

MEETING OF THE PARLIAMENT

Thursday 18 April 2002

Session 1

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Scottish Parliament

Thursday 18 April 2002

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

Points of Order

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer. This morning we received intimation of a ministerial statement on the United Kingdom budget, which is to be made this afternoon at 2 pm. As everyone knew the date of the budget, I am not sure why the statement is of an urgent nature. No doubt all will be revealed this afternoon.

As members will want to raise a number of points of interest and ask questions, half an hour is not sufficient time for the statement. It would have been helpful to have had the statement at 12.30 pm, as that would have allowed us to move on. However, at 2.30 pm, we are up against the buffers of question time.

Will the Presiding Officer take representations to move forward the start time of the statement to 1.45 pm, as that would allow more time for questions, in particular from back benchers? I would be grateful if the Presiding Officer would intimate his view to the chamber and to members who are not in the chamber this morning.

The Presiding Officer (Sir David Steel): I assure the member that I have already given careful thought to the matter. I agree that the problem with a statement is that it comes up against the buffers of 2.30 pm, in which case the Presiding Officers have no discretion to extend the statement.

However, this morning, I received an assurance that the statement will be very brief—something in the order of seven minutes. In that circumstance, I am quite happy to limit the questioning so that we can get it all done in half an hour. I have taken note of the point that was made by Fiona Hyslop.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer. The Presiding Officer has received an assurance that the statement will be brief. Even if it is brief by ministerial statement standards, it will take 10 or 15 minutes.

The Presiding Officer: No.

Alex Neil: I am sorry, but the subject of the statement is the budget. It is an absolute absurdity to give only half an hour to the statement. Back benchers, as is usual in this place, will have no opportunity to participate in the questions. This

place is supposed to be run on the consultative steering group principles, but it is being run more like the Kremlin.

The Presiding Officer: No. I can assure the member that I have taken that point carefully into account. I was prepared to ask for the statement to be made at 1.45 pm, but I have been assured that the statement will be brief. Questions that follow it will therefore be correspondingly brief.

Alex Neil: Will the Presiding Officer limit front-bench speakers to 10 minutes in total in order to give back benchers 20 minutes to ask questions? Back benchers are being treated like second-class citizens.

The Presiding Officer: The member will have to leave that to my discretion. Immediately after the ministerial statement, Opposition parties will have the opportunity to put their points.

Alex Neil: With all due respect—

The Presiding Officer: No. I take the member's point that there has to be enough time for back benchers. That is why I sought assurances this morning that the statement will be brief. If it had been a statement of more than 10 minutes, I would not have allowed half an hour.

Alex Neil: With all due respect, Presiding Officer, the minister may take 10 minutes—

The Presiding Officer: No. He will not. I assure the chamber that the minister will not take 10 minutes. He will be brief.

Alex Neil: Can the Presiding Officer define brief?

The Presiding Officer: That will be in the hands of the Presiding Officers. I have already looked into the matter very carefully this morning.

Alex Neil: How brief will contributions from the front bench be before back benchers get a chance?

The Presiding Officer: We will have to wait and see.

Prison Estates Review

The Presiding Officer (Sir David Steel): We move to our first item of business, which is the debate on motion S1M-2993, in the name of Jim Wallace, on the prison estates review, and on two amendments to that motion.

09:33

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Four weeks ago, I announced to the Parliament the publication of the Scottish Executive's proposals for the future of the Scottish prison estate. The Executive debate allows us to focus on the key issues that have led ministers to conclude that the proposals outlined in the consultation paper represent the most effective way to achieve the safer Scotland that we all want and, at the same time, to deliver best value.

A number of key assumptions underpin the consultation paper: that the prison estate should be modernised to provide secure prisons that facilitate effective rehabilitation; that the practice of slopping out is unacceptable and must be ended and, in that respect, a timetable must be set that considerably speeds up the rate of progress that we have already made; that the estate should have the capacity and flexibility to cope with projected numbers of prisoners while enabling the delivery of high-quality rehabilitation programmes; that the public sector must retain the leading role and the standards of service provision should be high across the estate, with elements of best practice being identified and shared regardless of whether they arise in the public or private sector; and that the new estate, however provided, must meet the requirement of best value. I hope that those key guiding principles will command broad support.

I do not propose this morning to describe the proposals in detail. They are set out in the consultation paper, while the Scottish Prison Service estates review report and the PricewaterhouseCoopers financial review, which we have also published, set out at considerable length the financial and other information on which the proposals are based.

As I said when I announced the launch of the consultation paper, I look forward to a constructive debate on the proposals. I encourage all those with views on the subject to make those views known before the end of the consultation period on 12 June. In the meantime, so far as today's debate is concerned, I want to concentrate on the reasoning behind our proposals in order to explain why we think that they are the best way forward.

The Executive is committed to creating a safer

Scotland. A wide variety of policy initiatives has been introduced to tackle not only the causes, but the effects of crime in our communities. More resources have been put into policing. Clear-up rates for serious crime are rising. However, we are far from complacent; we know that we must do more.

Imprisonment will not be the answer for many less serious offenders. That is why we have extended the range of options of alternatives to prison that are available to our courts. However, although prison may not be the best solution to some types of offending, those who commit serious, violent or drugs offences must expect substantial prison sentences for their crimes. I will not apologise for a criminal justice system that locks up serious and violent offenders for a long time.

Society rightly demands that offenders who need to be kept in prison are held securely. It is important to point out that the record of Scottish prisons, both public and private, is second to none in that respect. However, it is not enough simply to lock up offenders. We must do all that we can to prevent people from becoming victims of crime in the future. For prisoners to be less likely to reoffend when they have served their sentence, surely they have to be housed in decent conditions that allow for the delivery of appropriate programmes for rehabilitation. Our proposals for improving the prison estate are radical and wide-ranging—they have to be.

Prisoner numbers are projected to rise significantly. It is prudent to plan on the basis of an increase of around 1,000 in the number of prisoners, from the present level of around 6,200 to around 7,200, over the next 10 years. We can see in England how rapidly prisoner numbers have hit maximum capacity. The consultation paper and the report of the Scottish Prison Service's own estates review go into the question of projected prisoner numbers in considerable detail and set out a convincing case. The projections are not my figures, nor the figures of the Scottish Prison Service, but those of impartial statisticians. Any plans for the future of Scotland's prisons must take account of those figures.

It is not just a question of numbers. There is also a pressing need to improve the quality of the existing estate so that prisoners are held in decent conditions. Many prisoners are still held in conditions that should have no place in a modern prison system. Over a quarter of prisoners, including all the prisoners at Peterhead and most of the prisoners at Barlinnie, still have no access to night sanitation. We believe that slopping out is unacceptable. Not only is it highly undesirable in itself, but it takes up staff time that could be better spent on the delivery of programmes for prisoners.

How can we reasonably expect prisoners to reform and to become valued members of society if we do not even provide them with a toilet?

Phil Gallie (South of Scotland) (Con): The minister will recall a recent court decision, which suggested that slopping out was against the European convention on human rights. How important is that decision to the implementation of the proposals in the prison estates review, given the fact that we could well be in contravention of the convention?

Mr Wallace: It is important to clarify that the court did not rule that there was a contravention of the European convention on human rights, but that a *prima facie* case had to be answered. The case will be heard in full by the Court of Session at some point later this year. We do not accept that we are in contravention of the convention. In some respects, the fact that we may be contravening the convention is secondary to the fact that we believe the practice to be unacceptable. That is why we want to end, as quickly as we can, the practice of slopping out.

Taking into account both the projected increase in prisoner numbers and the need to improve conditions, we have concluded that around 3,300 new prisoner places are needed. How those places are to be provided, and how quickly, has been fundamental to our thinking in developing ministers' proposals.

Alex Neil (Central Scotland) (SNP): Will the minister explain why the prison population in Sweden, which has a population of 9 million, is less than the prison population of Scotland, which has a population of 5 million? Does not that suggest that we are putting people in prison unnecessarily?

Mr Wallace: I welcome a debate on this issue, because I am very disappointed that the prison population in Scotland is so high and am concerned that the figure is set to rise further.

The Executive is putting in place more measures to promote alternatives to custody—including the provisions in the Criminal Justice (Scotland) Bill, which the Justice 2 Committee is about to consider—than any previous Administration. Notwithstanding that, we have to be responsible and prudent enough to respond to the review's projections, which forecast that the prison estate will expand further. I am eager to learn how other countries tackle the problem. However, even with our modest and conservative estimate on the figures—which, after all, range from 6,700 to 8,500 required prisoner places—the projections still determine the number of places that we feel obliged to consider. Although today might not be the most appropriate occasion on which to discuss alternatives to custody, I am more than willing to

put on record how much work we are doing on the issue.

Tommy Sheridan (Glasgow) (SSP): Does the minister accept that the financial case made by PricewaterhouseCoopers depends largely on the size of the prison population?

Mr Wallace: No. The case is actually based on the costs of providing prisons within a range of different options. It is then up to us to determine the number of prisons that we require. As I said in my statement in March, we have indicated a requirement for three prisons, with the green light for the third being dependent on how prisoner numbers pan out over the years ahead.

We must address the issue of prisoner numbers, and we are doing that in some significant part through modernising public sector provision of prisoner places. We are making significant investment in that respect, including £35 million this year alone for two house blocks, one at Edinburgh and one at Polmont. We have also spent more than £2.5 million at Barlinnie to provide access to night sanitation for one house block, and work will start later this year on another.

Moreover, ministers have recognised the need for a substantial programme of on-going investment in public sector prisons to make them fit for purpose. Indeed, the projections in our consultation paper show that 1,100 of the 3,300 places will be provided through refurbishment and new build in the public sector. However, given decades of underinvestment in that sector, we accept that that provision will not be enough if we are to make a real difference. Even after taking into account refurbishment and new build within the existing estate, we estimate that around 2,200 of the required new prisoner places will need to be provided by the construction of new prisons. At the optimum size of around 700 places for each new prison, that means that three new prisons will be needed.

The options have been carefully costed and independent verification has confirmed that the public sector option would be very expensive for the taxpayer. It would cost twice as much as the private sector option, with the difference being around £700 million in net present value terms. That is £700 million that we would not have to spend; more important, it is £700 million that could be spent on other things. I believe that ministers must act responsibly in considering best value in matters that involve the public purse.

Stewart Stevenson (Banff and Buchan) (SNP): I hope that the minister has noted the report by Mr Carter that was published eight weeks ago by the prison service in England and Wales and on which PricewaterhouseCoopers also acted as advisers on the figures. That report

reaches a very different conclusion, with the private sector's costs for providing prison accommodation 10 to 15 per cent cheaper than the figures in the SPS estates review. How does the minister account for that difference?

Mr Wallace: PricewaterhouseCoopers, in its report to the Scottish Executive for the prison estates review, makes it very clear that it did not factor into its consideration one of the earlier private prisons in England and Wales, Parc prison, because that prison was set up so early in the planning process that it incurred additional costs that are no longer relevant.

I have indicated on more than one occasion that we asked someone outwith the SPS and the Scottish Executive to validate the figures to ensure that no one could level the accusation that the figures were ours alone. The figures have been published and are open for people's comments; indeed, I will come in a moment to the comments that were made earlier this week. However, I am satisfied that, to date, no one has managed to lay a successful challenge to the validity of the figures.

Alex Neil: Will the minister give way?

Mr Wallace: No. I have been generous in taking interventions; I want to make some progress.

We owed it to the people of Scotland to think long and hard before publishing the proposals. Many have asked about the difference in the costs of provision between the public and private sector, and I understand their concern. We as ministers were first staggered by the difference when the figures were first presented, and I acknowledge that people find it difficult to take it all in. However, some key reasons for the difference are: historic working practices in the public sector; a pension scheme that, unlike most others in the public sector, is funded at a cost of at least 16 per cent to the employer; and the skill mix. Moreover, on the building side, there has been a lack of experience to design, manage and deliver large-scale new prisons.

Taking the public sector route would also affect the time that would be required to deliver a prison estate that is fit for purpose. It would take at least 11 years to deliver the necessary prisons under either of the public sector options, simply because the public sector does not have the resources or expertise to deliver design-and-build projects of such a scale. The last public sector prison to be built in Scotland, HMP Shotts, was opened in 1987 and took 13 years from start-up to opening. In contrast, the decision on HMP Kilmarnock was taken in 1996 and the prison opened in 1999. It is estimated that procuring the number of prison places that we require would take five to six years under the private sector option. As a result,

following the public sector route would mean that slopping out would take twice as long to eliminate. I find such a delay very hard to justify.

Pauline McNeill (Glasgow Kelvin) (Lab): I am sorry that my intervention is a bit delayed. The minister mentioned that one of the reasons for the difference in costs is the pension scheme; I think that he said that the scheme is funded at a cost of 16 per cent to the employer. As far as any comparisons between the running costs of public and private sector prisons are concerned, I put it to the minister that the private sector should be bound to match the costs for the pension scheme. That is only fair. If it costs the SPS 16 per cent or whatever to fund pensions, surely the private sector should be forced to bid on the same basis so that we do not end up with a two-tier system.

Mr Wallace: Many in the public sector such as policemen, fire officers and those who work in the national health service would find that contrast unfair if they have to contribute much more towards their pension scheme. However, it does not necessarily follow that, in any modernisation of terms and conditions, such an arrangement—which was the outcome of negotiations back in 1986 or 1987—should be taken into the 21st century.

Alex Neil: Will the minister give way?

Mr Wallace: No. I have been generous in giving way. I am sure that Mr Neil will get some time of his own to make his speech.

The proposal on which we are consulting is that the new prisons should be provided by the private sector. As our published material shows, that route offers significant advantages, both in time and in costs, that we cannot ignore lightly. I respect people who believe on ideological grounds that the private sector should not be responsible for those who have been sent to prison by the courts. However, let me make it clear: we can delegate to the private sector the custody and care of those offenders. What we cannot and will not delegate is the state's responsibility for those prisoners.

At Kilmarnock, we maintain two members of SPS staff, who monitor the daily operation of the contract between the SPS and Kilmarnock Prison Services to ensure that the levels of performance we require are consistently met. Just as important, we can and do impose financial penalties if our high standards are not met. Kilmarnock is subject to the same legal requirements and the same independent inspections as public sector prisons.

Christine Grahame (South of Scotland) (SNP): My question concerns state responsibility. I hear what the minister says, but when assets and their running go into the private sector it is almost impossible for members to get answers to questions. We simply get replies that say, "That is

a matter for Kilmarnock Prison Services." How does that square with the Executive's responsibility for those prisons?

Mr Wallace: Ministers' statutory responsibilities in respect of prisoners apply to prisoners in Kilmarnock prison as much as they do to prisoners in the public prison estate. Uniquely among private finance initiative contracts, the contract for Kilmarnock prison has been published and put on the Executive website in an effort to make such information more widely available. That is an almost unprecedented step, which shows the degree of openness that I want to achieve.

There have been many comments about our proposals, and particularly about the costings of the options that are open to us. It is not enough for the critics simply to say that they do not believe the figures. I repeat again what I said when I announced our proposals. If anyone can present an alternative proposal that would achieve our objectives more quickly, at the same time or at lower cost, I would be delighted to consider it. Just attacking without providing a constructive alternative is not particularly helpful. We have published detailed costing information, which has been validated by independent accountants. It is only reasonable that anyone who wishes to question our costings should produce alternative figures that are as robust as ours are.

Much interest was generated this week by the publication of a report on privatised prisons by Phil Taylor and Professor Christine Cooper. We have now had an opportunity to study that report. Given the media attention that the report has received, I think it only right to say a few words about it. Having evaluated the report, I could make a number of observations, but I shall simply say that I do not believe that it gives a balanced analysis. It is an ideological critique—

Roseanna Cunningham (Perth) (SNP): Compared with his figures!

Mr Wallace: Miss Cunningham is laughing, but she may recall that on a number of occasions I have written to her and said in this chamber that nothing was ruled in and nothing was ruled out. Our costings were validated independently and examined without a pre-ordained outcome. That could not be said for the report that was published earlier this week.

Roseanna Cunningham: Nonsense.

Mr Wallace: Phil Taylor and Christine Cooper are entitled to hold that opinion, but I am astonished and disappointed that two academics appear to have fundamentally confused net present value with cash cost per prisoner. Our initial scrutiny indicates that there is nothing in the report to question the validity of the detailed work on which our proposals are based or the proposals

themselves.

Although there is only one privately operated prison in Scotland, there are eight in the United Kingdom. Much has been said in recent weeks about Kilmarnock prison in an attempt to claim that it is not working and, by extension, to demonstrate that the proposed new private sector prisons would not work either. I would like to dispel some of those concerns. I have heard it said that Kilmarnock simply warehouses prisoners, but the chief inspector of prisons in all his reports has applauded the excellent attitude of staff and their co-operation with prisoners, and has commended to others that example of good practice. I think that I am right in saying that, according to last year's annual report of the three inspections conducted in 2000-01, 12 items of the best practice identified came from Kilmarnock, eight from Edinburgh and four from Greenock.

Alex Neil: Will the minister accept an intervention?

The Presiding Officer: The minister is in the final minute of his speech.

Mr Wallace: I am in the final minute of my speech and I have not even mentioned Peterhead yet.

There is always room for improvement in any prison. Kilmarnock is still relatively new and all new prisons, public or private, require time to settle down. We believe that, over a range of issues, Kilmarnock's performance can be compared with that of other prisons in Scotland.

Much has been said about the value of the work with sex offenders that has been done at Peterhead prison. I support that work and again commend staff there for the excellent job that they are doing. We must accept that those staff work under difficult conditions. The poor quality of the buildings and the absence of adequate toilet facilities are major issues that cannot be addressed simply by refurbishment. Moreover, around 85 per cent of the prisoners come from other parts of Scotland. The remoteness of the location is an obstacle to the development of support mechanisms by receiving local authorities and voluntary support groups for prisoners after release.

Richard Lochhead (North-East Scotland) (SNP): Will the minister give way?

The Presiding Officer: No. The minister is in the last minute of his speech.

Mr Wallace: In acknowledging the good work that is done at Peterhead, it must be recognised that the most important elements in that work are the quality of the prisoner programmes and the quality of the staff delivering them. The STOP 2000 sex offender treatment programme was

expressly designed to be capable of delivery at a range of establishments. It is already being delivered at Barlinnie and Polmont. Indeed, fewer than half the staff who are trained to deliver the programme are based at Peterhead. I can announce today that Richard Simpson and I have instructed the director of rehabilitation and care, Alec Spencer, to conduct an additional review of the future management of sex offenders. Richard Simpson will expand on that in his wind-up speech.

I appreciate the concerns that have been expressed about the implication for the local economy if Peterhead prison were to close, and I confirm that enterprise officials are involved in developments. Our responsibility is to ensure that decisions about the future of the prison estate are the right ones to ensure that we get the prison system that we need. I emphasise that no final decisions have been taken about the prisoners in Peterhead, but we do not plan to house sex offenders from Peterhead as a group in any new privately run prison.

Prisons are a vital element in our criminal justice system. They are a reflection of how civilised a society we really are. I believe that our proposals would lead to a modern and efficient prisons estate that is fit for purpose and well placed to meet the challenges that it faces. As part of the consultation process, we shall listen to what has been said in this debate and to other contributions.

I move,

That the Parliament welcomes the publication of the consultation paper *Proposals for the Future of the Scottish Prison Service Estate*; believes that to help achieve a safer Scotland the prison estate should facilitate the secure holding of prisoners and the delivery of effective rehabilitation programmes, and that prisons should provide a reasonable standard of accommodation; recognises that these objectives can only be achieved by substantial modernisation of the present prison estate, and encourages all interested individuals and organisations to contribute to the current consultation.

The Presiding Officer: The minister was generous in giving way to other members and we are running slightly over time. I ask those who want to take part in the debate to press their request-to-speak buttons, as I have a long list of members who wish to contribute.

09:55

Roseanna Cunningham (Perth) (SNP): I have to say that the Minister for Justice is really struggling this morning. He is basically admitting that he has sold the pass on any possible reduction in prison numbers, and he is currently in the process of selling the prison system too. It has taken us two and a half years to get to this point, but the Executive is prepared to renege on

previous leadership commitments on prison privatisation. No wonder the prison officers are feeling let down.

Mr Wallace: It is important to know where the SNP is coming from on this point. Is Roseanna Cunningham saying that she would ignore the projected prison numbers? If so, what would the SNP response be if, 10 years from now, we were running seriously short of prison places? Would it just be to open the gates and let prisoners out?

Roseanna Cunningham: Frankly, if the privatisation option figures are demolished, the public sector option comes back into play, but that has been ruled out right from the start. Two years ago, the minister and the chief executive of the Scottish Prison Service came to the Justice and Home Affairs Committee and asserted that the prisoner population would decrease. Two years later, they are saying that it will increase. The fact is that the minister does not have a flipping clue what is going on, and that is a result of his complete inability to get a grip of the system.

In 1996, Jack Straw stated that it was

"morally unacceptable for the private sector to undertake the incarceration of those whom the state has decided need to be imprisoned".

If it was morally unacceptable in 1996, I wonder whether the Minister for Justice or his deputy will be able to explain why it has miraculously become morally acceptable in 2002. Again, in 1997, Henry McLeish quite categorically stated:

"There will be no more private prisons in Scotland."

In his own party's manifesto for the Scottish Parliament in 1999, the Minister for Justice committed himself to a clear pledge to reduce prison numbers and make greater use of alternatives to custody. It is disappointing to hear his reaction to the average prison population in Scotland reaching an all-time high of 6,200 and his admission and acceptance that prisoner numbers are just going to increase. He tried to defend the figures by saying:

"I will never apologise for a criminal justice system that locks up serious and violent offenders for a long time."—
[*Official Report*, 21 March 2002; c 10503.]

Nor should he. However, he should apologise for all the big talk about alternatives to custody while presiding over a system that is bursting at the seams.

As a lawyer and as a politician, I know that the prison estate is in need of an overhaul. The state of some of our prisons is indeed shocking, but the programme of closures and privatisation that the Executive proposes in the estates review is simply wrong.

I shall start by talking about Peterhead. With the proposal to close Peterhead, the Executive is

following through with the prisons policy that it embarked on when it closed Dungavel, a policy that rewards success with closure. There should be no doubt about it. Peterhead has been successful. It is world-renowned for the work that is done in its sex offenders unit. I know that the Executive and the SPS cannot wait to see the back of Clive Fairweather, but many of us have a great deal of respect for what he has to say. He has made it clear that he believes that closure of Peterhead will set back the progress of the sex offenders treatment programme for three years.

The Minister for Justice should not dismiss too readily the fact that the community in Peterhead wants that facility to stay. Peterhead prison is an important employer in a town that has suffered a number of employment knocks in recent years. The people of Peterhead do not want the prison closed and they want it to keep doing the excellent work that it has been doing with sex offenders.

It is instructive to look at the *Official Report* from the day of the ministerial statement on Peterhead prison and to contrast the contributions from those MSPs who represent constituencies that are accustomed to and at ease with a prison on their doorstep with the contributions made by members such as Janis Hughes, Bristow Muldoon and Robert Brown, who were clearly representing the concerns of their constituents about the prospect of one of the new prisons ending up in their constituency.

I suspect that the resistance that they reflect will be magnified if there is a suggestion that that prison will contain significant numbers of sex offenders. To avoid indicating where any of those new prisons might be is convenient for the minister.

Turning now to Low Moss, there is no doubt that the existing situation cannot be sustained.

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

Roseanna Cunningham: I will take interventions only from the minister.

If a prison is to be closed and a new prison built, it makes sense that the site that is currently home to a prison should be in line for any new development. [*Interruption.*]

The Presiding Officer: Order. Whether to give way is entirely at the discretion of a member.

Roseanna Cunningham: The Presiding Officer will note—

Phil Gallie: On a point of order, Presiding Officer. Given earlier points of order, does not what the member said totally contravene what Alex Neil said?

The Presiding Officer: Order. I said that

whether a member gives way or to whom they give way is entirely a matter for the member who has the floor. At the moment, that member is Roseanna Cunningham.

Roseanna Cunningham: I am aware of the long list of members who wish to speak in the debate and that members will speak after me.

Robert Brown (Glasgow) (LD): On a point of order, Presiding Officer. I would like guidance on the SNP's approach. Is it in the spirit of the standing orders that a member should take Roseanna Cunningham's line and disregard back-bench members?

The Presiding Officer: For the third time, whether a member gives way is entirely a matter for the member who has the floor. At the moment, that is Roseanna Cunningham.

Roseanna Cunningham: Plenty of Labour and Liberal Democrat back benchers and front benchers take no interventions at all.

If a prison is to be closed and a new prison built, it makes sense that the site that is currently home to a prison should be in line for any new development. The Minister for Justice said that that will be so in respect of Low Moss, but it is a pity that the same logic is not applied in respect of Peterhead, where there is overwhelming support for the continued presence of a prison.

The Minister for Justice made it clear that the financial aspect sold him on privatisation. Incredibly, we have been told that £700 million would be saved by going down that road. I suppose that £700 million is not too bad as the price for principles.

I would be the first to acknowledge that spending money on the prison system is not the most populist step, but I am afraid that the minister bought a pig in a poke when he sold his principles. It is not only SNP members who simply cannot accept that figure.

It is clear that the recent academic study caused the minister some uncomfortable moments. It was so scathing that I briefly thought of just reading the summary into the *Official Report* in lieu of a speech. The report begs many questions. Why were hypothetical rather than actual prisons used to make comparisons? What happens if prisoner numbers fall? Why was so little weight given to the many problems that were experienced at Kilmarnock prison, in particular the inability to retain staff in the face of low pay and poor conditions? Why did the public sector option include higher quality and greater risk burdens than the private option? Like was not compared with like.

It is not just the academic report that is a problem for the minister. Comparisons made in the

recently published intermediate report on HMP Kilmarnock by the chief inspector of prisons make it clear that no great savings are to be made from privatisation in terms of cost per prisoner. From the HMI report and the academic critique of PricewaterhouseCoopers, we can see that Kilmarnock prison is far from being the glowing endorsement of private prisons that the Executive must have hoped as it tried to push its privatisation agenda.

During First Minister's question time on 21 March 2002, the First Minister went so far as to boast that he had "been inside Kilmarnock prison" and had

"seen the closed-circuit television cameras".—[*Official Report*, 21 March 2002; c 10549.]

Those would be the same closed-circuit cameras that the HMI report mentions. Under the heading "Staff Safety", that report says:

"an example was also given where it was impossible to arrange relief cover for toilet breaks and prisoners were therefore left unsupervised except by CCTV during these periods".

The record of problems and incidents at Kilmarnock prison is long. The prison has the highest turnover of staff and the highest staff sick rate and has more than a third of all prison fires and almost a quarter of prison deaths. Other members will wish to go into details.

The Deputy Minister for Justice (Dr Richard Simpson): On a point of order, Presiding Officer. I am not making an intervention. Is it appropriate for a member to say something that is absolutely untrue and not take an intervention?

The Presiding Officer: Order. Members saying things that are untrue has been known in this chamber and in many other chambers. It is a question of interpretation of what is said. Nothing that Roseanna Cunningham said is out of order.

Roseanna Cunningham: There is absolutely nothing untrue about what I said.

Taken together, the HMI report and the independent academic report blow huge holes in the Executive's incredible claim that pursuing prison privatisation will save £700 million. In fact, the reports clearly show that private prisons are not cheaper to build or run and are not better run than prisons in the public sector.

At First Minister's question time on 28 March 2002, my colleague John Swinney said that it is stated specifically and categorically by PricewaterhouseCoopers on page 11 of its report that it had not

"undertaken work in the nature of an audit".—[*Official Report*, 28 March 2002; c 10786.]

I recall that the First Minister then seemed as

uncomfortable as many of his back benchers are today.

The Minister for Justice described the report by PricewaterhouseCoopers as

"a robust piece of work".—[*Official Report*, 21 March 2002; c 10507.]

He told us that he had wanted "an independent audit" and that this was it. It was certainly a piece of work but, in truth, there had been no independent audit.

The PricewaterhouseCoopers report claimed a saving of 50 per cent, but a similar report in England and Wales by Mouchel Consulting Ltd claimed a saving of just 14 per cent. I say to the minister that that report specifically left out the two most expensive private prisons from its considerations. The two reports had extremely different results and they cannot both be right. It is interesting that United States studies also appear ultimately to show small cost differentials between the public sector and the private sector.

Neither the Minister for Justice nor the First Minister can be surprised at the scepticism in the chamber. They tried to make us believe that they were so surprised that the disparity between the costs in the public and private sectors was so great that, in the words of the First Minister, they

"had them checked and checked again".—[*Official Report*, 21 March 2002; c 10549.]

The truth is that PricewaterhouseCoopers got its figures from the SPS; it did not independently arrive at its own figures. If the minister was so keen to have the figures carefully checked, does he understand why we find it a little strange that the company chosen to do the checking has 132 private finance initiative contracts that are worth £18 billion in the United Kingdom? It was not an impartial observer by any means.

If the private costings are demolished on cost grounds, the public sector comes back into play as the future for the prison service. But the issue is not just about cost. There is massive opposition to the further privatisation of Scotland's prison system. The Minister for Justice need only look over his shoulder to find some of that opposition. The leadership of both Executive parties needs to listen to what its supporters are saying. The comments that were made on the ministerial announcement by Pauline McNeill, Henry McLeish, Karen Whitefield and Scott Barrie are just a few that spring to mind—and that was before the Scottish Trades Union Congress got in on the act.

If the proposals go ahead, a third of prisoners in Scotland would end up in private prisons and the country would have the most privatised prison system in the world. Prisons are a public service

that should be provided by the state. The profit motive should have no role to play in the prison service. In principle, it is wrong for private companies to run prisons. If the state requires that a person should be deprived of their liberty, it is the state's duty to take on that responsibility.

We should not fool ourselves. No private company will get involved in the provision of prison services as a contribution to the public good. They will do so because they think that they can make a buck. Where will savings come from that will help them to do so? We all know the answer: from staff pay and conditions, from cutting back on rehabilitation programmes and from concentrating on inmate containment. That is the record of privatisation where challenging offending behaviour and successful rehabilitation are not priorities. Cost cutting is the priority.

Last year, the STUC passed a resolution that said:

"Congress condemns any further proliferation of private prisons in Scotland."

Mr Wallace: I thought that I might exercise my privilege. If certain contractual requirements are made for rehabilitation, why would it be in the interests of any private prison contractor not to deliver on that if there were financial penalties for not delivering? Has the member not heard the First Minister and me underlining many times the fact that rehabilitation programmes will be an important part of any future prison development in the public and private sectors?

Roseanna Cunningham: I noticed that rehabilitation hardly got a mention in the PricewaterhouseCoopers report or in the review. The fact is that Kilmarnock is not succeeding in terms of rehabilitation.

I will continue to quote the STUC resolution:

"Congress condemns any further proliferation of private prisons in Scotland. In doing so, Congress recognises that it is morally repugnant to lock up someone and remove their freedom for the sake of profit. Congress further recognises that such a practice in the 21st century is the equivalent of modern day slavery, where a person is sold to someone else for profit."

If anyone thinks that that goes over the top—I suspect that some might—listen to this blurb from an invitation to a conference of the prison industry:

"While arrests and convictions are steadily on the rise, profits are to be made—profits from crime. Get in on the ground floor of this booming industry now. Leading industry analysts will give expert forecasts on future growth potential for the private prison industry and how to make the most of investments today ... as they share their insights on how to capitalize on a new era of opportunities."

There is a vested interest in high crime rates and high prisoner populations.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) rose—

The Presiding Officer: The member is in the last minute of her speech.

Roseanna Cunningham: That was an invitation to a conference in Dallas in 1996, but that is the ethos of the people who would be directly responsible for a third of Scotland's prisoners. That ethos is not a surprise to anyone who knows anything about Wackenhut's history. Ultimately, it is the US company Wackenhut that will benefit from privatisation. That is what the Minister for Justice wants us to sign up to.

I find those sentiments utterly repugnant and I do not believe that I am alone. That is not the future that I want for the Scottish prison system. I do not believe that it is the future that the people of Scotland want to see either. I call on the natural majority in the chamber today to send a clear message to the Minister for Justice that he is not on.

I move amendment S1M-2993.2, to leave out from "welcomes" to end and insert:

"notes the publication of the consultation paper *Proposals for the Future of the Scottish Prison Service Estate*; believes that to help achieve a safer Scotland the prison estate should facilitate the secure holding of prisoners and the delivery of effective rehabilitation programmes, and that prisons should provide a reasonable standard of accommodation; recognises that these objectives can only be achieved by substantial modernisation of the present prison estate; further notes that private prisons have serious deficiencies in their management of both inmates and staff, and asserts that, in the interest of public safety, such a key component of the criminal justice system should remain in the public sector."

10:12

Lord James Douglas-Hamilton (Lothians)

(Con): The prison estates review is of enormous importance because it involves the safeguarding and protection of the community and the best possible treatment of dangerous prisoners. The key to obtaining the best outcome to the review is to achieve the right result with regard to Peterhead.

When Winston Churchill was Home Secretary, he stated:

"The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country."

It seems to me that the Peterhead sex offenders unit has three very considerable advantages for Scotland and the Scottish people. Only two prisons in the world are solely for sex offenders—Peterhead and Kia Marama prison in New Zealand—and both prisons are widely regarded as a great success. That is because a very considerable degree of expertise has been built up among a large number of highly skilled and extremely experienced prison officers. As a result

of that expertise, what might have been regarded as a sin bin has become a centre of excellence. Not only that, but the results speak for themselves; those sex offenders who have been released back into the community have in the main not reoffended. Reoffending rates have been hugely reduced.

The first point is that the hard-working, dedicated professionals who work tirelessly in the best interests of the community are succeeding and should be given encouragement and support in furtherance of that role. It is interesting that Churchill laid down the test by which success should be measured. He stated:

"A calm and dispassionate recognition of the rights of the accused against the State, and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unflinching faith that there is a treasure, if you can only find it, in the heart of every man—these are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it". [*Official Report, House of Commons*, 20 July 1910; Vol 19, c 1354.]

By that test, Peterhead has been a considerable success. That leads me to the second point in favour of keeping the main sex offenders unit at Peterhead: it has the complete and unqualified support of the local community. If I may say so, I have not noticed a long queue of Labour MSPs asking to have the main sex offenders unit deposited in their constituency. In Peterhead, on the other hand, the community has no reservations because it is familiar with the high standards of the prison officers and also realises that the 240 jobs for prison officers has a beneficial effect on employment in the area and that that has a significant impact on the economy of a relatively small community.

The third advantage is that many of the prisoners concerned are some way distant from their families. For example, if a person has committed incest and has been sentenced, the family will not necessarily wish to see that person much, if at all. Families wish to be protected against sex offenders who have committed serious crimes. Some 67 per cent of prisoners at Peterhead are schedule 1 offenders, who have offended against children. More than 50 per cent of all such schedule 1 offenders have offended within their own family. In those circumstances, protection of the family is a higher and more paramount consideration than that of visiting. I am astonished that the ministers have not been made aware of that basic reality, which marks out the circumstances of Peterhead as different from those at other prisons. The argument advanced by the minister that distance was a problem and that

24 per cent of prisoners cite that as the reason why they do not receive visits is an argument that applies with a great deal less force than with other prisoners. It is no coincidence that no complaints in that connection have been made to the local visiting committee or to the local MP or MSP.

