rest of the family? That point was raised in the Health and Community Care Committee.

Trish Godman: I have a point of clarification. My understanding is that the purpose of the one-stop shop is precisely to overcome such problems. We will not identify deputy health or deputy housing association ombudsmen; the expertise will be built up so that, when someone goes to that one-stop shop, they will have a choice of guidance. I thought that that was the whole thrust of the bill.

Mary Scanlon: Yes, so did I. My evidence comes from the Mental Welfare Commission and others who felt that, when the commission examined a complaint, it examined it as a whole. The commission made the same point as the member—there is now a blurring because of joint decision making. If two people make a decision, it cannot be right that one is held to account for a clinical judgment but the other is not. In addition, if a person complains that an elderly person's discharge is being delayed because a local authority does not provide appropriate care, to whom do they complain and who is responsible? I feel that that needs clarification.

The ombudsman can investigate the action of independent providers, but only when the services are provided under arrangements that were commissioned by a health service body or a family health service. In other words, the ombudsman

can investigate voluntary and independent care services that are commissioned by the NHS, but cannot investigate services that are self-financing. That means that two people in the same day care centre could have different complaints procedures, because one of them is deemed to be receiving a service that is self-financing and the other is receiving a service that was commissioned by a family general practitioner or the NHS. That undoubtedly needs clarification.

There must be clarity about the professional judgments of social workers and the clinical judgments of NHS staff in relation to mental health in the community. The target time should be reduced and, at stage 2, the complaints procedures should be clarified, especially in relation to the two new organisations.

10:34

Jackie Baillie (Dumbarton) (Lab): Having just got used to speaking for a lot less time than usual, I will try, primarily in the interests of my colleagues' well-being, not to be tempted by the Presiding Officer's suggestion of going on for an infinite period.

I very much welcome the bill as part of our on-going commitment to modernising government. The creation of a Scottish public sector ombudsman, who will bring together the existing ombudsmen for health, housing, local government and the Parliament, will establish a simple one-door approach for the public. It is good that there will be less bureaucratic clutter, but the real potential is for an open, accountable and accessible system that will deal with people's complaints about maladministration in the public sector. I particularly welcome the steps to make the process more accessible to those who are disadvantaged, as a result of disability or a lack of literacy, for example, so that the process is truly open to all.

I will focus my comments on the housing aspects of the new service. I have a minor point on the terminology that is used, which has been mentioned. The bill's title refers to the "Public Sector Ombudsman". Housing associations are not public sector bodies; they are governed by the requirements placed on them by friendly societies. Therefore, the bill's title does not reflect the full range of organisations that could be subject to investigation. That lack of clarity might lead to confusion among tenants. I have no doubt that that issue can be resolved by publicising the nature of the service. However, the Executive is recognising the value and the potential of mutual and social economy organisations and we should reflect that diversity in the bill's title. The Local Government Committee suggested a minor change to make the bill's title more inclusive. I

welcome the minister's positive comments about considering that matter again before stage 2.

My second point, which is perhaps more substantive, is on the ombudsman's investigative powers. Trish Godman and others have eloquently dealt with the issue, but I will repeat some of their points. The housing association ombudsman's remit currently extends beyond cases of maladministration to possible cases of injustice. The health service ombudsman has a similarly wide remit. However, the other ombudsmen focus solely on maladministration. I can foresee potential difficulties with that situation because of the increasing focus on multidisciplinary working. We could end up creating an unhelpful and unnecessary obstacle to the ombudsman's fully investigating an issue.

If we descend into technical arguments about who has the power to do what and in what circumstances, that will not be in the complainers' interests and it will not help us to fulfil our intentions. A consistent set of powers across all the functions is therefore essential. I ask the minister to reflect further on that issue. We believe in first-class public services, so we should give the ombudsman the flexibility to deal with injustice and service failure beyond the narrow definitions of maladministration.

Dr Sylvia Jackson: What is the member's view of what the minister said about the broader interpretation of the word "maladministration" and of the difficulties in some areas, particularly education, of taking a wider view?

Jackie Baillie: I accept that there are difficulties in taking wider views, but if our primary objective is to ensure that there are first-class public services, we should reflect on the fact that maladministration can be treated in definitive terms. The correct way forward is to enhance the remit so that it is similar to those already enjoyed by the housing association ombudsman and the health ombudsman. It is not beyond the capability of the minister and the civil servants to work their way round that issue.

I welcome the provisions in section 20 of the bill, which will ensure that the service is publicised. The public need to be aware of their right to complain and of the process for doing so. We know that all too often people are left struggling and at a loss about where they can turn to for help. It can be daunting for an individual to perceive themselves as being up against an organised system. Ensuring that people have information about their rights is therefore absolutely critical. That need not necessarily be a matter for the bill, but I ask the Executive to look creatively at awareness raising to ensure that everyone in Scotland has access to that information. I also ask the Executive to consider

using voluntary agencies, which are in the business of providing advice to communities.

I have gone over my allotted time. I believe that the bill's principles are worthy of members' support, because by opening up government and making it more accountable and transparent at every level we will ultimately benefit the people whom we seek to serve. We should all strive to deliver that.

10:40

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to speak in this debate. I am impressed by the work that the Local Government Committee has done. We have received yet another stage 1 report from the committee, which these days seems to be on as often as "Coronation Street". Perhaps the masses do not follow the committee quite so faithfully, but it is probably as important.

I congratulate the committee on its clear and helpful report and I note its capacity to generate reports that enjoy consensus in the Parliament. It is significant that we can tackle issues on which we are agreed and that we can carry out our work accordingly. That underlines the importance of the Parliament's committees. It is essential that they are properly supported in carrying out their important work.

The consultation on the bill is regarded as having been effective. That is important, because the quality of the consultation that the Executive carries out is developing as a key issue both locally—in my constituency—and among organisations with which the Social Justice Committee comes into contact. In some cases, there is a feeling that consultation, although it is taking place, is not a genuine dialogue. This is a good example of the importance of real consultation with those who have an interest in the subject.

Complaints against public bodies feature strongly in my casework, and I am sure that I am not alone in being approached by people who have such concerns. Generally, I am happy with the responses of public organisations when I pursue complaints on behalf of my constituents. However, there is a danger that the message that goes out to the general public is that only the intervention of MSPs gets results. That is nice for an MSP who has managed to get a result for somebody, but it suggests something about the attitude that is taken towards the public when they seek to complain on their own behalf.

It is essential that public services should strive to get things right at the beginning, so that people do not want to complain. It is also essential that, when a complaint is made, the response that is

given at an early stage is helpful. We are talking about a last resort rather than a first resort, although a lot of the problems arise when people first raise a concern and are confronted by a less than helpful, puzzled or bemused attitude from an organisation.

Often, constituents have come to me when they have been exasperated and frustrated by the lack of progress that they have experienced. If citizens have no faith in the system's capacity to acknowledge and address their concerns, we should not underestimate the impact of that on their commitment to and belief in public services. The perception has been expressed to me on several occasions that organisations are policing themselves and that there is no independent scrutiny of what is going on at an early stage. It is important that people have faith in the system. Few cases are taken up by the ombudsmen and the complainer receives support in only a few of those cases. That has an impact on people's confidence in the system. The system has to be seen to take complaints seriously. There is an issue about support for the person who is pursuing a complaint, which I shall return to in a moment.

Another theme that has become apparent to me is the anxiety of officials or those who work in public services about being frank and explicit when a complaint is raised with them. They may argue that they fear litigation. We must acknowledge that that fear can be genuine. However, it could also be a convenient excuse to avoid being transparent and open to comment. If there is an alleged threat of litigation, we must find ways in which those who are being complained against can be made to feel confident and protected in being explicit about their experience of the person who is pursuing a complaint. The traffic should not be one way.

A key issue is that those who feel that they have been treated badly often have to make their complaint at a difficult and painful time. The complaints system should be accessible regardless of an individual's resources and we must support people through the complexities of the system. I am particularly concerned that the most disadvantaged people in our communities—those who are most reliant on public services—are probably the least supported in pursuing their complaints. We must therefore reconsider the resourcing of local support systems, such as citizens advice bureaux, so that money does not determine people's capacity to enter into the complaints system and individuals can sustain themselves throughout the complaints procedure.

As I said, the ombudsman is the last resort. In my experience, the best results are achieved when those who work in the public sector are willing to meet at an early stage those who have

concerns and want to pursue complaints. It is remarkable how many cases have been resolved through a willingness to be open rather than through transparency at a later stage. Commitment to that attitude underpins our approach to public services and is at the heart of what a lot of people who work in public services believe in. I add my support for the general principles of the bill and look forward to the debates at stages 2 and 3.

The Deputy Presiding Officer: Before we move to closing speeches, I ask members who want to speak in the next debate—the mini-debate on procedures—to be in the chamber an hour early, at 11 o'clock rather than at 12 o'clock.

10:45

Donald Gorrie (Central Scotland) (LD): I welcome the bill. It is a great step forward to bring several ombudsmen's tasks together in one group. The bill also goes some way towards widening and increasing the powers of the ombudsmen.

In my brief time as an MP and my rather longer time as a councillor, I formed the view that there was ombudsmania, as every organisation created an ombudsman post as part of its public relations. Most of those ombudsmen were a complete waste of time because, when any really good issue arose, they said that it did not fall within their remit and that they could not pursue it. If they actually pursued an issue, they almost always came to a conclusion that I thought was contrary to natural justice. It is therefore a good step forward to have one, overarching ombudsman with a strong team.

Nevertheless, there are ways in which the bill could be strengthened, some of which have been mentioned. The bill says that the ombudsman can investigate a complaint

"only if a member of the public claims to have sustained injustice or hardship".

The wording of the ombudsmen's remits in the past sometimes included the words "financial loss", so what we have in the bill is perhaps a bit better. However, it is hard for someone to prove that they have sustained injustice or hardship personally. Why should not a community council or residents association, for example, be able to put in a claim that a council or a health board has made wrong decisions—based on maladministration or whatever—which have been to the detriment of the community? Communities must be considered as well as individuals.

I apologise for coming late to this debate. One of my regrets in life is that I am no longer a member of the Local Government Committee, which I greatly enjoyed. My colleague, Iain Smith, does a very good job. However, the reduction in the membership of committees has had serious

effects. I may, therefore, have missed something.

I find section 5(4) fairly incomprehensible or stupid. Why can the ombudsman investigate something only if

"it has been alleged publicly ... that one or more members of the public have sustained injustice or hardship",

when, later in the bill, we are told that the ombudsman is not to mention people's names? That seems peculiar. Subsection (4)(b) says that the ombudsman may investigate a matter only if he or she is satisfied that

"the listed authority in question has taken all reasonable steps to deal with the matter to which the allegation relates."

I presume that, if a local authority or quango persistently refuses to take reasonable steps, the ombudsman will not be able to investigate a matter. I must have missed something. That section does not seem very sensible. We can widen the remit of the ombudsman, and I hope that the matter will be addressed at stage 2.

Another concern is what happens to the ombudsman's report. As I understand it, the ombudsman will report to the ministers and to Parliament, but I have seen nothing in the bill that indicates what Parliament is supposed to do with the report, although I may have missed something. As Trish Godman and others have said, our committees are heavily employed at the moment and the ombudsman's reports may languish somewhere and not be given proper attention. Proper arrangements have to be made in the Parliament to ensure that, if the ombudsman's report criticises an organisation, something is done about it. In the past, there have been examples of people just shrugging off the ombudsman's report.

The bill is a serious attempt to improve the situation and I welcome it, but it, too, could be improved. The ombudsman should have as wide a scope and as few forbidden territories as possible and he or she should have strong powers to straighten out people who are not doing things right. There must be a wide interpretation of maladministration, as the boundary between a case of maladministration and a bad decision is difficult to discern. Some bad decisions are based on a serious bias rather than on an error of judgment and I think that the ombudsman should be able to examine such cases.

I support the bill and hope that the committee will improve it in its next stage.

10:51

Murdo Fraser (Mid Scotland and Fife) (Con): The Scottish Conservatives welcome the bill for the reasons that Keith Harding set out. The bill is

not particularly controversial. I have a few brief points to make but, as I think we have had a good thrash at the subject already, I signal to those who are still to speak that it is unlikely that I will take up my allotted time. I agree with the serious point that Keith Harding made about timing. It seems odd that we are spending most of this morning on this rather uncontroversial stage 1 debate and that we spent an hour and a half yesterday debating the Fur Farming (Prohibition) (Scotland) Bill when we could be spending our time debating rather more important topics.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): What issues would the member like to debate in the chamber?

Murdo Fraser: We could talk about the state of the national health service and the fall in the number of nurses in Scotland that was announced last week. We could talk about the state of the roads as a result of lack of investment. We could discuss all sorts of Executive failures, but the Executive does not want to bring those subjects to the chamber.

However, let us talk about the matter in hand. Before I came to the Scottish Parliament, I was a lawyer in private practice and I had some experience of advising clients and taking cases to the local government ombudsman. I believe that the system, though not without faults, works well. What is frustrating is the time that it takes to investigate matters, particularly where delays are caused by the time that it takes public authorities to reply to the ombudsman's inquiries. As Mary Scanlon said, although it is all very well to say that the ombudsman has got the time that it takes to get a determination down to 42 weeks—and those of us who are used to dealing with public agencies might regard that as a move in the right direction—for members of the public who are faced with a wait of 42 weeks, that seems a long time. However, I suspect that that is a matter of good practice rather than a matter for legislation.

We generally welcome the principle of putting various departments into one department and we hope that there might be some economies of scale—Scottish Conservatives are always on the side of the taxpayer.

We welcome the fact that the public will be able to complain directly to the ombudsman in relation to what were the powers of the Scottish parliamentary commissioner for administration. Not all citizens want to have to go through an MSP. That might also have a marginally beneficial effect on our work load, although I doubt that the public will have much sympathy with us on that score.

The ombudsman should be a one-stop shop. The last thing that a member of the public who is

complaining about a public body wants is for the situation to be made worse as they are passed from pillar to post. The Government and the various public agencies need to be more responsive in dealing with public complaints.

I congratulate the Executive on its decision to retain the good old title “ombudsman” rather than going down the road of political correctness by trying to find some title that is not gender specific. That is a marvellous development.

I do not wish to take up any more time so I will simply say that the Scottish Conservatives support the general principles of the bill.

10:55

Linda Fabiani (Central Scotland) (SNP): I was caught short by Murdo Fraser's brevity.

On this occasion, I have a certain sympathy with the decision to debate the matter for only so long because there is a broad general agreement about it. I am tempted to say that I more or less agree with everything that everyone has said and sit down. However, I want some points to be clarified.

We have all said how wonderful it is that the ombudsman service will be a one-stop shop. However, there are certain exceptions. Tricia Marwick mentioned the water boards, Mary Scanlon mentioned social work complaints and, in committee, Iain Smith talked about prison complaints. The ombudsman service will not be a one-stop shop for everybody.

Before anyone jumps up to intervene, I am saying not that the Executive has got it wrong, but that we must be careful. When we publicise the ombudsman—as is necessary—we must not raise false expectations. If we are not careful, people might believe that, no matter what their complaint about any element of the public service, it will be solved by going to the one-stop shop. We need to exercise caution about how we frame the advertising and the publicity.

I am pleased by the independence of the office, as that is crucial. I know that the ombudsman is to be appointed by the Parliament, but I would like the minister to state how he envisages that appointment taking place. Will there be a vote in the chamber? Will the parties co-operate through a body such as the Parliamentary Bureau? There should be no perception that there has been any political interference in the appointment of the ombudsman.

The definition of maladministration was mentioned. I know that the bill will not contain such a definition. The matter relates to discretion and informal resolution, which has been mentioned by many people. The only experience that I have of dealing with an ombudsman—I hasten to add that

I was not being investigated at the time—was when I dealt with the housing association ombudsman. One of the great strengths of that office was the informal resolution mechanism. It would be a great loss if the new ombudsman did not have a similar element of discretion. If a member of the public thinks that as soon as they pick up a phone to make a complaint a formal investigation will start up, they might be deterred by that formality. Sometimes, informal resolution can work much better. I noticed that the minister said that, following the recommendation of the Local Government Committee, he would consider that matter again. I urge him to do so carefully.

Keith Harding talked about there being no specialised deputies. That point has worried me since it was raised at a Local Government Committee meeting that I attended. I have since read about it in the Local Government Committee report and I am still open-minded about the matter. I sympathise with Janis Hughes and I understand Trish Godman's point about the possibility of ending up with a situation similar to that which exists at the moment—a fractured service in an umbrella organisation. I ask the Local Government Committee to consider the issue again during stage 2.

Consistency of powers is important. It is confusing that one element of the ombudsman service should have greater powers than other elements in relation to maladministration. I do not accept that that greater power should be taken away from housing associations because it has been used only once. As Iain Smith said, that is not a valid reason.

Johann Lamont touched on an important point when she said that the least advantaged people in society are the least likely to get satisfaction from a public agency. Before the Local Government Committee's report was published, I put a query to the Scottish Parliament information centre about that. I was pleased by the clarification in the bill that a third party can be authorised to complain on behalf of someone. That is crucial.

My query was about whether voluntary organisations could complain to the new ombudsman. The bill shows that voluntary organisations will be able to complain on their own behalf and on behalf of an individual. Voluntary organisations will be able to use that role well, because they tend to have good relationships with people in their communities. Donald Gorrie talked about communities. Voluntary organisations are well placed and people have confidence in them to take up complaints. Their being able to do that on behalf of individuals is an important step forward.

I reaffirm the SNP's support for the bill. I apologise for my colleague Tricia Marwick's not being present—she is unwell. I look forward with

great confidence to the Local Government Committee's detailed investigation of the bill at stage 2. I thank the minister for his willingness to consider amendments.

11:01

The Deputy Minister for Finance and Public Services (Peter Peacock): Tricia Marwick had the courtesy to send us a note to explain why she was leaving the debate. I am sorry that she is unwell.

I welcome the all-party support for the bill's general principles. I thank the Local Government Committee for its work so far. It will continue to scrutinise the bill at stage 2 and pursue the points that have been raised.

Members welcomed the one-stop shop approach that has been proposed. Jackie Baillie was right to say that that is part of a process of modernising the delivery of public services and making it easier for the consumer to access a proper complaints procedure.

As Johann Lamont said, although the new ombudsman is a one-stop shop, it is also a last-resort shop. I hope that the public services—the health service, local government, non-departmental public bodies and others—have proper procedures, not only for scrutinising complaints, but for using consumer feedback about the way in which they deliver their services in order to improve those services constantly. The theme of constantly improving public services runs through all the Executive's work. The system should not leave people to the last resort of approaching an ombudsman. We hope that most issues will be resolved well before that.

I welcomed the Local Government Committee's support for the Executive's view on deploying the deputy ombudsmen and on the bill's not tying them down to a set of specialisms. That is not to say that expertise should not develop or that people should not take a particular interest in some matters. Janis Hughes talked about that. The position in the bill is not rigid. Several members suggested that we have adopted the correct approach.

Trish Godman asked about and supported the new ombudsman's ability to consider requests from organisations for it to investigate. She cited the possibility of the complete failure of a public service and asked how that would be handled and how parliamentary committees would be involved. Such a situation would still relate to maladministration, which falls within the ombudsman's powers. Maladministration alone might not cause the complete breakdown of a service. If it did, the ombudsman could consider that, but it is clear that that would never fetter

parliamentary committees. In the main, parliamentary committees would look for other failures in an organisation—such as a non-departmental public body—that met the conditions that Trish Godman described.

Members supported the extension of powers to examine the management and organisation of schools, but not professional judgments in schools. In part, that highlights some of the difficulties to which Sylvia Jackson alluded. If we extended the ombudsman's remit to professional judgment, it would run smack bang into difficulties concerning teachers' day-by-day work, head teachers' management of schools and decisions about learning for pupils. Those would be compromised. We have found the right balance, but I will shortly go into questions of professional judgment in more depth.

Linda Fabiani asked about the appointments process. I welcome the chamber's welcome for ensuring that the post is independent. It is for the Parliament to decide how to do that. A precedent was set by how the Parliament handled the Auditor General's appointment, but the freedom of information commissioner and the public appointments commissioner will also be subject to parliamentary scrutiny on the way to being appointed by the Queen, so the Parliament will have to consider them. That is a matter for Parliament, not for the Executive.

Despite all the welcomes, members expressed some concerns, which I will deal with as fully as I can. Members asked whether the water industry falls within the purview of the ombudsman's office. The water industry will have its own commissioner, who will have a much wider range of functions than just considering complaints, so that commissioner will fall within the purview of the ombudsman's office. If people have concerns about maladministration in the office of the water commissioner, there will be recourse to the public sector ombudsman.

Members asked about the Subordinate Legislation Committee's recommendations. As Andy Kerr said, we will lodge an amendment at stage 2 to deal with the matters that that committee raised about separating organisations' public duties, which would be subject to the ombudsman's scrutiny, from their private operations, which would not be.

Mary Scanlon asked about the Scottish Commission for the Regulation of Care and the Scottish Social Services Council. We believe that they will fall within the scope of the ombudsman's remit, but they will have internal procedures that will have to be exhausted first. After that, there will be recourse to the ombudsman. However, we will check that position and keep it under close scrutiny as the bill progresses through Parliament.

Mary Scanlon also asked about the time that an ombudsman takes to complete a report. Although we welcome the improvement in the time taken, we agree that that time scale should be constantly borne down on and made more effective in the interests of the consumer.

Tricia Marwick and Trish Godman asked about the Transfer of Undertakings (Protection of Employment) Regulations. The bill is designed to give trade unions and staff flexibility on transfer to negotiate the best terms that they can. Different pension schemes operate, but taken as a whole we do not expect employees to be worse off. We do not expect anyone to be disadvantaged and we want to ensure that that is the case. However, we must leave flexibility for staff to negotiate. That may be a levelling up of workers' rights, rather than a levelling down. If the bill were worded differently, it might even prevent such flexibility. Our intentions are honourable. We want to ensure that staff do not transfer at a disadvantage.

Linda Fabiani: Does the minister have details on the number of posts in the new office compared with the number of posts in the existing services? I am not asking about people who move to the new office and take voluntary redundancy, for example, and whose post disappears. My question is about posts rather than people.

Peter Peacock: That question concerns detailed operational matters that we have not considered yet. Given that the combined offices will have no less work than they do now, I suspect that the scope for significant change will be limited. We will have to leave that to the new organisation, the existing organisations, their staff and the unions to consider.

Almost every member who spoke was concerned that the bill might not give the new ombudsman an explicit power to resolve matters by an informal process, which is a feature of the current system. We have examined the issue carefully. Members will be aware that the informal processes are voluntary arrangements between ombudsmen and all the parties concerned with a complaint. People must volunteer to accept such an arrangement—nobody can be forced into it.

The bill does not say what the new ombudsman can and cannot do with regard to informal arrangements. That leaves the way clear for the ombudsman to make such voluntary arrangements. If we include a tighter definition of the ombudsman's powers, we would have to describe in detail the circumstances in which informal resolution arrangements came into play. The danger is that that would reduce the flexibility that we want to give the ombudsman and take us into difficult drafting and legal territory.

The bill is written to permit a function other than

investigation to be used to resolve a complaint. The bill refers to the ombudsman's being able to consider a complaint without necessarily incurring an investigation at each stage. We thought carefully about that and we have also listened to the concerns expressed by members today. We will revisit the matter and see whether we can find a way to give the assurance that members seek without compromising the flexibility that we seek for the ombudsman and without having to define closely the circumstances in which he can act. We have no reason to believe that the bill does not give suitable provision, but we will revisit the matter in the light of members' comments and will keep members advised of the situation as the bill moves to stage 2.

The next major question is whether we should extend the ombudsman's remit on questions of professional judgment beyond the health service, where currently the ombudsman may consider clinical judgments. The bill maintains the status quo as far as the health service is concerned; it does not seek to change the provisions that have operated for a long time and that have worked perfectly satisfactorily. For the purposes of the bill, clinical and professional judgments are forms of discretionary decision. Such decisions, for the reasons that have been outlined, lie outwith the powers of the ombudsman, who is prevented from investigating them. The exception is clinical judgment. That reflects the unique relationship between health care professionals and their patients.

Elsewhere in the public sector, professional judgments often inform the choices and decisions of elected members and are therefore subject to a democratic test and are democratically accountable. No official should be able to cut across those final discretionary decisions made by members. Mary Scanlon made an interesting point about the way in which care services are changing and raised the question whether there is a danger that social workers may be making similar judgments to those made by care professionals in the health service while being subject to different rules.

