

MEETING OF THE PARLIAMENT

Thursday 13 June 2002

Session 1

£5.00

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Scottish Parliament

Thursday 13 June 2002

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

Youth Justice

The Deputy Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S1M-3194, in the name of James Douglas-Hamilton, on youth justice.

09:30

Lord James Douglas-Hamilton (Lothians) (Con): Last Friday, I had the good fortune to meet representatives of the children's panels of Edinburgh. They raised a number of issues. In particular, they confirmed that they would have no problem with the idea of the children's panel system being given more powers and resources to underpin panels' jurisdiction. In their view, there is nothing wrong with examining the deeds and the needs of young offenders at the same time.

From their standpoint, something has to be done, and it is their conviction that the interests of children are paramount, but the public interest is also very important. That interest must be properly taken into account. In making disposals, an appropriate balance must be struck between the interests of the child and the need to protect the public.

Youth justice is a critical subject, and we have sought to set the agenda and highlight what is needed in that connection.

George Lyon (Argyll and Bute) (LD): Will Lord James take an intervention?

Lord James Douglas-Hamilton: I have only just begun. The member will get plenty of chances before the debate is finished.

We have repeatedly warned that a shortage of secure accommodation places prevents children's panels from making the disposals that they would wish to make. That cannot be in the public interest. It is not in the public interest for a young offender to be sent to prison because of a shortage of secure accommodation, and it is not in the public interest for young offenders who have committed persistent and serial offences to be dealt with leniently on the ground of lack of accommodation. The need for more resources for secure places, whether they are provided under the education budget or the justice budget, is of the utmost importance.

Dissatisfaction with the present situation is not restricted to our own representations. Youth crime is a growing problem and accounts for 40 per cent of all offences. When a young person is arrested by the police, they cannot be detained unless they are unruly. Because of that, as young offenders learn to work the system, they quieten down when arrested and are consequently released, leaving the police to complete the paperwork while they go free to commit more offences.

In approximately 80 per cent of cases involving young offenders, the reporter to the children's panel takes no action on the offence. That is often because the child has been referred on other grounds, including social grounds, which can obscure the gravity of the offences.

I understand that places have had to be found in Liverpool and Newcastle because of a shortage of secure accommodation in Scotland. Police officers have had to be taken off the streets to escort young offenders. The lack of secure accommodation simply must be tackled.

At a time when a great many people feel that the powers of the children's panels should be strengthened, the Executive is seeking to pass a bill that would enable 16 and 17-year-olds to be sent to children's panels. Those provisions have caused considerable alarm among the children's panels themselves. They believe that the present resources could be inadequate and that the panels might well need more powers.

George Lyon: Will Lord James clarify whether he supports the proposals contained in the Criminal Justice (Scotland) Bill to refer 16 and 17-year-olds to the children's panel system?

Lord James Douglas-Hamilton: Most certainly not. I wish to make it absolutely clear that we regard such a step as the wrong signal to send. The children's panels have many extremely difficult cases to deal with as it is. Furthermore, it is not unknown for panel members to be assaulted. They believe that it is undesirable for them to give their addresses out, as that practice has led to exchanges of a disagreeable nature. Those who appear before panel members know their home addresses. That matter requires to be addressed.

In the *Scottish Daily Mail* on 2 May, Jackie Baillie MSP said this about 16 and 17-year-olds being sent to children's hearings:

"These sorts of cases must end up in courts – they cannot just go to Children's Panels. Local communities are really concerned about youth disorder and vandalism. By all means give youngsters a chance – but we need to get the right balance. I don't think the Bill does that as it stands."

Similarly, Paul Martin MSP was quoted as saying—

George Lyon: Will Lord James take an intervention?

Lord James Douglas-Hamilton: Just let me finish. I am quoting Labour MSPs. George Lyon has yet to join the Labour party, but I can tell him that Labour MSPs speak with a great deal more authority on this issue than members of his party.

Paul Martin MSP said:

"I don't think sending 16 and 17 year olds who repeatedly break the law to the Children's Panel will help."

Paul Martin and Jackie Baillie were right, as was Johann Lamont, who has referred to a meeting attended by some 700 of her constituents.

Jack Urquhart of the Association of Scottish Police Superintendents said on 14 April in the *Mail on Sunday in Scotland*:

"People aged 16 and 18 are adults ... fully aware of their circumstances. If they are put before a children's hearing, particularly those who are persistent offenders, they will simply laugh at the justice system".

Graeme Pearson, an assistant chief constable of Strathclyde police, said:

"Nobody likes to lock up children, but sometimes an offender needs to be taken out of the environment in which they have been offending to protect the community and him or herself."

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): So far, we have heard what Lord James is objecting to, but we have not heard what the Conservative party's proposals are. Phil Gallie is not here this morning, but two weeks ago he proposed

"a referendum ... on the issue of bringing back the birch."—
[*Official Report*, 28 May 2002; c 12160.]

Is bringing back flogging what Lord James is now proposing?

Lord James Douglas-Hamilton: With the greatest respect, it is easy for the member to mention alleged quotations by Phil Gallie when he is not here, but I understand that he has made no such assertion.

Mr Rumbles: It is in the *Official Report*.

Lord James Douglas-Hamilton: If the member would exercise just a little bit of patience, I will come to our proposals in a moment.

On 3 May, no less a person than the First Minister chose to raise the matter in an interview with the *Daily Record*. He said that there are

"Youths out on the street causing violence, causing disorder, causing vandalism, graffiti and terrifying not just older people but other young people. I am absolutely determined to tackle that and we will be putting in place the policies that will deal with it."

We have chosen youth justice as the subject for this debate because we think it right that the First

Minister and the Executive should have the opportunity to clarify their policies.

When we last called a debate on youth justice, on 20 September last year, the current First Minister was the Minister for Education, Europe and External Affairs. He chose not to participate and to leave it to his Liberal Democrat colleagues, so we look forward to the contribution of Cathy Jamieson, the Minister for Education and Young People. We would like to know, for example, whether all the talk about youth courts was merely a bit of sabre rattling—with an impending election in mind—or whether the Executive will actually introduce appropriate amendments to the Criminal Justice (Scotland) Bill.

It is somewhat preposterous that the Executive is willing to amend bills to cover wildlife crimes but seems less interested when it comes to youth crime. What is the point of pledging to act later if the Executive has the power to act now? Perhaps it comes down to the First Minister's difficulty in getting his ideas past his Lib Dem deputy who appears to be considerably softer on crime.

Johann Lamont (Glasgow Pollok) (Lab): Does the member agree that his motion pre-empts the serious debate that is being held in the Justice 1 Committee and that it might be appropriate to reflect on what it has to say on the serious issues that he has to address, particularly those relating to 16 and 17-year-olds?

Lord James Douglas-Hamilton: That debate is being held by the Justice 2 Committee. I very much hope that the question whether the Executive intends to lodge appropriate amendments, or at least support them, will be clarified in due course. That would offer a healthy way forward.

We have put forward a number of clear and unequivocal proposals, and I will now proceed to answer Mike Rumbles's question. We have made it clear that we strongly support an increase in the number of secure accommodation places, so that children's panels can make the disposals that they wish to make effectively.

Detention is a punishment that is widely used in schools. Similarly, children's hearings could order a young offender to attend a school or similar establishment in the evenings and on weekends, with parents being responsible for picking up their children afterwards to take them home. Children could be encouraged to bring school books with them and could be denied the use of computer games and television. Although resources would be required, supervision could be carried out by retired police officers, for example.

We also suggest that young offenders be required to work on a similar basis to those subject to adult community service orders and supervised

attendance orders. We are attracted by the notion of restitution of damaged property. That is particularly appropriate in cases of vandalism and graffiti. We propose an amendment to legislation that would require parents to keep children in the house or have children accompany them when they go outside. We support more substantial policing of neighbourhoods where that is appropriate. We have argued that far more police officers should be available for community policing and that they should have a visible presence in neighbourhoods that are badly affected by youth crime and disorder. Their role would be to detect and deter crime and to work with parents, young people, schools and ethnic and community groups to encourage a greater sense of citizenship and good behaviour among young persons.

Mr Kenneth Gibson (Glasgow) (SNP): Does that mean that the Conservatives now accept the SNP's proposal on the introduction of an extra 1,000 police officers in Scotland?

Lord James Douglas-Hamilton: We believe that there should be a substantial increase in the number of police officers wherever they are needed. The size of the increase would be dependent on local circumstances. After the 1997 general election, the Labour Government reduced substantially the number of police officers. It has only just restored—and marginally exceeded—the level of policing that obtained in 1997. We say that that is insufficient. In recent years, there have been far too few police officers. In neighbourhoods where there is a need for a visible police presence, that should and must be provided. Many police officers have to attend courses and have other duties, so they are not necessarily on the beat and visible in neighbourhoods, as is required.

We want a return to safer communities, safer streets, safer homes and peace of mind for everyone. We want to establish in Scotland a way of life free of crime and the fear of crime.

I move,

That the Parliament notes with concern that there are youths out on the street causing violence, causing disorder, causing vandalism and graffiti and terrifying not just older people but other young people; acknowledges that the problems of youth disorder must be given a high priority if the right to peace and security at home and in the community is to be protected; further notes that diverting 16- and 17-year-olds to the Children's Hearings System will only defer effective deterrents and place an extra burden on a process which is already overstretched and not respected by the young offenders, and therefore calls upon the Scottish Executive to introduce an increased range of disposals, including weekend and evening detention, expansion of supervised attendance orders and community service and grounding, coupled with an increase in secure accommodation and a substantial increase in the number of community police officers to help make our streets safer.

09:43

The Minister for Education and Young People (Cathy Jamieson): I welcome the fact that Lord James Douglas-Hamilton is looking forward so much to my speech. I remind Parliament that last December, in the first speech that I made as Minister for Education and Young People, I launched the youth crime action plan. It is not true that nothing has happened on this issue since Jack McConnell was responsible for it.

The Parliament should have no doubt that the Executive is determined to reduce youth crime. We are also determined to tackle the problems that are associated with youth disorder. However, first we need to recognise that the majority of young people in this country are not involved in crime. Only a minority of young people are involved in serious disorder. Many young people are the victims of crime. The vast majority of young people in Scotland want to be valuable members of their communities and are critical of young people who take part in criminal activities. I want us to be absolutely clear about where the problems lie.

We know that only a small proportion of young people are involved in offending behaviour. Each year, less than 2 per cent of Scots children under 16 are referred to the children's hearings system on offence grounds. That is lower than the figure from three years ago and significantly lower than the figure for youth offending at the time when the children's hearings system was established.

We need to ensure that, either through children's hearings or the adult courts—I recognise that there is overlap between the two—the youth justice system can deal effectively with young offenders before their behaviour becomes entrenched. The evidence shows that minimal intervention will lead many young people to stop offending. If young people get involved in trouble and steps are taken to divert them from that, they will not continue to offend.

We know that some young people do not stop offending, and we should focus our action on that group. There should be a particular focus on the 800 or so young people who were referred to children's hearings in 2000-01 because they had committed at least 10 offences. Only one young person in 1,000 falls into that category, but that small minority causes mayhem in local communities and people really fear the consequences of its actions. It is right that our top priority in tackling youth crime should be to ensure that actions against persistent offenders are effective. That will have an impact on how safe our communities feel and will reduce the economic and social cost of crime. It is not acceptable that elderly or young persons in a community should feel that they cannot walk the streets safely.

This debate also relates to activity by some young people that does not amount to serious offending but causes considerable disruption in local communities. From responses to the Scottish crime survey, we know that, overall, fewer people than before have concerns about youth disorder, which is a good start. However, that is not the situation in all communities. I am concerned about those communities in which the fear of crime is highest, in which people's lives are being made a misery and at which effective action must be targeted, so that they are made safer.

Youth disorder is not an issue for the youth justice system alone. As Lord James Douglas-Hamilton recognised—although his focus was different from mine—making some of the changes that we want will require effort from parents, schools, the health service, local authorities, local communities and young people themselves.

We know that there are factors that can make a difference. Sometimes physical environment and lifestyle play a part. The Executive needs to take a strategic approach. We need to take action on community safety. Social inclusion partnerships and the better neighbourhood services fund have a role to play. The physical design of communities can make a difference. Tackling social exclusion can make a difference. The introduction of closed-circuit television and making police officers visible in local communities have helped in the fight against crime, especially in the most disadvantaged communities.

Innovative projects are under way. In Alloa, for example, the social inclusion partnership has implemented an award-winning community police project that aims to cut crime and the fear of crime. Recently I visited Aberdeen where, in conjunction with the police, Northfield Academy has come up with the innovative solution of having a community police officer based in the school, to work alongside young people and to tackle some of the issues that I have mentioned.

We must also consider taking action to reduce truancy. There is concern that, if young people are not in school, as they should be, they will be on the streets, which is not appropriate. We are implementing the recommendations of the discipline task group.

We know that we need a range of measures to provide constructive activities to divert young people from hanging around the streets because there is nothing better for them to do.

Christine Grahame (South of Scotland) (SNP): The Justice 1 and Justice 2 Committees received evidence that the budget for diversion from prosecution services is just under £1.5 million for each of the three years from 2001-02 to 2003-04. However, in evidence, representatives of

South Lanarkshire Council said that it would cost them £250,000 simply to deal with substance misuse. How can £1.5 million deal with Scotland's problems when South Lanarkshire Council alone requires £250,000?

Cathy Jamieson: As I have already indicated, we are not tackling youth offending simply through one strand of the justice department's budget. Through joined-up working, we are attempting to ensure that all the programmes that deal with young people and children—whether in schools or in the justice system—focus on youth offending. I want to talk about the things that we need to do as part of that strategy.

At the end of January, the First Minister and I launched the action programme to reduce youth crime. That programme established the key priorities that we need to pursue. A top priority is to tackle persistent offending. We recognise that the best way of doing that is to ensure that effective disposals are available to the children's hearings system.

Johann Lamont: Does the minister agree that there is a problem with non-referral to children's panels and with cases' being marked "no further action" when they reach panels? Does she agree that there is a huge lack of trust in the children's hearings system, and that it is necessary not just to say that the system is working, but to have a review that proves that, so that where it is not working its failures can be addressed?

Cathy Jamieson: Johann Lamont makes a relevant point about the way in which information is passed back to local communities and to victims about what happens as a result of referrals to the children's hearings system. We will consider the issue. It is important to ensure that members of the children's panels have confidence that programmes exist on to which they can put young people, that those programmes will be effective and that they will be evaluated. We can get more from the existing principles of the children's hearings system by being more focused on specific requirements added to supervision orders. I could give a list of projects that are currently under way, but other members will do that.

People are concerned about secure accommodation. For some young people, secure accommodation is the correct place, because they are a risk either to themselves or to others in their community. We must recognise that there are problems in the system.

An issue in which Roseanna Cunningham takes an interest is the difficulty of finding systematic data on the use of secure units. The secure accommodation advisory group found that to be a problem, as we have in the Executive. We know that panels made 194 recommendations for

secure accommodation last year. On average, young people stay in secure accommodation for between 14 and 16 weeks. We also know that we have almost twice the proportion of young people in secure accommodation in Scotland as there is in England, and almost three times the proportion that there is in Wales. We know from local government that, by and large, the required number of places have been available when they have been needed during the past couple of years. However, we know from anecdotal evidence—which does not always match the statistical evidence—that places are not always available at the time that they are required. In some cases, young people wait for places when there are other young people in secure units who cannot move on because no appropriate place has been identified for them. It is not good enough.

I want to wait to examine more fully all the recommendations in the secure accommodation advisory group report to ensure that, when we introduce proposals to tackle the provision of secure accommodation places, we have the right number of places available in the right locations. It will be part of an overall strategy. That is the right way to proceed rather than grabbing quick headlines. The strategy will put in place effective measures that will reduce the fear of crime, reduce crime and make our communities safer places.

I move amendment S1M-3194.2, to leave out from first “notes” to end and insert:

“recognises the problems faced by those local communities where a disproportionate amount of crime and disorder is caused by a small number of persistent offenders; considers it a priority to reduce youth disorder and youth offending; welcomes Scotland’s Action Plan to reduce youth crime and the establishment of Youth Justice Teams in each local authority; believes that effective disposals and programmes must be available to the Children’s Hearings System which make young offenders face up to the consequences of their behaviour; supports all parties involved in the youth justice system to play a full role and be accountable for their actions, and welcomes the Executive’s continuing focus on improving the youth justice system in order to reduce youth crime, the fear of youth crime and build safer communities.”

09:52

Roseanna Cunningham (Perth) (SNP): The motion in Lord James’s name was hysterically worded and a little inappropriate.

Lord James Douglas-Hamilton *rose—*

David McLetchie (Lothians) (Con): They are Jack McConnell’s words.

Roseanna Cunningham: If David McLetchie wants to impress in Parliament, he should use more parliamentary language than he used in that rant. There is scope for populist appeals, but we must be careful, because youth crime and disorder tend to be in one’s face.

We must deal with that difficulty. We are talking about the graffiti scarring our urban environment, the groups of under-age drinkers or drug-takers losing their inhibitions and respect for the law in public places and the petty vandalism that people see daily. It is not behind closed doors; it is out on the street and that is the biggest problem with which we are dealing. We have reached the stage at which any group of youths, however law-abiding, causes emotions ranging from basic nervousness to genuine fear and alarm in passers-by. We must accept that that is the response of ordinary people.

The sight of police on the street restores confidence. It is a rare sight, as many of our constituents tell us, yet visible policing is the most effective deterrent to disorder and we must return to it. I suspect that all members who are present agree. We must address the perception in society that youth crime is on the increase, despite what the statistics might tell us, and that the system is not dealing well with young offenders, if at all. That is another apprehension of ordinary people.

So what is being done? As ever, there has been much talk but little action. There has been a ministerial committee and there is now an advisory group on youth crime, an action plan—10 months late—and another ministerial committee. What all that has produced amounts to precious little—a great deal of talk but few practical results.

I know that people from urban areas have particular concerns, but even small rural towns simply do not know how to cope with the problem. The children’s hearings system seems to be so under-resourced that there has been a complete collapse of confidence in the system—among the public and the police. That is damaging. While concern about the resourcing of children’s hearings remains, the Executive’s current proposals are a little premature. If we have a children’s hearings system that is not coping, giving it more work will not help. Again, there has been much talk, but no action.

The Executive’s confusion on youth crime appears to go right to the top. On 15 May, Jack McConnell suggested the creation of a juvenile courts system for 14 to 18-year-olds—an idea that was rejected the next day by the ministerial group on youth crime. Of course, children can already be prosecuted from the age of eight and special provisions already exist for juvenile courts for under-16s. However, as a matter of Executive policy, decreasing numbers of children are sent to juvenile courts.

Pauline McNeill (Glasgow Kelvin) (Lab): As Roseanna Cunningham has mentioned juvenile courts, will she tell us her party’s view on them? Has the party assessed their effectiveness in England and Wales, where they now operate?

Roseanna Cunningham: Juvenile courts are probably a very good idea indeed, but the point that I am making is that Jack McConnell did not seem to realise that we can have such a system right now. We do not need to introduce the idea as a brand-new policy.

While the Executive dithers, a real problem faces the youth justice system—the problem of secure accommodation, which Cathy Jamieson spent a little time on in her speech. From time to time, but with increasing regularity, I am contacted by the press for a comment when a child, perhaps as young as 14, has been held in an adult jail because of insufficient places for young people in secure accommodation. Ministers have repeatedly acknowledged the problem and, before the Parliament even existed, it was pledged that sending children to adult prisons would be a thing of the past. However, here we are, still having to talk about it.

The lack of places means that children under the age of 16 are being sent to secure units in England, placed in adult prisons, or given other wholly inappropriate disposals. That is not good for them and it is not good for society. On 29 April this year, Colin MacKenzie, the convener of the Association of Directors of Social Work, while talking about 13 children awaiting places in secure accommodation, said:

“This does not simply translate into a need to have 13 new places. What is required is a range of residential placements with the capacity to provide varying levels of security depending on the particular needs of the child.”

That is precisely what the SNP is calling for.

In the longer term, the focus surely has to be on intervention—long before placing a child in secure accommodation seems the best option. That is why the SNP has proposed the option of parental compensation orders. That would put responsibility for the actions of a child on his or her parents as well. It would also introduce an element of restorative justice to the system. That is a workable idea and one that is already being made to work in many other countries.

Cathy Jamieson: Does Roseanna Cunningham accept that one of the key points in our youth crime action plan was to ensure that every local authority in Scotland had a youth justice team to ensure that, in each local authority area, there was a restorative justice project or some form of reparative project? Does she accept that such projects are being put in place across Scotland?

Roseanna Cunningham: That is an interesting comment, but the reality is very different. Again we have the difference between talk and action.

The parental compensation order idea is being made to work in 10 other countries—from Canada right through to Italy. The idea has not simply been

pulled out of nowhere. It would make a difference in Scotland, especially to the perception that, when a young person commits a crime, no one seems to take any responsibility—neither the young person nor their parents. Responsibility is the key to the issue—getting young people to take responsibility for their actions and getting their parents to take responsibility too. That does not seem too much to ask in 2002.

I move amendment S1M-3194.1, to leave out from first “notes” to end and insert:

“recognises continuing public concern about the levels of youth crime; regrets the failure of the Scottish Executive to take effective action to tackle such crime; believes that tackling youth crime effectively and appropriately is a key element in reducing overall levels of crime and fear of crime, and calls upon the Executive to introduce practical measures to prevent youth crime and to ensure that there are sufficient places so that those young offenders who, for their own sake, need to be looked after in secure accommodation are held in conditions appropriate to their age.”

09:59

George Lyon (Argyll and Bute) (LD): On behalf of the Scottish Liberal Democrats, I welcome the opportunity to debate the serious issue of how to tackle youth crime in Scotland. The past few weeks have seen youth crime become part of a bidding war that our Opposition parties, the Tories and the SNP, have entered into. Their only interest in the issue would seem to be in winning votes rather than in proposing solutions to the problem.

We should examine the facts. According to the Scottish Children's Reporter Administration, youth crime has fallen in the past 30 years. In 1974, there were 28,184 referrals. By 2001, the figure had dropped to 26,766. Those are the facts. During the past 10 years, the figure for the number of children with one to three offences coming before the children's system has remained almost constant. The Scottish Liberal Democrats recognise that there is a real problem in the area of children and youths with more than 10 offences. That area has grown by over 40 per cent.

Johann Lamont: Does the member accept that there is a problem of hidden offending in our communities? The police have told me that often cases are not referred to the panel. No matter what the statistics show, the problem for our communities is that the issue is not being addressed.

George Lyon: We have to use the statistics that the Executive presents to us. If there is a problem with the statistics, Johann Lamont should highlight that so that we can get better reporting of them.

There is general agreement—

Mr John Swinney (North Tayside) (SNP): Will the member take an intervention?

George Lyon: I am going to make some progress. I do not have a lot of time, but I will get back to the member.

There is general agreement that the real problem area is the small number of habitual offenders. We want to see action taken to tackle that problem. The crime that is committed by youngsters who are constantly in trouble is not a problem that is confined to our major cities, as some have suggested; it is a problem that also exists in rural Scotland. Roseanna Cunningham rightly made that point. We should not get lost in thinking that the problem is one only for Edinburgh or Glasgow; it is also a problem throughout our rural communities.

Mr Swinney: I am glad that George Lyon has made the point that the problem is not only an urban problem, as was articulated by Johann Lamont and other members, but a rural problem. On Tuesday evening, I met more than a hundred people in the small village of Newtyle in my constituency. Although the village has a low level of recorded crime, there is a high perception of unease in the community because of an insufficient visible policing presence. If Mr Lyon contributed something to the debate, rather than simply condemning those who are bringing ideas to it, the Liberals might have something more to say for themselves.

George Lyon: I agree that there is a general perception of fear in our communities, but that is not helped by politicians who engage in bidding wars and talk the issue up and out of proportion.

David McLetchie: Will the member give way?

George Lyon: I have taken quite a number of interventions and I need to make some progress. I hope that the Presiding Officer will allow me additional time for those interventions. However, seeing that it is David McLetchie, I will give way.

David McLetchie: Can Mr Lyon tell us whether the First Minister is or is not a participant in what he calls the bidding war?

George Lyon: I cannot speak for the First Minister—I will allow others to do that. *[Interruption.]* I would like to make some progress. What I will say is that I welcome the statement from the First Minister and Cathy Jamieson that they have ruled out some of the more ridiculous propositions that were made by Mr McLetchie's party and others.

I will move on to the subject of solutions. The Tories say that the answer to the problem is to lock up young offenders, throw ever greater numbers of them in jail and get rid of the children's hearings system. However, according to evidence

that was given by Kelly Bayes of Barnardo's:

"There may be a perception that the children's hearings system does not work and that custody does, but that is a myth and we have a duty to the public to explode that myth. ... We also have to explode the myth that custody works. It takes young people out of circulation ... However, when they are taken back out of secure accommodation or custody the reoffending rate is phenomenal".—*[Official Report, Justice 2 Committee, 22 May 2002; c 1406-08.]*

In other words, to throw youngsters in jail for three months increases the reoffending rate; it does not decrease it. The Tory answers to youth crime would make matters worse and not better.

Lord James Douglas-Hamilton: Will the member take an intervention?

George Lyon: I will allow the member an intervention, but I hope that the Presiding Officer will allow me more time.

The Deputy Presiding Officer: I have already done so.

Lord James Douglas-Hamilton: One of the strong criticisms of the present system is that young offenders are sent to prison because secure accommodation is not available. Will the member tell us whether in all seriousness he thinks that that is right? I do not think that it is.

The Deputy Presiding Officer: Mr Lyon has another three minutes remaining to him in his speech.

George Lyon: In her speech, the Minister for Education and Young People indicated that she was tackling that problem and that she would be proposing solutions to it.

We have heard from the Westminster Government that the parents of youth who commit crime should be thrown in jail. The SNP has restated that it wants to see fines for the parents of youth offenders. Those policies were described recently by Barnardo's:

"Sending parents to jail is ridiculous and fining people already in poverty smacks of stupidity."—*[Official Report, Justice 2 Committee, 22 May 2002; c 1404.]*

At a recent meeting of the Justice 2 Committee, Barnardo's, Save the Children and Children 1st condemned the fining and jailing of parents as a proposal that would make matters worse and not better. I am glad that, following the first meeting of the ministerial committee on youth crime, the Scottish Executive decided to shy away from such policies. I welcome the enlightened view that the Executive is taking.

The Scottish Liberal Democrats believe that the Executive should give a high priority to tackling youth offending. Solutions exist and they can be used to tackle the problem. Those solutions include the new directions project, the Freagarrach project and the challenging offending through

support and intervention—CHOSI—project. All of them are run by Barnardo's, in partnership with local authorities.

The Justice 2 Committee heard evidence that the projects tackle offending through support and intervention. The project evaluations show a reduction rate in offending of between 50 and 80 per cent. The Scottish Liberal Democrats want to see such projects extended to other areas of Scotland. The problems are serious and we do not need to hear the silly slogans that we have heard from the Opposition parties. I challenge all the Opposition parties to engage in a serious debate on the issue. They should stop trying to outdo each other for electoral advantage.

10:06

David McLetchie (Lothians) (Con): It is symptomatic of how out of touch the Executive is that it has only just woken up to the fact that, for many people living in many of Scotland's communities, life is being made intolerable by young hooligans and thugs who are committing acts of vandalism, theft and disorder. Indeed, the Executive has become seriously interested in the problem of youth crime only because certain Labour back benchers have been made aware in no uncertain terms by their constituents that they want to see action on the issue. For the past three years in the Scottish Parliament, the Scottish Conservatives have, of course, been demanding action on the problem. However, it is typical that Labour has woken up to the fact only when an election looms on the horizon.

To try to hide the fact that the Scottish Executive has not done enough to address the problem of youth crime, the First Minister is now going around making a lot of noise on the issue. However, his Executive will remain the proverbial empty vessel until it ditches the ludicrous proposal that is included in the Executive's Criminal Justice (Scotland) Bill to extend the children's hearings system in certain areas to 16 and 17-year olds, at a time when the system is patently failing to cope with younger offenders.

I repeat my claim that Scotland would become the only country in the world where a 17-year old could be sent to a children's panel for assaulting his wife.

The Deputy Minister for Justice (Dr Richard Simpson): That is a lie.

David McLetchie: Let me explain. In a previous debate in Aberdeen, Dr Simpson loftily dismissed the statement. He is at it again today. In Aberdeen, Dr Simpson said that the statement was stupid, utterly absurd and utter nonsense. However, it was telling that he was afraid to take an intervention from me on the subject. Let me

explain the line of reasoning to him today.

Point number 1: I have in my hand a list of the top 40 categories of offences that are committed by under-16s, which are referred to the children's reporter. The list was obtained from the Scottish Children's Reporter Administration. For the information of the Deputy Minister for Justice, assault is at the top of the list and is followed by breach of the peace and vandalism. Those three categories represent just over 50 per cent of the 26,766 offence referrals made last year. I note, however, that the list includes robbery, serious assault and rape.

Point number 2: Section 44 of the draft Criminal Justice (Scotland) Bill deals with the youth crime pilot study and not one of the categories of offence is excluded specifically from referral. In essence, every offence committed in the pilot areas for which a 15-year-old can be referred to the children's reporter will apply to a 16 or 17-year old.

Point number 3: In Scotland, people of 16 can get married. Point number 4: a 17-year-old assailant could be married to his victim. Sadly, such cases of domestic abuse are all too common. Ergo, under the minister's plan, a 17-year-old could be sent to the children's reporter and then to the children's panel for assaulting his wife. If that line of reasoning is wrong, perhaps Dr Simpson or Cathy Jamieson will tell us why. I am happy to give them an opportunity to do that.

Cathy Jamieson: I have a point to which Mr McLetchie will perhaps want to respond. Domestic violence is a serious issue. It should not be trivialised in the way that Mr McLetchie has done. We are talking about proposals to examine how to deal with domestic violence. It is not helpful to take a scaremongering approach and to suggest that 17-year-old people who beat their wives will be referred to the children's hearings system.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Will the minister take an intervention?

The Deputy Presiding Officer: Order. The minister is intervening.

Cathy Jamieson: Is Mr McLetchie aware that the courts have the power to deal with offenders who are under 16 and who commit particularly serious offences? The courts regularly sentence young people, while taking into account the advice of the children's hearings system. Will Mr McLetchie take those issues seriously and withdraw his scaremongering about 17-year-olds who beat their wives being dealt with by the children's hearings system? That is not the intention and it never has been.

David McLetchie: If it is not the intention, will the minister introduce an amendment to section 44 of the Criminal Justice (Scotland) Bill to exclude offences of that category from referral to the

children's panel system? If she will not amend that section, will she exclude such offences in one of the regulations that she has the power to make under section 44? While she is excluding referrals in cases of domestic violence, will she also exclude them in cases of rape, assault with intent to ravish, indecent assault, serious assault, robbery and assault with intent to rob, all of which are offences for which 15-year-olds can be referred to the children's panel system? How many of those categories of offence will the minister exclude from referral, either in the bill or in regulations? Please tell me that.

Dr Simpson: The Lord Advocate will review the matter and ensure that serious cases are treated appropriately. Cases must be considered individually to determine whether they should be referred to a children's panel. For example, an individual with severe but temporary mental health problems might be sent to a panel. Is David McLetchie saying that such cases must go to the courts? Should not the family be involved, as happens in the children's hearings system? David McLetchie's point is spurious.

David McLetchie: My point is not spurious, it is substantive, and neither of the ministers has refuted it. Not one line of argument has been given to counter the reasoning that I set forth earlier.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Will the member give way?

David McLetchie: No. I have taken loads of interventions and I must move on.

Some of Mr McConnell's ministers will not back up his rhetoric, never mind try to turn it into meaningful action. It comes as no surprise that most of those ministers are Liberal Democrats. That party has always adopted an attitude of high-minded disdain for the concerns of ordinary people. George Lyon's speech epitomised that attitude.

It is unfortunate that a Labour minister—Dr Simpson—seems to have more in common with the Liberal Democrats than he does with some of his Labour colleagues such as Jackie Baillie, Johann Lamont and Paul Martin, who, to their credit, recently voiced concerns that are similar to those of the Conservatives. Of course, those members represent an older Labour party—the one that knew the difference between mushy peas and guacamole. Dr Simpson does not know the difference.

It is Scotland's misfortune that our two justice ministers seem more concerned with the interests of young offenders than with those of their victims, who are often the most vulnerable members of society and who live in our most vulnerable communities. I urge the ministers to take a reality check and to think again.

10:14

Pauline McNeill (Glasgow Kelvin) (Lab): I do not intend to have a go at Mr McLetchie during my speech. We will see whether I can resist the temptation.

Youth crime and disorder is a complex and serious issue; it is not a laughing matter. The issue is fast becoming one of chest beating for many members, who want to appear to be the toughest on youth crime. Sadly, many commentators also assume that the issue for members is whether their party or their constituency think that they are doing the right thing. I genuinely believe that MSPs from all parties listen to what is happening and that the Parliament will provide a solution.

We must move away from some of the jargon that we have heard during the past few months. That jargon comes not only from politicians but from professionals, who should know better when they are trying to explain clearly why the system must be changed. The freedom to examine the problem as Parliament sees it is fundamental to finding a solution that is free of slogans, jargon and statements that are not backed up by evidence.

I have a point for Mr McLetchie about the mechanics of section 44 of the Criminal Justice (Scotland) Bill. I will not comment on whether that section should be amended, as that will be dealt with in the Justice 2 Committee's stage 1 report on the bill. As I understand the matter, procurators fiscal will decide whether it is appropriate to refer particular offences to the children's hearings system. I do not believe that procurators fiscal will refer cases like the one that David McLetchie mentioned to the children's reporter. If fiscals do that, I will want to know why.

David McLetchie: Will the member support an amendment to section 44 that will preclude referrals to the children's panel in cases like the one that I mentioned, so that we can be absolutely certain that that will not happen?

Pauline McNeill: Mr McLetchie will see from the *Official Report* of Justice 2 Committee meetings that I have expressed concerns to the Executive and asked it to clarify which offences should be referred. That is not a secret.

I turn to the real issue, which is tackling the causes of youth crime. That is fundamental to providing safety for our communities. Many ordinary young people are alarmed that their entire generation is written off in the debate. Members know that we are talking about only a small number of people. As well as discussing our attitude to youth crime, we must consider a proper strategy for all young people of all ages. I have written to the First Minister to demand action on that point.

I do not hold up my hands in horror at the thought of young people going to prison. Sometimes that is appropriate. However, I agree with Roseanna Cunningham's point—which both the justice committees have also made—that young people who are under 16 should never be in prison. Correctional work has a place and we should commend the work of HM Young Offenders Institution Polmont.