If the ministers examine the facts closely, they will discover that many families who are at risk from sex offenders do not wish there to be too many visits. In addition, 98 per cent of the prisoners wish to stay at Peterhead because they are not at risk from other prisoners, a point that was given in evidence by a Peterhead prison officer. In any case, visits last longer than in the central belt. The governor, Iain Gunn, said that sex offenders were targeted by mainstream offenders and needed the support regime along with no contact with other types of prisoners. I recommend strongly that the Deputy First Minister institutes research on the issue, because he would readily find out that his argument against Peterhead in that connection has no validity whatsoever.

My understanding is that a new prison could be built at Peterhead for about 500 prisoners with annual costs per prisoner of less than £20,000, which is below the national average. There is no reason why that prison should not be built by the private sector on land adjacent to Peterhead prison, which belongs to the public sector. The prison estates review confirms in paragraph 158 that there was provision to build residential accommodation for 500, but it states that the infrastructure of the prison would be insufficient to meet increased demand. My point is simple. If there is room to build a new prison, it follows that the infrastructure should be modernised. That could be done on a phased basis, as has happened elsewhere in Scotland.

The minister said that it is important to end slopping out in Peterhead. I agree and the best way to do that is to prepare detailed costings as to how best it could be done within that context for 500 prisoners, since the review gives an inadequate picture as it cites only the cost for 350 prisoners. I understand that an option appraisal for a new-build prison at Peterhead and Shotts phase 3 was ordered about two and a half years ago, but that is not mentioned in the estates review. That is not satisfactory.

With regard to Scotland's prisons in general, I strongly urge ministers to speed up the phasing out of slopping out and specify the time scale.

Mr Jim Wallace: I have been listening carefully to James Douglas-Hamilton's comments. Can he clarify what he is proposing ought to be costed? He said that there could be a 500-place prison at Peterhead, which could be built by the private sector. Would he intend that prison to be built and operated by the private sector? We have given an

undertaking that the STOP 2000 programme should continue within the public sector. Is he proposing that the prison at Peterhead should be a public sector prison?

Lord James Douglas-Hamilton: The Deputy First Minister should prepare detailed costings on the best options available. He should prepare costings for both the possibilities that he mentioned. At that stage, it would be possible for ministers and the Parliament to make an objective decision.

The Deputy First Minister must specify the time scale for the ending of slopping out. It seems to me that the phasing out is being done on far too leisurely a basis. Also, the overcrowding in Scotland's prisons must be eliminated.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Will the member take an intervention?

Lord James Douglas-Hamilton: Let me finish my point. On 27 July 2001, Aberdeen was running at 136 per cent of capacity, Barlinnie was at 131 per cent, Inverness was at 125 per cent, Greenock was at 124 per cent and Edinburgh was at 123 per cent. Action on that issue is absolutely necessary.

Brian Fitzpatrick: I am sure that before he finishes his speech, Lord James, who is probably the member with the most connections to the legacy of underinvestment in the Scottish Prison Service, will want to take the opportunity to apologise for the substantial public investment that is required—which will come from other public services—for a service with which he dealt miserably when he was responsible for it.

Lord James Douglas-Hamilton: The member fails to do himself justice. I strongly supported the opening of Shotts prison. Indeed, at that time, I listened carefully to what Peggy Herbison said, which was that she did not want all the special units to go to Shotts. I responded to the representations. The special units did not all go to Shotts and only one special unit was opened there. Considerable progress was made in the prison sector at that time.

The minister claims that there will be more than 1,000 new prisoners. The foundations must be laid. If the minister wants to get the matter right, he must be just to Peterhead. We have long advocated the benefits of the private sector. The estates review came up with many of the benefits for which we have cried out for years. For instance, the review states:

"The contractual relationship governing a private build, private operate prison also increases the drive for innovative ways of working."

Such relationships can also encourage the public sector to be more competitive and cost-effective. For instance, SPS prisons tend to require 25 per

cent more staff than private sector ones. My view is that both the public sector and the private sector have an important place. I take a pragmatic view about the most appropriate balance. We should take all circumstances into account.

The minister has yet to recognise that Peterhead has changed out of all recognition during the past quarter of a century and that it now performs to the highest standards. That is not just my view. This morning, I received a letter from the Association of Visiting Committees for Scottish Penal Establishments, which states:

"The Scottish Prison Service Estates Review gives insufficient consideration to the potential to develop Peterhead as an international centre of excellence. Members feel that a strong case for maintaining the sex offender unit there can be made on at least three counts:

1. highly trained and committed staff are based there with their families.
2. the community wishes to retain the prison and there is no 'not in my back yard' attitude. The socio-economic impact of removing this facility from Peterhead must be factored in.
3. the prisoners are safer kept in isolation from other offenders".

The letter goes on to say that the association deplores slopping out, but

"believes that the site could accommodate a new-build facility for sex offenders".

I suggest to the Deputy First Minister that it is surely not too much to ask that the case for Peterhead be explored much more constructively, using costings and with an open mind. I appeal to the Deputy First Minister and other ministers to consider not only the nature of the outdated buildings, but the concentration of expertise in what has become one of Scotland's centres of excellence.

I move amendment S1M-2993.1, to insert at end:

" , however, calls on the Scottish Executive to instigate further investigation into the costings for a new prison at Peterhead, specifically for accommodation for 500 to 700 prisoners, in order to ensure that the best possible outcome is achieved to maintain the excellence that has been delivered to date by HM Prison Peterhead."

The Presiding Officer: Before I call on the final front-bench speaker, I inform members that the list of members who want to take part is very long. To get all the speakers in, timings for speeches must be strict.

10:24

Maureen Macmillan (Highlands and Islands) (Lab): I welcome the opportunity to open the debate on behalf of the Labour party. On this occasion, members from all parties must act responsibly and should not make extravagant or

sweeping claims that will serve only to stoke fears about the proposed changes. That applies particularly when we talk about possible changes to the accommodation of sex offenders. We have a responsibility to deal with the issues sensitively and objectively.

It must be emphasised that the Executive has announced a consultation. There tends to be a great deal of cynicism about the value of consultations because it is assumed that the Government has already made up its mind, that nothing will change and that the consultation is a waste of time. In response, I point to the Land Reform (Scotland) Bill, which was changed considerably following a consultation exercise in which 3,000 submissions were received. The result was a very different bill. Consultation exercises can make a difference and I hope that this one will. I urge all those who follow the debate to contribute to the consultation. I urge the Executive to keep an open mind and to take account of all the views that are expressed.

Like many of my colleagues, I find myself on the horns of a dilemma. I want a swift end to overcrowding and slopping out, but I have always believed, like many other members, that the state has a direct moral responsibility for the incarceration and rehabilitation of offenders. I am not comfortable with private prisons because I have grave concerns about the commitment of private companies to prisoner welfare and rehabilitation. I have equally grave concerns about the pay and conditions of the staff in private prisons. There are genuine concerns about manning levels and the use of closed-circuit television cameras, which are of little use when a fight breaks out. From the evidence that was given to the Justice 1 Committee, it is clear that some officers in Kilmarnock prison feel afraid.

Stewart Stevenson: Will the member take a brief intervention?

Maureen Macmillan: Not at the moment. I want to make it clear that the Labour party does not believe that value for money equals lowest cost in wages and conditions. Nor does the Labour party believe that managing incarceration is the prime function of the prison service—rehabilitation is just as important. The Scottish Executive must ensure that the need for the prison service to deliver rehabilitation programmes—such as the STOP 2000 programme and anger management programmes—and to develop throughcare is paramount in its decision making.

Kilmarnock, which is our only private prison, has come under more scrutiny than other prisons. It has received both glowing reports and criticism, notably from the chief inspector of prisons. Kilmarnock is subject to a contract with the SPS, which, it is said, delivers better conditions than

some SPS prisons. Problems such as high staff turnover seem to have been resolved. Kilmarnock seems to have much to teach the SPS and the prison unions about how to run a modern prison service.

Alex Neil: Will the member give way?

Maureen Macmillan: No, thank you. I will take an intervention only from the minister.

Unfortunately, we fear that Kilmarnock is run at the expense of the work force. We will not support a solution to the problem of the prison estate that involves exploitation of the work force.

The review shows a vast gap between the costs of running a public prison and those of running a private one. The gap is so vast that it appears to be one of credibility. All of us, including the Executive, thought that the gap was astounding, which is why the figures have been checked and rechecked. There is a strong suspicion that the review does not compare like with like. How were the running costs for public sector prisons calculated? I understand that pension payments were included. Should such payments be included? Do the calculations project into the future the cost of the bad industrial relations of the past? Have industrial relations improved enough to give us confidence that the public sector can deliver an efficient, modern and flexible regime? I very much doubt that. I urge the public sector, including management and unions, to look into the future and to realise that as new technology and rehabilitation programmes develop, prisons will change.

Tommy Sheridan: Will the member take an intervention?

Maureen Macmillan: No, thank you. The public sector should lead the way and should not have to be pulled along reluctantly into the new century. It is beyond doubt that change must take place. We want the public sector to lead that change. We are prepared to consider paying a higher price to cover fair pay and conditions, but not an inflated price. An inflated price would come at the expense of other areas of the justice budget such as victim support, anti-drugs projects, domestic violence programmes and legal aid provision.

I fear that we have no option but to go down the public-private partnership road for new prison buildings. It is another astounding fact that the SPS cannot deliver a new prison in less than a dozen years. I had assumed that there would be some forward planning. We cannot wait that long to end slopping out, which applies to nearly 2,000 inmates and which all parties have condemned as degrading and inhumane for both inmates and prison officers.

I ask the Executive to reconsider the middle

way—some might call it the third way—of privately built and publicly run prisons. I know that there is a problem of risk transference, but I do not regard that as insurmountable. I also know that there are few such models elsewhere, but let us be pioneers. I ask the SPS management and the unions to consider how they could run a prison that was built and maintained by the private sector, in an efficient and flexible way but with fair pay and conditions. Can they rise to that challenge? I ask the Executive and the prison unions to begin discussions about that. If the projected cost of the privately built, publicly run model—as shown in the review—can be reduced, we may have found a solution.

I shall now consider what we should do about Peterhead prison. Peterhead lacks internal sanitation. The cells have chemical toilets that have to be emptied by the prisoners two to three times a week. The Cosgrove report noted that, because of the age profile of sex offenders, it is particularly important that night sanitation is provided. There is no hot or cold running water in the cells, so the prisoners cannot wash. There is no power in the cells. The fabric of the building is crumbling and the foundations are unsound. It may be beautifully clean, but it is falling down and beyond repair according to its former governor Bill Rattray, who gave evidence on Tuesday to the Justice 1 Committee.

Bill Rattray praised the work and commitment of the staff at Peterhead, but he voiced uncertainty about whether the programmes that are run there could be transferred seamlessly to another prison. There is no doubt that the STOP programme that is carried out with sex offenders is highly regarded, and I believe that part of its success lies in the fact that Peterhead is a facility that is dedicated to holding sex offenders. That means that they feel safe from the threats to them and their families from mainstream prisoners. The people of Peterhead also support the prison being there. It would help to allay fears at Peterhead if the minister could guarantee that the Peterhead prisoners would continue to be held in a dedicated prison. The prisoners need to feel safe if they are to undergo programmes of rehabilitation and if those programmes are to continue to be effective. There is no evidence that the location of Peterhead causes any problems, apart from the fact that the building is on its last legs.

The other aspect of the Peterhead issue is the fact that a proportion of the officers may not want to move south if the programme is shifted to the central belt. That has implications for the continuity of the STOP programme, and the loss of 250 jobs at Peterhead will have an economic impact on the north-east. I ask the minister to give close consideration to retaining the delivery of STOP 2000 in the north-east and to cost out the

provision there of a new, publicly run, dedicated prison for sex offenders. There is space at Peterhead for a new building.

Finally, I draw the minister's attention to the plight of the prisons that serve local courts, which have severe overcrowding problems. Inverness prison is overcrowded by 25 per cent and Aberdeen prison is overcrowded by 36 per cent. The problems in the north, the north-east and the south-west will not be solved by the building of new prisons in the central belt. How does the minister propose to deal with overcrowding in local prisons such as Inverness, which have no room for expansion? The projected increase in prisoner numbers will be felt in the Highlands and Islands, the north-east and the south-west, and I ask the minister not to forget those areas in consideration of the bigger picture.

The Deputy Presiding Officer (Mr Murray Tosh): We move to the open debate. I call Stewart Stevenson, to be followed by Pauline McNeill.

10:34

Stewart Stevenson (Banff and Buchan) (SNP): I thank the many members throughout the Parliament who have approached me to express their support for Peterhead. I also thank Maureen Macmillan for her helpful remarks. My first point relates to what the minister said and what Maureen Macmillan spoke about. I suspect that I am one of only a few people to have read the Kilmarnock contract. I have here paragraph 6 of schedule D of the contract, which relates to the way in which Kilmarnock prison must deal with prisoners. There is absolutely nothing in the contract about the prevention of reoffending.

The situation at Peterhead is the main issue that I shall address. The prison was built in 1888 at a cost of £57,400, on land costing £5,000. It has been a centre of innovation for many years. In 1923, the major innovation was the production of mattresses for the prisoners for the first time. However, the prison's recent history has been more substantial. The case for knocking down Peterhead prison has been made. The first argument is that the building is clapped out. It is true that the building needs to be replaced, but members of the Justice 1 Committee—including me—who visited the prison recently know that it will do for a few years more. It is unsatisfactory in modern terms, but prisoners there put toilets seventh on their list of priorities. Nonetheless, we must do something about the sanitation.

The second argument relates to remoteness. The minister will be aware that, although 85 per cent of the prisoners come from outside the Peterhead area, this week two thirds of them have petitioned to keep the prison open. Neither the

prisoners nor the staff are a source of pressure regarding the prison's remoteness. It has been suggested that the pressures of delivering sex offenders programmes are considerable and that staff need to rotate to other prisons. However, the absence rate at Peterhead is the best—that is, the lowest—in the entire service, and the absence rate is one of the key indicators of stress.

The third argument relates to finance. However, the cost per prisoner at Peterhead is only 11.7 per cent more than the cost per prisoner at Kilmarnock, according to Clive Fairweather's report on Kilmarnock, which was launched this week. That is despite the fact that Peterhead is a specialist prison with inefficient, old premises.

George Lyon (Argyll and Bute) (LD): Will the member take an intervention?

Stewart Stevenson: I would like to, but I do not have time.

I am slightly baffled by the exclusion from the discussion of Parc prison, in Wales, which I visited a week ago, where the cost per prisoner is substantially greater. Parc prison opened in November 1997 and is delivering at £31,000 per prisoner. That is at odds with the statement that private prisons need time to settle down.

George Lyon: Will the member take a short intervention?

The Deputy Presiding Officer: The member is in his last minute. The Presiding Officer has said that we are tight for time, and I cannot allow a member to speak for more than four minutes.

Stewart Stevenson: I respond to the minister's plea for an alternative model by informing him that a private sector person is even now considering a building at Peterhead and drawing up plans and costings. They are also prepared to lease the building for public service operation, should the minister come through on that.

Do we trust accountants? Kilmarnock Prison Services Ltd's accounts claim that Kilmarnock prison was sold to the Home Office in 1999. Apparently that was an error, but it did not stop Deloitte & Touche managing to sign off the accounts. We should not always listen to what big, international accountants say.

I close with a comment about the staff at Peterhead. When the Justice 1 Committee visited Peterhead, it spent 45 minutes with the staff. All members should take account of one significant fact: in those 45 minutes, not a single word came from the staff about the adverse effects of closure on their personal circumstances. What we heard was about public safety and their dedication to the public service ideal. Good leadership, committed staff and the public service ideal are what we need in the prison service.

10:38

Pauline McNeill (Glasgow Kelvin) (Lab): I acknowledge the hard work of my colleagues on the former Justice and Home Affairs Committee and the work that has been done subsequently by the Justice 1 Committee and the Justice 2 Committee to highlight the need for prison reform and the inhumane conditions in which some prisoners are kept. I also acknowledge the progressive work of the justice department in considering alternatives to custody, women's disposals and other measures that will make the prison service better. However, I am disappointed that the debate on the future of the prison service has shifted to a discussion of the buildings and is not integrated with a proper policy discussion. As the minister said, this is a consultation process, and I want to use my time to convince the minister that he should be more challenging about the report that is before us. I urge Scottish ministers—even at this late stage—to let us have a debate in Parliament on prison policy, not just one on prison buildings.

When the Minister for Justice made his statement to Parliament last month, he said more than once that he was astonished by the figures that PricewaterhouseCoopers presented. However, Parliament has not heard why those figures stand out and what key factors will allow the private sector to deliver a cheaper option. I studied the reports and noted the assumptions that PricewaterhouseCoopers made.

Alex Neil: Will the member take an intervention?

Pauline McNeill: I cannot, as I have too much to say.

I noted PricewaterhouseCoopers' assumptions that the Scottish Prison Service has lost some of its expertise in designing prisons, that using the public sector would mean lengthy delays, and that the risks that are normally transferred to the private sector, as in the case of PPP hospitals and schools, will not happen in the case of prisons. I cannot see the basis on which PricewaterhouseCoopers made the latter assumption; it is not evidence based. I ask the minister to challenge PricewaterhouseCoopers' assumptions.

I am categorically not prepared to accept the assertion that prisons are necessarily different just because PricewaterhouseCoopers says that they are. There is no serious analysis of a privately built, publicly run option. I urge the minister to look seriously at that issue. The report heads at 90mph towards privatisation, which tells us that it did not seriously consider alternatives.

I want to deal with the so-called £700 million savings. Even if Parliament accepted that as an

accurate figure, it arose from comparing the public and private sectors over a 25-year period, I believe that a substantial element of those savings is based on staffing. I acknowledge that, for known reasons, there would be a reduction in staffing levels if we had a modern prison. For example, a prison is easier to supervise if there is a reduction in slopping out. However, I believe that the report's savings are made on the back of reductions in rates of staff pay and pensions.

The most critical aspect of the proposals is that they would produce a two-tier work force, because the private sector will not pay the same rates of pay as the public sector. In the report, PricewaterhouseCoopers states, as it always does, that market conditions will govern pay. That is true of pensions, as the minister outlined this morning. However, I have experience as a trade union official of dealing with two-tier work forces. They have a profound effect on the ability to deliver a service. Industrial relations are more tense because whatever union or professional organisation there is, the work force with the poorer conditions will always argue for parity for doing the same job.

There is a sense of unfairness in a two-tier situation because the work forces are working in the same service, but have different pensions and conditions. The whole prison service will be dominated by that unfairness. Why are those factors not costed into the private sector's ability to deliver? In five or 10 years' time, it is inevitable that irrespective of what trade union or professional organisation there is and how effective they are, they will be successful in getting higher pay, because they will want parity. That assumption should be built into the private sector's costs.

Many back benchers, like me, are willing to discuss alternatives. We are not closing our minds to value for money and the need for a modernisation of the prison estate. However, we want real, credible figures in which we can believe.

I want to say something about Kilmarnock prison in the five seconds that I am sure you will let me have, Presiding Officer. Kilmarnock prison is run with expertise that derives from the Scottish Prison Service. If that expertise were removed, a private prison would not be able to deliver Kilmarnock's level of performance. I ask the minister to accept that that is an important factor in the good and the bad reports that there have been on Kilmarnock.

10:43

Phil Gallie (South of Scotland) (Con): I congratulate the ministers and the Executive. It takes great courage to acknowledge that they were wrong. When Kilmarnock prison was

suggested as a private establishment, many of those who are now in the Executive stood against that proposal. However, an example of someone who stood for Kilmarnock was Willie McKelvey, who was MP for Kilmarnock. Willie was not known for his right-wing views, but he recognised the practicalities of Kilmarnock prison and the benefits that it could bring to his constituents. I believe that Willie was right. It is sad that he did not manage to convince his colleague John McAllion, who is sitting at the back of the chamber. I know that Willie and John were close.

I am disappointed that there has been much bad mouthing today about Kilmarnock prison. There is much that is good, although there are exceptions, in the reports on Kilmarnock by the inspectorate of prisons for Scotland.

Stewart Stevenson *rose—*

Phil Gallie: I will come to Mr Stevenson in a second.

There are positive things to be said about Kilmarnock. There are good conditions there. There have been staffing problems, but that position will change over time. Members must take on board how long it took to build Kilmarnock prison and commission it. I contrast that example, as did the minister, with the example of Shotts prison. I also contrast the situation within Kilmarnock with the situation within Shotts prison, where there was recently a major disturbance. Members on the Lib-Lab benches lodged no motions on the Shotts situation. However, I am sure that if a similar situation had arisen in Kilmarnock prison, there would have been a mass uprising of Lib-Lab members, who would have been pushing to lodge motions.

Karen Whitefield (Airdrie and Shotts) (Lab) *rose—*

Michael Matheson (Central Scotland) (SNP) *rose—*

Alex Neil *rose—*

Phil Gallie: I will take only one quick intervention, from Alex Neil. [*Interruption.*]

The Deputy Presiding Officer: Order.

Alex Neil: I should point out that I am not yet a minister.

Does Mr Gallie think that it is right that in Kilmarnock one officer looks after up to 60 prisoners at a time? Is that not where the savings lie?

Phil Gallie: I do not believe that what Mr Neil says is the case. There is always more than one officer in control of the wings. There is a minimum of two officers and others can come in. Mr Neil's point, therefore, is wrong.

Prison officers asked me why Scottish prisons could not be built by the public sector. In response, I refer to the example of the Scottish Parliament building at Holyrood, the cost of which has risen from £40 million to £300 million. That is a good reason why we should have private sector involvement in the future.

I come to the issue of Peterhead. I compliment Stewart Stevenson on his reasonable arguments on behalf of his constituents. It was a good presentation. I do not go along with all that he said, particularly with respect to Kilmarnock. However, he made good points about Peterhead. The location of that prison is important. It is also important that its officers have expertise, that sex offenders are imprisoned there, and that that is accepted by the local community. Stewart Stevenson and Lord James Douglas-Hamilton made many practical comments about visits. I suggest to the minister that we could have a public build at Peterhead and use the current expertise of Peterhead's officers to develop such a new prison. However, Peterhead's buildings are old and must be replaced quickly.

10:48

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Whenever I see an alleged bargain of the type that we are offered in the estates review, I think of the lines in Virgil's "Aeneid":

"Timeo Danaos et dona ferentes."

That translates as, "Always fear the Greeks, even when they are bringing gifts." In this case, we have apparently got a whopping bargain. We are getting prisons at a fraction of public sector costs. In addition, there is a bargain hidden within that bargain cost, because it will pay the profit of the private operator, the accountants, the builders, and the architects, and will cover all the risks that are alleged to be transferred from the public sector to the private sector. Beyond that, there is the cost of capital, because Government and private operators must borrow the capital to build the new prisons. However, Government would borrow at a much lower cost than a private operator would.

We are asked to believe that the significantly reduced cost in the private sector includes the higher borrowing costs of the private sector as well as all the other costs and profits. That is where the Greeks—PricewaterhouseCoopers—come in. The report refers to that firm as "independent accountants". PricewaterhouseCoopers is the firm that was a joint sponsor of the October 2001 Dublin conference that was the second annual PPP-PFI global summit. At the minimum, that fact would lead us to question that firm's objectivity on private sector prisons. PricewaterhouseCoopers

comes up with an overwhelmingly and surprisingly clear judgment, if one believes what it says. That is where the doubts come in.

Other people have referred to the English report, in which the differentiation between the private and public sector was only 14 per cent. The United States of America, to which Roseanna Cunningham referred briefly, has probably the largest prison population in the world and imprisons a higher proportion of its citizens than most countries—it is pretty experienced in the area of banging people up for considerable periods of time. The United States General Accounting Office's report to the House of Representatives' Committee on the Judiciary's subcommittee on crime compares the costs of private—

George Lyon: That report is six years old. A number of people have challenged its content. Furthermore, it uses accounting practices such as those that allowed the Enron debacle—which would not have happened in this country—to happen.

Alasdair Morgan: If the only reason why the private sector option is cheaper were our accounting practices, I would be seriously worried. That is one of the problems.

I admit that the report is six years old but America was running prisons for a long time before 1996 and has a lot of data to draw on. The report says:

"we found the Tennessee study ... to have the most sound and detailed comparison of operational costs of private and public correctional facilities"

and goes on to say that the analysis showed very little difference in average inmate costs per day between the private and public correctional facilities. Do we really believe that the situation would be a great deal different in Scotland?

The report also states:

"The best approach for evaluating operational costs is to study existing comparable facilities, not hypothetical facilities."

The PricewaterhouseCoopers report studies hypothetical facilities, not facts.

I am extremely unhappy about going down a route that is morally questionable, on the basis of an argument that many members from all sides of the chamber do not find convincing.

10:52

Karen Whitefield (Airdrie and Shotts) (Lab): As an MSP with a prison in her constituency, I have a strong interest in the SPS proposals to modernise our prison service. It is important that MSPs and the public, including prison officers, are

able to contribute to the debate surrounding the modernisation of the prison service in Scotland. I am convinced of the need for that modernisation. It cannot be acceptable in the 21st century for prisoners to be faced with the indignity of slopping out and with living in cramped and, in some cases, unsafe accommodation. However, I am yet to be convinced about using the private sector to run our prisons. There is a need to examine further the impact that the current preferred option will have on the quality of our prison service. Prison officers must be fully involved in that examination.

On service quality, I am not convinced that the SPS is comparing like with like when it concludes that the privately built, privately run option offers substantially better value than do the other two options. Cheapest is not always best—in fact, in my experience, it is rarely best. We have a duty to ensure that public money is used effectively and efficiently but we also have a duty to ensure that our prisons are secure and facilitate rehabilitation. I am sure that we all agree that society is best served by a prison service that delivers high rehabilitation rates and low levels of recidivism.

I am pleased that today's motion recognises the need for effective rehabilitation services, but it is important that the need for private prisons to generate profit and reduce costs does not lead to a reduction in staff numbers, a deterioration of their terms and conditions and a consequent lowering of staff morale. In that context, the high turnover of staff at Kilmarnock prison, where the rate is around three times higher than that of any other prison in Scotland, is of concern.

Dr Simpson: The latest figures from Kilmarnock indicate a turnover of 13.8 per cent, which includes transfers between the unit at Kilmarnock and other Premier Prison Services establishments in England and Wales. The next highest turnover figure, which does not include transfers, is 12 per cent and is in one of the SPS units. That means that Kilmarnock's turnover rate is now lower than that of many of the Scottish institutions.

Karen Whitefield: That demonstrates why we have to have this review: we need to have a genuine discussion about the effects of the proposals.

It is important that we consider the issues. I ask the ministers to examine carefully the impact that building private prisons will have on staff and to consider whether that will have a detrimental effect on the level and quality of educational and rehabilitation services in our prisons. I am concerned that the cost savings could eventually be borne by society through increased crime. I urge the Executive to gauge the strengths of the various models not just in terms of their relative costs, but in terms of the impact that each model will have on staff and the standard of services.

Scottish prison officers provide a valuable and high-quality service to society. I point out to Phil Gallie that, if there was a riot at Kilmarnock—as, unfortunately, there was at Shotts—it would be officers from Shotts and other public prisons who would respond to the problem. Shotts does not now have the problems that it experienced when the Tories were in power because of the commitment, training and skills of its officers, who have addressed the issues that led to the problems of that time.

Any review of services must benefit from the knowledge and experience of prison officers. I trust that the SPS will ensure that prison officers are encouraged to contribute to the debate and are supported in doing so.

We all accept the need for reform of the prison service. Outdated prisons must be tackled and outdated practices such as slopping out must end. We must ensure that our prisons provide security for the public, safety for prison officers and for prisoners and the opportunity for genuine and meaningful rehabilitation. That will not be an easy task and we will have to address the issue of cost. However, we owe it to the people of Scotland to examine the proposals carefully, to weigh up the pros and cons of each option thoroughly and to deliver a prison service that is fit for the 21st century.

The Deputy Presiding Officer: Members must learn how to abbreviate their speeches when they misjudge the amount of content that they have.

10:57

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): First, I must say that I found Roseanna Cunningham's refusal to take interventions from mere back benchers to be discourteous, to say the least. I hope that she will reflect on that when she makes further speeches in the chamber.

So far, the debate has focused on the SPS's clear suggestion, supported by PricewaterhouseCoopers, that savings of £700 million can be made over 25 years by building and operating three new prisons in the private sector. The consultation paper that the Scottish Executive has produced stresses that no decisions have yet been made on the options and that none will be made before the consultation closes on 12 June. There has been a great deal of argument about the figures—and a great deal of misinformation peddled by SNP—so I want to move away from the economic arguments and focus on what I see as the clear moral arguments involved in what we are about to be asked to approve.

It is clear that we need to replace the 1,900 prisoner places in Scotland that, during lock-up

periods, have no access to toilet facilities other than buckets that have to be slopped out. Much of the prison estate is outdated. We must move away from the era of overcrowded Victorian prisons and provide more flexible, safe and modern accommodation that is fit for the 21st century.

Richard Lochhead: Mike Rumbles has picked the strangest of issues on which to display loyalty to his party leadership. I draw to his attention the fact that there are currently nine prisoners in Peterhead from Aberdeenshire and that the chances are that, on release, they will return to their communities, which are perhaps in his constituency. Would not Mr Rumbles like to be assured that they have had the best possible opportunity for rehabilitation? As Professor Marshall and many other commentators on sex offences say, that means keeping Peterhead open.

Mr Rumbles: I am not prepared to wait 12 years for new prison facilities to be built. There is a huge moral obligation on the state to ensure that, when we take people's liberty away, we incarcerate them in decent conditions that are fit for purpose. Whatever system we use to build the prisons—be it private, public or a mix of the two—there is no question but that we must build them.

I congratulate the Executive on beginning the consultation, which is the start of an essential modernisation programme. We must ensure that, whichever option is chosen, the state cannot simply abrogate its responsibilities for looking after the welfare and—I emphasise this for Richard Lochhead—rehabilitation of those whose liberty we have removed. I was pleased to hear the Deputy First Minister state clearly this morning:

"What we cannot and will not delegate is the state's responsibility for those prisoners."

If the private option is eventually chosen, we must ensure that the SPS retains sufficient controls to ensure that the safety and well-being of prisoners in our prisons is maintained. Having a team of SPS personnel in each private establishment—as in Kilmarnock, where their role is to monitor daily operations and to maintain the highest possible standards—is essential. I was glad to hear the Deputy First Minister reinforce that point. It is not well understood, especially by SNP members.

I congratulate the Liberal Democrat and Labour ministers in the Executive on pressing ahead with the much-needed modernisation proposals for our prison estate. No other Government in recent history has been prepared to tackle major reform of our prison estate, as previous Governments have not seen any particular advantage in spending scarce resources on our prisons. There is no doubt in my mind that the approach is the

right thing to do. I welcome the consultation process, which will enable us to get on with much-needed reform, and to do so quickly.

11:01

Mr George Reid (Mid Scotland and Fife) (SNP): Unlike Mike Rumbles, I do not believe that it is the right thing to do at all. The Minister for Justice, who is a good Liberal, said this morning that those who oppose the review might do so on ideological grounds. I would have preferred if he had used the term "ethical or moral grounds". The minister indicated that some people believe that it is wrong to entrust the care of prisoners to the private sector. I believe that. It is significant that all the speeches from Labour members this morning have made it clear that they believe that too.

Roseanna Cunningham quoted Jack Straw, who, before coming to office, said that privatisation of prisons was "morally unacceptable". He went on to say:

"this is one area where a free market does not exist",

but it exists now in the policies that are suggested in the estates review.

I agreed with Jim Wallace when he introduced his party's 1997 manifesto and said:

"We shall cut prison numbers."

What is he presiding over as the Minister for Justice? He is presiding over potentially the largest quantum jump in Scottish prisoner numbers in Scottish history and has put in place a policy that could incarcerate more people in private prisons than are incarcerated anywhere in the western world.

Mr Rumbles: Does the SNP believe that we need more prisons—yes or no? How long is the SNP prepared to wait for them? Is it prepared to wait 13 years?

Mr Reid: The debate goes much further than simply the prison estate. It is fundamentally about the type of society we want to build in Scotland. Do we want Scotland to be Americanised? Do we want privatisation and profit? Do we want to follow the lead of a country where, at the latest meet-and-greet meeting of correctional companies in Washington, prisoners were referred to as "the product" and where the flyer put out before the meeting said:

"Business is booming ... Get in Now"?

I do not want to live in that sort of society.

To answer Mr Rumbles's point, we should consider European alternatives. I will address that briefly. I speak in the debate because I come from the part of Scotland with the largest concentration of prison officers anywhere in the country—it has

Polmont, Cornton Vale, Glenochil and Perth. I grew up in Tullibody, where Glenochil is based. I have been going there for years, and I find in Glenochil a highly professional, highly qualified staff. I do not find that at Kilmarnock. The review is not about value for money; it is about saving money. Therefore, we need an alternative strategy in the broad European pattern.

I cannot understand why we in Scotland are binging up 120 people per 100,000, when the figure is 62 people per 100,000 in Denmark, 52 people per 100,000 in Finland and 90 people per 100,000 in the Netherlands. Is the Government really saying that to walk the streets of Edinburgh or Glasgow is safer than to walk those of Oslo or Copenhagen? I cannot believe that. We must, to take Pauline McNeill's point, consider the European model of criminal justice policy. That is where the debate should happen.

Denmark is building state prisons. Right-wing Governments in Holland have retained custodial sentences in the power of the state. The same is true of a right-wing regime in France, which, when building 35 new prisons, said that it is

"inconceivable that the state should surrender control over custodial management and policy".

I return to what Jack Straw said: private prisons are morally unacceptable to me. I return to the alternative. We are told, "That is the way it is," but we should be here to think about the way it should be. I do not want the Americanisation of our society. The estates review does nothing more than prove a commercial case. If more privatisation is the answer, the minister must have asked a very odd question.

11:06

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I am grateful to have been called to speak in the debate, as the first and—on the basis of the number questions that have been asked about it in Parliament—arguably the most controversial private prison is in my constituency at Bowhouse, near Hurlford.

Many have used the development at Hurlford for their own political ends. Many have opposed the development in principle and others have argued for full contracting-out of the SPS. Phil Gallie mentioned that this morning. As the constituency member, I have sought to take a pragmatic approach to the matter while considering fully the implications of all the issues with which I have been faced in relation to HMP Kilmarnock.

I, like Willie McKelvey, welcomed the proposal to build a prison near Kilmarnock. It provides a facility for the south-west of Scotland, which keeps prisoners closer to their communities and makes visiting by families much easier, both of which

contribute to a safe and secure prison environment, while making the transition back into society smoother for inmates and leading to a corresponding reduction in reoffending.

However, those factors are negated by the level of training that is provided to the staff at all levels. People in the job deal with some of the most damaged individuals in our society. Interacting with them in their everyday lives and through medical and social work requires special skills and specialised training. That is most obvious in the treatment of drug addiction. HMP Kilmarnock has not successfully refuted persistent claims of drug availability. I have also received letters expressing serious concerns about the quality of medical support and about the lack of training in specific techniques, such as resuscitation.

The situation has impacted on staff turnover, which in turn makes working conditions and the care of offenders much more difficult. Let me make it clear that I am not, unlike some members, criticising the employees at HMP Kilmarnock, many of whom are enormously committed and caring towards the prisoners who are in their care. However, I am concerned that they are not being given the tools with which to provide a caring and effective service, despite the direction of Her Majesty's chief inspector of prisons. That makes the prison experience less effective and, in some cases, downright dangerous for offenders who are sent to HMP Kilmarnock.