I understand the point, but there is a critical difference. People working in local government service and those who work on their behalf are working with authority devolved from the local council, which is exercising discretion in how to implement its decisions. It is not clear that we can interrupt that relationship without giving rise to confusion and losing the current clarity of the critical distinction between the clinical judgments that a doctor or nurse makes and the devolved decisions made in a local authority set-up. We will have a further think about that in the light of the comments that have been made. If we clarify that situation further, we might be entering a legal

minefield, and we are not convinced that we need to do that. We will reflect on what has been said today and will think further about what the possibilities are.

I was asked about the Scottish Legal Aid Board and the need to ensure that those people who access it do not have their confidentiality broken as a result of the ombudsman's intervention. The issue concerns the requirement under the bill for the Scottish Legal Aid Board to disclose information to the ombudsman. The bill seeks to close a loophole for the only part of the public sector in which one exists. All the other parts must comply with the obligation. The Scottish Legal Aid Board is not unique in that respect.

However, the ombudsman is absolutely bound by confidentiality and could not disclose any individual's name. In fact, the ombudsman must not mention the name of an individual in his or her report. The Legal Aid Board will see drafts of any report about such matters and would have the opportunity to correct any matters of fact or to influence the ombudsman's report to satisfy itself that confidentiality will not be broken. We are satisfied that we can meet the board's requirements in that regard.

We have consulted the Legal Aid Board and have given it the reassurances that, we hope, will satisfy it. We know that its members will consider the matter further, and, if it draws our attention to something fundamental that we have missed, we are prepared to reconsider the matter. At the moment, we are not aware of having missed anything that is fundamental to how we want to proceed. Andy Kerr has written to the Local Government Committee, seeking to reassure its members about those matters.

This has been a helpful debate, and we want to take forward and reflect further on a number of issues that have been raised during it. We will keep in close touch with the committee through the normal channels as we proceed to stage 2. As Andy Kerr said at the beginning of the debate, we have a responsibility to provide first-class public services for the people of Scotland and to ensure that they have the right to question any failure in the delivery of those services. The Scottish Public Sector Ombudsman Bill will make a significant contribution to meeting that objective, bringing greater access, clarity and accountability to the system. I commend the bill to Parliament.

Scottish Public Sector Ombudsman Bill (Financial Resolution)

11:14

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of motion S1M-2503, on a financial resolution in respect of the Scottish Public Sector Ombudsman Bill. The question on the motion will be put at decision time.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Public Sector Ombudsman Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Peter Peacock.*]

Presiding Officer's Ruling

11:15

The Deputy Presiding Officer (Mr George Reid): Before we move to the next item of business, I will take the opportunity to rule on the point of order that was made by Alex Johnstone earlier this morning, on the article in the business section of *The Scotsman* quoting Ross Finnie as saying that there would be a

"Pre-emptive right-to-buy for farm tenants"

in the agricultural holdings bill.

I have read the article in question. Although Mr Finnie's press statement clearly went further than what he said to the Justice 2 Committee, it does not contravene previous Presiding Officers' rulings on Executive statements. This is an area that Executive press officers should keep under review.

Standing Orders (Changes)

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-2656, in the name of Kenneth Macintosh, on two reports from the Procedures Committee.

11:16

Mr Kenneth Macintosh (Eastwood) (Lab): I was heartened a few minutes ago to see an influx of my colleagues. I thought that they must all have heard that I was about to lead off in a Procedures Committee debate. Unfortunately, I have just discovered that their arrival was due to a false bleep message. I will not take it as an insult if they take this opportunity to leave. As I mentioned to my ministerial colleagues, I have managed to clear many a hall before now.

Despite the large number of MSPs now leaving the chamber, I am delighted with the calibre of those who are left. It has been said of the Procedures Committee that we are not the most glamorous of committees, a fact that that my colleague, Frank McAveety, took great exception to. I am delighted to be surrounded by so many glamorous colleagues.

I will proceed now with what might be described as the worthy, but dull part of our business. The purpose of the debate is to present to the Parliament the Procedures Committee's fifth report of 2001 and first report of 2002. The two reports cover 11 proposed changes to the standing orders. Members will be pleased to hear that I do not intend to deal separately with each change.

It might be helpful, however, if I list the subject matter of the changes. They are: the suspension and closure of committee meetings; the joint consideration of subjects by sub-committees; the removal of committee conveners; the order of consideration of a bill's long title at stage 3; the setting up of selection panels for parliamentary appointments; the ability of committees to meet when the Parliament is suspended; the rules on who can be the member in charge of a bill and their attendance at and participation in committee proceedings on the proposed legislation; allowing any minister to move motions for financial resolutions; allowing junior ministers to lodge and move amendments to budget bills; and allowing the Presiding Officer or committee conveners to accept manuscript amendments at stage 2 and stage 3.

I will now discuss in a little detail some of the more significant changes that are recommended in the two reports. One proposed change, which conveners might have noted with alarm, is that relating to their removal. Perhaps it would be

helpful if I clarified the change. The current rules do not preclude a convener from being removed. The decision to accept such a motion, however, rests with the relevant convener. That seems to be something of an anomaly. We therefore recommend that, in the interests of sound committee management, the rules be changed to ensure that such a motion is accepted and taken within a finite time, provided that it has the support of at least one other member of the committee.

The discussions between Parliament and Executive officials on selection panels for appointments identified that several forthcoming bills were likely to require the Parliament to nominate a person for appointment by the Queen. Examples of such bills include the bill to introduce the post of Scottish information commissioner—the Freedom of Information (Scotland) Bill—and the bill that has just been debated, the Scottish Public Sector Ombudsman Bill. The Procedures Committee agreed

“that a mechanism to set up a selection panel was required and should provide for any such panel to include the convener of the committee whose remit covers the relevant legislation, the Presiding Officer and at least 4, but no more than 7, other Members appointed by the Presiding Officer. The Committee also agreed that the Presiding Officer should be required to have regard to the balance of the political parties in the Parliament when appointing Members to the selection panel.”

The committee further agreed that a discretionary power to set up such panels immediately following parliamentary approval of the bill at stage 1 could be of significant benefit. That would allow for appointment as soon as possible after the bill had received royal assent. The committee noted the apparent anomaly of commencing a recruitment process prior to royal assent, but recognised that such a bill's general principles would usually include a proposal to create a post and that the Parliament's decision on the issue at stage 1 would therefore be explicit. Of course, no appointment could be made prior to royal assent.

I will make a brief comment on committees meeting when the Parliament is suspended. The committee discussed a joint proposal from the conveners liaison group and the Parliamentary Bureau that committees should be allowed to meet

“exceptionally and at the discretion of the committee concerned, when the Parliament is suspended for a meal break.”

I believe that that has happened before, but it has required the suspension of standing orders. The Procedures Committee agreed that this could be of benefit when there is an urgent requirement to finalise a report or conclude stage 2 of a bill. Under the current sitting programme, that would usually be on a Thursday.

The committee was aware that the

“existing standing orders could cause a potential difficulty in relation to the member in charge of a Bill because under the current rules a Minister who introduces an Executive Bill becomes the member in charge of that Bill and would continue to be the member in charge even if no longer a Minister.”

That was revealed recently during the reshuffle. A similar anomaly could occur with a committee bill when the convener changes. It is also the case that a member in charge can designate an additional member, who does not have to be a member of the Executive or, in the case of a committee bill, a member of the committee. The Procedures Committee agreed to recommend a change that would ensure that

“the member in charge was linked, in the case of an Executive Bill, to the relevant ministerial posts or, in the case of a Committee Bill, to the convenership or membership of the relevant committee.”

Under the current rules, the member in charge of a committee bill would not be entitled to participate in committee proceedings on the bill at stage 1, while the relevant minister would. A broadly similar restriction applies in the case of an Executive bill. The committee thought that the member in charge should be entitled to participate and recommends a change to give effect to that.

The Presiding Officer asked the committee to consider the matter of manuscript amendments at stage 3 of the legislative process. Under the current rules, manuscript amendments are not permitted at stage 3. The committee recognised that there could be occasions when a member fails to meet the deadline for lodging amendments. There could be genuine reasons for that. For example, complex technical or legal problems may be raised by the amendment, there may be a need to discuss the amendment with a third party who raised the point initially, or there may be a desire to secure cross-party support before lodging the amendment.

I emphasise that the committee did not think that manuscript amendments were a legitimate alternative to lodging amendments before the deadline. The committee still encourages members to meet the deadline whenever possible. We recognised that there might be clear benefits, particularly when stage 3 proceedings were under way, in allowing such amendments at stage 3 when they were justified. The committee has also recommended that appropriate guidance be drafted to support the change. I confirm that that is now being undertaken as a priority.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I have a point about a provision that I think the member is not going to mention—the provision for amendment of the long title of a bill at stage 3. Can the member, with his superior

wisdom and knowledge of standing orders, clear up something that has puzzled me? As far as I am aware, under rule 9.10.5 of standing orders, amendments are not admissible if they are

“inconsistent with the general principles of the Bill”.

What kind of amendment could be passed that was consistent with the general principles of the bill and yet required an amendment to the long title? Can the member think of an example?

Mr Macintosh: I will have to ponder that question. Perhaps I can come back to Alasdair Morgan in my summing-up speech at the end of the debate. The reason for providing for the amendment of the long title at stage 3 is that currently the standing orders could be read to suggest that the long title be taken before the amendments, but the amendments may amend the long title, so that would be the wrong order.

Although each of the changes that is under consideration today is relatively small, the committee believes that they are all necessary to improve procedures and is pleased to recommend the changes to Parliament.

I move,

That the Parliament (a) approves the recommendations of the Procedures Committee's 5th Report 2001, *Changes to the Standing Orders of the Scottish Parliament* (SP Paper 441) and agrees to amend the Standing Orders in accordance with Annex A to the Report; (b) approves the recommendations of the Procedures Committee's 1st Report 2002, *Changes to the Standing Orders of the Scottish Parliament* (SP Paper 495) and agrees to amend the Standing Orders in accordance with Annex A to the Report, and (c) agrees that these amendments to the Standing Orders should come into force on 4 February 2002.

11:24

The Deputy Minister for Parliamentary Business (Euan Robson): I wish to indicate the Executive's support for the Procedures Committee's two reports, which cover proposals for changes to standing orders.

As members know, the standing orders are the vital framework within which the Parliament carries out effectively its daily business. Therefore, it is essential that we review the standing orders regularly, so that parliamentary business can flow smoothly.

On the Executive's behalf, I thank the members of the Procedures Committee—including Murray Tosh, the Deputy Presiding Officer, who is convener of the committee, and Ken Macintosh, the deputy convener—for the positive approach that they have brought to their work. The Executive has been consulted fully and I am pleased to note that account has been taken of the suggestions that we made to the committee.

I do not propose to comment in detail on all the proposed changes. The changes, which are relatively minor, are designed to clarify and simplify parliamentary processes and to improve handling arrangements for bills. The Executive endorses fully the changes in the committee's fifth report of 2001, which includes several detailed suggestions for assisting the effective discharge of committee business. The same attention to detail is given to relatively minor issues, such as the long title of a bill, when that is to be considered at stage 3.

We welcome the committee's agreement to provide a mechanism for setting up selection panels for appointments by Her Majesty the Queen on nomination by the Parliament. That change, which was initiated by the Executive, takes account of Executive policy. When implemented, it will standardise procedures for such appointments and will assist in the timely implementation—following royal assent—of the Scottish Public Sector Ombudsman Bill and the Freedom of Information (Scotland) Bill.

The Executive also endorses the changes that are proposed in the committee's first report of 2002, a number of which were initiated by the Executive. We are grateful for the committee's careful consideration of the issues. The proposal to include an amendment to simplify the definition of the member in charge of an Executive bill is designed mainly to avoid a potentially difficult situation, which could arise should the member in charge cease to be a minister. That proposal is especially welcome and helpful.

Further changes will ensure that any member in charge of a bill can attend any meeting of a committee at which the bill is being considered, and that the relevant member of the Scottish Executive can attend any committee proceedings that relate to non-Executive bills and other business.

The changes to rules on motions for financial resolutions will provide administrative convenience—any Cabinet minister or junior minister will be able to give notice of or move a financial resolution motion without having to be named specifically as a supporter. The proposed changes to the handling arrangements for budget bills will provide increased flexibility by enabling junior ministers to lodge and move amendments.

The introduction of arrangements for the submission and selection of manuscript amendments at stage 3 of a bill—broadly similar to the arrangements that are provided at stage 2—is designed to simplify parliamentary processes. We welcome the committee's acknowledgement of the Executive's good record of timely lodging of amendments to bills. We note that the Procedures Committee proposes to keep the matter under

review. We will continue to do as we have done in the past.

The changes to standing orders that the Procedures Committee has outlined and recommended should simplify and improve the handling arrangements for bills and they should assist in making more effective and efficient the discharge of parliamentary and committee business. As always, the Executive looks forward to continued joint working and a productive relationship with the Procedures Committee. We support the two reports.

11:29

Mr Gil Paterson (Central Scotland) (SNP): I pay tribute to the writers of the Procedures Committee's first report of 2002, because it is one of the most easy to read and easy to understand reports that I have ever read. To pay tribute, I intend to read from the report.

The proposal on the member in charge of a bill is about giving ownership to the person who has the relevant knowledge and can make an input into the bill in question—that person should be in the driving seat. The report also covers continuity of responsibility in the event of a change at ministerial level.

To show members how easily the reports read, I will quote directly from the committee's first report of 2002:

"14. The current rules allow only Cabinet Ministers or junior Scottish Ministers to lodge and move a motion for a financial resolution. Additionally, the rules make it clear that *any* motion may be moved only by the member who lodged it or by a member whose name appears as a supporter. In practice, motions for financial resolutions are always lodged in the name of the Minister for Finance but with the deputy Minister for Finance and the Cabinet Minister and junior Scottish Minister responsible for the Bill named as supporters. The objective in adding these supporters is to ensure that if the Minister who lodged the motion is unable to be present, the motion may still be moved.

15. The Committee considered that this need to add specific supporters for such motions is unnecessarily restrictive. The Committee thought that it would be more appropriate if *any* Minister was able to move a motion for a financial resolution whether or not that Minister had added his or her name as a supporter. **The Committee so recommends** and believes that this change would not materially affect the interests of other members."

As an Opposition MSP, I recognise the responsibility and the right of members to hold the Executive to account and, where necessary, to put the blockers on it. However, standing orders should be well above that. I compare the changes that are proposed by the Procedures Committee to the explanation that some railway companies offer when trains cease to run. We have heard the excuse that, when certain types of snow land on the rails, the whole shooting match closes down.

The committee's reports seek to put equipment in place so that our wagons can continue to roll and the business of the Parliament can be delivered, in particular by ministers.

When first I joined the Procedures Committee, I thought, "God, I'm going to die in here", because the issues that the committee dealt with were so dry. I have been a member of the committee for a while now, so I realise that it is even worse than that. However, to be serious, although the changes that are proposed in the reports look simple and straightforward, the reports reveal how much time and energy the Procedures Committee puts into unblocking provisions in standing orders. I commend the reports to the Parliament.

11:33

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

We in the Conservative group have always been in the useful position of being able, on procedural issues, to defer to a man who knows what he is talking about. However, because today that man finds himself in the Presiding Officer's chair, I have taken on the responsibility of saying a few words on the subject.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): You can handle it, Alex.

Alex Johnstone: I have been heavily briefed by someone who knows more about the matter than I do.

Most of the changes that are proposed in the Procedures Committee's reports are sensible. They will help to grease the wheels of the Parliament—to take up Gil Paterson's analogy—and will encourage the development of our business in a sensible and straightforward manner.

Other members who have spoken have focused on one of the changes and sought to demonstrate how it will be useful to Parliament in the future. The change that jumps out at me is that which relates to joint consideration of matters by sub-committees of more than one committee. When I was convener of the Rural Development Committee, Andy Kerr was convener of the Transport and the Environment Committee. As luck would have it, during that period we had to deal with a number of subjects, such as fish farming, that were of equal significance to both committees. We decided that the best way in which to proceed would be to set up a joint sub-committee. However, the lack of a relevant provision in standing orders meant that we had to hold informal discussions. Decisions that were made in the course of those discussions had then to be confirmed by one or other of the committees. Occasionally, that led to strange situations in which, in effect, the two committees met as a joint

committee. Members of the Rural Development Committee would sit in as guests at meetings of the Transport and the Environment Committee and then switch on a television to see what members of the Transport and the Environment Committee had said after they left. Giving committees the power to delegate business to sub-committees meeting jointly will have a genuine impact in such circumstances, should they arise. They will arise when we least expect them to.

I am delighted to say that the Conservatives will support the changes that are proposed in the motion. I hope that they will have the effect that we all want them to have on the workings of the Parliament.

11:35

Donald Gorrie (Central Scotland) (LD): Like other members, I am happy to support the proposed changes to standing orders. They are sensible and have been agreed fully by the Procedures Committee.

One change that causes me concern is the provision that would allow the convener of a committee to suspend meetings for breaks such as coffee breaks. I am under strict instructions from my doctor and—far more important—from my wife to reduce my intake of coffee. As I am a weak-minded man, the introduction of more coffee breaks will cause me great problems. I will have to sort that out.

All the changes that are proposed are relatively minor. An underlying problem is that changes that are proposed in the Procedures Committee that cause serious concern to the powers that be seem to disappear into a black hole. We should examine that issue more closely. However, the changes that are proposed in the two reports are sensible and will help to make the Parliament operate better. I am very happy to support them.

11:36

Mr Frank McAveety (Glasgow Shettleston) (Lab): It is a surreal experience to speak to members today when the Presiding Officer is the convener of the committee that proposed the detailed changes that we are debating.

On behalf of the Procedures Committee, Ken Macintosh ably identified the key elements of the proposed amendments to standing orders. Those changes are aimed at improving the quality of the parliamentary process. They are necessary and will enable us to deal better with legislation and to improve committee engagement.

A frisson of excitement ran through the chamber when the provision that relates to the removal of

conveners was referred to. Mike Rumbles shifted rather edgily in his seat at that suggestion, perhaps fearing that, if he continues in his time-honoured fashion, there might be a cross-party agreement on removing him. I reassure him that the intention is not to allow for the summary dismissal of conveners. Rather, the proposed change would allow for the measured dismissal of a convener, should the convener disagree with views held broadly by members of a committee.

The Procedures Committee is trying, after examination, to sort out an anomaly that has emerged. I am reminded of Provost Pawkie in the John Galt novel "The Provost", which is set in Ayrshire. The provost said that he loved the job of trying to preserve his leadership of the local council through what he defined as enlightened self-interest. In the novel, Provost Pawkie describes how

"the cloven foot of self-interest was now and then to be seen aneath the robe of public principle."

I hope that that will not be the case with future conveners in the Parliament.

I want to draw attention to three of the committee's recommendations that I regard as important. I welcome the commitment to setting up selection panels for appointments to public bodies. That ties in with the concerns that members have expressed in the past two and a half to three years about how candidates for such appointments are identified. The fact that Parliament will now be involved in that process is a welcome development.

Another welcome change that members have not yet highlighted is the provision for committees to meet at times when meetings of the Parliament have been suspended. The fact that a number of committees have indicated that they would have liked the opportunity to meet over lunch to carry out stage 2 scrutiny of a bill or to consider the final draft of a committee report is evidence of members' hard work and commitment, which is often under-reported. On Tuesday morning, as part of its inquiry into the implementation of the principles of the consultative steering group report, the Procedures Committee took evidence from representatives of the press. It is a pity that members of the press are not here to hear this debate on an issue that seems mundane, but that shows that folk want to get the job done and to conclude the business of the Parliament appropriately.

Another issue is the anomaly that has emerged whereby the person who introduced a committee bill or an Executive bill would remain the member in charge of that bill even after that person had ceased to be the convener of a committee or a minister. That is a strange situation, which reminds

me of Norman Lamont's claim that, under John Major, the Conservatives were

"in office but not in power."

The remedy that the Procedures Committee has proposed seems sensible.

I broadly welcome other members' contributions to the debate. They acknowledged that the Procedures Committee is trying to refine our systems by developing changes to standing orders—we are in a continuing learning process. Like other members of the Procedures Committee who have spoken in the debate, I welcome the proposed changes to standing orders. I hope that the changes achieve our intended objective, which is to maximise the effectiveness of the way in which the Parliament and its committees work.

11:40

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I welcome all the proposals that are made in the Procedures Committee's reports and in the motion that we are debating.

I will focus on one aspect of the reports. I am sorry to disappoint Frank McAveety, but I will not be focusing on the proposal on the removal of conveners—that is not the issue that has brought me to my feet. I want to talk about the proposal to rectify an anomaly in the way in which manuscript amendments are treated. Conveners can accept manuscript amendments at stage 2, yet the Presiding Officer cannot accept them at stage 3. The proposal is to right that wrong. Members may ask why I am concerned about righting that wrong. As Ken Macintosh said, the committee's proposal provides for flexible deadlines and he identified several good, positive reasons why that proposal should be accepted.

However, I will introduce the only note of controversy—so far—in the debate: my concern is that the wrong should be righted in order to prevent from happening abuses of the system such as those that have occurred in the past. In my experience, the worst example occurred during consideration of the Protection of Wild Mammals (Scotland) Bill. Several members who were not content with the bill, including me, lodged amendments weeks in advance of stage 2. We did so because we were interested in ensuring that the legislation would be both proper and effective. Despite the urgings of the convener of the Rural Development Committee, members who supported the bill, including Mike Watson, resisted lodging their amendments until the very last moment. Mike Watson was perfectly entitled to do that, but I remember receiving pager messages and telephone calls, as did other members of the committee, about those amendments. Members who lodge amendments at the very last moment

do not assist the production of good legislation, because other members are prevented from lodging amendments to those amendments. The convener, who read the rules, had the good grace to advise members that there was flexibility to ensure that there was a reasonable period of time in which members could lodge manuscript amendments, which were then accepted.

Following this debate, we will consider a motion in the name of Patricia Ferguson to hold the stage 3 bill on the Protection of Wild Mammals (Scotland) Bill in two weeks. Back in November, I lodged an amendment on compensation for consideration at stage 3. I lodged that amendment to allow members who are opposed to my amendment or who want to tweak it to lodge subsequent amendments, and to allow the Executive to make suggestions about it. I understand that Patricia Ferguson's motion proposes an extension to the stage 3 debate. At six hours, it will be the longest stage 3 debate that the Parliament has held. I stand to be corrected but, according to today's business bulletin, the motion proposes that on 13 February, the stage 3 debate on the Protection of Wild Mammals (Scotland) Bill will commence at 1 o'clock, with decision time at 7 o'clock. Why are we to hold a six-hour debate, which is most unusual? The answer to that question is that everyone expects that a raft of amendments will be lodged, which means that we will spend the entire afternoon and early evening going through them. I have no objection to that approach, but I hope that members who wish to lodge amendments for stage 3 will listen to the Presiding Officers and lodge them in time to allow other members to consider the amendments properly and therefore to enable us to pass good, decent legislation. I fear that that raft of amendments will be lodged at the very last moment, as happened at stage 2.

The Procedures Committee's motion will give the Presiding Officer—or Deputy Presiding Officer, if appropriate—the authority to accept manuscript amendments, in order to prevent what I call a clear abuse of the system. I hope that members who support the Protection of Wild Mammals (Scotland) Bill are listening to this debate or will read the *Official Report* of it, and that they will lodge their amendments in enough time to allow other members to see what we are to debate on the day. That will allow us to pass decent, good legislation and, for that reason, I support the motion.

11:45

Mr Macintosh: I did not think that I would have anything to say at the end of the debate, but I will respond to a few of the points that have been raised.

Alasdair Morgan asked whether amendments would be admissible at stage 3 if they fell outwith the general principles of a bill—at least, I think that his question was along those lines. Would he care to elaborate?

Alasdair Morgan: Perhaps I should clarify my question, which came up during the early discussions on the Protection of Wild Mammals (Scotland) Bill, when I was a member of the then Rural Affairs Committee. Under standing orders, members cannot move amendments that go against the general principles of a bill. The Rural Affairs Committee had a debate about what the general principles of a bill were as the term “general principles” is not defined anywhere. Some members thought that the general principles of a bill were that bill's long title. However, if one cannot lodge an amendment that goes against a bill's general principles, is an amendment that would necessitate a change to the long title of a bill admissible? I appreciate that that is a bit of an anorak question.