The figures tell us something about the need for joined-up thinking in our approach to youth crime. In 1997-98, 82 per cent of prisoners had played truant from school, 83 per cent had been suspended from school, 41 per cent had been to special schools and 63 per cent had committed a crime while under the influence of alcohol. Literacy rates are also extremely poor. We must analyse the statistics to discover the extent of the problem.

There are no easy answers to the complex problem of youth crime. I urge more cross-party work on the big issues such as whether Parliament should take more powers and review offenders institutions. The way in which our criminal justice system treats victims is revolutionary. That should be no different when it comes to victims of youth offending.

There should be a review of all accommodation for offenders and not just of secure accommodation. I do not support a doubling of secure accommodation, because we often put the wrong people in such places, but there should be an increase in that accommodation. Also, places of safety for young people and getting young people away from children's homes are fundamental to the system.

Many members believe in the children's hearings system. As Johann Lamont said, although a lot of time and resources are rightly spent on dealing with children who are at risk, appropriate resources must also be available to tackle children's offending. If we get that right, that will be an important start.

10:19

Christine Grahame (South of Scotland) (SNP): We should refer to the debate as one on youth issues—which is how the police asked me to refer to it—because most youngsters are not involved in crime, even though at times they appear threatening, as my colleagues have said. As we get older, we forget what it was like to assemble in large numbers and make a lot of noise, although I am afraid that some members, such as Bill Aitken, did not do that. The police are taking practical measures such as providing skateboard parks, dry dock facilities for youngsters and youth shelters in certain areas. Although such measures should be commended, I do not see why the funding for them should come out of the

police budget.

I want to talk about secure accommodation, because there is some confusion about this issue. I understand that there are two categories of placements in secure accommodation. A small number of placements are funded through the justice budget and are for young people who have been convicted of serious crimes. However, the vast bulk of placements in secure accommodation are funded by local authorities through the social work budget. As evidence given on the budget at the joint meeting of the Justice 1 Committee and Justice 2 Committee made clear, that is not a happy way to organise funding. Extreme pressure was placed on local authorities that did not have any secure accommodation. It is my information that six or seven secure places are needed in the Borders, and the area does not have them.

Sometimes such accommodation is for a youngster who is simply not getting on at home and runs away. For example, a youngster from Penicuik ran away to Edinburgh and was not seen for four days. The police in Edinburgh managed to pick them up and, although it was a social work referral, five hours of police time was spent trying to find secure accommodation. None could be found, not even in England, and in the end the police had to persuade the runaway to go back to the home that they had left in the first place. The youngster then moved back into that particular cycle.

Dr Simpson: If runaways have committed serious offences, they should be put into secure accommodation. However, I am concerned by the member's suggestion that runaways should go into secure accommodation. That is not what it is for.

Christine Grahame: I am coming to that point. We seem to talk about secure accommodation as though it is one particular thing. Instead, we should have a range of secure accommodation with different facilities. The Association of Directors of Social Work told the justice committees:

"We do not just need the kind of secure accommodation that we have already; we need secure accommodation that incorporates health and social care as well as containing the youngsters. We need a different kind of secure accommodation."—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 1 May 2002; c 171.]

As the witness pointed out, we should not have a one-size-fits-all accommodation.

As for the youngster who had run away to Edinburgh for four days, the police wondered how they had managed to survive in that time. They might have committed petty crimes simply to keep going. Such problems can be exacerbated: the child who is deprived or has trouble at home might

become a criminal. We know that there is a link in that respect.

In the very short time that I have left, I want to highlight another serious point that the ADSW raised about the range of secure accommodation. The association said:

"The needs of young women in secure accommodation are not well met at the moment and we often have vulnerable young women in with young men who have very aggressive and sometimes abusive behaviour."—[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 1 May 2002; c 172.]

If that is the case, why has such a situation been allowed to continue throughout the three years of this Parliament? That issue has never been raised with me before, and I want the minister to address it. It is disgraceful.

Cathy Jamieson: Will the member give way?

Christine Grahame: No, I am on my last few seconds.

The budget report by the justice committees recommends that the budget for secure accommodation come through the justice budget and that it then be designated to other departments to ensure that we have a clear funding stream. I hope that the minister will take up the point. Local authorities that deal with the bulk of what people loosely term as secure accommodation do not have the funding. If we had one clear funding stream, we would know how the money was operating and would perhaps be able to prevent children who have been put in secure accommodation for their own good because they are runaways from going into the other kinds of secure accommodation because they have committed serious criminal offences.

10:24

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In 1847, a House of Lords select committee inquired into the treatment of juvenile offenders. The great majority of committee members favoured imprisonment with hard labour and whipping. Perhaps unsurprisingly, the Conservatives do not appear to have evolved much beyond that kind of hardline rhetoric, which even 150 years ago was associated with the "hang 'em and flog 'em" brigade. However, I am deeply disturbed by the ease with which the other political parties, except the Liberal Democrats, appear to have adopted that draconian theme.

David McLetchie: Will the member give way?

Mr Rumbles: I will come back to the member in a moment.

Two weeks ago in Aberdeen, Phil Gallie continued the "hang 'em and flog 'em" theme when he called for a referendum to bring back

birching. I asked David McLetchie then and Lord James Douglas-Hamilton this morning whether that was now Conservative party policy. However, even though they see the absurdity of such an approach, they repeatedly refuse to reject Phil Gallie's demands.

The Tories have lodged the motion because they seem content to play on the worries and concerns of ordinary people who day after day see politicians exaggerate and peddle myths about the success of our youth justice system in Scotland. Indeed, we have seen the same thing today.

Johann Lamont: Will the member give way?

Mr Rumbles: No, I will not.

Let us examine a few facts. Over the past three years, the number of children referred on offence grounds to children's hearings has fallen by 19 per cent. I should repeat that figure: referrals fell by 19 per cent. Moreover, the average number of offences for each of those children fell from just over three to just under three between 1990 and 2000.

I accept the evidence that suggests that a few young people are responsible for a significant proportion of offences and that the number of young people committing several offences is increasing. Indeed, the number of children who have committed more than 10 offences has increased 40 per cent within the same period. That narrow group of people is causing the problem, and it is quite wrong to imply that a particular rise in youth crime is not being addressed.

I want to turn to the issue of youth courts. It has been suggested that if adult courts were given the same powers of disposals as children's hearings, they could offer the same kind of service through youth courts. I am not convinced that we need youth courts. The ethos behind the children's hearings service is the best way of dealing with the needs of young offenders precisely because it is child-centred. There is no suggestion that so-called youth courts would be as effective in addressing offenders' behaviour. That is the issue.

Although there is no doubt that there is a difficulty in resourcing the children's hearings system, we do not believe that that is a justification for changing or scrapping it. Indeed, I wonder whether scrapping the system is the hidden agenda of the Conservatives and the SNP.

It is worth repeating some of the evidence that George Lyon mentioned and that was given by a witness from Barnardo's to the Justice 2 Committee. She said:

"There may be a perception that the children's hearings system does not work and that custody does, but that is a myth and we have a duty to the public to explode that myth. We need to shout about the success of community options

and the hard work that young people have to do in that regard. We also have to explode the myth that custody works. It takes young people out of circulation for a short while and that is all.”—[*Official Report, Justice 2 Committee*, 22 May 2002; c 1408.]

The Scottish Liberal Democrats support a sympathetic yet effective approach to youth crime. We are the only mainstream political party not to have succumbed to the populist bidding war that has escalated between the other three parties and that we saw again this morning. That is because we are not afraid of putting principles and pragmatism before cheap headline-grabbing stunts. Youth crime is too important an issue to be used in such a way by the Tories and we have no hesitation whatsoever in opposing their neanderthal and ignorant motion.

10:28

Mrs Lyndsay McIntosh (Central Scotland) (Con): I speak in support of my colleague Lord James Douglas-Hamilton’s motion, which notes concerns about youth justice. Not unexpectedly—given that we are less than a year from the elections—politicians from most parties are upping the ante. I hasten to add that some are coming to the debate a little later than others; indeed, some are not coming to the debate at all, including the unnamed Liberal Democrat MSP who was quoted as saying that the coalition partner’s policies were “absolute and total rubbish” and that they “can get stuffed”. Oh, really? As I told the Minister for Justice in Aberdeen, it is possible to have too much of some people’s company; perhaps that realisation is dawning on the coalition partners.

It has been clear to me for some time that the problem lies with hardcore repeat offenders—the mini crime waves that account for so much misery and destruction. Every one of us will have a story about them. A couple of weeks ago, I spent some time on a vehicle patrol shift with Strathclyde Police in Motherwell. I have to say that the acting divisional commander was very accommodating; in fact, he was so keen that I should see part of a typical night’s work that I got the newest patrol car.

The greatest excitement was when we responded to a robbery-in-progress call at Fir Park stadium. The intruder, who was possibly a youngster, was suspected of being in the catering and hospitality outlets—the pies were at stake rather than the silverware. Almost every other call to which we responded involved youth disorder. I will give examples. There were youngsters with mini-motorbikes and trail bikes in a park. They were unlicensed, uninsured and unhelmeted. They knew exactly where they could ride to cause maximum disruption and torment to the local community and park users, who would tackle them at their peril. The two cops whom I accompanied commented that the youngsters see the police

coming in their car to the surrounding barriers and know that the police cannot catch them on foot. The youngsters as good as thumbed their noses at the police, who can do little or nothing. Calls of complaint keep coming from the residents. What can be more soul destroying than that?

The number of youths loitering outside commercial and domestic premises with bottles of a locally popular elixir—Buckfast—was worse still. We saw and spoke to many of them crossing the pedestrian bridge and at Motherwell station. When they saw the car, they simply put their bottles down and walked away. Others were recognised by the police in a housing scheme that we happened to pass. They had cans of lager and bottles of tonic wine—I would say that they were uncorked, but the stuff comes in screwtop bottles. They were already well oiled and just short of getting lippy with the police. They were searched and questioned about their conduct and allowed to go on their way.

A larger group was assembled on the steps of a local church in a quiet residential area. At their feet were opened bottles and cans that belonged to no one in the group. They were also searched and questioned about their plans for the rest of the evening and they were moved on. The officers and I emptied the contents of the containers on to the grass purely as a safety measure, but that provoked sufficient backchat almost to justify lifting them. However, they knew just how much they could get away with.

That is what the police must deal with on a daily basis. Most of those youngsters will graduate to become full-time nuisances but, as the cops said, a minority are saveable. Safeguarding Communities and Reducing Offending in Scotland—SACRO—provides youth justice services such as mediation projects, restorative justice measures and victim awareness services that could assist them. I have not turned my face away from the contribution that those could make, but what is the Executive’s answer? It is an unreconstructed children’s hearings system. What does it expect to achieve by that? The Executive has the opportunity to take action now through the Criminal Justice (Scotland) Bill if it is really committed to tackling the problem. Why wait for an election?

10:33

Paul Martin (Glasgow Springburn) (Lab): First, I want to comment on the so-called revolt against the Minister for Justice, Jim Wallace. My problem is not with Jim Wallace, but with the devastation that youth crime causes to every community in Scotland. We must consider proposed solutions to that problem.

I want to record in the *Official Report* that I have difficulties with some proposals in respect of the extension of the children's panel to 16-year-olds and 17-year-olds.

Alex Neil (Central Scotland) (SNP): Perhaps the First Minister shares the member's concerns, which is why Mr Wallace was offered a different portfolio.

Paul Martin: We should deal with the issue at hand and take politics out of the situation. We should bring forward solutions. I have shared with the Minister for Justice and the First Minister ideas from throughout the UK about how the problem can be tackled. The people of Glasgow Springburn and Scotland demand that possible solutions be suggested, rather than that we share stories of what is happening throughout Scotland. Many of us are well aware of the issues.

In England, there are child safety/parenting orders. Parents are required to attend parenting courses with their children. That is a fundamental issue and we must deal with it. We must consider ways in which to support parents who have difficulties with the social skills that are required to be parents. I am not a parent, but if I ever become one, I would be happy to attend a parenting course if I thought that it would be helpful. We must all consider supporting parents.

The acceptable behaviour concept—ABC—programme that was run in Islington should be considered. In that programme, the council and a police officer visit a home at an early stage of youth offending to meet the youth and his or her parents. A contract is set up to ensure that the youth's behaviour is corrected. If the contract is broken, the family's home could be taken from it. The project has been successful in Islington and we should consider it.

A fundamental problem that we face concerns information sharing. I have met Strathclyde police a number of times and have been told that information cannot be shared about juveniles who are causing tens of thousands of pounds worth of damage throughout the Glasgow City Council area. We should share information about persistent offenders in Scotland—that is considered to be good practice in England—and we should examine the Crime and Disorder Act 1998 to ensure that we can address that serious issue.

We should ensure that agencies work together. They talk a good game and many are interested in working together, but they do not form partnerships to ensure that effective and helpful intelligence is shared.

Agencies should also consider sharing premises. Why are social work offices disjointed from local police offices? Why are local housing

associations disjointed from them? We should consider the concept of a police office, a social work office and a housing office sharing facilities in our communities. None of the agencies is considering that concept and the Executive should take a lead on the issue. Good ideas about good practice in our communities should be shared and we should ensure that we take the politics out of the matter and deliver for our local communities.

10:37

Mr Kenneth Gibson (Glasgow) (SNP): It is totally unacceptable that a minority of youths—only a minority are involved, as the minister pointed out—should inflict so much physical and psychological damage on communities and vulnerable people. Reports of youth disorder must be taken seriously and acted on swiftly. I am sure that all members know of elderly people who have contacted the police to report acts of vandalism or public drinking, only to receive a visit from the police as much as a day or two later.

It is somewhat crass of Liberal Democrat MSPs to impugn the motives of MSPs across the party divide on the issue. I say to George Lyon that if he had given the speech that he gave today at the meeting that Johann Lamont and I attended in Cardonald on 23 April, he would not have got out alive. MSPs from all parties acknowledge the real concerns of people in their communities, but the complacency of George Lyon and his colleagues should be condemned. The Labour party has a better grip on the issue than he and his colleagues do.

Long ago, the SNP recognised the need for an increased and more highly visible police presence. The north British parties have wrung their hands on that issue, but do not support the SNP's commitment to recruit another 1,000 police officers. This morning, even Lord James Douglas-Hamilton appeared to believe that redeployment is the solution rather than recruitment of more officers.

Lord James Douglas-Hamilton: Will the member give way?

Mr Gibson: I will give way to the member in a second, as he had the courtesy to give way to me.

We said that we should move officers from less troubled areas to more troubled areas. That is happening in parts of Glasgow—Johann Lamont will know that that is happening in her constituency. However, the neds also move from one area to another. There must be an increased police presence throughout Scotland.

Lord James Douglas-Hamilton: We believe that in Scotland a substantial increase in the number of police officers is necessary in particular

neighbourhoods. The increase will depend on local circumstances. Perhaps more or fewer than 1,000 officers will be needed. That requirement is absolutely necessary, but has not been delivered by the Administration to date.

Mr Gibson: I accept that that is not being delivered, but rather than producing guesswork, the Conservatives should examine the matter in more detail and suggest to Parliament—perhaps in their winding-up speech—what police numbers should be. We should, for example, at least have police forces that are fully up to strength.

Young people are more likely to be victims of crime than are other age groups. Young people have told me that if they play in their local park they often get victimised or attacked by gangs, who have travelled from far away. Lack of facilities for young people is an important issue. More than 100 community facilities have closed in Glasgow in the five years since new Labour came to power. That shows the low priority that the Government gives on young people in the city. An 800-house estate has been built in Crookston, but it has no play area for young children. That is storing up problems for the future, as the young people there will have nothing to do.

Children's panels have been discussed. There has, since 1990, been a year-on-year increase in referrals from 28,000 to 63,000, but resources have not kept pace. Incidentally, I say to Richard Simpson that those figures came from Jack McConnell. Because the children's panel has a backlog, some children do not go before the panel for several months, so they often do not realise why they are before it. They might have committed more offences and moved towards criminality in the intervening period.

I acknowledge the issues that Paul Martin raised. I believe that consideration should be given to what has been done in England and suggested in Scotland by the Convention of Scottish Local Authorities, such as bringing in youth anti-social behaviour orders. It is important that parents and young people are forced to consider youth disorder interactively. I certainly believe that the success of the projects in England should be examined and that they should be brought to Scotland.

I am aware of time constraints, Presiding Officer. Without further ado, I shall allow the next member to speak.

The Deputy Presiding Officer (Mr Murray Tosh): That was very graciously done, Mr Gibson. I express my regrets to the two remaining members who wanted to make speeches in the open part of the debate, but I must now move to closing speeches.

10:42

Robert Brown (Glasgow) (LD): As members have said, there has been a lot of debate in recent weeks about youth crime. It is true that there are differences throughout the chamber and among members—not necessarily between the parties—of the coalition parties in the chamber. That indicates that there is recognition of the seriousness of the problem and a desire to deal with it adequately. As Cathy Jamieson said, genuine public concern exists and it must be allayed.

Some people are frightened to go out of their houses. They have been assaulted or robbed, have had stones thrown through their windows or have had large groups of threatening youths in their streets. People with those experiences are not interested in statistics. They are not particularly interested in the facts that some members have gone on about, such as the reduction in the crime statistics and all the rest of it. They are not particularly interested in the competing claims about the numbers of police, although—to answer Kenny Gibson's point—police numbers are at their highest recorded level. It is not just a matter of police resources, although there are no doubt issues about deployment. People are concerned about their safety and that of their families and, understandably, they want something done about the problem.

Most youth crime is at the nuisance level. It is certainly alarming and concerning, but it is at such a level that very few of those concerned are likely to be locked up and the key thrown away. In any event, there is an 80 per cent reoffending rate for those who undergo custodial sentences, so custody does not work, except from the point of the view of the temporary protection of the public, and it is hugely expensive.

Other members have discussed issues that clearly exist about community policing, controlling disorder and catching offenders. I will concentrate in my summing-up on how we deal with youth offending once we have caught the offenders.

I ask members to consider one or two other important factors. In the UK as a whole, more than 50 per cent of young men on remand have a diagnosable mental disorder. Another large-scale survey revealed that 90 per cent of imprisoned young offenders showed evidence of mental disorder or substance abuse. Although statistics are harder to come by in other areas, it is clear that many—if not most—significant repeat offenders can be identified before the age of eight because of serious care concerns about them as children and babies. Certain things follow from such statistics. It is increasingly evident that one component of youth offending is children whose parents have chaotic drug lifestyles. It follows from

that that phrases such as “cracking down on young thugs” and “complete collapse of confidence in the system”, which we have heard in recent weeks, are not helpful.

I applaud the Scottish Executive’s commitment to tackling the causes of youth crime at its roots through measures such as early intervention, targeted responses, tackling truancy, involving victims, promoting good practice and investing in a network of community-based programmes. The centrepiece of that is the children’s panel system, which has a child-centred ethos.

Johann Lamont: Does Robert Brown think that a young man of 17, who bullies and intimidates his own family and his community, regards himself as a child? Does Robert Brown regard him as a child?

Robert Brown: I regard him as a child. Much evidence exists of the problems that young people go through. We are rightly concentrating on the effects on communities. I accept that and I accept the evidence that members such as Paul Martin and Johann Lamont gave about the problems that they deal with in their constituencies.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will Robert Brown take an intervention?

Robert Brown: No. I want to continue.

Having got hold of the people who have the problems that Johann Lamont talks about, the problems must be tackled at source. Something must be done about them. The causes of their offending must be tackled and efforts must be made to sort it out. Intensive intervention is required at the right time, preferably long before such children reach the age of 17. There are serious problems in terms of the resources that the children’s panel system has, or the resources that youth courts, adult courts or whatever would have to deal with those matters, so we must provide the resources. We must deal with the problem of the lack of social workers and we must deal with the fact that only 32 per cent of children in care in Glasgow have a care plan. That is against the background—of which we are aware—that the most significant amount of subsequent reoffending is among children who come out of care. Worries about resources must be tackled.

I have had to deal very quickly with some of the issues. I will finish by saying that we can create all we want about crime levels and all the rest of it, but we must tackle the matter at source. We must deal with the problems and the root causes and we must put in place mechanisms that will solve the problem. Let us get away from populist answers to the problem and deal with the central issues.

10:47

Michael Matheson (Central Scotland) (SNP):

An interesting aspect of the debate is that it has illustrated the difference of opinion between the two Executive parties on how we should deal with youth crime.

A consistent theme has been concerns about the way in which the children’s hearings system operates. Historically, our children’s hearings system has been held up as an example that many other countries should seek to follow. It has served its purpose in a number of ways, but there is an increasing feeling that it is untouchable and that we should not change it. Our society was different when the children’s hearings system was established and a clear need exists for us to address concerns about the way in which the system operates.

Johann Lamont highlighted a number of concerns about cases being marked “no progress”, or cases not being referred to the children’s panel. We have all witnessed the frustration of constituents who complain at our surgeries about what they see as the failure of the system to address the problem of persistent young offenders in our communities. We have also heard complaints from police officers. They become fed up when they lift people, the referral is passed on to the children’s panel system and the case is marked “no progress”. The problem demoralises communities, the people who are trying to improve their local environment and the police officers who are trying to address the concerns of the community. If we are to have an effective children’s hearings system, it is essential that we move on and ensure that it reflects the complex problems that exist in our society.

A number of members have mentioned secure accommodation. Christine Grahame highlighted the concerns that have been expressed to the Justice 1 Committee and Justice 2 Committee about the lack of available places. It is unacceptable that young people are being placed in adult prisons. The most recent statistics that are available, for 2000, show that 14 under-16s were held in adult prisons. That is 14 too many. Last week in a meeting with me, the director of social work in Falkirk Council highlighted the problem of having to seek secure accommodation places in the north of England. That is unacceptable, because it breaks the family link for the individuals concerned.

Dr Simpson: I accept that 14 young people in adult prisons is too many. However, those young people are placed there for only a very short time, until they can be placed in secure accommodation; it is a holding situation. I accept that that is unacceptable, but in most instances it is for only a short time.

Michael Matheson: I acknowledge that it is for only a short time, but it is still unacceptable that any young people should find themselves in such an environment.

A colleague mentioned the provision of services at HM Young Offenders Institution Polmont. I visited there recently and, when I went into the metal workshop, I found the inmates playing cards because there was no work for them to do. If we are to address their offending behaviour through remedial programmes such as work provision in young offenders institutions, we must ensure that there is work for them to do.

Cathy Jamieson: Does Michael Matheson accept that some of the work that is being done at Polmont—especially on numeracy and literacy—and the employment of a youth worker at the prison have made a significant difference? Will he also accept that there should be more such joined-up working to meet the needs of young offenders and change their behaviour?

Michael Matheson: The throughcare provision at Polmont has improved considerably. However, when I met the director of social work of Falkirk Council, she highlighted her frustration at the ongoing tendering process that the council must engage in with the SPS to provide social work services. I hope that we will see an end to that.

I am conscious of the time, but I want to mention programmes. Freagarrach has been mentioned as a programme that works with young offenders, and Paul Martin highlighted programmes that are being run in Islington. We hear often about programmes that operate effectively in communities, but the problem—similar to that which was identified in our debate about alternatives to custody—is that those programmes are not rolled out across the country. We must ensure that the success of Freagarrach is reflected in other parts of Scotland.

The programmes often deal with those who have committed offences. However, the Cluaran project in Falkirk is multi-agency based and involves community education, social work services and all the other services working together with families whose children are at risk of committing offences. The root causes of much youth offending are poverty and lack of opportunity. Unless we are willing to address the fundamental causes of the problem, youth crime will not be dealt with effectively. With child poverty increasing, the likelihood is that youth crime will, increasingly, be a problem in our society.

10:52

The Deputy Minister for Justice (Dr Richard Simpson): On the whole, the debate has been useful. Members have made many valuable

points. We must take a cool and considered look at the problem. It is important that we do not talk about soft or hard alternatives; we need to talk about what is effective in addressing the problems that we face.

Roseanna Cunningham got it absolutely right when she talked about the problems of petty crime—graffiti, litter, eggs thrown against walls and balls kicked against windows—and the harassment and abuse that adults who remonstrate with offending youngsters experience. Such actions do not come through into the system as offending behaviour—that is one of the problems. They are not major offences, but youngsters who act in that way are committing offences against the society in which they live. They represent the sort of low-level problems that are sometimes not even logged by the police. If they are logged, they are not taken through the system. That is a problem.

At the other end of the scale, there is another problem to which George Lyon and James Douglas-Hamilton referred, which is the issue of serious and persistent offenders. The number of people who commit 10 or more offences has risen by 40 per cent in the past 10 years. We do not know whether those are repeat offences or a series of one-off offences—the statistics are not good enough to give us that information. To our Conservative colleagues, I say that the increase has been only 5 per cent since 1995 and that the bulk of that increase came during the last major recession in the Tory years. It is a problem that we must all now face and deal with. However, we should not deal with it through the use of secure accommodation. I thought that Michael Matheson's speech was excellent; I could not disagree with most of what he said. Nonetheless, to double the amount of secure accommodation is not the answer. That would cost between £10 million and £15 million a year to run, when the outcomes from secure accommodation are, to be frank, not much better than those from young offenders prisons. There would still be high levels of recidivism.

As Christine Grahame said, we must provide a range of accommodation and facilities—which must be mainly community based—such as the intensive supported fostering to which Liberal Democrat colleagues alluded and which is run by Barnardo's in my constituency. That initiative takes children who would have been placed in secure accommodation and keeps them in the community and in a family setting with massive support. Christine Grahame made a point about funding streams and funding arrangements; we are considering those. Several units are already separating young men and women, and we are beginning to address that issue.

We must re-examine carefully the secure accommodation system and consider what will work and what is appropriate. However, I do not think that the answer is to double the number of places in secure accommodation.

I have very little time and it is difficult to cover all the issues. Several members raised the issue of confidence in the hearings system and in the police, which is being eroded because of the problem level of petty offending to which I referred. At the moment, "no action" is recorded in 70 per cent of cases that are referred to the children's hearings system. However, that does not mean that no action is taken; it means that there is diversion by the reporter into programmes or referral to social work services. Indeed, even before young people enter the children's hearings system, there are police restorative justice systems. We have established a programme to develop restorative and reparative justice systems and 16 local authorities are carrying out mediation and reparation programmes.

Robert Brown: A particular difficulty seems to exist in Glasgow, where children's panels refer people back for hearings three months after the initial referral, in order to check that the social work and follow-up supervisions are in place. That is one of the difficulties that result from the lack of resources.

Dr Simpson: Kenny Gibson also mentioned the speed that is necessary in justice systems for young people. If they are to address their offending behaviour, they need to remember what their offending behaviour was. However, 60 per cent of those who are referred to the hearings system do not return to it; therefore, to say that it does not work is wrong. There is no doubt that we need to re-examine the system carefully, but we will have better information to allow us to do that.

To our Conservative colleagues, I say that there is little that a court can do that the children's hearings system cannot do by way of disposals—the difference between the two is minimal. We do not have time to debate the question of 16 and 17-year-olds, but I will go on record on two issues. First, I do not want a system in which the procurator fiscal and the reporter do not have the opportunity to discuss a case and decide on an individual's vulnerability. The people I want to see in the pilot schemes are vulnerable people, petty offenders and people who have significant problems that could be dealt with better in a family setting, with their family being brought together.

Secondly, although juvenile courts might be an alternative, I inform our Conservative colleagues that the juvenile courts system in England is a disaster. Even with fast tracking, it is an absolute disaster, and England looks with considerable envy at our children's hearings system, despite its

flaws. To suggest that courts are going to be the solution is not the answer.

I am out of time and I am sorry that I have not been able to address the points that were raised by other members. I conclude by saying that we must have effective programmes. There are lists of them; those that were brought to my attention by Paul Martin and Duncan McNeil when I visited their constituencies are excellent. We will examine what works and we will use programmes that work. We have given a commitment that by 2007—although that date might need to be reviewed—there will be programmes for every persistent offender. We will have evaluated those programmes and they will work. The Executive is committed to changing the situation. It has put considerable funds into that and will continue to do so. I urge members to support our amendment.

10:59

Bill Aitken (Glasgow) (Con): Pauline McNeill said that there were no easy answers to the question that we are debating. However, the issue today is the questions that we should be asking. We should be asking questions that have a much sharper focus and are much more penetrative than they have been.

The bottom line is that the way in which we deal with young offenders is simply not working. Michael Matheson was right to point out that the children's hearings system, which, as I recall, was set up in 1968, comes to us from a much different era.

Dr Simpson: It was set up in 1972.

Bill Aitken: But it was provided for in the Social Work (Scotland) Act 1968. In any event, it is of considerable antiquity.

For many years, to suggest that the system was other than the epitome of a successful system of juvenile justice was regarded as sacrilege. However, those who spent most of their time piling paeans of praise on to the system were those with a vested interest. Those who are the victims of the present upturn in youth crime view the system as totally inept in dealing with young offenders. In that respect, the emperor is seen to have no clothes.

The evidence that the Justice 2 Committee has been taking on the Criminal Justice (Scotland) Bill has demonstrated a disappointing set of statistics with regard to the efficacy of the children's hearings system, particularly on reoffending. The situation in Glasgow is particularly concerning. Mike Rumbles said that there had been a reduction in the number of cases in Glasgow, but the reason for that is that many cases of offending in Glasgow cannot get near the children's hearings system because of the under-resourcing of the social work department.

The frustrations that are attached to serving on a children's panel are well known. Members of children's panels give willingly of their time and resources. It is appalling that, every year, one in four of those members resigns because they are frustrated and disappointed, and feel that they are doing absolutely no good. We have to find out why they feel that the system is not effective.

Mr Rumbles: The member keeps referring to statistics, but he has not challenged the other statistics that I talked about. Those statistics show that the average number of offences per child has fallen from more than three to less than three in the past 10 years and that, on offence grounds, the children's referrals have fallen by 19 per cent.

Bill Aitken: I do not know where Mr Rumbles got those figures from, but they contradict the evidence that was given at the Justice 2 Committee two weeks ago. I refer him to the *Official Report* of that meeting, in which he will see that the figures that he quotes do not agree with the ones that were given at that meeting under fairly close questioning.

I will outline our position on this matter quite clearly, as there have been attempts—sometimes deliberate and, on the part of the Liberal Democrats, malicious—to portray a Conservative position that simply does not exist.

We do not wish to string up youngsters by the thumbs. We do not wish them to have to face cruel and unusual punishments. All that we want is for them to stop committing crimes and offences. That is surely not too much to ask. To stop them committing crimes and offences, we seek to give added powers to the children's hearings system. Those powers would be realistic and acceptable to every member of the public. Is it wrong to expect those who have carried out acts of vandalism to rectify the damage that they have done? Is it wrong to suggest that after-hours and weekend detention might bring home to those who are prepared to commit disorder that their acts cannot go on? Is it wrong to suggest that parents should be forced to keep their children off the streets where there has been a record of disorder? It is not wrong. That is what we are saying, pure and simple.

Like a number of Labour members, we speak for communities. If the ministers are not prepared to take my advice or accept my evidence that, in many parts of Glasgow, people are living in a constant state of not only annoyance and irritation but downright fear and alarm, they should listen to Johann Lamont, Paul Martin and others. Those members are working in their constituencies and know the difficulties that are faced.

Cathy Jamieson: Does the member accept that the children's hearings system has powers to

impose specific conditions in a supervision requirement order that would do most of the things that have been suggested? Systems such as those that require young people to attend supervised programmes after school, at weekends and in the holidays have been in existence for a number of years. We have allocated the appropriate resources to ensure that those programmes are available in each local authority area.

Bill Aitken: I concede that some of the proposals are available, but the fact is that, due to the appalling lack of resources in the system, few of them are ever imposed.

As the debate has gone on, I have been appalled by the complacency that has been shown by the members on the Executive front bench, the vast majority of whom do not have a clue about what is going on. Ministerial visits to study police operations are always well guarded and secure, and the minister—accompanied by half a dozen civil servants—does not see what is going on. If ministers want to see what is really happening, they should leave the ministerial limo in the garage and travel on a Glasgow bus. Better still, they should walk the streets. I would be happy to provide a conducted tour for Jim Wallace or Richard Simpson through the streets of Glasgow to allow them to see the extent of the problem.

Dr Simpson: The member is being slightly unfair. Paul Martin and Duncan McNeil will tell him that, in the first two constituencies that I visited after becoming a minister, I walked the streets, I had no civil servants with me and I was not cordoned by police. What Bill Aitken is saying is completely untrue. In the next few weeks, I will visit a further three constituencies, where the same arrangements will pertain.

Bill Aitken: I am pleased to hear that and I acknowledge what the minister says. However, I will not acknowledge that any action has been taken as a result of those visits. The ministers should speak to the victims.

Paul Martin: When Richard Simpson visited the Dennistoun area of my constituency, he listened to the local people with regard to the matter that we are discussing. He advised me that he would write to me with proposed action for dealing with many of the points that were raised.

Bill Aitken: I happily acknowledge those points, but we are still faced with a total lack of meaningful action or urgency.

The Liberal Democrats are beyond redemption on this issue and some of their comments demonstrate that they are wired to the moon. They should not be listened to, and I address my comments to those who have a more realistic grasp of what is happening.

If ministers have started walking the walk, they should stop talking the talk. They have to move forward. If they mean to do something about the problem, they should not include it in next year's election manifesto but amend the Criminal Justice (Scotland) Bill to introduce realistic disposals for the children's hearings system and dismiss the nonsensical idea that 17-year-old thugs should be dealt with as children. If that is done, perhaps we can start to make some progress.

Education

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-3204, in the name of Brian Monteith, on encouraging diversity in education, and two amendments to that motion.

11:09

Mr Brian Monteith (Mid Scotland and Fife) (Con): I am pleased to open this debate, which I hope proves to be as entertaining and informative for me as the previous one was.

During the past month, pupils throughout Scotland have been sitting exams. For some pupils, those exams will be a stepping stone to other qualifications, while for others they will result in the only piece of paper that the pupils have to show for 11 years at school. Sadly, some will leave school with nothing. Illiteracy imprisons people in a life of poverty, often of squalor and sometimes of crime. Nothing is more liberating than being able to read, write and count.

It was not a fondness for socialism, but a fondness for education and a yearning to learn that made Scotland a truly meritocratic country. For Scotland, few things are more important than our education and we owe much to it. We are a small nation. Thanks to John Knox and his vision of a school in every parish so that people could read the Bible for themselves, we carved out an important place in the history of the world. We did not have a vast army like the French or a vast armada like the Spanish, but we produced many bright people who went on to help to found and administer what might be called the Scottish empire. Scots were numerate and canny, literate and romantic. Without the benefits of a sound education that taught children of all means—I emphasise that point—to read and write, we could not have put the great into Great Britain.