I place my view on private prisons on the record: I do not have a hang-up about who owns the building, but I am deeply concerned that staff in prisons such as Kilmarnock are outwith the public sector, without the protections and standards that the public sector requires. I ask the minister to take the opportunity that the review provides to consider how such a service can be provided with staff remaining under the public sector umbrella. In particular, he should take the opportunity to consider an extension to HMP Kilmarnock, which would provide him with an opportunity to review the contract in totality and to seek a way of bringing those staff who are outside the public sector, but who provide a public service that is paid for wholly by the public through their taxes, into public sector employment. That would answer my concerns and those of my constituents about the future of prison policy in Scotland and it would ensure a consistent, effective standard of care throughout the sector.

11:10

Mr David Davidson (North-East Scotland) (Con): I speak unashamedly as a representative of the north-east, and I wish to focus on the issues surrounding Peterhead prison. The prison is a centre of excellence. It is a unique establishment, which is recognised worldwide.

It seems that, in the context of the estates review, we are going to dissipate something that is good. Why break up a successful team? Due to the threats of closure, there are already problems securing a sufficient level of recruitment to maintain the existing team complement and there is a lack of morale and confidence. The Minister for Justice must take some responsibility for that.

The view of the vast majority of prisoners is that there should continue to be a centre of excellence at the location. There are established visiting facilities and what the Association of Visiting Committees for Scottish Penal Establishments said is absolutely factual. My colleague, Lord James Douglas-Hamilton referred to that. I hope that the minister will take on board the association's comments. Most important, the community at Peterhead is prepared to receive a prison in its midst and to consider it as an opportunity to bring benefit to the community at large.

I thought that the Government might take an holistic approach, which took into account the fact that, although a balance sheet might get rectified here, a cost will be incurred elsewhere. We need to consider the estates review holistically, across the whole of the Scottish Prison Service. I accept that the minister has said that he will consider it in that way.

The Peterhead economy has taken many hits over the past few years. We have lost work in textiles, in engineering and at Crosse and Blackwell, and we have had problems in fish processing. Now there have been three Government-sponsored hits on the local economy. First, there was the run-down of RAF Buchan, which has taken £10 million out of the economy. Secondly, there was fishing decommissioning. There is money for decommissioning, which is fine, but there is nothing for retraining crews, nor for the onshore jobs that will be lost. Now we are threatened with the third hit: the closure of Peterhead prison.

It is the Government's duty to recognise the outcome of its actions—the impact on prison services and the socioeconomic impact on the town of Peterhead. About 250 officers and almost the same number of families will be moved. Children will be taken out of school. School rolls in the area have already been damaged by Government action at RAF Buchan. Will a huge cost be imposed on the local authority through moves to amalgamate schools? There are knock-on effects on other parts the Government's budget. The closure of Peterhead prison would mean a surge in the number of empty properties, which would further damage a housing market that has already been rocked, and there would be damage to existing businesses in the town.

I have already discussed team morale. A new prison in Peterhead, on the existing site or on the adjacent ground, which is available, to house 500 sex offenders, would not only build on the current centre of excellence; it would remove the costly need to provide mini-units in other prisons, the risks of which other members have mentioned. They may be mini-units, but they incur large costs.

Lord James Douglas-Hamilton: Does the member accept that the number of sex offenders in Scotland is currently 500?

Mr Davidson: I thank Lord James for that—it proves the point.

The minister must consider the matter holistically. He must consider the effects of Government action on prison morale and on prison staff. We need to make improvements to prisoner conditions—nobody is arguing about that—but the minister has not come up with a single reason why one of the proposed new prisons could not be located in Peterhead, which would keep that centre of excellence open, provide help to the local economy and improve conditions for the prisoners in one fell swoop.

It would be nice to think that, once in a while, those of us who live outside the central belt might see some Government investment, as has been promised by all three First Ministers. They promised to disperse jobs around Scotland and that the economy of all Scotland would be at the fore. I ask the Minister for Justice, when he does his review, to reconsider what he said this morning.

11:14

Alex Neil (Central Scotland) (SNP): I will concentrate my remarks on the experience at Kilmarnock prison but, as a Central Scotland member, I wish to associate myself with the campaign to save Peterhead prison. If Peterhead prison is closed, Jim Wallace will not be the Minister for Justice, but the minister for injustice. There is no case whatever for closing Peterhead prison.

The minister gave away much in his speech. The real question about the PricewaterhouseCoopers report—and all the kidology around it and the subsequent estates review—is, as Alasdair Morgan suggested: how can we be living in a fairytale land where we can save £700 million over the next 25 years?

Two points about the PWC report are striking. First, PWC is to the Scottish Prison Service what Arthur Andersen is to Enron. PWC took the figures that it was given, with no audit and no independent assessment of those figures. The whole thing is fairytale nonsense. Secondly, PWC's

recommendations are without foundation. When it compared the public costs with the private costs, it did not consider the experience of Kilmarnock prison. Its auditors created out of thin air a virtual prison in the clouds, which nobody has ever seen. If they were my auditors, I would sack them.

Phil Gallie: Alex Neil is in the clouds, but I will bring him back down to earth and his comments on Peterhead prison. Does he accept that the building is now totally unsuitable and out of its time? How would he provide a new prison there?

Alex Neil: Phil Gallie should look at yesterday's budget statement. The Chancellor of the Exchequer announced a budget surplus next year of £7 billion and, I think, £9 billion the year after that. Our national debt is now the lowest in Europe. Speaking as an economist rather than as a politician, I think that the idea that the public sector cannot afford to invest in the prison service is absurd. The money exists and public safety, as has rightly been said, should be the number one concern of every Government. If the money is available, the Government should invest it in public safety.

Mr Rumbles: I will ask Alex the same question that I asked George Reid, who would not answer it. How long is the SNP prepared to wait until the public sector provides all the prisons? Will it wait 12 years? That is the Scottish Prison Service's own figure.

Alex Neil: Phil, Phil. [MEMBERS: "Mike."] Sorry: Mike, Mike. Mike Rumbles has so many faces, it is difficult to remember which one he is wearing.

The idea that services can be obtained quicker, safer and cheaper by spending a fortune on the private sector is absurd. I have just mentioned the budget surplus—money exists in the budget that can be invested in the prison service. The idea that we need to rely on private profiteering is nonsense.

Let me tell members not about a virtual private prison, but about Kilmarnock, and about how the minister will make £700 million of savings. The minister went on about prison workers' pensions being funded at a cost of 16 per cent to the SPS. He did not mention the fact that he gets 16 per cent—why should not he be privatised and sacked for the same reason? He did not say that Kilmarnock prison has the lowest-paid prison warders in Scotland and the best-paid prisoners. The chief inspector of prisons, in evidence to the Justice 1 Committee, pointed out that prisoners there are so well paid that they use the money to buy drugs in the prison. The minister did not tell us about the suicide level at Kilmarnock, either.

A month ago, I was in a Kilmarnock prison metalwork shop, in which there were 27 prisoners, some of whom were in prison for murder and

attempted murder. There was only one warder in the workshop, and a camera that could not see into 20 per cent of the workshop.

A week later one prisoner coshed another nearly to death. That is the price of privatisation. It is quite obvious from the four back-bench new Labour speeches that we have heard that Jack McConnell has led Jim Wallace up the garden path. There is nae chance of privatisation going further.

11:20

Paul Martin (Glasgow Springburn) (Lab): This is the fifth new Labour speech.

As the member for the constituency that includes Barlinnie prison, I welcome the estates review. However, I am concerned that the review has focused so much on bricks and mortar. For that reason, it can be seen as a missed opportunity. The prison estates review was very different from the other Scottish Executive reviews that have taken place, such as the health board acute services review. With respect to that review, I am accused of being a dinosaur because I talk about bricks and mortar and do not relate that to the management of services. What makes the Scottish Prison Service different from acute services in health? Surely a review of estates management is needed, as well as an estates review. A review of the Scottish Prison Service might also be useful. We need to identify the most effective way of rehabilitating prisoners.

I am sure that the Prison Officers Association Scotland will not be pleased to hear this, but I want to see mass redundancies throughout the Scottish Prison Service. I want to rehabilitate prisoners so that they do not regularly revisit Barlinnie and the many other prisons throughout Scotland. That is an important issue that has not been addressed in the estates review, but which should be addressed as part of an overall review.

There should be a genuine consultation period. We should not take a fixed view on how we should approach the issue—I would not rule anything in or out. That is another important part of the process. I have criticised many authorities for not getting involved in a genuine consultation process. This may not be a populist view, but I believe that the Justice 1 Committee, along with the Scottish Executive, has a duty to explore every possibility in the prison system, to ensure that we eradicate many of the difficulties that we currently face throughout the prison system.

I am not convinced by the private option for operating prisons. Like Margaret Jamieson, I want to see more evidence that says that we cannot use the option of private build and public operation of prisons. The report states that there are no

examples in the United Kingdom or internationally of such a system. However, the Parliament was developed to provide Scottish solutions to Scottish problems. We in Scotland have a great history of being pioneers of new systems. Why should not we consider developing a system in Scotland for private build and public operation of prisons, and making that system renowned throughout the world? The prison estates review was a missed opportunity for considering all the options and making use of the skills that exist in Scotland.

We should allow the Justice 1 Committee and the Scottish Executive to consult thoroughly throughout the process. We should not rule anything in or out. We should all reflect on the many points of view that are expressed during the consultation period.

11:24

Donald Gorrie (Central Scotland) (LD): I was very impressed by my visit to Peterhead prison; it would take a lot to persuade me that that prison should be closed. The staff at Peterhead are a very fine team, and Scotland is not so rich in fine teams that it can afford to disband one.

The Executive deserves great credit for examining the issue at such length. Like other members, members of the Executive have a gut feeling against private prisons. However, the Executive has been persuaded by the figures that it could save a lot of money by taking the private route—money that could then be spent on hospitals, the health service, transport and so on.

There is a range of opinions in the chamber. Some members, such as George Reid—who made an excellent speech—are totally against private prisons, come what may. I presume that they would be prepared to pay the price for that in not having the schools, hospitals and so on that they might otherwise have. Other members start from the premise that they are against privatisation, but would accept it—perhaps reluctantly—if the gains were so great as to allow important investment in other services.

The Parliament must analyse the figures. To be honest, most of us do not believe the report that the Government has received. The minister says that he does not believe the academic report that criticised the report of the estates review. Through the Justice 1 Committee and other mechanisms, we must try to analyse the thinking behind the figures. I have no doubt that PricewaterhouseCoopers can add up properly, but was it told the right things?

Stewart Stevenson: I am not so sure that PricewaterhouseCoopers can add up properly.

Donald Gorrie: Perhaps it cannot, but that is

not my position. My position is that PricewaterhouseCoopers might have been fed duff information. I cannot understand the great rise in the prison population that it predicted. We need to be brutal and determined in pushing alternatives to custody—I know that Jim Wallace and Richard Simpson are committed to such alternatives. However, we must be ruthless about investing enough resources and stopping the bureaucratic or legal piddling around—if that is a parliamentary expression—that stands in the way of what we all want: alternatives to custody.

It is no secret that some leading lights in the management of prisons and in the Prison Officers Association Scotland are like the Israeli and Palestinian leaderships. They must be sorted out, so that we can provide efficiently and humanely run public prisons.

We must explore the figures that we have been given, because the assumptions on which the report is based might be seriously flawed. We must end up with a proper investigation in which people can believe. If that is done through the Parliament, with good advisers and real analysis of the assumptions on which the report is based, we might come to a satisfactory conclusion and find a way through. I am sure that the ministers, like all other members, want a humane and efficient prison service that works well. Consultation is a valuable way of enabling us to achieve that.

11:28

Christine Grahame (South of Scotland) (SNP): I asked to contribute to the debate as the convener of the Justice 1 Committee. As the committee is launching its response to the estates review, I did not think that it was appropriate for me to speak from a party-political point of view. I will therefore take this opportunity to tell members about the witnesses whom the committee will call. If, as Paul Martin said, this is to be an open consultation, members who do not sit on one of the justice committees should come to hear the evidence that is given by those parties. That will be more valuable than reading the report.

We will hear from governors of various prisons. We will hear from governors of private prisons, including prisons outside Scotland. We will hear from PricewaterhouseCoopers and the Chartered Institute of Public Finance and Accountancy; from Professor Cooper, with the alternative response; from the Convention of Scottish Local Authorities; from the Association of Visiting Committees for Scottish Penal Establishments; from trade unions; and from Safeguarding Communities and Reducing Offending in Scotland. The committee will be given a presentation on the STOP programme, and will hear from academics, Her

Majesty's chief inspector of prisons, the chief executive of the Scottish Prison Service and the Minister for Justice. I do not know whether that is the complete list.

Helen Eadie (Dunfermline East) (Lab): Last year, every member of the Parliament received a copy of a report by the Moderator of the General Assembly of the Church of Scotland. In that report, the moderator said that he had made a point of visiting every prison in Scotland. Will the Justice 1 Committee include him on its list of witnesses?

Christine Grahame: I am content to discuss the committee's hearing from any other parties who are recommended by members or by people outside the Parliament. The committee wishes to examine the report thoroughly and with an open mind.

It is unfortunate that the time scale for the committee is very short—the estates review was published before we went into two weeks of recess—but we shall do our best.

I am setting aside the arguments that have been aired about whether it is morally or ethically wrong to privatise prisons. I ask members simply to read the documents that are available. I shall provide references that members can pick up on. The terms of reference of the SPS estates review are on page 1 of the review. Members should examine the terms of reference on page 31 of the PricewaterhouseCoopers report. Page 3 of the Executive's consultation document says:

"The Executive's proposals focus on three main challenges."

Members should read those challenges. They will find that rehabilitation appears not to be given the balance and proportionality within the investigation that we would wish it to have in the interests of Scotland.

What is a prison for? That is quite a simple question to which there are simple answers. Members will agree that prisons are basically for punishment, deprivation of liberty, protecting the public and property and providing security. Rehabilitation should happen in the interests of society and costs. Not least, there should be decent pay and working conditions for the staff who work in Scotland's prisons.

Mr Rumbles: Will the member give way?

Christine Grahame: I have a very short time and I am making a point about what the Justice 1 Committee will consider. All members will agree that all that the committee does should be accountable to the Parliament and done in the spirit of openness in Scotland.

We have received evidence from the two main players that are set against each other to some

extent—the models of Kilmarnock and Peterhead. The committee will consider the issues in that evidence. I ask members to give advance notice of their coming to the committee to hear evidence. If I have time and if members of the committee allow it, I will let other members put questions to the parties who will give evidence.

I do not want people to rely on soundbites or press releases. Members should hear evidence first hand, because this is a serious issue about the way in which Scotland looks after those who offend and the rest of society for the coming 10 years.

11:32

Mr John McAllion (Dundee East) (Lab): The minister called for a constructive debate, so I will begin on a constructive note. The modernisation of the prisons estate, the ending of slopping out, and the housing of prisoners in decent conditions with adequate rehabilitation programmes are principles that are widely shared in the Parliament and throughout the country. Indeed there will be universal agreement in the chamber about those principles, but I warn ministers that they should be very worried indeed when Phil Gallie begins a speech by congratulating it.

The minister must accept that there is no agreement in the Parliament with what he describes as his wide-ranging proposals to achieve the ends that I mentioned. There is opposition throughout the Parliament about the proposals for privatised prisons and I will explain some of the reasons for that.

The minister referred to projected prisoner numbers. Those might or might not be correct; I am not in a position to make a judgment about that. I hope that we all hope that they are incorrect and that in future in Scotland we will lock up fewer prisoners, because we will live in a less violent society. Surely we can all agree that the thrust of Government policy should be to try to achieve a less violent society in Scotland, which would be very much the European model to which George Reid referred in his excellent contribution to the debate.

If we all agree about that, does not the minister see the contradiction in handing out 25-year contracts to companies that have a vested interest in keeping the number of prisoners who are locked up in prisons high? That is how such companies will secure their profits over a 25-year contract. Privatisation of prisons goes against the thrust of the Government's policy of developing a society in Scotland in which fewer people are locked up. If the minister cannot see that contradiction, he should.

The minister also makes a great deal of the

£700 million savings that he alleges will arise from privatisation of prisons. He argues that if we do not make those savings from privatisation, that £700 million will have to come out of the money for schools, hospitals and so on. That is a familiar argument of those who support privatisation, but we find that schools and hospitals are being privatised as well. The argument is, "heads we win; tails you lose" and it does not convince me for a moment.

The minister claims that the figure of £700 million of savings has not been successfully challenged. It was challenged in "Privatised Prisons and Detention Centres in Scotland: An Independent Report" by Phil Taylor and Christine Cooper. Whether the figure was successfully challenged in that report is a matter of judgment and opinion. In a debate of this kind, we cannot arrive at a reasonable and informed opinion about that, nor can we trust that the Government's consultation period will allow us to arrive at an informed and reasonable opinion, because the consultation will be held essentially within the Executive. It is not open, accountable or accessible in the way that it should be.

I suggest that the Justice 1 Committee be allowed to finish its investigation and to report to the Parliament so that we can debate the subject before we come to conclusions about our decisions on the consultation document.

Christine Grahame: It is the Justice 1 Committee's intention to report. The committee clerks are writing to the minister today to ask whether the Executive intends to have further debate on the matter. If it does not, the committee might initiate further debate.

Mr McAllion: That is very good news.

Does the Executive never ask itself from where the private companies will secure £700 million of savings? Private companies have unique pressures. First, they are trying to break into what is for them a new market. They therefore must deliver the service more cheaply than does the public sector. Where will they make the savings? They will make them in staffing levels and at the expense of wages and conditions for the workers in the prisons. They must also secure a return on profit for their shareholders. Where will they secure that profit? They will make it from staffing levels and at the expense of wages and conditions of the staff.

I know that the record of the private sector in prisons throughout the UK is that it does not recognise trade unions. It uses inexperienced staff, pays lower wages with inferior conditions and it wants regional pay bargaining in order to tear up national pay agreements. I cannot believe that the party of labour could ever go along with such a blatantly anti-union programme.

Members on the Labour back benches will certainly not go along with such a programme. The Executive had better take that into consideration.

11:36

Tommy Sheridan (Glasgow) (SSP): That was a very encouraging and positive speech from John McAllion. I hope that the Executive will take note of the points that he and other new Labour back benchers made.

I refer to the 1987 report on the Bank of Commerce and Credit International. An audited report of BCCI in 1987 certified the company's accounts as true and fair. Four years later, it was closed down in the midst of what was described as the world's biggest fraud. BCCI's accountants, as members might know, was Pricewaterhouse. Some members might say that the company is not Pricewaterhouse any longer; it is PricewaterhouseCoopers. That is right, because Pricewaterhouse merged with Coopers Lybrand. Some members might be aware that 10 years ago Coopers Lybrand was fined £2 million for its role in the Maxwell pensions scandal.

We have a report from PWC that, in effect, tells the Executive what it wants to hear. Those two accountancy firms' answer to the question "What is two and two?" is "What do you want it to be?" That is the reality as far as the accountants are concerned.

George Lyon: Is the member saying that PricewaterhouseCoopers is lying in its report?

Tommy Sheridan: I am saying that I do not think that the PricewaterhouseCoopers report is worth toilet paper. We should reject its assumptions and conclusions, because the company has a vested interest in privatisation of the prison service and every other public service. That is the reality that we should consider. Perhaps the projections of higher prisoner numbers are made on the basis that eventually some of those accountancy firms will be caught not paying the proper taxes and some of the accountants in PricewaterhouseCoopers will end up in prison where they belong.

All the members from the Labour back benches have concluded that the savings in the private sector from the provision of a prison service will be made from labour costs and conditions. Members say that proper rehabilitation and a humane prison service are expensive—of course they are. We should set the highest possible standards not just in the treatment of prisoners, but in conditions for prison staff.

A very long line of accountants lined up 10 years ago to tell us that we would get best value by getting rid of the public cleaning and catering

services within our hospitals. They all lined up to say, "Best value? Get the private sector in." Ten years on, we realise the folly of that, given falling morale and falling standards of cleanliness and catering in our hospitals. Let us not make the same mistake in going down the privatisation road again.

Unlike other members, I have experienced incarceration in a few prisons. [*Laughter.*] Perhaps some members will have that experience in future. I have experience of at least three prisons and from the point of view of the professionalism of the prison officers, I can say hand on heart that prison officers are extremely motivated and interested in rehabilitation. Unfortunately, rehabilitation never worked with me, although I managed to convince a few prison officers and I am sure that they will join the anti-Trident protest soon. However, morale among prison officers is beginning to head in the same direction as morale among hospital staff, because they are completely undervalued and in a totally insecure position.

Let us not throw out the valuable experience of men and women who are deeply dedicated to their jobs and who have the professionalism that modern Scotland requires to rehabilitate people. Let us reject privatisation of the prison service. I repeat the excellent point that George Reid made: privatisation should be rejected on ethical and moral grounds. The prison service should not be in the private sector—it should remain in the public sector.

11:41

Richard Lochhead (North-East Scotland) (SNP): The outcome of the debate, in a couple of months' time, will be a defining moment for the Parliament. It will influence the way in which we will do business in the coming years and the way in which future Governments and Parliaments will fulfil their obligation to serve the people of Scotland. The question that we are addressing is whether we should go down the public route or the private route.

Like the majority of speakers in the debate, I wholly oppose the privatisation of Scotland's public services, including the prison service. Privatisation is the wrong road for us to go down. People who are in favour of PFI give a couple of reasons why we should go down that road. The first is mobile capital—one can put more capital into public services and therefore deliver services more quickly. However, if we go down the PFI road, we will commit future generations and future Scottish Governments and Parliaments to the large expense of paying off PFI projects and curtail how those Governments and Parliaments serve the people of Scotland—we would be mortgaging our future.

Mr Rumbles: Will the member take an intervention?

Richard Lochhead: No. I will take an original intervention from any other member, but I will not take an intervention from Mike Rumbles.

The second reason given by those who favour PFI is that it is cheaper. Is PFI really a cheaper option for the Scottish public purse? I do not think so. Recent history is littered with examples of PFI projects, such as the channel tunnel and the Skye bridge, that were several times more expensive to the public purse than was originally intended. PFI becomes the cheaper option because staff are paid less and have poorer working conditions. The costs are transferred from the private sector back into the public sector, because the Exchequer ends up picking up the costs of paying low wages. Chancellor Brown's budget yesterday contained a range of welfare initiatives. If we pay prison officers a lower wage in future, they will end up receiving more tax and child care credits. At the end of the day, we will subsidise shareholders' private profits, because we will pick up those costs. In the long run, we will not save any money.

It is no wonder that, in the mid-1990s, Alistair Morton of the Government's private finance panel said that PFI is

"the Heineken of privatisation—taking the private sector to the parts of the government machine not reached by previous privatisations."

It is no wonder that the private sector embraces PFI and the Government's plans to privatise our prison service, or that all the academics and commentators are lining up to condemn the plans that the Liberal minister, Jim Wallace, has produced.

Alex Neil: Does the member agree that it would be sensible for the Justice 1 Committee or the Minister for Justice to ask the Auditor General to make an independent assessment of the PricewaterhouseCoopers report, in order to find out whether that report is based on fact or fiction?

Richard Lochhead: I certainly agree that we need an independent assessment, as we have not yet had one.

PFI simply transfers public capital into private cash. It is not even as if private shareholders in Scotland will benefit, as the multinationals will end up owning the Scottish Prison Service. We will put public cash from Scotland into the pockets of overseas private shareholders.

Peterhead is the ideal case for leaving a prison to get on with its good work. I went to the prison with members of the Justice 1 Committee. The only negative aspect of our visit was that not all 129 MSPs were present—had they been there, we would not be having this debate today as the plans

that we are debating would have been thrown out. Every member of staff was signed up to a whole-prison culture that cannot be replicated elsewhere. People at the prison are absolutely stunned that their good work will be wrecked if Jim Wallace has his way. I urge every MSP to tour Peterhead prison when the Parliament is in Aberdeen, so that they can see what is happening there. If MSPs who support Jim Wallace's plans make such a visit, they will change their minds.

It is imperative that we reject PFI. If not, we will be casting a vote of no confidence in Scotland's public sector and in the many people who took up a public profession in order to serve their communities and their country. We should also reject any plan to close Peterhead prison because to do so would be to commit an act of social vandalism that every member of the Parliament would come to regret.

11:46

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): The Deputy First Minister is aware of my constituents' concerns about the future of the Low Moss site in Bishopbriggs. I am pleased to promise ministers that I will be on the case, during and after the consultation, just as I was before it.

Like most of my colleagues who have spoken in the debate, I recognise the history that underlies the estates review. Despite Lord James's protestations, the state of Low Moss, which is in my constituency, is the product of decades of extremely limited investment, in capital and in other resource terms.

The minister will be aware that my constituents have always been assured that Low Moss is a temporary facility. Times may move on, but I assure him that there is considerable opposition to his proposals for a larger facility with a larger population that may include prisoners in the higher categories. I would be grateful if the minister were able to say something about the status of the report "Constructing the Future" which was prepared by Mr Murch in April 2000 and which made proposals for the site. What financial assessment of those proposals was made, by whom and when? I also want much clearer information from ministers on the protections and assurances that will be made available to prison staff who might require to transfer from the site should the minister's proposals proceed.

The likely fairness, openness or transparency of the consultation does not impress me. I say that not least in light of the terms of the gagging e-mail that was issued by Mr Cameron of the Prison Service on 21 March 2002, about which I wrote to ministers on 8 April 2002. It is unacceptable to me, as an elected representative, that key

stakeholders in the consultation should be gagged. The stupidity of that gagging is underlined by the fact that I, and others, have a copy of that e-mail, which was sent to me anonymously. That is not the kind of consultation that we want. Let the key stakeholders in the consultation say in public who they are, what their position is and what the consequences are of that position, including costs.

The minister will also be aware of my concern about the approach that local prison management has adopted towards me. When I met recently with constituents who are officers at Low Moss, I was disturbed to discover that the local prison management had instructed that I should not be shown round the site. I am one of few members who can say without embarrassment that they are not unfamiliar with that site—I was previously there in a professional capacity. However, that is not the point.

I want to hear more from the minister about the need for robust scrutiny of the figures. I have grave concerns, which I shared with ministers, about some of the underlying assumptions. While I fully agree with my colleague Paul Martin on the need for scrutiny and the stewardship of large sums of public expenditure, I hope that ministers will share with us their proposals on the other review that is implicit in the current exercise. How did it come about that a management team presided over circumstances that, on their own figures, resulted in their being said to be some £700 million adrift from their nearest competitors? The private sector, with its rigour, would have had a ready answer to that set of circumstances.

We hear regularly about the need for the rigour of the private sector and I often share those sentiments. I trust that that rigour will be applied in an early analysis of how we arrived at the present circumstances. Along with other members, I have made it clear that we need to be convinced about how the claim differential arises. We also seek assurances from ministers that other public-private partnerships to fund capital expenditure and other service delivery, with the core business being run by SPS personnel, will be given active consideration in an open-minded consultation.

The Deputy Presiding Officer: I am grateful to members for their co-operation in reaching a situation in which everyone has been called. We move to the closing speakers, the first of whom is George Lyon.

11:50

George Lyon (Argyll and Bute) (LD): The debate on the future of the Scottish Prison Service is very important. The final decisions that are arrived at will have far-reaching consequences not only for the Prison Service, but for all our public services in the years ahead.

We must modernise the Prison Service—we must end the practice of slopping out as soon as possible and we must provide extra accommodation for the predicted rise in prisoner numbers. No one disputes the objectives that are contained in the estates review documents. The concerns that we are expressing in the Parliament are about how we go about achieving those goals. I respect the fact that members of the different parties hold strong views on the subject.

I will deal with some of the points that were made. Roseanna Cunningham's opening speech on behalf of the Scottish National Party was poor—it was more like a rant. She must believe that she is important, because she was unwilling to take interventions from back benchers. The fundamental point about her speech was that it contained no factual rebuttal of any of the information that is contained in the documents that are before us. Her speech was a series of statements of opinion that were passed off as factual. When Jim Wallace challenged her on the figures for the increase in the number of prisoners, she refused to answer back. She described the £700 million net present value saving as small change. If that figure is converted into cash, it amounts to about £1.1 billion.

Roseanna Cunningham: I did not describe the figure as small change.

George Lyon: I am sorry, but that is what the member said. A figure of £1.1 billion would fund four to five royal infirmary hospitals. I do not think that anyone would agree that that amounts to small change.

Roseanna Cunningham made comparisons with the report down south, which compared the private sector with HM Prison Service in England and Wales, not with the Scottish Prison Service. That is not comparing like with like. As I have already pointed out, the US report is six years out of date and has been challenged on a number of bases. The accounting rules in the US are different—that is why the Enron situation was allowed to happen. Our accounting rules mean that such a situation would never arise in this country.

Lord James Douglas-Hamilton made a good contribution, which argued for a serious look at the Peterhead situation.

Alex Neil: Will the member explain how it is that, south of the border, Charlie Kennedy is a left winger who opposes privatisation, yet the Liberal Democrats in the Scottish Parliament are the champions of the privatisation of the Prison Service—in spite of the opposition of their partners in coalition? The only members of the Scottish Parliament who are in favour of the privatisation of the Prison Service are the Liberal Democrats and their right-wing allies, the Conservatives.

George Lyon: That is complete and utter rubbish. We take a pragmatic view of what will deliver the desired objectives and will obtain best value for the taxpayer. One cannot disregard the sums that are compared in the documents unless members present genuine reasons about why those figures are not accurate. We will listen to such reasons. As the Minister for Justice made clear, we would prefer to go down the public sector route, but £700 million of savings cannot be disregarded as small change.

Lord James Douglas-Hamilton said that it would be well worth revisiting the Peterhead situation. My colleagues in the north-east have already spoken to the minister on that subject. It would be worth considering whether a new prison on the Peterhead site would be a viable option, given the support for that suggestion in the Parliament.

Maureen Macmillan and Pauline McNeill raised genuine concerns about the private sector option and I respect their viewpoints. Maureen Macmillan made a telling point when she said that it is right that the public sector must be prepared to modernise its working practices in response to the challenge that has been laid down. We need more information on the model that combines private build with public sector operation. Such a plea has recurred throughout the debate.

All members sympathise with the position of Stewart Stevenson, in whose constituency Peterhead is, and share his genuine concerns about the closure, which comes on top of other blows that have hit Banff and Buchan hard. However, it would strengthen Mr Stevenson's case if he tried to incorporate a bit of accuracy into the facts that he quotes in his press releases on the subject. The member indicated that the running costs at Parc prison are £31,000, compared with a figure of £23,000 at Peterhead. He then used the figures in Clive Fairweather's report. Clive Fairweather's cost-per-prisoner figure of £27,000 does not square with the figure of £23,000 that Stewart Stevenson used.

Stewart Stevenson: The member should consider the difference in prisoner place provision as prisoner provision.

George Lyon: Like-for-like figures should be used. The figure of £23,000 has been plucked out of thin air.

George Reid gave one of the best speeches in the debate. Although I do not agree with his point of view, I respect him for what he said and the strong way in which he presented his case. It was an excellent contribution.

We are faced with hard choices about which way to proceed to modernise our prison services. Those who have criticised the estates review figures must answer some hard questions. If they

genuinely believe that those figures are wrong, they must demonstrate robustly and thoroughly in what way they are wrong and what the right figures are. Coalition ministers have made it clear that they are willing to listen to serious attempts to challenge the figures in the estates review. Genuine consultation is taking place and ministers will listen to views that are underpinned by facts. It is up to all members to make such views known.

11:58

Bill Aitken (Glasgow) (Con): The debate has been a good one. There have been several spirited contributions, some of which have been constructive and thoughtful. A welcome degree of passion has been introduced into our deliberations, which is no bad thing. The prison estates review is an evocative subject and it is important that when we discuss such matters, we put forward our case in a rational, but determined manner.

Like many other members, I take no satisfaction from high prison numbers but, as the Minister for Justice said, there are reasons for that. The 20th and 21st century curse of drugs has meant more long prison sentences, to which there is a lack of credible alternatives. I say to George Reid that although it is true that we lock up more of our citizens than most comparable western European countries, that comparison is sometimes a little odious. Of the foreign nationals that other countries lock up, more come from the United Kingdom than anywhere else. We must address that question and others, particularly credible alternatives to prison. The courts have no confidence in the range of non-custodial alternatives that are at their disposal. Fine defaulters account for 7,700 prison admissions per year. Could fines be collected from benefit to help prevent that difficulty?

I think that most members would agree that the purpose of prison should be retribution, rehabilitation and public safety. Christine Grahame dealt with that. However, prisons must also have certain standards: prisoners must be housed in humane and sanitary conditions. The estates review, which will help us achieve that aim, is long overdue. Government also has a general duty to provide such facilities at the cheapest cost that is compatible with the agreed principles and aims that we share.

I accept that many of the arguments that have been advanced against private prisons are not the usual Pavlovian response from those who are philosophically opposed to privatisation. I recognise the sincerity of the views that have been expressed.

Alex Neil: In Kilmarnock prison's metalwork workshop, there is only one prison warder for 27

prisoners at any point. Indeed, sometimes one warder is in charge of up to 60 prisoners as they are moved from one part of the prison to the other. Is that consistent with the remarks that Bill Aitken has made? Is that a price worth paying for privatisation?

Bill Aitken: If Mr Neil will bear with me, I will deal with the Kilmarnock experience later in my speech. I accept that there is an issue there.

We must accept the fact that the prison population is likely to increase. Much as we regret that, we must ensure that the appropriate facilities are in place to cope with that.

Although I accept the sincerity of the views of those on the other side of the chamber, they fail to recognise the substantial cost savings that the private sector can introduce. I find their over-the-top badmouthing of the private sector unacceptable. In an uncharacteristically intemperate speech, Roseanna Cunningham made her views very clear. Frankly, part of her speech resonated to the creak of the rack and the clank of the treadmill. It was not a helpful contribution.

On the other hand, Stewart Stevenson put forward a reasoned and measured case. He explained how the good work that is done by the existing unit at Peterhead means that it is at least arguable that that facility should be retained. David Davidson also highlighted the loss of expertise that would result from the closure of Peterhead because, by necessity, many of those who work there would not transfer to any new facility. Basing a sex offenders unit in any local community would obviously have a pretty traumatic effect, but the Peterhead community is relaxed with the location of the present facility. There is therefore a real argument for re-examining the Peterhead situation.

Several contributions from the Labour benches, such as those from John McAllion and Pauline McNeill, expressed unease. I make no criticism of their views because they are sincerely held.

In a characteristically robust address, Phil Gallie defended the record of the Kilmarnock prison very well indeed. I must say to Alex Neil that, in common with other members of the Justice 2 Committee, I have visited Kilmarnock prison as well as many other facilities in Scotland. I found that Kilmarnock prison was the best. I accept Alex Neil's point about the workshops, but the improved design of that prison and the use of closed-circuit television afford a degree of supervision that I found to be entirely satisfactory.

Christine Grahame: Will the member give way?

Bill Aitken: I must make more progress, but I shall give way.

Christine Grahame: When I visited Kilmarnock, I saw that the welding shed has blind spots that even the CCTV cameras cannot possibly cover. Does Bill Aitken accept that?

Bill Aitken: Blind spots are to some extent inevitable in any building design, but the fact is that Kilmarnock prison works. The prison seemed to me to house prisoners in a much more satisfactory condition than prisons such as Barlinnie. I think that Kilmarnock has worked and should be repeated.