Mr Macintosh: Alasdair Morgan's point is well made, and I thank John Patterson and the Procedures Committee's clerking team for giving me an example of such a situation. The long title of a bill is not the same as that bill's general principles. A recent example is that of an amendment to the Bail, Judicial Appointments etc (Scotland) Bill, which amended the number of judges that were required. The amendment did not run against the bill's general principles, although it amended the long title. Therefore, it fell into the interesting category that Alasdair Morgan mentioned. Perhaps he would like the Procedures Committee to consider his point further. If so, I ask him to put his point in writing to the committee, so that we can consider it in the course of our business. I hope that he is assured that, as far as the motion that we are debating is concerned, we have addressed the issue that was troubling the committee.

I was grateful to Gil Paterson for deciding that he would not use standing orders to put the blockers on the Executive. Mike Rumbles raised a number of interesting points. Many members have raised the procedure that was followed throughout the Parliament's and the Rural Development Committee's consideration of the Protection of Wild Mammals (Scotland) Bill. Members have expressed a great deal of concern that procedures have been used either to slow down the bill's progress or to obfuscate deliberately the issues that are at the heart of the bill. Those matters are of great concern to members on both sides of the argument. To be fair to Mike Watson, there is no reason to believe that he lodged his amendments at the last minute for reasons that were different to those of any other member who lodged amendments at the last minute. There are issues

that concern Mike Watson, just as there are issues that concern Mike Rumbles.

Mr Rumbles: I disagree with Ken Macintosh's opinion on that point. Mike Watson was asked on a number of occasions to lodge his amendments as soon as possible, because members genuinely wanted to consider them in line with their desire to pass good legislation. The situation is being repeated at stage 3. Members who, like me, are opposed to the bill and want to change it have lodged amendments well in advance of stage 3. In my opinion, some members are abusing the system. The Procedures Committee has given us a mechanism through which we can ensure that we address such abuses, but we should prevent them from arising in the first place.

Mr Macintosh: Mike Rumbles's point is well made, but Mike Watson thought that he should defend himself and there is no reason to think that he has used amendments differently to the way in which amendments have been used by members who oppose his bill. My remarks on the abuse of process could be equally—if not more so—directed at those who have tried to slow the bill's progress, despite the view of the majority of members. However, it is not for me to discuss the Protection of Wild Mammals (Scotland) Bill. I simply share Mike Rumbles's concern that the procedures of the Parliament should not be used to create obstacles that would get in the way of the will of the Parliament.

If I may deal with the other points—I am afraid that Mike Rumbles set the fur flying—I want to comment on what Alex Johnstone said. Someone told me before the debate that Alex Johnstone was going to make a slim contribution. I am not sure whether the words “slim” and “Alex Johnstone” have been used—

Alex Johnstone: Oh, go on.

Mr Macintosh: However, I welcome Alex Johnstone's contribution. He said that the proposal to allow joint consideration by sub-committees “jumps out” at him. I was just astounded that something could jump out of a report in that manner.

Donald Gorrie commented on the long debate that we had on the use of the terms “comfort breaks” or “coffee breaks” and how those breaks should be described. I think that we just went for “breaks” in the end. I am sorry if that will cause him any discomfort. I also welcome my colleague Frank McAveety's words of reassurance for conveners, although I suspect that he might have put ideas in members' heads that will make conveners more unsettled.

On that note, I welcome all members' contributions to the debate. I believe that the Procedures Committee's report will make us more

effective in the delivery of legislation. I commend the report to the Parliament.

Business Motion

11:50

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-2658, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme. Any members who wish to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 6 February 2002

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Stage 3 Debate on the Community Care and Health (Scotland) Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business – debate on the subject of S1M-2363 Stewart Stevenson: HM Prison Peterhead and Beacon Site Status

Thursday 7 February 2002

9.30 am Scottish National Party Business
followed by Business Motion
 2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Stage 1 Debate on the Public Appointments (Parliamentary Approval) (Scotland) Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business - debate on the subject of S1M-2533 Mr Donald Gorrie: Musical Instrument Instructors

Wednesday 13 February 2002

1.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Stage 3 Debate on the Protection of Wild Mammals (Scotland) Bill
followed by Parliamentary Bureau Motions
 7.00 pm Decision Time

Thursday 14 February 2002

9.30 am Parliamentary Bureau Motions
followed by Stage 3 Debate on the Water Industry (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 Water Industry (Scotland) Bill
followed by Stage 3 Debate on the Budget (Scotland) (No.3) Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business—[*Euan Robson.*]

Iain Smith (North-East Fife) (LD): On a point of order, Presiding Officer. The business motion states that next Thursday we will debate an item of SNP business, but the motion does not give any indication as to what that debate will be on. Is not it discourteous to the chamber that the SNP has not yet informed the Parliament what it intends the Parliament to debate next week? As a matter of courtesy, should not that be included as part of the business motion that has been moved today? Perhaps the SNP has no priorities and does not know what it wants to debate until it is told by the Sunday newspaper editorials.

The Deputy Presiding Officer: That is not a point of order. I am not aware that this week's practice is different from the practice of previous weeks. I have no doubt that the persons to whom the point is directed will consider what, if any, attention they wish to pay to it.

I have notice of one member wishing to speak against the motion. I call Alex Johnstone.

11:52

Alex Johnstone (North-East Scotland) (Con): It is not my intention to force a vote on today's business motion, but I wish to take the opportunity to bring one matter to the attention of Parliament before we proceed to decide on the motion.

The stage 3 debate on the Protection of Wild Mammals (Scotland) Bill has been scheduled for 13 February. I thank the Minister for Parliamentary Business for ensuring that a suitable amount of time—some six hours—is available to debate the issues involved. However, I want to take the opportunity to express my concerns, which follow directly from those that Mike Rumbles expressed in the previous debate.

It would be irresponsible to suggest that enormous change is likely to happen at stage 3—I believe that only one amendment to standing orders has been lodged so far. However, the changes that we are likely to approve at today's decision time will mean that further significant last-minute changes can be expected during the debate on the amendments to that bill. Indeed, if we think about the experience of stage 2, it is

obvious that the bill at stage 3 is already radically different from the bill that was debated at stage 1. For those of us who were combatants in the stage 1 and stage 2 processes, it is only reasonable to assume that attempts will yet again be made radically to change the bill at stage 3. For that reason, I am concerned that we shall move directly from the debate on the amendments to the debate on the motion that the bill be passed.

I believe that, when we participate in the debate on the motion that the bill be passed, many of us will not be clear about the nature of the bill that is being debated. I therefore believe—

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Will the member give way?

Alex Johnstone: I am almost finished.

It would be worth while to programme some space between the debates on those two issues.

11:54

The Deputy Minister for Parliamentary Business (Euan Robson): The Parliamentary Bureau has provided what is expected to be adequate time. We do not as yet know how many amendments will be lodged, but the time that is available is clearly sufficient to cope with the large number of amendments that is anticipated. If only a few amendments are lodged, there might be an opportunity to revisit the situation.

Alex Johnstone made the point that, if a large number of amendments are agreed to, members might be unsure of what effect those will have on the bill at the end of stage 3. It is up to the members who lodge the amendments to be sure that they understand the consequences not only of their amendments but of the way in which the amendments impact one upon the other.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Given the fact that, since the Rural Development Committee completed stage 2, members have had two months' notice of how the bill as amended at stage 2 stands, will the minister take the opportunity—as I tried to do in the previous debate—to urge members who want to lodge amendments to do so as soon as possible? In that way, all members would have the benefit of seeing those amendments and we would know where we are going.

Euan Robson: Clearly, it is helpful if members lodge amendments early, as other members can then consider in detail the implications of the amendments. However, that is a matter for members, not for the Bureau or the Executive. I cannot add any more.

Motion agreed to.

11:56

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

The Presiding Officer (Sir David Steel): Question 1 has been withdrawn.

Higher Education (Funding)

2. Andrew Wilson (Central Scotland) (SNP): To ask the Scottish Executive whether each student attending a higher education establishment will have a £700 funding shortfall, as identified by Universities Scotland, during every year of study once its bursary proposals have been implemented. (S10-4560)

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander): Under the new student support arrangements, students from the lowest income families in Scotland will have more than £4,300 to live on, of which £2,000 will be in the form of a bursary. That will provide those students with 20 per cent more money for living expenses than they would have had before the Executive acted.

Andrew Wilson: Does the minister with responsibility for student finance—among other things—recognise the problem that Universities Scotland has identified, which is that there is a significant shortfall in student funding? Does she recognise that the shortfall in students' personal finance is a direct consequence of the Labour Government's policies? If she does not recognise that, will she do something to deal with the personal and financial despair that faces many students in Scotland?

Ms Alexander: Dear me, Andrew Wilson has some difficulty in keeping up. I will clarify the figures. I understand that Universities Scotland has spoken to Andrew Wilson about outdated figures.

I do not remember the SNP arguing for £5,000 a student; instead, I remember it arguing for the Cubie proposals, which were that students in Scotland should have £4,100 towards living expenses. The Executive is giving the poorest students a sum that is in excess of that—£4,300.

Pauline McNeill (Glasgow Kelvin) (Lab): Is the minister aware of the Scottish students' rights charter, which was launched by the National Union of Students Scotland and which highlights concerns about barriers to study and citizens' rights? Does the minister plan to meet

representatives of NUS Scotland? Will she consider monitoring levels of student debt to ensure that it is not a barrier to the economy or to higher education?

Ms Alexander: The member makes two important points. I am well aware of the campaign on student debt, which is in many ways legitimate. That is why the Executive has changed the system. When students graduate from a four-year course, they will have £4,000 less debt than they would have had before we acted. The student debt problem is real, but under the proposals for which we have legislated, students will have £4,000 less debt.

The member also mentioned the complexity of the system and the importance of talking to students. I meet representatives of NUS Scotland regularly. In addition to that, we must find a way in which students can come closer to the work of the Student Awards Agency for Scotland, so that we do not get into the complexities that there have sometimes been in the past.

Alcohol Misuse

3. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive what its funding arrangements were for tackling alcohol misuse before the publication of its "Plan for Action on alcohol problems" and what new money is being made available. (S1O-4583)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The Executive has made £1.84 million available through central budgets in this financial year to support local and national action to tackle alcohol problems. In addition, the Health Education Board for Scotland's alcohol-specific budget for this year is £490,000. Services that address alcohol problems are funded from resources that are allocated to national health service boards and local authorities. The Executive has made an additional £1.5 million available following the publication of the "Plan for Action on alcohol problems" for a national alcohol problems communication strategy.

Donald Gorrie: The minister's reply is welcome, because it shows that increased support is being given to tackling alcohol problems. It is notorious that alcohol issues are given less financial support than drug issues. Will the minister assure me that, because alcohol problems impact on many areas of life, money to help tackle them will come from a wide range of budgets?

Mrs Mulligan: I am more than happy to reassure Mr Gorrie that the Executive is totally committed to financing programmes to address problems with alcohol misuse. I accept that we are not spending as much on alcohol issues as we are

on drug issues; however, we are at an earlier stage. I intend to use the alcohol plan to develop programmes locally and nationally to deal with those problems specifically.

Christine Grahame (South of Scotland) (SNP): I refer the minister to the latest round of funding cuts, which now run to £6 million, by Scottish Borders Council. I draw the minister's attention to the Dry Dock in Eyemouth, a project that is aimed at reducing the problems that arise from alcohol misuse; for example, the project provides an alcohol-free bar for young people to socialise in. What will the minister do to prevent the closure of that project?

Mrs Mulligan: As the member knows, that is a matter for the local authority. However, the action plan on alcohol takes into consideration several submissions from local authorities and health boards. We will seek to address local problems through those.

Phil Gallie (South of Scotland) (Con): Will the minister tell us what effect the police's right to confiscate alcohol from young abusers has, and whether that is an area on which we should spend more money?

Mrs Mulligan: One of the targets announced in the action plan addresses underage drinking. The police have powers to remove alcohol from those who are under the age of 18; it is important that the police use the powers that they have.

Teachers' Pay

4. Iain Smith (North-East Fife) (LD): To ask the Scottish Executive what progress is being made on negotiations to implement the McCrone agreement for teachers' pay in relation to education professions, including advisers and educational psychologists. (S1O-4555)

The Deputy Minister for Education and Young People (Nicol Stephen): The pay and conditions of service for educational advisers and psychologists are currently under review by the Scottish negotiating committee for teachers. The SNCT has a psychologists and advisers working group, which is investigating the detail of the issue. The group expects to make recommendations to the full SNCT meeting at the end of February.

Iain Smith: Does the minister recognise that his answer will be a disappointment for educational psychologists—such as constituents of mine who have contacted me on the issue—who are concerned that the matter is being delayed even further, almost a year after the McCrone settlement was reached? Those people do not know on what scales they will be paid, or when they will receive the pay increase that they are still due for 2001.

Nicol Stephen: It is important that we reach conclusion on those issues as soon as possible. However, it is also important to point out that those groups were not part of the original McCrone agreement, and that the McCrone agreement was not final in relation to all issues—indeed, in many ways it was a starting point.

Ministers will receive the review of the educational psychology service—the Currie review—over the next few days. It is important that the terms of that review are considered before an agreement is reached in the SNCT. The end of February is the earliest date on which we can take into consideration the findings of that review.

The issues are complex, particularly in relation to educational advisers. However, I believe that we will reach a satisfactory outcome soon.

Fiona McLeod (West of Scotland) (SNP): I declare an interest as an associate member of the Library Association. That will no doubt alert the minister to the fact that I want to ask when the Executive will make recommendations about pay and conditions for school librarians. After all, school librarians are education professionals at the heart of learning and teaching in our schools and are intrinsic to the delivery of the information and communication technology skills that are so necessary—

The Presiding Officer: Order. I am sorry, but we cannot have speeches in support of questions.

Nicol Stephen: The McCrone agreement and the pay award for teachers affect several groups. It is important to emphasise that such issues are coming to the fore because the new pay award for teachers and the terms and conditions that became available through the McCrone agreement are exceptionally good. Several other groups are anxious to get similar treatment. However, the issues are complex and relate not only to pay. The teachers made some important concessions and significant progress was made in relation to their conditions. It may not be as straightforward for other groups to make similar proposals.

I see Fiona McLeod shaking her head, but that is the case. Groups such as music instructors are balloting on the proposals. The focus of Iain Smith's question was the educational psychologists and advisers. No doubt other groups, including librarians, are interested in the progress that is being made. I am anxious that, through the SNCT, we reach a conclusion as quickly as possible.

Murdo Fraser (Mid Scotland and Fife) (Con): The minister will be aware that mature entrants to the teaching profession stand to lose up to £10,000 because of the McCrone deal. Will the minister assure those students that they will

receive the benefit of the pay deal that they thought they had signed up to when they decided to enter the teaching profession?

Nicol Stephen: One of the main reasons for postponing the meeting of the SNCT from today to the end of January—

David McLetchie (Lothians) (Con): The end of February.

Nicol Stephen: I am sorry—the SNCT meeting has been put back to the end of February and not the end of January, which is today. We want to draw together the strands that relate to educational psychologists, advisers, mature students and others. We are aware of complaints, which have been discussed in the chamber on several occasions, about the concerns of the mature students. Despite the uncertainty that the delay creates, it is important to take a little more time to get the right solution that looks after the interests of our mature students.

National Health Service (Staff Safety)

5. Trish Godman (West Renfrewshire) (Lab):

To ask the Scottish Executive what guidelines are issued to NHS boards and trusts concerning the treatment of violent, abusive or drunken patients by doctors and nurses. (S1O-4526)

The Deputy Minister for Health and Community Care (Hugh Henry): Guidance on tackling violence against general practitioners and their staff was issued on 17 December to NHS boards and primary care trusts. The guidance sets out a model local development scheme, which ensures that medical services continue to be available to patients who have been violent. Health at work guidance is currently in preparation and will include a model policy for NHS Scotland concerning refusal of treatment in certain circumstances to patients who are violent towards staff.

Trish Godman: I hope that the minister's answer will reassure doctors, nurses and ancillary staff in accident and emergency departments. One nurse in my constituency, after serving for five years in an accident and emergency department, is about to leave the NHS because she is not prepared to return for another weekend. We all accept the need for zero tolerance in the context of domestic abuse, but the same should apply in the case of violent abuse of accident and emergency staff.

Members: Ask a question.

The Presiding Officer: Question.

Trish Godman: I am about to ask the question. Will the minister consider using the system that is used down south, in which a yellow or red card is placed in the patient's case notes? If the patient

returns for further treatment, police are called after the patient has been treated.

Hugh Henry: We would consider anything that helps to give greater protection to staff. In addition to the guidance to GPs, regulations that were issued in July 2000 set out practice governing patients where there is a removal because of violence against staff. Anything that can help to protect the security and safety of staff will be given due consideration.

Ms Sandra White (Glasgow) (SNP): The minister says that he is prepared to listen. I am glad of that. Is he aware of the situation that has been going on for two years regarding staff safety at the Glasgow royal infirmary? A petition has been lodged on the subject with the Parliament's Public Petitions Committee. Staff had discussions with management—[MEMBERS: "Speech."] It is not a speech—I began by asking whether the minister was aware of the situation.

Is the minister aware that staff had discussions with management two years ago, and that staff have requested a police presence at GRI? Will the minister give a commitment to meet staff and management at GRI to alleviate the situation?

Hugh Henry: Specific incidents are the responsibility of local management and of the trust and should be dealt with appropriately at that level. Our responsibility is to set out a framework within which the trusts can operate. That is what we are attempting to do.

John Young (West of Scotland) (Con): It has been reported that, south of the border, Alan Milburn favours a zero-tolerance approach to those who assault or abuse NHS staff or ambulance staff. If that is the case, are members of the Scottish Parliament willing—is the minister willing—to adopt a similar zero-tolerance approach?

Hugh Henry: That question was answered in my reply to Trish Godman. Other factors need to be considered. The General Medical Council guidance tells doctors:

"In an emergency, you must offer anyone at risk the treatment you could reasonably be expected to provide"

in the circumstances.

We must weigh those things together. John Scott is right that we should not tolerate violence against staff. We must ensure that the atmosphere and environment in which staff operate gives security and protection and says no to abusive and violent patients.

Scottish Transport Group Pension Schemes

6. Dennis Canavan (Falkirk West): To ask the Scottish Executive what recent communication it

has had with the trustees of the Scottish Transport Group pension schemes about the wind-up of the pension schemes. (S1O-4554)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): My officials are in regular contact with the directors of the Scottish Transport Group, including contact on progress with the wind-up of the pension schemes. The most recent such meeting was yesterday.

Dennis Canavan: In view of the concern that the offer to the pensioners amounts to only about 40 per cent of the gross surplus and the fact that, about a decade after privatisation, not a single penny has yet been paid out, why are ministers obstinately refusing to meet MSPs and representatives of the pensioners? Why are the trustees following suit? Who do those people think they are? Are they not accountable to the Scottish Parliament? Will the Executive tell those bandits to hand over the money, even if it takes another threatening telephone call from the dreaded Wendy?

Lewis Macdonald: I am disappointed, given Mr Canavan's long engagement with the campaign, that he appears not to be aware of one or two key points.

One of those points is that the trustees of the pension schemes are not directly accountable to ministers. If they were, we would have instructed them to act before now. We have done everything we can to speed up the process and we will continue to do so. Mr Canavan asked about meetings. He will be aware that we met the trade unions, with which we have worked throughout the process, and we have met the pensioners action group and MSPs within the past five weeks and discussed questions that they raised. We have taken those questions seriously and will supply answers to them. In the meantime, we will continue to press the trustees to carry out their responsibility and wind up the schemes as quickly as possible.

Dr Sylvia Jackson (Stirling) (Lab): Having been a supporter from the beginning of the campaign group representing the ex-employees of the Scottish Transport Group, I must say that the on-going delays beggar belief. When will the minister answer the many questions that were raised at the New St Andrews House meeting that he mentioned, including the request for a meeting between the minister and the campaign group? Will the minister pressurise the trustees to talk to the campaign group and to finalise their deliberations?

Lewis Macdonald: The Executive shares the impatience of members and those who have been involved in the campaign, including Sylvia

Jackson, that matters should be drawn to a conclusion as quickly as possible. We will respond to the questions that were raised at that meeting as soon as we can and invite any further representations the member wishes to make in the light of the answers to those questions.

I intend to impress upon the trustees of the pension scheme our eagerness for progress and to meet the chair of the Scottish Transport Group board of directors shortly. That will provide an opportunity to explain the view of the Parliament and the Executive that the matter should be concluded as quickly as possible.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Further to the minister's answer to Mr Canavan, will he confirm that it was not the trustees but the First Minister, Mr McConnell, when he was Minister for Finance, who struck the deal whereby 60 per cent of the gross surplus of the pension funds is being paid not to the workers but to the Government—£100 million to the Inland Revenue and £46 million to the Treasury? How does Lewis Macdonald, as a Labour minister, justify a Labour Government taking £150 million from a workers' pension fund? When John Prescott described that as pillage, was he wrong?

Lewis Macdonald: Given that Fergus Ewing was in the chamber when we debated the subject in late November, it is very disappointing that he appears to have missed entirely the point that legal ownership of the fund lies entirely with HM Government. What the Scottish Executive achieved in negotiation was a substantial handover of funds, which belong in law to HM Treasury, to the Executive for dispersal to members of the pension schemes. If the member had listened on 28 November, he would have heard the Executive say that a further £18 million had been obtained and will also be dispersed to members of the pension schemes.

I take the opportunity to correct a point that has been made by Mr Ewing and Mr Canavan, who overlooked the £33 million pension pay-out of about a decade ago, which was surplus in addition to the regular pension pay-outs made to members of the schemes. That means that, assuming that we are able to proceed in the next few weeks, the aggregate pay-out will be in excess of 60 per cent of the overall surplus in the scheme, and will be directly comparable with the pay-out in England and Wales.

George Lyon (Argyll and Bute) (LD): I restate the urgency of the matter. Many pensioners who have waited years for the settlement are unlikely to live for long enough to receive the benefits of that settlement if we do not get a solution on the table. Will the minister give us an assurance about that? We need to know when the distribution of the money will take place and on what basis the

money will be distributed. Those are the two key questions that my constituents want answers to.

Lewis Macdonald: The criteria for distribution have been discussed and agreed with the Transport and General Workers Union, which represented the vast majority of the pensioners when they were in employment. The criteria were also explained at the meeting on 17 December at New St Andrews House.

The intention is to complete the process as quickly as possible. The moment that the trustees carry out their duty and wind up the schemes, we will take the necessary steps in Parliament to wind up the Scottish Transport Group. Once that is done and we have access to the records, to which we are not legally entitled to have access until the pension schemes have been wound up, we will proceed to distribute the money on the basis of the criteria that have been explained. We shall do that as quickly as possible.

Scottish Audit of Gastric and Oesophageal Cancer

7. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive when it expects to receive the Scottish audit of gastric and oesophageal cancer and when it will be published. (S10-4542)

The Minister for Health and Community Care (Malcolm Chisholm): We expect to receive the final report by March 2002. Plans are in preparation for its dissemination to NHS Scotland immediately thereafter.

Des McNulty: Following his meeting last summer with doctors and patients, the minister will be aware of the serious concern that exists about the lack of a coherent strategy for providing upper gastrointestinal services in Glasgow. Given that there have been few signs of progress since then, will the minister assure us that, in his consideration of proposals for the future of acute services in Glasgow, he will consider carefully the provision of upper gastrointestinal services on a single site? Will he also assure us that, in the development of the cancer strategy, upper gastrointestinal services will be regarded as an urgent priority?

Malcolm Chisholm: The cancer strategy that was published by the Executive last year indicated that there would be a review of upper gastrointestinal surgery following the audit. As I indicated, the audit will be published in March. It will then be up to the NHS boards in the west of Scotland and the regional cancer advisory group to reorganise services for that important area of surgery.

As Des McNulty said, I have a close interest in the subject, and I met the surgeons in question

last year. In the first instance, however, it is a matter for local bodies. I am pleased to be told that Greater Glasgow NHS Board has arranged a meeting with those surgeons in the near future.

Mr David Davidson (North-East Scotland) (Con): The minister will no doubt be aware that, although there are more deaths from upper gastrointestinal cancer than from breast cancer, it is an illness that gets very little publicity. What plans does the Scottish Executive have to develop an education campaign so that people become more aware of the problem and seek earlier intervention, which can save lives?