It is, therefore, a national tragedy and a cause of national embarrassment that, having built a worldwide reputation for our education system, we have let it slip through our fingers. The Scottish collectivist establishment, the officials of the Educational Institute of Scotland, the directors of education and the socialists of all other parties believe that education can be delivered from the top down according to some great universal plan. We see that in the amendment that the coalition Executive has lodged.

As Enoch Powell said:

"Power devolved is power retained."

So it is in our schools. Head teachers cannot fix dripping taps without employing the council plumber. Schools cannot specialise in the arts,

sport or languages unless they are part of a grand Government scheme. The result is that we have an education system in which all feet are expected to fit one shoe size. Is it any wonder that so many of our children are hobbling from the discomfort of an ill-fitting education?

The Conservatives believe that every child is an individual—even twins are different—and that they all need an education that fits as well as possible. That requires choice, and for choice, diversity is required. Diversity cannot, and never will, be provided from the top down. No Wizard of Oz, no education minister, can spin the wheels and pull the levers to deliver an education system that suits us all. Only the unplanned, spontaneous interaction of individuals—teachers, parents, priests and philanthropists—can give us the beautiful kaleidoscope that we need in education.

If we are to provide our children and grandchildren with an education that is fit not only for the future but for the here and now, we could do worse than consider what made our schools a success in the past and what makes the schools in other countries so much better than ours today. We should remember that our parish schools had the autonomy to ensure that our education was different and more successful than England's education. Diversity is delivered in Denmark. It is the norm in the Netherlands. It succeeds in Sweden, New Zealand and throughout the world. All those countries perform better than Scotland. Diversity is not, and never will be, delivered through soviet socialist councils.

The Deputy Minister for Education and Young People (Nicol Stephen): Brian Monteith states that, in the countries that he mentioned, the schools perform better than Scottish schools. Does he accept that, in the programme for international student assessment statistics, which examines the performance of more than 30 countries in the Organisation for Economic Co-operation and Development, Scotland was in the top 10 in all the subjects that were examined and performed better than most, if not all, of the countries to which he refers? The international performance of Scotland's schools is extremely strong.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In other words, Brian Monteith is wrong. What a surprise.

Mr Monteith: I am sorry to disappoint Mike Rumbles, although I do it regularly. The truth is that the OECD pointed out that much of the Scottish information was not comparable and could not be used to determine the proper outcome. As a result, I have lodged a parliamentary question to find out why the information that our schools provided could not be used.

Instead of monolithic, municipal comprehensives throughout Scotland, why should we not have locally managed schools? Such schools would still be funded by the state but would offer diversity in educational approach. Choice comes through diversity, and everyone—particularly those in need—has a right to choice. Choice is also the means to improve the service for all. There is always a better way to do things. Choice means providing services that are free to adapt and have an incentive to do so. It leads to innovation and a widespread improvement in standards—levelling up, rather than down.

In Denmark, if 28 parents get together and produce a sensible business plan for a school of their choice, they are given a state budget and the school is inspected to ensure that it delivers. I am sure that the nationalists will agree that Denmark is a small nation not unlike our own. It is one of the Scandinavian nations that the nationalists often cite. If Denmark can opt into a system in which parents can build their own schools, why cannot we? If Sweden—a social democratic or, some say, socialist country—can introduce vouchers for the benefit of the poorer people in society, why cannot we? We must examine such models to find out what we can learn and adopt.

We must build a new culture in Scotland, in which not only is education cherished for its own sake, but parents and teachers take more responsibility for schools that will become their own. Schools will for now remain the responsibility of local authorities—I accept that—but their management must be loosened so that they can let go altogether in the future.

I congratulate Glasgow City Council, not only on its recent good report from Her Majesty's Inspectorate of Education, but on its work on devolving further management to schools to the point that when we ask them, "Is there anything that the council can do that you could not do yourself?" they tell us, "No. We would rather have even more powers." We can devolve more and more to schools. We should consider developing the Danish model to suit our experience so that the parents of between 20 and 30 pupils can launch new schools that offer different approaches under the guardianship of HMIE.

Let there be no mistake: I am not suggesting that we will encourage schools to opt out. That is how the Conservative policy was portrayed in the past when we talked about self-governing schools. We need to create new schools that will opt into the system. Such schools would opt in to provide girls-only schools like Notre Dame High School in Glasgow, which is a state school—which is great. They would opt in to provide Gaelic-medium schools like the Gaelic-medium school in Glasgow.

There are parents in Edinburgh who want a Gaelic-medium school but cannot get one. They are told that there is not enough demand. We should give them the ability—the budget and direct finance—to establish a Gaelic-medium school in Edinburgh. That school would flourish. It would be a magnet, and people would move to Edinburgh as a result. Places such as Perth would ask why they could not have a Gaelic-medium school. We would witness the flourishing of Gaelic education. We would witness the halting of the decline of the language and find the way to turn it round. We will change the situation of Gaelic in Scotland by letting parents build the schools that they need.

We could have other types of schools, such as sports schools or language schools. The Executive is allowing us to have specialist schools—from the top down. Why, if such schools are allowed to select pupils on the basis of their ability in sport, languages or music, are they not allowed to select pupils on their ability in English or maths? Oh—I am sorry to make such a suggestion. That might be regarded as selection. It might mean the end of the comprehensive system as we know it. The truth is that the comprehensive system as we know it is disappearing fast under those who pretend most to defend it.

We could have faith schools. There is a great deal of debate about such schools, so I leave that subject to a colleague to take up, because it will take some time. I point members to the information that is available on the success of faith schools. I urge the Executive to exercise great caution when it patronises politicians who say that faith schools are a good thing and accuses them of advocating divisive, creationist, sectional schools that will rip society apart. The evidence, which has been seen and reported on by Tony Blair, is that schools such as Emmanuel City Technical College in Gateshead do not fit that description—not only politicians but people of other faiths are quite clear about that. The Labour party in England established four Muslim schools, which is a good thing. Those schools were established in areas in which there is no divisiveness, rioting or trouble. They are a bridge to building an inclusive society.

It is through the creation of a vibrant, diverse and competitive education system that choice can be assured, that high standards can be delivered and that a passport to numeracy and literacy can be guaranteed for all in Scottish society. Only when we achieve that bottom-up choice and diversity will we liberate our people from the poverty of aspiration that has been created by socialism in Scotland.

I move,

That the Parliament believes that schools should be given the flexibility to organise learning in the ways that

best meet the needs of their pupils; further believes in the fundamental importance of diversity in education; supports the view that the elimination of denominational schools would be damaging to Scotland's education system, and recognises that the key challenge is to improve educational opportunities for all Scotland's young people through encouraging greater diversity and devolved management.

11:21

The Minister for Education and Young People (Cathy Jamieson):

I found it interesting to listen to Brian Monteith's purple prose. It just goes to show that umpteen mentions of socialism and quotations from Tony Blair or others in the Labour party do not add up to anything other than the same old Tory mantra. If members listened to the coded language, they would have heard mention of vouchers, competitive systems and magnet schools. That is not what the Executive is about.

Let me start by making it absolutely clear that the Executive is committed to giving every child and young person a high-quality education that meets their needs, that raises standards across the board and that closes the opportunity gap, about which we did not hear a huge amount from the Tories. Young people need schools that will challenge them to achieve as much as they can. Some young people need particular help and support to reach their full potential. Our ambitions and aspirations for education and young people are high, and we must rise to the challenges. We must remember that excellent work is being done every day in schools throughout Scotland, rather than talking down what is going on in Scotland's schools. I know that that excellent work is going on from the visits that I make, from my discussions with staff and young people and from the feedback that I get from parents, as well as from the results that my colleague Nicol Stephen quoted earlier.

It is worth remembering that we are delivering major investments in schools and teachers. Pupils are benefiting from an increase in the budget for education through the local government finance system and through additional allocations of resources that go straight to schools. Teachers are benefiting from an investment in pay, conditions and professional development. Training places are being provided for probationary teachers and reduced class-contact time and mentoring support are also being provided to help them to settle into the profession. Pupils and teachers are benefiting from investment in new or substantially refurbished schools and we are prioritising further improvements in school buildings—we recognise the work that needs to be done. Parents and carers are benefiting from the pilot new community schools, which are bringing together the services to support them and their children and giving them closer involvement in their children's education. We plan to spread the benefits of that approach throughout Scotland.

The motion mentions denominational schools. I want to repeat a comment that I made in the chamber in answer to a member's question. The Executive recognises and remains committed to supporting the valuable contribution that is made by denominational schools.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): It is particularly appropriate that I ask the minister this question, given that children from Our Lady of the Missions Primary School are in the public gallery. Does the minister agree that parents such as me choose to send their children to denominational schools in order to secure a wider social base and because of the work that those schools do with children with special educational needs? We do not claim any exclusive preference or benefit—all communities can bring a different insight to how education is delivered. It is through building a wider school community within a distinct faith setting that the real benefits of denominational schools must be seen.

Cathy Jamieson: I was going to come on to that issue by speaking about the answer that I gave to a question that I was asked in the chamber. In my answer, I recognised the fact that many denominational schools have a particular ethos and focus that is welcomed by many parents. We will continue to recognise that.

Brian Fitzpatrick alluded to another important point, which is that we need to focus on the individual needs of children and young people, the outcomes for pupils and what we put into the system. Through the way in which schools work and the way in which learning is organised, we must aim to improve standards, to close the opportunity gap and to ensure that every child gets the education that best meets their needs.

The Parliament has much to be proud of. The Standards in Scotland's Schools etc Act 2000 established a focus on education for the individual, and we are making that a reality for every school pupil. The Executive established the national priorities for education, which were endorsed by the Parliament in December 2000. Local authorities have been given responsibility for improvement at the local level and have published improvement plans for implementing the national priorities in a way that makes sense to them. That is not a top-down approach; rather, it is a broad, strategic approach that gives local authorities and schools the opportunity to take account of the national priorities in their development plans.

Mr Monteith: Will the minister give way?

Cathy Jamieson: I will move on a little and then take an intervention.

Our framework paves the way for schools to make local decisions about how to achieve the best outcomes for every pupil in the context of the

national priorities.

Mr Monteith: I thank the minister for giving way.

The minister says that the Executive is taking a strategic approach, not a top-down approach. If there is demand from parents for the creation of a Muslim, Sikh or Jewish school—such schools have been created in England—will she accede to that demand and allow those schools to be established?

Cathy Jamieson: I remind Brian Monteith that local education authorities have responsibility for providing schooling. I expect local education authorities to consult their communities, and the issues that he raises are being consulted on in the context of the national debate, which is a healthy approach. This may be unusual, but I welcome the SNP amendment as it gives a central place to the continuing role of local authorities in state schools. We will be happy to add that to our amendment to Brian Monteith's motion.

We are making progress on devolved school management. More than 80 per cent of respondents to a recent survey for our working group found that existing arrangements gave them the flexibility to respond to changing local needs. We want to develop that important finding further.

The Executive issued a circular in August 2001 that promotes flexibility in the curriculum. We recognise that authorities, schools and teachers have the best understanding of local circumstances and we encourage schools to work with parents, carers and communities to respond to pupil needs. In that context, flexibility for schools is not simply a good theory—it is real and is already happening in practice in classrooms around Scotland.

North Lanarkshire made a significant proposal when it signalled its intention to develop three sports comprehensive schools, which will allow pupils to develop a speciality in sport within the comprehensive context. That move must be welcomed. A school in Edinburgh has a project team that is identifying young people who have some of the attributes that may help them to become successful entrepreneurs. It is interesting to note that the team has identified mostly young people who had become disaffected with school but who could be turned around, as they have the potential to become a success in years to come.

I could give members examples from throughout Scotland on how better links are being made with employers. When the Parliament met in Aberdeen, I saw how Northfield Academy had introduced a hairdressing course for some of its pupils, with a fast track into college for pupils who wish to follow hairdressing as a career.

The Executive is delivering an improvement in

education and there are successes in schools throughout Scotland. It is true that pupils who pass examinations and gain university or college places are a measure of success, but so, too, is the pupil with special needs who learns a new skill, supported by patient, caring staff, or the disaffected pupil whose attitude is turned around by imaginative teaching, backed up by support from other professionals.

We can and should aim for excellence and inclusion. We should raise standards and close the gap. We need high-quality schools and well-trained teachers who provide encouragement and inspiration and who enable each pupil to reach his or her full potential. Scotland's children deserve the best, and the Executive will ensure that they get the best.

I move amendment S1M-3204.2, to leave out from first "believes" to end and insert:

"welcomes the Executive's progress in investing in school education including *A Teaching Profession for the 21st Century* which recognises teachers' valuable contribution, modernising the school estate, the establishment of clear national priorities for education with an improvement framework involving both local authorities and schools, the promotion of flexibility in the curriculum and devolved school management arrangements, the contribution made by New Community Schools to supporting pupils' learning and involving parents and carers, recognises the valuable contribution made by denominational schools and believes that our priorities should continue to be the provision of a high quality education appropriate to the needs of every young person in Scotland and closing the opportunity gap."

11:30

Irene McGugan (North-East Scotland) (SNP): Members will have noted Michael Russell's absence from today's debate and I advise them to anticipate a slightly different style of delivery.

Diversity in education encompasses many things. The Scottish National Party wants to encourage alternative provision where local demand exists and where local circumstances might be better served by such provision. We are clear that such choice and flexibility should be available within a strong and well-funded state system.

The SNP's belief in diversity within a unified but devolved state system is in keeping with the best traditions of Scottish education. The Executive's over-direction from the centre, with its target setting and its tick-box culture, is less in keeping with those traditions. Our approach is in stark contrast to the Tory agenda of encouraging private education and the purchase of privilege and the Tory belief in early streaming, which results in a permanent disadvantage to the majority of pupils.

Dr Sylvia Jackson (Stirling) (Lab): One of the big questions in the national debate is whether we

should move away from mixed-ability teaching to setting and streaming. What is the SNP's view on that?

Irene McGugan: We support the research that says that setting and streaming are only ever of benefit to a very small number of pupils. Ronnie Smith, the general secretary of the Educational Institute of Scotland, has blamed class sizes for what he called "the sorry spectacle" of secondary schools returning to a setting and streaming agenda. At their recent conference, EIS delegates noted that a radical reduction in class sizes was the most important priority for schools in the next 10 years. I wonder whose policy that is.

The SNP vision of diversity within Scottish education also supports the broader philosophy of opportunity for all—a belief that I doubt the Conservatives have ever held.

The SNP is committed to further extension of devolved school management, with appropriate levels of responsibility and the introduction of more robust systems. The SNP supports a devolved school management system in which councils would be expected to allocate meaningful sums on a regular basis and would not have the right to override control and to claw back funds from schools. Unlike the Tories, the SNP believes that local authorities, as democratically accountable institutions—that will be even more the case after proportional representation reforms—should retain powers over the framework of the delivery of education.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the member join me in condemning the hypocrisy of Labour party members who, while claiming to support the comprehensive system, buy houses in the catchment areas of good schools such as Jordanhill School or Lenzie Academy in order to benefit from a standard of education that is denied to those who live in poorer areas?

Irene McGugan: I will leave it to the member to make that point.

Devolved school management is another way of ensuring that as much money as possible gets to front-line services. In that context, I challenge the Conservative and Labour obsession with private finance. The use of public-private partnerships to build and run our schools brings significant additional costs and provides questionable service and quality. Furthermore, the need to have commercial rates for the use of facilities is against the ethos of community schools.

The con that PPP represents best value has been exposed by the recent Audit Scotland report, which shows that taxpayers and education authorities are paying up to £18.7 million a year extra under the private finance initiative for

schools projects alone. We should think again on that issue.

Diversity is also about future changes in technology, such as the use of broadband and videoconferencing, which are useful for remote and rural areas. There should be diversity in language provision and we support the legal right to Gaelic-medium education where demand exists. On faith schools, as well as supporting Catholic schools, which in Scotland operate within local authority provision, the SNP supports other examples of difference within the state system, such as Steiner Waldorf schools. Steiner Waldorf schools are funded as part of the state sector in other parts of Europe. Why cannot that happen here?

It should also be possible for parents to choose to home educate their children. The draft guidelines that the Executive recently issued would make that more difficult and would interfere unduly with the rights of parents to make such a choice. Why cannot we introduce regulations that enable parents to exercise that choice responsibly and that remove the highly unsatisfactory bureaucratic system that exists?

Last month, a head teacher wrote in *The Times Educational Supplement Scotland*:

"The SNP has now published its policy paper on education ... the commitment to 'encouragement of diversity based on common high standards within a unified but devolved state system' neatly synthesises the aspirations of many teachers."

I rest my case.

I move amendment S1M-3204.1, to insert at end:

"within a strong and well-funded state educational system administered through Scotland's local authorities."

11:35

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): In yesterday's sports debate, we had some fun with the wording of amendment S1M-3192.2, as it became clear that the amendment did not say what Brian Monteith meant it to say. This morning, we must again look carefully at Mr Monteith's wording and reflect on what he is really trying to say.

On reading motion S1M-3204, I find that there is much to agree with. However—to adapt a Shakespearean image—the motion might look like an innocent flower, but we must beware the serpent under it. The motion is not a straightforward list of well-meaning prescriptions for improving the Scottish education system. Instead, it is a thinly concealed attempt to implement a programme that would undermine the widely accepted and well-established

philosophical basis of the comprehensive system. I am a convinced advocate of comprehensive education.

Mr Monteith: Mr Jenkins is entertaining, as always. Does he believe that setting or streaming is compatible with the comprehensive system? Does he support the introduction of setting or streaming in the comprehensive system in Scotland? It is clear that the Minister for Education and Young People supports its introduction, as she is allowing it in the west of Scotland.

Ian Jenkins: I detest streaming, but I do not mind setting.

As I said, I am a convinced advocate of comprehensive education. I want a system that is comprehensive in the sense that it is open to all, treats all its pupils with equal respect and parity of esteem and seeks to maximise opportunities for all and to realise the potential of every child within the system.

Such a system must also be comprehensive in offering pupils schooling and an educational experience that cater for the whole child as an individual and as a member of society. In other words, I want a system that fulfils the purposes of education, which we are debating across the nation, as fully as possible in the school context. The comprehensive system must be inclusive rather than divisive and must seek to be supportive rather than judgmental and exclusive. It must help to break down barriers between people rather than to erect them. If we hold our discussions within those parameters, I will be able to consider the motion and to endorse some of its proposals.

Of course schools should be given the flexibility to organise learning in the way that best meets the needs of their pupils and of course we ought not to stifle innovation and creative approaches to teaching and learning. If one were to pick out the bits of Brian Monteith's speech that referred to what is happening, one would find that there is diversity and that diversity is working.

If members were to review the evidence that was given to the Education, Culture and Sport Committee on Tuesday by representatives of parents, teaching unions and directors of education, they would identify a desire across those important stakeholder groups for the professionalism of teachers and the potentially innovative role of managers to be acknowledged. Teachers and managers should be given the opportunity to offer pupils a flexible curriculum that is responsive to their needs. I support the devolving of funding for schools. Diversity will be delivered through such developments.

There needs to be a substantial debate about how diversity is delivered in areas such as music,

drama and sport, where we recognise that a youngster has a special talent that is so outstanding and important in that individual's life that it needs to be nurtured and promoted to an exceptional degree. I like the idea of sports comprehensives and there is an argument for elite schools in those areas.

The debate on the provision of centres of excellence for pupils with profound special educational needs is not closed. Mainstreaming is important, but there is still a place for centres of excellence and we must guard against totally throwing out such centres.

We should be able to incorporate into our comprehensive system schools that have a particular philosophical approach to education, such as the Steiner Waldorf schools. In my view, we also need to be a wee bit more relaxed about home education. In all those cases, the debate should take place within the context of the kind of comprehensive system that I described.

The motion mentions denominational schools as though such schools were under threat. Cathy Jamieson's amendment makes it clear that there is no imminent threat and recognises the valuable contribution that such schools make to the Scottish education system. However, within that context, I am instinctively resistant to the creation of new schools that are based on exclusivity. I am resistant to schools that are designed to erect barriers that mark out differences and separate some pupils from others in a divisive way. I do not wish to throw out the argument, but my instinctive position is that I do not wish more barriers to be created.

It will come as no surprise that we oppose Mr Monteith's motion. If we were to follow Mr Monteith's instincts, we might end up with a plethora of schools, each of which would go in its own direction with no regard to the needs of the community as a whole and with no organising principle. If diversity is king, there is a danger that particular individuals and groups will fall through the net and not be catered for properly. If, as the motion suggests, diversity is paramount, the clear danger exists that pupils in some schools will not cover important ground.

It is clear that there must be an organising principle and a system of monitoring to ensure that the Scottish education system provides high-quality education for every young person in Scotland. I believe that we can have such a system and that that system can be comprehensive and diverse.

The Deputy Presiding Officer: We move now to the open part of the debate.

11:42

Rhona Brankin (Midlothian) (Lab): I welcome any opportunity to debate education in the chamber, but I am disappointed with today's Tory motion. In recent weeks, Brian Monteith has issued myriad press releases to make negative utterances about education in Scotland. The motion fails to address the real issues that face us in Scottish education.

The Scottish Executive has rightly focused on increasing investment in schools to deliver high-quality education for our pupils. The reality is that the Tory Government presided over underinvestment in education, crumbling school buildings and a demotivated teaching staff. The Scottish Executive has delivered key improvements: reductions in class sizes; a fair pay deal for teachers; a £500 million school building programme; and free nursery places for every three and four-year-old.

From recent Tory utterances, it is clear that the Tory concept of devolved management means the direct funding of schools and the abolition of the role of local councils. Not only is that a direct attack on the democratic accountability of local government, but it would have disastrous results for schools and pupils.

Mr Monteith: If our proposal would be so disastrous, why do practically all the countries above Scotland in the international tables not administer their schools through local authorities? Instead, those countries encourage diversity by allowing schools to be managed by teachers and parents in partnership. Why would that be so disastrous? Why cannot such a system work here, as it does in other countries?

Rhona Brankin: In the remainder of my speech, I will be delighted to explain exactly why the Tory proposal would be disastrous.

The Tory motion talks about diversity in education, but a role for local authorities and for Government is vital precisely because of the diversity and differences among schools and among pupils. That role must be in service delivery. I will provide an example from direct experience to show how direct funding of schools would destroy schools' ability to meet the ever-changing needs of their pupil populations.

In the provision of services for pupils with special educational needs, it is absolutely vital that there is co-ordination at both local authority and national Government level. The policy of inclusion of pupils with special educational needs can work only if adequate support systems are in place for both pupil and school. In practice, local authorities provide core pupil-support funding to each school so that the schools can provide day-to-day support for pupils with special educational needs.

However, in many instances, a pupil's needs are more complex and additional staffing or additional information technology equipment is required. It is absolutely essential that schools can respond flexibly and acquire additional funding to meet the needs of such pupils and their families.

Let me give an example of how the Tory policy of direct funding would have failed one particular child. My daughter went to a 25-pupil rural primary school. Because she has spina bifida and complex physical needs, she required a high degree of additional funding, which was given to that 25-pupil rural primary school. She continued to receive additional funding throughout her primary and secondary education. That additional funding and support was vital in allowing her to gain enough highers to progress to university. I would die in a ditch to ensure that such pupils who require additional funding receive it. Because additional funding was provided for that child, she was able to be educated in the school in her community alongside her friends.

The key is to find the right balance between giving schools flexibility and ensuring high standards of provision for all our pupils, whatever their needs. Local authorities have a clear role to play and national Government would be failing in its duty if it did not give clear strategic direction for Scottish education. I ask members to support the Executive amendment.

11:47

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

In rising to support the motion in the name of my colleague Brian Monteith, I make no excuses for returning to the issue of the preservation of rural schools, about which I have spoken many times in the chamber. In the rural environment, diversity means little to those of us who have a limited choice in the schools to which we can send our children. In that context, diversity can often be limited simply to preserving the existing schools so that some choice exists.

Today, I will speak about one case that has been brought to my attention. Aberdeenshire Council has submitted a £35 million bid for a school building programme under the Executive's public-private partnership scheme. The Scottish Conservatives fully support the use of the PPP scheme, which allows councils to increase the quality of the education infrastructure. In recent years, the Lib-Lab Executive appears to have changed its mind and its approach quite radically, but the Conservatives continue to support the scheme, which we pioneered.

If the Aberdeenshire bid is approved, the Scottish Conservatives will be pleased to support many aspects of the proposals, which include

plans for a replacement primary school in Kintore and a much-needed extension of the school in Portlethen. However, we disagree with the proposals to close the highly successful, popular and well-attended primary schools in Old Rayne and Rayne North. The council proposes to centralise those services at a new, larger primary school at Logie Durno.

Mr Rumbles: Will the member take an intervention on that point?

Alex Johnstone: No.

If those two schools close, the area will lose the considerable benefit that it currently receives from them. Both schools provide a high-quality education for pupils, are in decent physical condition and have no shortage of pupils. Indeed, Old Rayne will see a considerable expansion in numbers in the short to medium term.

Mr Rumbles: I try again to intervene—

The Deputy Presiding Officer: Mr Rumbles, you are entitled to offer an intervention, but you may not stand up and simply make an intervention. As you will speak later in the debate, you will have your chance then.

Alex Johnstone: The council's plans will involve primary pupils facing lengthy bus journeys of approximately an additional hour a day. Those journeys will be along single-track roads, which are especially dangerous during wintry conditions. Children as young as four and a half or five could be put on a bus at 8 o'clock in the morning and not return home until after 4 o'clock in the afternoon. Local parents from Old Rayne and Rayne North have been right to fight the proposals to close their schools. I have visited Rayne North and communicated with many of the parents from both communities. I back their campaign. Parental choice should be a key factor. Part of the reason for the success of both schools is the regard in which they are held by parents, which is demonstrated by the parents' dedicated campaign to fight the closures.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Is not there something unsuitable in the logic of private finance initiatives, as applied to rural councils that have a large number of small schools? When Alex Johnstone talked to parents, did he ask them what they thought about PFI schemes?

Alex Johnstone: I understand that PFIs are being used in Dumfries and Galloway and that that is supported by the SNP. Is not that the case?

Alasdair Morgan *indicated disagreement.*

Alex Johnstone: Both Old Rayne and North Rayne primary schools are in small rural communities and both are the focal points of those

close-knit communities. Village fêtes, Christmas nativity concerts and sports days are all held at the schools. The buildings are used by organisations such as the girl guides, the brownies and the Scottish Women's Rural Institute. As one local parent put it to me, closing the village school would be like ripping the heart out of the community.

I note that, in its amendment, the Executive states its belief in community schools and their ability to contribute to communities. The Scottish Conservatives believe that small rural primary schools, such as those in Rayne North and Old Rayne, are vital to the future of our fragile rural communities and should not be closed unless there are exceptional circumstances, which is not the case in the current situation. The SNP is as guilty as any party in the chamber of closing rural schools. I ask the Executive to consider carefully the current proposal.

11:52

Colin Campbell (West of Scotland) (SNP): I am beginning to feel as though I am in charge of a number of teachers here. The public might like to work out which of us were in education before we came to the Parliament.

I welcome pupils from the modern studies department of Paisley Grammar School—my old school—who are in the gallery. Although the school was a grammar school, in practice it was comprehensive, because it took in anyone who had a family member in the school. That is where I came from.

I enjoyed Brian Monteith's history of Scottish education, brief and strange as it was. I was interested in his obsession with the bottom-up development of education, given that the parents charter, to which we all now subscribe, was imposed from the top down by a Conservative Government.

It is clear from the motion and the two amendments—let us lay aside the customary self-congratulatory welcome by the Labour party and the Lib Dems of their own policy—that we all agree on diversity in education or

“flexibility in the curriculum and devolved school management arrangements”.

There is nothing new in those concepts. By definition, every community and every school in every community is diverse, as is any group of teachers or any roomful of pupils. A secondary teacher's skill lies in adjusting the message and the medium to the group of pupils in the room and in adapting to successive groupings as they charge through the room in the course of the day. A primary school teacher's skill lies in managing the diversity of children in the room all day and

sustaining their interest, which is an infinitely more terrifying prospect.

The ethos and style of a school will inevitably reflect the community in which it serves. I was promoted from a secondary school in Greenock, at which it was generally assumed that every pupil would get a batch of highers, to the post of deputy head teacher of a school in Paisley that had major social problems. The school was a junior high, whose academic pupils would be transferred at the end of secondary 2. The head teacher and I—then the only two members of staff—worked out the priorities for the school, establishing links with the children's panel, the social work department, the police and other supportive agencies, and decided to beef up the guidance structure. In other words, our ethos and structure were moulded to the perceived needs of the community and were completely different from those of the school that I had left.

The ethos and structure are moulded in every school to accommodate different social, religious and cultural needs. It is obvious from the establishment of school boards and from the well-articulated opinions of concerned parents that schools reflect their community needs far more accurately than they did in the past.

Diversity has always been evident. Despite the centralist tendencies of some local councils, most head teachers, certainly in Glasgow where I was a head teacher for 12 years, subscribed to the Frank Sinatra theory of school management—I did it my way. I will not sing. [MEMBERS: “Aw.”] All right then:

“I did it my way.”

All the time, that approach was driven by the need to meet the best interests of the pupils and to balance the essential demands of the curriculum with the management of the adults whose task it was to deliver the service.

Irene McGugan's amendment refers to

“a strong and well-funded state educational system administered through Scotland's local authorities.”

I worked for local authorities. It is a matter of great regret that none of the ones that I worked for was run by the enlightened SNP; instead, they were run by the Labour party. In other words, I did not agree with their complexion and sometimes their policies, but I believe absolutely that education is a right and that the service must be delivered within the local authority context. If people want to change the context, they go to the ballot box. To deliver the service well, it must be well funded, so that the specialised needs and educational requirements of every child are met. We are still far from that position.

11:56

Jackie Baillie (Dumbarton) (Lab): I welcome the GMB retired members branch to the gallery. They may be retired, but they are still active.

It pains me to say this, but if Brian Monteith had stayed long enough to listen to all the evidence at the Education, Culture and Sport Committee, we would not be wasting Parliament's time debating a motion that enjoys no support among parents or education professionals in Scotland. The overwhelming majority of parents want local authorities to be responsible for our schools, yet once again we see the Tories displaying their classic tunnel vision and entirely missing the point about what matters to pupils, to parents and to teachers. Contrast that with Labour's approach—increasing investment in our schools year on year to realise the potential of every child in Scotland.

Let us continue Rhona Brankin's little history lesson with a few more reminders of what education was like under the Tories. Under the Tories, too many of our children left school unable to read or write. With Labour, we have brought about real progress in our primary schools. Standards are up and are rising in reading, writing and maths. We have achieved that by cutting class sizes and focusing relentlessly on what matters.

Mr Monteith: Will the member give way?

Jackie Baillie: No, I have heard enough from Brian Monteith today. I know that he does not like what I am saying, but he should listen.

Under the Tories, we had school buildings that were much more suited to the 19th century and that were crumbling through lack of investment. With Labour, we are building and renovating 100 schools by 2003. We are delivering results for parents, pupils and teachers. I visited one of the new schools in Glasgow. Not only is the learning environment better, but teachers say that the pupils are better motivated and there are early signs of better attainment.

Under the Tories, we had fewer teachers to more pupils and the trend was getting steadily worse. Now, with Labour, the position is reversed. We have more teachers in our classrooms, smaller classes and more individual attention for our children. That is just a flavour of what education was like under the Tories.

What lies behind Brian Monteith's motion? It is intriguing. Where is his big idea? I looked for it. It is to be regretted that the motion says nothing new. It outlines the discredited policy that the Conservatives trumpeted in their 2001 general election manifesto, which was resoundingly rejected by the electorate, in case the Conservatives have forgotten. For "devolved

management" we should read "free schools". That is their big idea—the direct funding of schools and the abolition of education authorities. The implementation of that Tory policy would mean, as Rhona Brankin said, an end to effective services for pupils with special educational needs and an end to co-ordinated school transport services.

Murdo Fraser: Will the member give way?

Jackie Baillie: I do not want to hear from Murdo Fraser, either.

We would see an end to the careers of 700 teachers who are employed to reduce class sizes. What would be the result of the Tory policy? A patchwork quilt of services that failed to deliver high national standards. What else would we get from the Conservatives? More inequality and inconsistency in the delivery of education services throughout Scotland.

The debate is more about Tory dogma than about diversity. The proposal is not the education model that anyone I know in Scotland wants for their children. Of course we want flexibility in our schools—the flexibility to ensure that pupils are taught what is relevant to them. Creativity and innovation in the curriculum can help to make school relevant to everyone.

I am afraid that if I were Brian Monteith's teacher, I would not only despair, but suspect that his report card would say: "Learned nothing; achieved little. Needs to apply himself better. Perhaps Brian needs to repeat a year, but not at this school."

The Presiding Officer (Sir David Steel): I call Mike Rumbles, to be followed by Jamie McGrigor. I ask the final three speakers in the open debate to keep their remarks tight, as we are over time.

12:01

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Encouraging diversity in education has been and remains a main theme of Liberal Democrat education policy and is the key to ensuring that Scotland's educational system is fit for the 21st century. Schools should be given the flexibility to organise learning in the ways that best meet the needs of their pupils, but that does not mean that the role of education authorities can be ignored. They play a valuable role by giving local schools help in and guidance on the delivery of education at the chalkface.

The diversity in our education system is one of its greatest strengths, but I do not accept the proposition in Brian Monteith's motion that

"the elimination of denominational schools would be damaging to Scotland's education system".

There is no question of the Government legislating

to eliminate denominational schools, so I can only surmise that Brian Monteith's motion is aimed at highlighting the fact that if the denominations themselves decided to end the special status of those schools, that would be damaging. He used the word "patronising". I am surprised at the patronising view that the Tories express. Perhaps I should not be so surprised, because of their track record of pretending that they know best.

Murdo Fraser: Will Mr Rumbles take an intervention?

Mr Rumbles: No. I have been asked to keep my speech tight.

The fact that the Tories pretend that diversity is good but that free choice is bad is an Orwellian conundrum that only they can explain. That is like Brian Monteith's amendment yesterday, which called for a full-time equivalent physical education teacher in every school. When I gave him the opportunity to explain whether that applied to one or two-teacher primary schools, he could not admit that he had boobed and got it wrong. Of course he knows that that proposal is rubbish. Here we are again—Brian Monteith has got it wrong and will not admit it.

Mr Monteith: Will the member take an intervention?

Mr Rumbles: I will, if the Presiding Officer will give me a little more time. Will you?

The Presiding Officer: No. Perhaps the member has passed the buck there.

Mr Rumbles: The so-called party of free choice betrays itself as the party that says, "We know what's best for you, so you'd better listen."

However, I acknowledge that Brian Monteith has got right the last part of his motion, which says that "the key challenge is to improve educational opportunities for all ... through encouraging greater diversity and devolved management."

That is spot on. It is a pity that he could not get the whole motion right.