Alasdair Morgan's speech revealed his in-depth knowledge and his classical education, as I recall that it contained an ancient Greek quotation. He spoke at length about profit, but I was minded to think that the only profit apparent from his contribution was his more than adequate portrayal of the prophet of doom.

Karen Whitefield, who has an obvious constituency interest, spoke about Shotts prison. Phil Gallie's intervention was well made when he said that, had the riot that occurred in Shotts prison a few weeks ago occurred in Kilmarnock, the noise from the Labour back benches would have been fairly deafening. However, perhaps that is another issue.

Karen Whitefield: As the full facts of what happened at Shotts prison are not in the public domain, it is unacceptable for people to comment on what took place. We must bear in mind the fact that our prisons have had less violence over the past few years. The Tories must also accept what would happen in the event of any riot in Kilmarnock. Prisons house some of the most volatile and problematic people in society, so such things can happen. The reality is that the response to any riot would come from the trained staff from Shotts and other public sector prisons, not from the cameras at Kilmarnock.

Bill Aitken: Rather than encourage a riot in the chamber, I will move on from that point and return to what Alex Neil said. He accused the Executive of creating a virtual prison, but the creation of virtual prisons is far better than virtual or fantasy economics. While he was not prepared to accept the PricewaterhouseCoopers report, he accepts that the Chancellor of the Exchequer will have a £7 billion budget credit next year. Although Alex Neil's suggestion that we should privatise the Deputy First Minister has its attractions, I do not think that he contributed much to the argument.

To conclude, although there are many conflicting arguments, some of them are quite compelling. The most compelling argument is the fact that £700 million would be saved. All who have taken part in today's debate could suggest uses for that money. We must take that into consideration.

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

The Deputy Presiding Officer: No, Mr Aitken will not give way. He is already over time.

Bill Aitken: We cannot be hidebound by dogma. The cost differential is far too great. We support the Executive, with the caveat that we recognise that the issue of Peterhead prison cannot be easily resolved and is worth further inquiry.

12:07

Michael Matheson (Central Scotland) (SNP): The debate has been extremely useful and we have heard several considerable contributions. George Reid was right when he stated that opposition to private prisons is based not purely on ideology but on moral and ethical grounds. Several members referred to the right-wing former Home Secretary, Jack Straw, who, when he was in opposition, opposed private prisons because

"almost all people believe that this is one area where the free market does not exist".

Today, those seem hollow words.

If the state requires a person to be deprived of their liberty, it is the state's responsibility to provide the prison for them. In the past, MSPs have been keen to line up in outrage about prisoners who have written books to profit from their crimes. I believe that it is wrong and outrageous that private multinational companies should profit from crime by housing prisoners. Prisons are a basic component of our criminal justice system. As several members have pointed out, the only way in which a private company can make a profit from running a company is by paying the staff less and by employing fewer staff. That is what happens in Kilmarnock.

George Reid said that the last thing that we should do is to go down the road that America has gone down. Members should be mindful of the fact that, if the proposals in the prison estates review are implemented, 38 per cent of our prisoners will be housed in private prisons. In America, the proportion is only 3 per cent. Not only would we Americanise the prison system, we would surpass the Americans in doing so.

Over the past two years, figures have been bandied about comparing the cost of private prisons such as Kilmarnock and public SPS establishments. The SPS even tried to have us believe that the cost per prisoner in Kilmarnock was in the region of £11,000. The SPS's calculation clearly did not make a fair comparison.

On 1 February 2001, I asked the Minister for Justice to explain the conflicting figures on the cost per prisoner in a public prison and the cost per prisoner in Kilmarnock prison. The minister said:

"We have asked independent accountants to evaluate

the figures that will be contained in the review.”—[*Official Report*, 1 February 2001; Vol 10, c 880.]

He made it clear that a group of independent accountants would look at the figures to ensure that there was a fair comparison between public and private. He went on to say that that would be done so that we could compare “apples with apples”.

Today, the minister referred to the PricewaterhouseCoopers report as independent verification and validation. However, Alasdair Morgan referred to PWC as “the Greeks”. How independent is PricewaterhouseCoopers? Under clause 64 of the Kilmarnock contract, the SPS gave the company delegated powers to sign the financial part of the contract on its behalf. PricewaterhouseCoopers’s fingerprints were all over the Kilmarnock contract from day one.

As Roseanna Cunningham said, the GMB drew attention to the fact that PricewaterhouseCoopers is involved in 132 PPP projects across the country to the tune of £18 billion. Forgive me if I appear a little cynical, but PricewaterhouseCoopers does not strike me as being an independent firm of accountants. On the contrary, it strikes me that it is a company that has a vested interest in PPP projects. It is up to its eyes in PPP projects across the country.

The report was commissioned purely to justify the continued privatisation of our prison service. It was provided as a convenience for ministers to hide behind when they are asked questions about why they want to continue with privatisation.

The minister said that the report would allow us to compare apples with apples. However, Maureen Macmillan stated that there is a strong suspicion that the report does not allow us to do that. She is right to have that concern. She highlighted the fact that the costs in the report for the private sector do not take account of pensions, whereas those for the public sector do.

The SPS made an assumption about the public sector services that will be provided, such as those for a medical centre. However, those costs have not been included in the private sector calculations. The public sector options also include costs for the SPS headquarters and for a training college, but the private sector submission makes no provision for those. PWC also fails to include costs for the tendering process, which can be substantial, and it conveniently leaves out the cost for contract compliance. The financial case that is made in the report has been cobbled together purely to demonstrate the continued desire of those senior civil servants in the SPS who want to ensure that privatisation wins the day.

Mr Rumbles: Will the member give way?

Michael Matheson: The intervention will not be original. Take a seat.

Given that hundreds of prison officers and their families have waited for the review for two and a half years and as their lives will be affected by the review, the report should at the very least have made comparisons on a level playing field. However, it is an abject betrayal of the prison officers who have dedicated themselves to the service for so long.

Phil Gallie: Michael Matheson referred to the two-and-a-half-year delay in the publication of the review. Does he accept that the reason for the delay was that ministers did not accept the figures that they were given? Initially, they did not believe the figures and they have published the report with the greatest reluctance.

Michael Matheson: That is not the case. I understand that ministers began the estates review before PricewaterhouseCoopers were involved in the process; ministers decided only at a later date to bring in PricewaterhouseCoopers to carry out the validation process. Phil Gallie should address the question to the minister.

Alex Neil: Will the member draw attention to the fact that the remit for PricewaterhouseCoopers was not to evaluate or audit the figures, but to support decisions that had already been made?

Michael Matheson: In effect, the report was about a deal that had been done. It is being used to justify a case. No way is it an independent evaluation.

I will speak about Kilmarnock prison. I begin by pointing out to Margaret Jamieson that my criticisms of the prison are levelled not at the staff but at the management.

Margaret Jamieson: What about George Reid’s comments?

Michael Matheson: If Scotland’s only private prison had been a success and if it had demonstrated that it was much more effective in dealing with offenders while providing staff with a good working environment and wages and conditions of service equal to those in the public sector, perhaps I could have appreciated the Minister for Justice’s enthusiasm for the private sector option. However, the chief inspector of prisons’ latest report, which was published only this week, again highlights many deficiencies at Kilmarnock prison. For example, there have been more assaults on staff by prisoners. The prison continues to have a high staff turnover, although it is doing better—the level of turnover is decreasing. Moreover, the prison has the highest level of self-harm among prisoners, the worst record for deaths in custody, the poorest prison discipline record, one of the poorest records on

staffing levels and the worst rate of staff sickness. Finally, of the 41 fires that occurred in prisons across Scotland last year, somehow 26 of them happened at Kilmarnock.

Mr Reid: Simply to put the record right, because I heard members shouting about attacks on Kilmarnock prison, will Mr Matheson confirm that what I said was that 91 per cent of the staff had no previous experience in prisons?

Michael Matheson: I am sure that the *Official Report* will bear out what Mr Reid says.

I found it interesting that the chief inspector of prisons also highlighted the fact that the staff at Kilmarnock not only have felt unsafe in the past, but feel that the situation is deteriorating. That is the very prison that Bill Aitken told us is doing well and is indeed better than SPS establishments. However, its record does not strike me as glowing.

I turn briefly to Peterhead prison. When I visited Peterhead with the Justice 1 Committee, I felt for the first time that I was in an establishment that was doing what it should have been doing: working with offenders to deal with their offending behaviour. I believe that the prison's closure will put the public at risk. Indeed, Bill Rattray, who was the governor of Peterhead for six years, told the Justice 1 Committee this week that he had no idea what the implications of the closure will be. That is a risk too far. Moreover, given some of the comments from Labour members, the minister should realise that this is a privatisation too far.

12:17

The Deputy Minister for Justice (Dr Richard Simpson): The Executive called for this debate because we wanted to hear members' views as part of the consultation process. For the most part, the debate has been measured. We all clearly agree that it is imperative to end slopping out and to set a timetable for doing so and that, as Paul Martin stressed, it is important to modernise the estate to meet modern correctional practice standards and to address issues of rehabilitation and reoffending. I agree with Paul Martin that the review does not cover rehabilitation in detail; it deals primarily with bricks and mortar. However, the thrust behind our policy is to address the problem of reoffending. We also want to avoid overcrowding. As some members pointed out, overcrowding is a problem in many prisons and we need to get rid of it.

The one issue on which we do not agree is how we achieve best value in the new estate. However, the crux of the problem for the Scottish Executive centres on the advice that we received from the SPS, which we have attempted to verify. I have listened to members' criticisms on the matter and I should point out that we have at least made such

an attempt. If we had not done that, members would have criticised our failure to do so. We have endeavoured to examine the situation closely.

Why have we delayed the report for a whole year? We have taken so long over the issue because in the first instance there was disbelief about the figures. PricewaterhouseCoopers was given free access to all the available figures and came up with its own conclusions. Those conclusions, too, demonstrated the substantial difference between the private sector and public sector options.

The question that Mike Rumbles has repeatedly asked SNP members is what they would do, given the advice that it would take 12 years to ensure public provision. The advice that we have received is that the ability to procure in the public sector, here and in England, will lead to substantial delays. The delay may not be as great as 12 years and we may be able to achieve what we need in less time than that, but that is the advice that we have received. The SNP has signally failed to come up with an alternative offer. I hope that it will do so during the consultation.

Stewart Stevenson: Will the minister give way?

Dr Simpson: I shall give way to Stewart Stevenson in a minute, when we come on to Peterhead prison.

Roseanna Cunningham refused to allow me to intervene to correct some of the misinformation that she was delivering. Michael Matheson, in an otherwise measured speech in which he covered specific points that must be considered in great detail, got one thing wrong. He spoke about high staff sickness levels, but the report shows that the average number of sick days a year for Kilmarnock was 8.5 and that the only prison with a lower figure was Peterhead. In some prisons, such as Dumfries prison, the figure was as high as 25.

Richard Lochhead: Will the minister give way?

Dr Simpson: I will not take interventions on that point. I may take one later, but not at the moment.

We agree on what prisons are about. They are about ensuring that there is punishment, which is important, but public safety is also an issue. I completely reject Lord James Douglas-Hamilton's suggestion—again, in an otherwise measured contribution—that holding the majority of sex offenders in the central belt makes things unsafe for the public. There are 50-odd sex offenders in Glenochil and I hear no disturbance about that in my community.

As well as the principles of punishment and public safety, there is also the question of staff safety. Kilmarnock prison has been criticised on that ground, but there have been attacks on staff in the public prisons as well. There is the question

of reasonable terms and conditions—my colleagues have made a series of helpful contributions on the real concerns about the need for reasonable terms and conditions. We must have good training. Again, Kilmarnock has been criticised in that respect, although its staff are trained to SPS standards. As George Reid said, the staff are new, but they are nevertheless trained to SPS standards. Although the most recent inspector's report says that there must be further basic training for staff, it applauds the fact that there is training for management.

We need an effective correctional programme. When Kilmarnock prison was set up, the contract was based on a work ethic and the prison achieved what it was asked to achieve—the highest proportion in any prison in Scotland of prisoners out in the workshops doing work. That is the task that was set and the prison has achieved it. The correctional policies are now changing and Kilmarnock's policies must therefore be revisited. We have already done that in one respect, in that we have given Kilmarnock an equal share of the transitional care money to ensure that drug programmes and rehabilitation programmes under the Cranston project are carried out in Kilmarnock as they are everywhere else. The health board will build a small health centre in Kilmarnock to deal with problem drug users who go out from Kilmarnock to the local community.

Stewart Stevenson: Will the minister accept an intervention?

Dr Simpson: I am sorry, but I do not have time. If the member wants to speak to me later or write to me, I will be happy to listen.

There are other important issues. Michael Matheson and other members have listed all the problems at Kilmarnock and Alex Neil goes on about the problems there all the time. The issue is not that the public sector is the best and the private sector is the worst or that the private sector is the best and the public sector is the worst. The reviews by HM inspectors in the past year showed that there were 12 items of best practice for the whole service, and that—

Alex Neil: The prison failed the inspection.

Dr Simpson: Alex Neil should let me finish. On best practice for the whole service across Scotland, there were 12 items from Kilmarnock and there were eight items from Edinburgh and four items from Greenock. There is best practice in the public sector and in the private sector.

There are justifiable criticisms. I will listen to Margaret Jamieson, because she has her finger on the pulse in relation to Kilmarnock. She knows the staff there; many of them are her constituents. There is no doubt that there are concerns about staff safety, particularly at weekends and in A wing.

Why do we have an HMI system that covers not just the public sector, but the private sector? We have that system because there is a unified service that is inspected and treated as a whole. Why are there visiting committees across the whole estate? There are visiting committees across the whole estate because it is important that the public are represented when the estate is examined. Visiting committee members at Kilmarnock prison have the most open access—they carry keys and can go anywhere that they want to go. I have spoken to the chair of the visiting committee, who was very positive about the prison, as were the chairman of the Parole Board for Scotland and the moderator of the Church of Scotland. The question is not one of public good and private bad or private good and public bad—there is best practice in both the public sector and the private sector.

I will speak about Peterhead prison, as it is the subject of the Conservative amendment—it was also the subject of Stewart Stevenson's excellent speech. Stewart Stevenson knows that, as a back bencher, I went on record applauding the work at Peterhead prison. I want to put on record again that there is absolutely no doubt that there is excellent work at Peterhead prison. However, the current buildings have outlasted their use and need to be replaced. Where and how should we replace those buildings? The majority of sex offenders are held in prisons in the central belt. Some 85 per cent of offenders will go back to the central belt and most likely will be relocated there once they have concluded their sentences. Links with the criminal justice social work system that will look after them when they are on parole are absolutely crucial. Whether we like it or not, maintaining links at a distance is not easy. The other day, I spoke to members of the central Scotland criminal justice team and asked them about the issue. They said that moving people around is a difficulty for other prisons, too. There is a real difficulty in relocating high-risk sex offenders in particular.

Stewart Stevenson: Does the minister accept that I addressed the option of private build, public operate and the 11 years mentioned in the estates review? There is an option from a local person who has a credible track record and believes that he can do the work well within a three-year time frame.

On prisoner location, does the minister accept that an excellent scheme is in place for top-end prisoners to move for discharge to the prison in the area from which they came sufficiently early to address the linkage with the support and social services systems? In that sense, there is no merit in the minister's argument. He should remember that 191 prisoners said that they want to stay at Peterhead prison.

Dr Simpson: We will continue to discuss the matter. We have had a meeting with Stewart Stevenson and Aberdeenshire Council. I confirm what my colleague Jim Wallace said at the start of the debate. He and I have instructed the SPS—specifically, Alex Spencer, who set up the programme at Peterhead prison and is now the director of rehabilitation and care—to examine the future of sex offenders in the Prison Service with the assistance of outside advice. The review will not be just internal; it will be external. If there is a decision at the end of the consultation period to move to a central prison, we will carefully consider how that will be done with the least disruption.

Lord James Douglas-Hamilton *rose—*

Christine Grahame *rose—*

Richard Lochhead *rose—*

Dr Simpson: I am sorry, but am I in my final minute, Presiding Officer?

The Deputy Presiding Officer: You are.

Dr Simpson: I ask the Conservatives to withdraw their amendment, as our proposals are broader than their suggestions. If the amendment were accepted, it would limit the review that we want to carry out.

Most people have at least said that they are comfortable about there being a consultation. We could have taken a decision without consultation. The Executive is happy that the Justice 1 Committee is to conduct a review. We hope that the committee will hear from the chair of the Parole Board, as the board has interesting views.

I urge a serious examination. So far, the most disappointing aspect of the debate has been the Taylor and Cooper review. I hoped that that would give us a better analysis and understanding of the substantial differences. However, the review is a piece of polemic. Moreover, it confuses current costs per prisoner with net present value. For a professor of accounting to do that is totally unacceptable. I hope that the Justice 1 Committee, which is convened by Christine Grahame, will examine that carefully when Professor Cooper is in front of the committee, because we need to understand the substantial differences.

We all agree that we want a modern prison service that ends slopping out, but we want it with staff who are committed, are paid reasonable wages and have decent pensions. Whether it is in the private sector or the public sector, the prison service must serve the needs of the public through providing proper safety and proper rehabilitation. The Executive wants to achieve that at best value, but that seems to be the one point on which we are not agreed. The Executive will not spend £700 million extra—if that turns out to be the figure at

the end of the consultation period—on public rather than private prisons.

I set a challenge, which Maureen Macmillan, Pauline McNeill and others have also set. There needs to be close examination of the figures. There must also be an examination by both sides of why the public service is so expensive. The issue is not just about one side being cheap and the other being expensive. The gap between the two is almost beyond belief and must be examined closely. We hope that it will be.

I hope that the Parliament will agree to the Executive's motion, which welcomes the consultation. I also hope that people will genuinely take part in that consultation.

Business Motion

12:31

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of motion S1M-2990, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

The Deputy Minister for Parliamentary Business (Euan Robson): Before moving the motion, I intimate that members' business on 24 April will be on the United Nations children's summit on 8 to 10 May 2002.

I move,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 24 April 2002

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Stage 3 Debate on the Freedom of Information (Scotland) Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 25 April 2002

9.30 am Executive Debate on Modernising Primary Care in NHS Scotland to Improve Health
followed by Business Motion
 2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Executive Debate on Scotland's Freshwater Fish and Fisheries: Securing their Future
followed by Financial Resolution in respect of the Scottish Parliamentary Standards Commissioner Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business – debate on the subject of S1M-2615 Cathy Peattie: International Workers' Memorial Day

Wednesday 1 May 2002

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 2 May 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 3 Debate on the Scottish Qualifications Authority Bill
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

(b) that the Justice 2 Committee reports to the Justice 1 Committee by 26 April 2002 on the Combined Police Area Amalgamation Schemes 1995 (Amendment) (Scotland) Order 2002 (SSI 2002/140) and the Combined Fire Services Area Administration Schemes (Variation) (Scotland) Order 2002 (SSI 2002/141) and that the Justice 1 Committee reports to the Justice 2 Committee by 26 April 2002 on the Police Act 1997 (Criminal Records) (Scotland) Regulations 2002 (SSI 2002/143)

and (c) that Stage 1 of the Criminal Justice (Scotland) Bill be completed by 13 September 2002.

Motion agreed to.

12:32

Meeting suspended until 14:00.

14:00

On resuming—

Points of Order

The Presiding Officer (Sir David Steel): Our first item of business this afternoon is a statement by Jack McConnell on the United Kingdom budget.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: I hope that it is not a continuation of this morning's point of order.

Alex Neil: It is a separate point of order. I draw your attention to rule 3.1 of the standing orders, which says that

"the Presiding Officer ... shall act impartially, taking account of the interests of all members equally."

Given that that is a requirement of the Presiding Officer, why did you agree to the Executive demand, made only yesterday, to make a statement on the budget, and then allocate only half an hour for that statement? I have spoken to a number of members in various parties in the chamber and there is widespread concern that only half an hour has been allocated to something as important as this. To be frank, that is not acceptable—especially for back benchers, who will have practically no opportunity to ask any questions. I ask for your answer—

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): This is taking up time.

Alex Neil: Under standing orders, I have three minutes to make my point of order. I ask the Presiding Officer, in his answer, to outline the procedure for moving a motion of censure against the chair.

The Presiding Officer: I will make three points. First, any time that is taken up with points of order is time taken out of an already short period for the First Minister's statement. Secondly, I answered your point of order this morning. I sought assurances that the statement would be brief and it is brief—I have seen it. There will be time for members to ask questions. Thirdly—and I hope that this will meet with Mr Neil's approval—in the light of this afternoon's experience, I will reflect on today's proceedings with particular regard to the timing of statements.

I hope that we can now proceed. I ask Jack McConnell—

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. The date of Gordon Brown's budget statement in the House of Commons yesterday has been known for weeks.

Surely if the Scottish Executive wanted to make a statement about Gordon Brown's budget statement it could have given us much more notice. Some of us found out about the statement just before the lunch break. In future, the Executive could perhaps be told to give us fair warning.

The Presiding Officer: The warning that was given is entirely consistent with the standing order relating to urgent statements. The Executive was in the same position as the rest of us: it did not know what was in the budget. I take it that that was the reason for its request to make an emergency statement.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer.

The Presiding Officer: I remind members that this is taking time out of the half hour that we have for the statement.

Tommy Sheridan: My point of order relates specifically to your point about standing orders and urgent statements. You have seen the statement. Are you telling us that the statement contains something urgent that could not have been predicted, and which justifies the Executive's use of the standing orders? If it does not, the Executive has not used the standing orders, but abused them.

The Presiding Officer: When I have to make such a decision, I do not see the statement. The statement was not even written and the Cabinet did not even meet until this morning, so how could I have seen the statement? I make no comment at all on the content of the statement. If the Executive makes a request because of an important announcement by the Chancellor of the Exchequer that has an impact on Scotland, who am I to say that it is not urgent? That is the point, and I exercised my judgment accordingly.

I invite Mr McConnell to make his statement.

The First Minister (Mr Jack McConnell): Thank you very much, Presiding Officer.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. I wonder whether you will give me permission, under rule 8.2 of the standing orders, to move a motion under rule 3.10, which refers to

"Removal of members of the Parliamentary corporation".

The Presiding Officer: The answer is no, because a motion of such seriousness should not be raised without notice.

Ms MacDonald: I hesitate to question your ruling, but I see nothing in the standing orders to forbid me from raising this matter now.

The Presiding Officer: No, but rule 8.1.2 says:

"A motion may be moved without notice being given only as permitted by these Rules or, exceptionally, as permitted by the Presiding Officer."

I am saying that I am not prepared to grant an exception for a subject of that kind.

Ms MacDonald: With respect, Presiding Officer, how can you rule on whether my attempt to raise this matter is exceptional or unexceptional until you have heard it?

The Presiding Officer: You told me that your point was with a view to removing a member of the Scottish Parliamentary Corporate Body. I do not consider that to be a matter that can be dealt with without proper notice.

Ms MacDonald: With all due respect, I have become aware of an exceptional circumstance in which this member, and the other members of this chamber, have been misled. We have been misled into expecting that we will enter the new Parliament building in May next year. I now know—but, obviously, I stand to be corrected—that we will not be in that building until September. It may be that the Scottish Parliamentary Corporate Body is labouring under a misapprehension because it has not been informed of that delay.

The Presiding Officer: By no stretch of the imagination is that something that should take priority over the set-down business of the chamber. There will be other opportunities for you to raise the issue, but you cannot do so now.

Ms MacDonald: With respect, Presiding Officer, would you explain when I would be able to raise the issue?

The Presiding Officer: You can lodge a motion. You have asked me for permission to move a motion without notice under standing order 8.1.2 and my answer is no.

UK Budget

14:05

The First Minister (Mr Jack McConnell): I welcome this opportunity to explain to the Parliament our decisions in relation to yesterday's United Kingdom budget.

The decisions that were announced yesterday by the Chancellor of the Exchequer are good news for Scotland. They are good for the health of our economy and the health of our people, and for our health care system. The budget underlines the benefits that we receive from being part of a strong United Kingdom. However, it brings with it the responsibility to make the best of the opportunities presented to us and to do so quickly.

We readily accept that challenge. The Cabinet met today and agreed the following points. We will allocate the health consequentials to health. The Minister for Enterprise, Transport and Lifelong Learning will explore options to build on the extra assistance for business and the economy that was announced yesterday and report back to the Cabinet. We anticipate additional resources being made available in July for other services. We will ensure that we are ready to make the best use of that investment. The spending review continues apace. The Minister for Finance and Public Services will be challenging his colleagues to demonstrate how additional spending will be used for maximum impact. Finally, the Cabinet backed Malcolm Chisholm in taking forward an immediate programme of work on modernisation and reform to get the best results from the best budget for Scotland.

In all, yesterday's budget brings Scotland increases that will rise to £3.2 billion by the end of five years. We have the freedom to decide how that money should be spent. That is the key strength of the devolution settlement. We are guaranteed a fair share of additional public spending, with the freedom to tailor it to meet Scotland's needs. The agreed formula delivers for each person in Scotland, pound for pound and person for person, the same increase as in England. That comes as a right.

Now is the time for action. Members will know that a spending review is under way, both in the United Kingdom and here in Scotland. We expect the chancellor to announce the results of the United Kingdom review in the summer. We will use the opportunity of the next few months to scrutinise future spending plans. Andy Kerr will challenge each service to demonstrate how it will get best value for any additional resources that it receives. He will need to be convinced that we are

putting our money into the initiatives that will make the greatest difference to public services and to people's lives.

The investment that we make, in health or in any other public service, will not be wasted. We will rightly be held to account on our record of spending and results. We have agreed that Andy Kerr will introduce proposals for increasing performance and accountability to the public as part of the spending review process.

Most attention has rightly been focused on the chancellor's announcement on the future of the national health service. We have made it clear that health is one of our top priorities and I welcome the chancellor's decision to make health the centrepiece of his budget. The benefits to Scotland will be £224 million in 2003-04, £858 million in 2004-05, £1.576 billion in 2005-06, £2.341 billion in 2006-07 and £3.201 billion in 2007-08. I can confirm that when the Cabinet met this morning, we agreed to allocate all the consequential on health spending to health in Scotland. We will set out the detailed allocations in September.

That is a massive step change in investment. It is an increase of almost 50 per cent in the budget for health over the next five years. Every individual and business in Scotland that is asked to make a contribution to that step change in health expenditure will want to see that contribution making a real difference. I guarantee that that will be the case. We will work tirelessly to secure the step change in services to match the step change in spending.

We are proud of our record of investment in health. I make no apology in the chamber, or anywhere else, for the additional levels of health spending in Scotland. That spending reflects the additional health needs of the Scottish population. More Scots live in deprived communities. Scotland has more older people to support. Rates of heart disease and cancer are historically higher. The NHS in Scotland meets additional costs in delivering health care to Scotland's many remote and rural areas.

Despite that, NHS staff in Scotland deliver health services that bear comparison—as the Wanless report shows—with anywhere in the United Kingdom. Average waiting times are the shortest in the United Kingdom. We have fewer people on a waiting list in the first place. Eight out of 10 Scottish patients are admitted to hospital within just three months. More operations per head of population are carried out in Scotland than are carried out south of the border. That is a record of investment and achievement. It is a record for Scots to be proud of.

We are not complacent, because there is much

more still to do. Long waiting times need to be cut; we need to maintain short waits for priority conditions such as cancer and heart disease; access to general practitioners and practice nurses for common problems must be speeded up; and new NHS facilities must be built and maintained to the highest standards of cleanliness. Those are our priorities for further investment.

We have been presented with a once-in-a-lifetime opportunity to invest in health and health care in Scotland. We will seize that opportunity. With investment will come reform and results. Malcolm Chisholm will ensure that the investment will improve standards, shorten waiting times and improve choice for patients. All the money will be rigorously accounted for.

The Wanless report shows that no one in Scotland waits more than 12 months for in-patient care. We will go further. Not only will we continue to have the shortest waiting times in the United Kingdom, but we will concentrate on shortening times where it is clinically most important.

However, patients also need more choice. We will set up a new national database showing waiting times in every NHS area in Scotland so that patients and their doctors can ensure that they get the most appropriate treatment in the shortest possible time.

In the health service, we will show more clearly where money is spent and what results are achieved. We will bring together in one body the Scottish organisations involved in clinical audit. A new quality standards board for Scotland will set testing standards, monitor achievements against those standards, and report the findings. Audit Scotland—which is accountable to the Parliament and independent of the Executive—scrutinises NHS performance on such matters as cleaner hospitals and waiting lists. All its reports, rightly, are made public. We will ensure that consistent information about all NHS boards is collected, analysed and published so that people can see how their local NHS is performing, and how the money that has been invested is being used.

Although I have concentrated today on our health, my drive to secure reform and results from every pound of public funds extends to all our key public services. I want to make it clear that our investment to improve and reform public services, our actions to deliver social and environmental justice and our drive to secure health improvement must be targeted at the communities and the people who need them most.

The step change in health investment and our spending review will allow us to set about tackling health inequalities wherever they exist and to secure social inclusion wherever it is needed. The resources will deliver the step change in the health

of our people that we so desperately need. The Cabinet agreed today to commit all those resources to health. We made that choice because we are painfully aware that we live in a country where too many people die from cancer and coronary heart disease and suffer from respiratory illness, mainly because they were born into families who live in some of the poorest communities in Scotland. Our mission is to close the gap that exists.

We have been presented with a fantastic opportunity to make a difference in Scotland. Our responsibility is to turn that into opportunities for the people of Scotland—opportunities to enjoy better health and opportunities to benefit from first-class health services in every single community. That is a challenge that I and my colleagues in the partnership will rise to, and I challenge everyone in the chamber to join us.

Mr John Swinney (North Tayside) (SNP): I thank the First Minister for his courtesy in providing me with an advance copy of his statement.

The Executive members cheered when the big numbers were announced in the First Minister's statement. I look forward to spending that money as this country's First Minister in 2003.

I ask the First Minister—[*Interruption.*]

The Presiding Officer (Sir David Steel): Order. Let us hear the question.

Mr Swinney: I ask the First Minister whether he remembers this quotation:

"There is hardly a nurse, teacher, policeman or council worker in Scotland who won't be paying this tax increase. These are the very people"

they

"claimed they wanted to help and instead ... will be hit the hardest."

Those are not the words of the *Daily Mail* on Gordon Brown's penny for the health service, but the words of Gordon Brown on the SNP's penny for Scotland. I am absolutely delighted that the Chancellor of the Exchequer has now accepted that progressive taxation is required to invest in the health service in Scotland, when he failed to recognise that three years ago. [*Interruption.*]

The Presiding Officer: Order. Members listened to the First Minister; they must listen to the leader of the SNP as well.

Mr Swinney: In the light of the chancellor's conversion, is the First Minister now prepared to pay the staff in Scotland's national health service salaries that will be higher than those south of the border, to give Scotland the competitive advantage that we require to attract skilled personnel to our national health service in

Scotland?

The First Minister: I am pleased to see that Mr Swinney shows his true colours by not even welcoming the fact that the Scottish health service budget will increase by 50 per cent in the next five years.

On Mr Swinney's final point, I do not agree that we should break up the NHS and the staffing arrangements that exist across the United Kingdom. Those arrangements directly benefit Scotland as well as the other regions of the United Kingdom and allow us to employ far more nurses, far more doctors and far more other health professionals than elsewhere in the United Kingdom—and quite rightly, because of the health needs that I identified.

Mr Swinney made a point about the so-called penny for Scotland. The penny for Scotland would have raised a pittance in comparison with the amount of money that was announced yesterday and today for the health service in Scotland. The penny for Scotland would have taxed pensioners in Scotland; the chancellor's budget does not do that for this health spending. The penny for Scotland would have taxed Scots, rather than the whole of the United Kingdom, to provide us with this money. The Scottish nationalist party wants to tax Scots more and spend less on health in Scotland. We want to ensure that the taxation regime is fair, and that the health service benefits in the same way across the whole of the United Kingdom.

David McLetchie (Lothians) (Con): I repeat Mr Swinney's thanks to the First Minister for an advance copy of the First Minister's statement, although as it arrived only eight minutes in advance, I have had to become adept at speed reading.

I have a couple of questions on the statement. First, given the brief nature of this presentation, can the First Minister assure us that other ministers will come forth and give further details of the breakdowns and allocations to their departments, once the totals have been set? It is interesting that we heard a little bit in the statement—apart from health—about what the Minister for Enterprise, Transport and Lifelong Learning is about to do with her money, but very little about anybody else. We would be particularly interested to know what will happen to the education budget, and whether direct payments will be made to schools in Scotland on the scale that the chancellor indicated will be paid to schools south of the border, as part of the capital improvement programme.

On health, which was the main thrust of the statement, why does the First Minister repeatedly confine his horizons to comparisons between

ourselves and the situation south of the border? We know already, and have known for 20-odd years, that more is spent per capita on health in Scotland than in England and Wales. That was the case under the Conservative Government, and it is no different now.

Should not Mr Kerr set for his ministerial colleagues the challenge not only of having bragging rights in the United Kingdom, but of delivering a health service that is among the best in Europe? We should set ourselves that target. The present level of spending is already comparable with spending levels in European countries, yet our service standards are acknowledged to be poorer. Instead of being obsessed by what is happening in England, why do not we consider examples from abroad and find out what fundamental reform should accompany the extra spending to deliver the service standards that people have a right to expect in this country, which should be among the best in Europe, not just the United Kingdom?

The First Minister: I hope that Mr McLetchie will not continue the programme of running down the health service to which the Conservatives' UK health spokesperson, Mr Liam Fox, recently admitted. I hope that he will not employ the tactic that has been used elsewhere of running down the health service to discredit it, thereby ensuring that it can be further privatised or that new charges can be introduced.

It is right and proper that there is additional spending on the health service in Scotland compared with elsewhere in the United Kingdom. That reflects our geography, our demography and our long-standing health service challenges. It is also right that we compare like with like. That is why the information to which I referred in my statement is important. We must have accurate information about what we are spending the money on and the impact that the money is having.

When we make comparisons with Europe, we must remember that, in the same way as there are differences between Scotland's geography, demography and other aspects and those of other parts of the UK, there are differences within other European countries. The Scottish health service has met a series of targets, including those on waiting times, the numbers of nurses and doctors, the provision of facilities and the localisation of facilities. We can be proud of that, but we must ensure that those targets are much better.

That is why the programme of reform is important. The successful programme of reform that Malcolm Chisholm has implemented since the new year has involved initiatives such as the national waiting times unit, which has allowed hundreds of patients throughout Scotland who

would not have been treated to receive treatment, and the ambulance service reforms that were announced on Tuesday, which will secure a modernised ambulance service. Those reforms are long overdue and have been supported by members of all parties. Such reforms must be pursued. We will ensure that those reforms proceed, to allow us to have the best health service in Europe. I agree with that aim and I intend to see that through.

Mr McLetchie's first question was about education. The chancellor did not announce new money for education in Scotland. In his budget speech, he referred to funding from the coming year's allocation to the Department for Education and Skills. Therefore, it should not be expected that announcements that have been made in Scotland will be repeated. We are not in the business of double announcing or double counting.

Tavish Scott (Shetland) (LD): I welcome the announcement by the First Minister on additional funding. Will he reflect on the fact that during last year's election campaign, the SNP's penny for Scotland was not for health, but for fuel duties? Will he note that the Conservatives' policy is to vote against the budget and against more investment in health?