Malcolm Chisholm: There are many developments that will be helpful, including developments in endoscopy, which is important in diagnosing upper gastrointestinal cancer. There is a lot of interest in that area and research is being done. There are also new developments in adenocarcinoma, which is becoming more common. Many people have a keen interest in those developments; I, and other members of the Executive, certainly have. It is very important that networks are developed as soon as possible after the publication of the audit so that those serious illnesses can be dealt with in the best and most appropriate way.

The Presiding Officer: Before I call question 8, I warn members not to stray on to reserved matters.

Consignia (Meetings)

8. Mr Adam Ingram (South of Scotland) (SNP): To ask the Scottish Executive when it last met representatives from Consignia to discuss the impact of possible post office closures. (S10-4549)

The Deputy Minister for Environment and Rural Development (Allan Wilson): Consignia post offices and postal services are reserved matters. The Scottish Executive recognises the importance of the availability of postal services across Scotland and is in regular contact with Consignia on a range of issues.

Mr Ingram: Will the minister give a commitment here and now to participate fully in the roll-out of the Government gateway project, otherwise known as "Your Guide", if and when the project is given the go-ahead by the Department of Trade and Industry? As the minister will be aware, such initiatives will provide vital new income streams to replace revenue that is lost from across-the-counter benefits transactions.

Will the minister confirm whether the Executive has received a funding consequential from the Treasury to support post offices in deprived urban areas?

Allan Wilson: The Scottish Executive and the UK Government are committed to high-quality, universal postal services and a dynamic post office that can thrive in a world of technological change and increased competitive pressures. At the end of next month, the pilot will come to a conclusion and there will be discussions between officials in Andy Kerr's department, the DTI and Consignia on rolling out the project throughout Scotland.

I agree that the the local post office should become an invaluable resource for access to government information—that was reflected in consequentials to the Executive from the UK Government in last year's settlement.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Does the minister agree with the general point that competition is often not the best way to ensure that equitable and effective or efficient public services are delivered throughout the country? We should recognise and respect that legislative and regulatory powers for the matters under discussion lie with Westminster, but will the minister give an assurance that he will liaise closely with the Secretary of State for Scotland and his UK counterparts to ensure that services, particularly in rural and poorer communities—which are of particular concern to Scotland—are protected in the light of today's announcement by the regulator?

Allan Wilson: The announcement to which the member refers is the publication of a Postcomm document at a minute past midnight. I can give the assurance that the Executive and the UK Government are determined to deliver the best possible services to post office customers and that we will work towards that with the UK Government. The Scottish Executive recognises the importance of the post office network to rural communities in particular. The matter is reserved, but the Scottish Executive will ensure that the Postcomm consultation takes full account of rural communities' needs.

Dorothy-Grace Elder (Glasgow) (SNP): Unemployment will not be a reserved matter when it hits and postal workers are looking for answers. I ask the minister to treat the matter as the worst crisis in the post office in modern times. Does the minister accept that the Royal Mail has been in difficulties only since it was privatised and that more privatisation is not the answer in Scotland? Will the minister give an assurance that he will investigate the moving of international mail from Glasgow to Berkshire and of the Glasgow parcels office in Springburn to Coventry? The Scots wages office and orders for uniforms and cleaning materials have already been hijacked by Swindon, Sheffield and Leeds.

The Presiding Officer: Order. I said that the question was limited to the impact of possible post office closures in Scotland—that is the narrow scope of the question.

Allan Wilson: I have seen press reports that have quoted 8,000 post office closures in the UK, but the UK Government and the Scottish Executive do not recognise those figures. I assure the Parliament that there will be no repeat of the Tory years in which 3,500 post offices were closed throughout the country.

sportscotland (Meetings)

9. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it will next meet sportscotland and what issues will be discussed. (S10-4569)

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): I met the board of sportscotland informally on Monday 29 January and we discussed a number of sporting matters that are of interest to the Executive and sportscotland. My colleague Mike Watson will meet the chairman and the chief executive on Monday 4 February. They will discuss sport 21, the national sport strategy for Scotland.

Mr Monteith: I thank the minister for her answer. I hope that, in discussing that strategy, Mike Watson will raise the issue of playing fields. Recently, I attended an under-13 Scottish cup tie at Barrhead and was disappointed to discover that ballots were still being held for teams to gain access to play on grass football pitches. Will the minister give an assurance that initiatives will be discussed to ensure that Scottish children have access to grass football pitches throughout Scotland?

Dr Murray: I reassure the member that the planning provision is against the presumption of development on school playing fields. A case would need to be made that suitable alternative sites were available for football pitches if playing fields were to be developed.

The wider issue of physical activity in schools is a major concern of the Scottish Executive. A number of programmes are under way at the moment, including the school sports co-ordinator programme and the active primary school programme. We are awaiting the physical activity task force's careful consideration of any recommendations in respect of increasing levels of physical activity in the population, for people of all ages, but particularly young people.

Mr Kenneth Macintosh (Eastwood) (Lab): On a point of order, Presiding Officer. I wonder whether Mr Monteith will clarify whether he said Barrhead and whether he was referring to the brand-new grass pitches that were put in and paid

for by the council and the Scottish Sports Council.

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

Rhona Brankin (Midlothian) (Lab): Will the minister assure us that when she, or Mike Watson, next meets sportscotland, she will ensure that the issue of low participation of young women in sport will be addressed in the next review of sport 21?

Dr Murray: I assure the member that I will continue to take a strong interest in the participation of young women in physical activity. That participation might be in sport, or it might be in activities such as dance. I was interested to see recently that 88 per cent of equestrians in Scotland are women. Like Rhona Brankin, I am anxious to promote physical activity among girls and young women.

Michael Matheson (Central Scotland) (SNP): When the ministers next meet sportscotland, will they be prepared to raise the issue of establishing football supporters' trusts in Scotland? The minister will be aware of the increasing development of such trusts in England and Wales, which the Government has provided with financial support. Here in Scotland, no financial support has been provided for the establishment of such trusts.

Given that Lord Watson was a keen supporter of football supporters' trusts when he was a back bench, do the ministers still support the establishment of such trusts? Are they willing to provide financial support for their establishment?

Dr Murray: I am happy to reassure the member that both Mike Watson and I are keen supporters of football supporters' trusts. We have had a number of discussions about how those trusts might be progressed and I advise the member that an announcement on the matter will be made very soon.

Rare Birds (Poisoning)

10. Dr Sylvia Jackson (Stirling) (Lab): To ask the Scottish Executive what measures it is taking to stop the illegal poisoning of rare birds. (S10-4540)

The Deputy Minister for Environment and Rural Development (Allan Wilson): The Scottish Executive is committed through its operation of the wildlife incident investigation scheme to investigating the misuse and abuse of pesticides. Where poisoning has been confirmed, my department's agricultural staff conduct field investigations in close co-operation with the police.

Dr Jackson: Is the minister aware that recent research by RSPB Scotland showed an alarming rise in the poisoning of red kites in 2001, some of which happened in my area? Does he agree that the introduction of tougher wildlife laws would act

as a deterrent and help to stop such incidents in the future? Will he commit himself to publishing a draft bill on the subject as soon as possible?

Allan Wilson: The Scottish Agricultural Science Agency has reported that since 1989, of the 51 red kites submitted for analysis under the incident investigation scheme that I referred to, 24 were confirmed to have been poisoned. It is worrying that 10 of those were poisoned in 2001.

I agree with Sylvia Jackson. We aim to introduce new measures to assist the police to detect wildlife crime and the courts to impose tougher penalties, including custodial sentences for those who are convicted of the most serious crimes.

I am happy to repeat the assurance that was given by my predecessor in office that we aim to introduce a draft bill on those matters as soon as possible.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I think that the minister is aware that the project to reintroduce the red kite to Galloway has been hit severely by the poisoning of many of those magnificent birds.

Under those circumstances, does the minister agree that it is important that the law has real teeth? Will he give us a definition of "as soon as possible"? Does it mean this year?

Allan Wilson: As soon as possible means as soon as possible. It is fairly self-evident.

The timing obviously depends on competing priorities in the Executive's legislative programme. I understand the urgency of what is being proposed and I will impress on my colleagues the importance of introducing a draft bill as soon as possible.

Nutritional Deficiency

11. Ms Margo MacDonald (Lothians) (SNP): To ask the Scottish Executive what action it plans to remedy the nutritional deficiency recorded by National Children's Homes Scotland in one child in six examined at the royal hospital for sick children in Edinburgh. (S10-4568)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The Scottish Executive is committed to improving the diet of all children as part of giving every child the best possible start in life. Implementation of the Scottish diet action plan is being given added momentum at national and local level to improve the diet of Scottish children throughout their childhood years.

Ms MacDonald: Does the minister agree that a great deal of money has been spent on health education programmes to persuade people of the merits of eating fresh fruit and vegetables, for

example, but that, according to the National Children's Homes Scotland survey, those programmes do not appear to have had much impact? Does she think that it might be a good idea to ensure that every child has a free school meal every day and that, if the Scottish Executive cannot find the £174 million that that would require, we should consider raising the money through the limited tax-raising powers of the Parliament?

Mrs Mulligan: The member is concentrating on only one way of dealing with nutritional deficiency in our children. Several projects are going on at the moment, including breakfast clubs, the provision of fruit and vegetables in schools and the health improvement fund that provides fruit and salad bars in schools. A number of things are being done to improve young children's nutrition.

The member will be aware that, just this week, the expert panel on school meals and breakfast club services met to discuss how to implement plans to improve the nutritional value of school meals and, more important, to increase their attractiveness to children. Simply improving their nutritional value will not ensure that children want to eat them, and increasing the attractiveness of school meals is an important part of ensuring that children get the nutrition that they need.

Lord James Douglas-Hamilton (Lothians) (Con): Does the minister agree that, if children are encouraged to have a healthy diet, their quality of life, health and length of life are likely to be enormously enhanced, especially if that good practice is continued? Will she give the maximum support to the Health Education Board for Scotland in that context?

Mrs Mulligan: I agree that food is very important in determining the health that people will enjoy in later life. It is therefore important that young people pick up good eating habits at an early age.

Accident and Emergency Departments (Specialist Nurses)

12. Elaine Thomson (Aberdeen North) (Lab): To ask the Scottish Executive what progress is being made in the use of specialist nurses in accident and emergency departments. (S10-4575)

The Minister for Health and Community Care (Malcolm Chisholm): We are making progress on several fronts. In July 2000, we announced £6 million of ring-fenced funding for training an additional 210 specialist nurses. Of those 210 nurses, 40 were specialist nurses in accident and emergency departments. There are now four programmes in Scotland that prepare nurses for the emergency nurse practitioner role.

Elaine Thomson: Does the minister agree that Aberdeen royal infirmary has been proactive in modernising and redesigning the way in which NHS services are delivered? That has been shown in the recent introduction of dedicated emergency nurse practitioners, a role that is proving extremely popular and successful and is enabling significant reductions in waiting times. Does he agree that further development of specialist nurses is urgently required and is an essential part of the modernisation that is required in the NHS?

Malcolm Chisholm: I agree with Elaine Thomson that redesigning services is crucial and empowers front-line staff to organise and deliver those services. That is a vital part of our decentralising agenda for health, although we are quite happy to be centralisers when it comes to ensuring that there are national standards and that money is available. The initiative to which Elaine Thomson referred is important. I am determined to value and empower nurses further in the coming year as a way of improving care for patients.

Nicola Sturgeon (Glasgow) (SNP): Does the minister agree that the decision of Greater Glasgow Primary Care NHS Trust to cut the number of accident and emergency departments in the city from five to two is seriously misguided? Will he subject that decision to the closest possible scrutiny when the proposals reach him for approval?

Malcolm Chisholm: Nicola Sturgeon will know that, at the moment, that is a matter for the Greater Glasgow Health Board. She ought also to know that the board is still considering the relative merits of having two or three accident and emergency departments. The proposals will, of course, eventually come to me and I can assure her that I will consider them from the point of view of best care for patients. I think that everybody accepts that change was necessary, but, ultimately, what matters is that the best possible services are available to the people of Glasgow.

First Minister's Question Time

SCOTTISH EXECUTIVE

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S1F-1610)

The First Minister (Mr Jack McConnell): Among other priorities, the Cabinet will discuss a report from Wendy Alexander on the excellent work that she is doing with her transport responsibilities as part of the modernisation and preparation of Scotland for a competitive economy in the 21st century.

Mr Swinney: I am glad to hear the Minister for Enterprise, Transport and Lifelong Learning getting such attention from the First Minister. At least they are speaking this week.

Is it the normal practice of the Scottish Executive to shred documents on the handing out of public money within two years of that public money being spent?

The First Minister: I would not expect so, although I could not be absolutely certain without checking the detailed rules that we employ.

Mr Swinney: I am sure that the First Minister is right to give that cautious answer. I want to raise with him the question of Fife Council's spending of public money, the overwhelming majority of which comes from this Parliament. There are some facts that the Parliament should hear. In April 1998, a grant of £20,000 was given to the Third Age charity, which was followed 12 months later by another grant of £20,000, even though the Third Age charity ceased to exist in February 1998. We now hear that documents relating to those grants have been shredded.

I am reliably informed that local authorities do not destroy documents until five years after the public money has been spent. Does the First Minister agree that the seriousness of the issues that have been raised in the media on this subject merit an investigation by Audit Scotland? Would the First Minister support such an investigation?

The First Minister: If the leader of the Scottish National Party did his homework properly, he would know that, because a complaint has already been made to the Accounts Commission, an investigation will already be under way.

Mr Swinney: It would be good to hear whether the First Minister thinks that the issue merits serious investigation. The situation involves a

Labour council giving money to an organisation that is run by Labour activists and that rents office space from a Labour MP. The connection is Labour, Labour, Labour and it stinks. In a week in which the First Minister has appointed six Labour party members to a panel of 12 to scrutinise public appointments, is it not time that we started to clean up Scottish politics, starting with Fife Council?

The First Minister: As I have already said, the chief executive and the audit committee of Fife Council are awaiting a further report on these matters. I understand that the Accounts Commission has received a complaint about the matter and will properly and thoroughly investigate it. The commission is responsible for the external auditing of the work of local authorities in Scotland. It would be entirely wrong of me to prejudge any investigation that it held or to tell it how to undertake the investigation properly.

On the other matter that the leader of the Scottish National Party raised, I hope that he will recall that, as I have promised since becoming First Minister, we intend to ensure that the public appointments process is significantly more open and transparent. When we have ensured that the Scottish Parliament can properly scrutinise the appointments that are made by ministers and that each and every assessor who is appointed to scrutinise public appointments in Scotland and to sit on the interview panels is appointed by an independent commissioner who will be appointed with the authority of the Scottish Parliament, that will be a significant achievement. If Mr Swinney had any decency in him, he would recognise and welcome that.

Cabinet (Reshuffle)

2. David McLetchie (Lothians) (Con): To ask the First Minister whether he has any plans to reshuffle the Cabinet. (S1F-1607)

The First Minister (Mr Jack McConnell): No.

David McLetchie: Sorry, Wendy. I did my best.

A matter that the First Minister should consider is health. Last week, he told me at question time that the number of nurses in Scotland fell under the Conservatives. This week, official figures show that, during our time in office, the number of nurses increased by almost 6,000 to 51,472 in 1997. Since then, under Labour and the Liberal Democrats, and irrespective of whether the starting point is 1997 or 1999, the number of nurses has fallen. Will the First Minister accept that what he said last week was untrue and that his Minister for Health and Community Care's claim of a short-term increase in a limited category of nurses was deliberately misleading? When will we have some honesty from the Government on health?

The First Minister: I will not allow the member to distort the figures. It is clear not only that the number of qualified nurses in Scotland and the activity that they undertake have increased since 1997, but that more and more activity is taking place in the community. That activity is not always conducted by qualified nurses, but it is making a difference to health care in our local communities.

That does not even take into account the substantial investment over the past 18 months. The figures that were announced this week relate to September 2000. I do not think that anyone in the chamber does not believe that those figures will be shown to have significantly improved further since then. On top of that, we expect 10,000 more nurses to qualify in the next five years. Those are significant improvements that are making a difference. It is time that some people in the chamber recognised that.

David McLetchie: It is time that some people learned something about basic statistics. I have the figures. In 1980, there were 45,551 nurses in Scotland. In 1997, there were 51,472. In 2000, there were 51,228. The number of nurses increased under the Conservatives and decreased under Labour. The only thing in health that is increasing under Labour is the number of incompetent ministers who are charged with responsibility for it.

The First Minister has been guilty of spin and deceit that is undermining public confidence in our health service. In the past week, the chair of the British Medical Association in Scotland, a senior lecturer in health economics at the University of Glasgow and the highly respected and independent King's Fund have all made important contributions to the debate. They have made many of the same criticisms as we have made week in, week out in the Parliament about political interference and centralisation in our health service, yet the only response from the First Minister and his health minister is to spread misinformation and misleading and inaccurate figures as a smokescreen for failure. Will the First Minister accept my invitation to engage seriously in a mature and sensible debate about the future of our health service, which we have called for for months and which he and others have consistently rejected?

The First Minister: I would be delighted to participate in a mature and sensible debate on the national health service, if it were possible to have one in the chamber. However, every time that the subject comes up, the figures are distorted, the positions that some members take are misinterpreted and the description of what is happening in the health service is unfair to those who work in it. The public's confidence in our national health service is not helped by the fact

that Mr McLetchie comes to the chamber week after week, Thursday afternoon after Thursday afternoon, to demand that we use more private sector space and reduce the use of the public sector in our national health service.

I make it clear that we have absolute confidence in the public national health service in Scotland and will remain committed to it. When we act on that commitment—for example, by taking action on waiting times and using not only the public sector but spare capacity in the private sector—and we centralise decisions and establish a unit, the Conservatives say that we are not doing enough. Two weeks later, the Conservatives criticise us for centralising too much. The Conservatives cannot have it both ways. Either we are taking action on the health service or we are not taking enough action.

We are taking action constantly in the interests of patients. When local decisions are required, they will be left to local decision making, but when national decisions are required, we will take them, act and ensure that more patients are treated as a result.

Care Homes

3. Mary Scanlon (Highlands and Islands) (Con): To ask the First Minister when negotiations between the Convention of Scottish Local Authorities and the independent care homes will be finalised. (S1F-1623)

The First Minister (Mr Jack McConnell): Finding a long-term solution to the problem of funding care home places is very important and we hope that COSLA and the Scottish care homes reach an agreement soon. Although the duty of care lies with local authorities, ministers are committed to contributing to a lasting settlement that provides long-term stability for those elderly people who need it most.

Mary Scanlon: Given the Executive's recent announcement of £20 million to address bedblocking and the fact that the dispute has been running since last October—despite the agreement reached then between the Scottish Executive, COSLA and Scottish Care—will the First Minister tell me, first, why COSLA is not honouring that agreement and, secondly, whether he thinks that it is acceptable for councils to allocate £400 per person for those staying in their own homes but only £245 for people in independent homes?

The First Minister: This is a serious topic and negotiations are under way. I do not want to undermine those negotiations or to conflict with them. As we have laid money on the table, we share a responsibility with local authorities in the matter and it is important that we reach a proper

negotiated settlement. We intend to do that in the best interests of patients. It would be nice if we could have done that last week, the week before or even this week. However, even if it takes time, it is best to do it right in the interests of patients, rather than to take a leap in the dark.

I do not think that those negotiations are helped by those who constantly put forward the case of the private care home owners, rather than that of the patients. I think that the patients should come first, that there should be a proper negotiated settlement and that that should be acted on as quickly as possible. If we can achieve that, we will.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Will the First Minister confirm that any agreement reached will be based on partnership? Will he confirm that both the Scottish Executive and local authorities will make a contribution based on partnership and does he agree that partnership is the only way forward to deliver services for our older people?

The First Minister: I indeed think that that is the way forward. However, I would not want to cut across the negotiations, other than to say that whatever conclusion we come to should be based on an understanding and recognition of our shared responsibility to provide the elderly people who need care home places with the quality of care that they deserve. That is our objective. The local authorities have that duty and we accept our part of that shared responsibility; I am sure that local authorities accept theirs too. I hope that a financial solution is reached as quickly as possible.

Shona Robison (North-East Scotland) (SNP): Does the First Minister agree that actions speak louder than words and that we need some real action by the Executive to resolve the care home dispute before the fast-approaching 11 February deadline? Will he accept that such action would be a far more effective way of promoting the interests of Scotland's older people than launching yet another glossy report such as the one issued today on health and the older citizen, which, although very worthy, tells us nothing new and is not what the older people of this country actually require from the Executive?

The First Minister: Shona Robison raised a number of interesting issues in that question. First, it is important that the chief medical officer presents a proper report on the future health care needs of Scotland's elderly population that can be considered in the Parliament and elsewhere. Everyone in the Parliament should welcome the availability of such evidence and analysis for our policy making because looking at such evidence before establishing our positions is exactly what we should be doing. Shona Robison may not consider that important, but I am afraid that we do. I hope that others will share that view.

Secondly, I agree that action is more important than words. If we had just taken the decision that I was urged to take by the leader of Shona Robison's party two weeks ago and had handed over as much money as we could as quickly as possible to the care home organisations, we might have had a resolution to the current dispute, but that would not have been in the interests either of Scottish taxpayers or of the elderly people concerned, who deserve to receive the highest quality of care in the care homes.

Action is important and negotiations are important. We will find a solution to this matter, but we will do it properly. We will not respond to deadlines set by other organisations. If this time last year—perhaps 13 months ago—I had established the deal that we reached with Scotland's teacher organisations and local authorities on the basis of a deadline that had been set six months previously by my predecessor, we would not have had a new system for disciplining teachers for poor performance in our schools; we would have handed over a pay rise without winning that concession. It was important to take an extra week then and, if we need to take extra days on this occasion, we will do so to get the right solution for Scotland.

Young Offenders

4. Bill Butler (Glasgow Anniesland) (Lab): To ask the First Minister what steps are being taken to address the issue of repeat young offenders who are responsible for a disproportionately high level of crime. (S1F-1621)

The First Minister (Mr Jack McConnell): The next steps will be: first, tough programmes for young offenders to make young people face up to the consequences of their actions and to prevent them from reoffending; secondly, involving the victims of crime in the youth justice system; thirdly, better joined-up working between police, education and social services; and, finally, proper facilities and activities within the community to help to provide fulfilling alternatives to crime for young people.

Bill Butler: I thank the First Minister for his answer. He will be aware that a major study that was carried out in the mid-1990s found that 3 per cent of young people were responsible for 26 per cent of all youth crime. He talked about better joined-up working. If gaps exist in such essential provision by the Executive or the local government and voluntary sectors, how does the Executive intend to fill the gaps? Could he elucidate?

The First Minister: There are those in the gallery who think that my elucidation is not necessarily the best in the chamber. I will do my best.

First, it is critical that we ensure that the police services in Scotland are involved in the multidisciplinary approach that I have described. When the Deputy First Minister and I met police officers in Torphichen Street in Edinburgh last Thursday morning, one of the issues that came up was that the police feel that multidisciplinary work sometimes does not involve them and that it involves only education and social work services, for example. However, community policemen are now in the community almost as much as the staff of local authority departments are, so they can play a role in finding solutions for young people. This week we have ensured that the department will take up that suggestion and fully involve police officers in our integrated services activities.

Secondly, some extremely successful projects operate around Scotland. We want to spread that best practice. On Monday morning, I visited the breaking the cycle project in East Lothian—in Musselburgh—with Susan Deacon. Some members may not find that information interesting, but even the SNP will find it interesting that 89 per cent of young people who go through that project do not reoffend. In a country where more than 50 per cent of our prisoners are back in prison within two years and too many of our young people offend time and again, an 89 per cent reduction in the number of young people who reoffend is a significant success. We should spread that word.

Bill Aitken (Glasgow) (Con): Does the First Minister agree that his announced intention of diverting more 16 and 17-year-old offenders to the children's hearing system, with its present limited powers, is unlikely to have a deterrent effect on offenders—young, repeat or otherwise?

The First Minister: Mr Aitken offers a simplistic distortion of the truth, but perhaps that is not surprising. As he is well aware, the proposal is for pilot projects to see whether, in certain circumstances, reoffending can be more effectively prevented by dealing with young people—16 and 17-year-olds—in the children's and young people's hearing system rather than in the courts. Only when that option might be more appropriate would it be tested and tried—it is worth a try in a country where we fail so significantly to tackle reoffending. It should not be an option in cases that are so serious that the courts should automatically be involved. We may be more successful—because of the young person's level of maturity, the nature of the offence or other circumstances—in preventing some offenders aged 16 and 17 from turning into adult criminals if we treat them in the way that has been proposed. If we can do that, it is worth a try.