The Executive's amendment is far more appropriate, as it welcomes the progress that has been made in investing in our schools, recognises the valuable contribution of our teachers and highlights the plans to modernise the school estate. Parents and teachers in my constituency eagerly await the Executive's imminent announcement on Aberdeenshire Council's application for funding to allow new schools to be built in Banchory and lower Deeside and to refurbish Portlethen Academy, to which Alex Johnstone referred. I hope that a positive announcement will be made soon.

Alex Johnstone was less than straightforward—if I can put it that way—about Aberdeenshire

Council's proposals. The council has given a guarantee that it will not close Old Rayne School or Strachan School in my constituency if the community wishes to keep them open. I can think of no firmer or more straightforward guarantee. The council is building new schools, but if the community does not want to close the old schools, that is fair enough.

The Liberal Democrats passionately believe that the diversity in our education system is the key to its success and reject the Tory not-so-hidden agenda of centralising control of schools in Edinburgh by abolishing local education authorities. We believe in real diversity and in decisions being made locally, in the best interests of our children.

The Presiding Officer: I ask the last two speakers in the open debate to keep to three minutes, please.

12:05

Mr Jamie McGrigor (Highlands and Islands) (Con): I congratulate Oban High School on completing its refurbishment after 13 years and wish it well for its opening ceremony on Tuesday, which the Minister for Education and Young People will attend. I also congratulate that school's teaching staff on the marvellous work that they are doing with children on environmental education, the results of which I saw at a Scottish Natural Heritage meeting in Oban earlier this week. They are teaching children to be aware of biodiversity and of what is happening in the surrounding areas and to keep the environment clean, which is important.

I re-emphasise what my colleague Alex Johnstone said about the importance of primary schools. Last week, I visited Dalavich, which is a community in north Loch Awe side in north Argyll. That community is attempting to reopen its mothballed primary school to prevent children having to take a 25-mile journey on single-track roads every day, winter and summer. That is a question of parental choice and I hope that the go-ahead is given to reopen that school.

I emphasise what Brian Monteith said about Gaelic. Gaelic is incredibly important to Scotland. It is vital that the legacy of music, poetry and song is maintained as part of our heritage.

Gaelic is in crisis. Despite the Executive's so-called commitment to Gaelic and its inclusion in speeches by people such as Alasdair Morrison, little appears to be happening. The key is education. Our city centres—places such as Edinburgh, Perth and Inverness—should have Gaelic schools. There should be more Gaelic teachers in primary and secondary schools—there is an enormous shortage of such teachers. Willing

teachers should be allowed to take immersion courses, as happens in some Spanish regions, where such action has been an enormous success in maintaining languages. We have a centre of excellence in Gaelic in Sabhal Mòr Ostaig on Skye, but that must be supported by education in other areas.

The university of the Highlands and Islands, which the Conservatives kick-started, is important. The momentum must be continued, so that people in remote areas can study at higher education level where they live, without going elsewhere.

The Presiding Officer: I am most grateful for the member's brief speech.

12:08

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Like other members, I will talk about rural schools, which exemplify the diversity in our educational system. They are different from urban schools in many ways. The ethos is different; the pupils in rural schools know one another better and know pupils throughout the age range; and the degree of community involvement is different. That is not unique to rural schools, but is practised in them much more.

Rural schools and particularly rural primary schools are also distinct because of their size. Rural schools have more composite classes, which often have large age ranges. They give teachers particular challenges. There is also a significant number of two-teacher and single-teacher schools.

A common feature of rural schools is that they are uniformly excellent and almost inevitably receive glowing reports from Her Majesty's Inspectorate of Education. Therefore, I am surprised that some people in the educational hierarchy have a down on single-teacher schools. I was especially surprised when an official from Dumfries and Galloway's education authority was quoted in a paper last week as saying that the

"Council do not in principle support single teacher schools".

I do not know whether he was speaking on the record, but he certainly said that. I refute such ideas, because those schools are of high quality and give pupils a high degree of social interaction and learning. Pupils also offer a high degree of support to one another.

I will touch briefly on PFI, since it has been mentioned, but I will leave aside the general concerns on it, as I suspect that we will get an opportunity to discuss that within the next couple of weeks. There are specific problems with PFI in rural areas. I do not think that PFI projects are suited to situations where local authorities have a large number of small schools, all of which need

refurbishment.

To respond to Alex Johnstone, I have every sympathy with councillors who are forced to support PFI schemes against their better judgment, as they know that there is no choice in the matter and that, because of the Executive's policy, they will not get any money in other ways.

There is a problem, and a difference, in relation to secondary schools in rural areas because of the restricted availability of courses in many areas. Irene McGugan referred to that in her opening speech: we need to improve the availability of technology so that courses that are being taught at some schools in a region can be taught in other schools there too.

I congratulate rural schools on the way in which they contribute to the diversity of education in Scotland. Their contribution is one that we dare not lose.

12:11

Cathy Peattie (Falkirk East) (Lab): This has been a good debate. I always welcome the opportunity to discuss education in the chamber, even if that means discussing Brian Monteith's hotch-potch of proposals.

Diversity is an essential part of the educational framework, and we would not have it any other way. Diversity should not, however, become a fetish, elevated to a status that outweighs other considerations. It should exist within a coherent and holistic approach to education. Nor should diversity be used as a smokescreen. We should be wary of those who would use calls for independence from the system to peddle intolerance or extremism.

If we are serious about diversity, we need to nurture it in schools as well as in the differences between schools and between education authorities. Devolved management is one thing but, as our nationalist colleagues will agree, devolution is not independence. Catholic schools are good examples of diversity working within the system. We want to give schools as much freedom as possible within a framework that ensures a high quality of education across the board.

Mr Monteith: I have been called many things, but this is the first time that I have been called a fetishist. I am sure that it will not be the last. The member mentions the role of Roman Catholic schools. What would the member's reaction be were congregations of the Church of Scotland—or indeed the church itself—to come forward and state that they wanted to establish a number of Church of Scotland schools? Would it be right and proper for them to be allowed to do so?

Cathy Peattie: Perhaps I should have said “dogma” instead of “fetish”. I will go on to discuss the role of local authorities, which play a crucial decision-making role.

I was saying that we want to give schools as much freedom as possible within a framework that ensures high-quality education across the board. That is devolution and subsidiarity. The limits of that freedom are imposed by what can be gained from co-operation and from combined resources. In the context of a large and complex sector, that requires oversight and the guiding hands of local government and the Scottish Parliament. Irene McGugan and Rhona Brankin also raised the importance of local government in delivering education.

True diversity in education is much more easily delivered when built upon a properly resourced foundation that addresses the individual and collective needs of pupils, staff and parents, and that is open to the input and influence of pupils, staff and parents.

Labour has delivered on a reduction in class sizes, a new pay deal for teachers, free nursery education and classroom assistants to provide much-needed support in the classroom. The feedback that I get from teachers says that that support is working and is very welcome in the classroom. Labour has also reformed the Scottish Qualifications Authority, and changes to the higher still exam are in the pipeline.

The new community schools are a primary example of our holistic approach. The new community schools initiative is fully inclusive, and multidisciplinary working removes the barriers to participation. New community schools offer an opportunity to deliver education in a way that meets the needs of the child, the family and the community rather than the needs of the institution.

Special educational needs provision is another example of diversity in action. It is not about taking a dogmatic approach, but about being child centred and delivering diversity in education and opportunities for children. Parents should be key partners in that process. Mainstream and special schools can work together to provide a holistic response. The framework of inspection needs to take that into account. All children should have personal learning plans.

We need to keep our eyes on the future and to equip our children to be global citizens. The Education, Culture and Sport Committee is carrying out an inquiry into the purposes of education. Earlier this month, the Minister for Education and Young People heralded a national debate on education. We need to address the issue of how children learn and how we can give them the space to do that. There is room for schools

of excellence, such as Plockton High School, which work alongside comprehensive education. There is room for schools that offer Gaelic-medium education and that cater for the needs of parents who want their children to learn Gaelic. There have been successes not only in the north, but throughout Scotland. Sylvia Jackson has told me about a school in Stirling that is involved in Gaelic-medium education.

The motion before us is open to interpretation, but we cannot support the interpretation that those moving the motion place on it. When I first read the motion I thought that it looked okay, but Brian Monteith’s contribution proved that I was right to be suspicious.

We must be clear about our vision and ensure that we deliver education that is fit for the citizens of the 21st century. I ask members to support the Executive amendment.

The Presiding Officer: I call Fiona McLeod to wind up on behalf of the SNP. [*Interruption.*] I beg members’ pardon—Fiona McLeod has been replaced by Linda Fabiani.

12:16

Linda Fabiani (Central Scotland) (SNP): I was hiding behind the lectern.

During Brian Monteith’s speech I was struck by the way in which the Tories always do down our education system and what happens in Scotland. Brian spoke about the OECD report on educational performance, to which the minister also referred. Recently I attended a meeting in Falkirk, to which educational specialists from one of the German Länder had come because they were so impressed by what they had read about the Scottish education system, backed up by the OECD report. It is not helpful for us to be negative all the time about what we are achieving and will continue to achieve in this country.

The Tory motion avers

“that schools should be given the flexibility to organise learning in the ways that best meet the needs of their pupils”.

That is a fine sentiment, with which no member would publicly disagree. As Colin Campbell said, such flexibility is nothing new—it has always existed. The breadth of learning that pupils achieve through both the school and the university degree system has always been a huge strength of our education system.

Although flexibility in the organisation of learning may be an admirable aim, it may not always be achievable; in some cases, it may be impossible. Schools are still struggling to surface from the sea of bureaucracy that the Tories created during their years in Government. I worry about the fact that

schools now have to wade their way through league tables and the targets that the Executive is setting. Such burdens may stymie the innovation that has always been a strength of our education system.

Today we have heard a great deal about class sizes being cut. However, I am not convinced that cutting class sizes by creating composite classes is the answer to our problems. I have heard practitioners argue both for and against composite classes, but most of them take the view that composite classes are not ideal.

Alex Johnstone *rose—*

Cathy Peattie: Will the member take an intervention?

Linda Fabiani: What a choice. I am afraid that Alex Johnstone beat Cathy Peattie to it.

Alex Johnstone: Given the excellent standards that are achieved at small rural schools throughout Scotland by the use of composite classes, can the member cite any evidence suggesting that those schools offer a poorer standard of education?

Linda Fabiani: Alex Johnstone should have delayed his intervention, because I was about to say that there are settings—small schools—in which composite classes have worked very well over the years. Alasdair Morgan made that point in his speech. My concern is very different and relates to schools in large conurbations, where composite classes have been introduced purely to achieve a cut in classroom sizes.

I am not aware that any research has been carried out into composite classes. I hope that the minister can tell me that research has been commissioned. Currently, we have only views from across the board. We must know more about composite classes if that is the way our education system is going. Teachers in South Lanarkshire are extremely worried about the situation. I am sure that that is reflected in all members' constituencies.

The state of school buildings is a long-standing problem that we all know about. I am not convinced that the Labour solution of PFI/PPP—originally a Tory solution—is the right one. It means selling out the future of our public services. When today's schoolchildren are adults, they will still be paying the mortgage on the schools in which they are educated now. That is not an ideal situation.

I am pleased that some councils are considering the SNP's public service trust model, an idea that was introduced a few years ago. When I asked the Minister for Finance and Public Services if the Scottish Executive had ever considered the public service trust model, he said, no. Local Labour-run councils appear to be more innovative than our

Labour Scottish Executive.

Colin Campbell said that education should be regarded as a right. The SNP believes that absolutely. I worry that for too long education in Scotland has been considered an expense rather than an investment in the future of our country.

We hear pearls of wisdom about how Scotland must be at the cutting edge of the information economy. I wonder if there is anybody in power with the guts to make the investment to make that happen. I want to see it happen and I hope that things will look and sound different in the future.

I ask members to throw out the Tory motion because it is pretty awful.

Mr Monteith: But the SNP's amendment merely adds to our motion—why does the amendment not delete the motion?

Linda Fabiani: The Tory motion will be thrown out by acceptance of the SNP amendment, which makes it clear that the future of our education system lies in the public service trust finance model and not in private finance.

12:22

The Deputy Minister for Education and Young People (Nicol Stephen): When I saw the original wording of Brian Monteith's motion, I was tempted to support it, although I felt that it might—to use Lord James Douglas-Hamilton's words from the first debate this morning—send out “the wrong signal”. However, having heard the details during Brian Monteith's performance this morning, I was very pleased that I had not supported the motion. Mr Monteith seemed to be doing his best to snatch division from the jaws of consensus. In a curious performance, during which he chose to quote Enoch Powell, he came out with the profound statement of the morning—“even twins are different.” We will be able to check that statement when Murdo Fraser winds up for the Conservatives.

Whether we call Mr Monteith's speech purple prose or rhetorical rant, there is one thing that we can all agree on, even the Conservatives—it was a very negative description of the current system of Scottish education.

I remember that the iron lady, Margaret Thatcher, used to rail against people who were talking down Britain. This morning, Brian Monteith was talking down Scotland. He chose to ignore the fact that Scotland's performance in education is strong and that the programme for international student assessment—PISA—study that I mentioned shows that, out of more than 30 countries, Scotland is in ninth place in science, in fifth place in reading and in fifth place in maths. Clearly, we want to do better.

Interestingly, the countries that Mr Monteith chose to compare us with were Denmark, which is outside the top 10 in everything, Sweden, which did well but not as well as Scotland, and the Netherlands. Given what Mr Monteith said about Scotland's performance, it was interesting that he mentioned the Netherlands. The PISA report says that the results of the Netherlands have been published only partially because the Netherlands did not reach the required response rate of 80 per cent.

At present, we have a system that is working. Indeed, it is working well, but we must do better. After years of division and demoralisation, driven by Conservative dogma—we heard that dogma again today; the Conservatives are happy to come up with proposals that might help 2, 3 or even 5 per cent of the children in Scotland—we want a system that considers every young person in Scotland. We do not want to ignore or neglect the other 95 per cent, but that is what Brian Monteith's policies would achieve.

Mr Monteith: I am enjoying the minister's rebuttal of my contribution. However, on examining the coalition's record, I notice that all that the coalition has done is to abolish assisted places and self-governing schools. The coalition has continued all the policies that the Conservatives introduced to change Scottish education throughout the 1980s and 1990s. Given the deputy minister's original attraction to the Conservative motion—until the Minister for Education and Young People had a word with him—and given the fact that the deputy minister is unable to change anything, would he like to sign the motion and join the Conservative party? Surely the deputy minister should be sitting on the Conservative benches?

The Presiding Officer: I am afraid that the minister is approaching his last minute.

Nicol Stephen: My last minute? I am on only my first page and yet I am in my last minute.

The Presiding Officer: Well, if the minister will get distracted—

Nicol Stephen: My response to Brian Monteith's intervention is to say that we reject Conservative dogma. The message from us is simple: we reject vouchers; we reject selection; we reject central Government control of our schools and the removal of the role of our local councils.

If I can, in my final minute, I will briefly mention a couple of other issues. Irene McGugan made a refreshing change from Mike Russell this morning, as I agreed with most of what she said. I agreed with all of her comments except those on the use of private finance in the new investment that we propose for our school buildings. My response to Irene McGugan is simple. Do not fall into the same

trap as the Conservatives. Do not allow dogma to block the major new investment that so many of our schools need so desperately.

I say to Mike Rumbles that we will respond shortly to councils in relation to the PPP bids. Politicians from all the political parties in the chamber support those bids. That was mentioned earlier.

David McLetchie (Lothians) (Con): Will the member give way?

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

Nicol Stephen: I am not allowed to give way.

David McLetchie: Lucky you.

Nicol Stephen: The Executive is about devolving responsibility, encouraging diversity and flexibility and delivering on the key issues. Our priority is to get on with the job.

Rhona Brankin reminded us that we have delivered. We delivered on the national agreement on pay and conditions, on nursery places for three and four-year-olds, on reduced class sizes and on new investment in our school buildings. We are going to deliver more. There is still a great deal to do, but we want to work with our teachers, parents and pupils. We reject the destructive dogma of which we got a brief but all too alarming reminder this morning.

12:28

Murdo Fraser (Mid Scotland and Fife) (Con): The debate has been enlightening, although I have to say to Nicol Stephen that I cannot see how anybody could look at Brian Monteith and me and describe us as twins. They certainly could not describe us as identical twins, or at least I hope they could not.

Much has been said in the debate about diversity in education. Our party has talked about diversity for some time and I am delighted that we seem to be winning converts to the cause. In particular, I welcome the Minister for Education and Young People's conversion to the cause. To talk about rejecting a one-size-fits-all approach, as Cathy Jamieson did at the EIS seminar on 23 May, is to lift language straight from speeches that Brian Monteith and I made at the Scottish Conservative party conference the week before. Welcome aboard, minister.

Cathy Jamieson: People should always be cautious about lifting anything from speeches made by Brian Monteith or any of his colleagues. I want to clarify the position that I outlined in the chamber this morning. I have no problem with diversity in a system that ensures that we raise standards and close the opportunity gap. Perhaps

Murdo Fraser will say what priority the Conservatives would give to pupils in disadvantaged areas for whom the opportunity gap must be closed. I do not believe that the Conservatives' proposals will address that in any way.

Murdo Fraser: I will cover that in my remarks.

If the minister is serious about diversity, why does she take a dogmatic approach to St Mary's Episcopal Primary School in Dunblane, which is a successful school and which works far better outside the local authority system than it did within it? I say to Rhona Brankin that the provision of special needs education at St Mary's improved considerably when it opted out of the local authority system. It is nonsense that opted-out schools cannot provide appropriate special needs education.

We do not accept the SNP amendment. I question its logic because we already have schools in Scotland, such as Jordanhill School, that exist outside the local authority system. Is it the SNP's policy to bring those schools back under local authority control? The SNP's narrow ambitions depress me. Normally, SNP spokesmen say that we must examine what other countries, such as Sweden, Denmark and the Netherlands, are doing. However, on education, the SNP does not want to consider what happens in those countries, which is a bit sad.

Denominational schools are an important aspect of the debate and I am pleased that the minister welcomed their distinctive ethos. The logic of diversity is that we should not stop with Roman Catholic schools, but allow other denominations and faiths the same privileges, where there is parental demand. Those who defend Catholic schools, but would refuse Protestant, Muslim or Jewish parents the same opportunities, must be careful about the messages that they send to the diverse society that is modern Scotland. We do not anticipate a huge rush to set up faith schools. Where they exist in England, they are popular with parents and deliver a high standard of education. We do not propose that the state should set up such schools, because they should be a response to parental demand.

I am pleased that Irene McGugan, who is very sensible when compared to Michael Russell, is here today. Michael Russell has been talking nonsense about us wanting to set up creationist schools. Where are the creationists in Scotland who want to set up schools? Are the streets of Scotland choked with parents burning copies of "The Origin of Species" and demanding that creationist schools be set up? Michael Russell's suggestion is ridiculous.

The key point is that one either supports

diversity or one does not. We cannot say, as the SNP does, that there should be diversity, but only if that involves the types of school of which the centre approves. That is a centralising approach, not a diversifying approach.

Linda Fabiani: Does Murdo Fraser believe that we cannot have diversity in a state-funded school system?

Murdo Fraser: We are in favour of a state-funded school system. We have never suggested that the system should not be state funded. We are saying that the system should be more responsive and diverse, but still state funded. The problem is that the present system fails Scotland's youngsters.

There is a consensus among all the parties that we need a more diverse system. The people who suffer the most are the poorest in our society. The middle classes have always had the option of opting out of the state sector and choosing independent education. That is their right and they should not be condemned for it. However, only around 5 per cent of people are fortunate enough to be in that position. Other parents buy houses in the catchment areas of what are thought of as good schools. There is a degree of hypocrisy in that. Such people can be champagne socialists, who proudly claim to support the state system, but do so only because they can afford to buy a house in the catchment area of Jordanhill School, Lenzie Academy, Balerno High School or James Gillespie's High School. Perhaps some Labour members are in that category. I do not judge them. I simply wish that they were honest and did not try to deprive the less well-off of the same choices that they have been fortunate enough to be able to make.

The least well-off have no options. They cannot choose private schooling and do not have the opportunity to buy a house in the catchment area of a good school. They are left with the local comprehensives that are shunned by those who have the resources to make choices. We must extend choice so that not only the better-off benefit. In countries such as Sweden and in some states in the United States, where education vouchers have been introduced, the uptake is not highest among the middle classes, but among the least well-off. Perhaps we should consider similar models here as part of the national debate on education.

At least we are moving in the right direction.

Cathy Jamieson: Is Murdo Fraser seriously proposing to reintroduce a voucher system for schooling? By trying to root schools firmly in their communities, such as the community I live in and represent, we are doing more to close the opportunity gap than any discredited voucher

system would. Mr Fraser has not yet addressed that point.

Murdo Fraser: I thought that we were having a national debate on education. Is the minister saying that the parameters have been set so narrowly that everything is ruled out? However, I am pleased to hear that she supports her local school. Perhaps she should have a word with some Labour members and find out whether they also support their local schools or whether they are abusing the catchment area system. I am sure that some of them are doing that.

All parties in the chamber now say that a more diverse education system is the right direction to move in. The challenge is to devise an education system that provides opportunity for all, regardless of background; that promotes excellence; and that makes Scottish education the best in the world once again. That is what our motion seeks to achieve, and I urge members to support it.

Business Motion

12:36

The Presiding Officer (Sir David Steel): The next item of business is business motion S1M-3202, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out the business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business

Wednesday 19 June 2002

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Local Government Committee Debate on its Report on Local Government Finance

followed by Motion on Private Hire Vehicles (Carriage of Dogs etc) Bill—UK Legislation

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 20 June 2002

9.30 am Scottish National Party Business

followed by Parliamentary Bureau Motions

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Stage 1 Debate on the School Meals (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 26 June 2002

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Committee of the Whole Parliament: Stage 2 of the University of St Andrews (Postgraduate Medical Degrees) Bill

followed by Stage 3 Debate on University of St Andrews (Postgraduate Medical Degrees) Bill

followed by Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 27 June 2002

9.30 am Parliamentary Bureau Motions
followed by Stage 3 Debate on Scottish
 Parliamentary Standards
 Commissioner Bill
followed by Finance Committee Debate on its
 Report on Stage 1 of the 2003/04
 Budget Process
followed by Business Motion
followed by Motion on appointment of Scottish
 Public Services Ombudsman and
 Deputy Ombudsmen
 2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

and (b) that the Justice 2 Committee reports to the Justice 1 Committee by 17 June 2002 on the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2002 (SSI 2002/246) and the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 2002 (SSI 2002/247) and by 24 June 2002 on the Civil Legal Aid (Scotland) Amendment (No 2) Regulations 2002 (SSI 2002/254).—
 [Patricia Ferguson.]

Motion agreed to.

12:36

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Cities Review

1. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive when it will publish the report of the cities review team. (S1O-5304)

The Minister for Social Justice (Ms Margaret Curran): The draft report of the cities review team will be submitted to me before the summer recess. The report will be published in the autumn together with a response from the Executive.

Pauline McNeill: Glasgow is the city with the highest council tax in Scotland, providing services to the population well outside its boundaries. I ask the minister for an assurance that, when the report is published, there will be meaningful discussion with the city authority, MSPs will have a full part to play in discussing the available options and, crucially, the report will consider an appropriate status for Glasgow, which plays a particular role in Scotland and handles the needs of Scotland's most deprived citizens.

Ms Curran: I am well aware of Pauline McNeill's interest in representing Glasgow and the assertiveness that she brings to that role. In the time that I have been responsible for the cities review I have been made well aware of the challenges that Glasgow and other cities in Scotland face. We have engaged in meaningful discussions with the leaderships of all the cities and will, of course, do our best to ensure that the issues that they raise are addressed as well as possible.

Ms Sandra White (Glasgow) (SNP): I am glad that the minister has said that the report will be brought before Parliament in the autumn. Is the minister aware of the report by the Glasgow council voluntary sector and work foundation, which states that current programmes will create only 7,500 jobs and that only 4,000 of those will go to Glaswegians? Glasgow needs 50,000 jobs. Will the minister tell us what measures are in the cities review to address the problem and create the jobs that Glasgow badly needs?

Ms Curran: I am sure that Sandra White will appreciate the fact that I cannot extract one issue from the cities review prior to its publication and prior to the Executive's response, which I am sure she will be interested in. I assure her that the cities review team has considered seriously jobs, employment and who gets jobs. An analysis of those issues is embedded in the continuing work.

Tommy Sheridan (Glasgow) (SSP): The minister will be aware of Professor Arthur Midwinter's report on the mismatch of local government finance after the reorganisation of local government. That report says clearly that Glasgow has lost out from local government reorganisation and is due at least £36 million extra in supplementary grant for services in the city. Will that be fed into the cities review, will it form part of the review's conclusions and will the Executive start to fund Glasgow properly?

Ms Curran: I do not know whether Mr Sheridan was listening to what I said earlier. I made it clear that the cities review report will be published before the summer and that the Executive will give its response to it. I assure everyone in the chamber that the issues of funding, what is happening to cities and the challenge that they face with employment are at the heart of the cities review. We have engaged properly with city leaderships on those issues and have spoken to many experts about them. A comprehensive range of information and evidence is available to us when we make our decisions. I assure the Parliament that the review will be comprehensive and robust and that the issues that have been brought to our attention will be dealt with.

Glasgow Airport Rail Link

2. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive when it will bring forward a timetable for the construction and completion of the Glasgow airport rail link. (S1O-5320)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): We expect to receive our consultant's final report in the autumn and we will then seek to agree with other interested parties a timetable for obtaining parliamentary powers and design and construction proposals.

Bill Butler: I thank the minister for that cautious response. The minister will be aware that there is tremendous and overwhelming support in Glasgow and west central Scotland for the early construction of a rail link to Glasgow airport. Indeed, there is cross-party support for the development at all levels of government. Does the minister agree that, should the Executive agree the development in the near future, it would have economic benefits and would support the development of Glasgow airport as the main centre of scheduled aviation services between the west of Scotland and the rest of the world? Does he agree that the development would not, in itself, damage the prospects of other Scottish airports?

Lewis Macdonald: Yes. I recognise the economic arguments for the rail link. That is why we have identified rail links to Glasgow and

Edinburgh airports as a priority in our transport policy. I concur that the construction to Glasgow airport will not have a negative impact on any other airport in Scotland. We are implementing our policy even-handedly and in such a way as to reflect the economic priorities of the whole of Scotland.

John Young (West of Scotland) (Con): I am a former member of Strathclyde Passenger Transport Executive and I recall that, when the subject was discussed, there was concern about some of the local authorities outwith Glasgow being prepared to take the rail link through their areas. Has there been any consultation with those local authorities on the rail link's route?

Lewis Macdonald: We are talking to local authorities and the Strathclyde Passenger Transport Executive about the options. As Mr Young will know, consultants are working on that at the moment. We expect a final report in the autumn and an interim report shortly. The reports are based on consultations with interested parties as well as on examination of the engineering and economic options.

Robert Brown (Glasgow) (LD): Is the minister aware of the feeling in Glasgow about the time lag for the project? Can he assure the chamber that he is prepared to show leadership on the matter, to bring together all the necessary parties and to clear in good time any logjam in relation to funding, the potential route and parliamentary powers, to allow the project to go ahead quickly—"quickly" being the operative word?

Lewis Macdonald: The Executive recognises the need for progress on the project. We will seek to bring together interested parties and to establish a timetable that can deliver quickly. We must take into consideration the proper procedures and planning requirements in relation to the route and we will not short-circuit that in an irregular way. However, we recognise the need for early progress to obtain the powers for the project to go ahead.

Volunteers' Week

3. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what it is doing to mark volunteers' week. (S1O-5310)

The Deputy Minister for Social Justice (Hugh Henry): The First Minister launched volunteers' week on 7 June at the Royal Concert Hall in Glasgow and joined children of Berryhill Primary School in Wishaw to celebrate their volunteer project. On 8 June, the Minister for Tourism, Culture and Sport gave a keynote speech at a conference on volunteering in the arts, which is the theme of this year's volunteers' week. The Minister for Health and Community Care has also

launched a new publication, "Celebrating Volunteers in Health". Throughout the week, several ministers have participated in volunteering opportunities across Scotland. Last Saturday, I visited the flexicare project in Paisley and tomorrow I will visit the Johnstone day centre for older people.

We have distributed about 16,000 copies of our active communities newsletter, which focuses on volunteering in the arts and promotes volunteers' week. In addition we have provided Volunteer Development Scotland with funding of £10,000 to support the week.

Cathy Peattie: The Executive has been very busy. Does the minister agree that volunteering helps to develop confidence, raises self-esteem and fosters a sense of citizenship? What does the Executive plan to do to support volunteering by young people?

Hugh Henry: I agree with Cathy Peattie about the role of young people in volunteering and the benefits that volunteering can bring. The flexicare project that I visited last Saturday not only provides services to young people but engages young people, from the age of 14 into their early 20s. I was impressed by their enthusiasm and commitment. We seek to encourage such enthusiasm in our work to support volunteering across Scotland.

Fiona McLeod (West of Scotland) (SNP): Several organisations with which I have volunteered in the past week have brought to my attention an issue that it would be useful to review. The organisations talked about the fact that they have to spend money by the end of the financial year or lose it, despite the three-year funding arrangements. Will the minister assure me that he will review that to allow voluntary organisations to carry forward money from one financial year to another?

Hugh Henry: That is a totally different issue from the question of encouraging volunteering. Volunteers' week aims to encourage people to participate in volunteering, but Fiona McLeod's point is about the funding of voluntary organisations. The Scottish Executive is undertaking a review of the way in which it funds voluntary organisations. Some of those issues are more properly the responsibility of local government and I am sure that it will consider the situation. That should not detract from our intention to encourage as many volunteers as possible to participate in many worthwhile organisations across Scotland.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Will the minister join me in congratulating the hit squad attached to Langlees school in Falkirk, which I visited on Monday morning, and

the Cruse Bereavement Care counselling group in Hamilton, which I visited on Monday evening? Will he confirm whether the Executive has any plans to fund the vital services that the latter provides?

Hugh Henry: I cannot give a specific commitment about an individual organisation. It would be completely inappropriate to do so in this forum. However, I share Lyndsay McIntosh's enthusiasm for the work carried out by groups such as those that she has visited, which could be replicated in every constituency in Scotland.

Genetic Manipulation Technology

4. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive whether it plans to undertake a national debate on genetic manipulation technology similar to that announced by Her Majesty's Government. (S10-5338)

The Minister for Environment and Rural Development (Ross Finnie): Scottish ministers fully support the Agriculture and Environment Biotechnology Commission's recommendation for a full and informed public debate in advance of decisions on the commercialisation of genetically modified crops. We are working with the United Kingdom Government to ensure that such a debate takes a form that will enable Scottish issues, values and opinions to be heard.

John Farquhar Munro: I thank the minister for that encouraging response. He will be aware that there was originally a pretence of consultation on GM planting at Roskill farm in Munlochy in my constituency. At the end of the day, after all the civil servants and scientists had come, my constituents never had any chance of preventing the continuation of the trial. What will be the terms of reference of the national consultation on GM technology? If the debate goes against current Executive policy, will the minister give a commitment to abandon the Executive's programme for the promotion of GM?

Ross Finnie: John Farquhar Munro raises two related points. I have never made any pretence of saying that the current regulations occasionally use the word consultation, but I do not think that that has the connotation that members would currently put to it. It is more a question of an information system than of a consultation, whereby members of the public participate actively in a decision. The only decisions that are taken are in Parliament's passing the regulations that give rise to that.

I can assure John Farquhar Munro that the AEBC report has produced a number of helpful and constructive ways in which informed public debate might take place. I am anxious that the recommendations in the report should be adopted

throughout the United Kingdom. We should provide ways to ensure that, not just at Roskill or Munlochy but throughout Scotland, there is an adequate opportunity for everyone to participate in the debate. We must also have a means of ensuring that the outcomes of the debate are taken fully into account before any decision is taken on the commercialisation of GM crops.

Robin Harper (Lothians) (Green): I might have misinterpreted what the minister said at the beginning, because it sounded to me as if he was telling us, in advance, of the decision to plant commercial crops. I would still like him to be absolutely clear. Does he mean that the decision on whether to plant commercial GM crops in Scotland will depend completely on the outcome of the public debate? I ask him to confirm or deny that.

Ross Finnie: I am not quite sure what Robin Harper is driving at. I am saying quite clearly that, as he knows, two issues are involved. We have a regulation problem, which we must address because, as it stands, there is no legal basis for stopping commercialisation. We also have an opportunity. The opportunity that has arisen is the agreement that there shall be no commercialisation until we have finished the present field trial process. It is enormously helpful that the AEBC has recommended that, within that process and informed by its outcome, the amount of public concern should trigger a fully informed public debate. That debate must inform the decision not only of this Parliament but of the United Kingdom Parliament and how we then address the present European regulation. The public debate will have a heavy influence on how we address those issues, because there has not been such a public debate since GM developed 10 or 12 years ago. I hope that everyone welcomes such a debate taking place before we decide on whether to have commercial GM crops.

Mr John Home Robertson (East Lothian) (Lab): Will the minister acknowledge the potential for immense environmental as well as economic benefits from GM science in Scotland? There is also the possible development of life-saving medicines from GM science. I urge the minister to stick to the precautionary principle, but to promote an informed debate to balance the scaremongering that is coming from certain quarters.

Ross Finnie: John Home Robertson, if he has done anything, has just started stage 1 of the debate—which is proper and is what is required. Those who have serious and genuine concerns should be able to put their point and those who see a potential advantage in GM crops can also contribute to the debate. That is the whole purpose of my—and, I hope, the Parliament—

being supportive of the Executive having such a wide, informed, public debate before a decision is taken on the commercialisation of GM crops.

Dental Health (Greater Glasgow)

5. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive what progress it is making on improving dental health in the Greater Glasgow NHS Board area. (S1O-5347)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): A number of initiatives have been implemented nationally and in Glasgow to improve oral health. Pre-school preventive programmes on oral health, based on the Possilpark initiative, have now been expanded to seven other local health care co-operatives. Those initiatives, combined with other initiatives on diet and dental health funded through the health improvement fund, will start to deliver a significant change in Glasgow over the next five years.

Paul Martin: Is the minister aware of the fact that 84 per cent of five-year-olds in the Glasgow Springburn constituency have a record of dental disease? Will the minister consider a pilot in my constituency or perhaps in the Glasgow area to ensure that young people are registered with a dentist? Many of the dentists I have met, including Kieron Fallon from my constituency, have made the point that ensuring that young people are registered with dentists is an effective way of dealing with dental disease.

Mrs Mulligan: I am aware that a number of children throughout Scotland are not getting the service that they need. Therefore, I would be interested to discuss further with the member his suggestion. The Executive is keen to consider any alternatives that answer the needs of young people throughout Scotland.