Will the First Minister confirm that 8.3 per cent of Scottish gross domestic product is spent on health and that that figure will rise because of his announcement? Investment in the modernisation and reform of the NHS, including the improvements in our national health plan, is crucial. Some people in Scotland still wait too long for hospital treatment and some people are still bedblocked. Will the First Minister ensure that the Minister for Health and Community Care's proposals show every man, woman and child in this nation how the improvements that the funds bring will provide a demonstrable return for the people of Scotland?

The First Minister: I am determined to provide that demonstrable return. I agree that the Opposition may be reluctant to praise the additional allocation because it feels a bit guilty about comments that it has made in the past.

The relationship between health spending and GDP will depend on Scotland's future GDP. We want that GDP to rise in addition to health spending. Given the substantial allocations that were outlined in the budget and in the allocations that we made today, I would be surprised if the percentage that is allocated to health did not rise, at least in the short term.

I agree entirely with Tavish Scott and I am sure that many members also agree. The issue should not be a party-political point. We must remember

that, despite the historically high level of spending on health in Scotland and despite Scotland's efficient public health service, which has been supported by parties of different colours over the years, we have a shocking record on cancer rates, heart disease and other diseases and problems. That record is due largely to our lifestyles and some of the industrial conditions in Scotland in the 20th century. Those matters must be tackled in a range of ways, not only with faster operations, but with changes in lifestyle and campaigns for health improvements. By using both those means, we will really make a difference in Scotland in the future.

Cathie Craigie (Cumbernauld and Kilsyth (Lab)): I thank the First Minister for his statement and for his announcement of record investment and proposed reforms in the NHS. Tavish Scott mentioned the SNP's penny for Scotland. As far as I remember, that was elastic—it was not only for health or transport, but for everything. The SNP's front-bench spokespersons spent that money over and over again.

In the budget, the Chancellor of the Exchequer chose to focus on families, which I welcome. Will the First Minister assure me that the money will be used to tackle the problem of child poverty in Scotland and to work towards eradicating it?

The First Minister: Yes. The publication of figures last Thursday showed that child poverty remains our greatest challenge. The improvements in health that are required are moving forward through, for instance, breakfast clubs, lunch provisions, additional support for families, healthy eating programmes—

Tommy Sheridan (Glasgow) (SSP): What about free school meals?

The First Minister: It is easy to make cheap comments on this important issue. It is vital that young children in Scotland have the best possible start in life, which applies to their health as much as to other matters. That means improving the provision not only of breakfast clubs and healthy eating programmes, but of dental facilities for young children—on which our record is shocking—and of a number of other facilities. I want to ensure that that provision is developed as a priority. There is little point in our speeding up operations for today's adults if today's children replace them on the operation train. We must take the twin-track approach of speeding up operations, cutting waiting times and making hospitals and health centres more efficient, and, at the same time, ensuring that the health of the next generation is much better than ours.

Tommy Sheridan: I look forward to the First Minister giving more consideration to universal free, healthy and nutritious school meals.

Does the First Minister agree that it is

unfortunate that yesterday's budget repeats the protection-racket economics with which Gordon Brown and Tony Blair are involved? The budget robs Peter to pay Paul. If the upper earnings limit on national insurance contributions had been abolished and if 10p had been added to the tax of those who earn in excess of £50,000 a year and 20p for those who earn in excess of £100,000, according to Dawn Primarolo, that would have generated an extra £12 billion for the Exchequer. Would not it be better to put extra taxes on those who can afford to pay, rather than putting them on workers who are already overtaxed?

The First Minister: Under the proposals that were made yesterday, those who earn more will pay more, which is right and proper and a fair way to secure the contributions that are required. I do not think that people in Scotland or in the rest of the United Kingdom give up their wages to taxation easily and without reluctance. As I said in my statement, there is an absolute duty on the Parliament to ensure the maximum results for those people. It is right and proper that everyone who works in the United Kingdom makes a contribution, but it is also right and proper that we ensure that the money is not wasted and that it is used to make the maximum number of changes to, and the best improvements in, our national health service.

I do not want to go too far into reserved matters, but Mr Sheridan forgets that a number of changes were announced in yesterday's budget that will benefit hundreds of thousands of Scots. Those changes will secure a future for families and young children, both in work and out of work. The changes will mean increased income for those people every week, which will ensure that they benefit from this budget, as they have benefited from the budgets since 1997.

The Presiding Officer: It will be in order to return to this subject during the first three questions of First Minister's question time.

Points of Order

14:30

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer.

The Presiding Officer (Sir David Steel): This will take time out of question time.

Fiona Hyslop: This morning, I raised concerns about the timetabling of the statement. Under rule 13.2.2 of the standing orders, ministers can ask for urgent statements to be made. Having heard the statement, do you feel that there was anything in it that was of an urgent nature and that was not informed by Gordon Brown's statement yesterday? Was it not cover for a very uncomfortable privatisation of prisons debate this morning?

The Presiding Officer: As I have said, I shall reflect on what happened today. I take the matter seriously. I am not going to go beyond that at the moment. Let us get on with question time.

Ben Wallace (North-East Scotland) (Con): On a point of order, Presiding Officer. After question time, we are due to debate the social work strategy. We are asked to endorse the Government's new strategy, copies of which we were given only 10 minutes before the beginning of this afternoon's business. That is highly irregular. Should the minister refer to the strategy in the ensuing debate, I ask you to rule her out of order as it is highly unlikely that any parties other than those in the Executive will be able to contribute to a debate on it.

The Presiding Officer: The motion is in the business bulletin and down for debate later this afternoon. Anything that is said in pursuit of that motion or the amendments to it will be in order; anything outside that will not be in order.

Ben Wallace: With respect, Presiding Officer, the motion asks us to endorse a strategy that appeared only 10 minutes before the beginning of this afternoon's business. It is therefore improbable that we can endorse the strategy, which was mentioned on Tuesday but not revealed to us until today.

The Presiding Officer: I honestly do not know what the member is referring to. The phrase "the Executive's strategy" does not refer to any particular document. The motion has been in the business bulletin for some time.

Michael Russell (South of Scotland) (SNP): Further to the point of order, Presiding Officer. The motion specifically asks the chamber to endorse the strategy, which was made available to the

Opposition parties at 11 minutes to 2. There has been no opportunity for us to consider the strategy, let alone to endorse it. Lodging a motion in respect of a document that it has not been possible for us to consider is an insult to the chamber and to the people of Scotland. Would it not be wise to ask the Executive to withdraw its motion until we have had an opportunity to consider the strategy—or at least to read it?

The Presiding Officer: There is nothing in the standing orders to stop what has happened. The minister could announce the strategy in the course of her opening speech. The motion has been before members. If members were unhappy about not having enough information, they could have raised the matter much earlier.

Michael Russell: With the greatest respect, with reference to the point that Alex Neil made, I know that you are aware that the role of the Presiding Officer is to protect members and to ensure equality of treatment. Surely it is impossible for members to take part in a debate on a strategy that they have not had time to read. Would it not be protecting the chamber, members and the people of Scotland to persuade the Executive to withdraw the motion at least until we have read the strategy?

The Presiding Officer: That is a matter for the Executive. I remind you that the motion was lodged yesterday and that two parties have lodged amendments to it. Nobody raised an objection yesterday.

Stewart Stevenson (Banff and Buchan) (SNP): On a point of order, Presiding Officer. I draw your attention to rule 14.1.5 of our standing orders, which states:

"The Clerk shall ensure that notice of any report or other document laid before the Parliament is published in the Business Bulletin. The notice shall give the title of the report or document."

Has such notice been given via the business bulletin? The copy that I have does not contain any.

The Presiding Officer: This is not a document that is laid before the Parliament in terms of the standing orders. That is the problem.

I accept Mr Russell's point: my duty is to protect back benchers. But when a motion is lodged and parties lodge amendments to it, I must assume that members are content to have that motion debated.

Ben Wallace: Further to the point of order, Presiding Officer. Yesterday, I made strenuous efforts to contact the minister's office, which gave me assistance on the direction of the debate, but at no time did the officials or the minister's personal staff allude to the fact that a strategy

would be published. The Opposition parties therefore had to assume that the Executive was referring to the strategy in general. We were limited by the Parliament's standing orders to lodging amendments, otherwise we would have been ruled out of order. It seems that it is all right for us to follow the rules, but that the Executive gets away with not following the rules when it feels that that is appropriate.

The Scottish Conservatives would have backed the Executive if it had announced the strategy as a statement, which would have allowed us to ask questions and to follow that up with a debate, but the Executive is launching the strategy as a debate and asking us to endorse it when it has just been produced. I ask you to rule that that is out of order.

The Presiding Officer: Those are legitimate points that can be made in the debate. I can deal only with the motion, which is in order, and the two amendments to it, which are also in order. I can only operate within the standing orders. Nothing that has happened is outwith the standing orders.

Alex Neil (Central Scotland) (SNP): Under rule 8.1.2 of the standing orders, I move a motion without notice that we postpone this afternoon's debate until next week and use the hour and a half for proper scrutiny of the budget. It is clear that we have failed to have such scrutiny this afternoon. Members are being treated with contempt.

The Presiding Officer: I am afraid that the answer is that changes to the business must be in a business motion, which can come only from the Parliamentary Bureau.

Alex Neil: I think that we had this argument before Christmas, on individual learning accounts. I think that I won the argument and that I can move a motion without notice under rule 8.1.2 of the standing orders.

The Presiding Officer: Order. The standing orders make it clear that only the Parliamentary Bureau can move changes to the business. I must make my ruling according to the standing orders. We are holding up question time, so we will proceed.

Question Time

SCOTTISH EXECUTIVE

Return-to-learn Schemes

1. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive whether it has any plans to increase support to the return-to-learn schemes. (S1O-5015)

The Minister for Enterprise, Transport and Lifelong Learning (Ms Wendy Alexander): The Executive has given its support to a very successful return-to-learn scheme in the health service. The Minister for Education and Young People will have more to say about that scheme later this afternoon during the debate, which we have just been discussing, on the social care work force.

Marilyn Livingstone: Will the minister join me in congratulating the trade unions on their role in encouraging people who are the most disaffected from learning to return to learning? Will she look seriously at how the trade unions' role can be consolidated and expanded?

Ms Alexander: We recently received a survey by the Workers Educational Association on the success of the return-to-learn scheme. It shows that 80 per cent of those who have benefited are women and that 91 per cent of those who have benefited left school at 16 or before with no formal qualifications. In the light of that impressive evidence on the success of encouraging people to return to learn, I would like to consider requests for pilot funding for further projects in the return-to-learn scheme.

Tourism (Promotion)

2. Mr Duncan Hamilton (Highlands and Islands) (SNP): To ask the Scottish Executive what plans it has to promote tourism. (S1O-5022)

The Minister for Tourism, Culture and Sport (Mike Watson): Our "Tourism Framework for Action 2002:2005" document, which I published on 11 March 2002, provides a clear sense of direction and a way forward for the Scottish tourism industry. It also suggests further steps that can be taken, particularly by businesses, which will be supported by the public sector.

Mr Hamilton: The minister will know that the recent comparative figures for overseas visitors to Scotland and Ireland show a 14 per cent decrease for Scotland, but a 34 per cent increase for Ireland. The minister will also know of the crucial role of marketing in attracting visitors to Scotland. Can the minister tell us why the Irish marketing budget is larger than the entire VisitScotland

budget? Can he tell us why VisitScotland faces a 23 per cent decrease in its budget next year, which will be a drop from £37 million to £28 million? In the face of the foot-and-mouth crisis, 11 September, and the global downturn, is this not an opportune moment to reinstate that £10 million per annum and to use some of the money that was freed up by yesterday's budget?

Mike Watson: Given that he was nowhere to be seen when we debated the issue in the chamber three weeks ago, is interesting that Duncan Hamilton seems to have discovered tourism. Better late than never.

It is important to say that the money that is given to VisitScotland represents only part of the funding of tourism in Scotland; there are also contributions from Scottish Enterprise, local authorities, local enterprise companies and the national institutions, such as Historic Scotland. Spending on tourism must be seen in the round.

It is important to note that the money allocated to VisitScotland was considerably inflated last year because of the foot-and-mouth disease crisis and the events of 11 September. The money was allocated specifically to deal with the problems of that year and was spent mainly on marketing. I should point out that the amount of funding going to VisitScotland, quite apart from the money that comes from the other sources that I mentioned, has been on a continual upward trend.

The comparison with Ireland is a little false. There are a number of ways in which the Scottish tourism industry outperforms the Irish one. Simply saying that we should spend as much on marketing as the Irish do ignores the fact that there are significant differences between the two tourism sectors. The funding that we are giving to tourism is reflected in the effective start that the tourism industry has had this year. We will continue to monitor the situation to ensure that there is adequate funding to ensure that Scotland is sold effectively abroad.

Elaine Smith (Coatbridge and Chryston) (Lab): Has any consideration been given to exploring the idea of state-run hotels, along the lines of the Spanish paradors? That would allow itineraries to include non-traditional tourist facilities such as the excellent Summerlee heritage park in Coatbridge where can be found, among other things, the only working trams in Scotland.

Mike Watson: I am aware that the industrial museums and other visitor attractions that illustrate our industrial heritage are important to the way in which we sell Scotland and are popular with visitors from within and outwith Scotland.

I am not aware of the hotel model that Elaine Smith mentioned, but I would be happy to give serious consideration to suggestions from her.

Mr David Davidson (North-East Scotland) (Con): When will the public-private partnership contract for e-tourism be signed? Will the minister assure the chamber and the industry that, prior to that date, the full criteria and charges to tourism businesses for access to the website will be published?

Mike Watson: I expect the document to be signed in the near future—certainly within the next two weeks. I am keen that the website should come into being as soon as possible. If everything runs smoothly, it should be up and running by August 2002.

As many as possible of the complaints about the operation of the joint-venture project, which is basically about ensuring that more e-commerce is involved in Scottish tourism, have been dealt with through discussions with VisitScotland and the other partners in the project.

Accountancy Firms (Executive Contracts)

3. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive: how many accountancy firms have been employed to carry out work on its behalf; which firms have been so employed; how much has been paid to the firm which was employed most often; and how much has been paid in accountancy fees in total, all since May 1999. (S10-5024)

The Minister for Finance and Public Services (Mr Andy Kerr): The Executive does not keep a central record of the number and value of contracts placed by individual departments and agencies with particular suppliers. It is not, therefore, possible to provide details of all accountancy firms which have been employed.

Many firms involved in the provision of accountancy services also provide a range of other services to us, including financial advice and consultancy. While, as a matter of course, the Executive does not purchase accountancy services, it uses accountancy firms in other capacities. For example, since 1999, the Executive has contracted with each of the big five UK accounting firms. My answer of 14 February 2002 to question S1W-22582 provides details of that.

Tommy Sheridan: I would like to thank the minister for his answer but I thought it was pathetic, so I will not bother.

During this morning's discussion of the proposal to privatise Scotland's prisons, much store was laid in a report by PricewaterhouseCoopers. PricewaterhouseCoopers is based in Bermuda. It is based in Bermuda to allow it to avoid paying British taxes. New Labour members are obviously uncomfortable, as they are in bed with PricewaterhouseCoopers in their privatisation

programme. If the minister cannot tell us how much public money we are giving to accountancy firms, will he at least assure the chamber that no public money will be given to accountancy firms, such as PricewaterhouseCoopers, that dodge legitimate tax payments in this country?

Mr Kerr: It is pathetic that Tommy Sheridan should ask me, on behalf of the Scottish taxpayer, to go into our database of more than 70,000 suppliers to seek an answer to enable him to make a cheap political point. That is not the best use of the Scottish public's resources.

Perhaps Tommy Sheridan could do with the services of an accountant himself, as he would put pensions up to £150 per week, introduce a £7 minimum wage, increase all benefits by £25 a week, restore income support and housing benefit for students, replace our hospital building programme without public-private partnerships, cut public transport fares to 5p a mile and cancel all public housing debt. Perhaps Tommy Sheridan needs the services of a magician instead. Of course, his 2001 manifesto also mentioned

"a top quality integrated transport network capable of carrying passengers to any destination in Scotland in less than one hour."

He needs a magic carpet for that.

The services that the Scottish Executive takes from all sectors are procured through open, competitive tenders that are based on the track record of the organisations involved and provide full value to the Scottish taxpayer.

Andrew Wilson (Central Scotland) (SNP): Listening to the minister, I am sure that the people of Scotland regard him as good value for money. As the guardian of the people's finances, if he does not keep track of what has been spent in the name of the people of Scotland on which firms and where, what does he do for a living?

Mr Kerr: When I read my *Sunday Mail*, I do not consider Andrew Wilson good value, but that is another matter entirely. In an answer to Roseanna Cunningham dated 14 February 2002, I set out the money that we spent on the big five accountants, but that is not the question that Mr Sheridan asked.

Smoking (Under-16s)

4. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what assistance is currently being provided to chronic smokers aged under 16 years. (S10-5018)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The Scottish Executive is committed to tackling smoking, especially among our children and young people. Smoking cessation is a key priority for

investment under the health improvement fund and a number of NHS boards have established smoking cessation services specifically targeted at young people. In addition, to inform practice in this key area, youth smoking cessation schemes are being piloted throughout Scotland by the Health Education Board for Scotland and Action on Smoking and Health (Scotland).

Irene Oldfather: I welcome the initiatives that the minister has outlined. Is she aware that although many bus companies, including those that service schools, have adopted no-smoking policies, they do not enforce those policies? Does she agree that that sends out entirely the wrong message to young people and negates much of the good work that HEBS, local authorities and others are doing to educate young people about the dangers of smoking? Will she join me in a campaign to write to companies to ask them to put children's health before private profit and not just to adopt no-smoking policies, but to enforce them?

Mrs Mulligan: I believe strongly that edicts from the Scottish Executive health department or health boards are not the only way to tackle smoking among our young people. We all have a responsibility to set an example. I expect bus companies that carry school children to enforce their own regulations, but I also expect our educational establishments to get the message across.

Teachers

5. Michael Russell (South of Scotland) (SNP): To ask the Scottish Executive when it expects to meet the target for the provision of extra teachers in the classroom that is envisaged in the McCrone settlement. (S10-5016)

The Deputy Minister for Education and Young People (Nicol Stephen): The target date is August 2006.

Michael Russell: It will be rather difficult for the minister to meet that target date, considering the cut in teacher training over which his Executive is presiding.

I quote the First Minister, from when he was Minister for Education, Europe and External Affairs. In a reply in the chamber, he said:

"We are dramatically increasing the number of primary teachers who will be in the system in the next few years. That increase will require an increase in the number of students who train to become primary teachers."—[*Official Report*, 4 October 2001; c 3141.]

Is it not true that 177 primary teaching places have been lost in the coming year? How will it be possible to meet the target that the minister is talking about?

Nicol Stephen: It is important that we look at

the figures and the trend over the past few years. The total number of teachers being trained in Scotland back in 1998-99 was 2,011; the following year the figure was 2,253; in 2000-01, the figure was 2,379; last year it went up dramatically, to 2,818. This year, following the reductions to which Mike Russell referred, it will be 2,291.

The number is still higher than those for 1998-99 and 1999-2000, and it is only just below that for 2000-01. We are still on track to recruit the additional teachers who will be required due to the reduction in class contact time—that relates particularly to primary schools—and due to the winding-down scheme that will be introduced into Scotland's schools later this year.

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

Is the minister confident that the higher education institutions that provide training can competently continue to do so given the Scottish Executive's complete lack of clarity about what the budgetary provision for those institutions is?

Nicol Stephen: It is not true that there is a complete lack of clarity. The guidance that was issued was absolutely clear about the number of places that would be required. That led to some of the concerns that have been expressed. I repeat that we are still training a significant number of primary teachers.

Members should look at the figures for the postgraduate certificate in education, or PGCE. Back in 1998-99 and 1999-2000, we were training 210 and 265 people respectively. This year, following the reduction that I mentioned, we will be training 404. There is still a significant increase compared with the late 1990s and the early 2000s. It is important to have good communications and to get forewarning. I agree that there was not sufficiently early warning to the higher education institutions. We are meeting representatives of those institutions and others on 30 April to ensure that planning is more effective in the future.

Maureen Macmillan (Highlands and Islands) (Lab): I declare an interest: I am a member of the Educational Institute of Scotland.

I wish to ask a McCrone-related question: is the Executive monitoring the number of local authorities that have cut the teachers professional development programme, which is an integral part of the McCrone settlement? Will the Executive find out why that is happening and have the matter rectified as soon as possible?

Nicol Stephen: I have not heard about that and would be interested to find out more from Maureen Macmillan. If that is happening, I will try to take action on it.

A key part of the McCrone agreement is the introduction of continuing professional development for every teacher in Scotland. We want to ensure that significant steps forward are taken in that regard and I would be very concerned if there has been any regression.

HM Prison Kilmarnock (Inspector's Report)

6. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive when the latest report by the chief inspector of prisons into HM Prison Kilmarnock is due to be published. (S1O-5013)

I can tell the minister that the answer is in fact that it was published on Tuesday of this week.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I have quite a full answer, in fact. The chief inspector's intermediate inspection report on HM Prison Kilmarnock was distributed to the Scottish Prison Service and to the governor of the establishment on 2 and 3 April 2002, and to the Justice 1 Committee on Monday this week.

Alex Neil: Having read the report, does the minister realise that the privatised Kilmarnock prison is the most violent prison in Scotland? Is he aware that when I and the convener of the Justice 1 Committee visited the prison a month ago, there were 27 prisoners and only one warder in the metal workshop; that the closed-circuit television cameras do not see the whole of the workshops; and that a few days after our visit one prisoner nearly coshed another prisoner to death? CCTV cameras do not break up fights in prisons.

Is the minister also aware of—and what is he doing about—the fact that, as is shown in the chief inspector's report, the prison is understaffed by 13 officers? Officers at Kilmarnock are the lowest paid in Scotland and are looking after the highest-paid prisoners. Does not Clive Fairweather's report prove that privatisation of the prison service is a total disaster?

Mr Wallace: I do not accept the member's final statement. Alex Neil made a number of points. If I had not been aware of them before, I would be now, as he made them about four times during this morning's debate.

I do not accept that Kilmarnock is the most violent prison in the Scottish Prison Service. I refer the member to some of the key performance indicators that are measured at Kilmarnock as well as at prisons in the public sector—those relating to prisoner-on-prisoner assaults and prisoner-on-staff assaults. By any stretch of the imagination, such indicators are fair measures of the extent of violence in prison. In the year to 31 March 2002, there were fewer prisoner-on-prisoner key performance indicator—KPI—assaults in Kilmarnock than in Edinburgh, and the same

number as in Aberdeen, Barlinnie and Glenochil. Kilmarnock had two KPI prisoner-on-staff assaults, which is the same figure as for Cornton Vale and Shotts; six other establishments had one. Those are the most reliable figures for comparative purposes, as they are classified independently of the establishment.

I am aware of what the inspector said about vacancies. It should be noted that at the time of the inspection a number of people had been recruited and were completing basic training to fill the vacancies that were identified by the chief inspector.

Scottish Natural Heritage (Meetings)

7. Robin Harper (Lothians) (Green): To ask the Scottish Executive when the Minister for Environment and Rural Development last met the chief executive of Scottish Natural Heritage and what matters were discussed. (S1O-5023)

The Deputy Minister for Environment and Rural Development (Allan Wilson): Ministers do not routinely meet chief executives of sponsored bodies, but it would be normal for the chief executive of Scottish Natural Heritage to be present when we discuss issues with SNH's chairman and board. Ross Finnie and I met the chairman and chief executive designate of SNH on 13 March.

Robin Harper: I thank the minister for that slightly oblique answer. I believe that the minister never met the previous chief executive of SNH. I would be keen to know whether the minister intends to meet the new chief executive more frequently to progress action that would benefit Scotland's natural environment. Such action would include the decision on the trial reintroduction of the beaver to Scotland, which has been substantially delayed after years of development and consultation. It would also include the publication of a natural heritage bill, which last year the Executive promised would be introduced as soon as possible but which has yet to be laid before Parliament.

Allan Wilson: The member raises two very important issues that concentrate the mind of the Scottish Executive and about which we are in constant touch with Scottish Natural Heritage and its new chief executive, who came into post only on 1 April.

The beaver licence application is a complex and sensitive issue. As Robin Harper knows, it does not enjoy widespread support either locally or further afield. The decision that ministers take will have to balance the interests of landowners and land managers with the interests of those who propose the reintroduction of the European beaver.

I have often informed the chamber that we intend as soon as possible to introduce a nature conservation bill. We are involved in discussions with the relevant parties on that complex issue and I will publish proposals as soon as possible.

John Scott (Ayr) (Con): In his discussions with SNH, has the minister developed—or is he in the process of developing—plans for the creation of a marine national park in Scotland's coastal waters? If so, where would such a park be sited?

Allan Wilson: The House of Commons is currently debating a private member's bill on marine conservation. Here we consider marine conservation in the context of special areas of conservation. Development of a marine national park is not so well advanced that I can make announcements on it to members at this juncture. However, I am happy to engage in correspondence and/or dialogue with the member concerning our thinking on that issue.

Tavish Scott (Shetland) (LD): I would not hold it against the minister if he did not want routinely to meet Scottish Natural Heritage. Does he understand the real concerns that exist about the consultation process that Scottish Natural Heritage follows for nature designations? Does he accept that where socio-economic factors are not taken into account, such consultations create real uncertainties and concerns in local communities? Does he envisage a mechanism that would allow the Scottish Executive to introduce proposals for ensuring that such factors are taken into account in future?

Allan Wilson: Mr Scott is aware of my view on this issue, as we met this week to discuss it in relation to the proposed Sullom Voe special area of conservation.

As members know, we are restricted by a European directive in respect of what constitutes consultation. In advance of the designation of a site, consultation is restricted to scientific considerations. I believe that that causes a problem. It causes frustration among the consultees, because they genuinely wish to discuss social or economic considerations as part of the consultation process. As members know, I am considering how we can best ameliorate those frustrations locally.

We in the UK engage in consultation, unlike some of our European partners who simply designate without any public consultation process.

Imprisonment (110-day Rule)

8. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive whether it has any plans to amend the provisions of the rule of Scots law preventing imprisonment before trial for more than 110 days. (S1O-5007)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): We have no present plans to do so.

Bill Aitken: I find that answer reassuring. Is the Minister for Justice confident that the existing resources available to the Crown Office and Procurator Fiscal Service will preclude any change of mind in that position for the foreseeable future?

Mr Wallace: Mr Aitken is well aware that an announcement was made last month about the restructuring of the Crown Office and Procurator Fiscal Service. It was indicated at that time that resources would be put into the service.

It is widely acknowledged that the Crown Office and Procurator Fiscal Service have been performing exceptionally well under difficult circumstances. It is only fair to say that some of the problems that have been faced are a legacy from the time when Mr Aitken's party grossly underfunded the prosecution service over many years.

Roseanna Cunningham (Perth) (SNP): Whatever the minister has to do to ensure efficiency in the prosecution service, will he rule out categorically any departure from strict time limits to ensure that Scotland never goes down the road of open-ended remand, which in some European countries extends to years rather than months?

Mr Wallace: I give Roseanna Cunningham that assurance. There has been provision in Scots law since 1701 to ensure that persons are not kept in custody awaiting trial or serviced indictment for more than a limited period. We support the need for time limits on the length of time for which the state can hold an accused person in custody before trial. Indeed, that kind of development is increasingly acknowledged in other European countries because of the European convention on human rights.

Pauline McNeill (Glasgow Kelvin) (Lab): Does the minister consider that with the correct staffing levels in the Procurator Fiscal Service there would be less focus on the 110-day rule? In reality, the Crown has approximately 80 days to prepare the prosecution case to allow the indictment to be served. That is quite a short period and in general the Procurator Fiscal Service has done very well over the years to adhere to that deadline.

Further, does the minister agree that as crime becomes more complex and more forensic evidence may need to be available, we need constantly to review whether the Crown has the correct resources to meet the tight, but important, 110-day deadline?

Mr Wallace: The deployment of staff and decisions taken within the Crown Office are, quite

properly, and independently, matters for the Lord Advocate. I have already told Bill Aitken that resources are being made available to the Crown Office and Procurator Fiscal Service. As Pauline McNeill will know, I have asked Lord Bonomy to conduct a review of the efficiency of the High Court. He may make comments on time limits, but we await his report, which I think will be available some time in the summer, and will want to consider that. I make it clear that we would wish to have limits on the time for which persons can be remanded in custody awaiting trial.

Autism Awareness Year

9. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive what contribution it is making to autism awareness year 2002. (S10-5026)

The Deputy Minister for Health and Community Care (Hugh Henry): The Scottish Executive has taken action on a number of fronts relating to autism. We are contributing very significantly to the development of provision for children with autistic spectrum disorders through the innovation grants programme, and are taking forward improvements to services for people with autism through implementation of "The same as you?" Cathy Jamieson and I will be speaking at a conference on 21 May that will address recent developments in autism. The conference will also be used as a platform to launch the national service network, recommended by "The same as you?"

Mr Quinan: I thank the deputy minister very much for his reply. Does he agree that we have an opportunity in autism awareness year 2002 to create an integrated strategy in Scotland that would draw together health, education and social care provision? Does he agree that that opportunity should be taken at this time, so that we can create best practice that would be exported across Europe and the world? Does he agree that although we have many experts in this country, we miss the ability to give people a cradle-to-grave service and that we require to do so urgently?

Hugh Henry: In recent years, a number of improvements have been made to the delivery of services for people with autism, and it is clear that more improvements need to be made. I agree with Lloyd Quinan that there should be integration of health, education and other services. The Scottish Executive is doing that work, not just for people with autism but across every range of services. I will take the member's comments into account carefully. They will be fed into the discussions that Cathy Jamieson and I will hold in the coming months.

Hospitals (Opportunities)

10. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what opportunities currently exist in Scottish hospitals for newly qualified junior house officers. (S1O-5028)

The Minister for Health and Community Care (Malcolm Chisholm): There are 800 posts available at the pre-registration house officer grade—previously known as junior house officer—which is the period of training that immediately follows graduation.

Robert Brown: I thank the minister for his answer. Will he comment on a letter that I have received from a constituent whose daughter is completing her medical studies this year? She has been told that she cannot be allocated a position as a junior house officer specialising in general medicine anywhere in Scotland, as no placements are left, and that she will require to apply to a hospital in England. Will the minister give the chamber some indication of how many people might be in that position? Does he think that that situation is unsatisfactory, given the nation's need for more doctors and, in due course, consultants?

Malcolm Chisholm: The reality is that there is a significantly higher number of medical graduates this year than there were last year. However, we have created 40 additional posts at pre-registration house officer level as part of the extra 475 general junior doctor posts that we are in the process of creating. I will look into the details of Robert Brown's constituent's situation, if the member so wishes, but, in general, I am told that 46 posts and 33 students are unallocated.

Mary Scanlon (Highlands and Islands) (Con): Given the fact that the working time directive is being implemented for junior doctors, will they still have access to the training and experience that is necessary for their future career development and for patient safety?

Malcolm Chisholm: We must ensure that the training is available, and that issue had to be taken into account when we created the 40 extra posts. I am sure that Mary Scanlon welcomes not only the working time directive but the new deal for junior doctors. More progress has been made in reducing the hours of junior doctors in the past three years than in the previous 30 years. I am sure that we all agree that that is better for junior doctors, better for patients and better for the quality of care.

Dennis Canavan (Falkirk West): Will the minister ensure that the additional money that will be allocated to the national health service will be spent on employing more doctors and nurses in NHS hospitals, rather than on a private hospital in Clydebank that has already received millions of pounds of public money?

Malcolm Chisholm: We already employ more doctors and nurses in NHS hospitals. I am sure that we all welcome the fact that, as a result of the biggest sustained increases in health spending in Scotland ever, over a period of time we will be able to employ more doctors and nurses over and above those employed already in NHS hospitals.

Youth Disorder

11. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what action is being taken to tackle youth disorder issues. (S1O-5037)

The Minister for Education and Young People (Cathy Jamieson): The Scottish Executive is committed to reducing youth offending and building safer communities. In January of this year we launched the youth crime action programme, backed up by investment of £25.5 million over four years. That investment will improve the range, quality and availability of intensive community-based programmes for persistent young offenders.

Bill Butler: I thank the minister for her response. I am grateful for her reassurance that the establishment of safer communities remains a priority for the Executive.

Will the minister confirm that a proper balance will be maintained between the need to deal sympathetically with young children with problems within the children's panel system and the requirement to continue to deal with those who are charged with serious offences through the adult court system?

Cathy Jamieson: I am happy to give the member that reassurance. I restate a point that I have made previously in the chamber. The proposals to set up pilot programmes for 16 and 17-year-olds within the children's hearing system are designed to meet the needs of particular individuals. Despite what some members have persisted in trying to suggest, they are certainly not designed for cases that, rightly, should and will be dealt with in the adult courts.

First Minister's Question Time

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-1821)

The First Minister (Mr Jack McConnell): We will next meet on 29 April, when we will discuss the good partnership that we continue to have in improving public services in Scotland and the Scottish economy.

Mr Swinney: I remind the First Minister of what he said to me during question time on 28 February. He said:

"Mr Swinney might wish to reduce company taxation and increase personal taxation, but that is not the policy of the Labour party or of the partnership."—[*Official Report*, 28 February 2002; c 9849.]

In the light of the fact that the chancellor has reduced company taxation and increased personal taxation, what on earth is the stance of the First Minister?

The First Minister: If Mr Swinney's assertion were true, that would be an awkward question to answer, but his assertion is not true. If I remember rightly, the proposal that one of Mr Swinney's many economic spokespeople made that week was that in Scotland we should reduce company taxation and increase personal taxation, which his party has supported for so long. A very small amount of money would have been raised by that proposal, but Mr Swinney clearly treasures it.

In the budget that I welcomed an hour ago, a position was announced whereby national insurance contributions will not simply be increased, but changes in allowances, benefits and other matters that secure benefits for the vast majority of Scottish working families will be made. That positive step, which will make a real difference, was not part of Mr Swinney's plans, which we discussed on 28 February.

Mr Swinney will note that the contributions towards our national health service will also come from companies. It is right and proper that companies and individuals should be asked to make that small contribution, because that is the means by which we will achieve a step change in expenditure on the NHS.

Mr Swinney: There was so much wriggling in that answer that I thought the old First Minister had come back.

I return the First Minister to the statement that he made a few moments ago. One of the reasons for the chronic shortage of staff in the NHS is that

we do not pay high enough salaries to the staff we already have and, as a result, cannot attract the numbers of staff we require to fill the vacancies that exist. I will give the First Minister a couple of examples.

Four months after the resignations of consultants from the Beatson oncology centre, all the vacancies have still not been filled. The recent report into cancer by the Clinical Standards Board for Scotland highlights shortages of surgical and oncology staff and of specialist nurses in every single area of Scotland. Will the First Minister learn the lesson of the past five years, that one cannot rebuild the NHS without the consultants, the doctors and the nurses who are essential to that rebuilding process? Will he take this second opportunity to give a commitment in Parliament that the salaries of NHS staff, especially nurses, will be increased? Furthermore, will he indicate that he is prepared to offer staff in Scotland a higher remuneration package to give us a competitive advantage to win the staff we need to rebuild the health service in Scotland?

The First Minister: Last night in Perth, somebody said to me, "What is the difference between John Swinney and a car battery? A car battery has a positive side to it." We get negative statements from John Swinney every single week. Today we have announced a 50 per cent increase in the health budget in Scotland, which will take the Scottish health service to even greater levels of improvement, over and above those that apply to our colleagues elsewhere in the United Kingdom. Those improvements relate to waiting times, as I mentioned earlier, and to staff.