Landfill Sites

5. Mr Gil Paterson (Central Scotland) (SNP):

To ask the First Minister whether the Scottish Executive has any plans to review landfill sites and their impact on the surrounding environment. (S1F-1605)

The First Minister (Mr Jack McConnell): Yes. Most of all, we want to reduce the amount of waste by recycling and reusing household and industrial materials. We aim to move radically away from our reliance on landfill. When we use landfill, we will treat the waste before releasing it into the environment. Importantly, we will separate hazardous waste from non-hazardous waste. Decisions on the siting of any new landfill sites will take account of their potential impact on the surrounding environment.

Mr Paterson: Is the minister aware of the damaging report published this month in *The Lancet*, which has uncovered the possible danger of women giving birth to children with chromosomal disorders if they live within a 3km radius of a landfill site? Will the First Minister follow the precautionary principle in the Scottish Environment Protection Agency's national waste strategy and cease all dumping until a full scientific inquiry has been carried out?

Mr McConnell: As always in such circumstances, it is not always straightforward to respond in the way in which the member suggests. The report in *The Lancet* is only one report and contradictory evidence has been published on the matter. However, I am pleased that at least one SNP member believes that medical evidence and analysis is important when we plan decisions.

It is important that we examine the medical evidence that exists and take action on the general issue of landfill and waste. We fully intend to do that, both through new planning guidance and by taking the action that is required under European directives to separate waste properly and ensure that it is properly contained.

The Presiding Officer (Sir David Steel): Time is up.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): On a point of order, Presiding Officer. During question time, Mr Macintosh used a bogus point of order to rebut a point made by a previous questioner. If we were all to use that tactic, question time would become a shambles. Do you agree that it is particularly unfortunate that a member of the Procedures Committee used such a tactic? Do you undertake to consider how the practice can be prevented?

The Presiding Officer: This is the first time that I have had to deal with a point of order on a bogus point of order—which is, therefore, itself almost a bogus point of order. I cut Mr Macintosh short because he was making a bogus point of order, so Alasdair Morgan makes a fair point.

Local Government Finance (Scotland) Order 2002

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-2654, on local government finance. I would rather not take any more points of order, as many members have indicated that they would like to speak in this debate and we are tight for time. I ask those who are not staying to leave as quickly as possible.

15:33

The Minister for Finance and Public Services (Mr Andy Kerr): The order that we are asking Parliament to approve this afternoon is of real significance to all Scottish councils and their council tax payers. The Local Government Finance (Scotland) Order 2002 provides the grant support for Scottish councils' revenue expenditure in 2002-03.

Revenue funding for local government accounts for more than a third of the total assigned budget. The order distributes more than £6.5 billion of resources to local government. That is £500 million more grant than in 2001-02. Today's debate gives members an opportunity to comment on this vital element of the Parliament's responsibilities—an opportunity that I am sure they will embrace. We are distributing historic levels of resources to local government. That is further living proof of our partnership with local authorities.

I cannot emphasise enough the importance of local government as a key partner in the delivery of better public services. We are working closely with Scotland's councils to encourage and support their efforts and to remove barriers to service improvement.

We have already put in place many such reforms. The Scottish Local Government (Elections) Act 2002 represents an important step forward in strengthening local democracy. The move to four-year terms for councils will allow them to take longer-term strategic decisions. Concurrent elections will strengthen the legitimacy of councils, ensuring that the turnout at local council elections is increased, and will provide equal legitimacy in electoral terms for the Parliament and local government. The introduction of electoral pilot schemes offers councils a welcome opportunity to test new electoral procedures.

We will publish a white paper on the future of local government—our plan is to do so before the Easter recess—which will be followed by an extensive consultation process. The Executive will

set out the future steps for legislation shortly after Parliament reconvenes in September. The debate will be set in the context of renewing and supporting local government as a vital part of the democratic system and will take into consideration the crucial role of elected councillors.

That is all part of the broader agenda to modernise local government, not only through the local government bill but through the leadership advisory panel, which reported last year. The panel worked with councils to support reviews of their decision-making processes, political management arrangements and other aspects of how they run their business. Councils responded well to that challenge and we are keen to maintain impetus.

Councils have already introduced the best value approach on a voluntary basis. That means that councils are reviewing the effectiveness of their services, asking their citizens what kind of services they want and thinking about quality as well as cost. To encourage and support further improvement, we will shortly introduce a bill to remove the barriers that prevent councils from providing new services and from working with others in their local areas to improve services. The bill will also give councils a statutory duty to pursue continuous improvement and will extend their obligations to report publicly on their performance. We will also amend the duties of the Accounts Commission and council auditors so that they embrace quality of service as well as cost. The aim of all that work is to support the delivery of better public services. The acid test will be whether we deliver real change to the local authority services that are provided to our communities.

It is clear that that work is vital, but local government also needs the resources to do the job. To underpin the reforms that we are introducing to strengthen local government, we are working to develop a finance system that supports, rather than impedes, our partnership with local government. We have already introduced three-year revenue and capital allocations, secured councils' agreement to publish three-year council tax figures and abolished expenditure guidelines. We have also begun to put in place local outcome agreements, but we have more work to do.

Last year we announced firm three-year capital allocations.

Brian Adam (North-East Scotland) (SNP): Will the minister give way?

Mr Kerr: Yes.

Brian Adam: Does the minister agree that part of the work that still needs to be done is arriving at an agreement so that we no longer have the annual debate on whether the settlement fully

funds changes? Each year, the Executive produces a financial statement that says that local government has received a lot more money and each year, the Convention of Scottish Local Authorities—and most individual local authorities—says, “No, that is not the case”. Does the minister agree that we need a mechanism through which agreement can be reached on how the finances are to be presented and dealt with?

Mr Kerr: I agree with Brian Adam. Over the next few months, I will meet COSLA for extensive discussions to establish the ground rules for debates on issues such as the allocation of resources, which he raised, as well as ring fencing and hypothecation. I want to make significant progress on an issue about which local authorities approached the Executive, and on which we are happy to deliver through discussions with local authorities.

We want to move on to the next step of reforming the capital control system, for which local authorities have argued for many years. On Tuesday, I had a wide-ranging discussion with the Local Government Committee on that subject and indicated my willingness to take the matter forward. We have considered the arguments and now we will move forward with our local authority partners to reform the capital system. We will seek to deliver an improvement to the way in which we work together.

We want to establish a system that enables rather than constrains; that allows councils to meet the challenges of the 21st century, investing in assets that are fit for purpose; that improves the quality and accessibility of council services by investing in the latest technology; and that allows councils to work with other agencies and to pool resources without artificial restrictions. In partnership with COSLA, we will examine closely the capital control system and we will work with local government to develop a system that delivers those improvements.

All the measures that I have mentioned will allow further progress to be made down the road of shared responsibility, in order to achieve tangible benefits for all the people of Scotland.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Is the minister aware of the growing concern among directors of finance about the settlement process? They are concerned not about the announcement, but about the drip-drip process through which they get details from the Executive of the settlements for individual local authorities. Some directors of finance have asked me to ask the Executive to hold a briefing seminar within a few days of the announcement of the settlement, so that they gain that detailed information much earlier than is the case at present.

Mr Kerr: I, too, am looking to improve that system. I am happy to take on board Keith Raffan's good idea, investigate it further and, I hope, deliver on it. He makes a sensible proposition that I am open to. I will discuss the matter with local government directors of finance in due course.

Last year, Angus MacKay announced firm three-year grant figures. That guarantee is still not available to councils elsewhere in the UK outside of Scotland. I am happy to reinforce that commitment.

As I said earlier, the finance order distributes more than £6.5 billion of resources to local government. That is £0.5 billion more than in 2001-02. For local authorities, that means that they have increases that range between 6 and 11 per cent.

Shona Robison (North-East Scotland) (SNP): The Labour administration on Dundee City Council has publicly announced that its council tax may rise by 25 per cent over two years. The Labour Minister for Finance and Public Services has said to the press that the council should not need to do that as it has been given more than enough money. The Dundee public are entitled to know who is telling the truth. Is it the Labour minister or the Labour administration in Dundee?

Mr Kerr: What has been said is grossly inaccurate. I have met the council leader, the director of finance and the convener of finance of Dundee City Council. I am happy to meet them again and talk. I am always happy to talk with local authorities.

Let us get the facts on the table. I acknowledge that Dundee City Council has come to me with legitimate concerns about settlement issues, but the amount of money that Dundee will receive is an above-inflation increase of 8.4 per cent, which is an increase of £16.1 million. In the following year, 2003-04, the increase is 5 per cent. I am more than happy to discuss the allocation of resources with local authorities, but let us not forget—

Maureen Macmillan (Highlands and Islands) (Lab): Will the minister take an intervention?

Mr Kerr: I shall do.

Maureen Macmillan: The minister may be aware that Argyll and Bute Council is anxious about its funding formula and has sent him a copy of Professor Arthur Midwinter's report. Can the minister assure me that he will pay close attention to the report? Argyll and Bute Council feels that it is disadvantaged by an unfair funding formula.

Mr Kerr: I am learning the lesson in this job that all councils are unique, but they are all unique in different ways. Satisfying them all is a difficult task.

I will not go into great detail about Argyll and Bute Council, as I understand that I am meeting its representatives next week to discuss the points that the member has made.

Let us get back to today's business, which is the finance order. We have effectively responded to local authorities' desire for stability in the allocation of resources by giving them money that allows them to plan. They have planned wisely and are delivering quality public services.

There seems to be confusion about hypothecation or ring fencing. Let me be clear.

Mr David Davidson (North-East Scotland) (Con): Will the minister give way?

Mr Kerr: We in the Scottish Executive have our priorities, as do local authorities. In setting their budget priorities, local authorities have flexibility over the major part of the available resources that they receive through Scottish Executive grant or locally raised income.

In December, I announced a reduction in ring-fenced controls on local government funding, with the transfer of around £150 million of programme grant funding to unhypothecated general grant. Specific grants now account for less than 10 per cent of the total revenue funding that I am announcing today. We will consider the potential for further reductions in ring-fenced controls where appropriate.

Furthermore, as I mentioned earlier, in due course Peter Peacock and I will get together with COSLA to discuss the figures and clarify what we consider to be genuine hypothecation. That engagement will be positive and will be done in a spirit of understanding about where both sides sit in regard to local government finance.

No matter where people live or what their personal circumstances are, they undoubtedly use council services. We want to change those services for the better for the people of Scotland. The order commits substantial additional resources to deliver key policy priorities, including the modernisation of the teaching profession, improved care services for older people, enhanced concessionary travel schemes and extra resources for the police. For the first time in recent years, the settlement also includes provision towards general local authority pay and price inflation. Local government argued for that. We listened to their views and have changed.

The allocations for each local authority were fixed for each of the three years to allow stability and to allow them to better plan the delivery of local services. It was made clear at the time that the Executive would fund any policy commitments that were placed on local authorities. That is what we have done for many issues, such as pre-school

education, the supporting people programme, adult literacy, the rough sleepers initiative and out-of-school care provision.

The finance order is critical for local government and for those who use local government services. It is only one part—although an essential one—of the way in which we are assisting authorities to deliver the local services that are important to communities. Peter Peacock and I will continue to have meaningful dialogue with COSLA. That will allow us to continue our progress in delivering better local services. That is what we are about.

I acknowledge the fundamental role that local government plays in this partnership and the contribution that the partnership makes to the quality of life of Scottish people. We are all about closing the gap, providing opportunity and providing high-quality services.

I move,

That the Parliament agrees that the Local Government Finance (Scotland) Order 2002 be approved.

The Deputy Presiding Officer (Mr George Reid): We are tight for time, so I will give speakers a warning one minute before their time is up.

15:45

Tricia Marwick (Mid Scotland and Fife) (SNP): The minister said that the finance order was critical for local government services. Indeed it is. Yet it took seven minutes of an 11-minute speech before the minister actually talked about the finance order itself. We heard a great deal about what the minister hopes to do for local government in future, but he did not address the order that we are supposed to be debating this afternoon. I wonder why.

The minister's rhetoric at the end of last year was that the Executive was offering a 10.7 per cent increase. The reality is that the increase is nothing of the sort. In my speech, I intend to look through the smoke-and-mirrors approach to local government that this minister and his predecessors have adopted. I will lay bare the reality of the so-called substantial additional resources that the minister promises.

Angus MacKay (Edinburgh South) (Lab): Will the member give way?

Tricia Marwick: No, let me get on with it.

In reality, we are facing council tax rises in practically every council in Scotland. Those rises will be accompanied by a reduction in services. That does not suggest to me—or to very many people who are involved in local government—that we have had the substantial increases that the minister claims.

George Lyon (Argyll and Bute) (LD): Does the

member disagree with Professor Arthur Midwinter who, in evidence to the Local Government Committee, said that, whereas in April 2000 it had been clear that local government grant had been falling in real terms, the projection now is for real growth of 11.7 per cent over the plan period? Does she disagree with that statement?

Tricia Marwick: I rely on figures that COSLA produces. I think that they are probably more accurate than the minister's figures. According to COSLA, instead of an increase of £650 million that the Executive claims, there will be a shortfall next year of £130 million. The minister perpetuates an illusion. Perhaps when we have this debate next year, it will be based on agreed figures and not on the Executive's smoke-and-mirrors approach.

The Executive has four main techniques for inflating the local government settlement figure: first there is the double count; then, in the headline increase figure, they include money allocated to new burdens; then they underfund those new burdens, compounding the problems; then they ignore new year-on-year pressures.

For example, money that has already been paid to councils in the form of direct grants—for, say, pre-school education—has now been included in the headline budget figure. It shows as an increase, but it is not new money. Another of the minister's tricks is to include money for new burdens that the Executive has imposed. I was disappointed that the minister, in the newspapers today, did not recognise that "burdens" is the terminology that we all use.

The Executive has instructed councils to do work—for example, to provide personal care for the elderly—but that new work has to be paid for. The Executive has paid councils £125 million for the service. Put simply, that money is already spoken for. It is determined centrally. It is not additional money for councils. It is to pay for additional services that the councils must provide.

Mr Kerr: Will the member give way?

Tricia Marwick: No, I will continue for a moment.

The money that I was speaking about also includes money for the rough sleepers initiative, adult literacy, balance transfers from the Department for Work and Pensions, out-of-school care and, indeed, McCrone. COSLA estimates that that totals approximately £440 million. A quick subtraction reduces the Executive's increase of £645 million to approximately £250 million.

We are not finished yet. There is one more sleight of hand. The Executive is quick enough to trumpet new policy initiatives to sell to the press. However, it is irresponsible enough to attempt to implement those policies without providing enough

funding to do so. Once again, the councils are left to carry the can for the shortfall.

Perhaps the most topical example of that is the McCrone settlement.

Bristow Muldoon (Livingston) (Lab): Will the member give way?

Tricia Marwick: No. I have a point to make and time is short.

I quote the minister's predecessor, Angus MacKay, speaking in the chamber in the same debate a year ago. He said:

"I am happy to confirm that the Executive has always said that it would fully fund McCrone."—[*Official Report*, 7 February 2001; Vol 10, c 968.]

In fact, the Executive is doing no such thing.

Mr Kerr: Will the member give way?

Tricia Marwick: No, I will not.

In a recent report on teachers' pay, COSLA reported

"as a result of insufficient funding being provided, Scottish Executive and COSLA recognised that there was a cumulative shortfall over the three year period of £42.7m. It was agreed that this would be funded by local authorities."

The reality of the situation is that the Executive said last year that McCrone would be fully funded, but it is not fully funded. There is a shortfall of £42.7 million and that is to be met by the local authorities.

Iain Smith (North-East Fife) (LD): Will the member give way?

Angus MacKay: Will the member give way?

Tricia Marwick: If the minister wishes me to give way, perhaps he should have addressed the finance order in the first seven minutes of his speech. He did not do so.

Angus MacKay: I am not the minister any more.

Tricia Marwick: I will give way to the previous minister.

Angus MacKay: Setting aside the fact that the McCrone agreement was a negotiated agreement to which all parties voluntarily signed up and her criticisms are rather irrelevant, can Tricia Marwick tell the chamber what precisely the SNP would do differently with regard to that settlement?

Tricia Marwick: I look forward to February 2004 when Mr MacKay will have the opportunity to debate the SNP's local government settlement. Since Labour came to power, COSLA estimates that approximately £700 million has been lost from local government budgets.

Returning to the minister's illusions, COSLA estimates that the underfunding of new burdens

and the underfunding of year-on-year increases will cost local government £340 million. If we subtract that from the £210 million surplus, we are left with a deficit of £130 million.

Minister, the time for smoke and mirrors is over. Next year, we need to discuss real figures and not the hype that the minister brings to the debate. Nobody believes that the Executive is producing more money. COSLA does not believe it and, when the council tax bills go through people's doors in a few months' time, the people of Scotland will not believe it either.

15:53

Mr Keith Harding (Mid Scotland and Fife) (Con): I have a lot of ground to cover and, although I will be as quick as I can, I start by once again expressing my concern that we only have an hour and a half for such a vitally important and contentious debate. That seems ludicrous when, this morning, we had an extra hour that we did not need or use to discuss a bill on which the whole chamber was agreed.

When we come to finance discussions, I always reflect that the last two Scottish Executive budgets have resulted in underspends of £435 million and £718 million. The clear implication is that the Scots are paying too much tax and the Executive cannot find ways to spend the money. I can think of at least two obvious ways.

First, we could consider ways of reducing or preventing increases in the tax burden, specifically the council tax.

Mr Kerr: Will the member give way?

Mr Harding: No. The minister did not give way to my colleague.

I am always keen to support a tax cut but I am aware that a Labour and Liberal Democratic Executive will always favour a tax increase. After all, both Executive parties and the SNP are stuck firmly in the belief that they, as politicians, know better how to spend the public's money than the people do.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Mr Harding: I will not be giving way. I only have five minutes. I am sorry.

Mr Rumbles: Is the member not going to give way at all?

Mr Harding: Mr Rumbles will get his chance. If I get on a bit, I will come back to him.

If the Executive parties cannot bring themselves to cut tax, why do they not directly resolve some of the problems that they have created in local government? They could allocate additional funds

to councils to spend as they wish on locally decided needs and priorities. After all, the financial aspects of the local government announcement have done little to reassure hard-pressed local council tax payers. Despite the barefaced spin from the Scottish Executive, taxpayers face yet another year of inflation-busting council tax increases at the hands of their local councils. That will come as a bitter body blow to thousands of Scots who see council tax bills swallowing up a larger proportion of their income each year.

Shona Robison: Will the member give way?

Mr Harding: Not at the moment.

This is just another way for the Scottish Executive to achieve the chancellor's aim of increasing the tax burden without touching income tax levels. It is another stealth tax. With the money available from the underspend, the Executive could easily prevent some of the worst council tax increases, or give the councils genuine flexibility in the use of the money that they have available.

Mr Rumbles: Will the member give way?

Mr Harding: I will not give way. It is not my fault. The Executive should allocate more time to the debate. I suggest that the member have a word with the business manager.

Before I hear complaints from the Labour and Liberal benches, I should say that I know that the Executive is claiming huge increases in council grants—in the Local Government Committee yesterday the minister described them as massive—for the coming year of up to 11 per cent. However, when one examines closely the funding available, it is clear that it is window dressing. The headline figures are high, but a large proportion of the increase is simply a transfer of existing ring-fenced funding into revenue support grant or is swallowed up by new burdens and the need to spend on the nationally agreed McCrone settlement. The 11 per cent increase is not new money and COSLA estimates that the actual increase in available funds that councils have discretion over is more like 3.6 per cent—that is £211 million rather than £646 million.

If the settlement is as generous as it is claimed, why are councils throughout Scotland cutting services? Fife Council is closing animal centres. Far from giving power back to the councils, the minister has simply tinkered at the edge of ring fencing and has left the councils with little option but to follow the Executive's agenda. The councils still have to provide the same service and the Scottish Executive has retained local outcome agreements and statutory powers to ensure that they do. Again, COSLA provides a helpful analysis: COSLA is clear that 30 per cent of local government funds come with strings attached.

It is no use the minister giving us a different figure and talking about the removal of ring fencing in a few minor areas. The evidence shows clearly that even in the areas where ring fencing has, in theory, been removed, ministers have failed to address the fundamental problems and have boxed in councils once again. What is the point of removing ring fencing if one does it only where the service must be provided by statute, where the service is such that no council would make cuts and many would want to spend more than the ring-fenced grant or where it can be done only after binding agreements with the Executive are put in place?

If the Executive wants future settlements to be welcomed, it must make some vital changes of principle. We must stop milking the taxpayer through central Government-inspired council tax increases of more than double the rate of inflation. Let us give councils the freedom that they require to resolve their core service needs. We should let local people make choices through local democracy. If councils make huge council tax increases, local voters will know what is going on and will give the politicians their verdict on the tax level at the next elections. The change is not just about finance but about the principle of accountability in local government. It is too late this year, but let us ensure that future financial settlements play their part in restoring accountability and democracy in local government.

15:58

Iain Smith (North-East Fife) (LD): I will not take any lessons about accountability and local government from a party that is on record as saying that it wants to take away control from local government and give it to quangos. That is the Conservative party's policy.

I welcome the significant additional resources for local government as a result of the local grant settlement. We are in year 2 of a three-year settlement. Over the three years, there will be an average increase of 23.6 per cent in aggregate sector funding for local authorities across Scotland—that includes 8.68 per cent in the year ahead, to which the order applies, and an additional 5.59 per cent in the following year. In real terms, over the three years, there will be £1.8 billion more than there was in 2000 and £1.75 billion more than there was in the Conservatives' local government settlement in 1997. The resources going into local government have increased significantly. Most important, the settlement reverses years of cuts in local government and begins to address major funding problems.

Mr Andrew Welsh (Angus) (SNP): If all this largess is heading towards local government, why

are council taxes about to go up? Can the member name one council among all councils, including his own, that will not raise council taxes?

Iain Smith: There is a need to increase local council spending to improve services. That is why councils are increasing council taxes. Now that they have been given the freedom to do so, they want to fund services in addition to those that are funded by the Government. It is important to note that council taxes are being increased to help support additional services. In previous years of cuts, councils were restrained from increasing council taxes to do that.

I am not saying that councils have all the resources they need; that will never be the case. However, what is important is that the settlement marks a significant improvement in the resources that are available to local government. The settlement allows for the funding of important areas such as free personal care for the elderly. That is part of next year's funding package to local government, which will be implemented during 2002-03.

The settlement continues to help to fund the implementation of the McCrone agreement, which is an important improvement to how our teachers are paid. The McCrone agreement will result in significant improvements to our education service.

The settlement will fund additional investment in our policing services. The increase in the money that is going to the police specific grant is above inflation. That will allow the recruitment of additional police to enable record levels of policing to continue.

The settlement will fund the concessionary travel schemes that are due to be introduced later this year. It will also begin to reduce ring fencing, which local government has been requesting for years. It will start to address the deficit in capital funding, which is also important. This year, a 40 per cent increase has been made in capital funding, although that is not enough to address the long backlog of capital investment that is required in our schools, roads and other public services.

Significant improvements need to be made to the way in which the local government finance system operates. The Local Government Committee has completed its local government finance inquiry, although we have yet to reach our conclusions. I hope that the inquiry will reach some conclusions based on the evidence that has been taken over a year. Issues need to be addressed, including the grant distribution system. There is a difficult balance to achieve between the simplicity and transparency that everyone would like to see and the need to reflect different councils' different circumstances.

Another issue that needs to be addressed relates to the McCrone settlement. The settlement was calculated on the basis of the number of teachers, but the allocation is based on the number of pupils. That has resulted in some councils getting a windfall and others being affected. COSLA agreed to the system of allocation and yet it will cause difficulties for councils in areas where the number of pupils per teacher is lower—such as rural and sparsely populated areas. COSLA and the Executive will have to sort that out.

We must also address the fact that the three-year settlement will be made every three years, rather than there being a three-year rolling programme. That is partly to do with how the Westminster Government deals with its spending reviews. We need to address the fact that councils will have a degree of certainty about the next three years only in the first year. By the time councils get to the following year, they will have only one year's certainty of funding. They will not know what the budget for the next three-year block will be until the next year. If we are to have proper three-year funding, that issue needs to be addressed.