The Presiding Officer (Sir David Steel): Question 6 has been withdrawn.

Anti-social Behaviour

7. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what steps it is taking to address the issue of anti-social behaviour. (S1O-5341)

The Minister for Social Justice (Ms Margaret Curran): The Executive is taking a range of steps to address anti-social behaviour at the local level. We have introduced new legislative measures such as probationary tenancies and interim anti-social behaviour orders. We have also acted to identify and disseminate good practice and new approaches.

Karen Whitefield: Is the minister aware that North Lanarkshire Council has established a task

force to tackle anti-social behaviour? How does the minister intend to promote good practice such as that at a local level? Does she agree that there is a need for interim anti-social behaviour orders, as was suggested during the progress of the Housing (Scotland) Act 2001, to allow councils to deal urgently with the problem?

Ms Curran: Those questions raise a number of issues. We are taking action across several fronts. We have made some £250,000 available for three years to promote good practice, which includes the work going on in North Lanarkshire. I intend to visit there in the near future to discuss housing issues and I will examine the issue of anti-social behaviour while I am there. We have funded the post of a social neighbourhoods co-ordinator, who is based in the Convention of Scottish Local Authorities. We have also funded Safeguarding Communities and Reducing Offending in Scotland, to promote and develop mediation services throughout Scotland. Interim anti-social behaviour orders will be addressed in the Criminal Justice (Scotland) Bill. That has happened because of what occurred during the passage of the Housing (Scotland) Act 2001.

Stewart Stevenson (Banff and Buchan) (SNP): In the light of what I believe is widespread ignorance among police, councils and communities about the Protection from Abuse (Scotland) Act 2001, which helps individuals and communities to take action against certain types of anti-social behaviour, will the minister indicate whether she is willing to take steps to ensure greater knowledge of the act's potential?

Ms Curran: Yes, I am happy to give the assurance that we will take action and work with colleagues to ensure that knowledge of the 2001 act is disseminated. Mr Stevenson will know that the act began as a committee bill, but the Executive took responsibility for ensuring that the act was properly implemented.

Work is being undertaken on the sheriff court rules and Citizens Advice Scotland and Scottish Women's Aid are working to promote the act. I will happily promote the act as much as possible.

Phil Gallie (South of Scotland) (Con): Is the minister aware that, a few years ago, Dundee City Council had a policy of locating anti-social tenants in specific areas? Some might call that ghettoising. Does the minister approve of that move and, if so, will she encourage other authorities to do the same, to bring peace to the many responsible tenants who find anti-social tenants impossible to deal with?

Ms Curran: Mr Gallie must be referring to the Conservatives' policy of sin bins—

Phil Gallie: It was a Labour council.

Ms Curran: Bear with me; I will try to address the point. Phil Gallie's comments bear a striking similarity to Bill Aitken's proposal for sin bins, which he made during the passage of the Housing (Scotland) Bill. I accept Phil Gallie's point about Dundee City Council. The Executive is clear about the unacceptability of anti-social behaviour. We want to take decisive action to eradicate that behaviour and to ensure that there are proper penalties for those who engage in it. During the passage of the Housing (Scotland) Bill, we were not persuaded that sin bins are appropriate. I do not know the details of the scheme in Dundee, but I have been particularly impressed with the Dundee mediation project, which is making significant strides in tackling anti-social behaviour.

I guarantee members that we will take effective and decisive action to tackle anti-social behaviour, but it is not easy to do that—we cannot wave a magic wand and solve everything. The issue requires action on a number of fronts, which is what we are taking.

Drug Abuse

8. Brian Adam (North-East Scotland) (SNP): To ask the Scottish Executive when it will review its plans for tackling illicit drug abuse. (S10-5346)

The Deputy Minister for Justice (Dr Richard Simpson): We have no plans to review our current drugs strategy. We have provided significant new resources. Diverse local needs and priorities are increasingly being met through local partnership in Scotland's 22 drug action teams. Within the overall framework of the strategy, we constantly develop and implement new approaches to meet changing patterns of drug use and other problems. Examples of that include drugs courts, support for children of drug-misusing parents and our "Know the Score" communication strategy. Drugs courts are proving to be successful at the pilot stage, which is why we are considering their adoption as a model for youth courts.

Brian Adam: I welcome the change in the funding formula that the minister announced earlier this week. The formula now reflects the pattern of drug misuse and is not worked out on a population basis.

Will the minister address the changes in drug misuse patterns in the north-east, where an increasing number of young people are on opiates and crack cocaine? Will he assure me that, as part of the changes that he is making in drug policy, a full range of services, including residential, detoxification, rehabilitation and throughcare services, will be made available in the north-east?

Dr Simpson: The precise nature of the provision in the north-east is a matter for the drug

action teams in that area. The Executive is aware of the higher ratio of the use of crack cocaine to that of cocaine in Grampian and the high level of heroin injectors among young people in that area. As Mr Adam said, we have changed the basis of the funding formula so that it takes account of the number of drug misusers in an area. That is based on the research that we produced. As I announced in Aberdeen the other day, further funds are available through the New Opportunities Fund and will also be distributed on the basis of needs on the ground.

Elaine Thomson (Aberdeen North) (Lab): Like other members from Aberdeen, I am pleased that the minister recognises the scale of drug abuse in Aberdeen. He launched the £10 million better off programme in Aberdeen recently. Given that drug treatment and testing orders are in use in Aberdeen, will the minister consider locating Scotland's third drugs court in the city?

Dr Simpson: Elaine Thomson will be aware that, when I was in Aberdeen, I opened the drug treatment and testing order office. Its initial success has been very impressive, as is the work of the staff in the office. DTTOs are important and we are developing them.

At present, there are two pilot drugs courts. One is in an urban setting in Glasgow and the other is in a less urban setting in Fife. We must evaluate fully those pilots before we roll out the scheme to other cities. Clearly, as Aberdeen is the third city and is doing well on DTTOs, it must be in the running.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Has the minister seen last week's *The Economist*, which cited the UK Government's own figures showing that, despite the increased enforcement measures that have been taken in the UK, the street price of class A drugs has sharply fallen in the past five years and is still falling? Does the minister agree that that demonstrates yet again that measures to cut demand through treatment, rehabilitation and education are far more effective in tackling drug misuse? Furthermore, will he ensure that the Executive's resources are deployed accordingly?

Dr Simpson: Various figures have been bandied about.

Mr Raffan: They are not being bandied about—they are official figures.

Dr Simpson: I have not read the report in *The Economist*, but I know that it is recognised that as far as street crime or other such elements are concerned, a saving of between £3 and £6 or £7 can be made by putting money into treatment, depending on the model that is used. However, we need a balanced programme, which means that enforcement is equally important. The Scottish

Drug Enforcement Agency is proving to be highly effective in disrupting the supply of drugs and indeed is being considered as a model elsewhere in the UK. That said, we will continue to develop our treatment and rehabilitation programmes. In fact, as the member knows, we are in the middle of a major expansion of such programmes.

Joint Future Group Report (Implementation)

9. John Scott (Ayr) (Con): To ask the Scottish Executive how the implementation of the recommendations contained in the report of the joint future group is proceeding across Scotland. (S10-5305)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): The joint future group made 20 recommendations. In particular, we will have doubled our resources in 2003-04 for rebalancing older people's services to develop more intensive and flexible home care. As for the two main areas that have been identified, local authorities and health boards are working towards the implementation of joint resourcing for older people and single shared assessment for all community care services by next April, which should result in a more effective service for older people.

John Scott: The minister is aware that extra national health service funding has been diverted into free personal care for the elderly. Is that likely to affect adversely the development of clinical and essential social services in Scotland? Moreover, will sufficient funding be available to implement the recommendations in the integrated human resource working group's recently published report on the human resource implications of the joint future group agenda?

Mr McAveety: I should clarify one issue. We are talking about additional resources; they have not been diverted from the funding allocation for free personal care, which I understand is a policy that the Tories supported.

The main issue in local authority and health board areas is not the central resource base, but how we work in partnership and develop systems at a local level to deliver a far more effective joined-up service. Certainly, from the six visits that I have made to local authority and health board areas since I became minister, I can tell the chamber that people on the ground are working towards those aims. In the member's own area, there has been a commitment to a pan-Ayrshire approach to the issue to develop by next April a much more effective system of service delivery for the people in that area who matter most—the older folk.

Closed-circuit Television

10. Lord James Douglas-Hamilton (Lothians)

(Con): To ask the Scottish Executive whether it will support the expansion of closed-circuit television schemes wherever necessary throughout Scotland. (S1O-5314)

The Deputy Minister for Justice (Dr Richard Simpson): Since 1996, we have awarded nearly £10.3 million to 161 CCTV projects across Scotland. Last October, we announced details of a new community safety partnership award programme that supersedes both the CCTV and community challenge competitions. That initiative started on 1 April 2002. The new scheme will give all local authority-led community safety partnerships a share of £12 million over the next three years for local community safety partnership initiatives. It is for those partnerships to determine their own local priorities, which could of course include the installation and maintenance of CCTV systems.

Lord James Douglas-Hamilton: Although I welcome the minister's answer as far as it goes, does he acknowledge that CCTV not only reduces crime levels and the opportunities for crime but increases the clear-up rates of crime? Will he keep as a high priority the need to expand those successful schemes throughout Scotland?

Dr Simpson: Although CCTV undoubtedly plays its part, it is still only one aspect of the development of appropriate community safety measures. That should be done in partnership with local authorities and in turn with their partners in community safety partnerships. As a result, it should be up to them to decide precisely how the money is spent. In the member's area, the Lothian partnerships will receive a total of £583,000 in 2002-03. If they choose to use some of that money on CCTV installation and maintenance, that is up to them.

Helen Eadie (Dunfermline East) (Lab): I, too, welcome the minister's announcement about CCTV. However, will he note that in the burgh of Inverkeithing, which is in my constituency, the community council has strong concerns and has made strong representations to me? That community council is frustrated that it has not been included in this round of the bid. I am pleased to note that the minister has said that there will be second and third-year bids. That will be warmly welcomed by the communities that I represent.

Dr Simpson: Fife as a whole, part of which the member represents, is receiving £202,000 this year—the community to which she referred may care to talk to the community safety partnership about that. Fife is impressive as one of the pilot areas. The CCTV systems have been hard-wired

into the police headquarters in Glenrothes. I looked at the system the other day and was impressed by the fact that that will mean an even greater ability to respond to CCTVs in Fife.

Christine Grahame (South of Scotland)

(SNP): Is the minister aware of the apparent success of CCTV, as used by Lothian and Borders police, in identifying ring-leaders when there has been vandalism, for example, so that they can be dealt with differently from hangers-on? Notwithstanding what the minister said, I have information from Lothian and Borders police that there is insufficient money to continue with such projects, which seem to work. Will the minister ensure that such projects continue?

Dr Simpson: The member mentioned the success of CCTV. A study found that, out of 1,000 cases that were brought, only 95 were unsuccessful—CCTV systems are therefore highly successful. Christine Grahame's area has a grant of £92,000 to upgrade CCTVs. She should have discussions again with the local community safety partnership on how that money should best be spent.

George Lyon (Argyll and Bute) (LD): The minister will be aware that there are particular difficulties in rural towns and villages in raising funding to help to pay for CCTV community funding, as they do not have as many big commercial businesses that are willing to contribute. The Executive's announcement on community safety funding has helped towns such as Dunoon, where there is a crisis and a threat that CCTV units might be lost completely. However, there is a longer-term problem in funding the replacement of outdated equipment that has come to the end of its life. Will the Executive consider the rural problems and specifically how a replacement programme might be funded in the future and how the gap might be closed in the current balance sheets relating to some communities' CCTV units?

Dr Simpson: I will make two points about that. First, the sum for Argyll and Bute is £84,000. I know that there is a problem in respect of rural communities. A number of community safety partnerships are choosing to use their funds on mobile cameras, which are not permanent and can play a part in rural areas. Nobody knows whether such cameras are in place or not and that creates uncertainty among the criminal fraternity. That is important. Measures can therefore be taken.

Secondly, upgrading systems is again a matter for local areas. However, we have increased the total grant by 25 per cent from last year to this year.

Less Favoured Areas

11. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive when it will announce the less favoured area scheme funding proposals for 2002-03. (S1O-5333)

The Minister for Environment and Rural Development (Ross Finnie): Final draft options are currently being discussed with the industry working group and the European Commission. The proposals will be issued for consultation as soon as discussions have been completed.

Mr Stone: I thank the minister for his reply. Does he accept that time is of the essence and that crofters and farmers in my constituency await announcements? Will he ensure that announcements are made and decisions taken as quickly as possible?

Ross Finnie: I can only repeat that proposals are being discussed. The Commission is being extraordinarily helpful, constructive and rigorous in its examination of the scheme. I appreciate the need to get the results of those consultations out, as there is wide interest throughout the LFA area. Some 85 per cent of Scottish agricultural land is covered. I repeat that, as soon as the Commission has completed its consultation and we finalise it within the representative industry working group, we will put proposals out for consultation.

Rhoda Grant (Highlands and Islands) (Lab): Will the minister ensure that the social and economic factors that are experienced by people in remote, rural and island communities will be taken into account during the implementation of the new scheme? Those people experience much less favoured farming conditions than those in the rest of Scotland.

Ross Finnie: I assure the member that we received many representations in the process of the formulation of the proposals, but I am not able to say what will be the response of the Commission to the proposals. We hope that the Commission will accept all the factors that were put forcefully to us when we framed the new proposals. If it does, that will be a very positive outcome.

Mr Jamie McGrigor (Highlands and Islands) (Con): Is the minister satisfied that the level of LFA payments is adequate and that the payments are going to the areas where they are most needed? In addition, bearing in mind the fact that the rural stewardship scheme was underfunded last year for 420 applicants, how will it deal with the 600 applicants this year?

Ross Finnie: First, the level of payments going into the less favoured area scheme under the Executive is the highest level of LFA support that

there has ever been. That is a full recognition by the Executive of the importance of less favoured area support. Secondly, Jamie McGrigor raises a tricky issue. If he is saying that within the less favoured area some areas are much less favoured than others, he could get into a dangerous debate. I hope that he is not suggesting that we should reduce the quantum and size of Scotland's less favoured area. The Scottish Executive would not support that suggestion.

Non-trunk Roads (Maintenance)

12. Dr Sylvia Jackson (Stirling) (Lab): To ask the Scottish Executive whether it will implement a strategy to ensure the effective maintenance of non-trunk roads. (S1O-5307)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): A code of practice for maintenance management was published by the Institution of Highways and Transportation in July 2001. The code applies throughout the UK. Responsibility for implementing the guidance in the code rests with individual local authorities.

Dr Jackson: As the minister is aware, local authorities are desperately struggling to bring their non-trunk roads infrastructure up to a tolerable standard. In Stirling, a figure of £20 million, which is still rising, is needed for the repairs backlog. It is unrealistic for the council to meet that figure from its current roads budget. Does the minister recognise the anger and frustration felt on the issue, especially in many rural communities? Furthermore, does he recognise the need for a long-term strategy and continued support from the Executive?

Lewis Macdonald: We are aware of the difficulties that some local authorities face. It is for them to make their allocations for the services that they require to fund. We have recognised some of the difficulties by providing an additional £20 million in the current year. Dr Jackson will recall that we also allocated an additional £70 million in capital funding over the three years to March 2004. It is for councils to take the initiative in this area. They will shortly undertake a road condition survey to examine the condition of local roads and bridges. We are working with them on the technical aspects of the survey, because we believe that it is right that they should undertake such a survey in order to come up with an objective assessment of the condition of roads in various council areas.

Mr Duncan Hamilton (Highlands and Islands) (SNP): The minister will be aware of the local campaign in Campbeltown to trunk the section of the road between the town and the rest of Kintyre, and beyond. He will also know that the previous minister for transport ruled out that policy on the

ground that the traffic flow was not substantial enough. Given the imminent return of the Campbeltown to Ballycastle ferry and the expected increase in traffic flow, will the minister revisit that decision?

Lewis Macdonald: Our policy is always to maintain an eye on the levels of traffic and levels of usage of the entire road network. We have no proposals at this stage to extend the trunk road network, but we are aware of the points that Duncan Hamilton raises. As with many other points that affect the roads network throughout Scotland, we will maintain our watching brief.

Mary Scanlon (Highlands and Islands) (Con): In a recent meeting with MSPs, Highland Council stated that £90 million is required to address the structural condition of non-trunk roads and that £55 million is required to strengthen bridges. Highland Council also stated that it could only

“resurface a road once every 181 years”.

What is being done to ensure that enough resources are allocated and used to maintain safe roads in the Highlands?

Lewis Macdonald: As I said in my reply to Dr Jackson, we have allocated significant additional resources to local authorities to deal with local roads issues. We will continue to work with local authorities in addressing the issues that they face. Local councils would not welcome it if we did other than leave with them the initiative in determining how they allocate the resources and what priorities they set. We will expect them to continue to do that and we will continue to work with them to assist them to address the issues that they face.

First Minister's Question Time

Prime Minister (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S1F-1964)

The First Minister (Mr Jack McConnell): I take this opportunity to wish Mr Swinney a happy birthday—I believe that it is his birthday today.

Members: Aw.

The Presiding Officer (Sir David Steel): No singing, please.

The First Minister: I do not intend to discuss that with the Prime Minister, however.

I will next meet the Prime Minister at the British-Irish Council tomorrow in Jersey, where Iain Gray and I will propose that all the Governments that are involved in the council should meet to discuss the development of enterprise education across the Administrations concerned.

Mr Swinney: I thank the First Minister for the birthday greetings. I am sorry to tell him that today is not my birthday. Neither am I 37, as *The Scotsman* alleged this morning. My advice to the First Minister is not to believe the rubbish that he reads in the newspapers.

I have a quote for the First Minister:

“the juvenile courts system in England is a disaster. Even with fast tracking, it is an absolute disaster, and they look with considerable envy at the hearings system, even with its flaws. So, to suggest that courts are going to be the solution is not the answer.”

Is that the view of the Government?

The First Minister: It is wrong of Mr Swinney to take out of context a comment that was made this morning. Not only was the comment clarified immediately afterwards, but it has since been clarified on the BBC by the Deputy Minister for Justice, who is responsible for youth crime issues. Moreover, Mr Swinney was sitting in the chamber when Dr Simpson again clarified it in answer to question 8 earlier this afternoon.

It is quite clear that the development of youth courts in Scotland is an option that we should look at to deal with the serious problems of young offenders in Scotland. The Cabinet is currently considering that option and we intend to consider it thoroughly.

Mr Swinney: Is it not a basic point that we should be able to take seriously what ministers say to us in Parliament on important debates about youth crime? The First Minister talks about immediate clarification. However, the usual page

of spin from the Labour Administration was shuffled out to us during the lunch break. It says:

"Dr Simpson was in no way inferring that the English system was inappropriate (ie. a disaster)".

It is fair to say that he did not infer that it is a disaster—he said that it is "an absolute disaster".

We have had strategy after ministerial review after strategy after working group, but the problem of youth crime has not gone away. When will the First Minister speak clearly on youth crime and when will his ministers follow his direction? There has been precious little evidence of that today.

The First Minister: We will outline our plans to tackle youth crime when we said that we would—after the conclusion this month of the work of the sub-group that we established specifically to tackle many of the current issues on our streets. Those issues are deadly serious—they may amuse Mr Swinney, but they are taken very seriously by communities throughout Scotland. When a minister clarifies—as he did only half an hour ago—the Executive's position in relation to youth courts, I hope that members will take him at his word, as they should.

Mr Swinney: The First Minister asks me to be patient and to wait for the response of the review group. I have here a list of the review groups that the Labour Administration has set up since 1997; despite them, we are no further forward in resolving the problems of youth crime in our society.

The First Minister wants to know how seriously I take youth crime. At least I bothered to be in the chamber for the debate on youth crime this morning and at least I bothered to visit a public meeting in my constituency on Tuesday, at which people voiced their concern about the Government's lack of action.

We have had two flagship initiatives on youth crime from the First Minister—jail the parents, which was proposed by the First Minister and dumped by Cathy Jamieson, and youth courts, which were proposed by the First Minister and thrown into chaos by Richard Simpson. When will the First Minister start to listen to the people of Scotland and deliver real action on youth crime?

The First Minister: This First Minister is absolutely determined to deliver action on youth crime and we will do so. That action will build on the already successful work that is under way across Scotland in project after project and scheme after scheme. Action is being taken to ensure that young people are given an opportunity to mend their ways and become better adults.

There is a problem in our youth justice system in the way in which it addresses the middle teenage years. The children's hearings system is not

coping and the adult courts are turning young offenders into permanent adult offenders. That problem needs to be tackled. It is right that the Administration should consider every option that is available to us to ensure that the problem is tackled.

Mr Swinney might want to raise the issue today to distract from the problems that he is having with his party. However, that will not work. He will not have to be patient, because there will be action. That action will be swift, because I lead my party, whereas he just moans about his.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-1959)

The First Minister (Mr Jack McConnell): I plan to meet the Secretary of State for Scotland next week.

David McLetchie: I suspect that, when the First Minister and the secretary of state meet, they might discuss youth crime, which was the subject of the previous exchange and this morning's debate. This morning, I asked the Deputy Minister for Justice which categories of offences committed by under-16s are referred to the children's reporter. At the top of the list is assault, followed by breach of the peace and vandalism. The list also includes robbery, serious assault and rape. Not one of those offences is specifically excluded from the pilot schemes in the Criminal Justice (Scotland) Bill, which will extend the children's hearings system to include 16 and 17-year-olds. As his ministers were unwilling to give me an answer this morning, I ask the First Minister to give me a categorical assurance that the Criminal Justice (Scotland) Bill will be amended specifically to exclude all offences of that nature from the proposed extension.

The First Minister: I suspect that Mr McLetchie is, rather worryingly, trying to mislead the public of Scotland on this issue. That is unfortunate. The list that he talked about this morning is a list of offences that are currently referred to the children's reporter when they are committed by under-16s. As he knows, the vast majority of those cases are not referred to children's hearings, but are dealt with in the courts, as they should be. I give him a cast-iron guarantee that the list of offences for the pilot schemes and the guidance to procurators fiscal will come from the Lord Advocate and his office, because it is right and proper under Scots law that politicians should not tell procurators fiscal what to do.

I also give David McLetchie a cast-iron guarantee that, if I thought that the list would include serious offences such as murder, rape or

serious assault, I would not vote for the provision during the passage of the bill. As the Deputy First Minister and I have said consistently, the provision relates to minor offences and to those that would be dealt with more effectively in the children's hearings system. It is not about serious offences and we would not vote for it if we thought that it was.

David McLetchie: The solution is quite simple. That position should be made clear in the bill and in the regulations that can be made under the bill. Why does the First Minister draw back from doing that?

The list of offences to which I referred this morning relates to some of the 26,000 offences that are referred to the children's hearings system under the present system when they are committed by 15-year-olds. That is the reality. Assault, robbery, breach of the peace, vandalism and more are referred to the children's hearings system under the present system, which the First Minister wants to extend.

The First Minister is in complete and utter disarray on the issue and is at odds with his ministers. When Richard Simpson said this morning that the First Minister's youth courts idea would be a disaster, was he speaking for the Executive or for himself? Are the youth courts still on the agenda or are they dead in the water? If they are on the agenda, will the First Minister seek the resignations of the two ministers with responsibility for justice who clearly have no confidence in them?

The First Minister: Let us deal with the truth first. If Mr McLetchie checks the *Official Report*, he will see that Richard Simpson did not say, "The youth courts that we are considering are a disaster." It is rubbish to suggest that that is the case. As he, Cathy Jamieson and Jim Wallace have said clearly in recent weeks, youth courts are one of the options that the Cabinet committee is considering. The committee will reach its conclusions by the end of the month and we will report them to Parliament, as I guaranteed at our meeting in Aberdeen.

Mr McLetchie gave the reason why we need to examine youth courts. *[Interruption.]* The SNP does not take the issues seriously. We know that already. We need to consider options such as youth courts precisely because of the important issue that Mr McLetchie identified—the number of youngsters in their mid-teenage years who commit serious offences and the lack of public confidence in the ability of the children's hearings system to deal with them. SNP members would prevent us from doing so. They sit and laugh at the suggestion. It is not funny when a 15-year-old is involved in a rape. That needs proper action; it needs to be tackled. We will ensure that that

happens.

Roseanna Cunningham (Perth) (SNP): The First Minister is in trouble.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Does the First Minister agree—*[Interruption.]*

The Presiding Officer: Order. Let us hear the question.

Brian Fitzpatrick: If Ms Cunningham could take part in proceedings in the chamber, rather than the circus—

The Presiding Officer: Order. Mr Fitzpatrick, please leave the chamber to me. Ask the question.

Brian Fitzpatrick: On the representations that Mr McLetchie has made, does the First Minister agree that it is important to consider the provisions of the Scotland Act 1998 that guarantee the independence of the Lord Advocate concerning decisions on prosecution? Will he confirm that nothing in the proposals in the Criminal Justice (Scotland) Bill departs from that position and that any representations made that the bill so departs are what, in legal circles, we used to call *drivel*?

The First Minister: I have already made my position clear. I would not support the proposal if I thought that it would apply to serious offences. If there is any suggestion that it might be so used, I will not vote for it and neither will Jim Wallace. We have made that position clear. The proposal is in the bill to deal with specific offenders who can be dealt with more effectively by another means than by the one by which they are dealt with at present. We stand by that proposal unanimously.

It is a shame that the SNP ridicules the independence of our legal system, which is very important indeed in Scotland. I do not intend—

Roseanna Cunningham: The First Minister should just sit down.

The First Minister: The SNP is heating up in its cauldron today. The cauldron is getting a bit hot before the weekend. At least there is a full turnout today. *[Interruption.]*

The Presiding Officer: Order. Let us hear the answer.

The First Minister: The independence of the aspects of the Scottish legal system that we are talking about is important. It would be wrong for politicians to start to direct procurators fiscal on the way in which they handle individual cases.

Education (Public-private Partnerships)

3. Mr Tom McCabe (Hamilton South) (Lab): To ask the First Minister whether the Scottish Executive will consider a review of public-private

partnerships in education following the Accounts Commission for Scotland report published this week. (S1F-1974)

The First Minister (Mr Jack McConnell): I welcome the Accounts Commission report. It recognises the important role that PPP has to play in delivering a high-quality learning environment for Scottish children. We are always determined to improve methods of delivery and to learn from best practice. The report helps us to do just that.

Mr McCabe: I am pleased that the First Minister acknowledges the positive conclusions of the report, most notably that PPP has delivered real benefits and that providers are providing new schools reliably and without significant cost changes for councils. The First Minister is probably aware that a number of education authorities—including that in South Lanarkshire—have submitted education PPP bids, which demonstrates their determination to provide first-class education facilities. Will he assure me that the Executive is still actively considering those bids? Will he give an indication of when decisions will be announced?

The First Minister: Decisions will be announced as soon as possible. I give an absolute assurance that the Executive is still positively considering the proposals. One of the remarkable factors is how many bids there are and how much difficulty we have had in ensuring that the quantity of bids that have been submitted can be fitted into the available budget.

I believe that the proposals are important for the future of Scottish education. They are about pupils and their education and so are more important than the issues that members of the nationalist party are raising about the funding mechanisms.

Just this week, a secondary school head teacher in Glasgow said that he has

“second to none ... facilities and ICT technology ... It is a massive, massive boost to the morale of children, of teachers and it can only significantly improve attainment.”

That is what members in the chamber are meant to be about.

I note that is not just Tom McCabe, the member for Hamilton South, who supports his local council's proposals. A member from the Highlands—the member for Inverness East, Nairn and Lochaber—said in a letter about the Highland Council bid:

“I would be grateful if you could let me know the outcome of the bid and whether the Executive will support it. I would urge that this be done”.

It is clear that Fergus Ewing supports the Highland Council bid, although he might be a bit dismayed to learn that, this morning—[*Interruption.*] I do not think that the member is in the chamber.

[MEMBERS: “He is here.”] No—I am looking for Michael Russell. Despite his absence from the chamber, Michael Russell managed to put out a statement today calling for the cancellation of the full public-private partnership programme for Scotland's schools. That would lead to hundreds of schoolchildren throughout Scotland not having modern and refurbished facilities. It would be entirely wrong for the Parliament to go down that road. Michael Russell and other nationalist MSPs will pay a heavy price for that statement at next year's election.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): If there is a choice to be made between having a school and having no school, the SNP recognises that there is only one show in town. [*Interruption.*]

The Presiding Officer: Order. I want to hear the question.

Fergus Ewing: Thank you, Presiding Officer.

Does the First Minister's apparent love for the private finance initiative as a method of financing public sector developments prove the truth of what Peter Mandelson said of the Labour party earlier this week, when he stated:

“We are all ‘Thatcherite’ now”?

The First Minister: I am certainly not a Thatcherite, but I remember who brought the Thatcherites in in the first place. I tell Mr Ewing that I will not forget that in a hurry.

Let me read out another part of Fergus Ewing's letter:

“I am writing to urge you to support a scheme whereby this investment can be released to upgrade schools.”

Mr Ewing is quite clear on the issue, but so was Mr Russell, when he said that we should

“call a halt to the pending announcement.”

Mr Russell says that we should call a halt to modernising Scotland's schools. He is not fit to be a shadow education minister, never mind a minister.

Congestion Charging

4. Brian Adam (North-East Scotland) (SNP): To ask the First Minister whether the Scottish Executive supports the introduction of congestion charging in Scotland's cities. (S1F-1968)

The First Minister (Mr Jack McConnell): Yes, where there is local demand for such a scheme. That is why we introduced provisions in the Transport (Scotland) Act 2001 to enable councils to introduce road user charging where they believe that it will reduce local congestion and improve public transport.

Brian Adam: Will the First Minister assure me,

and, more important, the people of the north-east of Scotland that they will not have to fund the plans of the north-east Scotland transport partnership—including the plans for a western peripheral route round Aberdeen—through congestion charging?

The First Minister: As I said, that matter will be considered in the light of local demands or requests for such a scheme. The transport needs of the north-east of Scotland are important—ministers have made that clear on a number of occasions—and complex, but they do not just involve the possibility of a bypass around the city. It might have escaped Mr Adam's notice, but the prospect of building a bypass will not help anyone to get into the centre of the city more quickly, because the bypass will go round the centre of the city. That might be a novel concept, but it is true. One does not need to be a mathematician to work it out.

The transport needs of Aberdeen and the north-east of Scotland are important and they require proper strategic planning and resourcing, which is exactly what we are involved in achieving with NESTRANS. If Brian Adam is opposed to congestion charging in Scotland's cities, I suggest that he change the SNP manifesto for the next election, because the party's 1999 manifesto supported the scheme.

Angus MacKay (Edinburgh South) (Lab): Does the First Minister agree that any proposals for congestion charging in Edinburgh must meet two criteria? The first is that no charging regime can be put in place unless the current consultation exercise, which was launched yesterday and which covers the whole of the south-east of Scotland, demonstrates clear public support for such a scheme. The second is that a range of improvements to the public transport infrastructure in and around Edinburgh must be in place well in advance of any charging regime, so that the consumer will have real choice between paying to take the car and using a modernised, integrated public transport scheme.

The First Minister: I agree that both those criteria must be met. The City of Edinburgh Council is to be congratulated on extending its consultation beyond the city boundaries. It is right and proper that it should do so. We should give credit where credit is due. For a number of years, the City of Edinburgh Council has been trying to make the required improvements to Edinburgh's transport systems. Improvements have been made and, in recent weeks, the new crossrail system has been put in place. The City of Edinburgh Council is to be congratulated on that and we will help it to take those issues forward in the years to come.

The Presiding Officer: Before I conclude

question time, I inform members that today's First Minister's question time represents a record for the number of members who were not called. Frankly, that is because of the noise. The less noise there is, the more members will get to ask questions. I hope that I can make that appeal as we approach an election.

Mr John McAllion (Dundee East) (Lab): On a point of order, Presiding Officer. During a supplementary question, Phil Gallie seriously misrepresented the position of Dundee City Council. He said that it was ghettoising anti-social tenants. Will you advise me on how I can use the standing orders of the Parliament to point out that the unit in Dundee is smack bang in the middle of mainstream housing and is designed specifically to reintegrate anti-social tenants into mainstream housing, which is the opposite of Tory ghettoisation?

The Presiding Officer: You are asking for my advice on standing orders. I am conscious that you were one of the many members to whom I referred when I spoke of members not being called. All that I can ask you to do is to try again, but not to use points of order to do so.

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer.

The Presiding Officer: I am sorry. We cannot continue question time with points of order. Is your point of order on a different issue?

Phil Gallie: It is a different point of order.

The Presiding Officer: Okay.

Phil Gallie: It concerns the point that you made about the number of questions that were asked during question time. You referred to the noise, but I respectfully ask you to consider the amount of time that the First Minister took to respond to each question. Perhaps therein lies the problem.

The Presiding Officer: I agree that it would be commendable if ministerial answers were shorter. However, they become longer when there is noise and interruption and that is the point that I am making.

Common Fisheries Policy

The Presiding Officer (Sir David Steel): We come to the peace and calm of the debate on the common fisheries policy. I will rely on Mr Finnie to restore peace and calm by starting the debate.

15:33

The Minister for Environment and Rural Development (Ross Finnie): At Tuesday's fisheries council meeting in Luxembourg, the European Commission took the opportunity to flesh out some of its proposals in a presentation on its published documents on the reform of the common fisheries policy. The Commission acknowledged that the CFP has not worked and I think that everyone who was present at the Luxembourg council agreed. The review represents an opportunity—

The Deputy Presiding Officer (Mr Murray Tosh): Order. I interrupt the minister, because several groups of members are holding conversations in the chamber. I point out to members that the next debate has begun and I ask them to clear the chamber quickly, so that the minister can engage properly in his speech and can have the full attention of the remaining members.

Ross Finnie: Like you, Presiding Officer, I am astonished that members want to leave during such an important debate.

Today's debate is the Parliament's first opportunity to discuss the outline proposals and to begin an informed debate on what the priorities of the Scottish Parliament and of the Scottish stakeholders—Scottish fishermen—will be and on what we must do to secure a satisfactory agreement in Brussels.

There is a variety of reasons why the review matters to us, but there are two in particular. First, fisheries are important to Scotland. As Scotland accounts for some two thirds of the United Kingdom activity, we feel the social and economic implications more than most of the rest of the UK. Secondly, despite many efforts, stocks are still under threat, so we need a common fisheries policy that promotes sustainable fisheries.

Let me be blunt. The science may not be perfect, but it is certainly good enough to tell us that most commercial stocks are outside safe biological limits. For example, we know that North sea cod is now some 60 per cent below the recommended minimum spawning stock level. Those are serious issues. *[Interruption.]*

The First Minister has returned to the chamber, but frankly I think that he might be disappointed by the package that he has just picked up.