When the SNP first proposed having rates of pay in Scotland that are different from those in the rest of the UK, the proposal was rubbished by every nurses' organisation. It was pointed out that the type of competition that would be created would be damaging for the NHS and for nurses and would lead to an escalation of pay levels north and south of the border. There would be no guarantee that Scotland would win in such a situation. The proposal is daft and does not do Mr Swinney or his party any good at all.

We need to do the things that we are already acting on. Malcolm Chisholm has acted to get the extra staff for the Beatson who were so desperately needed. They are now being recruited in Glasgow and elsewhere. We must ensure that we are able to enjoy the Scottish health service's substantially higher levels of nurses and doctors for a long time to come.

Mr Swinney: There we have it: a crystal-clear statement of Government policy that it is daft to pay nurses more money. What an absolutely ridiculous statement for the First Minister to make. However, that is what the First Minister has told

Parliament today.

The First Minister knows that the problem in the health service is that we cannot recruit enough staff to deal with the demands of patients. We know the problem, we know the solution and we now have the money to get on with solving it. Why will the First Minister not deliver a proper solution to Scottish requirements? Why does he not follow the chancellor, recognise the strength of SNP policy and implement another SNP initiative?

The First Minister: It was not I but Scotland's nurses who said that the SNP proposal was daft. This morning, was there a nurse anywhere in Scotland who criticised the increase in the health service budget? They are all saying, "Good. That is what we have been needing, wanting and demanding for so long." That is why our Cabinet met at lunch time today to commit us to that extra spending right away.

When I have visited general practitioner clinics, out-patient clinics, wards and hospitals across Scotland, the staff have told me that more money is needed for investment in staff, buildings and equipment. We need more money to improve staff morale and to provide for health improvement campaigns. In all those areas, we are now about to deliver the most substantial increase in Scottish health spending that has ever been delivered. For once in his life, Mr Swinney should welcome that increase—along with the nurses of Scotland—instead of condemning it. [*Applause.*]

David McLetchie (Lothians) (Con): I thank members for that warm welcome.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-1819)

The First Minister (Mr Jack McConnell): At the risk of sounding evasive, let me say that I will meet the Prime Minister the next time that I have an available opportunity.

David McLetchie: It is very good of Mr McConnell to squeeze him into his diary. I am sure that the Prime Minister will appreciate that response.

When the First Minister finally gets round to sparing the Prime Minister 10 minutes of his valuable time, he might discuss the implications of yesterday's budget, to which he referred earlier. The chancellor's freeze on personal allowances and increase in national insurance contributions amount to a tax on ordinary families—as Gordon Brown himself described it in 1996—and a tax on jobs. Will the First Minister commission a report from his chief economic adviser on the effect that

the budget will have on the Scottish economy and on sectors such as the North sea industry, which have been singled out for special attention by the chancellor?

Is there not a real danger that the increased taxes on businesses, individuals and important contributors to our economy such as the North sea sector will lead to higher unemployment, lower growth and lower tax revenues, which will mean that even higher taxes are needed to meet the spending commitments that have been announced? Surely we should avoid at all costs that kind of vicious circle if we are to have sustainable development in our economy and public services.

The First Minister: We commission reports all the time on the implications for the Scottish economy of significant matters such as the budget. We will continue to monitor the progress of the Scottish economy, the decisions of the UK Government and the impact of our own decisions. I believe that, on balance, yesterday's budget will be good for Scottish business. The reforms will reduce bureaucracy and liberate small firms from some of the form filling and bureaucracy to which I admit Governments of different political colours have subjected them. Those are important reforms that are long overdue.

It is absolutely right and proper that the sector of the Scottish economy that is consistently making the highest profits in industry is now making an extra contribution over the next period towards the public services that we know we need; and it is absolutely right and proper that the budget extended and improved grants for research and development and capital allowances to encourage investment. The budget also introduced a range of other measures, all of which will be good for Scottish business. We need to take opportunities rather than criticise them.

David McLetchie: I want to ask the First Minister about how money is to be spent. The health service figured largely in his earlier statement, but does the First Minister agree that all the extra money will make very little difference if it is not accompanied by meaningful reforms—reforms that are greater than those seen from the Executive over the past three years? Those reforms have focused on delivering an increasingly centralised and politicised NHS, which is failing people and not giving them the improvements that they are entitled to expect. Waiting lists are longer, waiting times are longer and more beds are being blocked, exacerbating the problem.

Indeed, as we have been sitting here this afternoon, the Church of Scotland, which is one of the largest providers of care for the elderly, has announced the closure of eight day centres and

care homes. That is the reality of people's experience under Labour's programmes of reform. Why should we believe that more of the same approach will produce any better results than those seen to date?

The First Minister: On that final point, I would point out that, in a statement today, the Church of Scotland said that the Executive was to be commended for its input to the efforts to resolve difficulties in care homes in Scotland. The Church of Scotland has praised us as the first Administration for a very long time to take the matter seriously. The closure of a very small number of its homes is very regrettable. It is a decision that the church has had to take and one that we will no doubt want to discuss with the church in due course.

On the general point on the reform and modernisation of the health service, I do not think that I could have made our position more crystal-clear in my earlier statement. The reforms that have already been pursued, even just this year, in setting up the national waiting times unit; in delivering operations for people in Scotland who would not otherwise have had them; in extending, as I announced this afternoon, the work of having a national database of waiting times so that GPs and patients can go straight to the relevant information and quickly get the appointments that they need; and in the reforms to the Scottish Ambulance Service, announced this week, that will lead to long-overdue improvements in the service so that it can deal with emergencies properly and offer a more efficient service across the board—all those reforms, and many more to come, will make a difference in our health service.

I seriously object to the fact that this week we have seen Tories who represent English constituencies in the House of Commons wandering around the greens of London criticising the Scottish health service. Jacqui Lait said yesterday that the Scottish health service delivers a poorer service than the service in England. In Scotland, waiting lists are 1,578; in England, they are 2,091. In Scotland, there are 144.9 operations per 1,000 of population; in England, the figure is 130.5. A series of measures show that the Scottish health service is delivering for Scots. The only reason that Jacqui Lait and members of the Conservative party in this Parliament regularly criticise the health service is to run it down and ensure that it is replaced by something else.

Tory members may rubbish that comment, but Liam Fox, the Conservative spokesperson, says that the first phase of their campaign is to show that the NHS is not working and the second is to show that it cannot work and will not work. The Conservatives do not want the national health service to work. We do, and we will now deliver.

Budget

3. Bill Butler (Glasgow Anniesland) (Lab): To ask the First Minister what benefit will accrue to Scotland from the Chancellor of the Exchequer's budget. (S1F-1829)

The First Minister (Mr Jack McConnell): After the statement and the questions that we had earlier, it may be best to say, "Lots." As I said earlier, the chancellor's statement will benefit business, the health service, older people, children, families and people in and out of work in Scotland. For those reasons it is to be praised. We have to use the opportunities that it offers to build a better society.

Bill Butler: I take this opportunity to say that the coalition side of this chamber is delighted with the chancellor's redistributionist approach and the positive consequences that will flow from it towards the NHS, towards better public services and to the drive towards full employment.

Will the First Minister take this opportunity to confirm that the chancellor's proposals for the child tax credit will do much to close the income gap for thousands of families in constituencies throughout Scotland, including Anniesland? Will he further take the opportunity to condemn the response of the Tories, which lays bare their ultimate aim, which is to privatise the NHS? Finally, will he take the opportunity to comment on the SNP's routine response to good news: to gurn, greet and groan, and to provide no costed alternatives?

The First Minister: The child tax credit and several measures that were announced yesterday will make a significant difference, not just to individual constituencies—although I know that members will be concerned about that—but to the Parliament's commitment and the Executive's work towards tackling child poverty. Yesterday, the Child Poverty Action Group said that the creation of the child tax credit was brave, positive and showed a clear commitment to tackling child poverty. That is a good endorsement. The credit will benefit 450,000 Scottish families and it is long overdue.

Nicola Sturgeon (Glasgow) (SNP): Will the First Minister confirm how much taxpayers' cash, whether from the chancellor's budget or from elsewhere within the Scottish Executive budget, will be used to purchase the HCI private hospital in Clydebank? Will the First Minister tell us what the Scottish Executive's plans are for that hospital? Will he explain why, if the Scottish Executive now needs a private hospital to tackle undercapacity in the NHS, it has pursued a policy of deliberately cutting acute beds in the NHS by 650 over the past three years?

The First Minister: The final point is a gross distortion and flies in the face of the demand that is regularly made in the chamber that we ensure that we modernise our health service. It is vital that we move the situation in Scotland so that people are no longer treated overnight in hospital beds, but are treated in their own locality, in out-patient and GP clinics. We must merge the duties of doctors and nurses in a flexible and modern way and ensure that people are treated more quickly in their own locality. That is the strategy of the health service in Scotland. It will modernise the service and put patients first.

For national newspapers to say, under banners on their editorial pages that use words such as honesty, that the Executive would ever countenance spending hundreds of millions of pounds on a building in Clydebank for the health service is completely untrue and irresponsible. We have said all along that we will maximise the use of health facilities in Scotland, in the private and public sectors, for the benefit of our NHS patients. That will not involve spending hundreds of millions of pounds on the HCI hospital in Clydebank. That is a silly and irresponsible proposal. However, we are in discussion with HCI and others about how best to maximise the use of that facility and others. We will consider all options in securing the best health service for Scottish patients.

Longannet Coal Mine (Closure)

4. Bruce Crawford: To ask the First Minister what support the Scottish Executive intends to make available to the workers and communities affected by the closure of the Longannet deep coal mine. (S1F-1811)

The First Minister (Mr Jack McConnell): I would like to express my deep sympathy for those most affected by the decision, some of whom I know very well, having worked in the Tullibody area for many years. Tullibody is an ex-coal mining area that lost its mines long before today.

The closure of Longannet coal mine was deeply disappointing. Our priority now is to assist those facing redundancy. We have arranged for a rapid response team to be put in place, led by Scottish Enterprise Fife, with the participation of other relevant national and local bodies. This team will urgently address the needs of those individuals and businesses affected by the closure.

Bruce Crawford: I thank the First Minister for that useful answer. I am sure that he agrees that it is a tragedy that such an important asset was lost to the nation.

Will the First Minister tell me what further support will be provided to the 120 men who lost their jobs last year? Will he confirm that he is aware that the mine closed under a cloud of heavy

suspicion? Last year the mine lost an important face, following a roof fall, and more recently suffered a catastrophic flooding, both of which caused miners extreme concern and suspicion, particularly given that the company was already in deep financial trouble. Because of the level of concern and suspicion, does the First Minister support the miners' call for a full public inquiry to reveal the truth about how the tragedy was allowed to happen?

The First Minister: The immediate priority is to deal with the people concerned. That is why Wendy Alexander met with those most directly involved last week in her capacity as Minister for Enterprise, Transport and Lifelong Learning.

It is critically important that we move on behalf of those people and their families and that we ensure that the right support is in place to secure long-term jobs and opportunities, not least for the modern apprentices who were employed at the mine. They might now be worrying about their future. We have already had discussions with Scottish Enterprise Fife to secure new opportunities for them after the summer when they complete the first stage of their courses.

Scott Barrie (Dunfermline West) (Lab): I thank the Minister for Enterprise, Transport and Lifelong Learning for the meeting she held in Glasgow last Wednesday. That brought together representatives from her department, the National Union of Mineworkers, the Convention of Scottish Local Authorities and Scottish Enterprise Fife to discuss the ramifications of the closure of Longannet. The meeting was constructive.

As the First Minister indicated, one of the main concerns is not only the 500 men who were made redundant but the apprentices who have now lost their employment. Those apprentices succeeded in getting there after taking a long and complicated path and were the crème de la crème, as described at that meeting in Glasgow. Will the First Minister assure me that those apprentices will secure appropriate placements with local employers and that they will be able to continue with their apprenticeships and secure their deserved completion?

The First Minister: As I have already indicated, I regard that as a priority. The apprentices were on the verge of a great opportunity. That opportunity has been taken from them with the closure of the mine. It is vitally important that local bodies secure new opportunities for them, as they have been instructed to do, by the summer.

Social Care Work Force (Development)

15:32

Stewart Stevenson (Banff and Buchan) (SNP): On a point of order, Presiding Officer. I return to the issue of the action plan for a social services work force. I gave you notice of my point of order in the past 15 minutes.

It appears that the action plan for a social services work force has been laid before Parliament, via the clerk, by a member of the Scottish Executive, as set out in rule 14.1.4. I note that paragraph 5 of that document makes an observation about £13.5 million additional funding. The document therefore contains outline proposals for public expenditure. Therefore, under rule 14.2, it cannot be considered.

I believe that the document also requires to be published under rule 14.3. Therefore, rule 14.1.5, which requires the document to be published in the business bulletin, applies. Do you so rule, Presiding Officer?

The Presiding Officer (Sir David Steel): The point is an important one. The member is incorrect. The document has not been laid with the clerks under standing orders. I have a letter from the minister explaining that the document was prepared by the department to help to inform today's debate. That is the answer to your point of order.

Stewart Stevenson *rose—*

Michael Russell (South of Scotland) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: I will take Mr Stevenson's point first.

Stewart Stevenson: On another point, and in light of that ruling—which I am happy to accept, Presiding Officer—were I to make a complaint to the Standards Committee and copy that to you under the code of conduct rule 10.2.1, would you consider that, under code of conduct rule 9.3.4, what has happened today is behaviour that interferes with the conduct of proceedings? The information is vital for the debate, but back-bench members of the Parliament have been given inadequate access to it.

The Presiding Officer: That standing order relates to bills, so we will leave it. However, if the member writes to me, I will consider whatever he writes to me about.

Michael Russell: Presiding Officer, there is a feeling in several parts of the chamber that we are inadequately prepared for the debate.

[Interruption.] I wonder whether it would be possible to speak without Mr Fitzpatrick behaving as if he were going to be thrown a fish like a performing seal—not a very good performing seal, or an underperforming seal, as Mr Hamilton has said.

There is a feeling across the chamber that we are not adequately prepared for the debate. In addition, Presiding Officer, the letter that you have just referred to indicates something incredible. Would you permit me, under rule 8.15.1, to move a motion for the adjournment of the debate, on the grounds that we have not had an opportunity to consider the document that is the subject of the debate? That would require a motion without notice to be accepted by you.

The Presiding Officer: I am quite happy to allow you to speak to such a motion for three minutes. I will then invite the Minister for Education and Young People to reply for three minutes, and then we will have to come to a view. On you go.

Michael Russell: So you are prepared to accept a motion without notice and a debate on the motion.

The Presiding Officer: Yes.

Michael Russell: Thank you.

The case has been made several times this afternoon, but let me repeat it again. The motion before us this afternoon says clearly that we are considering a strategy from the Executive on social care work force development. The motion states that the Parliament "endorses the Executive's strategy". The document that contains that strategy was not notified to any of us in the chamber—certainly not those of us on the Opposition benches—until 10 to 2 this afternoon, when the document in photocopied format was delivered to my office and, I think, Mary Scanlon's office.

Mary Scanlon (Highlands and Islands) (Con) *indicated agreement.*

Michael Russell: That was 10 minutes before the meeting began in the chamber. It was impossible to distribute the document to other members. Indeed, given the terms regarding access to documents under which the business managers operate, its distribution to members would be discouraged. As a result, unless members have had an opportunity to get the document from elsewhere, they are going into a debate at half-past 3 this afternoon to endorse a strategy that they have not seen. That strategy may or not be good, but it is not possible for the chamber to debate it sensibly. I say to the minister that it would be courteous to withdraw the debate to allow us to consider the document and debate it later.

The amendments to the motion were lodged on the basis of what we knew had been said by the Executive over many months. We were unaware that there was something else to be said. If it was said in the debate, that would be fine. If there was a news release, well, we are used to government by news release. However, there is a document that is meant to be the subject of the debate, which we have not been able to consider. That is not democratic. It is not what Scotland expected from the Parliament. It is contrary to the consultative steering group principles. I ask the chamber to make sure that the debate does not happen.

I move,

That, under Rule 8.15.1, the debate on motion S1M-2994 be adjourned.

The Presiding Officer: I invite the Minister for Education and Young People to explain exactly what did happen, rather than write to me.

The Minister for Education and Young People (Cathy Jamieson): I am perfectly happy to respond to those points. It is unfortunate that the Opposition parties are choosing to try to stop a very important debate. Frankly, the social care work force will not thank them for that.

The matter simply is this: as Mike Russell said, a number of references to issues in the debate have already been made in other documents. As a courtesy, I put together information that I was due to announce in the debate this afternoon and made it available in advance to the Opposition party spokespersons. This afternoon, in response to points of order, I delivered a letter to the Presiding Officer outlining the fact that the information was made available an hour and a half in advance. A copy of the information has been placed in the Scottish Parliament information centre.

Ben Wallace (North-East Scotland) (Con): Rubbish.

Cathy Jamieson: Ben Wallace says that that is rubbish, but the information was made available an hour and a half in advance of the debate. Frankly, if the political parties' spokespersons could not get that information to their members, that is not my problem. The information was made available in advance as a courtesy to assist the debate this afternoon. As Mike Russell indicated, it would have been perfectly in order for me to come to the chamber this afternoon and make the announcements during the debate. I took the decision to assist the process by making the information available to the Opposition parties' spokespersons. I trust that that is entirely in order.

The Presiding Officer: Absolutely. The minister has confirmed what I said, which was that the document is not a document that is laid before

Parliament under the standing orders.

The question is, that the motion to adjourn the debate be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. I will allow two minutes for this division, because members may be elsewhere.

The Minister for Parliamentary Business (Patricia Ferguson) rose—

Mr Tom McCabe (Hamilton South) (Lab): On a point of order.

Ben Wallace: Call the division.

The Presiding Officer: Order. I cannot take a point of order during a division, so it will have to wait. The clock is running. I will allow two minutes for the division, rather than the usual 30 seconds.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (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)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (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)
 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 47, Against 57, Abstentions 0.

Motion disagreed to.

The Presiding Officer: I have much pleasure in asking Cathy Jamieson to open the debate. We have lost time already.

Donald Gorrie (Central Scotland) (LD): On a

point of order, Presiding Officer. You did not rule clearly. Are we invited to vote on the motion or on the document?

The Presiding Officer: Members are invited to vote on the motion. As I have made clear, the motion for debate has been lodged and I have selected two amendments to it. I do not really understand what all the fuss was about, in view of the minister's explanation.

Donald Gorrie: The document has been lodged—

The Presiding Officer: The minister made the document available to assist the debate. The motion and the amendments are entirely in order and we are about to debate them.

Donald Gorrie: Am I correct that the debate does not endorse the document?

The Presiding Officer: The debate is about the motion in the business bulletin, which everybody can read.

15:43

The Minister for Education and Young People (Cathy Jamieson): I thank the Presiding Officer for his patience, tolerance and perseverance.

The Presiding Officer: They have been sorely stretched.

Cathy Jamieson: I am delighted to speak in this important and long-awaited debate on the social care work force and its future. Many people who work in social work and social care will read the debate and look for whether we restate our commitment to, and valuing of, the work that they do.

Most members will know that the subject is close to my heart. I know that many members share my view that good-quality social services are a mark of a decent and caring society. The values and principles of social work are in line with the Executive's commitments to closing the gap and promoting social justice.

The social care work force delivers vital services for older people, children, families, vulnerable adults and people who have disabilities. It contributes to better community safety through work with offenders and in youth justice and provides services daily on which any of us might have to depend at one time or another. I give the clear message that we recognise and commend the excellence of the work that is being undertaken in Scotland in local authorities, the voluntary sector and the independent sector.

We know that the jobs of social services staff are often difficult and demanding. In recent years, those tasks and roles have become more

complex, but the staff's work is often, if not always, unrecognised or taken for granted. The successes of social services staff generally go unnoticed. When a looked-after child is well cared for and succeeds in his or her education, there is no news story. When a child who is at risk is protected—in many cases, lives are literally saved—and his or her development is ensured for the future, there is no news story. When an older person is helped by a creative package of care that allows them stay at home instead of having to move, there is no news story. When a young person is diverted from offending, there is no news story.

All too often, we hear about social services only when things go wrong. We must correct the balance of public perception. Although it is right that we seek to learn from errors and poor practice, the good-news stories must be better told and the complexities of social services must be better understood. We need to promote a better understanding of exactly what the work force does and how important it is. I am aware that workers in social services have at times felt that their efforts go unrecognised. The Executive does not and will not take the social services work force for granted. We value highly the work of all social services staff. We recognise that, despite the challenges, difficulties and frustrations of the work, social services can be a very rewarding career.

During the past 10 years, the number of social care staff in local authority social work departments has fallen from 35,900 to 34,200, although the overall size of the social care work force, as regulated by the new Scottish Social Services Council, has risen. During the same period, the number of social workers and senior social workers has risen by 20 per cent to 3,900. Despite a net increase of more than 100 social workers last year, there are a significant number of vacancies—estimated to be around 350 posts. There are also vacancies for home care workers—around 5 per cent of the total posts. Vacancy levels vary throughout Scotland. There are different reasons for that. In some areas, it might be because of pressure of work, while in other areas, the creation of new posts in the voluntary and specialised sectors has meant that basic grade posts remain vacant.

I am aware of the concerns about the difficulty of attracting staff into social services. I recognise the vital need to support the development of the work force and the need to work with employers on tackling the problems of staff recruitment and retention that arise in different areas. That is why I am launching today a new action plan for the social services work force.

I want to make it clear that the plan includes the actions that I will take immediately, as well as those that I will take in the next few weeks and

months. The plan is based on listening to social work and social care staff, the trade unions, professional organisations such as the Association of Directors of Social Work and the British Association of Social Workers, and local authorities. I thank the organisations that, during the past few weeks and months, have put forward information and helped to draw together the main points in the action plan.

Five key strategic aims underpin the plan. The first is to introduce more effective ways of recruiting and retaining staff. The second is to set in place a new social work honours degree qualification for front-line staff, which will be accessible to all those who have the relevant knowledge and skills. The third is to develop the role of the Scottish Social Services Council in regulating staff and their training. The fourth is to raise investment in learning and support for all front-line staff. The fifth is to negotiate, with an integrated approach to service delivery, the boundaries for the new sector skills councils.

Michael Russell: Will the minister give way?

Cathy Jamieson: No, I want to move on.

Ben Wallace: On a point of order, Presiding Officer. It has come to my attention that, contrary to what the minister said about providing the action plan in advance to assist the debate, other organisations were informed of the action plan well in advance, at the beginning of the day. That casts doubt on the letter that the minister sent to the Presiding Officer saying that the document was a plan to help to advise members. That is misleading. If outside organisations were shown the courtesy of being given an advance copy, why were we not?

The Deputy Presiding Officer (Mr George Reid): I have no knowledge of that at this point. Perhaps the minister will enlighten us.

Cathy Jamieson: I am happy to respond. No outside organisation was given a copy of the document. I have had discussions with organisations in the course of my work and in considering what we might do. It is worth recognising the fact that parties of all political persuasions have called for this kind of action over a long period. I hope that we can concentrate on delivering an action plan that will tackle the real problems for the front-line staff and deliver a better service for people.

Michael Russell: Will the minister give way?

Cathy Jamieson: I want to make progress. We have wasted enough time today.

A number of steps are needed to ensure that we have a social services work force that is equipped to meet these strategic aims and the needs of the most vulnerable people in our society now and in

the future. The problems of staff recruitment and morale in social services must be addressed. To do that, we must ensure that people in the work force are well equipped for the job that they are doing, that they are adequately supported in their day-to-day roles and that they are valued for the often difficult and challenging work that they do. I am putting immediate plans in place to set up a recruitment campaign to raise the profile of the important work that is done by social services staff and to attract more interest in that area of work as a rewarding and worthwhile career. The campaign will take a broad-based approach, emphasising the fact that opportunities exist for people with a range of experience and skills.

I am aware that there are concerns that recruitment and retention are particularly acute issues in children's and family services. The Executive is committed to providing an integrated approach to children's services and recognises that we need to plan properly for the longer-term development of that vital work force. Therefore, I am commissioning research into the labour market for children's services throughout Scotland.

To develop a competent and skilled work force to meet the challenges of providing social services in the 21st century, we will introduce a new honours degree qualification in social work. I intend to ensure that that will be accessible to all people with the relevant skills and knowledge and that it will provide a sound foundation on which specialist skills can be built.

Funding has also been allocated to develop return-to-learn courses for social care staff in conjunction with the Workers Educational Association. At the end of the last financial year, I allocated £3.5 million of additional funding for local authority social services staff training and support for front-line staff. I will shortly talk to the Association of Directors of Social Work to see what we can do to help it further in promoting employer investment in better support for front-line staff. We will seek to renew the funding that is made available to it to improve the situation.

From talking to people at the sharp end of social services, I know that leadership skills are important. We are therefore committed to providing training for social services managers to enable them to meet the challenges of leading and providing modern public services as well as supporting staff in delivering those vital services to our communities. Ministers throughout the Executive have an interest in that work and in ensuring that the action that we are taking—now and over the coming weeks—achieves the outcomes that we have set out in the action plan. Therefore, I have initiated new, joint ministerial meetings that will co-ordinate social services policy and performance reporting. Those meetings

will be crucial to the delivery of coherent, integrated policies.

I also announce today the creation of a new post within the social work services inspectorate, which will have responsibility for co-ordinating policies that affect social services throughout the Executive.

Michael Russell: There is one thing that I do not understand—of course, we have not been given enough information to understand it. Looking at the Executive's document, which we received about 15 seconds before the debate, I am struck by the fact that the minister is rushing at the situation, having done nothing since she came to office. Her predecessor did nothing when he was in office and his predecessor did nothing when he was in office. Indeed, the base document for the action plan was signed off by Donald Dewar as the Secretary of State for Scotland, in March 1999. This crisis has been allowed to happen and we are now hearing the usual platitudes from the Executive when it realises that it has been caught out.

Cathy Jamieson: I find that astonishing. It would have been easy for us to say that we would take time to review the strategy and would set up review groups. We do not need to do that. Mr Russell is right. We know where the problems are and what action must be taken to resolve them. I am taking that action today. I say to Mr Russell that my action will be welcomed by every social worker and social work manager, the professional organisations, the trade unions and social work education providers, who have been calling out for months for these actions. They will welcome the strategy.

I know that I am in my last minute, Presiding Officer, but I want to wind up.

We must remember that the debate is crucial for delivering better services to the people who depend on them. Therefore, to ensure that progress continues, I will set up two project delivery groups. They will not be review groups that will kick matters into the long grass. The two groups will work on the strategy to ensure that it delivers quickly. One group will focus on the recruitment and retention of the work force; the other will focus on the future of social work education at degree level and in vocational qualifications. I think that that action should be welcomed. I hope that, instead of carping and criticising, the Opposition parties will at least have the decency to join me in commending what the work force currently does and in looking to the future.

I move,

That the Parliament commends the work of the social services workforce in local authorities, in voluntary

organisations and in the private sector in providing vital services for older people, for children and their families and for people with disabilities and others, and in contributing to better community safety through work with offenders and in youth justice; notes the work already undertaken by the Executive to support the development of this workforce, and endorses the Executive's strategy and commitment to further work to secure a well trained workforce.

15:56

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

It is important never to forget that the social care work force plays a major role in providing the services that make and deliver positive improvements in the lives of many people. Indeed, the Executive has placed social work at the heart of the delivery of many of its key initiatives, such as free personal care, drug courts and new community schools. However, all that must be set against a backdrop of increasing and critical difficulties being experienced by social work departments in recruiting and retaining staff.

Social work is failing to attract the number and quality of entrants that are needed to provide a strong and sustainable work force. The enormous pressures that are faced daily by social workers have led many of them to leave the profession. Is any of that reflected in the minister's motion that is before us? No. Without acknowledgement that there is a big problem—indeed, a crisis—it is almost impossible for the minister to take the appropriate steps to deal with the problem.

The meat of the debate, however, is not contained in the Executive's motion, but in the announcements that have just been made and which were copied to us earlier today. The day before this important debate on social care work force development there were no details of a recruitment or training strategy and no policy paper was available for scrutiny. Having to respond with little prior notification does not allow a robust or informed debate on the relevant issues. I suspect that the profession—which is the minister's and mine—will be a bit disappointed that this crucial debate has been compromised in that way.

To remind us why we need more and better qualified social workers I point out that child poverty levels in Scotland are at 30 per cent; more than 11,000 children in Scotland are looked after by local authorities; and between 1995 and 2000 there was a 49 per cent rise in referrals to children's hearings. However, the crisis in staffing levels has led to unallocated cases and constant firefighting. Glasgow City Council, for example, reported that at least 300 of the 2,384 children whom it placed under supervision orders had not been allocated social workers.

Despite the need for increased front-line social services, the number of passes in the diploma in

social work has fallen since Labour came to power. Over the same five-year period, non-graduate passes have dropped by 21 per cent. There is a current drop of 50 per cent in Scotland in applications for diploma in social work courses. England and Wales are calling for more three-year degree courses in social work. However, the University of Edinburgh has been forced to close its degree course because of the sharp reduction in applicants.

Today's announcements about training are very welcome, but very delayed, as Mike Russell said. The minister will recognise the document that I hold in my hand; it is called "Aiming for Excellence" and was produced when both of us were working in social work. The document promised that there would be a policy paper on training for the profession.

Cathy Jamieson: I would like Irene McGugan to repeat her comment that the announcements today are welcome, which does not seem to be the view of her colleague, Mr Russell, and the rest of her colleagues who did not want to have the debate this afternoon.

Irene McGugan: The second clause of the sentence to which the minister refers was "but very delayed". It is important to remember that.

The fact is that the rest of the UK has long since announced its policy intentions and is progressing with its planning. In the meantime, Scotland has fallen seriously behind. That delay is what has held back the development of social work as a profession.

Much of the discussion about social work training has centred recently around the stage at which we should move from generic to specialist training. I share the view of the British Association of Social Workers and others that social work needs people who can think holistically and that specialism should take place later down the line, probably after the probationary year. We get no indication in the strategy document about what position the Executive and its partners have taken on that. However, great concern about the transferability of registration could be caused in other UK countries if we get out of general alignment in our training. That could prejudice Scottish social workers. We know that England, Wales and Northern Ireland have all decided to go for generic training at qualifying level.

Specialism at an early stage would create too inflexible a work force. Any changes that are made must deliver strong training at the qualifying level and specialism much later. The Executive's policies are all about integration and joint working, so why not introduce a broad-based approach to training that will ensure that people can work with teachers, nurses, doctors and others in a way that

means that, as confident professionals, we know how to work with each other? I hope that the new joint ministerial meetings—if that is the name for them—will take that on board.

Scott Barrie (Dunfermline West) (Lab): Does Irene McGugan agree that, in social work training—pre and post-qualification—the core skills and values of social work are often more important than knowledge of the differences that are built into the various specialisms? I always thought that one of the great things about social work in Scotland was the fact that we did probation work as part of our qualification as opposed to the situation south of the border, where probation was always seen as a separate entity.

Irene McGugan: I quite agree, but the strategy document gives no indication or any details of the way in which we might move towards the situation that Scott Barrie describes.

The time scale for putting the courses together is tight. The Association of Directors of Social Work has ascertained that, if universities do not know by June what the arrangements are, they are unlikely to be in a position to offer new courses in 2004. The timetable in the strategy document says that it might take nine months to agree recommendations to put together a new course. I hope that the minister will address that critical inconsistency. It should be noted that, whatever the case, it will be 2008 before the first of the new graduates start work.

The document mentions an allocation of £3.5 million to address some of the training pressures in the system. That is also welcome, but it is a drop in the ocean. It is wholly inadequate as a response to the scale of the problem.

As well as addressing the problems of training and recruitment, the minister must deliver a strategy that meaningfully addresses all the underlying difficulties, such as the public's perception of social work. Measures must be put in place to assist local authorities with the retention of their social work staff. Support for front-line staff must be increased through, for example, measures such as sabbaticals and flexible working. There is widespread support for a review of pay and conditions, but I see no mention of that in the strategy document. Those are the kinds of initiatives that will get people into the profession and help to keep them there. We need to be confident that those problems will be addressed. Restructuring alone will not solve staff-shortage problems or deal with the unmanageable work load and the lack of morale. The minister acknowledged the problem with morale but, given that it is a fundamental problem, I do not think that she acknowledged it as fully as she should have.

The debate and today's announcements are but a start. The Executive must address all the issues that surround the recruitment and retention of front-line social work staff with greater urgency and much greater detail and clarity than appear in the action plan.

I move amendment S1M-2994.1, to leave out from the second "the work" to end and insert:

"the steady decline over the last five years in applications to study social work; further notes that Edinburgh University is poised to scrap its social work degree; further notes that difficulties in recruiting social workers are expressed as a serious concern by the majority of local authorities in Scotland; regrets the absence of a recruitment campaign such as has been launched in other parts of the UK and deplores the lack of strategy which will address the poor public image of the profession, review the pay and conditions of social workers, increase flexibility in job opportunities to aid retention, develop positive initiatives to support front line staff or encourage secondment, and concludes that the Executive is merely posturing on this issue and neither acknowledging the crisis nor addressing the critical issues with real commitment."

The Deputy Presiding Officer: I call Ben Wallace. I hope to comment shortly on the papers with which you have now provided me.

16:05

Ben Wallace (North-East Scotland) (Con): I will give the minister one thing: the action plan is not a glossy document. It has not been leaked on "Scotland Today" and it has not appeared on our desk after having been sent all over Scotland—that is for sure. The trailed piece of paper, which came to us without the expected courtesy, as we mentioned earlier, is rather thin, weak and pathetic.

I wrote a five-page speech that I had thought would be a good contribution. I make it clear before we get into the debate that the Scottish Conservatives are supportive of social work. A lot can be done to improve social workers' pay and conditions, their qualifications and their future. Like many careers in the public sector, social work does not get the priority or profile that it deserves.

The content of the debate does not excuse the Executive's conduct. The minister seems to think that, because the debate is about social work, she can stand up and say, "How dare you criticise our conduct in the debate." The Conservatives would like to debate social work. We are happy to debate it for two hours, three hours or longer. We would have been happy to be fully involved in drawing up an action plan at an early stage. However, we will not come to the chamber on a Thursday afternoon when we had the budget yesterday to be patronised by a motion that is dangled before us on Monday night and an action plan that we do not get until 10 minutes before the debate. That shows contempt for the Parliament and for those in the

industry. If the minister wants to know why the debate is marred by such argument, I tell her that it is because of her actions, not ours. That is an insult to social workers.

Cathy Jamieson: Does Ben Wallace accept that it would have been perfectly in order for me to have come to the debate and made a number of announcements without giving notice? I gave notice as a matter of courtesy in order to assist the process. Ben Wallace should at least acknowledge that.

Ben Wallace: I will acknowledge that what the minister gave us was in fact a ministerial statement. We all know the rules of the game with a ministerial statement. The minister's speech was along the lines of a ministerial statement—it contained a number of new announcements. If the minister is not brave enough to make a ministerial statement, she should own up to that. We know how to deal with ministerial statements and we know how to deal with debates. The minister must make her mind up which she wants.

Cathy Jamieson *rose—*

Ben Wallace: I will not give way again. I am moving on to some of my points about social work, because I think that we owe it to social workers. It is clear from the letters that the Conservatives received in advance of the debate that there is pressure for a much wider, McCrone-type inquiry into social work. If such an open and transparent inquiry were carried out, that would be good for social work.