My final point is that we need to reach an understanding about the figures that we use. COSLA always disputes the Executive's figures and the Executive disputes COSLA's figures. If one examines both sets of figures, one sees that they are open to question, as both are difficult to follow and to understand fully. We need to have an agreed set of figures that satisfy the local government community, the Executive and the Parliament. We need to have genuine and accurate figures so that we can make proper decisions and have a proper debate about their meaning.

The Deputy Presiding Officer: We move to the open debate. I will keep speakers to a tight four minutes.

16:04

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I am fortunate to be a member of the Local Government Committee. During our inquiry into local government finance, I spent a lot of time hearing from local authorities that represent our disparate local communities. Having listened to them describe the issues, I believe that, although far from perfect, things are much better in local government in Scotland than they have been for a considerable time.

The announcement that we are debating today is a further indication that we are following the best possible route for a modern, collaborative and effective approach to local government finance—a

system that is accountable to those that it serves and supports. As the minister pointed out, in no other part of the United Kingdom do local authorities have the certainty of knowing three years in advance what their central Government funding allocations will be. That is welcome, as it gives local authorities a certain security, allied to the flexibility that will allow them to make significant progress across the board.

Partnership is key in identifying shared priorities, which allows local authorities to plan for the long term and work together to remove any barriers to improvement. From what I have heard, I think that we now have much more open dialogue about the priority issues for both levels of government. That has to be a good thing.

Perhaps because of that, the increase in local authority capital investment allocations has already borne results, not only in additional local services and infrastructure but in improved planning, and has paved the way for continued and sustained improvements for the future.

We are now in year 2 of the three-year local government settlement. The additional £350 million in grant support is welcome and will build on the real-terms increases announced last year. Local authorities will receive an increase of almost 11 per cent this year, which will bring the increase in total revenue grant support that local authorities receive next year to more than four times the projected rate of inflation. The situation is almost unparalleled and demonstrates the Executive's commitment to providing better public services for Scotland's citizens and to continuing the vital role that local government plays in delivering those services. Every local authority is set to receive an above-inflation increase in revenue grant. When the move from ring fencing to local outcome agreements develops further, we will, I hope, see further progress on optimising service provision.

It is important that we realise the difference that an efficient, fairer system of funding will make for local authorities and service users, working for the communities and the people of Scotland. However, I am somewhat confused by recent COSLA statements on finance. I liaise regularly with my local authority colleagues in North Lanarkshire and South Lanarkshire. Last year, when the strategy was announced, I encountered favourable responses. Not only has the settlement found favour in Labour authorities but, I am glad to say, it has unearthed consensus across the political spectrum.

As an avid reader of the *Montrose Review*, I was delighted to see Alex Johnstone MSP quoted as saying:

"Nobody can describe the grant settlement to Angus Council as anything other than generous."

The Deputy Presiding Officer: The member has one minute left.

Mr Welsh: Will Mr McMahon give way?

Mr McMahon: I have just been told that I am in my last minute.

Before the Nats start to shout that a right-wing alliance has been formed, I draw members' attention to the *Largs & Millport Weekly News*, where SNP councillor Alan Hill, in welcoming all the extra money that will go to his authority, whinges—as the Nats are wont to do—that he hopes that the Scottish Executive

“gives all of the money to the council straight away.”

Therefore, it is surprising to hear the contrary being reported in COSLA's recent critical statements, especially since its vice-president, Pat Watters, last year described the programme as

“the most positive settlement in more than a decade.”

Overall, the promises are being delivered upon. The modernisation of local government is progressing, ensuring that services are created and delivered with best value. More stable, fairer long-term plans are now the norm. The progress so far is good and it is our duty to guarantee that more will be delivered in future. Scotland deserves the best possible services for the money provided. I endorse the progress made in local government finance and congratulate ministers on their continued efforts.

16:08

Kay Ullrich (West of Scotland) (SNP): Well, here we are again—five years of a new Labour Government at Westminster and nearly three years of new Labour here in Scotland, and still local councils up and down the country do not have enough money to meet the needs of our local communities.

Today, yet again, we have heard more spin from new Labour. We have heard how extra this and more that is being provided. In effect, the minister has told us that all is well in the world. Well, I have news for the minister. It is time he woke up and smelled the coffee, because all is far from well in local government in Scotland.

We have heard the new Labour rhetoric; let us now hear the unspun reality. In my home area, covered by North Ayrshire Council, the reality bears little resemblance to the land of milk and honey that we have heard from new Labour today. Of course, the story of insufficient funding is not new, having started with the Tories. Labour councillors were up in arms then, baying their heads off. Since 1997, Labour-controlled authorities have been caught between a rock and a hard place. How can Labour councillors say that

things are even worse under their own Government?

As anyone who has read the COSLA briefing—and I am sure that we all have—will realise, the times they are a-changin'. Labour councillors are starting to put their heads above the parapet.

Let me give just a couple of examples of the reality that the people in North Ayrshire have to face because of Labour Government underfunding. In the financial year 1999-2000, the Labour council was £4.4 million short of the funding required to meet the needs of the community. The following year, the same Labour council identified and costed the needs of the local community. Then it was told how much money it would get from the Labour Government in Edinburgh, and it promptly had to slash services to the tune of £6.25 million. The cuts included £1,859,000 from education, £75,000 from special educational needs and more than £2.5 million from social services. Wardens were cut from sheltered housing and charges were applied for the provision of alarms in the homes of the elderly. The minister can spin all he likes, but that is the reality in North Ayrshire.

Mr Kerr: Will Kay Ullrich give way?

Kay Ullrich: No, I will not.

Of course, that is only one part of the story. How can we talk about local government funding without referring to care of the elderly? It is scandalous that people who have been assessed as needing long-term residential or nursing care do not get that care and continue to languish in acute NHS beds or, even worse, have to remain at risk in their homes.

I have a letter from Mr Bernard Devine, chief executive of Labour-controlled North Ayrshire Council, which says:

“it is quite obvious that local authorities throughout Scotland are unable to fund all persons assessed as requiring residential or nursing home care.”

The Executive claims that local authorities receive sufficient funding, so my question to the minister is quite simple. Do they or do they not? Let us stop the ducking and diving.

Mr Kerr rose—

Kay Ullrich: Do local authorities have sufficient funding to meet what is, after all, their legal obligation to secure placements for all those elderly people assessed as requiring long-term residential or nursing care? Thousands of elderly people and their families are waiting to hear the minister's answer. It is quite simple: yes or no. Is the funding sufficient or insufficient? I look forward to hearing his answer when he sums up.

Mr Kerr: Has she finished? Can I answer?

The Deputy Presiding Officer: Order.

Kay Ullrich: He can answer when he sums up.

16:12

Bill Aitken (Glasgow) (Con): As the debate takes place, local authorities will be deciding on council tax for the forthcoming year. I am not one to wallow in nostalgia, but listening to some of the comments made this afternoon reminds me of the times when, as a member of Glasgow City Council, I would be berated by Bill Butler, Des McNulty and others for the perceived inadequacies and unfairness of the Conservative Government's local government settlement. In those days, as one of Mr Kerr's employers, I had to sit there and take it, and I had to justify why the Conservative Government was making that amount of money available to local authorities and why that was fair and viable.

When I heard that there was to be an 11 per cent increase in funding for local government—that is what was in the circular that was issued—I thought, "Oh, happy days." I thought that we would get more services, a more imaginative approach and more freedom for local authorities to do what they want in their areas. Sadly, I was soon to be disillusioned. When I read the circular from COSLA—a Labour-controlled body—I saw that, once new burdens are deducted and consideration is given to the amount that is being transferred from the ring-fenced fund to the general account, the increase is only £211 million, or 3.6 per cent. It is not surprising that I share COSLA's total disbelief and bitter disappointment at the local government settlement.

Mr Rumbles: Bill Aitken is making a very amusing speech, but Keith Harding, who would not take an intervention, made it clear in his speech that the Tories felt that far too much public money was being given to local authorities. Does Bill Aitken agree that, if the Tories were in a position to reduce the local government settlement, they would cause a great increase in council tax?

Bill Aitken: That brings me to the other part of my dream. I thought that perhaps we would not get better services and supposed that I could live without that. Perhaps there would be a reduction in taxation. Then I had a reality check and remembered that we are dealing with Labour-controlled councils and a Labour and Liberal-controlled Scottish Executive.

Jackie Baillie (Dumbarton) (Lab): Bill Aitken is evidently confused, but he will recall that East Dunbartonshire Council, which is unfortunately Liberal and Tory-controlled, is unable to spend its money. Is that down to the incompetence of the politicians or is it a signal of happy days?

Bill Aitken: I am more concerned about West Dunbartonshire Council which, like Glasgow City Council, cannot collect its money. Throughout Scotland, there is uncollected taxation.

Mr Kerr: In 1992, the poll tax collection rate was 67.5 per cent.

The Deputy Presiding Officer (Mr Murray Tosh): We are short of time.

Bill Aitken: No doubt the rate that Mr Kerr mentioned was the result of his and his colleagues' interventions. They encouraged people not to pay—they were the can't-pay-won't-pay brigade.

We are debating the issue in a total vacuum. Until members of the Labour and Liberal-controlled Executive are prepared to persuade and exhort their colleagues in local government to adopt a more positive approach, give them responsibility that will ensure that they are answerable to the electorate in respect of the projects that they wish to undertake, and cut down on ring fencing, we will not get much further.

16:17

Des McNulty (Clydebank and Milngavie) (Lab): When he told us about his dream, Bill Aitken forgot to say that he voted for reductions in services every year for 20 years when he was a member of Glasgow City Council.

There are many things to welcome. I welcome the extra £350 million in grant support to local authorities. We should welcome the additional stability that is provided by being in the second year of a three-year settlement. There are now record levels of support for local government. We should also welcome the steps that have been taken to reduce ring fencing.

New burdens and new responsibilities are being handed to local authorities—that is important. The Parliament and people in local communities are asking more of local authorities. In particular, more is being asked of local authorities that cope with high levels of deprivation and poverty.

Much has been said about the problems that Glasgow faces. I have first-hand experience as a councillor in Glasgow and support the case that Glasgow has repeatedly put for deprivation factors to be given greater weighting in the distribution formula. If we are committed to social justice, we must recognise that deprivation should be considered differently.

It is important to focus on three dimensions. Local concentrations of deprivation must be treated as special factors. We need to consider the balance between affluence and poverty in an authority. Edinburgh has local concentrations of

deprivation, but the balance between affluence and poverty is fundamentally different from that in Glasgow and in West Dunbartonshire.

I want to highlight the problems that West Dunbartonshire faces: unemployment in West Dunbartonshire is running at almost double the rate in Glasgow; average incomes are significantly lower; and a higher proportion of the population are claimants than in Glasgow, which has been highlighted as having particular problems. West Dunbartonshire has an additional problem. Poor people in the area who need more support are asking for council services from a small authority with limited budgets. My colleague Jackie Baillie and I have fought hard for additional resources for West Dunbartonshire and have been successful to an extent. There has been an additional £9 million over three years from the better neighbourhood fund, we have won a share of URBAN II and we have had support from additional capital consents for schools and bridges.

Unless we shift the basis on which core funding is provided for areas such as West Dunbartonshire, I have real concerns about the capacity of a small authority, which deals with high concentrations of poverty and does not have much of a resource base from tax-gathering powers, to deal with its problems. A young person going into a secure care environment in West Dunbartonshire can wipe out 20 to 25 per cent of the authority's relevant budget line. That problem is faced not only by West Dunbartonshire Council, but by Inverclyde Council and other small Scottish authorities.

I acknowledge that there are problems in West Dunbartonshire and that the local authority has difficulties with tax and rent collection. It can learn from other authorities, such as West Lothian Council, about how to deal with people. However, the circumstances in West Dunbartonshire are fundamentally different: it has a concentration of poverty, the balance between affluence and poverty is unequal, and the authority faces restrictions because it is small.

West Dunbartonshire suffered just as much as Argyll and Bute, Glasgow, Dundee and other authorities at the time of local government reorganisation. That was identified in the Midwinter study. We need a better deal for authorities that have special problems. I hope that, in considering how local government finance can be reformed, problems of deprivation can be dealt with differently. It is not only about counting the amount of deprivation, but about double counting it, because we need to deal with it in the context in which it occurs.

16:21

Ms Sandra White (Glasgow) (SNP): When the Government's announcement on local government finance is subjected to proper analysis it turns out to be like so many of new Labour's policies—all packaging and no content. Government claims of increases in local government grant support, subjected to proper scrutiny such as that from COSLA, are exposed as a trick of smoke and mirrors.

Members need not take only the SNP's word for that, but can take that of COSLA and other councils too. COSLA expressed its disbelief and bitter disappointment with the settlement. It said that the Executive's headline figures were being used to camouflage the realities of another difficult financial settlement for local government.

As COSLA said, the announced settlement was £130 million less than it had asked for. I am glad that Glasgow can no longer be accused because of its role in COSLA—that magic word again—as it is now not a member. However, COSLA also pointed out the increased pressures on local government because of the cost of financing long-term care for the elderly, the McCrone settlement and teachers' pay, and police and fire pensions.

Local government has suffered for far too long from underfunding and interference from central Government, which many believe has undermined local democracy and accountability. In a recent submission Unison contended that:

"Local government has suffered from the effects of year on year cuts in funding coupled with restraints on freedom of action. The effects of persistent neglect can be seen in declining local services and under investment in staffing and infrastructure."

Those are not my words, but Unison's. That position has not improved—nobody has mentioned this—since the election of new Labour in 1997. I seem to remember that new Labour said something like

"things can only get better."

An awful lot of people are saying that things can only get worse. New Labour's ideology is driven by Tory ideology. I am thinking particularly of PFI, or PPP, whichever way one wants to put it. I believe that those schemes will lead to further pressures on local government finance. The means of financing public services is wasteful and expensive. Every £1 billion of PFI contracts will cost the public purse £50 million more per year than borrowing through traditional public sector avenues would. That will only further undermine public services in the years to come. If members do not believe me, they can read COSLA's submissions.

The minister mentioned ring fencing, or hypothecation, call it what one wants. The minister and I had a full debate about ring fencing at a Local Government Committee meeting. I remember that he thanked me for my kind words—I am sure that he was sincere. However, concerns remain regarding this type of hypothecation or ring fencing. COSLA mentions in its report that 30 per cent of all the moneys that local authorities get, which amounts to £6.6 billion over the next three years, comes with those strings attached. That is our concern.

The SNP, COSLA and local government are basically saying, "For goodness sake, give us less interference from central Government, less ring fencing and less Executive talk about pushing through its policies and priorities at the cost of local needs and local people." I wish that the minister would take that on board. I know that we have had this discussion before, but I ask him to look at the matter again. The Executive may have priorities, but local government must be given the proper funding to address them.

16:25

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): There is no doubt that the Scottish Executive is committed to increasing the overall level of funding that is allocated to local government services. That is much needed and I welcome that trend.

The level of support to local councils is 11 per cent higher in real terms than the first settlement by the Scottish Executive at the beginning of the Parliament. Other colleagues and I opposed that settlement at the time, in the first vote on the local government budget some two years ago. At that time I drew the Executive's attention to the fact that my local council, Aberdeenshire Council, suffers from an out-of-date funding formula that penalises rural councils. I have done so consistently since then and I make no apology for raising the issue once again.

We all know that it simply costs more to deliver council services such as education in rural Scotland than in urban Scotland. Des McNulty made the case about rural deprivation. However, I emphasise the fact that schools, school transport, roads, refuse collection and policing must be delivered. It does not depend on how well off or relatively poor the people living in a local authority area are; those services must be delivered. Aberdeenshire is the most rural of all Scottish council areas. More people live in small rural communities in Aberdeenshire than in any other local authority area, including the Highlands and Islands.

Des McNulty: Why should the council with the richest tax base in Scotland get more money? It

already gets £13 million in transferred business tax.

Mr Rumbles: I shall tell Des McNulty why. Through the Arbuthnott formula, £50 million every year is siphoned off from the north-east. If Aberdeenshire received the average funding, we would lose £42 million. If Des McNulty listens to my speech, he might learn something.

As a result of pressure in the Parliament, the Executive has introduced several reforms that were outlined by the Minister for Finance and Public Services at the beginning of his speech. It has abolished the capping restriction on local authorities, moved to three-year funding and increased the total amount of money that is going to local government. I am especially pleased that it has started to recognise the funding difficulties that Aberdeenshire Council faces—Angus MacKay and Peter Peacock have secured an increase in that funding of 2 per cent above the average until the year 2004. However—and here is the rub—the funding formula is still heavily biased against Aberdeenshire. Aberdeenshire receives only 88 per cent of the average funding for each council. I hope that Des McNulty is listening. That works out at £182 less per person than the Scottish average, or £42 million less for the people of Aberdeenshire. That bias in the formula cannot be allowed to continue. It is simply wrong.

Since 1996, when Aberdeenshire Council was formed, until this year, it has faced continuous cuts in public services due to insufficient funding from all central Governments. This is the first year in which the council will not have to cut, although it will have a standstill budget. That is a welcome step in the right direction. An increase of £42 million each year would start to restore the level of services in Aberdeenshire to the level of services that are available in most other council areas.

I wanted to say something about the Conservative position, but I am running out of time. I cannot understand the position that was outlined by the Conservative spokesman. The Conservatives say that too much money is going into local authorities and would force up the council tax.

I support the motion. If we did not, the councils would receive no funds at all and there is no other option before us. The motion is a step in the right direction. However, I want the Executive to go much further than it has done. It is not radically overhauling the whole system of local government finance. Like Des McNulty, I want a radical change—although we are coming from opposite ends of the spectrum. What we need is a radical shift in resources to where they are really needed, on a fair and sustainable basis. I would like the whole system of local government finance to be reformed, at the same time as local government

organisation and service delivery is reformed. I want an Executive with an agenda for radical reform and I am not convinced that we are there yet.

16:29

Dr Sylvia Jackson (Stirling) (Lab): I have approached today's debate, as others have, from the perspective of our deliberations in the Local Government Committee, which has spent months collecting evidence as part of our local government finance inquiry, the report of which will be available shortly. As Keith Harding said, I hope that we will have more time to discuss it than we have had for the debate today.

Many of the issues raised in that inquiry are pertinent today. In looking forward, the committee has been able to gather views on the progress made by the Executive so far. The feedback has been generally positive. Three-year budgeting allows for much greater flexibility and less stress for councillors than the normal yearly budget settlement process. There is still concern about the level of ring fencing. While it is accepted that Governments should ensure that priorities are delivered, councils still feel that the present degree of ring fencing does not allow sufficient flexibility for them to focus money effectively on particular local needs.

The piloting of local outcome agreements has been welcomed as a useful way forward. Other options for improving the framework for local authority capital investment through a prudential system have also been welcomed. Both mechanisms should allow authorities more flexibility. The latter mechanism should allow there to be more flexibility in determining councils' investment levels while ensuring that they continue to seek best value when choosing between funding options.

This is an opportune moment to say that the committee has heard evidence to the effect that some councils are considering not-for-profit modifications to the more usual PPP schemes. I welcome the minister's agreement at the last Local Government Committee meeting to continue examining all options relating to PPP.

I could not finish my speech without mentioning that the cost of the renewal and maintenance of the huge non-trunk road system in my constituency is of some concern. I should add that, over many years, ring-fenced money has not been used to keep pace with maintenance issues. That said, the cuts that have affected local authorities over recent decades have left councils with difficult choices to make, often involving the use of non-ring-fenced money to keep core services afloat.

I make a special plea that non-trunk roads,

which must be important to many other MSPs, should be addressed. The Executive is moving in the right direction but there is, as a result of years of cuts, much still to be done.

Tricia Marwick's earlier remarks demonstrated that she is unable to appreciate that we must look at the bigger picture of the modernisation of local government in order to put local finance in it.

16:32

Brian Adam (North-East Scotland) (SNP): I do not envy the task of Andy Kerr, the minister with responsibility for both finance and local government, because, inevitably in this kind of debate, he hears a lot of special pleading on behalf of local authorities who have—quite properly—been lobbying their local MSPs. He will be glad to know that I do not intend to make a special plea on this occasion.

I was interested in the point that Dr Jackson made about modernisation. Every time I hear the word "modernisation" coming from the lips of new Labour members, I cringe and worry about what is going to get emasculated now. Normally, modernisation equates to a cut. What will differ on Friday 14 this year, as opposed to previous years, is that instead of every council making cuts, fewer councils will do so. To some extent—and perhaps I say this grudgingly—that is some measure of progress. However, I am confident that almost all the authorities will increase their council tax by more than the rate of inflation, most of them by at least twice the rate of inflation and some by considerably more.

There are significant discrepancies between the view of the Executive and the view of COSLA on the settlement. That happens every year. It is neither helpful nor illuminating and we must resolve that problem. The Executive and its predecessors have always been guilty of adding in on top of the headline figures the burdens of the new initiatives that will cost the councils money and are not always fully funded. That is a significant element of the 11 per cent headline increase.

Jackie Baillie: Will the member give way?

Brian Adam: I ask Jackie Baillie to let me continue. I do not plan to take an intervention.

The difference between COSLA's figure and the Executive's figure is of the order of £750 million from a £6.5 billion settlement.

The minister and COSLA have differing views on the amount that is ring-fenced. The minister says that the figure is 10 per cent; COSLA says that it is 30 per cent. We need agreement about how that dispute is to be resolved, because that is part and parcel of the debate.

What has not arisen is the fact that the increase in council tax that has been levied since Labour came to power is the equivalent of 2p in the pound on income tax. Burdens are moving not only on to councils, but on to council tax payers. That happens against a background of cuts in services.

Iain Smith *rose*—

Brian Adam: No thank you, Mr Smith.

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

Brian Adam: I was interested in the First Minister's response at question time to a question about the lack of a settlement of the independent care homes dispute. He said that that was under negotiation and made it clear that the Executive would not pick up the whole burden. I presume that local authorities will pick up more burdens. From where will the money for local authorities come? Will it come from cuts in services elsewhere or from increases in council tax? I am most interested in what ministers will say about the impact that that will have on council taxes and council services in the coming year, when local authorities will not have more money to throw into the pot.

16:37

George Lyon (Argyll and Bute) (LD): I welcome the figures in the order. They reflect the Liberal-Labour coalition's priorities, and, above all, they will start to rebuild local government services after years of cuts by the Tories, and, unfortunately, by our Labour colleagues during their first two years in power.

At least the coalition lays out its priorities and provides the finance to back them up. That is in stark contrast to the Opposition. Despite having 15 minutes between them, the SNP's front-bench speakers—Ms Marwick and Ms Ullrich—offered us not a single suggestion about what they would do differently. If Opposition members want to engage in serious debate on a serious issue, they must make a serious contribution.

Professor Arthur Midwinter told the Local Government Committee that whereas in April 2000

"it was clear that local government grant had been *falling* in real terms, the trajectory is now for real growth of 11.7% over the plan period."

Professor Midwinter is well regarded as an independent expert on the subject.

Every party should welcome the Executive's clear commitment to rebuilding our vital local services that is contained in the order. It is not a cure-all and will not undo all the cuts that were administered under the Tories, but it is a significant start at rebuilding local government

services. It is also to be welcomed that when the coalition imposes new initiatives on local government, they are backed by real cash to pay for them. That is unlike previous Governments, which top-sliced and ring-fenced part of the existing settlement to local government and expected it to deliver initiatives.

That is why the settlement contains new money to fund McCrone and free personal care, which are key priorities for the Liberal Democrats and Labour in the coalition. It is important to note the work that Andy Kerr and his colleagues are undertaking to build indicators of rural deprivation into the formula for distributing the financial cake. That is important work that will ensure that rural councils are given their fair share of resources, to tackle rural poverty and rural deprivation. That is important to many members.

I draw two matters to the minister's notice. The first was touched on by Des McNulty—Professor Arthur Midwinter's report into the mismatch effect, which has resulted in several councils having to raise council tax well above the average increase to make up the shortfall in central Government funding.

That report was a serious piece of work undertaken by an independent, highly respected expert on local government finance, and I hope that the Executive will look favourably on its findings. I have sent the minister a copy of it, and I, along with my colleague Jackie Baillie, who represents a constituency that partly lies in Argyll and Bute, would like to ask the minister for a meeting to discuss that issue in more detail. I would appreciate it if the Deputy Minister for Finance and Public Services could, in summing up, indicate that that will take place.

I would also like to draw the minister's attention to the distribution of the McCrone settlement, which was mentioned by my colleague Iain Smith. The cost of the settlement was clearly calculated based on the number of teachers, but its distribution was based on grant-aided expenditure.