[Interruption.] I was right. Obviously, my answers at question time were not as interesting as the First Minister's answers.

The collapse of those stocks will become a certainty unless we change the fundamental policy. We must secure effective and fundamental reform.

The Commission's comprehensive and radical proposals contain many principles that should be supported. I see three key features. First, the Commission wants better conservation through an end to the distorting subsidies for fleet renewal. It wants a better balance between catching capacity and stocks as well as better informed multi-annual decisions on key controls such as quota levels.

Tavish Scott (Shetland) (LD): In the minister's assessment of fleet policy, will he share with the chamber his reflections on the UK paper on the Commission's green paper? The UK paper, which has been circulated to members, does not mention Scottish decommissioning. Will the Scottish decommissioning package that was funded by the Executive be taken into account in the overall balance of the Commission's proposals on restructuring?

Ross Finnie: I will come to that when I deal with effort control, which is a crucial issue.

Secondly, the Commission has proposed the continuation of a number of key arrangements on access to resources. Those include the link between the Hague preference and the crucial issue of relative stability. Continued access to the Shetland box is also proposed.

Richard Lochhead (North-East Scotland) (SNP): Will the minister take an intervention?

Ross Finnie: No. I want to outline the three main issues before accepting any interruptions.

Thirdly, the Commission has made important proposals to improve governance by strengthening the regional dimension, involving stakeholders more directly and giving member states greater powers within the six and 12-mile limits.

Let me return to fishing effort and structural measures. The Commission proposes two basic solutions to the imbalance between the Community's fishing capacity and its fish stocks. The proposals are that there should be a reduction in the amount of fishing effort and a reduction in the capacity of the fleets. However, the devil will be in the detail, which will need to be negotiated. Inaction is not an option, as that would simply leave hard-pressed fishermen to fish even harder. Not to take part would be to leave fishermen in a spiral of decline.

The Commission has advocated significant reductions of between 30 per cent and 60 per cent

in fishing effort. The amount of the reduction depends on the fisheries concerned. The Commission also wants to embed so-called effort control in the quota-setting process. The Commission has not proposed any specific national targets for fleet capacity, as it will be up to member states to decide how to meet the targets. The Commission proposes to focus the available structural funding on decommissioning and related social measures.

What all that means in practice is not clear, but one thing is clear. In answer to Tavish Scott's question, I must say first that we cannot rule out further effort reduction. The alternative to further reduction might be greatly reduced quotas and total allowable catches. If we were to leave things alone and allow stocks to collapse, that might be worse than the present situation. Secondly—I stress this point to Tavish Scott and to others—Scotland is ahead of the game because of our £25 million decommissioning scheme, which will remove 18 per cent of the eligible fleet. By any measure, that is a significant contribution. I have made it absolutely clear that the Commission must take that into account when it comes to its final conclusions. As I understand it, Mr John Farnell of the Commission has accepted that argument. That is helpful.

Ben Wallace (North-East Scotland) (Con): I spoke to the Commission yesterday, and to Maja Kirchner, Franz Fischler's chef de cabinet, who said that that is not the proposal, that John Farnell was wrong to make that commitment, and that the UK's reduction under multi-annual guidance programme IV would not be taken into account, because if it were, Spain's reduction would also be taken into account, and Spain would get a credit.

Ross Finnie: We did not make that reduction within MAGP IV; we made it as a voluntary measure. We are not going to trade who spoke to whom, where and when. I had a direct meeting with Commissioner Fischler, and I made it clear to him that I will not change my view that any proposal that does not take account of Scotland's attempts at effort control over the past few years will not be acceptable.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) *rose—*

Ross Finnie: I must move on. Mr Farnell may or may not be right, but the people who will decide ultimately will be the European Commission. The view that I will express as part of the UK delegation could not be clearer. We have to aim to protect other aspects of our fisheries structural funding. We have to be clear about that.

On the question of relative stability and access arrangements, the Commission's proposals aim to keep relative stability—that is extremely

important—and to embrace the Hague preferences and the 12-mile zone.

Richard Lochhead: What steps is the minister taking, or does he plan to take, to ensure that Scotland's historical fishing rights are enshrined in the common fisheries policy in perpetuity?

Ross Finnie: If the member is asking about relative stability, enshrining the Hague preference into the common fisheries agreement—in which it is not enshrined at present—ensuring the continuation of the Shetland box, and adding regional and zonal management, I can tell him that all the key elements that have been put forward by the fishermen, their organisations and members of this Parliament are covered in the current principal documents that have been set out by the Commission. The task will be to ensure that the final version enshrines those elements in the agreement, which will be reached by the 15 member states. It would be foolish of me to say that every i has been dotted and every t has been crossed, but I am setting out our absolute determination that Scottish priorities should and must be reflected in the final agreement.

The proposals support the retention of the Shetland box, but there is mention of a further review by the end of 2003. We have provided the Commission with evidence in support of the economic and conservation benefits of the Shetland box. I will challenge the Commission on the need for any further unnecessary reviews after the CFP has been finalised.

The expiry of the transition period set out in the accession treaties means that Spain and Portugal will gain access to the North sea, apart from the Shetland box and the 12-mile zone. However, they will have access without quota. The Commission is not proposing to disrupt existing relative stability shares, or to give Spain or Portugal any quota shares in the North sea. That is an important point to be borne in mind before taking the excited view that the automatic result of the accession agreements will be that the current position will be totally disrupted without either track record or quota.

Mr David Davidson (North-East Scotland) (Con): What discussions has the minister had with the rest of the United Kingdom about enforcement, should there be an agreement?

The Deputy Presiding Officer: The minister must start to wind up.

Ross Finnie: We will talk to the rest of the UK about enforcement once we have an agreement that we have to enforce. To do otherwise would be a tad premature.

Other issues are to be welcomed. We must welcome the Commission's commitment to

produce more proposals on how to deal with the science. The Commission's commitment to an ecosystem approach is not as well spelled out as it might be, so it has to be spelled out in greater detail, as do the commitments on control and inspection. In addition, in the provisional documents, the Commission recognises the important role that aquaculture can play.

The proposals will require hard decisions to be taken, but the review affords an opportunity that we in Scotland cannot miss. I accept that the Commission's proposals need to be teased out and challenged where necessary, but I also accept that change is needed. I welcome the input of Parliament today in expressing its views and contributing to an extraordinarily important debate. I promise that we will continue to work hard to ensure that Scottish priorities are taken into account and are reflected in the final CFP document when it goes before the Commission later in the year.

I move,

That the Parliament welcomes publication of the European Commission's proposals for reform of the Common Fisheries Policy; notes that Scottish priorities are reflected in the proposals; supports a collaborative and regional approach to reform involving the fishing industry and other stakeholders; acknowledges the need for a more sustainable balance between the catching capability of the fleet and available fish stocks, and recognises that a process of tough negotiations with other member states now lies ahead.

15:45

Richard Lochhead (North-East Scotland) (SNP): I do not know whether the minister attended the "Taste of Grampian" food festival in Inverurie on Saturday, where I tasted many delicacies from our seas. That food festival shows the fishing industry's value to Scotland. We should remember that we have a fleet that goes to sea virtually daily to bring fish to the table. Too often, fishermen must make the ultimate sacrifice to do that.

We all know that the catch and processing industries sustain employment in many coastal communities that would not otherwise exist. The industry runs through the fabric of Scotland. Today's debate is about securing the industry's future. The CFP has a role, because we cannot manage stocks alone, but the one-size-fits-all approach, the political horse-trading and Scotland's lack of influence down the years have led to a decline in stocks and related employment.

The industry involves thousands of talented individuals and companies and our fishing communities rely on a good outcome for the CFP. We owe it to them all to get the new CFP right. The policy must reflect Scotland's needs by

protecting our historic fishing rights, treating conservation as the number 1 priority and putting economic and social objectives at its heart. If we can achieve that balance, we will secure the future for our fishing communities.

I tell the minister that there is much to be welcomed in the new CFP and that some proposals have much cross-party support. We welcome the retention of the essential six and 12-mile limits, the new emphasis on multi-annual management of fisheries and the emphasis on technical conservation measures. We know that we cannot rely on TACs alone and that we must eliminate discards as much as possible, although any measures must be sensitive to Scotland's mixed fishery.

We welcome the level playing field for enforcement in our seas. The lack of a level playing field has been a sore point for many years. However, we are concerned about the proposal to impose quota penalties. That might have implications for relative stability, if quotas went to other nations and they were allowed to build up a track record through that.

We welcome the plans to bring fleet capacity throughout Europe into line with available resources. It is imperative that other countries share the pain. As we all know, this nation has been through the pain in recent years. It is now the turn of other nations.

We welcome the retention of the Shetland box, but are concerned about the question marks that remain over it. We also welcome regional advisory committees, which are a step in the right direction of moving away from the disastrous one-size-fits-all approach that the CFP has adopted. However, the committees must have genuine influence. The industry will sign up to the new CFP only if those committees are seen to have influence in final decision making. The Commission has said only that it may explain how it dealt with committees' advice. That is very kind of the Commission, but as the European Committee's report on reforming the CFP said, the regional committees must have more influence than the CFP documents say that they will have.

Tavish Scott: Will the member give way?

Richard Lochhead: I am delighted to.

Tavish Scott: Does Richard Lochhead accept that if a regional advisory committee that comprised fishermen, management, Government agents and scientists made a unanimous report to the Commission, the Commission would be foolhardy to turn it down?

Richard Lochhead: The Commission would be foolhardy to turn down such advice, but it has done so in the past. Only this week, the

Commission ignored the united voice of the deep-water fishery from not only Scotland, but the rest of the UK.

Science is important and the SNP welcomes the improving link between science and the Commission's final decision making. That link is imperative. From the debacle over last year's prawn quota, we all know what happens when the science is not listened to and how the industry's trust over European decision making on fisheries is lost. Scientific doubts continue about monkfish and other quotas and over the deep-water fishery, which has just been subjected to shenanigans in Brussels. The Commission's proposed regulations for that fishery must have scientific justification, but do not appear to have it.

I urge the minister to fight to ensure that the European centre for fisheries research and management comes to Scotland, because there is no more appropriate home for it.

I welcome the aquaculture proposals, especially the commitment to further research into aquaculture. However, any expansion of the aquaculture sector in Europe and in Scotland must not come with the price of more industrial fisheries, so the promised research should be into alternative food supplies for salmon farms and aquaculture.

However, all is not rosy and the SNP must highlight its fundamental concerns. The key objective of the exercise is to prevent Scotland's seas from becoming a free-for-all and to retain our historic fishing rights. That is why the principle of relative stability is fundamental—it is the cornerstone of the CFP. On the face of it, we seem safe, but if we dig a little deeper, there is a completely different story.

Chapter 4 of the proposed Council regulation on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy states:

"The Commission proposes that the allocation of Community fishing opportunities among the Member States, based on the principle of maintaining relative stability of fishing activity, should be maintained."

That sounds safe on the face of it. However, the proposed regulation also states:

"the Commission considers that progress towards more normal economic conditions in the fisheries sector would permit a revision of these arrangements in the longer term."

Equally worrying, section 3.8 of the European Commission's road map on the reform of the common fisheries policy, on the economic management of fisheries in the Union, states:

"The Commission considers that the fisheries sector is still characterised by specific features which make the application of normal economic conditions, such as free competition between producers and freedom of investment,

difficult to apply in the short term."

We need those features to be kept to protect Scotland's rights and we do not want them for just the short term; we want them for the medium and long term and the Government has to secure them.

Page 23 of the road map, which must set alarm bells ringing in Scotland, states:

"If the Community takes action to address these issues, on the basis of the proposals now put forward, it will gradually create a climate that will be more favourable to the introduction of more normal economic conditions and the elimination of such barriers to normal economic activity as national allocations of fishing possibilities and the principle of relative stability."

We all know the Commission's agenda; it wants to scrap relative stability and Scotland's historic fishing rights. That might be in the CFP for the short term, but the minister has to go to Europe with his UK counterpart and fight tooth and nail to maintain Scotland's historic fishing rights, for the long term, not for the short term.

George Lyon (Argyll and Bute) (LD): Will the member give way?

The Deputy Presiding Officer: No, he cannot.

Richard Lochhead: I would love to take an intervention, but I cannot.

I turn briefly to representation in Europe. It has to be battle stations for the Government. The minister faces his biggest test and the last thing that the industry requires in this crucial period is ministerial complacency or naive optimism. Other member states will be queuing up to secure their objectives; Scotland has to do likewise. To ensure that Scottish priorities are reflected in the final CFP, it is imperative that the minister, who represents two thirds of the UK industry, leads from the front. He has to demand that he lead the UK delegation within Europe.

No misleading comments from the First Minister persuade anyone that Scotland leads from the front in fisheries councils. Now, more than at any point in the history of the CFP, is the time for the minister to lead from the front, lead the UK delegation, fight for Scotland and win a deal for Scotland to protect our historic fishing rights and give us a decent CFP.

I move amendment S1M-3197.1, to leave out from "welcomes" to end and insert:

"... while welcoming many of the developments in the revised Common Fisheries Policy, calls for the Scottish Executive and European Union to guarantee that Scotland's historic fishing rights will be incorporated into the Common Fisheries Policy in perpetuity; believes that the proposed regional committees must have genuine decision-making powers to make a difference; notes that the EU continues to pursue damaging fisheries policies including the proposed inappropriate regulation of the deep-sea

fishery, and calls on the Minister for Environment and Rural Development to demand that he leads the UK's delegation during the forthcoming negotiations in order to secure Scotland's objectives."

15:53

Mr Jamie McGrigor (Highlands and Islands)

(Con): The recent news from Brussels is both depressing and infuriating for the Scottish fishing industry. On Monday of this week, Franz Fischler, the EU fisheries commissioner, gave his word that he would protect deep-water species. However, on Tuesday, despite a huge amount of scientific evidence that suggested that TACs were counterproductive to the sustainability of deep-water fisheries, he agreed to the Spanish presidential compromise that means that deep-water species will be regulated primarily through TACs. That means that deep-water species will suffer, some of Scotland's fishermen will suffer and, more importantly, the credibility of Franz Fischler will suffer, because our fishermen will not trust him with the future of stock or CFP reforms.

Ross Finnie: I appreciate that reading news at third hand makes things difficult, but we have to draw a distinction between saying that Commissioner Fischler had changed his mind to say that he would support the presidency and accusing him of supporting TACs, which were the Commission's compromise. What was fundamentally wrong between Monday and Tuesday—and, as they say at the movies, I was there—was that the commissioner changed his principle about opposing the Commission's presidency.

Mr McGrigor: Herr Fischler did not appear to support the position that would have suited us, which was the idea of permits and an effort-limitation scheme to go along with it.

The UK cannot trust Herr Fischler to look after the stocks if he ignores scientific advice. What guarantee will the Scottish Executive be extracting from the Commission to ensure that the scientific advice will not also be ignored in the reform of the CFP? What will the Scottish Executive do to help the Scottish vessels that fish for deep-water species now that more than 80 per cent of the quota for those species has gone to the French fleet? France may be out of the world cup, but it has had a damn good day in the fish stakes.

The Scottish boats have been left with about 2 per cent of what can now be caught. Let me give an example. Our quota for black scabbard fish is now only 20 tonnes for the year. Last year, one Scottish boat caught 20 tonnes of black scabbard fish in one outing. Other species, such as orange roughy, blue ling, grenadiers, tusk, argentinies and deep water sharks have now been handed to the French because they have a longer track record of

fishing for those species in our waters than do Scottish fishermen who have only recently started to prosecute that fishery due to the intense pressure on Scotland's traditional stocks. That deep-water fishery was a valuable diversionary tool for the Scottish fleet and now it is gone. TACs have been proved to be a poor consolation tool and have led to huge discards. They are an even poorer tool for the management of deep-water species that inter-swim and therefore cannot be targeted easily as a single species.

In December 2002, the Commission indicated to the UK its preference for a permit scheme for deep-water species alongside a days-at-sea scheme to limit the effort of fishing. That was a good idea. Last week, the Spanish presidency put forward the compromise. On Monday, Fischler stated that the most important thing was the protection of deep-water species, and that the Spanish plan was not acceptable and would not receive his support. However, on Tuesday, the Commission agreed to the proposal and it was passed. Such horse-trading in the Commission pays scant regard to the sustainability of the fragile deep-water ecosystem. The Scottish boats dedicated to deep-water fishing have had the rug pulled from under their feet again.

Mr Finnie is right to say that negotiations will be tough. I hope that he will not buckle under fire when the first shots are fired, as Franz Fischler appears to have done. Which team is Fischler playing for? We all remember the sudden sacking of Steffen Smidt, the director general of the fisheries directorate. Was that a result of Spanish pressure? It would appear so, because the Spanish saw Smidt as being against their interests.

The southern states have formed a group called friends of fishing—no friends of ours—that will aim to promote southern member state interests. The Scottish Executive must punch its weight and stand up against the forces that are lined up against it, because the Scottish fishing fleet is still the largest operator in EU waters. We lead the way in conservation, so why should we be the ones to suffer all the time?

The Commission figures for overall capacity reduction in the EU fleet appear deeply unfair to Scotland, the UK and the northern states. My colleague Ben Wallace will enlarge on that. It is important that Ross Finnie gives a guarantee that the reductions made by the Scottish fleet due to recent decommissioning will be taken into account with regard to reductions sought in the CFP review. Elliot Morley and Ross Finnie have both said that that will be the case and Ross Finnie has reaffirmed that today. However, there are rumours emanating that suggest that some in Europe take a contrary view.

I am glad about the plans that foreign vessels will now have to adhere to Scottish conservation measures within the 12-mile limit and I am pleased that future marine assessments will include not only fish stocks, but stocks of cetaceans, seabirds, sea corals and the well-being of the marine ecosystem. Europe is asking for scientific research on those new subjects, which raises the question of who will pay. Will it be new money or will it come from the fisheries budget? That question must be addressed and answered.

I want to see a Scottish fishing fleet live on with sustainable stocks that will ensure that Scottish fishing communities live on as well. However, the duplicitous horse-trading that we have seen recently endangers that picture and we must ensure that within the short time scale allowed, the points within the review that benefit Scottish fishing people are retained and not phased out by those with other agendas.

I move amendment S1M-3197.2, to leave out from "supports" to end and insert:

"but seeks assurances that Scotland's recent decommissioning programme will be taken into account with regard to reductions in fleet sizes; supports a collaborative and regional approach to reform involving the fishing industry and other stakeholders; acknowledges the need for a more sustainable balance between the catching capability of the fleet and available fish stocks; recognises that a process of tough negotiations with other member states now lies ahead, which was highlighted in yesterday's u-turn by the EU Fisheries Commissioner, Franz Fischler, over the issue of deep water species which has left our fleet with only 2% of that total allowable catch in their local waters, and further recognises that action of this kind will only serve to undermine confidence in the overall Common Fisheries Policy reform programme."

15:59

Mr Alasdair Morrison (Western Isles) (Lab): I welcome the opportunity to take part in this debate a mere fortnight after the European Commission has published its proposals to reform the common fisheries policy.

I welcome the statement that Ross Finnie made at the end of his speech when he reaffirmed the Executive's commitment to aquaculture. As we all appreciate, fish farming is of fundamental importance to the social, economic and environmental well-being of communities from Shetland to Argyll. The importance of diversification in aquaculture is crucial. We cannot overstate the importance of cod, hake and halibut farming. I can confirm that halibut has been successfully produced, farmed and packaged in the Western Isles for sale in lucrative markets in the south-east of England.

Mr McGrigor: Will Alasdair Morrison do something about the regulating systems faced by fish farms, which make the situation grossly unfair

for fish farmers in this country?

Mr Morrison: I am in constant dialogue with my friends the ministers. I am sure that they are aware of the issues that Jamie McGrigor has raised.

We all appreciate that reform of fisheries policy is essential. The current arrangements are flawed and we must strike a balance between fish stocks and the catching capacity. We must reduce the amount of immature fish being caught. I fully support the measures that have been proposed to reduce catching capacity. It has often been said that we have too many boats chasing too few fish. Something must clearly be done. As Ross Finnie rightly said, Scotland has led the way in that regard, with some hundred boats being taken out of fishing.

We should not stop there. We should also look closely at the working practice of boats still left in the industry. Mesh size and the diameter of twine used in nets is an issue that must be addressed. Having fewer boats fishing is a legitimate aspiration in the context of conservation, but if those left fishing are using small-mesh nets with thick twine, they will continue to damage our stocks irreparably. Can we not learn from our Faroese and Icelandic colleagues? They are not reducing the number of boats fishing, but their fishermen use nets that are not all catch-all nets. The result is straightforward and simple. Their fishing continues to thrive and their industry is firmly rooted in the school of conservation and sustainability.

Most, if not all, members will appreciate that I represent a fishing community. The Western Isles fishermen have a proven track record of being conservation led. With the able assistance of my friend and colleague Calum MacDonald MP, they successfully piloted the lobster v-notching scheme, which is helping to conserve and enhance the status of lobster stocks. It is now up to the European Commission to look favourably at such communities.

Many villages in the Western Isles and in other parts of the Highlands and Islands are totally dependent on fishing and its related industries. The Commission must appreciate their needs and there must be assistance to allow people to buy the fishing entitlement in the waters adjacent to their communities. Europe has already recognised our special needs in the Highlands, when we were granted objective 1 status and, following that, transitional funding of £200 million.

I whole-heartedly agree with what Ross Finnie said about regional advisory councils. We must do everything to build trust between scientists, environmentalists, fishermen and other users of the marine environment. Let us harness the

energies and expertise of all who have the long-term interests of fishing at heart. As has been said, the regional councils will be a useful mechanism in informing the Commission about the different priorities right across the European Union.

We cannot talk about sustainability and at the same time ignore the thorny issue of black fish. Illegal landings of black fish have contributed to the parlous state of our fishing stocks. Some of the skippers who clamoured for compensation from public funds to have their boats tied up at harbour have been involved, and may still be involved, in the landing of black fish. It is an issue that is all too often avoided. All that I would say to fishermen or skippers who have landed black fish over the years is, "Examine your conscience, because you must accept that you have contributed to the decline in Scottish fish stocks."

I wish Ross Finnie and Allan Wilson the very best in the important discussions over the next few months. I urge them to resolutely ignore the negativity and carping from the SNP and to get on with the real business. SNP members posture and try to portray themselves as the friends and allies of the fishing industry, but the friends of the fishing industry are found on the coalition benches. We appreciate that, over the next few years, the industry will face challenging times. That is why I hope that the Executive and colleagues in the UK Government do not opt for or support short-term, populist strategies. We must put the long-term interests of fishermen, processors and their communities before any perceived political gain. I wish the ministers the very best over the next year.

16:04

Tavish Scott (Shetland) (LD): It is a pleasure to follow my fellow islander and colleague Alasdair Morrison. I agree with much of what he said, particularly in the latter portion of his speech. Reform of the common fisheries policy is vital. The current system is a failure and a discredited and outdated form of fisheries management, and it must go. Scotland's fishing industry must be supported and nurtured and we must achieve the best result that we can through the inevitable bun fight that approaches over the next few months in Brussels. As the minister outlined, key principles need to be enshrined in the proposals for a reformed CFP, not the least of which is the retention of the six and 12-mile limits and the issues of relative stability and access that relate to that.

It is a red herring—I noticed that Richard Lochhead was happy to go fishing for the red herring—that the Spanish will be prosecuting fisheries in the North sea after 1 January 2003.

That is a bogus argument.

Richard Lochhead rose—

Tavish Scott: Just a minute.

The Scottish Fishermen's Federation and the other fishing organisations recognise that that is a bogus argument. The principal spokesman for the Opposition should recognise that as well.

Richard Lochhead: I inform Tavish Scott that we were, of course, referring to the long term. I think that all of us in the chamber want Scotland's historic fishing rights to be maintained in the long term. Is Mr Scott aware that Spanish commentators have said that the CFP amounts to the scrapping of relative stability?

Tavish Scott: Mr Lochhead should be aware of what we expect from the Spanish. The southern states are bound to articulate their case. I would be disappointed if they did not as that is the process. I am pleased that Mr Lochhead is not negotiating on behalf of Scotland, given his apparent lack of knowledge of that important point. The reality is that we need to achieve relative stability now. The longer-term issues will be resolved if we get right the detail now. Mr Lochhead should be aware of that point.

The other important theme is the co-financing system of socioeconomic support to take the industry through the period of change. It is no surprise that the Spanish object to the Commission's proposals. Spain receives around 46 per cent of the current fisheries subsidy support that is available to all member states, whereas the UK as a whole receives less than 6 per cent. I suggest that the ministerial team consider forwarding a new financial package to somehow take into account and accompany the needs of the southern states when considering the balance between stock recovery, fleet restructuring and the socioeconomic conversion issues.

The introduction of regional advisory councils, as other colleagues have mentioned, is a considerable step forward. Ministers must work hard to ensure that those have an important role after the introduction of the new CFP.

I share some of Jamie McGrigor's concerns about the episode of the past couple of days. The minister was robust on that issue in public comment, following the fisheries council on Tuesday afternoon. I agree particularly with Mr McGrigor's point about the science. The Commission ignored the science on deep-water species. That is a worrying theme. Commissioner Fischler is keen to say that cod, hake or his species of the day is under such-and-such an attack, that the statistics are such-and-such and that we must instigate serious management measures. Mr Fischler must be called to account

for his lack of consistency on science points. I hope that the ministerial team will pursue that in times to come.

I agree with Richard Lochhead's point about the proposed EU fisheries research institute. I share his aspiration to have that in Scotland. I argue that it should be at the North Atlantic Fisheries College in Shetland. Ministers will expect me to say that. The principle of science is important. I understand that the proposed institute will report not to the Commission, but to the Council of Ministers. That is an important difference and a stage further.

Three young men in Yell, in my constituency, have recently taken on an inshore fishing vessel that can be rigged for white fish. I want those young men to be part of a new and sustainable white fish fishing industry, in my constituency and in constituencies throughout Scotland, that has a future, in which men can return to sea and reinvest in their vessels. The pelagic fleet is reinvesting because of financial confidence, but we are not seeing that in the white fish industry.

I hope that, in driving forward a new CFP, ministers will be seized of the need to ensure that Scotland has a sustainable industry with a growing number of men re-employed in it, after the period of severe disadvantage that they have been through. We want Scotland to be able once again to cherish and nurture an extremely important industry that provides a stable food with health advantages for people the length and breadth of this country.

16:09

Dr Winnie Ewing (Highlands and Islands) (SNP): As has been said, the Scottish fleet has the largest capacity in the European pond. Therefore, it must be fought for and given protection in every way. In the decades in which I served on the European Parliament's Committee on Fisheries, I did not see that protection. I often found that my colleagues from the other three parties voted with Spain against the interests of our fleet. That is a matter of record. As all those members have lost their seats, perhaps there was some poetic justice, but that does not solve the problem of the sell-outs that happened time and again.

I have some doubts about the road map. That is a funny name. Will the minister say whether there is any news of a timetable in the document? We have heard from the Scottish Fishermen's Federation, which feels that southern countries might try to say that the road map is too northern based and might try to have it redrawn.

The issue has been raised that Mr Fischler is not to be trusted. According to Hamish Morrison of the SFF, Fischler said one thing one day and another

thing the next. That shows that the Commission cannot be trusted, and not only on deep-sea fishing. That is a serious situation. How can we trust Mr Fischler? Who got at him? I do not know because I was not there, but I believe that he was got at. He changed his position completely from one day to the next. Will the minister trust Mr Fischler? Is the minister afraid that the road map will not stay in its present form and will be redrawn?

I want the minister—and perhaps the First Minister—to assure us that the road map will be examined critically. It seems to me to subvert the national historic rights and the fundamental principle of relative stability, the two vital words that were intended to protect the Scottish fleet.

Ross Finnie: I have what I hope will be a helpful intervention. Although the road map must be read and should not be ignored, I direct the member and other members to what is in the draft regulation—the document that will be voted on at the Council of Ministers—which enshrines relative stability.

Dr Ewing: Things have been enshrined before. I have seen dirty trick after dirty trick, notably when Commissioner Marin, a notable supporter of Spain, revised and extended the review mandate at the halfway point. That was illegal in all the texts of the legislation apart from the Spanish one, but it was done nevertheless. We did not trust the Commission then. Relative stability might be enshrined in the regulation, but it was enshrined before and then changed by that dirty trick.

In my long period of fighting I have sometimes felt alone and without the support of the great United Kingdom, which had clout but did not use it. It is not enough for something to be enshrined in legislation. The road map clearly lets Scotland down. Richard Lochhead also read out this quotation from the road map, but I ask the minister what it means. It mentions

"the introduction of more normal economic conditions and the elimination of such barriers to normal economic activity as ... the principle of relative stability."

Will the minister explain that? By any logic, that statement gets rid of relative stability.

If it was sensible to have relative stability in 1983, how much more sensible and vital is it as the eastern countries come into the EU? What is the point of giving Italy and Greece more capacity when the CFP umbrella does not yet properly cover them? Our share of the seats and votes in Europe's institutions means that we suffer from a huge democratic deficiency in relation to the CFP.

I hope that the minister will fulfil the promise that Mr McLeish made on two occasions, that when the Scottish interest dominated on an issue—such as fishing—the Scottish minister would lead. I look

forward to Mr Finnie leading. Given that we still allow a lot of industrial fishing, I cannot see where the UK's clout is, nor can I see it in the share of funding that we receive. We cannot complain that we receive only 6 per cent of the funding when Spain receives 46 per cent, when 6 per cent was all that we asked for. I think that that shows a lack of clout. Perhaps the minister could reassure me when he sums up, because I am full of the usual concern about these matters.

16:15

Mr David Davidson (North-East Scotland) (Con): I welcome this debate, because even Franz Fischler has agreed that the CFP is long overdue for reform. We have to make our best efforts not only to retain what we can from the agreements but, as other members have clearly said today, to improve our position and put in place longer-term safeguards.

The proposed regional bodies are a rather pale reflection of the zonal management committees that were encouraged by the Conservatives and recently refined by the SFF and the National Federation of Fishermen's Organisations. Although they are a first step and could eventually evolve into the real thing, we have learned enough about the CFP in the past to know that we need to grasp this matter. There is no point in saying that something may evolve if we do not, at the earliest possible stage, lay down in tablets of stone the changes that we think should be made. We should then fight robustly for those, but we must still take account of others' interests. We are not alone in this situation, and the future of the North sea fishery definitely lies in co-operation among the participating countries.

That said, everything must be based on science. Although there have been long arguments in Scotland between the fishermen and the scientists, we have to get the message through to Europe that they are now as one and, indeed, ensure that Mr Fischler himself gets a grasp of the science. We must also ensure that we do not use short-term science that is good only for a few years, but that we use the predictive science that we know is available and is excellently conducted in various parts of the UK, particularly in the marine laboratory in Aberdeen.

I make a plea to my parliamentary colleagues that we take some of the politics out of fishing debates and join forces where we can to present a united front. It is irrelevant who suggests good proposals, as long as we can agree them and can ensure that whoever goes to Europe to negotiate for our fleet has the active support of every member of the chamber. I see that Robin Harper is in the chamber. I know that he is a very keen supporter of sustainable fishing. Everyone

recognises the social and economic importance of fishing, particularly to the north-east of Scotland.

I welcome the Scottish ministers' commitment to fight to retain the six and 12-mile limits and the Shetland box, and Ross Finnie's comments about relative stability. However, if the Spanish and Portuguese do not introduce any quotas, it will be madness if we do not have a scheme in hand to enforce the issue. That should be part of any discussions that we have with our colleagues, who should support our position if they also have to protect quotas and if they are keen about looking after the sustainability of fishing in the North sea.

I can only agree with the comments that many members have made this afternoon, particularly about the abomination of discards, which is simply an utter waste. We have to come up with policies to deal with that problem. However, no one has talked about the probability that days-at-sea regulations might be introduced. The prospect of such regulations means that we must once again actively discuss proposals for tie-up schemes if we need to consider that route. We cannot have the farce that we had in the past.

I totally support Winnie Ewing's comments about industrial fishing, which plays an active part in sustainability. However, whatever we do today in the chamber, we must agree practical solutions. We must ensure that our representatives who go to Europe will not be forced to compromise on what is already a compromise, given the proposals that the minister seems willing to accept on the new, very soft committees. We need full-strength zonal management.

16:19

Elaine Thomson (Aberdeen North) (Lab): The proposals for CFP reform have been widely welcomed by everyone involved in the fishing industry. One of the benefits of devolution is the fact that the Scottish fishing industry and the Scottish Parliament, through the European Committee and the Scottish Executive, have had significant input into forming the UK view on this matter.

Without doubt, proposals for reform offer the best opportunity in years to put in place a sustainable regime that supports fishing communities and places proper value on protecting the marine environment. Recognition of the value of ecosystem management for marine habitats with a strong focus on protecting marine biodiversity is a major step forward. I welcome the proposal to improve on the scientific information that is available and the proposed establishment of a European research institute. I agree with Tavish Scott that Scotland is an obvious home for that institute, but I disagree about where it should

be. Much valuable work is already being carried out by the marine laboratory in Aberdeen, so Aberdeen might be a good location.

Now and over the next few months, it is essential that the views of Scotland and the UK, together with the views of other fishing nations that are in line with us, are heard loud and clear so that there is maximum impact and we ensure that the positive proposals in the road map are agreed.

In Scotland, the fishing industry amounts to just over 2 per cent of gross domestic product. A major part of that industry is the processing of fish and seafood. Fish processing sustains many jobs in Scotland. It is estimated that about 8,000 jobs are directly involved in it, 1,800 of which are in Aberdeen. All opportunities should be taken to add value to fish that are landed in Scotland for the benefit of local economies.

I am aware that the extreme shortage of skilled filleters means that Scottish fish are being exported to China for primary processing. In reforming the CFP, proper attention needs to be paid to supporting Scottish fish processors by encouraging people to consider entering the industry and by putting in place adequate support. Previously, there was PESCA funding to train skilled staff.

Much good work is being carried out to implement the recommendations of the Scottish White Fish Processing Action Group and Seafood Scotland is working with skippers to improve the quality of the fish that are landed. However, further restructuring is required and I ask the minister to consider further support to the processing sector to ensure that current activities can be successfully completed.

Mr Davidson: On fish landings, if there are not good negotiations and a good deal, there is a great risk that many fish will be caught and landed in Europe. For the north-east in particular, it is vital that we ensure that we have new facilities in Peterhead and other ports for the handling of fish and that those have landings coming in. One of the best ways of doing that is by securing good quotas for our people.

Elaine Thomson: I am sure that the minister is well aware of the need to get the best possible deal in Europe in respect of the proposals for the reform of the CFP. It is also important that we work hard to improve the quality of fish that are landed, which has been a problem in Scotland.