As in the health sector, many reports on best practice—on which we should have picked up earlier—have been published in England and Wales. The Department of Health's report on social work was extremely good. It ended up last October with the Secretary of State for Health announcing a big, high-profile advertising campaign to promote social work and careers in social work. There have since been 25,000 inquiries as a result of that initiative. It is a first-class initiative. It is a pity that we could not have learnt from it when it was launched in October or that the minister could not have met up with her counterpart and gone ahead with that initiative at the time. That is a wasted opportunity. I hope that we pick up on and implement that initiative.

One of the best things that has come out of the Executive since it began is the establishment of the Scottish Social Services Council and the Scottish Commission for the Regulation of Care. Those are extremely good steps and will do public opinion and confidence a lot of good. They will raise the profile of social work and go a long way to ensuring that social work is given its rightful place. I welcome that.

I have never been a social worker, but I worked

closely with social workers in the Army and the Soldiers, Sailors, Airmen and Families Association and I know the good that they do. The damaging press reports in which social work is blamed in a blanket way for negligence or other problems are unfair to a large employer and to a cause that does some good.

I intend to visit the Scottish Social Services Council and the Scottish Commission for the Regulation of Care. I went to the launch of the Scottish Commission for the Regulation of Care in the Scottish Parliament—it is a matter of regret that only two MSPs were there, although that is beside the point.

I ask the minister to take it into account that, during the bedding in of the council and of the commission, registration may impose a large financial burden on some sectors. For example, someone running a residential home will have to pay to register with the Scottish Commission for the Regulation of Care. I do not know whether a cost is involved in registration with the Scottish Social Services Council. That is a potential double burden, which I ask the minister to bear in mind.

We should consider social work as it is now, as it was designed under Harold Wilson in the Social Work Act 1968. I do not propose that we break the social work sector up, but social work seems to get blamed because all the specialties are not identified, and are labelled simply as social work. We could perhaps improve the profile of the specialties within social work or do some demarcation—I would use the word "branding" if this were a commercial context.

People take pride in their specialties—although I am not suggesting that the general foundation of what is learned in social work should be undermined. When people choose to go into child services, for example, better demarcation would allow them to take more pride in their work. The reputation of child services would not be tarnished every time something went wrong in community care if they did not always come under the common heading of social work. That is simply an idea—which members might think is a waste of time—but it illustrates the theme of belonging, and such demarcation might go some way to improve matters.

The Scottish Conservatives recognise the fact that a lot more work has to be done. I notice that there are some positive statistics on who is employed in social work. Eighty-five per cent of those working in social work are women. We could perhaps examine pay and conditions in order to help women in the sector more. I know that that would help with retention in child care, and I have heard of instances of companies where retention has been improved by a focus on pay and conditions.

Inevitably, the pay issue has been mentioned. I do not disagree that social workers are low paid. We have to remember that there are a lot of underpaid people in the public sector. For example, there is a lieutenant-colonel who commands a regiment. Given my background, I can confirm this. He is responsible for millions of pounds' worth of equipment and hundreds of soldiers' lives. He has given 18 years' service, and gets paid about £50,000. The director of social services of Fife Council is paid in excess of £75,000. We have to consider the situation across the board in the public sector.

At the lower end of the scale, a regimental sergeant major who has given 22 years' service gets paid less than £27,000. Those people have a lot of responsibility, and their work is just as noble as that of other people working in the public sector.

We welcome the fact that the Scottish Executive is talking about social work, but we want its arguments to be presented in adult way so that we can be involved, and so that the Parliament may be accorded the consideration that it deserves.

I move amendment S1M-2994.2, to leave out from second "the work" to end and insert:

"with concern the workforce's increasing difficulty in carrying out these tasks owing to poor levels of staffing, increased bureaucracy and additional demands on what was already an over-stretched workforce, and therefore calls upon the Scottish Executive to redouble its efforts to secure an appropriately staffed and trained social care workforce which is capable of carrying out its necessary functions."

The Deputy Presiding Officer: Before we move on, I will comment on the papers that Mr Ben Wallace has now provided to me. Members will recall that Mr Wallace claimed that advance notice of the background paper had been given to outside bodies. The Minister for Education and Young People replied that there had been no issue of papers. Both members would appear to be more or less correct. I have a paper in front of me from the British Association of Social Workers—BASW—dated yesterday. It contains the line:

"BASW welcomes the fact that there will be an announcement about the recruitment and retention of staff."

However, that might have been construed simply from the debate heading, "Social Care Workforce Development". I suggest that we leave the matter at this point and continue with the debate. If everyone is content with that I will call Margaret Smith.

16:14

Mrs Margaret Smith (Edinburgh West) (LD): I welcome the announcements made by the

minister today, but I feel unable to talk about them in any detail.

Two years ago, I highlighted the significant issue of violence against social workers, which contributes to problems in recruitment and retention. I highlighted that in a members' business debate, which contained some good contributions from across the chamber. I would appreciate an update from the minister on what progress has been made on the issue.

Over nearly three years as convener of the Health and Community Care Committee, which scrutinised the Community Care and Health (Scotland) Act 2002 and the Regulation of Care (Scotland) Act 2001, I have worked alongside people from the social work profession and from the care professions more generally. I hold those people in the highest possible esteem. That work force delivers care to 500,000 Scots across a range of ages and needs. It provides services for young people, for the elderly, for people with disabilities, for children with special needs, for offenders and for the families of those people. In what I am about to say, I mean them no disrespect.

I had intended to speak at my usual great length and with my usual lack of great oratory about the social care work force, particularly the role of the new Scottish Social Services Council. However, based on what has happened here today, I feel compelled to make known my views on the way in which this matter has been dealt with. Yesterday my party business manager and I made strenuous efforts to get to the bottom of what the minister would announce today and what would be discussed. I wanted to ensure that I was on the right lines when speaking about an area with which I was to some extent unfamiliar. Despite face-to-face conversations, we were at no point told that an action plan would be presented to the chamber at short notice this afternoon.

For that reason, I feel unable to take any further part in the debate. I mean no disrespect to Scotland's social care workers—as I said, I hold them in the highest possible regard. However, I believe that members of the Parliament should similarly be held in the highest possible regard. The Executive should treat back benchers from all parties with the respect that they deserve and give them access to the information that they need to do their jobs properly and in good time.

I will take no further part in this or any other similarly compromised debate.

Michael Russell: On a point of order, Presiding Officer. If, as we have now discovered, even the partners in the coalition were not told of the existence of the document that we have received this afternoon, would it not be sensible for the

minister—even at this stage—to cease this farce and to allow us to read the document properly, to reflect on it and to return to this debate in, say, seven days' time?

The Deputy Presiding Officer: The minister has made her position clear. She wishes to continue with the debate, and that is what I propose we do.

16:17

Trish Godman (West Renfrewshire) (Lab): I am very pleased that we are at last discussing social work work forces in local authorities. This debate is taking place not before time. However, the motion contains a small but annoying error. In Scotland we do not have social services, but social work. We have the Social Work (Scotland) Act 1968 and a qualification in social work. *[Interruption.]* That funny noise is not my pager going off.

As some members have said, social work is a much-maligned profession. It is the kind of profession that people are not happy to admit they belong to. Social workers seem to get nothing but bad press. We know the headlines—stories about elderly people being left unattended and children at risk being left in the community.

We also know that that is not the true picture. As we debate the issue, thousands of social workers throughout Scotland are caring for, listening to and supporting people who have wide-ranging needs. How many of us could spend our working lives caring for, cleaning up after or supporting adults who have learning difficulties, for example? I do not think that any of us could do that.

Social work is fundamental to the delivery of the social justice and anti-poverty strategies of the Parliament. Social workers will not only work with, but fight for, the rights of children, women, older people and people who are mentally ill. Social workers will alert us to injustices in the community, as they work with and support those who suffer those injustices.

We are asked to endorse the Executive's commitment to a well-trained work force. Unlike the Opposition amendments, I agree that we should do that. I also agree with Irene McGugan that social workers should have generic training. If they wish to specialise, they should do so post graduation.

I have never had anyone referred to me in isolation—there is always a connection to a family or friend. A referral from a children's panel can lead to family therapy, drug therapy, advice on dealing with drug abuse, work with the school concerned, welfare rights work and a host of other issues and ways of working. What would happen if

every student wanted to specialise in criminal justice? Would we find ourselves having to force them to work in child care?

What about the social workers who work best at the coalface with clients, but have moved into management because of financial responsibilities? Ben Wallace asked whether we will have a thorough review of the system. I believe that the system should allow social workers to continue to work directly with people if they wish to do that, because that will perhaps be where they work best. We have addressed teaching—teachers who wish to teach in front of the class are now allowed to do that, because that is where their skill is.

I know that the minister will agree that morale in social work is very low. There have been initiatives from the Parliament, such as the Regulation of Care (Scotland) Act 2001 and the national Care Standards Act 2000. Responsibility for social work in the Executive is fragmented. We have the Minister for Education and Young People and the Minister for Health and Community Care. All the other elements of social work seem to be connected to criminal justice. Although I can see the connection, I am not happy about it.

The Parliament is new; it is a new beginning, but we have no minister for social work and no relevant committee. What does that say to social workers? Does it say, "Yes, you are greatly appreciated and we couldn't do your job, but you are not really important"?

My final comment concerns the Social Work (Scotland) Act 1968, which is a remarkable piece of legislation. It has shaped social work in this country for many years. When Jack Straw was Home Secretary, he amended section 12 in relation to families of asylum seekers. I believe that it was morally wrong to do that and I told him and his officials so at the time. Will the minister confirm that all Scottish social work legislation should and will be the responsibility only of this Parliament and that no Westminster minister should ever again seek to change or alter the Social Work (Scotland) Act 1968?

I believe that the Parliament is at last addressing the position of social workers. I support the motion and look forward to further developments.

The Deputy Presiding Officer: I have had a late run of names. I doubt that I will get everybody in. Speeches should be of less than four minutes and we will see where we get.

16:22

Mr Gil Paterson (Central Scotland) (SNP): I think that you will have plenty of time, Presiding Officer. I was looking forward to the debate today, because it is about an important issue. I certainly

wanted to engage with the Executive today, particularly regarding child protection.

However, it is unfortunate that I feel that I am severely disadvantaged—I have not seen the document, never mind read a note on it. I had written a speech, but it would be entirely wrong for me to make that speech, not knowing what is in store. I am not noted for using knocking copy and I certainly do not intend to start today.

That is my speech over, but I will make the speech that I wrote available for the record, if possible.

The Deputy Presiding Officer: That is one down.

16:23

Mary Scanlon (Highlands and Islands) (Con): The first thing that an Opposition party or an MSP in the Parliament does when they receive a motion is look at what the heart of the motion is about. The motion asks us to support the development of the work force and to endorse the strategy. Naturally, the first thing that I did was ask my researcher to find the strategy so that I could make an informed contribution to the debate.

I support totally the social work force and social workers. I do not want any negative points that I make to be seen as detrimental to my commitment to them. I was desperate to speak today—like many other members—particularly from the health point of view, given that we have passed the Regulation of Care (Scotland) Act 2001, the Adults with Incapacity (Scotland) Act 2001 and the Community Care and Health (Scotland) Act 2002. We are about to have a mental health act. One cannot sit on the Health and Community Care Committee without realising the importance of health.

When I heard that there would be other speakers from the Education, Culture and Sport Committee and that the Minister for Education and Young People would speak, I wanted to examine the strategy more. I am angry that we received the note 10 minutes in advance of the debate. Like other members, I cannot make informed input to the debate.

The Deputy Minister for Health and Community Care (Hugh Henry): Will the member give way?

Mary Scanlon: No, I am going to be brief.

The one point that I wanted to make was that in the Highlands many social work teams are below 50 per cent strength and are now offering bursaries. I would have liked to enter into dialogue with the Highland Council to ask whether the strategy is what it is looking for. I want to represent my constituents, but have been unable to do so

today.

I ask one question based on my minimal examination of the action plan and on point 9 of that document. I hope that the Deputy Minister for Health and Community Care will answer my question, which is about the integrated human resources working group, the joint future agenda for community care and so on. We all know that free personal care for the elderly was to be delivered on 1 April, but the date has been changed to 1 July. The action plan says that in the next nine weeks—by 1 July—an integrated human resources working group report will be published. It goes on to say that, in the next nine months, the Executive will

“Link plans on future action from these two initiatives and this action plan.”

The date for that work is January next year.

My question for the deputy minister is simple: how will that work impact on the implementation of free personal care? Will social work departments be able to draw up the assessments, placements, home care packages and everything else that will be needed to implement free personal care?

I am sorry to have taken a negative tone, which is in no way directed against the social work work force. I ask the minister to treat with more courtesy MSPs, including me, who wanted to make a courteous and informed contribution to the debate.

16:26

Dr Sylvia Jackson (Stirling) (Lab): I am pleased to speak in the debate. In my previous life, I was concerned with professional development and accreditation of courses. Therefore, I thought that the debate would be a welcome opportunity to discuss those matters. I cannot understand the Opposition's position. The Scottish Parliament information centre has produced a document, “Social Care Workforce Development”, which outlines the issues. If one were to contact any university department, one would find out what the issues are. Opposition members have said, for saying's sake, that they do not want the debate.

I will move on. It is clear that the debate is about the work force and its training needs, including initial training, continuing professional training and accreditation of prior learning for those who have acquired knowledge and skills in the field through practice, but who have not received recognition for that prior learning. There is an obvious need to accredit prior learning.

Social workers represent an important group in the social care work force. Given the limited time that is available to me, I will restrict myself to comments on that group of workers. I gather that much discussion has already taken place at

further and higher education level on the best way forward. Irene McGugan outlined the big issue: should we have a generic initial degree, with specialisms coming later, in postgraduate courses, or should we go for something different? The British Association of Social Workers also asked that crucial question. I welcome what the minister said when she spoke about the degree, but when will that degree be introduced? I understand that, in England, the degree will be introduced in 2003 and I urge the minister to introduce the degree in Scotland as soon as possible.

The minister spoke about recruitment and retention, which are crucial issues. We have discussed attempts to keep classroom teachers in the classroom, and exactly the same issue arises in social work. It is important that we examine the career structure of front-line social workers. We must not allow them to think that they must go down the management route or into an entirely different job in order to get better pay. Ben Wallace's point about image was also important. We can learn a lot from what has been introduced into the area south of the border and from the encouragement that people have been given to enter the teaching and nursing professions. The minister mentioned a recruitment campaign and I encourage her to get that important campaign going as quickly as possible.

My final point is on resources. I gather that the average age of students entering initial training in social work is 35. Those students will have many more financial concerns, possibly because of family commitments, than will younger students. That issue needs to be addressed. Postgraduate students receive bursaries, but undergraduates and students who are studying for a diploma rather than following a graduate course do not receive a bursary. I am told that as a result of that, the burden on the students and the universities—which, in terms of placement, is as much as £17 per student per day—can be very hefty. I would like the minister to take on board those points and address them in his closing remarks.

The Deputy Presiding Officer: Ian Jenkins is next. We are consulting about closing speakers.

16:30

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): In the Parliament, we often speak about having a cross-cutting agenda and we frequently advocate joined-up thinking. There is a danger that such phrases trip off the tongue and become glib clichés. The motion that we are debating deals with joined-up issues and cross-cutting issues. The social care work force that is referred to in the title of the debate is built into the fabric of the nation's life and deals with a wide range of aspects of that life, including lifelong learning, education, justice, health, lifelong care

and social justice. Therefore, I welcome the minister's idea of holding joint ministerial meetings and establishing an inspectorate that will look at the issue in its entirety. I acknowledge the related case for generic training for a first degree, which will allow people to see across the spectrum of social work.

The motion invites us to commend the work of the social services work force in all those areas and recognises that that work force is employed in the voluntary, local government and private sectors. The whole fabric of our society depends on those who work in social care. Children at risk, looked-after children, foster children, children who have disabilities, people who have learning disabilities and those who have mental health or drugs problems all depend on such workers. Another dependent activity is care of the elderly—an area that will expand massively in the next few years for all sorts of reasons, including the implementation of free personal care.

Several members have mentioned the problems that are associated with recruiting and retaining staff at all levels in the social care spectrum. Care providers throughout the country find it increasingly difficult to find qualified staff. Therefore, it is vital that we have a programme for recruitment and education, which the action plan contains.

Michael Russell: I recall the remarks that the member's colleague Margaret Smith made. She made it clear that she was not able to comment on the detail because she had not seen the document. When did Mr Jenkins see the document? How long has he had to study it? He is referring in detail to aspects of the plan. Did he obtain the plan before Margaret Smith?

Ian Jenkins: I obtained the plan during question time, at about question 10. I picked it up off the table at the back of the chamber. I have read through it and have seen a few items—including recruitment and education—on which I feel I can comment because I am interested in them. I can pick up what the plan says and tie it in with what I intended to say, which I admit was not terribly deep.

We must acknowledge the valuable work that social workers do and we must put in place a system that recognises the value of that work, provides workers with a career development ladder, acknowledges experience, offers qualifications and certification and raises the status of what should be viewed as a structured profession. As with McCrone, I agree that there should be consideration of people who do not wish to leave the coalface, but qualifications must also be available for managers and middle managers. That has not previously been provided in a co-ordinated way.

The minister is intent on building on the work that has been put in train with the Regulation of Care (Scotland) Act 2001 and the work of the Scottish Social Services Council and the Scottish Commission for the Regulation of Care, which seek to strengthen and support the professionalism of the work force and to raise standards of practice. We must also acknowledge that better qualifications and improved professionalism require better pay. That will be a consideration in the long run.

Training courses and certification—for example, Scottish vocational qualifications and Scottish group awards—are available. Further education offers highers and higher national certificates in various aspects of care and social work. In that regard, I ask the minister to ensure that such courses and qualifications are available throughout the country. In areas such as the Borders, it is difficult to access all the courses that are available. The university courses in Edinburgh have been stopped.

I have not quite finished my remarks, but I will stop there as I have run over my time.

The Deputy Presiding Officer: There has been some rearrangement of closing speakers, so I now call Scott Barrie, who will be followed by a brief speech from Colin Campbell.

16:35

Scott Barrie (Dunfermline West) (Lab): I declare an interest as I hold a postgraduate social work qualification and am a member of Unison, which is the major social care trade union. I am someone—perhaps unlike Trish Godman—who is proud to call himself a social worker.

When we discussed the Adoption and Children Bill, which was UK legislation, Mike Russell had a bit of a go at me. He said that, somehow or other, I was a disgrace to the Parliament because I supported a Sewel motion. On that day, I actually wanted to talk about the difficulties that adopted children face whether they are south or north of the border. Again today, I have come to the debate, not to indulge in petty point scoring about when we received or did not receive a document and what its status is, but to discuss social work recruitment and retention. That is one of the main issues that has affected my profession not only for the past few years, but for the past couple of decades.

It is clear that we have a serious problem with recruitment and retention of qualified social workers. We also have another difficulty in the wider social care work force, some 80 per cent of which holds no professional qualification. Most of those people are employed in part-time posts and often have poor terms and conditions. It is

somewhat surprising that, despite the stushie that has been generated this afternoon, the two Conservative speakers—Ben Wallace and Mary Scanlon—made no mention of the wording of their amendment, which talks about

“poor levels of staffing, increased bureaucracy and additional demands”.

Perhaps that was because those members do not know what their amendment says, or perhaps those phrases were just thrown into the amendment without understanding the issue. I see Mary Scanlon shaking her head but, had she wanted to discuss her amendment, she could have done so instead of indulging in point scoring on the events of this afternoon.

Ben Wallace: Will the member take an intervention?

Scott Barrie: Although I would like to know what the “increased bureaucracy” is, I doubt that Ben Wallace will explain it, so I will not take the intervention.

Ben Wallace: Will the member give way?

Scott Barrie: Okay, I will take an intervention.

Ben Wallace: If the member had read the submission by Professor Holman, who is an expert on child services, he would know that the professor writes extensively on the increase in bureaucracy. We agreed with that point.

Scott Barrie: Some of the so-called increased bureaucracy in child and family service—a service that I know well—is about trying to ensure that we care better for children than we have done previously. That so-called bureaucracy is about good parenting and good outcomes. Ben Wallace mentioned that he was impressed by Department of Health documents, but much of the supposed increase in bureaucracy is borrowed directly from the Department of Health stuff, which is trying to achieve better outcomes for looked-after young people in our system.

It is significant that there is a major problem in the retention and recruitment of child and family social workers. The same difficulty does not seem to exist in criminal justice, but that was not always the case. A significant watershed occurred in 1990, when national standards were introduced for work on offending. What I would like to see—I see Irene McGugan nodding her head, so she must know what I am about to say—is a strategy that encompasses a structured approach to child and family work within the work that the minister outlined today. If we were to achieve that, we would go some way toward making child and family social work a more attractive option for those who hold a social work qualification. Too often in the past, the negative images of child and family social work, which can be summed up as

"You're damned if you do, you're damned if you don't", have militated against that aspect of social work.

We should also take up the suggestion of Trish Godman and Sylvia Jackson and seriously consider introducing a senior practitioner grade in order to retain within mainstream social work people who are good at their jobs. In that way, such people would not need to go through a whole series of promotions to secure added economic advantage, as I had to do. That would also go some way towards making social work a more attractive profession.

The Deputy Presiding Officer: We will have a final brief contribution from Colin Campbell.

16:39

Colin Campbell (West of Scotland) (SNP): It was my intention to speak only briefly because we are in some dispute over the legitimacy of parts of the debate.

I support social workers. I wanted to talk about three main points: the interface between education and social work; the safety of social workers in criminal justice; and financial reward for additional qualifications. However, in the light of the information deficit that characterised the start of the debate, that is all that I want to say. I will be happy to make my speech available for the record or for the minister if she asks for it.

The Deputy Presiding Officer: We move now to winding-up speeches. I call Robert Brown. If you could keep your contribution reasonably short I would be grateful.

16:40

Robert Brown (Glasgow) (LD): How long am I allowed?

The Deputy Presiding Officer: About three minutes.

Robert Brown: I know that the minister has had a difficult day, but it is important that she understand the cause of today's problem. The problem is not, as some members have claimed, to do with Opposition members getting information; it is a parliamentary issue and relates to the Parliament getting information. The Parliament's job is to hold the Executive to account in a situation where the Executive, like all Governments, has many of the cards stacked in its favour. I am thinking, for example, of the official back-up that the Executive has.

The aide-mémoire that we have been presented with this afternoon leaves an awful lot of questions unanswered. Does the minister intend, in due course, to present the Parliament with a properly

considered action plan giving some of the details that members have been grasping for this afternoon?

The aide-mémoire sets many deadlines of nine weeks or nine months. To allow us to have a further debate, would it be unreasonable to ask the Executive to consider coming back to the Parliament before the summer recess to report on where we stand on issues such as education and the new degree arrangements, perhaps explaining why the Scottish degree arrangements are a year behind the English arrangements?

Some members spoke about the advertising campaign in England and Wales. According to the BASW, the campaign was not very successful in leading to new applications for jobs. That indicates the depth of the problems. In my city of Glasgow, there are pressure points where such problems are least wanted and where the resources of social workers are most needed.

Salary is an issue. The BASW tells us that a qualified social worker with 25 years' experience and a master's degree earns less than a newly qualified young police officer.

Mary Scanlon: That is not right.

Robert Brown: That is what the BASW says in its report. No wonder there is a recruitment and retention crisis. Those issues must be addressed urgently. As was said, we need a McCrone-type investigation into these matters so that all aspects can be dealt with and we are not landed in the position of having a sideways displacement of the problem, if I can put it that way.

The fact that the age profile of the profession is rising and the identified increase in people taking early retirement are a double whammy with a vengeance. Not only long-term action but immediate action is required to attract qualified social workers back into the profession, perhaps by offering part-time posts or flexible conditions, or by recruiting other suitable professionals such as retiring—and I do not mean shy—police officers or teachers. The longer-term issues have to be dealt with properly. That is true not only for social workers but for the people who need their services, such as young people in trouble, victims of domestic breakdown or abuse and families in crisis—all the people who, in a multitude of ways, fall through the net of our demanding 21st century society.

I ask the minister to pay particular regard to the urgency of the situation in Glasgow, which is the part of Scotland with the greatest needs and the fewest social workers relative to those needs.

16:44

Alex Johnstone (North-East Scotland) (Con): I would like to take this opportunity to try to defuse

the situation in which we have found ourselves today. Cathy Jamieson has brought a great deal to her role as minister. Her experience in social work is key to the way in which the Executive may now be able to address issues that the debate has raised. I hope that the debate is the first step on the long road towards the rejuvenation of the profession in Scotland.

The social work profession is essential. We have had little opportunity to deal with the detail of the motion, for obvious reasons. However, I want to say that without the social work profession, we would have grave problems across Scotland.

In the course of my duties as a member of the Scottish Parliament, I often meet people who have problems with their relationship with social workers. Those problems are not about individual contact, but about the lack of individual contact, because the profession cannot cope with the demands that are placed on it.

I am keen to ensure that we do not end today's debate in the classic position where Labour members accuse Conservative or perhaps SNP members of being more interested in parliamentary procedure than in the people about whom we should be most concerned in relation to the debate. The Conservatives are genuinely concerned about social work in Scotland and the effects of any deficiencies in the profession as a result of training issues. We must remember that the situation in respect of the social care work force is our first priority.

What happened today was largely a result of management deficiencies. However, the problem is not just about what happened today. There has been some confusion for several days, provoked by the publication of the motion. As business manager in the Conservative group, I found it hard to get a handle on the debate and to decide who in my party should deal with it. Half the Conservative group has been primed to open the debate at various times, including me—I have the speech here.

It is important that we do not let the issue pass. I was interested in what Robert Brown said; I, too, would be keen to have another debate on social work at an early opportunity. We might not want to repeat the debate that was planned for today, but perhaps we could ensure that we keep to the issues that were to be covered according to the parliamentary agenda. I would be delighted to support in the business bureau any attempt by the Executive to bring forward an early debate to cover those priorities.

The Conservative party will take no position on the motion. We hope at an early opportunity to be able to express our support for a motion about which we have slightly more information.

16:47

Michael Russell (South of Scotland) (SNP): I begin by praising two speeches, although it might not help the members to be praised by me. Trish Godman's speech was reasoned, passionate about the work that she did and still believes in and passionate about the profession of which she was a member. I also praise the speech of Irene McGugan, who, like Trish Godman, was a professional social worker. I wish that I could extend that praise to the third professional social worker who spoke, but unfortunately I cannot, because—alas—Scott Barrie's blind loyalty to new Labour overcame his loyalty to his profession. I would also like to be able to praise Sylvia Jackson's speech, but she seemed to think that she was in an academic seminar, rather than in a legislative forum. We are not here to speculate; we are here to consider proposals and to debate them. The problem this afternoon is that we do not have proposals to debate.

I have heard the smear—Alex Johnstone referred to it, we heard it from Scott Barrie and the minister, and others will repeat it—that in arguing about what has taken place we are talking down social workers or criticising the profession. That is not true. We are strongly committed to the social care work force and to getting the issues that are the subject of today's debate right. The person who has damaged social work in Scotland this afternoon is the Minister for Education and Young People—of that there is no doubt. This afternoon, instead of providing a document to discuss or a set of proposals that might be improved by genuine debate, she showed contempt for the chamber and the parliamentary process.

Cathy Jamieson: Will the member give way?

Michael Russell: No. This is not Stalinist Russia; this is the new Scottish democracy. This afternoon, the principles of the CSG were set at naught. The Labour party does not like to hear such things, because it regards itself as the guardian of Scottish democracy. However, by its actions this afternoon, Labour has shown that it is the party that is destroying Scottish democracy.

We cannot have a debate without a document. Robert Brown is right—we cannot have a debate without the Executive trying to help the whole chamber to understand what its proposals are. The point of the Parliament is to scrutinise the work of the Executive and, if possible, to improve the actions of the Executive. The point is not to act, as so many Labour members do, as mere rubber stamps for whatever the minister wishes to do or say, but that is what we have seen this afternoon. I believe that what has happened is a disgrace to the chamber and damaging to social work and to Scotland.

Cathy Jamieson: That is outrageous.

Michael Russell: It is not outrageous. It is what has taken place this afternoon. The minister might not like it, but it is what has taken place.

Cathy Jamieson: I invite Mr Russell to withdraw his comments about my being a disgrace to social work. I worked for more than 20 years in the social work profession. Today, I have brought forward an action plan that includes a number of items that many in the social work profession have asked for over many years. I invite Mr Russell to comment on the SNP's proposals and to say how he would assist the process of pursuing a better social care work force.

Michael Russell: I have always found that, when the Labour party is in real trouble, it asks what our proposals are. The reality is that the minister's actions today have damaged social work because she has created an unnecessary debate.

The Deputy Presiding Officer: Mr Russell, the debate is becoming singularly ill tempered. Can we try to draw it to a reasonably peaceful conclusion?

Michael Russell: In deference to the Presiding Officer, I shall move on to the question of where we go from here. Alex Johnstone raised the issue when he summed up. The minister should return to the chamber at a suitable time—after considerably more work has been done—and produce a document to distribute to members. Perhaps that could go through the committee system. At the end of that process, let us have an informed debate. That is what the Parliament is here to do.

The more one looks at the document, the less there is in it. Any document that has—

Patricia Ferguson: On a point of order, Presiding Officer. I have been absent for most of the debate but I have a feeling of déjà vu, because the debate is at exactly the same place as it was when I left the chamber.

Ben Wallace: If Patricia Ferguson had stayed, she might have learned something.

Patricia Ferguson: Presiding Officer, I am not going to react to the jibes that are coming from some Opposition members. The minister made clear the position about the document that was distributed to the other parties. The fact that Mr Russell lost a vote on a spurious motion cannot continue to be the subject of argument in the chamber.

The Deputy Presiding Officer: I have already indicated that the debate has become singularly ill tempered. I am anxious to draw it to a reasonably peaceable conclusion. Mr Russell, you have about

30 seconds.

Michael Russell: Thank you, Presiding Officer. I am sorry that the Minister for Parliamentary Business regards votes in the chamber as spurious. That proves what I have said throughout my speech. The Labour Administration cares little for democracy. It cares less for the Parliament. It does not even care for its partners, the Liberal Democrats, who did not get to see the document. The SNP will press its amendment and abstain on the motion.

16:53

The Deputy Minister for Health and Community Care (Hugh Henry): One of the benefits of having some loss of hearing in one ear is that I have missed some of the rubbish that has been shouted. I note the Presiding Officer's aspiration to have the debate come to a peaceful conclusion. I shall do my usual best to facilitate that.

This afternoon's debate has been completely bizarre and disappointing. A useful opportunity for the Parliament to unite in support of a profession that is often overlooked has been squandered and turned into a petty squabble about nothing. The minister could have chosen not to issue anything and we could have concentrated on the motion. She could have made all the announcements that she made and they would have been taken up during the debate and responded to. There would have been no criticism whatever.

Because of her deep and passionate commitment to social work, however, the minister used some initiative. She wanted the debate to be an opportunity to put social work on the agenda. She decided to encapsulate what she was going to say in the debate ahead of time in a document to be given to the Opposition and to all members, so that they would know in advance what she was going to say and so that they could participate more fully in the debate. It is an absolute disgrace that Opposition members have turned the minister's good intention into such a squalid debate. I had hoped that we could have taken forward many of the positive things that Cathy Jamieson spoke about today.

Because of lack of time, I will quickly address some of the specific points that were made. Irene McGugan said that the University of Edinburgh was being forced to close its degree course because of a fall in the number of applicants. The number of passes in the diploma for social work has not decreased in Scotland over the past few years. In 1997-98, there were 368 passes; in 2000-01, there were 402. She also said that academic institutions need to know by June, and not December, what direction social work training

will be taking in order to provide courses by 2004. That is not the case according to the Scottish Social Services Council, which has said that November and December are the key dates.

Irene McGugan also said that she hoped that joint ministerial meetings and project groups would take account of the generic-specialism argument. The answer is that they will. Clearly, that issue is a major concern for many in the chamber and for many in the profession, and it will be examined. We realise the importance of wide-ranging, generic preparation for social workers before they enter the profession, but we also recognise that social workers need to be trained for the many complex issues that they face. That has to be reflected in any good-quality training.

In a most peculiar speech, Ben Wallace talked about pay issues and low-paid staff, but spent more time saying that Army officers are low paid compared with local government staff—he spent more time pleading the case of Army officers than the case of those about whom he professed to be talking.

Ben Wallace: Will the minister give way?

Hugh Henry: No thank you.

The concerns that Ben Wallace raised about registration and the Scottish Commission for the Regulation of Care are not for this debate, but if there are problems with the process, he should write to the commission. If he fails to get an adequate response, he should write to me and we will address the matter. However, this is not the debate for those questions.

Trish Godman asked about the descriptions of social services and social work. The Regulation of Care (Scotland) Act 2001 refers to “social service workers”. Trish Godman is absolutely right: social workers and the social work profession are fundamental to the delivery of services in Scotland, but social services in Scotland are provided by professionally trained social work staff and by many social care staff, who also have to be considered in the wider debate that we need to develop.

Ian Jenkins said that training should be accessible and available throughout Scotland. The Open University doubled its intake to the social work qualifying course this year. In addition, access, including e-learning, will be examined, as points 3 and 11 of the action plan state.

Sylvia Jackson raised a number of points about the introduction of the social work honours degree in England in 2003. Only some English universities will manage to introduce such a course in 2003; most will achieve it only in 2004, along with universities in Wales, Northern Ireland and Scotland. She also made a valid point about

postgraduate social work students being able to access bursaries when undergraduate students cannot. We intend to consider that issue as a priority under point 11 of the action plan.

Scott Barrie made a positive contribution and tried to bring us back to the subject of the debate. I congratulate Mike Russell on being consistent, if nothing else. His speech was typically spiteful and did nothing to advance anything.

Despite some Opposition members’ histrionics and their lack of understanding of social work, the Executive is committed to advancing the social work profession and social care in Scotland. Cathy Jamieson is to be commended for her personal commitment, understanding and enthusiasm. Despite the lack of commitment from many members, she and the rest of the Executive will consider the issues further so that progress is made to support a valuable profession whose work is often not properly recognised in our society.

Parliamentary Bureau Motion

17:01

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of a Parliamentary Bureau motion. I ask Euan Robson to move motion S1M-2991, on the approval of Scottish statutory instruments.

Motion moved,

That the Parliament agrees that the following instruments be approved—

the Loch Lomond and the Trossachs National Park Elections (Scotland) Order 2002;

the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002; and

the Bus User Complaints Tribunal Regulations 2002.—
[*Euan Robson.*]

Decision Time

17:02

The Deputy Presiding Officer (Mr Murray Tosh): There are seven questions to be put as a result of today's business. The first question is, that amendment S1M-2993.2, in the name of Roseanna Cunningham, which seeks to amend motion S1M-2993, in the name of Jim Wallace, on the prison estates review, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Cunningham, Roseanna (Perth) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Quinan, Mr Lloyd (West of Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Russell, Michael (South of Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (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)
Davidson, Mr David (North-East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
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)
Godman, Trish (West Renfrewshire) (Lab)

Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, 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)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 28, Against 76, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S1M-2993.1, in the name of Lord James Douglas-Hamilton, which seeks to amend motion S1M-2993, in the name of Jim Wallace, on the prison estates review, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (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)
 Russell, Michael (South of 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)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Canavan, Dennis (Falkirk West)
 Harper, Robin (Lothians) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 65, Abstentions 3.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S1M-2993, in the name of Jim Wallace, on the prison estates review, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 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)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, 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)
 Johnston, Alex (North-East Scotland) (Con)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)
Young, John (West of Scotland) (Con)

AGAINST

Canavan, Dennis (Falkirk West)
Harper, Robin (Lothians) (Green)
Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Elder, Dorothy-Grace (Glasgow) (SNP)
Ewing, Dr Winnie (Highlands and Islands) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGugan, Irene (North-East Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Quinan, Mr Lloyd (West of Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Russell, Michael (South of Scotland) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 78, Against 3, Abstentions 26.