That has meant that many rural councils face being penalised because of the extra teachers required for small rural schools. I raised that issue with the previous Minister for Finance and Local Government, but I ask Andy Kerr, the new Minister for Finance and Public Services, to reconsider that important issue. Rural councils are being penalised and that is an anomalous situation. If the total amount of the budget is calculated, surely that should be distributed according to the number of teachers employed.

The Liberal Democrats support the substantial increase in local government finance, which delivers on Liberal Democrat and Labour priorities. It demonstrates our commitment to reversing the

cuts of previous Administrations and, I believe, deserves the support of all members.

16:41

Mr David Davidson (North-East Scotland) (Con): It is a pity that, at the end of his speech, the Minister for Finance and Public Services did not follow the courtesy that the Presiding Officer has suggested, and stay in the chamber for at least the following two speeches—it would have been fairer had he stayed to hear my colleague Mr Harding.

What we have usually got from Labour in the past is education, education, education. What we have heard today, from both Labour and some Liberal Democrats, is hypocrisy, hypocrisy, hypocrisy.

Mr Rumbles: Delivery, delivery, delivery.

Mr Davidson: If there has been delivery, why was Mr Rumbles complaining about a lack of support in order to deliver?

Mr Rumbles *rose—*

Mr Davidson: I will take Mr Rumbles in a second or two.

It is an absolute nonsense to say that there is more money for local government in the terms that the minister describes. An increase in resources has indeed been going through, but much of that is totally tied to the agenda that is being driven by the Executive. How do councils fund that increase? They take money out of other services, which they are hard-pressed to deliver, in order to support—[*Interruption.*] Those are COSLA's own words; it has been like that for years.

Mr Rumbles: Will Mr Davidson take an intervention?

Mr Davidson: Not at this time. I will come back to Mr Rumbles.

If the members of COSLA are so happy—and let us face it, COSLA is rather full of Labour councillors, although it has a few members of other breeds too—they will be united in their view of hypothecation. If hypothecation shifts from one burden, as it were, to an open-ended commitment to spend money anyway, that does not equate to new money, and people cannot pretend that it does. I am sorry that the Minister for Finance and Public Services did not accept my intervention when he was discussing that in his speech.

As we heard from Brian Adam, there is a definite pressure on councils to raise council tax instead of opting for the tartan tax, because the Executive did not want to raise that tax before the next election. Mr Adam's figure is 2p, and I have heard other figures from other authorities.

The COSLA briefing started interestingly: it called for honesty. That would be a very good place to start for those on the Executive benches.

Mr Rumbles: Is Mr Davidson going to give way?

Mr Davidson: Before I give way to Mr Rumbles, I will point something out to him. He accused my colleague Mr Harding of saying that there should be a reduction in the moneys going to local government. What my colleague actually said—which Mr Rumbles would have heard had he been listening—was that, if there is all that underspend washing about in the centre, why are councils not given some support to deliver essential services as well as the services that the Executive wishes to push through?

Angus MacKay: Will the member give way?

Mr Kerr: Will the member give way?

Mr Rumbles: Will the member give way?

Mr Davidson: I will take the minister before I take Mr Rumbles.

Mr Kerr: I have said umpteen times that end-year flexibility and underspends are good systems to operate. They allow for capital slippage on projects and for resources to be spent on their allocated purposes. People could advocate putting money into the system in a rush at the end of the financial year, which would mean that money is unwisely spent and does not deliver public services—that is the alternative.

Mr Davidson: As the minister knows, I cannot disagree with that, because we do not want there to be poor spending. However, as Mr Smith rightly pointed out, even if councils have a three-year forward notice of what they are likely to receive in their settlements, that is still not a rolling settlement. Councils do not know what the Executive will bang on to them as service requirements in the years in between, so they cannot proceed with planning. Mr Smith was, for once, absolutely right in pointing that out.

If I may, Presiding Officer, I will now come round to Mr Rumbles.

The Deputy Presiding Officer: You are in your last minute, Mr Davidson.

Mr Davidson: I will give way briefly.

Mr Rumbles: The member keeps using the word "hypocrisy". It comes very quick to his lips. He still will not make it clear what the Conservative position is. Does the Conservative party want to put more money from the Executive into local government or does it want to cut the money that goes to local government and to increase council taxes?

Mr Davidson: We do not necessarily wish to cut

anything. That is for the local council to decide. We want a fairer distribution of support across Scotland, particularly to rural councils. We want councils to be left to make the decisions that they are best fitted to make. One size does not fit all—that is the very argument that Mr Rumbles makes. The Scottish National Party made the same comments. It is time that we reached a situation—

The Deputy Presiding Officer: It is time to finish.

Mr Davidson: My final point is that it is about time that the Parliament did not chicken out of the debate that we need to have. That subject of that debate is simple—for what should local government be responsible. When we have dealt with that, we can deal with the finance for it.

16:46

Mr Andrew Welsh (Angus) (SNP): I thoroughly agree with the last comment. It is just a pity that local government finance was never properly dealt with under Conservative Governments.

I now know what *déjà vu* means, because I have listened to the same debate and to the same plea for the adequate funding and financing of local government for the past 25 years. The Scottish Executive is simply following a long tradition. Michael Forsyth played exactly the same game for many years throughout which local government and its services suffered. Past settlements were simply an exercise in juggling funds between one heading and another—robbing Peter to pay Paul. The total sum was not adequate to fund properly the services that local government was asked to deliver.

We now have local administration—we no longer have local government *per se*, which I find deeply regrettable. Central Government has a stranglehold over local authorities. It controls capital expenditure and revenue expenditure. Local authorities have a limited ability to raise local finance. The imposition of new burden after new burden without the provision of the necessary resources continues. I have observed that process for decades. The Executive is simply following a long tradition. The fact that local government is underfunded for the tasks that are given to it is a real problem. The present settlement does nothing to change that.

Mr Kerr: The allocation of resources to local government will rise by 25 per cent to £7 billion. What does the SNP advocate on the resourcing of local government?

Mr Welsh: This is a case of mirrors and spinning. The minister has indicated that the increase this year is £630 million. When all the burdens placed by central Government are added

in, there is a £130 million deficit. The Executive is using smoke and mirrors—the same deceit that Labour members of Parliament fought against when the Tories were in power. Now that the Labour party is in power, however, I do not hear many comments about that. Mr Kerr will have to explain the situation to Labour councillors the length and breadth of the land, because they are the ones who will be left with the mess that he has created.

In his speech, the minister spoke about

“distributing historic levels of resources to local government.”

He referred to a partnership. It is a *gey* one-sided partnership that involves central Government control of capital revenue spend and the imposition of new burdens without money to meet them.

I noticed that the minister quickly moved away from describing the financial provision for this year to elections and other important, but non-financial, matters. I do not blame him for trying to deflect attention away from the new financial deal and the imposition of new burdens without resources. The minister should not pretend that the funding is new money, because it is not. He said that he was for the delivery of better public services and the resources to do the job. We are all in favour of that, but the present deal simply does not provide it. I wish Mr Kerr well in explaining to Labour councillors what the deal will mean.

Tricia Marwick's analysis of the deal brought us closer to the reality. George Lyon's rosy picture will not seem so rosy to Liberal Democrat councillors who are setting increases in council taxes and cutting services. There are few councils more used to cutting services than Liberal Democrat councils—that applies to Iain Smith. I suppose that Liberal Democrat members have to justify being in bed with Labour, but they cannot justify this settlement.

Michael McMahon wanted progress across the board and better public services. So do we all. This settlement will not provide that. For him to quote his Tory pal Alex Johnstone was a big mistake. Of the £12 million extra that is being made available to Angus Council, £10 million is already spoken for. Two million pounds will not meet pay increases and inflation, so in fact there has been a cut.

Angus MacKay: Will the member give way?

Mr Welsh: Local government services are crucial to the social and economic well-being of our country. Failure properly to finance those services affects the quality of life of every individual and family in Scotland.

Iain Smith: Will the member give way?

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

Mr Welsh: Scottish local taxpayers were expecting a better deal from the Scottish Parliament. Instead, they face a combination of higher local taxes and service cuts. That is the reality of the Executive's settlement.

The blame rests not with Scottish local authorities, but with Scotland's central Government. Our new Parliament should have been a new start, but now it offers the same failed, anti-local-government recipe for poorer local services. The people of Scotland are being fed on a diet of deceit, deliberate deception and financial conjuring tricks from the coalition Government. What the unionist coalition calls a generous rise of £650 million in local government funding is in fact a decrease of £130 million in the money available. The con comes from double counting, ring fencing, underfunding new burdens and omitting new on-year spending pressures, such as inflation, McCrone payments and policies imposed by central Government policies. The combination of gearing, new burdens and underfunding will ensure the worst of all possible worlds for the Scottish people—higher council taxes and cuts in essential daily services.

The unionist coalition has continued Westminster's policy of underfunding and undervaluing Scotland's local government system. That is the reality of the Local Government Finance (Scotland) Order 2002, and no amount of spin doctoring can disguise it.

16:51

The Deputy Minister for Finance and Public Services (Peter Peacock): A number of interesting points have been made in the debate, but very few of them have been made in the past five minutes.

I start by addressing the points made by those members who recognise the truth of what is being done today through the Local Government Finance (Scotland) Order 2002 and the good news that the order represents for Scottish local authorities. The settlement involves a real extra increase in grant of about £500 million. Iain Smith, Michael McMahon, Mike Rumbles, Sylvia Jackson, George Lyon and others referred to that. They recognise that the extra resources that are being made available to local authorities will provide for real new services across the board. Free personal care, a high priority of the Executive, will be delivered through the settlement. The settlement will also fund concessionary fares across Scotland for elderly people and those with disabilities and it will fund an expansion in education. Nursery places will be made available to all three and four-

year-olds who want them. Teachers will be paid better and their motivation will be improved. The list goes on and on.

Mr Welsh: Can the minister explain how the settlement helps to fund self-financing pay awards, inflationary price increases, police and fire service pensions and increases in insurance premiums? Every local authority would love to know the answer to that question.

Peter Peacock: The answer is quite simple: this three-year settlement is one of the first for many years to recognise pay and price inflation in local government. Previously, that had to be funded out of efficiency gains. Those efficiency gains can now be used to expand public services in the way that we want councils to do. Other members referred to the benefit of the three-year budget system, which gives councils stability and the opportunity to have proper planning horizons, enabling them to build and develop the services that we all want.

Sadly, today we saw the SNP slip back into its normal greetin, moanin and girmn about every piece of good news that the Executive provides. SNP members talk about smoke and mirrors, but that is simply the SNP's new form of alchemy—it is trying to create smoke where there is no fire. Yesterday the SNP issued a press release. At the time, we did not know that that would turn out to be Tricia Marwick's speech in this debate. I do not know Tricia Marwick's professional background, but it is certainly not in accountancy. From her press statement and her speech today, it seems that she does not know the difference between addition and subtraction, let alone multiplication. When money is added, in the strange world of the SNP it is subtracted; when totals rise, in the strange world of the SNP they shrink. When we give more money, the SNP claims that we give less.

We are providing for new services that are fully funded, not new burdens on local authorities. We are funding all the additional services that we are asking local authorities to provide. Those services include free personal care—a priority not just for this Parliament, but for the Scottish people.

The SNP still cannot count. That is why it would lead Scotland to economic disaster. The recent report "Government Expenditure and Revenue in Scotland" showed very clearly a structural deficit of £4 billion. That would not contribute to an oil fund, but would mean a deterioration in the services that are available to the Scottish people. That is why we have seen no budget from the SNP; we have still not seen any of the money.

Bill Aitken: Will the minister give way?

Iain Smith rose—

Peter Peacock: I give way to Iain Smith.

Iain Smith: The minister referred to an Opposition press release and to the speeches that Opposition front benchers have made today. Can he confirm whether that press release contained an indication of how much additional money the SNP would put into local government or how it would pay for such an increase?

Peter Peacock: Iain Smith makes an excellent point. The press release revealed that the SNP has no costings or proposals for its budget and nothing that would take Scotland forward—the SNP would simply take Scotland backwards.

As for the Tories, I have seldom heard a more audacious approach to this issue than that taken in the speeches that I heard today. The Tories have an utterly abysmal record in running local government in Scotland. They constantly undermine local government and denigrate the efforts of public officials who are trying to do a good job. As Des McNulty pointed out, they imposed the massive cuts in spending for which Bill Aitken voted throughout his 20 years as a member of Glasgow City Council. Keith Harding has the nerve to talk about giving local authorities genuine flexibility, yet his party introduced spending guidelines, capping regimes that were so extreme that local authorities found it impossible to work properly, and penalty regimes that clawed grant back.

The Tories also introduced such limited planning horizons that we had to recalculate my council's budget in one morning because of a fax that came in from the Scottish Office at 10.30 am. That is the amount of planning time that the Tories gave councils, in stark contrast to the Executive's actions. We are giving councils stability in their finances and we are removing guidelines and penalty systems so that local authorities have the freedom to act.

Mr Harding *rose*—

Brian Adam *rose*—

Peter Peacock: I give way to Brian Adam.

Brian Adam: I thank the minister for giving way. Will he answer the question that I posed earlier? We all hope that a settlement between the independent health care operators and COSLA will be reached soon, but what impact will that have on local authorities? Where does he think that the money to pay for a settlement will come from? Will the Executive take that situation into account in next year's deal?

Peter Peacock: I have nothing to add to the comments that the First Minister made during question time—he covered the point adequately and the negotiations are continuing.

I will finish the point that I was making about the Tories. The Tory party that introduced those

restrictions now claims to support local government. The same Tory party wants to remove education from local government control and wants to privatise care—it has described in the chamber time and again how it intends to do so. The truth is that, as soon as the Tories are given the opportunity, they return to their old agenda of cutting and denigrating public services.

Mr Harding: The minister has taken the road to Damascus—it was a lengthy journey. Does he agree that we are equally entitled to change our views?

Peter Peacock: The problem is that the Tories have not changed their views—they just pretend that they have. As I said, they have returned to their old agenda. They remain committed to removing education—the largest service—from local government control and to the privatisation of care. They have nothing to offer local government—they never had anything to offer local government.

I will pick up on a number of points that members raised during the debate. In particular, I want to address the issue of funding for the McCrone settlement and the bogus SNP claims that that settlement has been underfunded. The plain fact is that COSLA agreed, in writing, both to the total sums involved and to the funding distribution system. We made full provision of more than £850 million in this year and in the next two years. The funding has been distributed on exactly the same basis as was followed in previous years when teachers' salary rises were distributed. Neither COSLA nor individual councils have asked for changes to be made to the distribution system.

Tricia Marwick: The Executive's estimate of the cost of implementing the McCrone settlement was £430.4 million and its agreed funding for the settlement is £404.9 million. COSLA's figures show that a shortfall of £42.7 million is being met by local authorities. Does the minister agree with COSLA's figures?

Peter Peacock: I repeat that our agreement with COSLA was that it would fund the normal, year-on-year increases for teachers' pay and that the Executive would fund the additional costs of the settlement. Agreement on the total sums and on the distribution system was struck in writing and we have stuck to that agreement.

Mike Rumbles and Iain Smith referred to the problem with the distribution system in rural areas, which arises because calculations are based on pupil, not teacher, numbers. No allowance is made for the number of small schools in an area and I am aware of the argument in the Highlands that no allowance is made for Gaelic schools. However, I repeat that the distribution system was agreed—

the same system has always been used for such matters. It would be inappropriate to distribute that resource using teachers as the measurement, as that method would reflect the policy choices of individual local authorities—it would be wrong for Glasgow to pay for the policy choices of Highland, Argyll and Bute or Aberdeenshire, as those councils make local policy choices to vary numbers of staff.

The grant settlement makes provision for small rural schools where the pattern of provision cannot be altered. That is why Highland Council receives a rural addition of £3.1 million, Aberdeenshire Council receives an addition of more than £2.6 million and Argyll and Bute Council receives an extra £1.4 million. That is also why additional funds have been provided for Gaelic-medium education. I should perhaps say that that is the rationale for much of the special islands needs allowance that is received by the islands and by Argyll and Bute. If we were to unravel that settlement, those councils' difficulties might increase.

I make no apologies for again emphasising our main message: the finance order is a crucial local government settlement that continues the year-on-year real-terms growth in funding for councils. By any standards, the past three years have seen unprecedented increases. The planned 25 per cent increase in funding to local authorities means that resources reach almost £7 billion. Those resources are being attached to the Executive's highest priorities: improving education; improving transport; and reducing crime and making people feel safer in their communities. I commend the order to the Parliament.

Parliamentary Bureau Motion

17:01

The Presiding Officer (Sir David Steel): The next item of business is consideration of Parliamentary Bureau motion S1M-2661, on approval of statutory instruments.

Motion moved,

That the Parliament agrees that the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2002 be approved.—
[*Euan Robson.*]

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are five questions to be put as a result of today's business. The first question is, that motion S1M-2625, in the name of Andy Kerr, on the Scottish Public Sector Ombudsman Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Scottish Public Sector Ombudsman Bill.

The Presiding Officer: The second question is, that motion S1M-2503, in the name of Andy Kerr, on the financial resolution in respect of the Scottish Public Sector Ombudsman Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Public Sector Ombudsman Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.

The Presiding Officer: The third question is, that motion S1M-2656, in the name of Kenneth Macintosh, on two reports of the Procedures Committee, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)

Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Canavan, Dennis (Falkirk West)
 Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 107, Against 2, Abstentions 0.

Motion agreed to.

That the Parliament (a) approves the recommendations of the Procedures Committee's 5th Report 2001, *Changes to the Standing Orders of the Scottish Parliament* (SP Paper 441) and agrees to amend the Standing Orders in accordance with Annex A to the Report; (b) approves the recommendations of the Procedures Committee's 1st Report 2002, *Changes to the Standing Orders of the Scottish Parliament* (SP Paper 495) and agrees to amend the Standing Orders in accordance with Annex A to the Report, and (c) agrees that these amendments to the Standing Orders should come into force on 4 February 2002.

The Presiding Officer: The fourth question is, that motion S1M-2654, on the Local Government Finance (Scotland) Order 2002, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)

Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 62, Against 0, Abstentions 48.

Motion agreed to.

That the Parliament agrees that the Local Government Finance (Scotland) Order 2002 be approved.

The Presiding Officer: The fifth question is, that motion S1M-2661, in the name of Patricia Ferguson, on approval of statutory instruments, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2002 be approved.

Young Runaways

The Presiding Officer (Sir David Steel): The final item of business is Kenneth Gibson's motion S1M-2528, on young runaways. Would the older runaways who are leaving run away as quickly as possible to allow the debate to start?

Motion debated,

That the Parliament welcomes the report *Missing Out – Young Runaways in Scotland*; commends the University of York, Aberlour Child Care Trust, Extern, Children's Promise and The Children's Society for producing this report, the most extensive piece of research yet undertaken into young people under 16 who run away or are forced to leave home; notes that this is the first comprehensive research to provide both an overall picture of the scale and extent of the problem while suggesting workable strategies for responding to the needs of this very vulnerable group of young people, and asks the Executive to look closely at the findings and recommendations of the report and act accordingly.

17:05

Mr Kenneth Gibson (Glasgow) (SNP): I am pleased to have secured this debate today on a subject that has, regrettably, not previously been given the consideration it deserves.

First, I pay tribute to Jim Wade of the University of York, the Aberlour Child Care Trust, Extern, Children's Promise and the Children's Society for producing the excellent "Missing Out—Young Runaways in Scotland" report, which was the catalyst for the motion. I would also like to thank Martin Henry, who is the child protection co-ordinator of the Edinburgh and the Lothians child protection office, for his advice, and the 36 MSPs, from every party in the Parliament and none, for signing the motion and making the debate possible.

Runaways can be defined as children and young people under 16 who run away from home or care. One in nine children run away or are forced to leave home before the age of 16 due to difficulties in their lives. The authors of "Missing Out—Young Runaways in Scotland" estimate that 6,000 to 7,000 children under 16 run away in Scotland every year, that 9,000 run away in total and that the total number of incidents is between 11,000 and 12,000. Of those who run away, around 1,000 do so because they are forced to leave home. Three quarters of the young people who run away do so once or twice, but a quarter run away three times or more. Disturbingly, half of habitual runaways first ran away before the age of 11.

There is little difference in the rates of running away for young people living in cities, towns or rural areas, and there is only modest variation according to income. However, running away is

more likely to occur among young people living in lone-parent or step-parent families than among those living with both birth parents. Young people who have experience of living in care are almost five times as likely to run away as those who have not, and they do so more often—although half of children in care who ran away first did so when living at home. For those in care, running away is strongly correlated to an unstable placement. For those who have had 10 or more moves, the incidence of running away is four times higher than for those in a stable care environment. Females are more likely to run away, but males are more likely to run away for longer.

Although problems at home—such as emotional and physical abuse, neglect and rejection—influence almost 80 per cent of runaways, there is also a strong correlation between running away and truanting or other difficulties at school such as bullying, isolation, exclusion or hating school. Personal problems with the police, alcohol, drugs, boyfriends or girlfriends, feeling fed up, lonely or depressed, or having low self-esteem may also trigger running away, perhaps because of parental reaction to the young person's behaviour.

The risks of running away are high. Almost one in six young people who run away overnight report that they have been physically or sexually assaulted while away from home. More than a quarter report that they have slept rough. One in seven resorted to risky survival strategies such as stealing, begging and survival sex. Although running away may provide temporary relief from pressure, a large number of young people found themselves lonely, hungry and frightened. I will quote some of the things they say.

"I didn't take anything with me, not even a coat.... I didn't have much money and couldn't afford to buy any food, so I couldn't even sit in a cafe to keep warm."

"I had no choice. If I stay at home I get smacked around. If I run away I might get beaten or robbed but at least I might not. At home I know I will."

"I had no money, was upset constantly, in bad health and became a thief and a prostitute."

"Nowhere to sleep, no food, have to beg and shoplift, always cold. You get into a lot of trouble if not careful."

"I didn't know help existed. Advertising is needed to let people know what is available."

Once a pattern of running away becomes set, effective interventions are harder to achieve and the life chances of those young people become modest at best.

What services are currently in place? Unfortunately, there is no clear national policy on how local agencies should respond to the problems of young runaways. Most go home or are returned by police or social services, but little help is available in sorting out the underlying

problems they ran from.

Understandably, the police tend to focus on missing children whose lives might be in danger, while social services concentrate on runaways who enter care or are child protection cases.

Excellent work is being done in a number of areas, not least by child protection workers. However, the absence of a national framework has several drawbacks. Local authorities do not have to establish specific services in relation to runaways or develop joint protocols between agencies.

Runaways who run across council boundaries or move care homes since previous incidents might slip through the net. National helplines might find it hard to refer runaways to local services because appropriate services for young runaways do not always exist. To exacerbate the problem, the recent closure of three of the four safe houses for young runaways in the United Kingdom—that leaves only the London centre—has left young people with few options.

In research and consultation, young runaways have themselves made clear the chronic lack of information available before and after running away. They feel that services do not listen or involve them in decisions that affect their lives.

What is required to address effectively the issue of young runaways? It is vital to have national leadership from the Scottish Executive to create a policy and service framework that will establish agreed joint local protocols between police, local authorities and the voluntary sector. I am aware that the Executive discussed creating a national strategy on 4 October at a meeting with child protection committees. Such a strategy would link the issues of young runaways and child prostitution, and establish a national working party that reflects the experiences of those working in the field and draws on expertise from north and south of the border. That is to be welcomed, but I am concerned that no further progress has been made in the 17 weeks that have elapsed since that meeting, although the briefing document for the debate hinted at a recent meeting of Executive departments to discuss the issue.

I therefore ask the minister to progress the matter with great urgency. The national policy framework should include a range of preventive services for children, young people and families to address the underlying problems that cause children to run away; services that provide early intervention for those who run away for the first time; services to meet the needs of young people with a repeat pattern of running away; a database, established in co-operation with our UK and European partners, that can track runaway children across Scotland and beyond; and greater

resources for hard-pressed children and families units. Preventive measures should include the incorporation of the issue into personal and social education programmes in schools; discussions in settings where young people gather such as youth centres or residential units; and peer counselling.

It is necessary to train professionals who work with young people to improve their ability to recognise the signs that prompt running away and link youths to appropriate services. The evidence about the immediate and long-term risks of running away points to a need for focused preventive services such as family mediation and family group conferencing.

There is a need for accessible information about the services that are available locally and for strategies to publicise them, such as user-friendly publicity in schools, health and leisure facilities, on the internet and in the media.