It is clear that many of the CFP proposals, such as zonal management, the establishment of the regional advisory councils to allow more involvement of all stakeholders and the maintenance of a sustainable fishing industry in economic and environmental terms, are crucial to the Scottish fishing industry.

It is essential that the UK fisheries delegation has maximum impact. Scotland's best interests will be met by being part of that delegation. SNP arguments that Scotland would be better off with less influence and fewer votes are not in the best interests of Scotland's fishing industry.

16:23

George Lyon (Argyll and Bute) (LD): I support the minister's strong statement on his negotiating position. It is good to hear him taking a robust position on how he will take on the negotiations that lie ahead.

I want to deal with the process that lies ahead. Some members seem to be unsure or unclear about how the process of negotiating reform of the CFP—or, indeed, the common agricultural policy—works. Richard Lochhead seems to be completely and fundamentally ignorant of the constitutional role of the EU Commission and Mr Fischler in the matter. The Commission's role is to put forward proposals for negotiation by member states. Once that negotiation has been completed around the table by the member states, the Council of Ministers will take decisions, based on a majority vote. In drawing up any proposal and even to make negotiations begin, account must be taken of the concerns of all the countries that are involved.

Richard Lochhead: I reiterate that the SNP is concerned about the medium and long-term future. The Council of Ministers regulation that contains the CFP gives more delegated powers to the European Commission. The Scottish Fishermen's Federation expressed concern about that and the SNP is expressing concern about it. Will George Lyon also express concern about it?

George Lyon: I fully appreciate Richard Lochhead expressing concern about the matter, but that issue will be part of the negotiations. The Minister for Environment and Rural Development will negotiate on the issues if there are genuine concerns.

I am trying to point out that Richard Lochhead seems to fundamentally misunderstand the role of the Commission. He seems to think that because it has published a document that that will be the final settlement. I am sorry, but it does not work that way. Perhaps it is time that he went out to Europe to find out how the system works.

Jamie McGrigor fulminated about the horse-trading and negotiations that might lie ahead. That is how the process of negotiating an agreement between countries takes place. It is about negotiations, bilateral agreements and seeking a coalition of interests that will support a final document.

Mr McGrigor: Will George Lyon tell me who Mr Fischler listened to when he made his decision on the deep-sea species?

George Lyon: That decision clearly signals that there will be negotiations and horse-trading ahead in the reform process. That is part and parcel of the game. It is up to us to ensure that we achieve a successful outcome. At least under the devolved settlement there will be a Scottish minister sitting at the table. Most important, a Scottish minister will be fundamental to the negotiations on what the UK position will be. He will sit at the table wielding 10 votes, unlike the situation if there was an independent Scotland when the votes of four countries would be needed to get to the position in which we had 10 votes to wield at the negotiating table.

Winnie Ewing is right to raise her concerns about the future negotiations and about how, in the past, UK ministers perhaps gave the impression that they had sold us out. One of the strengths of the devolved settlement is that the Scottish minister is engaged in drawing up the UK's negotiating position. Once that position has been negotiated at UK level, we sit at the table with 10 votes to wield when it comes to negotiating a successful outcome for Scotland. That bodes well for the future of the reform of the CFP. I hope that the minister is able to report back to the Parliament in the near future on a successful outcome that will give the Scottish fishing industry a sustainable future.

16:27

Stewart Stevenson (Banff and Buchan) (SNP): George Lyon certainly spoke to us in interesting terms. I note the effect of our contribution to the UK paper so far—it is nil.

George Lyon: Will the member take an intervention?

Stewart Stevenson: No.

Is George Lyon aware that a majority of the votes are held by countries that are outside the CFP? Is he also aware that qualified majority voting will apply only if the Commission recommends the proposals? After Tuesday, there is considerable doubt as to whether that will happen. That is the scale of the change of position by Franz Fischler. Far from the SNP and members of other parties in the chamber misunderstanding the situation as regards voting, the problem and the misunderstanding lie with the Executive.

Iain Smith (North-East Fife) (LD): Are SNP members seriously saying that they would rather go to the table not with the 10 votes that Ross Finnie can go to the table with, but in a situation in which they would start with minus four votes?

They would have to persuade the rest of the United Kingdom to support the position before they even started, so they would start with minus four votes.

The Deputy Presiding Officer (Mr George Reid): We are tight for time.

Stewart Stevenson: I have been very generous with Iain Smith. He will be aware that small countries that are led effectively can achieve results for their stakeholders. A Scottish delegation, led by an effective minister, would do exactly that.

I think that Alasdair Morrison sought irony in castigating SNP members for their attitude to the fishing industry. It must be an annual event in the Parliament that we debate fishing at 3.30 pm on the second Thursday in June. I made my maiden speech exactly one year ago, the day after I came into the Parliament and took my oath. It remains a vital issue for my constituents and I remain committed to supporting fishermen, as is every SNP member. Other members are equally committed to supporting fishermen and I am prepared to acknowledge that.

What research has been undertaken on quality? Elaine Thomson said that quality is a big issue. Fishermen in my constituency have asked me whether there are ways in which we can get money to fund research into fish quality. I ask the minister to consider whether Europe will allow him to do that.

We welcome the research on industrial fishing that is in the papers that we have before us. Industrial fishing is a matter of grave concern.

Elaine Thomson: Will the member give way?

Stewart Stevenson: I do not have time.

We do not know the ecological effects of many industrial fishing practices. Perhaps a more serious gap in our research is that we do not know the ecological effects of the discards of deep-water fish in the north Atlantic.

It is interesting that some 20 per cent of the value of the landings of our fishing industry equates to the cost of administering it. If we were to shift to a position whereby 20 per cent of that value was spent on research, we would be substantially better off.

The real issue, however, is whether we are going to have effective leadership for Scotland's fishermen in the forthcoming negotiations. Are we going to persuade Franz Fischler to recommend proposals, or is the Scottish minister going to lead our UK delegation in the negotiations? Only the latter will guarantee the position of our fishing industry.

16:31

Iain Smith (North-East Fife) (LD): I am looking forward to Ross Finnie leading that delegation with his 10 votes—which he will do.

Although I welcome the general thrust of the proposed CFP reforms, I stress the importance of the local management of fisheries to our achieving a sustainable future, not only for our fish stocks, but for our fishing communities. One of the failings of the present CFP is the fact that it attempts to manage fish stocks on a global basis and takes little account of the conservation requirements of individual fishing grounds. Regional advisory councils will not help if they merely replace centralised macromanagement of the North sea with regional macromanagement of the North sea.

I have mentioned before the lunacy of the situation whereby the fishermen of Pittenweem are subject to unviable prawn quotas, which exist not to protect prawn stocks, but to prevent the by-catch of white fish in fishing grounds where there are no white fish to catch. That does not make any sense. The fishermen of Pittenweem are getting very frustrated by the fact that, despite all their efforts to draw attention to their problems, nothing ever seems to change. If we are to sustain a viable fishing industry in areas such as the east neuk of Fife and fishing villages such as Pittenweem, we must allow local fishermen to manage their fishing grounds, backed up by much more detailed and localised scientific information.

16:33

Irene Oldfather (Cunninghame South) (Lab): It is a year to the day since the European Committee proposals were debated in the chamber and received unanimous support in the Parliament. It is important to record that. Too often, the Parliament is criticised. However, if the recommendations of the European Committee's report are compared with what the European Commission has said, it can be seen that a great deal of what we proposed has been accepted. That shows that the Parliament and the Executive are influencing the debate and the decisions that are made in Europe.

I know that I am short of time, but I want to mention regional advisory councils. In its report, the European Committee said that it believed in the principle of zonal management. However, we believed that that should happen after a transitional period, and that was agreed by all members of the Parliament. It is important that we recognise that regional advisory councils are a useful first step. On an incremental basis, they will begin to show us the way forward and I think that they will be a tremendous success. Following that success, the Commission will expand that role.

With the Executive, the European Committee has developed a pre and post-Council scrutiny process. I hope that the minister will give a commitment to work with the committee and the Parliament to ensure that we can be involved in the monitoring of and progress on that.

Richard Lochhead: Will Irene Oldfather give way?

Irene Oldfather: I have absolutely no time to give way. I am sorry.

We must ensure that there is an open and transparent mechanism for involving the Parliament. Like Alasdair Morrison, I wish the ministers well. We must use every channel of communication and every level of government that is open to us to argue the case for Scotland. I am confident that the ministers will do that.

16:35

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I want to begin by addressing the points that were raised by the Conservatives and the nationalists. In his speech, Jamie McGrigor made some reference to football and so on, but he also talked about horse-trading. As George Lyon has pointed out, although the term is slightly pejorative, horse-trading is precisely what our ministers have to do when they go to the EC. There is a straightforward negotiation and sometimes they have to throw a few punches into the bargain.

I find myself intrigued by what has been said by members of the SNP. Richard Lochhead seemed to welcome just about everything that the minister is doing and I am gratified by that. He welcomed in particular the reduction in fleet capacity and so on.

Winnie Ewing talked about relative stability. That is an interesting phrase because it highlights the difficulty that the SNP has with regard to whether it is in favour of working in the EU or against it. Sometimes, the SNP is in danger of being backed into the blind alley of little Scotlandism. It would be interesting if that issue could be clarified when the SNP sums up.

The contributions from across the chamber have been worth while and interesting. This has been a constructive debate and one in which—if we want to read the subplot as we coast towards the summer recess—everyone expressed support for the ministers in their endeavours in Europe.

Alasdair Morrison, in customary style, introduced the notion of growing halibut and so on and well done him for flagging that up.

Tavish Scott talked about the importance of science and I would like to echo that. Scientific advice is absolutely paramount and I wonder

whether people in the European Commission take that on board. It is vital that we get that aspect right because, if we do not, we will be working against everything that is right and proper to sustain the fishing industry.

I cannot remember who mentioned the need for the European Commission to recognise the importance of communities. That must be echoed as well. Not only do ministers have to punch above their weight in Europe; they must work with the enterprise network to back up the communities that suffer. The reduction in the fishing fleet has had an impact in Wick, for instance, which is in my constituency, and there is a role for ministers to get involved in that in conjunction with the enterprise network.

I thank the SFF, which has consistently kept me in the picture and has supplied me with useful information. I note that Hamish Morrison is sitting in the gallery today.

The fact is that, if members go down to the harbour and talk to people who are involved in the industry, they will see that they appreciate the work that is put in by our ministers. That attitude is interesting, given what has been said about ministers in the past. Ross Finnie punches above his weight and works extremely hard on our behalf. He takes a robust attitude to the negotiations and that is to be applauded.

I wish ministers the best of luck in the forthcoming negotiations. I urge them to fight hard for us, which I am sure that they will do. They should remember that they have the whole of the chamber behind them.

16:38

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

The context for this debate is that most people in the chamber agree with the measures that Franz Fischler and the European Commission introduced. Members of the European Committee, after hours of deliberation, produced a report that we are delighted to see is pretty much mirrored in the Commission's proposals. We do not regret or disagree with most of those proposals.

We have every faith that the Scottish fleet has always played by the rules and has done its best to meet whatever demands have emerged from Brussels, although they have sometimes been destructive. It is a tribute to the Scottish fleet that, despite measures that have often threatened to destroy the industry completely, the fleet has got on with doing its job while the fleets of other countries have tried to pull the wool over the Commission's eyes.

The Scottish Executive faces a challenge to prove its ability to fight Scotland's corner. The

unionist members in this chamber have accepted and believe in the system that allows Scotland a powerful voice through UK membership of the Council of Ministers. The time to prove that we are right is now. I believe in that. The onus is on the minister to fulfil my expectations, to fulfil everything on which we stand up and fight the SNP, and to say that our vote can make a difference. He will be judged on that. He will need to draw a line in the sand for Scotland and not accept the fudged compromises that might benefit Mr Blair's ambitions for Europe—who am I to speculate?—but not those of our fishermen.

Tuesday was just such a time. When the Council of Ministers met to discuss the draft outline of the CFP reforms—there was an element of clarification in that meeting—it was important that Scotland's views on deep-water fish be put across and win through. Unfortunately, the commissioner's assurances, which we heard on Monday, suddenly evaporated and we lost out. That is one of the examples of how unsuccessful qualified majority voting can be.

Stewart Stevenson is absolutely right: the key element is which proposals the Commission sides with. If the Commission sides with the proposals that are agreeable to the southern states or the friends of fishing—who have the majority of the votes in the European Union—qualified majority voting comes into play. The key element is not whether the United Kingdom has 100 votes, but where the Commission sits.

We know the friends of fishing. Fishing seems to be split into two sides. We have the friends of fishing on one hand and Scotland and a few of the North sea states that have a different view on the other. There are not many of us, I am afraid. It is one view or the other. If the Commission agrees to back Spain and the friends of fishing, we will be in trouble. The minister has to draw that line in the sand. He will be judged on his effectiveness in achieving that.

I know that the minister said that it is not about who spoke to whom, but that is important to clarify. The minister said earlier that we should look at the regulation, not at the proposal. However, article 11 of the proposed Council regulation on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy says that the baseline for a fleet's reduction will be based at the end of the extended period of multi-annual guidance programme IV. Nowhere in the proposed regulation does it say that our efforts at fleet reduction will be taken into account.

If our efforts should be taken into account, we have to accept that Spain's efforts or Portugal's efforts should also be taken into account. We cannot say that the UK's efforts must be recognised but that Spain's must not, because

under qualified majority voting, one size must fit all. If Spain's efforts are taken into account, it will be allowed to increase the capacity of its fleet.

Tavish Scott: Will Mr Wallace clarify what steps Spain and Portugal have taken on decommissioning?

Ben Wallace: I have been reliably informed and Spain's submission to the Commission has said that the Spanish have reduced their fishing effort by 40 per cent under MAGP IV. Given that I think that they are going to be required to reduce by 27 per cent, that means that they are plus 13 per cent. So they will be allowed to increase the fleet. So they have.

We are not the only country that is going round saying that it has reduced its effort. The Netherlands has not—it has just gone up to its maximum, which will be fine for it. Spain, however, claims the same as we do—I do not know how truthful it is being—so we must recognise that. The minister may say, "We lost it in negotiation; that is horse-trading," but his effectiveness will be judged on that.

Let us consider what happens next. At the Council of Ministers meeting on Tuesday, the Commission made it clear that the scrapping of vessels is not compulsory. How a member state chooses to reduce its fishing capacity will be a political decision. That decision could be tie-up, days at sea or scrapping—the method will not be obligatory. We all remember what happened the last time that we had to make a political decision on tie-up versus scrapping.

In the end, whatever is agreed will be judged. The Executive will have the political choice. If the Conservatives disagree with it, we will hold it to account. The Conservatives welcome the proposals for zonal management, conservation, 12-mile limits and six-mile limits. They are all in line with the European Committee's proposals and they are all things that we can back. We will judge the Executive on its ability to negotiate and hold its own in the Council of Ministers. That is what our fishermen expect.

16:45

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The presence of Hamish Morrison in the gallery reminds us of the need to unite in the debate and to speak out in the interests of all fishermen and of those in Scotland who rely on fishing for their jobs. That point was made by David Davidson and echoed by many speakers during the debate. The chamber has united during the crunch times of the annual negotiations and has supported the minister in his attempts to secure the best deal for Scotland that he can. It is important that I make that statement

at the beginning of my speech.

I underline the SNP's agreement with many aspects of the package. It is essential that conservation and sustainability are central to the policy. Multispecies and multi-annual management is a welcome development. We certainly support the attempts to create a level playing field and we also support effort limitation, which both Jamie McGrigor and, I think, Alasdair Morrison spoke about.

Fleet capacity needs to be reduced on a European level, but there was a hint early on in the debate that a question mark hangs over the lack of clarity in the proposals. We have already gone through a process of pain, as Richard Lochhead pointed out. If we have to undergo a further decommissioning programme, will that threaten the viability of some of our small fishing ports? That issue has been raised in the fishing press recently—*[Interruption.]* Alasdair Morrison seems to find something humorous about that; I do not. We are worried that the proposals do not make it clear that decommissioning should take place in other countries where there has been no decommissioning, before further decommissioning takes place in Scotland.

I welcome Alasdair Morrison's comments about the importance of aquaculture. Anyone who represents a constituency in which salmon farming is important is bound to support those comments. I hope that his point about over-regulation will be addressed, although today may not offer an appropriate opportunity to do so.

There is little time available to me in the debate to develop those points, so I will focus on a serious concern that has emerged from the debate. I do not make this point, which arose during the minister's speech, in a party-political way. He said that he was satisfied that relative stability—the key element in protecting our fishing rights—was enshrined in the proposed regulation. I do not claim to have made an exhaustive, week-long analysis of the CFP reform package documents and, in a way, I hope to be shot down and proven wrong at the end of the debate. However, article 3, which is the definition section of the proposed regulation, contains no definition of relative stability. Therefore, no definition of relative stability is enshrined in the regulations. However, a far more serious point—this is my main point—is that, as far as I can see, the reference to relative stability appears only in this context in article 20, which says:

"The Council shall decide on a method of allocation for the distribution among Member States of the Community fishing opportunities for each stock that ensures each Member State a share of those fishing opportunities and/or of the fishing effort to be distributed, having regard to the need to assure each Member State as to relative stability of fishing activities."

The reference to, and inclusion of, the phrase "relative stability" is welcome, but it is beyond doubt that, by definition, a body that has to have regard to something can also disregard it—perhaps not now, but at a future date. In contrast to what the minister suggested, article 20 certainly does not say that the Council must allocate in accordance with relative stability—it says only that the Council must have regard to relative stability. That might not be of concern, were it not for the curious road map document—I cannot think of a more inappropriate term to use to describe the common fisheries policy—which says:

"If the Community takes action to address these issues, on the basis of the proposals now put forward, it will gradually create a climate that will be more favourable to the introduction of more normal economic conditions and the elimination of such barriers to normal economic activity as national allocations of fishing possibilities and the principle of relative stability."

Even the road map anticipates that relative stability will cease at some unspecified point in the future, although we do not know whether that will happen in the short, medium or long term.

Tavish Scott: I accept that the period is unspecified, but I presume that the whole point is that ministers will go over to negotiate a principle for the future common fisheries policy, which will be enshrined from 1 January next year. If that is achieved, Mr Ewing's points do not arise.

Fergus Ewing: The minister must do his best and we support him in those efforts. My point is that the proposed regulation does not enshrine the principle of relative stability. That is absolutely clear and I hope that it will be accepted in the response. If the principle is enshrined, it is enshrined in the same way that clause 4 was enshrined in the constitution of the Labour party.

Hugh Allen of the Mallaig and North West Fishermen's Association recently raised a serious point, which relates to the perilous nature of fishing. Fishing is not a normal economic activity, as Commission officials state. Fishermen put at risk their lives. Hugh Allen said that there is a serious risk to the life of fishermen because of insufficient crew in some boats that go to sea. That is a factor of the economic reality and the difficulties that they suffer and it underlines the urgent need for unity behind the minister in his efforts to get the best possible deal for Scotland and its fishing communities.

16:51

The Deputy Minister for Environment and Rural Development (Allan Wilson): I welcome what has been largely a productive debate. I also welcome the delegates from Saltcoats Labour club, who have travelled across the country to be here for the debate. They are men who know the

value of a good fish supper and who understand that, as Ross Finnie made clear, the central importance of the debate is long-term sustainability. That must be our undying goal. I agree with Ben Wallace, Fergus Ewing and others in hoping that that view will be shared across the Parliament.

The basic fact is that the Commission's proposals are exactly that—they are proposals. They are the beginning of the journey and not the end. We must secure a quality debate and the debate here and in Brussels must be serious and informed if we are to achieve our aims for the review. Nothing has been decided or agreed and a great deal of work remains to be done. I do not need to remind members that there are member states with opposing interests. Jamie McGrigor, George Lyon and Tavish Scott have explained that such different interests exist. Those different interests can be tackled in negotiation.

I firmly believe that we have made a good start. The proposals reflect a lot of our thinking and they take account of Scottish priorities. They are not perfect, but they are a lot better than they might have been. Some members—Richard Lochhead in particular—were obsessing about the distinction between the draft regulations and the road map. I submit that the broad thrust of the regulations is positive and there is still the opportunity to fight hard for our interests. The real reforms are to be found in the draft regulations, which remain a helpful starting point.

Richard Lochhead: The minister rightly points out that the battles lie ahead. The fear in the industry, especially in light of the Commission's stance earlier this week on the deep-water fishery, is that the regulations will be watered down as the European Union's southern states in particular start to shout loudly. Will the minister outline what steps the ministerial team has taken to build alliances with other member states, so that the regulations will not be watered down and, indeed, will be strengthened, particularly with reference to historic fishing rights?

Allan Wilson: I have raised the United Kingdom flag in international negotiations at the North sea conference in Bergen. The process is complex. I had the privilege of leading the UK delegation on the preservation of blue whiting stocks. There is no doubt that alliances have to be built. I appreciate that the member does not have such experience and will probably never get it. The process is difficult.

As I have said, our priorities are to achieve the best possible deal for Scottish fishermen and to ensure sustainable fisheries in a healthy marine environment. When decisions are being made, a difficult balance must often be struck between short-term difficulties and long-term gains. On the

one hand, we have a vision for the right CFP; on the other hand, we have fishermen who are often struggling to make ends meet and who have the understandable priority of landing enough fish to help to pay off debts at the end of the month.

Our job is jointly to find the right balance so that the industry can get to the future without destroying the present, but that will involve making some hard decisions. We must ensure that fleet capacity is more in harmony with available stocks. The Executive has already taken steps to mitigate the imbalance through our decommissioning scheme, but we will need to examine carefully whether further cuts in the fleet are needed. We shall, however, impress on our neighbours that any cuts must apply fairly across the Community.

Ben Wallace: I know that the minister sets store by the Council's regulations, but where do the regulations say that they will take into account the member state's effort reduction?

Allan Wilson: Much though he might wish me to do so, I will not start the negotiations in public with Ben Wallace. The road map discusses long-term views. The draft regulations, which will be voted on after negotiation, make it clear that relative stability will stay. We will support only those cuts that are based on evidence, not those that are made using back-of-the-envelope calculations, as some of our political opponents would have us do. As Ben Wallace will surely agree, we must also end the subsidies for new build and so ensure a more level playing field across the Community.

Winnie Ewing asked about the timetable. Although the end-year target is clearly ambitious, the Commission is confident that there will be no legal vacuum at the end of the year. If necessary, the Council could agree interim measures to prolong the six and 12-mile derogation.

I want now to deal with governance, which Ross Finnie did not have the chance to speak about in any depth. In Scotland, we have worked to bring decision making closer to those who must live with the consequences of our decisions. Like all members present, I strongly support the proposal for the establishment of regional advisory councils, which will advise Governments and the Commission. The industry is keen to make the regional advisory councils effective. I welcome the industry's positive approach. The advisory councils will be as effective as our membership can make them.

I also welcome one special proposal. The Commission has proposed that each member state should be able to regulate any EU fishing vessel in that member state's six and 12-mile limits. At present, member states can regulate only their own vessels. The proposal is significant because it illustrates a commitment not only to a

more regional approach but to the existing access and resource management framework.

I have insufficient time to deal with the many other issues, such as the science, the ecosystem approach, the code of conduct, the control and inspection regime and aquaculture. Enormous challenges face the catching sector, but we should not forget the contribution that aquaculture can make.

I welcome the views that have been expressed today, some of which were more predictable than others, but all of which are welcome. I do not pretend that there are instant answers to every point. Some issues will require a lot of detailed consideration and further debate and consultation. From our perspective, today's input has been helpful.

We cannot, and should not, hide from the fact that life for the fishing industry will get harder before it gets easier. As Richard Lochhead said, there will be pain, but it will be for a purpose. That purpose is the long-term sustainability and viability of our fishing industry. Sustainability is essential to support fragile rural communities that depend heavily on the industry.

However, the contribution that aquaculture can make to thriving rural communities should not be forgotten, as Alasdair Morrison mentioned. The aquaculture sector is developing so that it can deal with species such as cod and halibut, which were traditionally caught on the high seas. The CFP review should be viewed not as a threat but as a welcome opportunity to integrate aquaculture more closely into our strategic thinking on fisheries and on the support of rural communities.

In summary, as someone who has raised the flag for the UK in negotiations, I believe that our aim is to deliver a new CFP that will take account of Scottish needs. We want a new CFP that results in a sustainable and competitive industry that more closely involves stakeholders in the management decisions that affect them. We want a policy that is consistent with a sound marine environment and which is based on sound scientific advice. In short, we need to get the CFP right.

If we fail, future generations will judge us harshly. I assume that no one here today will argue that we can carry on as we are. We must try to ensure that the final CFP reform package provides for a healthy future for our fish stocks, for our marine environment and for our fishing industry, which so heavily depends on them. I therefore commend the Executive's motion to the Parliament, and ask the Parliament to reject the Conservative and nationalist amendments.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Sir David Steel): The next item of business is consideration of three Parliamentary Bureau motions. They are printed in the business bulletin, but motion S1M-3199 has a printing error in it, which I draw to members' attention. It quotes the date of a previous motion, S1M-1462, as 8 January 2001. That date should be 14 December 2000. With that amendment, are members happy for Euan Robson to move all three motions together?

Members: Yes.

The Presiding Officer: Mr Robson, your moment has come.

Motions moved,

That the Parliament agrees that resolution of the Parliament S1M-37, agreed on 8 June 1999, and as amended by resolutions S1M-1462 on 14 December 2000 and S1M-2230 on 19 September 2001, shall be further amended as follows:

Name of Committee: Education, Culture and Sport

Remit: To consider and report on matters relating to school and pre-school education and such other matters as fall within the responsibility of the Minister for Education and Young People; and on matters relating to culture and sport and such other matters, excluding tourism, as fall within the responsibility of the Minister for Tourism, Culture and Sport

Name of Committee: Enterprise and Lifelong Learning

Remit: To consider and report on matters relating to the Scottish economy, industry, training and further and higher education and such other matters (excluding transport) as fall within the remit of the Minister for Enterprise, Transport and Lifelong Learning; and on matters relating to tourism which fall within the responsibility of the Minister for Tourism, Culture and Sport

Name of Committee: Local Government

Remit: To consider and report on matters relating to local government (including local government finance) and other matters (excluding finance other than local government finance) which fall within the responsibility of the Minister for Finance and Public Services

Name of Committee: Rural Development

Remit: To consider and report on matters relating to rural development, agriculture and fisheries and such other related matters as fall within the responsibility of the Minister for Environment and Rural Development

Name of Committee: Transport and the Environment

Remit: To consider and report on matters relating to transport which fall within the responsibility of the Minister for Enterprise, Transport and Lifelong Learning; matters relating to environment and natural heritage which fall within the responsibility of the Minister for Environment and Rural Development; and matters relating to the land use planning system and building standards which fall within the responsibility of the Minister for Social Justice.

That the Parliament agrees that the following be approved—

Draft Undertaking by the Scottish Ministers with the Consent of NorthLink Orkney and Shetland Ferries Ltd.

That the Parliament agrees that the Justice 1 Committee be designated as Lead Committee in consideration of the Title Conditions (Scotland) Bill and that the Justice 2 Committee be a secondary committee.—[*Euan Robson.*]

Decision Time

17:00

The Presiding Officer (Sir David Steel): There are 12 questions to be put as a result of today's business. Before I put any of them, I have a small point of order of my own. Members will be aware that rule 7.3.1 of our standing orders requires members at all times to

"conduct themselves in a courteous and respectful manner".

The Presiding Officers are concerned that this morning and yesterday, some members who took part in debates did not turn up for the winding-up speeches. We think that that habit is discourteous and not respectful. I accept that there will be occasions when members simply cannot be in two places at once, but there is an obligation on members who will not be here for the winding-up to explain that to the chamber during their speeches. We would like that to be a courteous convention.

The first question is, that amendment S1M-3194.2, in the name of Cathy Jamieson, which seeks to amend motion S1M-3194, in the name of Lord James Douglas-Hamilton, on youth justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (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)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 64, Against 16, Abstentions 25.

Amendment agreed to.

The Presiding Officer: Amendment S1M-3194.1, in the name of Roseanna Cunningham, falls.

The next question is, that motion S1M-3194, in the name of Lord James Douglas-Hamilton, on youth justice, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (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)
 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)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 64, Against 15, Abstentions 26.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the problems faced by those local communities where a disproportionate amount of crime and disorder is caused by a small number of persistent offenders; considers it a priority to reduce youth disorder and youth offending; welcomes Scotland's Action Plan to reduce youth crime and the establishment of Youth Justice Teams in each local authority; believes that effective disposals and programmes must be available to the Children's Hearings System which make young offenders face up to the consequences of their behaviour; supports all parties involved in the youth justice system to play a full role and be accountable for their actions, and welcomes the Executive's continuing focus on improving the youth justice system in order to reduce youth crime, the fear of youth crime and build safer communities.

The Presiding Officer: The next question is, that amendment S1M-3204.2, in the name of Cathy Jamieson, which seeks to amend motion S1M-3204, in the name of Brian Monteith, on encouraging diversity in education, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)

MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division

is: For 87, Against 15, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S1M-3204.1, in the name of Irene McGugan, which seeks to amend motion S1M-3204, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 90, Against 15, Abstentions 1.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S1M-3204, in the name of Brian Monteith, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 87, Against 15, Abstentions 1.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the Executive's progress in investing in school education including *A Teaching Profession for the 21st Century* which recognises teachers' valuable contribution, modernising the school estate, the establishment of clear national priorities for education with an improvement framework involving both local authorities and schools, the promotion of flexibility in the curriculum and devolved school management arrangements, the contribution made by New Community Schools to supporting pupils' learning and involving parents and carers, recognises the valuable contribution made by denominational schools and believes that our priorities should continue to be the provision of a high quality education appropriate to the needs of every young person in Scotland and closing the opportunity gap within a strong and well-funded state educational system administered through Scotland's local authorities.

The Presiding Officer: The next question is, that amendment S1M-3197.1, in the name of Richard Lochhead, which seeks to amend motion S1M-3197, in the name of Ross Finnie, on reform of the common fisheries policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 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)
 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)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 28, Against 63, Abstentions 15.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S1M-3197.2, in the name of Jamie McGregor, which seeks to amend motion S1M-3197, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (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)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (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)
 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)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 41, Against 64, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S1M-3197, in the name of Ross Finnie, on reform of the common fisheries policy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 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)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 79, Against 0, Abstentions 26.

Motion agreed to.

That the Parliament welcomes publication of the European Commission's proposals for reform of the Common Fisheries Policy; notes that Scottish priorities are reflected in the proposals; supports a collaborative and regional approach to reform involving the fishing industry and other stakeholders; acknowledges the need for a more sustainable balance between the catching capability of the fleet and available fish stocks, and recognises that a process of tough negotiations with other member states now lies ahead.

The Presiding Officer: The next question is, that motion S1M-3199, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on committee remits, be agreed to.

Motion agreed to.

That the Parliament agrees that resolution of the Parliament S1M-37, agreed on 8 June 1999, and as amended by resolutions S1M-1462 on 14 December 2000 and S1M-2230 on 19 September 2001, shall be further amended as follows:

Name of Committee: Education, Culture and Sport

Remit: To consider and report on matters relating to school and pre-school education and such other matters as fall within the responsibility of the Minister for Education and Young People; and on matters relating to culture and sport and such other matters, excluding tourism, as fall within the responsibility of the Minister for Tourism, Culture and Sport

Name of Committee: Enterprise and Lifelong Learning

Remit: To consider and report on matters relating to the Scottish economy, industry, training and further and higher education and such other matters (excluding transport) as fall within the remit of the Minister for Enterprise, Transport and Lifelong Learning; and on matters relating to tourism which fall within the responsibility of the Minister for Tourism, Culture and Sport

Name of Committee: Local Government

Remit: To consider and report on matters relating to local government (including local government finance) and other matters (excluding finance other than local government finance) which fall within the responsibility of the Minister for Finance and Public Services

Name of Committee: Rural Development

Remit: To consider and report on matters relating to rural development, agriculture and fisheries and such other related matters as fall within the responsibility of the Minister for Environment and Rural Development

Name of Committee: Transport and the Environment

Remit: To consider and report on matters relating to transport which fall within the responsibility of the Minister for Enterprise, Transport and Lifelong Learning; matters

relating to environment and natural heritage which fall within the responsibility of the Minister for Environment and Rural Development; and matters relating to the land use planning system and building standards which fall within the responsibility of the Minister for Social Justice.

The Presiding Officer: The next question is, that motion S1M-3200, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on approval of the draft undertaking by Scottish ministers, be agreed to.

Motion agreed to.

That the Parliament agrees that the following be approved—

Draft Undertaking by the Scottish Ministers with the Consent of NorthLink Orkney and Shetland Ferries Ltd.

The Presiding Officer: The last question is, that motion S1M-3201, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 1 Committee be designated as Lead Committee in consideration of the Title Conditions (Scotland) Bill and that the Justice 2 Committee be a secondary committee.

Epilepsy

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business today is a members' business debate on motion S1M-3151, in the name of Gordon Jackson, on epilepsy. I invite Mr Jackson to open the debate as soon as the group of members who are standing in front of him has dispersed.

Motion debated,

That the Parliament notes with concern the 25% rate of misdiagnosis of epilepsy, as identified in The Misdiagnosis of Epilepsy: Findings of a Population Study (Scheepers, Clough and Pickles) and The Misdiagnosis of Epilepsy (Smith, Defalla and Chadwick); recognises and agrees that there is a need for a national framework for epilepsy, as already exists for diabetes, to improve standards of health care, and further notes that England and Wales are working towards such a framework for 2005.

17:12

Gordon Jackson (Glasgow Govan) (Lab): I thank the members who have stayed for the debate and I am particularly sorry that Margaret Ewing cannot be with us tonight, because she and the individuals who work for her have done a power of work on the subject. She has been joint convener of the cross-party group in the Scottish Parliament on epilepsy for far longer than I have.

Why are we having the debate and why am I calling for a national framework on epilepsy? I will deal briefly with a number of answers to that question. Let no one be mistaken; this is a big issue. More than one in 200 people in Scotland suffer from epilepsy, so that at any one time 30,000 people, including 7,000 children, have what is a common neurological condition. Ten people are diagnosed with epilepsy every day and, perhaps most frightening, people die because of epilepsy. I say that because I was surprised to find that out; I had not associated the condition with fatal consequences.

The most recent UK report into such deaths has found that a large percentage of those deaths might have been preventable. That means that the mortality rate for the condition is not insignificant and we have to ask ourselves how many of the young people who die in Scotland each year because of epilepsy might have lived had better diagnosis and treatment been available.

Despite the fact that the condition is so common, there is still a stigma attached to it. People are afraid of how others will react, so often they keep the condition hidden within their family. We need to say that the issue is big and serious.