Motion agreed to.

That the Parliament welcomes the publication of the consultation paper *Proposals for the Future of the Scottish Prison Service Estate*; believes that to help achieve a safer Scotland the prison estate should facilitate the secure holding of prisoners and the delivery of effective rehabilitation programmes, and that prisons should provide a reasonable standard of accommodation; recognises that these objectives can only be achieved by substantial modernisation of the present prison estate, and encourages all interested individuals and organisations to contribute to the current consultation.

The Deputy Presiding Officer: The next question is, that amendment S1M-2994.1, in the name of Irene McGugan, which seeks to amend motion S1M-2994, in the name of Cathy Jamieson, on social care work force development, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
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)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harper, Robin (Lothians) (Green)
Hyslop, Fiona (Lothians) (SNP)
Johnstone, Alex (North-East Scotland) (Con)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (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)
Radcliffe, Nora (Gordon) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Russell, Michael (South of Scotland) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Wallace, Ben (North-East Scotland) (Con)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)
Young, John (West of Scotland) (Con)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 44, Against 63, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S1M-2994.2, in the name of Alex Johnstone, which seeks to amend motion S1M-2994, in the name of Cathy Jamieson, on social care work force development, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 McGregor, 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)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 42, Against 66, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S1M-2994, in the name of Cathy Jamieson, on social care work force development, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brown, Robert (Glasgow) (LD)
 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, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, 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)
 Russell, Michael (South of 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)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 64, Against 1, Abstentions 43.

Motion agreed to.

That the Parliament commends the work of the social services workforce in local authorities, in voluntary organisations and in the private sector in providing vital services for older people, for children and their families and for people with disabilities and others, and in contributing to better community safety through work with offenders and in youth justice; notes the work already undertaken by the Executive to support the development of this workforce, and endorses the Executive's strategy and commitment to further work to secure a well trained workforce.

The Deputy Presiding Officer: The final question is, that motion S1M-2991, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the approval of Scottish statutory instruments, be agreed to.

Motion agreed to.

That the Parliament agrees that the following instruments be approved—

the Loch Lomond and the Trossachs National Park Elections (Scotland) Order 2002;

the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002; and

the Bus User Complaints Tribunal Regulations 2002.

Environmentally Designated Areas

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business today is a members' business debate on motion S1M-2790, in the name of Jamie McGrigor, on environmentally designated areas. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak buttons.

Motion debated,

That the Parliament notes with alarm concerns expressed by local communities highlighted by recent petitions to the Public Petitions Committee (PE462 to 464) about procedures and scientific data used by Scottish Natural Heritage (SNH) for environmentally designated areas, such as Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest and believes that a programme of comprehensive consultation will result in more effective participation and co-operation between SNH and local people within the proposed areas of designation, which will result in better relations between SNH and local communities.

17:10

Mr Jamie McGrigor (Highlands and Islands) (Con): It is extremely important that the rich tapestry of fauna, flora and wildlife, which we are lucky to have in Scotland and which is the envy of Europe, is enjoyed by future generations. The right type of conservation is necessary. It is also vital that the needs and concerns of local people in areas of proposed designations are taken into consideration. The people who live and work the land and get their feet muddy are the people who know the environment best. In many cases, they are the reason that the species are there. They are the people who have been protecting the land and the wildlife for centuries, and who will make or break the protection.

A problem is evident in the growing distrust and suspicion of Scottish Natural Heritage and other conservation bodies, whether because of their lack of consultation or because of their choice of research methods. That situation must be unhealthy both for the people and for the protected species, and relationships must be improved. I have no personal grudge against SNH, which has a job to do, but it is doing it in the wrong way by ignoring local biodiversity in its mad rush to implement the European directives of Natura 2000.

I have heard concerns raised time and again, in committee, with petitions—received all on the same day—from our most northerly, southerly and westerly islanders, who are united in their frustration and who agree with one another for

once. Similarly, at a meeting run by People Too, a non-political organisation that is attracting support from all walks of life, I heard from people who are fed up with being told what to do by an organisation that has little practical experience of their daily lives and struggles.

When an order is designated, there is no going back. However, nature can change. I do not know of any order—of any of the varieties—that has been cancelled. There is not even an adequate appeals process. Why put an order on Skye to protect golden eagles, which have been there for centuries and were there long before SNH was invented? SNH has released sea eagles, which appear to be chasing the golden eagles off their nests. SNH is also responsible for the encouragement of pine martens, which are extraordinarily destructive to other species of wildlife such as the capercaillie and the black grouse. They recently destroyed the chicks in a red kite's nest. Pine martens also kill house martins and swallows in farmers' barns.

Furthermore, SNH's scheme to eradicate mink in the Western Isles is not going well either. Beforehand, mink might have been found in North Uist, but now they have been spotted as far south as Eriskay. A constituent wrote to me of a loch where black-throated divers used to nest and where Slovenian grebes wintered in considerable numbers. An order was put on the loch, drawing attention to the species that were present, and now, as a result of the disturbance, most of those birds have deserted the areas. Why did not SNH consult the locals before it messed it up?

The consultation process is hopeless for any operation in a designated area. SNH must be notified in writing at least a month in advance. If an urgent operation is required, such as the repair of a dam or riverbank or the unblocking of a drain, substantial damage results from the delay. What are needed are machines and people with spades, who will react at once and take the advice of those who have local experience.

I will highlight what happened on Barra, relating to the petition against the designation of a special area of conservation for seals around Barra and Eriskay. First, SNH reported that local opinion was in favour of an SAC, but that was untrue. In fact, virtually the whole place was against it. Those who supported the petition included the community councils of Northbay, Castlebay, Eriskay and Loch Boisdale, Councillor Donald Manford of Barra, Councillor David Blaney of South Uist, Councillor Norman McKinnon, the Western Isles Fishermen's Association, the Barratlantic fish factory and the MacNeil of Barra—just to mention some. It was surely dishonest of SNH, therefore, to report to the Scottish Executive that the areas that the designation affected favoured the designation,

when—blatantly—they did not.

The justification for the designation was based on two surveys that were done by the sea mammal research unit, which is thorough in its work and open in the disclosure of its figures. Both surveys, which were done in 1992 and 1996, showed that the population of common seals was well above the figure of 1 per cent of the national population, which meant that SNH was required to make a designation. The national population of seals is 30,000, so any site that has more than 300 seals can be designated. However, SNH failed to quote the most recent survey, which was done on 8 August 2000; it counted only 140 seals, which is below 1 per cent of the national seal population.

The science, therefore, was against SNH's criteria for site designation, but SNH appears to have suppressed that information. I presume that it did so because the information went against political aims. SNH's action is surely unscientific, unlawful and immoral. That action might have made the minister vulnerable to judicial review proceedings on the basis that he had failed to take account of matters of which he should have taken account, which were the results of the 2000 survey. It is surely unacceptable for SNH, with its biased misuse of science, to put a minister in a position that makes him vulnerable to legal challenge. SNH, as a statutory Government adviser, has a duty to be unbiased and to report the truth to Government about local opinion and scientific data. In this case, it did neither.

It was on the shifting sands around Eriskay that the ship *SS Politician*, which was made famous by Compton Mackenzie's novel "*Whisky Galore*", foundered. How dreadful it would have been had another "politician", the motor vessel *SS Finnie* or *SS Wilson*, ended up wrecked on those same sands—but not so heavily laden with whisky, I hope—because of SNH's misleading navigation.

I want other members to speak, so I will end with the thought that SNH is proposing an experiment with beavers in Argyll. If successful, that experiment would result in a general reintroduction of beavers into Scotland. SNH says that local opinion favours that. However, the Scottish Crofting Foundation, the National Farmers Union of Scotland, the river boards and the angling associations are all united against the proposal. Perhaps all those bodies are wrong and SNH is right. Somehow, I doubt that.

The Deputy Presiding Officer: May we have speeches of around four minutes, please. I call first Tavish Scott, to be followed by Sarah Boyack.

17:18

Tavish Scott (Shetland) (LD): In June this

year, the Enterprise and Lifelong Learning Committee, of which I am a member, will visit Shetland. Rhona Brankin, who is present, is also a committee member. I hope that the committee, during an inquiry that we hope to begin on tourism, will also have an opportunity to look at eco-tourism and sustainable forms of tourism in one of the more far-flung parts of the country.

We hope to arrange a visit for committee members to the cliffs of Noss. The cliffs were part of my farm, before I left the non-viable area of agriculture and went into something else. The cliffs of Noss are recognised internationally for the size of the colonies of many different species of birds. The cliffs of Noss area is designated in numerous ways, but it is principally a national nature reserve.

I am not convinced that all those designations add much to the island of Noss. The cliffs of Noss were a tourist attraction for many years before nature organisations came into being. There have been great advantages to visitors in recent years in the Nature Conservancy Council and, latterly, SNH organising access to the island and the cliffs to look at the birds. However, I argue that that tourism would have happened anyway—perhaps through local arrangements.

I contend that SNH is in the worst possible world. SNH is the messenger that gets shot. I sympathise with Jamie McGrigor's arguments, but I disagree with him on one point. SNH is not driving the designation agenda. The agenda is being driven by European designations that were brought about by member states agreeing the habitats directive. SNH is simply the messenger that has to enforce those tiers of designation. That is what is wrong with the system.

Mr McGrigor: To some extent, I agree with what the member says. However, does he agree that the messenger should report the truth?

Tavish Scott: I will deal with consultation in a minute. My main point is this: if an organisation that is separate from the Government but is the Government's main environmental agency is in such difficulties because its scientific advice is not believed by local people and communities and is disputed more and more, we need to consider why that organisation is there.

If European requirements mean that the UK has to meet targets on designated areas, I am not convinced that SNH is the correct mechanism by which those targets should be delivered. The main environmental adviser to the Government—especially since we have a Scottish Parliament and Scottish ministers—should be the Government itself. SNH should not be left in a position that must be ghastly for its staff, who are committed to natural heritage but are dealing with the worst of all possible worlds.

Rhona Brankin (Midlothian) (Lab): Does the member agree that there is a system for referring decisions to the independent advisory committee on sites of special scientific interest? Is he casting aspersions on the independence of that body by suggesting that it is not fully independent?

Tavish Scott: I am simply not aware of any appeal that has come before the committee resulting in the overturning of a decision about which local people are concerned.

There is no meaningful consultation on the designations. I am concerned about the fact that people's views are dismissed simply because they relate not to scientific areas but to social and economic aspects. However, those aspects are as important to local people as the scientific case. If people's arguments are dismissed because they do not meet the precise requirements of the designation process, the process is meaningless.

SNH, I repeat, is in the worst of all possible positions. The body that acts as the Government's adviser should be part of Government. That is the position at which we should end up in this debate.

17:22

Sarah Boyack (Edinburgh Central) (Lab): I congratulate Jamie McGrigor on securing the debate, because it is useful that we run through such issues in the Parliament.

I support strongly the principle that is outlined in Jamie McGrigor's motion, which calls for improved consultation, but I would also say that consultation should be transparent. Picking up on what Tavish Scott just said, I stress that it is important that the communities that are involved in the designations can see how the scientific evidence has been pulled together and debate that with SNH.

Broadly, the system that we have is based on ensuring that a rigorous process of identification is conducted in the public interest. Jamie McGrigor was right to point out the weaknesses in the system and to highlight areas in which people feel that the system has not worked properly. However, we should not make sweeping generalisations that cast SNH into the darkness and say that it fails on all the environmental designations.

In advance of the debate, I received an interesting briefing from RSPB Scotland, which had positive things to say about the fact that people value the designation system that we have in Scotland. I do not disagree with Jamie McGrigor's focus on the problems, but we should not say that only problems are associated with environmental designations.

I want to reflect on the reasons why we have a system of protection in Scotland. Because

traditional crofting and agricultural processes have created a high environmental quality, it is easy for us to make assumptions about the quality of our environment and to sit back and say that, given that we have had plant and animal life in the area for years, there is no problem. However, the statistics on biodiversity show that, across Scotland, we are losing species every year. That should be of concern to us. We should not pretend that the environment that we have will be there for all time. We need to manage it actively. We need to think not only about the quality of our visual environment and our landscapes, but about the habitats that our wildlife and plants need.

Part of the problem is the language that we use. We often focus only on protection of the landscape and the environment and do not think about their active management. We should turn the debate round and focus more on active management and the financial support that should go to rural communities—and to some urban communities—that need environmental designations. We need that different approach.

Mr David Davidson (North-East Scotland) (Con): Does Sarah Boyack agree that mankind cannot necessarily alter the flow of nature and break migratory species? Is she suggesting that we should change the ecosystem and introduce species to suit the whim of human beings?

Sarah Boyack: No, I am not. I am suggesting that we need to take account of the statistics that tell us that, year on year, we are losing species from Scotland that we will not see again. The challenge is not just to reintroduce species after we have lost them; it is not to lose them in the first place, so that we do not get into such arguments.

One of the core issues is ensuring that the Executive continues to shift the focus from straightforward agricultural support to agri-environmental support, so that the agricultural community in particular has a positive challenge and opportunity, and so that that community gets the support that it needs to manage some of our most precious environments actively and to continue economic development at the same time. I ask the minister whether the Scottish Executive has recently considered quantifying the economic benefits that flow from environmental designations, such as rural development opportunities and tourism opportunities, which Tavish Scott mentioned.

Our system works broadly, but it does not always work. One of the reasons for that is that we need to modernise the system. I urge the minister to introduce nature conservation proposals in the Parliament as soon as possible. I have written to Ross Finnie about that on more than one occasion. The last response that I received said that he would introduce legislation in the

Parliament very soon. I know that “very soon” is an indefinable term, but I urge the minister to ensure that that very soon is very soon. If he has any hints, all members would appreciate them.

Modernisation of the system would let us pick up on the glitches, the problems and the dissatisfaction that people feel about the way that the system operates. It would let us make progress together. It will not take away the local controversy. There will always be controversy, but at least modernisation would allow it to take place in a modern legal framework that suits us in the 21st century. If the minister can give us any positive indications, I urge him to do that.

17:28

Fiona McLeod (West of Scotland) (SNP): We should all congratulate Jamie McGrigor on securing the debate, given that we are working in the legislative vacuum to which Sarah Boyack has just referred.

The SNP and I are supportive of environmentally designated areas, but that does not mean that we do not believe that there is room for improvement. There is a need for improvement. “The Nature of Scotland: A Policy Statement”, which the Executive published over a year ago in March 2001, contained some very good proposals. On the topic about which we are talking, it said that we would need to enhance local consultation and involvement in the designation of environmental areas.

I ask the minister, as Sarah Boyack has just done, to tell us when we will get the natural heritage bill. I refer the deputy minister to his boss's words in November 2001, when we last debated the issue, when Ross Finnie replied to my colleague Bruce Crawford:

“Bruce Crawford asked me what I have done: I have accelerated the timetable for the production of the bill. Let there be no question about that. However, I cannot give a categorical timetable for its drafting at this point.”—[*Official Report*, 15 November 2001; c 3905.]

I hope that the deputy minister will give us a date tonight, rather than a soon or a very soon. Once the bill is introduced, we can legislate to ensure that we have full and proper consultation.

SNH is not above criticism in this regard. I happened to be at the Public Petitions Committee in February when the three petitions that are mentioned in the motion were discussed. Jamie McGrigor has highlighted the problems about which the people from Barra came and told us. The same story was told by the islanders of Arran and of Yell.

SNH is not alone in being a public body that is not good at consultation with the public. I have personal experience of the former Greater

Glasgow Health Board and West of Scotland Water using techniques similar to those that the petitioners discussed in relation to SNH. They are examples of public bodies that seem to think that going to the public and telling them what they are doing counts as consultation. If we had the legislation, we would, through the parliamentary process, be able to ensure a proper process for SNH not just to present its proposals to the public, but to listen to what the public have to say about them and to adapt or moderate them in light of that.

I join RSPB Scotland in saying that we need a bill and we need it soon. I would say to SNH that it should take note of the petitions and of the debate and realise that it must adopt best practice now so that we do not have to wait any longer and so that no other communities feel obliged to petition the Parliament on the same subject.

17:31

George Lyon (Argyll and Bute) (LD): I congratulate Jamie McGrigor on having his motion debated this evening.

The two main points that I wish to make have already been touched on by Tavish Scott and Sarah Boyack: the first is about consultation and listening to the views of local people; the second and, from my point of view, the more important one is about financial incentives for positive management of land, which seem central to getting communities to back designated areas and what is being done within them.

Financial incentives would also give communities an incentive to state whether they want the areas to be designated and would avert the feeling that designations are being imposed by someone on high. That someone may be SNH, the Scottish Executive or the European Union—communities do not really care. At the moment, it appears that whatever they say or think, there is a feeling that designated areas are being imposed upon them.

What happened in Islay provides a classic example. The south-east Skerries were recently designated a special area of conservation. The designation was opposed by most of the community councils and by the locals, basically because they thought that a seal sanctuary was unnecessary. The number of seals is growing, not shrinking, so the people questioned why the designation was being made.

I was grateful to the then Minister for Transport and the Environment, Sarah Boyack, who met me and one of the local representatives, Ian Mitchell—although I am not clear about whether Mr Mitchell is representative of the community at times; he has his own agenda. We made our point and

challenged some of the scientific issues, but the location was designated despite the community's objection.

One of the fundamental reasons for the community's hostility to the whole thing was the fact that Islay already had a number of designations. There were the goose management regulations and various others. Members of the Islay community have now reached the stage where they believe that the whole world is telling them how to live their lives. It seems that they, the way in which they use the land and how they farm and implement their land management are being controlled from all angles.

The goose management scheme has been reasonably well accepted as a serious amount of money is coming in with it. Some of the other schemes have not. To my mind, whether communities buy into the designations is probably the key issue. If the act of land management in designated areas were encouraged, communities would not resist them; they would clamour and queue up to join them.

The proposals that I hope will be in proposed legislation are very important. I repeat what others have said: the sooner such legislation is introduced, the more effectively we can ensure that communities reap financial rewards and benefits from designations that are made in their areas.

17:34

John Scott (Ayr) (Con): I support what Jamie McGrigor and other members have said about SNH. Unlike some of my colleagues, I declare an interest.

The whole subject of SSSI designations has created an enormous amount of ill will and bad feeling throughout Scotland. From the most northerly island, Yell, to Barra in the west and Arran in the south, the message is constant—it is one of dismay over the designations that are imposed. Others have spoken about Barra and Yell; I wish to deal with Arran and areas in the south of Scotland, from which I have received a large amount of post.

In Arran and the south of Scotland, there has been an erosion of the rights of individual farmers. It used to be believed that if one bought and paid for a property—a piece of land—one had the right to do with it largely what one pleased. The land had an open market value that reflected the flexibility in its farming capacity. Now, across Scotland, those rights are being eroded in the 12.8 per cent of Scotland's landmass that is designated by SNH. It is therefore little wonder that people are up in arms, especially as in many cases designations reflect decades, if not centuries, of

care that SNH now says landowners are not to be trusted to continue carrying out properly.

We all understand that, under EU legislation, SNH has to make designations. The problems are being caused by the way in which it goes about that task.

Once land is designated, it may become almost valueless. No longer can its farming value be underpinned by a forestry or sporting valuation, as trees cannot be planted on it and sporting rights cannot be fully exercised over it. Neither can the land be improved or diversified—the list of potentially damaging operations sees to that. A piece of land—a farm—is effectively freeze-framed. A snapshot is taken and, under the designations, the land must apparently remain in that condition for ever.

All that might be bearable if it were done reasonably, but in many cases that is not happening. Letter after letter speaks of SNH's arrogance and inflexibility. Letter after letter speaks of its inability to recognise—even at the margin—the socio-economic consequences of its actions, to which Tavish Scott referred in his speech and at question time. A reasonable person might expect that when owners and tenants lose their rights, freedoms and earning capacity, compensation would be paid and socio-economic considerations would be taken into account, but that is not happening. That is one reason for the current state of affairs.

I do not believe that SNH is happy with what it is doing or about the ill feeling that it is incurring. Farmers are certainly unhappy at having what they can do with their land restricted. A feeling is being fostered of creeping land nationalisation and state control.

It is necessary for SNH and the Executive to take a more sympathetic approach to the problems that are caused by these designations. Perhaps reform of SNH is required, but a better way must be found. If it is not, disillusionment with SNH—and, indeed, with the Parliament—can only grow. That is not a sensible way to govern any country, let alone Scotland, which is so precious to us all.

17:37

Mr Alasdair Morrison (Western Isles) (Lab): I sympathise with some of the elements of Jamie McGrigor's motion. I also concur with some of the statements that have been made about the designation of a special area of conservation for the seals around the Eriskay causeway off the island of Barra. There is no doubting that there was a breakdown in communication between SNH and the community of Barra, but we should not accept the sweeping generalisations in which

Jamie McGrigor involved himself during his speech.

The Barra episode was—and, I hope, is—an isolated incident, particularly in the context of the Western Isles. I do not have any difficulty in commending the staff of Scottish Natural Heritage on the way in which they conducted an exemplary consultation process in relation to the Lewis peatlands, for example. In Lewis, SNH consulted some 3,000 crofters—I was one of them—and took people along with it. Indeed, SNH allowed the consultation process to overrun so that every community and individual could be properly consulted.

Designations have benefited greatly many crofting communities, such as that of Aird on Benbecula and that on the island of Berneray just off North Uist. I could cite many examples of communities in which crofters have benefited from designation. The species that we are trying to protect have also benefited. If it were not for the co-operation of the crofters and their positive interaction with Scottish Natural Heritage, we would not have as many corncrakes in the Western Isles as we currently have.

Mr McGrigor: I have a question about the species on the member's home isle of North Uist. Does he not think that something really radical now needs to be done about the mink situation? If the mink are allowed to remain there, the local species will disappear.

Mr Morrison: That is another example of where I can commend SNH and the Executive—for their handling of the existence of mink, which is a great threat to many species in the islands of North Uist, Harris and now, sadly, Eriskay and South Uist. SNH is working positively to combat that great threat to great species. The £1.5 million programme that is to run for some years would not exist without Scottish Executive support.

I know that the minister is well aware of wind-farm developments because he responded to a debate on wind farms on Lewis some months ago. He responded helpfully, particularly in relation to the Arnish yard, to which he pledged Scottish Executive support. He also pledged that Scottish Executive agencies would help retool the yard. We all know that wind farms represent a great opportunity for people in my constituency. We have the potential to generate something like 1 per cent of the UK's electricity requirements.

The two companies involved—AMEC and British Energy—are of course working sensibly and constructively with the Stornoway Trust, which is the public landowner. They are responsible companies. They have already undertaken one of the largest ornithological studies ever undertaken in the UK, which was under way before they

lodged their formal request for planning permission. The Scottish Executive has supported us in relation to the Arnish yard and the UK Government is supportive in other ways.

I have three questions for the minister, particularly in relation to the Lewis peatlands in the context of the proposed wind-farm developments. Does the designation of SSSIs prevent development? Does Natura 2000 designation prevent development? Will the minister ensure that no private landowner will be allowed to abuse the designation process for their own narrow selfish reasons, given that they can magic up spurious designations simply to protect their narrow interests?

17:42

Robin Harper (Lothians) (Green): Jamie McGrigor made some serious allegations about SNH, using words such as suppression of information, unscientific, unlawful and biased. I am delighted to follow Alasdair Morrison in trying to set the record straight where SNH is concerned.

Under European Union law, selection of sites must remain on a scientific basis with consultation and appeal limited to scientific merit. Management decisions concerning sites might include wider considerations where they are appropriate, subject to assessment of the scientific evidence. We have a legal and, I would argue, a moral duty to protect the most special natural areas within Scotland. Both European and UK legislation acknowledges the need to identify the natural jewels in the crown that exist in our countryside.

However, special sites should be identified through objective scientific analysis and I believe that the selection of SSSIs, special areas of conservation and special protection areas by Scottish Natural Heritage is based on sound scientific assessment.

Mr McGrigor: Robin Harper talked about scientific data. The point that I made about the Barra data was that they were suppressed. SNH did not report the data to the Government, as it is supposed to do.

Robin Harper: I hope that the full truth about that incident comes out, but I am talking about the generality of the way that SNH has been caring for our environment over the past few years.

There is an assumption that the designation of an area for purposes of conservation will result in prohibition of human activities in some cases. That is a myth that should be dispelled. In most cases human activities such as traditional management practices undertaken by crofters or landowners form key components in the conservation of wildlife on designated sites. Sarah Boyack referred

to that in her speech.

Here are some figures for you, Presiding Officer. An analysis of consultations on some 200 special areas of conservation, carried out since June 2000, reveals that a total of 11,506 local consultees and a further 15,766 central consultees—that is, bodies and groups with a regional or countrywide remit—were consulted.

Mr McGrigor: Will the member take an intervention?

Robin Harper: No. I will not take an intervention right now.

Only 1.1 per cent of local consultees in the past two years, and no central consultees, raised objections. In other words, the vast majority of SNH's activities have not resulted in objections.

It is clear that the system of site selection for protected areas is robust and that the level of consultation on designations is comprehensive. Nevertheless, SNH is supportive of the proposals to modernise procedures for protected nature sites in Scotland that were published in the Executive's document "The Nature of Scotland", to which previous speakers have referred.

Regrettably, since the proposals were published more than 12 months ago, the Executive has not seen fit to introduce legislation to enact them. It is clear that it is partly the Executive's inactivity in that area—and not the actions of SNH—that is directly responsible for the delay in enhancements to the system for the protection of natural heritage sites in Scotland. I recommend that when the Executive puts the proposals into action through legislation, it considers methods of mediation and of involving local people in the production of the plans for the management of SACs and SSSIs.

The Deputy Presiding Officer: Members have had quite a lot to say in the debate. I will need to accept a motion without notice to extend the debate by 10 minutes to five minutes past 6. I think that members agree with that, and I would be grateful if someone would so move.

Motion moved,

That, under Rule 8.14.3, the debate be extended to 6.05 pm.—[*Sarah Boyack.*]

Motion agreed to.

17:47

Rhona Brankin (Midlothian) (Lab): I was keen to speak in the debate and, having heard some of the speakers, I remain keen to do so, as I have concerns about the tone that some of them used. I also have grave concerns for Scotland's natural heritage if we should fail to protect the special places of which Scotland is so justifiably proud.

It is not only Scots who appreciate our natural heritage. Many thousands of visitors come to Scotland from the rest of the United Kingdom and from abroad to watch our ospreys, our puffins and our bottle-nosed dolphins. Thousands also come to visit the remains of our ancient Caledonian pine forests, our heather moorlands and our peatlands. Many more come simply to walk, to cycle or to climb our mountains. As Tavish Scott said, environmental tourism is vital to the Scottish economy. It is also important to many fragile rural communities.

I believe that our system of designation is vital if we are to ensure that we do not lose more of our species and habitats than have already been lost in Scotland. We have already lost vast swathes of heather moorland, ancient oak forest and Caledonian pine forest. We are still close to losing our capercaillie. Our challenge is to ensure that we involve local communities effectively.

Mr McGrigor: I agree with Rhona Brankin's comment about the capercaillie. Does she agree that we should take advice from the Scottish Gamekeepers Association, that is, from the people on the ground? Predators are the real reason for the disappearance of the capercaillie. Unless we do something about predation, we will have no capercaillies.

Rhona Brankin: One of the reasons why we are losing vast numbers of our capercaillies is forestry fencing, but other issues are involved as well. It was important that we took capercaillie off the quarry list, and I welcome the recent action that has been taken.

We must ensure that we involve local communities in the consultation process on designation in an effective way. I welcome the proposals that are contained in "The Nature of Scotland". We must not lose sight of the fact that SNH carries out a rigorous consultation process. Robin Harper has already provided the figures that relate to the research that was carried out recently, which showed that only 1.1 per cent of local consultees raised objections to designations.

Let us dispel some myths. First, there is not a huge level of opposition to every designation. Secondly, designation does not necessarily damage the local economy. There is evidence to the contrary, such as the research that was carried out by Broom, Crabtree, Roberts and Hill, which identified the socio-economic benefits of sites that were designated as part of the Natura 2000 directive. However, we must get better at working with local communities. I support the development of the natural care programme, which ensures that we pay for the positive management of Natura 2000 sites. I agree with Tavish Scott and George Lyon on that.

We can be proud of our natural heritage in Scotland. The challenge is to protect that heritage and to ensure that it sits alongside sustainable economic development in some of our most fragile communities.

The Scottish Executive recently received research that showed conclusively that Scotland can be self-sufficient in renewable energy without siting wind farms on designated sites. I ask for an assurance from the minister that internationally important designated sites will not be prey to wind-farm developers. I support the motion.

17:52

Nora Radcliffe (Gordon) (LD): The debate has indicated why we need designation, but it has also highlighted that designation does not always work as well as it might. The excellent document, "The Nature of Scotland", proposes substantial reforms to the way in which we protect and manage our most special natural places. I make a plea to the Executive to introduce the relevant legislation, which will enable parliamentarians to go into the necessary depth and detail on how we manage SSSIs, how we make them work better and how we ensure that proper consultation takes place.

We will be able to thrash out all the issues that have been highlighted in the debate if we are given an opportunity to discuss the bill that will follow from "The Nature of Scotland". It is vital that the draft bill is produced as soon as possible, so that we can tackle the issues in a constructive, detailed and thorough manner.

17:53

The Deputy Minister for Environment and Rural Development (Allan Wilson): I thank all those members who have participated in the debate and I thank Jamie McGrigor for securing it. I welcome the opportunity that the debate presents to discuss some of the issues. The fact that the Presiding Officer has extended the time that is allocated to the debate is indicative of the wide interest in environmentally designated areas in the Parliament.

Those members who have been engaged in dialogue with me during the past few months will not be surprised to learn that I have a great deal of sympathy with the thinking behind today's motion. I believe strongly that SNH's consultation processes should ensure that decisions on whether to designate sites are informed by local views, but I have no reason to think that SNH has not undertaken full and open consultation on recent designations. In fact, for some time SNH has gone beyond its legal requirement to consult local owners and occupiers and has involved other interested parties. I want to ensure that the

interests of local people are fully recognised in the consultative process.

The problem is what constitutes consultation, which I touched on during question time in response to Tavish Scott. Consultation should not be confined to the environmental or scientific implications of designation. Like most people, I take the view that consultation should encompass much more than that.

However, we go beyond many of our European partners, who simply designate without any process of public consultation, because we incorporate a system of consultation. We are also constrained by decisions of the European Court of Justice, which confined the consultation process to those very same scientific and environmental considerations. Social and economic considerations are excluded until after the designation has been made.

Tavish Scott: I am grateful for the minister's explanation. When the current—dare I use the word—quota of the habitats directive has been fulfilled, will the Scottish Executive ensure through the member state that any new tranche of designations will take those wider points into consideration? Is that a possibility?

Allan Wilson: As Tavish Scott knows, we are considering that issue with some degree of urgency in the light of current circumstances. I had intended to deal with that. As has been said, the proposals that are outlined in "The Nature of Scotland" include a stronger voice for local communities. It is my personal mission to see that that is enshrined in the forthcoming legislation.

We also propose—this answers the point that was raised by Sarah Boyack and several other members—that there will be less bureaucracy and increased resources, which will provide incentives for the positive management of those protected areas. I am pleased that nobody has doubted the need to protect Scotland's most important wildlife and habitats through site designations. Environmental policy and legislation has long recognised the need to identify and protect sites, rare plants and species because what we collectively understand as Scotland would be belittled without them.

The selection of sites of special scientific interest is an important component of that policy. A recent survey of SSSI owners and occupiers showed that 71 per cent of them are proud to have an SSSI on their land and do not believe that it causes any problems. In the UK, the SSSIs underpin the whole designation for special areas of conservation and special areas of protection. I am also familiar with the statistic that Robin Harper quoted that, of local consultees for proposed special areas, only 1.2 per cent—a wee bit more

than 1.1 per cent—have objected to the proposals. I am sure that all members, including Jamie McGrigor, would agree that that is a pretty good record for which SNH can and should take credit.

Mr McGrigor: I would agree with the minister on that, except that, having looked at the situation in Barra, I might doubt the figures.

Allan Wilson: I understand where Mr McGrigor is coming from, but I understand that some of the more difficult and controversial designations are being dealt with only after circa 95 or 96 per cent of the schedule of proposed sites has been dealt with. The more controversial designations, such as Barra, necessarily come at the end of the process. Mr McGrigor alleges that SNH did not properly report the outcome of the Barra consultation. SNH denies that. The reason that I delayed a decision on the designation is that we attach great importance to such decisions. In the light of what has been said by Jamie McGrigor and others, we will require further information before taking any decision on Barra and on some of the other remaining designations.

As has been pointed out, the designations should not be seen as a negative force. There is no automatic barrier to development or to change of use. If I may to some extent answer Alasdair Morrison's question—and, as a corollary, agree with what Rhona Brankin said—site designation does not in itself affect the management or use of a site. Development is not prevented on SSSIs or on Natura 2000 sites. On the landowner interest, the proposals in each individual case must be examined, but any designation must be scientifically valid.

As George Lyon suggested before he left, designation can be of economic benefit to rural communities and places, where it can make the most difference. We have provided an additional £22 million over a three-year period to SNH to fund its natural care strategy.

I was in Galicia at Easter on an Executive visit. In Spain.

Sarah Boyack: We know where it is and we are jealous.

Allan Wilson: It was a long-delayed visit and I was fortunate enough to be in my post by the time it came up.

In Galicia, a system of land reform, which is now about 10 years old, was all about consolidating very small parcels of land to make them more economically viable. The system is complex and involves getting lots of people around the table to agree to co-operate. When the process started, there was massive opposition; but now, because successful programmes have been running for some time and have been proven to be of

economic benefit to the landowner and to the land users—an issue that has been mentioned by many speakers tonight—the system is popular. People are now queueing up to participate. I would like to see a similar thing happen with designations here.

A scheme is already under way for the Forest of Cluny in Perthshire. Others are planned in Ayrshire, Galloway and the island of Arran in my constituency. I hope that local landowners and occupiers will take advantage of the new schemes, which are designed to promote sustainable management of the land for forestry interests. People can also benefit from other funds.

I want to respond to a point raised by Sarah Boyack and others. The continuing process of identifying tourism sites has been a massive undertaking. The vast majority of designations have not raised local concerns over the protection of the sites. The process shows our concern for the natural heritage of Scotland. The Executive and SNH are making every effort to inform and involve local interests. I hope that we can all, locally and nationally, share a pride in, and a concern for, these special places.

Fiona McLeod *rose—*

Allan Wilson: I think that I am just coming to the question that Fiona McLeod wishes to ask. I repeat my assurance that we will be publishing a draft bill based on the proposals in “The Nature of Scotland”.

Fiona McLeod: When?

Allan Wilson: As soon as possible. Fiona McLeod poses the question and she has said that we need a bill and that we need it soon. I agree, but I want to go further. We need a bill and we need it very soon. I will certainly make it my objective to bring forward proposals as soon as possible.

Meeting closed at 18:03.

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