The lack of structured activities that are available to young people reinforces the pattern of spending time on the streets and getting into trouble. Providing young people with a greater range of educational and leisure activities can reduce the incidence of running away and of youth offending.

Independent interviews are needed to assess young people's reasons for running away, to identify risks to which they might be exposed and to agree an appropriate response. Those interviews must be backed by resources to provide further support. Young people should be returned home only after there is an agreed plan of action.

To avoid the risks on the streets, young people need access to a safe place to stay when a direct return home might place them at risk. The Children (Scotland) Act 1995 provides for local authorities to offer refuge directly or through an independent agency when young people are at risk of harm, but the powers enshrined in that act remain underutilised and no refuge provision exists in Scotland. The type of shelter that is envisaged would be safe, secure, homely and small in scale. It would offer young people space to gather their thoughts, obtain advice and counselling and plan their next steps.

Research identified outreach work as a primary approach for meeting the needs of the most vulnerable and hard-to-reach young people on the streets. There is a lack of infrastructure and guidance to support best practice. Most existing projects are based in urban areas; the provision should be extended to small towns and rural areas.

Projects that model good practice have shown the way forward. For example, the ASTRA—alternative solutions to running away—project in Gloucester has cut the incidence of repeat running

away by 61 per cent and has saved the police 75 working days on missing persons cases.

Running away is a symptom of great distress. If left unchecked, it makes young people highly vulnerable to social exclusion in adulthood. I ask the minister to act on the issue with all speed.

17:14

Mrs Lyndsay McIntosh (Central Scotland) (Con): I preface my speech by congratulating Kenny Gibson and thanking him for bringing the debate to the chamber.

The "Missing Out—Young Runaways in Scotland" report surprised and saddened me. It is generally recognised that there is a dearth of comprehensive information on runaways, but the report is welcome—if that is the appropriate word—in that it throws some light on the subject. I was shocked by the statistics that show that one in five young people run away before the age of 11, that girls are more likely to run away than boys and that each year there are between 11,000 and 12,000 running away incidents in Scotland.

That is not to say that I did not realise that youngsters run away. When I was a teenager, one of my school friends—to protect her privacy, let us call her Peggy—ran away from home without her parents' permission. She ran to my home and I recall my mother wondering why Peggy had appeared with a small bag full of clothes—she had not been invited to stay. I was young and excited at the thought of Peggy making a big bid for freedom, so I asked my mother for some money. She asked why Peggy would need it and I told her that Peggy was running away. My mother, like all wise mothers would, told me to go and make coffee and then take the dog out for a walk so that she and Peggy could talk. By the time that I came back, Peggy's notion of running away had subsided. She stayed for tea and then my Mum phoned her parents—with Peggy's knowledge—and told them what had happened. The difficulties that seemed impossible to Peggy a couple of hours earlier were discussed and resolved.

How easy it would have been for Peggy to become a statistic. What was necessary was some commonsense discussion and the help of an intermediary with an objective point of view—sometimes that is what children need. I know that it might seem that one is taking on the skills of a trained peace negotiator, but it is so much better than the conflict and heart searching that we needlessly put one another through.

Although not all the children who run away stay away from home for more than one night, about one in six people reported being either physically or sexually assaulted while they were away from home. More than 43 per cent of those young

people who had run away reported that their recent absence had involved rough sleeping, staying with a stranger, the use of risky sexual survival strategies or assault. Those are things that would make any parent's blood run cold. Those risks highlight how dangerous any kind of absence from the home environment can be for youngsters, no matter how short the time.

One comment particularly struck me. The young person said:

"I left in the evening, I didn't know what to do. I stayed in a park on a bench, I just sat up all night scared, seeing drunks and drug addicts all around me. It was a situation I didn't want to repeat but I did."

The creators of the report have made several recommendations that the Executive is asked to note and act on. Some of the recommendations are perhaps less workable than others. For example, in some areas there seems to be a lack of parental involvement in seeking to address a permanent solution to the problem of youngsters leaving home. Surely home would be the best place for those problems to be addressed,

I am not suggesting that those who are running away from home because they are being physically or sexually abused should be sent back—far from it. I am well aware that the most common reason for a youngster to run away is because of arguments and conflicts. Arguments with parents or step-parents can be persistent and often underpin the decision to run away. However, solutions should be preventive rather than curative. Informing young people about the services that exist to help them to run away could encourage them to go. One of the report's findings states:

"Negative feelings increased amongst those who had run away more often."

Those negative feelings probably increased because not enough action had been taken in the home—action that might have resolved the problems that caused the youngster to run away in the first place.

The most recent action taken by the Scottish Executive in approaching the problem of young runaways was a cross-departmental meeting. "Missing Out—Young Runaways in Scotland" is welcome because it provides information that was not previously available. I would like more discussion and further probing of the issue. One of my concerns about children who run away is the worry that parents go through—Peggy's parents would have been devastated by her absence. I am concerned that not enough is being done to notify parents that their child is in a place of safety, which leaves them broken-hearted and wondering what might be.

What is required is a strategy that seeks to

address the problems of children who run away. We need to resolve those problems as early as possible to end the intolerable situation of children running away from home.

17:20

Johann Lamont (Glasgow Pollok) (Lab): I intend to be brief. I welcome the debate, which focuses again on the experience of young people and on some of the dreadful things that they have to face. I congratulate Kenny Gibson on securing the debate.

Kenny made the important point that young people are prompted to run away by a range of triggers. We should see running away as one means of coping with difficult problems and troubles, some of which may be in the home and others in the community. In trying to find a solution, we need to focus on the triggers. We also need to support young people who have taken the step of running away from home.

It is essential to listen to young people in a sensitive way. We need to understand that, in some circumstances, they leave because what is at home is worse than what they might face if they go. That in itself is a frightening thought. However, young people leave home for other reasons and sensitivity needs to be employed in understanding those reasons. We must not categorise everybody who runs away as having one problem that can be solved in one way.

Sometimes, when young people play truant from school, they are characterised as having mental health problems although their response is entirely rational to their experience. I worked with a young person who might have been defined as having mental health problems as she did not come to school very often. In fact, she was afraid of what would happen to her mother when she was out of the home. That is often the case with runaway young children. Given their circumstances, what they are doing is entirely rational. As a society, we have the responsibility to address the factors that drive young people away at the same time as we focus on the child and his or her problems.

Trish Godman (West Renfrewshire) (Lab): Many members will know of Quarriers Homes in my constituency. At a meeting last week, I was given an interesting piece of information during a discussion about its homeless projects and children who run away. I was told that nearly all the children with whom they deal have a live contact with at least one member of their family. I was told that, even when children are living on the streets, they keep up that contact. That supports what Johann Lamont said.

We should examine services that in turn examine the cause and the family, rather than the

other way round. I was surprised to hear that a significant number of runaway children who are homeless have contact with their families, sometimes two or three times a week.

Johann Lamont: The point that I tried to make was that both should be done. Assumptions should not be made about what happens inside the family—the problem may be in the community or school.

The report emphasises the scale of the problems that are faced by young people. If we are not shocked by the fact that young people are forced to run away from home because of their experiences, then—quite frankly—nothing will shock us. Kenny Gibson described young people's lives when they run away and their experiences should terrify us and spur us to greater action.

There is understandable anxiety about young people being taken into care inappropriately to become looked-after children. However, sometimes, that is exactly what a young person needs. That fact should spur us on to ensure that, when young people are brought into care, we guarantee safe places for them to be looked after. I understand the dilemma of social workers who do not want to make such decisions, but I know of youngsters who did everything but demand to go into a safe place. The solution is not always rehabilitation with the family. We have to address the causes.

I welcome developments in schools, where there is a greater understanding of the need to focus on the child rather than on the individual symptoms that are displayed by a troubled child. That will ensure that the child is supported through social work, educational psychologists and the family working together, which will prevent young people taking extreme actions.

As I said, I welcome the debate and trust that the Executive appreciates the seriousness with which it is presented. I also trust that the Executive's response will be commensurate with the problem.

17:24

Irene McGugan (North-East Scotland) (SNP): Like others in the chamber, I am pleased that, as a result of the findings of "Missing Out—Young Runaways in Scotland" and of the debate, some attention is being given to a disturbing situation—it gives serious cause for concern.

No one here can be comfortable with facts that confirm that a large number of children and young people in Scotland are so unhappy with their situation that running away is the only option that they consider to be open to them. The survey findings suggest that, every year in Scotland,

between 6,000 and 7,000 children under 16 run away for the first time—from a total of 9,000. Another disturbing statistic to emerge is that 52 per cent of those children run away before the age of 11. Those statistics are shocking.

Johann Lamont mentioned looked-after children. More than 40 per cent of young people in substitute care or who had been in such care were found to have run away—compared with 9 per cent of those who had never been in care. I accept that the report does not mention any direct correlation between running away and being in care. Indeed, any such suggestion would be simplistic, given that there are always many, varied and complex reasons for children running away.

Nonetheless, the fact that a high percentage of runaways have been in care cannot be denied. We can link that with the evidence of some of those who took part in the research. They felt that they could not always access support at times of stress or crisis and that there was no one in authority whom they felt could help them with problems such as bullying, abuse, addiction or loneliness. That evidence underlines the growing problem of the shortage of child care workers. The minister would be surprised if I did not take this opportunity to raise that matter again.

In a survey that I was involved in recently, 78 per cent of the local authorities that replied said that the difficulty of recruiting social workers was a serious concern. The average vacancy level among established children's services social work posts at the time of the survey was 11.5 per cent. There is no doubt that there have been substantial increases in the number of referrals to—and statutory obligations on—child care social work services, usually without the resources necessary to meet need. The survey highlighted that, in some areas, almost 30 per cent of referrals remain unallocated. Areas of child poverty and deprivation are the worst affected and have the highest levels of staff vacancies and unallocated cases.

Unallocated cases means children: children who are often in desperate need of protection, advice and support but find themselves with nowhere to turn because of the crisis in the social work profession. The crisis is acute and the chasm between statutory obligations to children, including looked-after children, and the actual services that it is possible for overstretched front-line staff to deliver is widening. Media reports confirm the extent of the problem almost daily. Just this week, Aberdeen City Council launched a plan to recruit desperately needed child care workers. Only one of the city's children's homes is fully staffed and the council admits that it is missing targets.

We—and particularly the Scottish Executive—need to take urgent action on the issue to ensure

that all children get a fair chance in life, with help, when they need it, to avoid some of them taking the drastic step of running away and exposing themselves to significant risk. I urge the minister and her colleague to take that on board and seriously to consider all the recommendations in the report.

17:28

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): "Missing Out" is an important report and this is an important debate. The galleries are sometimes full of pressure groups in members' business debates, but there are no pressure groups here today. The children we are discussing will not have support unless we recognise their situation and give them support. It is good to have the big minister here; the tradition has been for a deputy minister to attend members' business debates.

When we discussed adoption regulations yesterday, I pointed out that every adoption case has its own story. The same applies to young runaways. Individuals' stories might be of problems, stresses and feelings of isolation. As Lyndsay McIntosh said, incidents can simply involve youngsters staying away with friends for a night or two. As the report makes clear, such an escape valve can sometimes give stressed youngsters a sense of relief and allow them to face the future with a better perspective on their situation, but a substantial number of youngsters stay away for longer, in dangerous and exposed circumstances. Some become serial runaways.

The report highlights some important trends, to which we must pay particular attention. First, almost 80 per cent of runaways run away from problems at home. Secondly, a substantial number of runaways cited problems at school as contributing to their unhappiness. That may not be the major reason, but unhappiness at school is often in the background. Thirdly, children from the care system were four or five times as likely to run away as others.

Kenny Gibson outlined the problems. I will not repeat all the statistics. When we consider how to tackle the problems, we must look at the care environment and the school environment and stand ready, as far as possible, to offer youngsters assistance in coping with problematic family environments.

The first thing we must do is improve the care environment in a way that better meets the emotional needs of the young people who are potential runaways. Irene McGugan drew attention to one way in which that could be done—having better staffing standards in care environments. We have spent time discussing the Regulation of Care

(Scotland) Bill and other legislation and have held debates on the needs of looked-after children; I am happy that we are trying to improve the situation so as to reduce the number of potential runaways.

In schools and in other places, we must offer youngsters opportunities to talk and to have counselling within the guidance system, the social and personal development curriculum and through the social work system. If a child runs away, that should be noted as an important event and genuine attempts should be made, through interviews, to recognise the reasons for the incident in a way that respects the youngster's position and seeks to offer mediation, whether there are problems at school, in the family or elsewhere.

As often happens in such debates, we have recognised this evening that the kind of joint working that we have advocated in community schools is also valuable in respect of young runaways. Although geographical considerations might present difficulties, consideration must be given, as Kenny Gibson said, to the provision of some kind of refuge for youngsters who might otherwise expose themselves to danger by sleeping rough or succumb to offers of assistance and companionship from unsavoury sources.

At the Liberal Democrat conference in Pitlochry last spring, we noted the findings of "Missing Out—Young Runaways in Scotland". We broadly endorsed the full recommendations of that report, although some of them are more difficult than others to implement.

I am grateful to Kenny Gibson for raising this issue. I urge the minister to look positively on the recommendations in the report and to recognise that although there may be financial implications, taking proper action can save substantial heartache for vulnerable and potentially endangered youngsters.

17:33

Robin Harper (Lothians) (Green): I congratulate Kenny Gibson, as other members have done, on securing this evening's debate. I would like to pick up where Johann Lamont and Irene McGugan left off.

It is quite clear that many social work departments in Scotland are stuck in negative loops: the more people they lose, the greater stress there is on those who remain and the lower the morale in that department. That problem has been brought to the Executive's attention several times in the past couple of years and Irene McGugan's mention of it to the minister again this evening was pertinent.

I spent more than a decade of my teaching career as a guidance teacher. I always liked to focus in on the child and on what could be done. I strongly believe that there are people whom we can use. There are a lot of voluntary and professional mediation services. Far from being underused, they are used to their very limits, but they could certainly do with extra funding so that they can train and recruit more people. The service that they provide is extremely valuable and offers the best way forward in many cases. Guidance teachers generally do the best that they can for children. They are trained in counselling and can bring parents in to talk, but it is the professionals who can do the work best.

School is definitely the place to start. There are few mediation services to rely on and social work departments are short of staff, but the one place where people who are qualified and experienced can be found is in schools.

Perhaps the Executive could think about a trawl around Scotland's primary and secondary schools to find out the standard practice. Obtaining a flavour of that practice would not require consideration of many schools and the results could be built upon. The Executive could ask, "What would be the best standard practice to follow?"

There were runaways at the school at which I was a guidance teacher, but we did not have a specific response for dealing with them. We dealt with them on a case-by-case basis. A detailed standard response for schools would be useful so that mediation services, for example, could be brought in as early as possible. Ideally, the issue should be raised in guidance lessons. Drugs and relationships are discussed, but it is not standard practice in guidance classes to discuss running away from home—perhaps because people do not want to encourage it. The issue could be flagged up and notices asking children who had thought of running way to talk to their guidance teacher first could be put up around schools.

Those are my few positive ideas and I hope that the Executive will consider them. The Executive could act on them in the next few weeks.

The Deputy Presiding Officer (Mr George Reid): It would be helpful if members kept their speeches to three minutes—to keep the debate on time.

17:37

Mr Gil Paterson (Central Scotland) (SNP): I thank Kenny Gibson for securing the debate. It appears that all members are singing from the same hymn sheet. I hope to continue that trend.

According to "Missing Out—Young Runaways in

Scotland", one in nine Scottish children will run away or be forced to leave home at least once before they are 16. They are in incredible danger, as there is a lack of services to deal with the problem.

Contrary to common opinion, young people do not run away because they are attracted by the bright lights of the big cities or because they are looking for excitement. It should be remembered that young people run away because problems have become too hard for them to handle and they are looking for breathing space. The report shows that four out of five young people who run away leave as a result of problems at home.

Running away might seem to be the best option at the time, but it can create more problems than it solves. The report shows that one in six of those who ran away was either physically or sexually assaulted. Combined with the recent Barnardos report, which highlights the problem of child abuse through the sex trade, it indicates to the Parliament that services must be provided to protect young people from sexual predators.

Simple changes could be made to protect young people. For instance, if someone runs away, they should not be left to return to the same situation and have to deal with the problems that made them run away in the first place. Being unsupported and on their own is not an option. Procedures should be in place throughout Scotland to ensure that young people who run away are interviewed by someone who is not involved with their care, to find out why they ran away and to help them deal with the problems that caused them to run away.

Education programmes and materials should be available in schools to provide young people with details of services that are available to them and the dangers of running away. We must also ensure that schools and other youth settings can help young people to deal with problems at home. Sometimes, we forget that schools are not simply about reading and writing—schools are where most young people spend their lives. They must be equipped to deal with the problem.

There must be services for those who run away, to ensure that they do not end up living rough on the streets and becoming prey for sexual predators. That means providing refuge accommodation for under-16s.

The Executive must take on board the conclusions from "Missing Out—Young Runaways in Scotland", "No Son of Mine!" and "Whose Daughter Next?" and ensure that our young people can access the help they need exactly when they need it.

The Deputy Presiding Officer: Bravo—three minutes on the button.

17:40

Donald Gorrie (Central Scotland) (LD): The benefits system is a reserved matter, so I will not go on about it at any length. However, the removal of benefits from 16 and 17-year-olds is relevant to many problems, such as youth homelessness, that face not only runaways, but young people in general.

I want to pick up a couple of the points that were made in a Liberal Democrat conference resolution last spring. Letting people know locally what is available is important. Every school, youth club and place that young people go to should have a wee poster that says where they can get neutral advice. The poster could say that young people should speak to their guidance teacher or a social worker. However, many young—and older—people regard teachers and social workers as part of “them”: the enemy to whom they are hostile.

As well as building up schemes in schools in the way that Ian Jenkins, Robin Harper and others described, we should consider the possibility of supplying within schools people who are outwith the system. I know that some schools have active chaplains. They could build up relationships with young people, who could go to the chaplains, confident that they were not part of the system that was oppressing them.

There are also good leaders of youth clubs, and good teachers particularly, whose position might make children feel that they could go to them.

Robin Harper: Does Donald Gorrie agree that it would be a good idea for family mediation services to be encouraged to come into schools on a regular basis?

Donald Gorrie: Yes. That is a constructive suggestion, which would help children.

I also suggest that one could have the equivalent of citizens advice bureaux in schools, which would be a sort of outreach service. I am hostile to the word “counsellor”, perhaps because I was a councillor for a long time and people confused the two words. We could develop the idea of having people who could give advice, whom the children would have confidence in and relate to. Different schools could go about that in different ways, and youth clubs and so on could be involved.

We want to tell the children about the advice that is available, and we want to make the advice available in a neutral and accessible fashion. Many people hate the whole system and need to be persuaded that it is not hostile to them. Having a friendly, neutral adviser would be helpful.

17:43

The Minister for Education and Young People (Cathy Jamieson): I am happy to be able to respond to the debate as someone who regularly

contributed to such debates from the back benches. I know that they are an opportunity to have an in-depth look at issues that we all feel strongly about.

I congratulate Kenny Gibson on introducing the debate and everyone involved in it. We are not only looking at the issues contained in the report “Missing Out—Young Runaways in Scotland”, but putting forward constructive suggestions on how to make progress. That is not just in relation to young runaways; I am interested in some of the proposals that have been put forward in relation to the wider roles of different professionals and others coming into schools, who work with young people generally.

I do not think that anybody could fail to be moved—and Lyndsay McIntosh made this point—by the findings of the research published in the report. Gil Paterson correctly identified the fact that one in nine children in Scotland run away from home every year: that has to be a matter of concern for us all. For some, that might be a part of growing up and of trying to test the boundaries or to test where they might go before they leave home. I suspect that the majority of those who run away are running away from the sort of things that Johann Lamont and others identified—circumstances that they cannot stand any longer.

Gil Paterson recognised that the research dispels any myths about running away to the bright lights or to streets paved with gold. The reality is that children and young people most often run away in desperation because of abuse, family conflict, bullying or other situations that they simply cannot cope with and about which they do not know where to get advice. They do not know which way to turn or who can help. That is not to say that that advice is not out there. A number of helpful projects and organisations exist. We are, for example, supporting the development of advocacy services such as those that members have talked about, through the children’s services development fund. We have also promoted initiatives such as children’s rights officers and the work undertaken by Who Cares? Scotland and other young people’s organisations.

One of the most concerning facts to emerge from the research, which Irene McGugan mentioned, is the fact that children who are looked after in the care system are much more likely to run away than are those who live at home. I am sure that that has been borne out in her experience, as it has been in mine. Young people themselves identify some of the solutions that members have talked about. They say that if someone is in care and runs away because they are unhappy, they are always taken back and nobody stops to think about whether something in that setting was a problem. We must take that seriously.

Members also mentioned the need to involve the police and others in training, to enable them to understand what young people are going through when they run away. One of the suggestions that young people make is that an independent person—somebody outside the immediate system—should be brought in, to whom they can talk and who, if there are problems, can give them the help that they need.

More needs to be done to prevent children from running away. The kinds of initiatives that members have talked about would be helpful. However, we also need to think about the practical support that children should get when they go on the run. Kenny Gibson and other members mentioned the difficulties for young people on the streets. Robin Harper gave a helpful insight—in his usual style of trying to be constructive—into ways in which the range of people who are around already can be involved in the process. Ian Jenkins and Donald Gorrie also suggested that if we can harness the efforts and enthusiasm of the people who are already working with young people and who are concerned about them, we can take things forward.

The “Missing Out” report makes a number of helpful recommendations. We have started to consider what we can do at a national level. I stress that we are taking that work seriously and that it is already beginning. Although it took 17 weeks to get to this debate, that does not mean that nothing has happened in that time. A working group of officials from across the Executive has met and will involve in its work those who deliver the services for young people who run away. We are also keeping closely in touch with a similar project in England, which is being run by the social exclusion unit in the Cabinet Office. That unit contains representatives from a wide range of Government departments. The recommendations from that group are now emerging, and we will consider which are appropriate to implement here.

We have to be aware that there is no simple solution or quick fix to the problem. We have identified the fact that the underlying causes of running away are many and deep rooted, and a range of our initiatives are aimed at tackling some of those underlying causes. It is one of our key priorities to give children the best possible start in life and to equip them and their families with the skills to deal with problems before crisis points are reached. Several useful suggestions were made tonight on the role that families can play. Lyndsay McIntosh compared assisting with teenage children to acting like a peace negotiator. Through initiatives such as sure start Scotland, we want to involve parents from early on in understanding the stages that their children are likely to go through and the way in which they should deal with them and support them, while we recognise that parents

themselves often need support.

Several members mentioned what we must be able to do in schools. Through the resources that have been committed to the new community schools, we are trying to focus on integrated family support, family learning and health improvement. That is a starting point for us. We already have a system that we can build on, and initiatives are in place to improve self-esteem, motivation and behaviour among pupils who are disaffected or disengaged from the process or who are verging on exclusion. People recognise the difficulties of pupils’ being out of school and out of the system and how easy it is for them to fall through the net. That is why we are keen to use the funding to keep those difficult young people with the right support in that setting and not let them fall through the net. The new opportunities fund has begun to help in that regard.

I recognise the work that Aberlour Child Care Trust has done on the issue. I have known about the work of the organisation for a number of years. It has set up a pilot project in Glasgow that is working with young people to help them find solutions to the circumstances that have caused them to run away. The Scottish Executive is providing funding to support that over three years, and we will keep in touch with its progress.

The issue of refuges was mentioned. I am aware of the provision in the Children (Scotland) Act 1995 that relates to the possibility of refuges being set up. I will be interested to see from reports of further research that is being done in that area what is effective in terms of refuge provision. Refuge might not mean simply having a building; it might be about having people who are able to get young people tapped into the right resources. I hope that, when we consider the issue, we will focus not only on the setting up of buildings, but on all the other areas that need to be addressed.

Our work on developing a national strategy for young runaways comes at a time when we are focusing generally on better services for children and better integration of services for children. Since the action team report “For Scotland’s Children” was launched last year, several of its suggestions have been acted on, and the Cabinet sub-committee on children’s services will ensure that the momentum for change is not lost overall.

We have had a useful and constructive debate, which will feed into that process. I confirm that I support the motion and that the Scottish Executive is committed to acting on those issues, to help prevent children and young people from running away and to improve the services for those who do.

Meeting closed at 17:52.

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