Epilepsy is difficult to deal with—there is no simple test for epilepsy and it can be difficult to diagnose. Research to which the motion refers

suggests that diagnosis of epilepsy is inaccurate in 25 to 30 per cent of cases. Given that we have insufficient neurologists to serve 5 million people, diagnosis is often made by doctors who simply do not have sufficient clinical experience in the subject. Other conditions, such as heart and respiratory problems, are often mistaken for epilepsy. The trouble is that the prescribed treatment becomes highly inappropriate and wasteful. There is evidence that there is a treatment gap.

Not everyone who has epilepsy receives appropriate medication and 60 to 70 per cent of people who have epilepsy could become seizure free with the right drugs. We have the technology to achieve that, but it is not happening. Many people continue year after year on repeat prescriptions of medication that is often old and unsuitable.

I say to the minister that our epilepsy health care is simply not good enough. I mean no criticism of other places when I say this, but our health services for people who have epilepsy are on a par with what is available in countries that are just creating health services, for example eastern European nations. France has five times as many neurologists per head of population as does the whole the United Kingdom. One can wait as long as 12 months to see a specialist in parts of Scotland. Only four health boards in Scotland employ an epilepsy specialist nurse—north of Dundee there are no epilepsy nurses, epilepsy paediatric specialists or neurophysiologists. Seven out of 15 health boards have yet to consider epilepsy services or local epilepsy working groups in their health plans.

I am conscious that I am rattling off facts and statistics, but they are not lies; rather they represent the reality of what is lacking. When it comes to the treatment of epilepsy, Scotland ranks much further down the league table than it should. Therefore I call for a national framework. The Department of Health has recognised that the subject has been ignored for too long and it has agreed to establish a national service framework for epilepsy in England and Wales. It intends to draw that up by 2004, with plans to implement it not much later.

Without setting national standards, there can be no urgency for health boards to deal properly with epilepsy. What would happen if we had a national service framework? It would not be a panacea—nothing ever is—but we could expect certain things to happen. There would be more rapid referral when people first have a seizure and there would be better provision of clinics. We would have much better patient access to information. Services at primary care level would be improved by the appointment of a lead general practitioner

who would assume responsibility for integrating epilepsy services in the local area. We would have regular audits of care practice and we would demand an annual review of each patient. There would be better care for those who are particularly affected; for example, there are pre-natal, post-natal and even pre-conception issues for women with epilepsy.

Mary Scanlon (Highlands and Islands) (Con): Gordon Jackson is talking about consistent standards for Scotland. Is he aware that a Scottish intercollegiate guidelines network guideline came out five years ago and that it has been largely ignored? Does he know that the Clinical Standards Board for Scotland does not intend to carry out any review of epilepsy services in the foreseeable future?

Gordon Jackson: I thank Mary Scanlon for that information. I am aware that there are SIGN guidelines, but I do not think that that is good enough. The difficulty with guidelines, which might be good in themselves, is that they can be put on a shelf and not acted upon. The guidelines have not been effective. We need more than SIGN guidelines—we need to take the approach that we have taken in other areas, such as diabetes. We need a clearly established framework for the treatment and consideration of the whole issue of epilepsy.

I have outlined several things that I would expect from a national framework but, in a sense, those are just some of the things that could happen. The point is much more general. We need some kind of standards and equality of standards in epilepsy care throughout Scotland and within the rest of the UK. Although we have SIGN guidelines, without a national framework, we will be left further behind. In particular, we will be even further behind the rest of the United Kingdom when it puts its framework in place in 2004.

I therefore call on the minister to consider the matter seriously and to think about setting up whatever needs to be set up, so that we might in due course establish very clear guidelines and—more than guidelines—a framework for implementation. If we can do that, this cinderella condition, if I may put it like that, might no longer be thought of and treated in that way and we might see epilepsy getting the recognition that it should properly have.

17:20

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate Gordon Jackson warmly on securing the debate and on the way in which he delivered his speech—with the lucidity and clarity that we expect from a Queen's counsel, if not always from MSPs. I also thank him for the

kind remarks that he made about Margaret Ewing. I know that, had she been here, she would almost certainly have wanted to contribute to the debate. Margaret and Gordon have been the joint conveners of what I believe is the largest cross-party group in the Parliament and have been working together for the cause. Margaret is certainly examining the feasibility of a private member's bill to legislate for all student teachers—nursery, primary and secondary—to be trained in epilepsy first aid and awareness. I hope and expect that, when she resumes her parliamentary duties, that will be one of the first tasks to which she will set her hand.

I also add a word of congratulation to Murray Earle, who has put a great deal of work into the subject and has written an excellent research note—one of the most comprehensive that has been provided to the Parliament.

Gordon Jackson set out the need for a national framework and, in response to Mary Scanlon, he stressed the need for something more than guidelines. As has been pointed out, guidelines do not have a binding effect and need not always be implemented.

There is a lack of neurological specialists and specialist nurses in the Highlands and a large tract of the north of Scotland. It is unacceptable that there should be such wide variation in provision and I hope that the minister will address that. I pay tribute to Mary Scanlon for the work that she has been doing and which I presume she will describe later. It might not be normal party politics to congratulate people in other parties, but we should give credit where it is due. Mary has done a lot of work in helping to establish a support group in Inverness.

Part of the difficulty with epilepsy is that we do not understand it. I remember the first time I saw somebody having an epileptic fit—I had no idea what to do. I was slightly frightened by it and it was very dramatic. It happened to a chap in Church Street in Inverness. I felt totally helpless and I imagine that that is how many people must feel. If we can dispel some of the lack of knowledge of the condition by holding this debate, that is to be welcomed.

There is a stigma attached to epilepsy and it affects people in many ways. It makes them feel isolated, it can affect their employment opportunities and, of course, one practical consequence is automatic disqualification from driving for 12 months. People who live in rural locations who have had a seizure cannot drive themselves to hospital which, in the case of Raigmore, might be a long journey in any event. There is a specific need and I hope that the minister will agree that there should be a national framework. That would be a step forward. It would

not be a panacea, but it would provide a genuine opportunity to make progress for people who have been ignored and misunderstood for far too long.

17:23

Mary Scanlon (Highlands and Islands) (Con):

I am grateful to Fergus Ewing for his comments. Quite often in the Highlands people from all different parties are capable of putting party politics behind many of the health issues that we care about. When the Parliament was in Aberdeen, Tom McCabe, Gordon Jackson and I went along to the epilepsy action group meeting. I could not help thinking what my Tory members in Inverness would think of me going off with two Labour members when other MSPs were piling on to the bus to the Grampian reception. That is another example of how, in this Parliament, MSPs from all parties are capable of putting political hats aside and concentrating on issues.

As Fergus Ewing said, one of my ex-students came to a surgery I had about a year ago. She said that she had been diagnosed with epilepsy and told to go home and get on with it. She said that she wanted to talk to someone, but that there was no support group. The nearest groups were in Lossiemouth and Dundee. She did not understand the condition and was frightened to go out. She did not know whether she was able to drive. She said that she did not know what she was supposed to do, that she was scared and ashamed and did not know to whom she could talk.

We went about setting up a support group. I contacted Epilepsy Action Scotland in Glasgow, which wrote to its members. I used some of my parliamentary allowance to book rooms for the initial meeting of the group. I can honestly say that nothing in the world could have prepared me for the individual accounts of the experiences of people with epilepsy who turned up that evening. I could not even start telling members about them. I was left with an enormous feeling of having undertaken something that I could never fulfil. I had a huge feeling of responsibility because I had to address those problems.

Gordon Jackson referred to drugs. Many people said that they had been on the same drugs for 20 to 30 years. We had a visit from Dr Rod Duncan, the neurologist from Glasgow. When he heard of the drugs that people were on, he said that he had stopped using them decades ago. That is how the Highlands have been neglected.

I set about writing to the Highland health chiefs about specialist nurses and so on, but I did not get much response. I wrote to the primary care lead clinician to ask about services for epilepsy. The reply letter, which is now a historical letter in the

Health and Community Care Committee, consisted of such comments as "Not a hope", "No chance" and "No comment".

Fortunately, when the Health and Community Care Committee called for evidence on a petition from Epilepsy Action Scotland, Hilary Mounfield and Dr Roberts from Dundee referred to that letter. The following week the Health and Community Care Committee was in Inverness. We questioned the local health officials on their approach to treating people in the Highlands who had epilepsy. Since then, the minister has made a commitment on managed clinical networks. The Health and Community Care Committee, in its deliberations on the budget, decided to recommend that the Executive allocate more resources for the care and treatment of people with epilepsy, given that there are 30,000 epilepsy sufferers in Scotland.

I support the emphasis on cancer, heart disease and mental health, but when priorities are being set it is important not to ignore other chronic conditions. That is exactly what has happened in the case of epilepsy. Many MSPs have talked about postcode prescribing for beta interferon. Dr Roberts said that to assess whether patients should get beta interferon would take up huge amounts of neurologists' time, which would mean that the services to those with epilepsy would suffer further.

I fully support Gordon Jackson's motion. I am delighted that he has raised the issue in a members' business debate. We need to be concerned about the 25 per cent misdiagnosis rate for epilepsy. We must support all the minister's proposals for managed clinical networks to allow equality of access and get rid of the social exclusion that people with epilepsy suffer throughout Scotland.

17:28

Robert Brown (Glasgow) (LD): I am keen to support the motion, but I apologise to members because I must leave soon after giving my speech to go to a meeting in Glasgow. I say that in response to the Presiding Officer's comments earlier.

The motion is welcome and I support it. However, it is important to recognise, as Gordon Jackson and others did in their speeches, that the 25 per cent misdiagnosis rate, which is the motion's headline feature, identifies one of the starkest figures about epilepsy care. That also symbolises the whole problem of the lack of a national framework for epilepsy and the appalling lack of sufficient neurologists and epilepsy nurses throughout Scotland.

That is not unlike the situation that exists for other chronic conditions such as asthma or

diabetes. Gordon Jackson touched on that point. Viewing that from a slightly different perspective from Gordon, it seems to me that we lack drivers, so to speak, in the health service to push those issues up the health agenda and ensure adequate progress on conditions such as epilepsy, which affects about 30,000 people throughout Scotland.

Apart from the personal suffering, the risk of premature death and the one third of patients who do not respond completely to the medication, there are people whose medication could control the symptoms and who could be free of seizure if they were treated by specialist consultants. The figures suggest that 70 to 80 per cent of sufferers could be in that position, compared to around 60 per cent when managed by GPs. That is not a criticism of GPs, but of the lack of facilities in the health service to deal with the matter properly.

National strategies are sometimes announced with great fanfare and then sink below the horizon without trace. The importance of a national strategy for epilepsy is that it will get the issue into the framework of health boards and decision makers. I thought that my amendment to the Housing (Scotland) Bill on the need to consider the interests of children was a notional measure and would not mean anything, but it had an effect. When subordinate legislation was considered, the matter had to be recognised because it was in the mechanism. We must go with the grain of the decision making if we are to get movement. A national framework will provide a focus for the development of epilepsy services throughout primary and secondary care, specialist centres and the voluntary sector.

Neurologists cannot be wished up from trees. As Dr Roberts, who gave evidence to the Health and Community Care Committee, said, the lack of neurologists in Scotland is equivalent not to that in eastern European countries, but to that in the third world. The potential for training neurologists will not solve the problem overnight. However, the potential for training epilepsy specialist nurses is better, because trained nurses who are already in place can go on to train in that specialism. Primary care centres and local health co-operatives might be able to provide a focus for development of that kind of service, which might lead to first-seizure clinics for accurate early diagnosis and effective epilepsy review clinics.

Epilepsy is not only a personal issue for those who suffer from it; it is said to cost the UK around £2 billion annually through lost employment and lost opportunities. The major cost to employers, individuals and the country could be dealt with by a relatively small investment and, equally important, the organisation of investment.

Hilary Mounfield of Epilepsy Action Scotland summed it up well when she said:

"The biggest obstacle is the inertia ... to remove the inertia, we need the biggest energy at the beginning to get things going. We feel that a head of steam has been built up: we have the evidence, we know what to do and we have consensus. The biggest obstacle is the lack of a requirement for anybody to do anything."—[*Official Report, Health and Community Care Committee*, 24 April 2002; c 2598.]

That is what we need to change and what the motion is about. I am looking for a fairly positive response from the minister, if not today, then in the weeks and months to come. I support the motion.

17:33

Stewart Stevenson (Banff and Buchan) (SNP): Some of the statistics on epilepsy are rather confusing. In one place we are told that one in 130 people is affected by epilepsy, in another that the figure is one in 200 and in another that it is one in 300. The figure of one in 130 neatly illustrates the problem: there are 129 members in the Parliament, which means that, statistically speaking, one of us has or will develop epilepsy. That brings the issue closer to home.

We all know people or have met people who suffer from epilepsy. They have particular problems. There are many lifelong conditions with which we are all familiar, such as blindness, which is a very visible condition and one that most people can recognise. The broader community supports blind people through tax breaks and the widespread recognition ensures sympathy, understanding and support. Deafness can develop in later life or be present from birth. Again, there is widespread help, sympathy and understanding for deaf people. Type A diabetes is a lifelong condition and type B diabetes appears in later life. For people who suffer from those conditions there is increasing recognition, sympathy and understanding. However, epilepsy is a genuine hidden illness. It is misunderstood, and, as Gordon Jackson's motion points out, often unrecognised and misdiagnosed. It is important that we dwell on the subject today.

During my time at university, I spent three years in digs with someone who has remained a lifelong pal and who has subsequently been diagnosed with epilepsy. He cannot drive and has had to give up his job because he lives in the south of England, which involves substantial commuting. However, even before he was treated, he was experiencing seizures only every six months or thereabouts. That shows that relatively mild epileptic conditions can have dramatic social and economic effects on people.

Fergus Ewing referred to Murray Earle's research, which the Scottish Parliament information centre has helpfully provided. There is great diversity in provision across Scotland.

Indeed, as Murray Earle points out, Highland NHS Board is in category D when it comes to provision, which means very basic or limited services. On the other hand, my party leader and his constituents are obviously much better off, because Tayside NHS Board comes top of the tree with category A provision. However, such distinctions are arbitrary, and reflect the lack of a national framework.

Gordon Jackson is right to call for a national framework. I am sure that the minister will respond positively to the debate and other representations that she has received. I urge her not to make any framework that might be developed a rigid set of walls that encloses the problem. To continue the analogy, I believe that she should consider that framework to be scaffolding, up which one might navigate ad lib to the upper parts of the support network and which will provide appropriate support for individuals.

Finally, I congratulate Gordon Jackson on securing this debate.

17:36

Mr John McAllion (Dundee East) (Lab): I also congratulate Gordon Jackson on securing the debate and echo his tribute to Margaret Ewing. Like Fergus Ewing, I look forward to her early return to her parliamentary duties. She is one of the few members—if not the only member—who is genuinely liked on every side of the chamber. It is a rare feat for a principled politician to be liked by even her own party.

Like Gordon Jackson, I feel that the Parliament cannot ignore the constituency of people who suffer from epilepsy. Members have already mentioned that there are 30,000 sufferers in Scotland. If we include the families, carers and friends of those who suffer from epilepsy, we are talking about a very large constituency of people in Scotland. It deserves to be heard by the Parliament, which must respond to its needs.

At last night's meeting of the cross-party group on epilepsy, I was shocked to hear that 100 people die from epilepsy every year. Moreover, 50 of those deaths could have been avoided if only the kind of services that could have reacted to such an incident had been in place. It would be a terrible blight on the Parliament's reputation if we allowed such a situation to continue.

It is important that we do something about epilepsy. It is not just another medical condition. Other members have referred to the social stigma that is attached to epilepsy. On a video that was shown at the cross-party group meeting last night, I saw an epileptic seizure for the first time ever. It is a very disturbing and frightening thing to witness. At the meeting, I also discovered that many people who witness a seizure do not even

understand what they are seeing. They think that the person is drunk or is suffering from mental illness; they do not realise that they are witnessing a seizure and are frightened or even repelled by it. In fact, one professional talked about youngsters at school who not only suffer from seizures but are then bullied by other schoolchildren because of it. That reaction arises from the ignorance, prejudice and fear of those children. We face a big job to bring epilepsy out into the open and to get the public to understand what they might be dealing with.

We also heard that although some employers are very good, others will not even consider taking on someone who suffers from epilepsy because they believe that he or she will not be able to cope with the situation. The Parliament has a big responsibility. Indeed, the Executive has a big responsibility to listen to the Parliament and to do something about the appalling situation that we find ourselves in. The national health service provision has rightly been described as third world, not by me but by some of the leading neurologists who operate within the system.

Gordon Jackson mentioned that France has five times as many neurologists as we have. I could cite other European examples such as Italy, which has 21 times as many neurologists as we have. We must ask ourselves why the situation exists, why we have not addressed the problem and why we have allowed Scotland to slip so far down the league that such third-world comparisons can be made about us.

Mary Scanlon said that, bizarrely, Scotland leads the world in respect of SIGN guidelines, which give advice and guidance to health boards as to the kind of services that should be in place for people who suffer from epilepsy. However, it is no use having guidelines if those guidelines are never implemented. The trouble is that the Executive takes the position that it is not up to it to decide what services should be provided locally; it believes that that is a matter for the health boards.

As long as that situation exists, health boards can ignore the SIGN guidelines and do nothing. There will be no comeback. I do not necessarily blame the health boards. If every guideline issued by the Scottish health department were to be fully implemented, an awful lot of resources would be needed. Health boards must make tough choices about how to spend their resources locally.

That is why it is absolutely necessary that we follow England's example. I do not normally advocate that Scotland should follow England's example—the Scottish Parliament was set up to do the opposite of that—but England is well ahead of us in respect of epilepsy services, as the chief medical officer in England was persuaded to set the national service framework for epilepsy. Plans

must be completed in 2004 and thereafter implemented by the health authorities there. They will be required to meet the standards that are set down by the framework.

We need such a framework in Scotland. Without the requirement of health boards to follow standards, they will continue to ignore the good guidelines that have been laid down, not because they are callous, but because they do not have enough money. We cannot allow that situation to persist. If we are serious about doing something for people who suffer from epilepsy, we must follow England's example. There must be a national service framework and national standards that all health boards will be required to meet.

17:41

Roseanna Cunningham (Perth) (SNP): I congratulate Gordon Jackson on securing this debate and Epilepsy Action Scotland on its work. Many members are using briefings that have been obtained from EAS.

Recently, I attended a question-time panel in my constituency, which was set up by the local Perth and Kinross epilepsy support group. Mary Scanlon is trying to ensure that a support group works well in Inverness. An enormous amount of work is done behind the scenes to try to make awareness of the condition greater. Dr Richard Roberts was there—I assume that he is the same consultant neurologist who works at Ninewells hospital and whom other members have mentioned—and he talked about epilepsy as more of a symptom than an illness. Epilepsy can be triggered by many things and the objective is to try to manage the symptoms.

How little I and others knew about the condition was interesting. Like everybody else, I knew that a person's having epilepsy meant that they had greater or lesser fits—fits do not have to be the massively disturbing type that members have described. I knew that driving restrictions could be imposed because a friend of mine had recently been diagnosed with epilepsy, which meant that he lost his licence. I had not absorbed that epilepsy would have that impact. Equally, it was only through my friendship with that person that I understood that epilepsy could develop in adulthood. I had always thought that people either had or did not have epilepsy and that one could not get it as an adult. We need to remember that any one of us could have epilepsy for a number of reasons at any time in our lives.

I suspect that I was at one with the vast majority of people in not realising that epilepsy can kill. When we realise that, we realise how incredibly important the issue is. Moreover, I did not realise the extent of employment restrictions or the extent

to which people's lives and socioeconomic circumstances can be directly affected.

If we are being honest, we admit that we all have a certain degree of ignorance about the matter. Epilepsy has been in the shadows. It is important that it is brought out of the shadows—to use a phrase that EAS has used.

There is a patchwork of provision. The situation in Tayside has been mentioned. The panel discussion in my constituency made it clear that we have better provision than any other area. That is probably down to an accident of interest: the consultants in Ninewells happen to be interested in epilepsy, so they are driving provision in Tayside that is not happening elsewhere, perhaps because consultants elsewhere do not have that particular interest. It is unfortunate that health care provision in Scotland depends on that kind of accident of interest.

I say to the minister that we must eradicate the accidental basis of provision, which is basically what it amounts to. A person who has epilepsy does not wait long to be seen in Tayside, but in Forth Valley it is a whole different ball game. That is profoundly unfair and it must be addressed.

17:46

Ben Wallace (North-East Scotland) (Con): I congratulate Gordon Jackson on securing the debate. I speak as secretary of the cross-party group on epilepsy. I have held that post since its formation.

Margaret Ewing is absent, but I congratulate her on all the hard work that she has done, especially her cross-party work. She has involved my colleague, John Bowis, the Conservative member who speaks on health in the European Parliament, who has also been proactive. The respect in which the cross-party group is held is largely due to the work of Margaret Ewing from within the Parliament, and the work of others from outwith the Parliament.

Throughout the past three years, Epilepsy Action Scotland has lobbied and presented its concerns to all of us with a high degree of professionalism. What we have heard today, which has been said with genuine passion, we have heard before. I am not trying to do down what has been said; I am pointing out that the issue is a recurring one—it has not gone away. Epilepsy Action Scotland has shown what good lobbying is all about. The fact that so many members from all parties have asked for the same thing is proof of the good work being done by Hilary Mounfield and Alana Parker. It is now time for the Executive to start to deliver. In short, the gloves are starting to come off.

Unfortunately, epilepsy services have not improved across the board in the past four years. Many of us remember the debate that we had in the Parliament when it met in Glasgow, more than two years ago. Many of the points that have been raised today were made then, too. That does not give me much confidence.

On Monday, I received an answer to written parliamentary question S1W-26014, in which Frank McAveety, the other Deputy Minister for Health and Community Care, rejected our calls to introduce a national framework specifically for epilepsy. However, his response stated that the Executive

“is working towards the development of managed clinical networks”.

If that is the case, I ask the minister whether we can have a timetable and targets. Let us get something concrete, so that we can get some momentum. It is not good enough to say, when there are so many other priorities in health care, that we are working towards something. Time is running out.

Many demands on the Government are rejected on the basis of reasoned opinion. We may disagree with the opinions, but they are reasoned. I have yet to see any reasoned opinions from the Scottish Executive as to why it is rejecting our calls for a national framework for epilepsy. It is not much to expect. We are not asking for massive pots of money or huge financial commitments: we are asking the Executive to say that it is not good enough only to bolster the SIGN guidelines and that there should be monitoring to see what progress is made. We are asking the Executive to ask the health boards to audit their services and state why they are not treating epilepsy, as the condition is being proved to be more and more serious for some people.

Postcode provision is increasingly common. Roseanna Cunningham is right to say that if somebody with epilepsy lives in Tayside, they are fine. If they happen to live in Glasgow, they are all right. At a dinner that Epilepsy Action Scotland held, I met the specialist in Grampian. It was his first meeting. Epilepsy Action Scotland should be congratulated on bringing us into contact. I know that I will be in contact with him—and, I hope, he with us—as much as possible.

We ask that the cross-party concern about how epilepsy is dealt with in Scotland be translated into a national framework. As I have said, the services throughout Scotland are an example of postcode prescribing. We are not asking for massive commitments of money. We are asking for action to be put behind the priority that the Executive has given to the treatment of epilepsy. It is not a difficult issue. If we can have such a framework for

all the other services, why can we not have one for epilepsy?

We need a uniform service and services must be mapped. When I asked the Executive how many specialist nurses there are in epilepsy, it did not know. How can a network be run if the Executive does not know what assets are at its disposal?

It is time that we started to force the pace. We need a uniform service. People who have epilepsy need and deserve a better service. People such as Richard Roberts, who bashes his pan out for epilepsy and attends every meeting about epilepsy that he can throughout Scotland, deserve better provision and better support. We MSPs and our constituents deserve a better service. I call on the minister to reverse her view that we should not have a national framework. She should at least come half way and give us some targets and timings for a managed clinical network. Let us congratulate Epilepsy Action Scotland and hope that, in future, it sets an example of ways in which we can achieve our goals.

The Deputy Presiding Officer: Members have had quite a lot to say on this important subject. I will not be able to call every member who has asked to speak unless we extend the debate. I am therefore minded to accept a motion to extend the debate until 5 past 6, if any member cares to move such a motion.

Motion moved,

That under Rule 8.14.3, the debate be extended until 6.05 pm.—[*Fergus Ewing.*]

Motion agreed to.

The Deputy Presiding Officer: I apologise to the staff if that inconveniences anybody.

17:51

Dorothy-Grace Elder (Glasgow) (Ind): I, too, apologise in advance to the minister. I wanted to hear her winding-up speech, but I have another appointment.

Margaret Ewing deserves special congratulations on her many years of work on this subject, and I am sure that Gordon Jackson's powerful speech has moved the agenda along. As for Mary Scanlon, her dedicated work in the Highlands—as a pioneer, setting up groups—has been exceptional. No one could envy Mary for being the only representative of the Highlands on the Health and Community Care Committee, as we have come up against virtual blockades time and again involving health in the Highlands, which is a blank area for certain things.

Stewart Stevenson said that the Highlands are in D category for epilepsy services. When the

Health and Community Care Committee visited Inverness recently, we discovered that the Highlands are in virtually no category for chronic pain services. Certain conditions seem to have been airbrushed off that part of the map. Perhaps there should be warning signs at the edge of the road approaching the region: "If you suffer from these conditions, do not enter" or, "Do not take up residence here." We cannot allow such a lack of provision to persist in that very large part of Scotland.

I am sure that there is good will in the area. Mary Scanlon and I, among others, found that the doctors from Highland Health Board who gave evidence were very willing to talk to us afterwards and to look for a way forward. Nonetheless, socks must be pulled up rapidly to help epilepsy patients. A national strategy is an absolute essential. Every time I hear the word strategy, a clammy hand clenches some part of my anatomy and the fear rises that something will be buried in a time capsule under the floorboards. However, Gordon Jackson certainly does not mean that to happen; I am sure that he wants a rapidly arrived at strategy.

As Mary Scanlon said, the Health and Community Care Committee has already acted with urgency. We are rather proud of the fact that, in May, the committee voted unanimously that the Finance Committee should be asked to allocate some of the new health money to epilepsy services. I hope that that money will be granted along with new money for chronic pain services. If so, the cross-party group on epilepsy—some members of it are here tonight—and the charities that are involved must have a say, along with the appropriate ministers, in how that money is spent. It is essential that people with real, practical, hands-on experience are involved.

I shall finish by referring to some of the deficiencies in the system. Only three out of 15 health boards in Scotland adhere to SIGN guidelines on epilepsy. Patients who suffer from epilepsy should get an annual check, but they do not—on average, that happens once every three years. We also know that people die even in their sleep.

There have been five Government reports over a 50-year period drawing attention to the terrible neglect of epilepsy services, but there has been little or no action. One of the great things about the Scottish Parliament is that there is immense good will, heart and a desire for real work. We have the will to right the political wrongs that have been done to epilepsy patients for many generations.

17:55

Christine Grahame (South of Scotland) (SNP): I congratulate Gordon Jackson on securing

this debate about an illness that is, as has been said, a cinderella condition.

It is reckoned that about 3,000 people in the south of Scotland suffer from epilepsy. As has been said, there are no specialist nurses and no epilepsy neurologists in that area. Those 3,000 people are not getting the specialist treatment they require. That can lead to the high number of misdiagnoses, which the motion refers to, that can cause huge problems. I do not know why we do not have specialist nurses, given that we know the impact that they have in relation to heart disease, multiple sclerosis and Parkinson's disease. Specialist nurses not only treat people but educate the primary and secondary care professionals. They are a terribly important ingredient.

Supporting counselling has been mentioned. Somebody quite close to me was diagnosed with epilepsy and did not tell me for quite a while. They simply had to deal with the condition even though it did not just prevent them from driving but caused them to give up university. They were put on medication that was pretty hit and miss and made them sleep most of the day. Medication is a huge problem for people with epilepsy and the amount of trial and error that is involved can be incredibly disruptive to someone's life. I was therefore interested to hear about the importance of the review of medication. It is dismaying to hear that some people are on courses of medication for years without review.

The training of teaching staff is another important area that must be addressed, but I do not know whether it has been addressed at all.

Recently, the Scottish Executive published the "Scottish Diabetes Framework". It is an excellent document that if implemented constructively and with adequate resources—again we hit the wall of resources—would introduce a sea change in the way people with diabetes are cared for in the NHS. As the motion says, we need to develop a national framework for dealing with epilepsy so that we can get away from patchwork provision, postcode prescribing, hit-and-miss medication testing and the isolation that many people with epilepsy suffer when they have to deal with the problem on their own.

I am glad that we have had this debate, if only because the subject affects someone I know.

The Deputy Presiding Officer: I will let David Davidson in for one minute.

17:58

Mr David Davidson (North-East Scotland) (Con): As a professional pharmacist, I listened with interest to the debate and to what was said in last night's meeting of the cross-party group on

epilepsy. One obvious measure that could result in savings to the health service and benefits to sufferers is the review of drugs. I suggest that community pharmacists collate records of the drugs that they dispense, as many of the drugs are old-fashioned and debilitating and newer treatments are available. If support is needed for the framework, why not use the pharmacists? Furthermore, why not push hard for a better use of statistics centrally in the Executive, so that the Executive can come to grips centrally with the problems? The need for that is manifest in almost every health debate that we have and epilepsy is a prime example of an issue on which the Executive could take positive action.

The Deputy Presiding Officer: I am obliged to the minister for agreeing earlier to have the debate extended and I call her to respond to the debate.

17:59

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): I congratulate Gordon Jackson on his success in obtaining the debate. It is clear from the number of members who stayed in the chamber and took part in the debate just how seriously the issue has been taken by the Parliament and is being taken by the Executive.

The two studies on misdiagnosis that Gordon Jackson's motion refers to were carried out in England. However, we are aware that the situation in Scotland is no better. Epilepsy can be difficult to diagnose, as everyone accepts. It is of utmost importance that people who have epilepsy should be identified and treated at an early stage. The reason is simple: 70 to 80 per cent of people with epilepsy can lead completely normal and productive lives if they have been diagnosed correctly and put on appropriate medication. It is equally important that people who do not have epilepsy are not given inappropriate medication and that the pressures on NHS epilepsy services are not compounded by the fact that those services have to deal with people who do not have epilepsy at all.

The rewards and benefits of early and correct diagnosis are great and a huge incentive for us all to strive for continuing improvement while acknowledging that we have no magic wand to wave and no immediate panacea. The proposed English national services framework, for example, to which the motion refers, will not be in place for another three years.

Members have suggested that the Executive introduce its own national services framework for epilepsy. Christine Grahame mentioned the framework for diabetes as an example. The support groups for many other chronic

conditions—multiple sclerosis, Parkinson's disease and chronic fatigue syndrome/ME, to name but a few—have also called for their own frameworks. It is clear that the diabetes framework has been widely accepted and it may well serve as a prototype for other conditions—we do not rule that out.

One of the most important parts of the "Scottish Diabetes Framework" is the section that deals with the future planning and management of services. As that section makes clear, the goal is to develop managed clinical networks for diabetes services in each NHS board area. Those who represent the interests of patients with epilepsy, such as Epilepsy Action Scotland, also consider managed clinical networks to be a way ahead, as do the health professionals who provide the services. There is already a synergy between what we are doing for diabetes and what is in train for epilepsy. Indeed, a number of NHS boards are actively exploring that approach, including Ayrshire and Arran, Highland, Greater Glasgow, Lothian and Tayside. I have listened closely to members' comments on the issue and will make further inquiries.

The Executive is keen to do whatever it can to encourage such developments, which fulfil the commitment in "Our National Health: A plan for action, a plan for change" to work with patient support groups to ensure that the needs of those with chronic conditions are met effectively.

Mary Scanlon: On managed clinical networks, will the minister also consider a national centre for assessing young people with epilepsy and behavioural problems? I understand that those young people have to be sent to England, a process that takes six weeks and costs more than £25,000. Will the managed clinical networks deal with the high percentage of those with learning disabilities who also suffer with epilepsy? Will the impact of their epilepsy on their behaviour be examined?

Mrs Mulligan: I am not aware of such a proposal, but I will make further inquiries.

Let me explain what I expect the managed clinical networks to do for us on epilepsy. Epilepsy is a particularly promising condition for which to develop MCNs because of the extent to which it already satisfies the core principles that underpin all MCN development. I will illustrate that point with a number of examples.

One of the core principles of MCN development is that patients must be involved in the management of the network. Epilepsy Action Scotland exists to provide a powerful voice on behalf of patients with epilepsy and has been actively involved in promoting the MCN approach. Those core principles include a commitment that

the networks must operate in accordance with a documented evidence base, such as SIGN guidelines. As Mary Scanlon said, there is a SIGN guideline on the management of epilepsy. That guideline is being revised and should be ready by the end of the year. I hope that it will take on board some of the complaints that were made about it, but epilepsy MCNs will have the required evidence base. MCNs also have an important role to play in raising awareness of the new SIGN guideline and in making sure that it is implemented through local protocols.

By linking all the points at which a service is provided to patients, MCNs will also tackle concerns about equity of access. The networks will aim to ensure that as many of the elements of the service as possible are provided close to the patient's home. Where more specialist advice or treatment is needed, there will be clear protocols for obtaining it. That process will be greatly assisted by family doctors and hospital staff working as part of the same network.

Ben Wallace: Will the minister take an intervention?

Mrs Mulligan: I will not take Ben Wallace's intervention, because I have another couple of pages of my speech to read and I am running out of time.

The authors of the recent articles on the misdiagnosis of epilepsy believe that part of the solution lies in the development of close links between neurology and local primary health care services. Such working across the barrier that has traditionally existed between primary and secondary care is at the heart of MCN development. Piloting MCNs for epilepsy services should help to resolve the problems that exist with diagnosis.

The Executive is keen to encourage the development of pilot MCNs for epilepsy services. We want Epilepsy Action Scotland, the clinicians and NHS boards to take that work forward and we stand ready to help with that process.

The debate has been most interesting and has demonstrated the great interest in epilepsy that exists in the Parliament. Before I became a minister, I was a member of the cross-party group on epilepsy, as I live with epilepsy on a daily basis. My husband has epilepsy and was diagnosed when we were youngsters at university. At the time, we did not know what epilepsy was, so I recognise some of the points that were raised about the uncertainty and disadvantage that people can feel during the diagnosis process.

I am glad that I have had the opportunity to say more about how the Executive will approach this difficult condition and how we will seek to encourage and assist those who have epilepsy to

receive the treatment that they deserve. I look forward to working with people to develop the proposals for MCNs to address those issues.

Meeting closed at 18:07.

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